

EXETER CITY COUNCIL**EXECUTIVE
21 JUNE 2011****PLANNING FOR TRAVELLER SITES****1 PURPOSE OF REPORT**

- 1.1 The purpose of this report is to brief Members on a proposed draft Government replacement policy on traveller sites, to agree a proposed response to the consultation, to note the position regarding provision in Exeter, the application of the Mobile Homes Act to local authority traveller sites, and the position with regard to Government funding.

2 BACKGROUND

- 2.1 Existing Government policy is in Circular 01/2006: *Planning for Gypsy and Traveller Caravan Sites* and Circular 04/2007: *Planning for Travelling Showpeople*. The Government intends to replace them with a new, short, light-touch, single Planning Policy Statement for traveller sites. The Consultation ends on 6 July 2011.
- 2.2 A copy of the proposed new guidance is at Annex A.
- 2.3 The new planning policy is part of a broader context of policy initiatives in relation to traveller communities that have been announced. The main ones are:
- include traveller sites in the New Homes Bonus scheme, to incentivise local planning authorities to provide appropriate sites (the bonus would amount to £2,100 per pitch over six years);
 - resume traveller site grant funding from April 2011 (see Section 6 of this report);
 - set up a cross-Government, ministerial-level working group to address the discrimination and poor social outcomes experienced by traveller communities;
 - bring local authority traveller sites into the Mobile Homes Act (1983) to give residents improved protection against eviction (see Section 5 of this report);
 - contribute funding to Local Government Improvement and Development to support their programme of work with elected members on traveller site provision;
 - limit the opportunities for retrospective planning applications, in relation to any form of development;
 - provide stronger enforcement powers for local planning authorities to tackle breaches of planning control;
 - abolish undemocratic regional strategies and the top-down housing and traveller pitch targets they contain.

3 PROPOSED RESPONSE

- 3.1 The Government would particularly welcome views in relation to 13 key questions on the new draft policy. These are set out at Annex B with Officers' recommended response.
- 3.2 The draft guidance is a material planning consideration from publication, but carries greater weight after consultation and finalisation.

4 PROPOSALS FOR TRAVELLERS SITES IN EXETER

- 4.1 Members will recall that a Gypsies and Travellers Accommodation Assessment identified an extrapolated need for 25 pitches in Exeter by 2026. There are 11 existing authorised pitches at Avocet Road, Sowton.
- 4.2 The Council's submitted Core Strategy includes a policy (CP6) that includes seven criteria for the identification of sites and policy CP19 proposes sites within the Newcourt and Monkerton/Hill Barton strategic allocations. In September and November 2010, Executive adopted masterplans, following public consultation that identified two preferred sites and it was resolved that the Council was prepared to enter meaningful discussions with relevant landowners to explore all options for actual site delivery.
- 4.3 The Council has stated that provision in the strategic allocations is sound, however, the Core Strategy will be examined in public by an independent Inspector in the Summer, which will provide an independent and objective assessment, Executive will consider the matter again in the Autumn when the results of the public inquiry and the discussions with landowners are known.

5 APPLICATION OF THE MOBILES HOMES ACT 1983 TO LOCAL AUTHORITY TRAVELLER SITES

- 5.1 District Council traveller sites are presently excluded from the provisions of this Act (traveller sites such as Sowton, provided by the County Council have been included since 2005) meaning that travellers have less protection against eviction and no right to assign leases upon the transfer of ownership of a caravan. This changed from 30 April 2011, however, it has no implications for the City Council which does not presently own any traveller sites.

6 GOVERNMENT FUNDING

- 6.1 Government has made £60 million available to fund traveller pitches over four years 2011/12 to 2014/15 through the National Affordable Homes Programme. It anticipates delivering 600 new or additional pitches (an average of £10,000 per pitch). Pitches would be at affordable rents (80% of market rents), payment would be on completion. There would be no 100% grant funding, providers would need to contribute other resources such as land or finance.
- 6.2 Registered Providers were asked to "express an interest" in receiving grant to provide traveller pitches as part of their overall bid for affordable housing funding to the HCA by 3 May. The HCA has not yet analysed what level of interest was received and will do so in mid June after the main Affordable Housing Programme has been considered and recommendations sent to the national HCA Office. During the Summer, the HCA would work up detailed proposals for Travellers' sites with selected registered providers and in consultation with local authorities. The results should be known in the Autumn.

7 RECOMMENDATION

7.1 That Executive:

- (i) Notes the new draft guidance 'Planning for Traveller Sites';
- (ii) Agrees the proposal response to the consultation at Annex B;
- (iii) Notes that Executive will consider the matter of the sites in Exeter again in the Autumn;
- (iv) Notes the position with regard to bids to the HCA for funding.

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Local Government (Access to Information) Act 1985 (as amended)
Background papers used in compiling this report:
None

Draft Planning Policy Statement

Annex A

Planning for traveller sites

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Introduction

Application of this planning policy statement

1. Planning policy statements set out the Government's national policies on different aspects of spatial planning in England. This document sets out planning policies for planning for traveller sites. These policies complement but do not replace or override other national planning policies and should be read alongside other relevant statements of national planning policy.
2. The plan making policies in this Statement should be taken into account by the Mayor of London in relation to the spatial development strategy for London, and by local planning authorities in the preparation of their development plan. The preparation of development plans should not be delayed to take the policies in this statement into account.
3. The policies in this Statement are a material consideration which must be taken into account in development management decisions, where relevant¹. The development management policies in the statement can be applied directly by the decision maker when determining planning applications. It is only necessary for the development plan to reformulate development management policies in this Statement² if there are specific factors justifying variation of these policies.

The government's objectives for traveller³ sites

4. The Government's overarching objective is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.
5. To help achieve the above objectives the Government's objectives for planning in respect of traveller sites are to:
 - enable local planning authorities to make their own assessment of need for the purposes of planning
 - ensure that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites
 - encourage local planning authorities to plan for sites over a reasonable timescale
 - protect Green Belt from development

¹ See section 38(6) of the *Planning and Compulsory Purchase Act 2004*.

² See paragraph 4.31-4.32 of *Planning Policy Statement 12: Local Spatial Planning*.

³ See Annex A for the definition of traveller for the purposes of this Statement.

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- promote more private traveller site provision while recognising that there will always be those travellers who cannot provide their own sites
- reduce the number of unauthorised developments and encampments and make enforcement more effective
- ensure that the development plan includes fair, realistic and inclusive policies
- increase the number of traveller sites, in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply
- reduce tensions between settled and traveller communities in plan making and planning decisions
- enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure
- have due regard to the protection of local amenity and local environment

Using evidence

Policy A: using evidence to plan positively and manage development

6. In assembling the evidence base necessary to support their planning approach, local planning authorities should:
 - a) pay particular attention to early and effective community engagement with both settled and traveller communities
 - b) co-operate with travellers, their representative bodies and local support groups, other local authorities and relevant interest groups to prepare and maintain an up-to-date understanding of the likely permanent and transit accommodation needs of their areas over the lifespan of their development plan in the light of historical demand; and
 - c) use a robust evidence base to establish need to inform the preparation of the development plan and make planning decisions
7. Local planning authorities should, to inform policy development, monitor and critically analyse decisions on applications for sites for travellers compared to those of applications for other types of residential development and other types of caravan site.

Plan making policies

Policy B: planning for traveller sites

8. Local planning authorities should set pitch and plot targets⁴ which address the likely permanent and transit site accommodation needs of travellers in the light of historical demand.
9. Local planning authorities should, in producing their development plan:
 - a) set out their policies and strategies for delivering their locally set targets, including identifying specific sites that will enable continuous delivery of sites for at least 15 years from the date of adoption
 - b) identify sufficient specific deliverable sites to deliver site need in the first five years (to be considered deliverable, sites should, at the point of adoption of the relevant policy: be available – the site is available now; be suitable – the site offers a suitable location for development now and would contribute to the creation of sustainable, mixed communities; be achievable – there is a reasonable prospect that housing will be delivered on the site within five years)
 - c) in determining how much land is required, not include sites for which they have granted planning permission unless they can demonstrate, based upon robust evidence, that the sites are developable and are likely to contribute to delivering locally set targets at the point envisaged
 - d) allow for provision to be made for other family members who may not themselves physically move their own accommodation onto the site
 - e) consider production of joint development plans that set targets on a cross-authority basis, to provide more flexibility in identifying sites, particularly if a local planning authority has special or strict planning constraints across its area
 - f) relate the number of pitches or plots to the circumstances of the specific size and location of the site and the surrounding population's size and density
 - g) protect local amenity and environment
10. Criteria should be set to guide land supply allocations where there is identified need. Where there is no identified need, criteria-based policies should be included to provide a basis for decisions in case applications nevertheless come forward.
11. Local planning authorities should ensure that traveller sites are sustainable economically, socially and environmentally. Local planning authorities should, therefore, ensure that their policies:
 - a) promote peaceful and integrated co-existence between the site and the local community

⁴see Annex A for definitions of 'pitch' and 'plot'

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- b) promote easier access to health services
- c) ensure that children can attend school on a regular basis
- d) provide a settled base that reduces the need for long-distance travelling and possible environmental damage caused by unauthorised encampment
- e) do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans; and
- f) reflect the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability

Policy C: sites in rural areas and the countryside

- 12. When assessing the suitability of sites in rural or semi-rural settings, local authorities should ensure that the scale of such sites does not dominate the nearest settled community.

Policy D: rural exception sites

- 13. If there is a lack of affordable land to meet local traveller needs, local planning authorities in rural areas, where viable and practical, should consider allocating and releasing sites solely for affordable traveller sites, including using a Rural Exception Site Policy for traveller sites that should also be used to manage applications. A Rural Exception Site Policy enables small sites to be used, specifically for affordable traveller sites, in small rural communities⁵, that would not normally be used for traveller sites. Rural exception sites should only be used for affordable traveller sites in perpetuity. A Rural Exception Site Policy should seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection, whilst also ensuring that rural areas continue to develop as sustainable, mixed, inclusive communities.

Policy E: traveller sites in green belt

- 14. There is a general presumption against inappropriate development within Green Belts. Traveller sites in the Green Belt are inappropriate development, within the meaning of Planning Policy Guidance 2: *Green Belts*.
- 15. Detailed Green Belt boundaries defined in adopted development plans or earlier approved plans should be altered only exceptionally. If a local planning authority wishes to make an exceptional limited alteration to the defined Green Belt boundary (which might be to accommodate a site inset within the Green Belt) to meet a specific, identified need for a traveller site, it should do so only through the plan-making process and

⁵ Small rural settlements have been designated for enfranchisement and right to acquire purposes (under Section 17 of the *Housing Act 1996*) by SI 1997/620-25 inclusive and 1999/1307.

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not in response to a planning application. If land is removed from the Green Belt in this way, it should be specifically allocated in the development plan as a traveller site only.

Policy F: mixed planning use traveller sites

16. Local planning authorities should consider, wherever possible, including traveller sites suitable for mixed residential and business uses, having regard to the safety and amenity of the occupants and neighbouring residents. Local planning authorities should consider the scope for identifying separate sites for residential and for business purposes in close proximity to one another if mixed sites are not practicable.
17. Local planning authorities should have regard to the need that travelling showpeople have for mixed-use yards to allow residential accommodation and space for storage of equipment.
18. Local planning authorities should not permit mixed use on rural exception sites.

Policy G: major development projects

19. Local planning authorities should work with the planning applicant and the affected traveller community to identify a site or sites suitable for relocation of the community if a major development proposal requires the permanent or temporary relocation of a traveller site. Local planning authorities are entitled to expect the applicant to identify and provide an alternative site, providing the development on the original site is authorised.

Development management policies

Policy H: determining planning applications for traveller sites

20. Local planning authorities should consider the following issues when considering planning applications for traveller sites:
 - a) the existing level of local provision and need for sites
 - b) the availability (or lack) of alternative accommodation for the applicants
 - c) other personal circumstances of the applicant
 - d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
 - e) that they should determine applications for sites from any travellers and not just those with local connections

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21. If local planning authorities have an up-to-date five year supply of deliverable sites and applications come forward for sites that are allocated in the overall land supply, but which are not yet in the up-to-date five year supply, they should consider whether granting permission would undermine achievement of their policy objectives.
22. Local planning authorities should strictly limit new development in open countryside that is away from existing settlements or outside areas allocated in the development plan. However, they should recognise that some rural areas may be acceptable for some forms of traveller sites. Local authorities should ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community, and avoid placing an undue pressure on the local infrastructure.
23. Local planning authorities should look favourably upon applications that:
 - a) involve the development of previously developed (brownfield), untidy or derelict land
 - b) are well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness
 - c) ensure adequate landscaping and play areas for children
 - d) do not enclose a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community
24. Local planning authorities should consider how they could overcome planning objections to particular proposals using planning conditions or planning obligations including:
 - a) limiting which parts of a site may be used for any business operations, in order to minimise the visual impact and limit the effect of noise
 - b) specifying the number of days the site can be occupied by more than the allowed number of caravans (which permits visitors and allows attendance at family or community events)
 - c) limiting the maximum number of days for which caravans might be permitted to stay on a transit site
25. Local planning authorities should determine applications for sites from any travellers and not just those with local connections.

Transitional arrangements

26. This planning policy statement comes into effect immediately. From [the date six months after date policy comes into effect], if a local planning authority cannot demonstrate an up-to-date five year supply of deliverable sites, it should consider favourably applications for the grant of a temporary planning permission⁶.

⁶Policy on the use of temporary permissions is set out in *Circular 11/1995 The Use of Conditions in Planning Permission*.

Annex A: definitions

1. For the purposes of this planning policy statement “gypsies and travellers” means:

Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

2. For the purposes of this planning policy statement, “travelling showpeople” means:

Members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or their family’s or dependants’ more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily or permanently, but excludes Gypsies and Travellers as defined above.

3. For the purposes of this planning policy statement, “travellers” means “gypsies and travellers” and “travelling showpeople” as defined above.

4. For the purposes of this planning policy statement, “pitch” means a pitch on a “gypsy and traveller” site and “plot” means a pitch on a “travelling showpeople” site (often called a “yard”). This terminology differentiates between residential pitches for “gypsies and travellers” and mixed-use plots for “travelling showpeople”, which may/will need to incorporate space or to be split to allow for the storage of equipment.

THE CONSULTATION QUESTIONS

1. *Do you agree that the current definitions of “gypsies and travellers” and “travelling showpeople” should be retained in the new policy?*

Response: Yes

Reason: This reflects the current definition of gypsies and travellers in Circular 01/2006 which was based upon case law.

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

Response: Yes

Reason: The new policy does not prescribe how needs should be assessed or the type and volume of evidence required. This local discretion is welcome.

3. *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?*

Response: Yes

Reason: It is appropriate that sites are brought forward initially through the development plan process.

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

Response: No

Reason: The guidance lacks any clarification on the interpretation of what is ‘local need’ or ‘historical demand’. The reality in many areas is that historical demand is suppressed because it has not been met. Targets should be set with regard to long term unauthorised sites and with regard to any overcrowding and future household formation of existing travellers or authorised sites.

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

Response: No

Reason: Government proposes that Councils should plan for a five year supply of traveller pitches similar to the approach in PPG3 to housing supply. Proposals should come forward through the development plan then planning applications. It can be challenging to deliver pitches within 5 years given the extent of public concern over the issue and the length of the development plan process.

6. *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?*

Response: Pass

Reason: Exeter has no statutory green belt.

7. *Do you agree with the general principle of aligning planning policy on traveller sites more closely with that on other forms of housing?*

Response: As '5'

Reason: Government proposes that Councils should plan for a five year supply of traveller pitches similar to the approach in PPG3 to housing supply. Proposals should come forward through the development plan then planning applications. It can be challenging to deliver pitches within 5 years given the extent of public concern over the issue.

8. *Do you agree with the new emphasis on local planning authorities consulting with settled communities as well as traveller communities when formulating their plans and determining individual planning applications to help improve relations between the communities?*

Response: Qualified Yes

Reason: While the new emphasis on consultation with the settled and traveller communities is appropriate in tackling general prejudice, the Council is sceptical of the Government's view that this will result in more people being supportive of development and that opposition based on misunderstanding and lack of information will be reduced. Much opposition is based on inaccurate information circulated by objectors.

9. *Do you agree with the proposal in the transitional arrangements policy (paragraph 26 in the draft policy) for 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?*

Response: No

Reason: The Council has indicated in response to '5' that it considers a five year period relatively short to deliver new traveller pitches. It would be inappropriate to have an extra presumption in favour of development based upon lack of a five year supply.

10. *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?*

Response: No

Reason: As above.

11. *Do you have any other comments on the transitional arrangements?*

Response: No

12. *Are there any other ways in which the policy can be made clearer, shorter or more accessible?*

Response: No

13. *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.)

Response: No