

DRAFT RESPONSE SERVICE

As part of the Rural Opportunities Bulletin, RSN will regularly provide concise potential responses to key current consultations. These are not intended to be definitive or to reflect the views of RSN and may include potentially opposing responses to reflect different views designed to assist individual organisations in compiling their own response. We do however recognise the pressure members are under and we hope this service will assist.

Planning and travellers: proposed changes to planning policy and guidance – Department for Communities & Local Government Consultation

<https://www.gov.uk/government/consultations/planning-and-travellers-proposed-changes-to-planning-policy-and-guidance>

The government states that it remains committed to increasing the level of authorised site provision in appropriate areas, but believes further measures are needed to ensure that planning rules apply equally to all groups and strengthen the level of protection afforded to the green belt and other sensitive areas.

They are therefore consulting on proposed changes to national planning policy and planning policy for traveler sites to ensure that the planning system applies fairly and equally to both the settled community and travelers; strengthen protection of sensitive areas and the green belt; and deal with the negative effects of unauthorised occupation of land.

It also seeks comments on new streamlined planning guidance for travelers which is aimed at supporting local authorities to objectively and robustly assess their traveler accommodation needs and further clarifies where Temporary Stop Notices can be used.

This consultation closes on 23 November 2014.

Consultation 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?*

Draft Response: Yes. There does not appear to be any particular reason for planning purposes why applications relating to travellers who have ceased to travel permanently should be treated differently to other applications from the settled population.

Consultation 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?*

Draft Response: Responses to this question should be informed by local authorities experiences of supporting travellers.

Consultation 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, 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?*

Draft Response: It seems sensible to have one definition which applies to both housing and planning authorities. This will help to make sure needs and solutions are directly linked and assist in reducing any potential confusion which may exist.

Consultation 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? If not, why not?*

Draft Response: Yes. This change will simply act to clarify that the relevant parts of the Framework apply to the provision of traveller sites and, as such, does not introduce any additional constraints.

Consultation 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?*

Draft Response: No. This change seems superfluous as the existing policy already “strictly limits” new traveller sites in the open countryside. An approach is either strict or it is not strict.

Consultation 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? If not, why not?*

Draft Response: Yes. Whilst local planning authorities remain committed to maintaining a 5 year supply of deliverable sites for both the traveller and settled communities, if this is not in place it should not necessarily be at the potential expense of sensitive areas in potentially granting temporary permission.

Consultation 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?*

Draft Response: The evaluation of ‘special circumstances’ is central to this issue, particularly the best interests of the child. This is a complex area and best determined in relation to each specific case and each specific location within the confines of existing policy and guidelines rather than seeking to establish a single approach to all areas.

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?*

Draft Response: Intentional unauthorised occupation should undoubtedly be discouraged as far as possible. This can cause significant local tensions and related issues and, therefore, measures to deter such action are welcomed. It will clearly be important, if such an approach is adopted, to be clear on how “intentional unauthorised occupation” is to be defined and proven. As stated in the consultation document, it will be important to ensure that all retrospective applications are not automatically refused as a result. A review of the impact of this change is suggested after a specified period to ascertain the impact on unauthorised occupation and to ensure no unintended consequences take place.

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

Draft Response: Yes. Unauthorised occupation raises significant tensions locally and has an impact on perceptions of the planning system to manage development effectively.

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.)*

Draft Response: Individual local authorities should respond to this question direct with any specific local examples.

Question 11 – *Would amending Planning Policy for Traveller Sites in line with the proposal set out in paragraph 4.16 above help that small number of local authorities in these exceptional circumstances? If not, why not? What other measures can Government take to help local authorities in this situation?*

Draft Response: This question is best answered by those local authorities in this position. However, it seems sensible to avoid a large scale unauthorised site from skewing the scale of provision which a particular local authority needs to meet. The provision of detailed guidance would, of course, be beneficial to exemplify the nature of the potential exceptional circumstances which would be deemed acceptable in such cases.

Consultation 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?*

Draft Response: Whatever changes are made, it will be important to ensure clear parameters and guidance are in place for local authorities to operate within and to avoid any potential for confusion or widely differing potential interpretations of local policy.

Consultation Question 13 – *Do you have any comments on the draft planning guidance for travellers (see Annex A)?*

Draft Response: Simple and clear guidance is welcomed in relation to this issue.