



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:	Adrian Jones
Position:	NFGLG Community Network & Policy Officer
Name of organisation (if applicable):	National Federation of Gypsy Liaison Groups
Address:	c/o Derbyshire Gypsy Liaison Group, Unit 3, Molyneux Business Park, Whitworth Road Darley Dale MATLOCK Derbyshire DE4 2HJ
Email:	info@nationalgypsytravellerfederation.org
Telephone number:	01629732744

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):	Gypsies & Travellers
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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

See Supporting Statement

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

Provision of transit sites. See accompanying statement.

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

While there is clear inconsistency between the housing and planning definitions which needs to be addressed, the proposed changes will not do so satisfactorily. Further, this is not something which should be rushed through. We propose the establishment of a working party which would propose a more consistent and widely-acceptable definition - see the attached statement.

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

Not necessary if the suggestions in our attached statement are followed.

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

Not necessary as it is already well covered in existing guidance and practice. The current system works well and does not need to be changed.

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

What is meant by “open countryside”? If Gypsies and Travellers are not allowed to settle in the Green Belt, are unable to afford land within urban areas and are very likely to face local opposition if they purchase land within villages, where then are they supposed to go? What is needed is a policy that creates provision, not one that makes it more difficult.

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

The Government is targeting the wrong people here. It should be focussing on local authorities, whose failure to provide a five year supply of deliverable sites has necessitated the granting of temporary permissions.

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

See our earlier responses.

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

If local authorities provided enough sites then unauthorised occupation wouldn't be necessary. Unauthorised occupation is not done to flout planning laws but as a matter of necessity – people have no alternative given the huge gap between the number of sites needed and the number of sites actually provided.

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

Yes No

Comments

See our response to Question 8. As to whether it harms community relations that depends on a range of factors (location, size, attitudes of local community etc) that can't be answered by a simple yes/no question.

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

There is a danger here of developing policies purely on the basis of exceptions (e.g. Dale Farm) than the norm. Mechanisms for inter-local authority work to address this issue already exist, they just haven't been fully utilised. Why re-invent something that already exists?

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 X No

Comments

See our attached statement.

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

This is wholly inadequate. 103 points of detailed guidance spread over 103 pages (plus a further 8 in an annex) have been whittled down into 4 points (point 5 isn't really to do with accommodation need assessments) on a page and a half. Where GTAAs worked well this was where local Gypsy and Traveller communities played a central role in the assessment process. The proposals set out in Annex A water this down dangerously - compare point 38 on page 13, point 46 page 14 and point 49 page 15 in the previous "Gypsy and Traveller Accommodation Needs Assessments" guidance with the bland statements in the draft planning guidance "local authorities should engage both the local traveller and settled communities..." and local authorities COULD (our emphasis) use "information gathered by traveller groups...". The proposed guidance will produce GTAAs that are neither robust nor credible and is, therefore, not fit for purpose.

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