

## Planning for Traveller Sites (CLG) – Consultation

**CLG Consultation on withdrawal and replacement of Circulars 1/2006: Planning for Gypsy and Traveller Caravan Sites and Circular 4/2007: Planning for Travelling Showpeople**

**Brighton & Hove City Council DRAFT response to ‘Planning for Traveller Sites’  
(August 2011)**

### Question 1:

**Do you agree that the current definitions of Gypsies and Travellers and Travelling Showpeople should be retained in the new policy?**

Yes. The current definition identified in the draft Planning Policy Statement (and Circular 1/2006) is essentially based on lifestyle choice rather than ethnicity/cultural heritage. Within the ‘Policy background’ section of the consultation (at para 2.3) paper this appears to be partly justified by stating that most ‘traveller’ sites are occupied by either Romany Gypsies or Irish Travellers. At para.2.5, the paper also accepts that Case law has established that the Government has a duty to ‘facilitate the gypsy way of life’ for ethnic Gypsies and Travellers under the Human Rights Act.

The broader ‘lifestyle’ planning definition can present significant challenges in locations where, in addition to ethnically defined groups, there are also other groups of travellers such as New Travellers (non traditional travellers most of whom originate from the settled community although some children have been born into New Traveller communities) and self-defined travellers such as ‘Van Dwellers’.

Brighton & Hove has a population locally termed ‘Van Dwellers’. Van Dwellers are generally found living in their vehicles on the roadside or on unauthorised encampments. Van Dwellers could be considered a sub set of New Travellers however they are generally not ‘nomadic’ and are effectively permanently resident in the city, such as through work or education and are not considered to meet the definition of a Traveller. As this group does not meet the existing definition of ‘Traveller’ they sit outside the city’s existing Traveller Strategy.

### Question 2:

**Do you support the proposals to remove the specific reference to Gypsy and Traveller Accommodations Assessments (GTAA) in the new policy and instead refer to a robust evidence base?**

The GTAA is the most robust evidence base that Local Planning Authorities (LPAs) have accumulated. A GTAA provides a consistent assessment that is comparable across and between local authorities. If reference to the GTAA requirement were to be removed, then examples of what would constitute an alternative ‘robust evidence base’ must be clearly identified in good practice

guidance. Any replacement guidance must be realistic, practical and equitable.

Question 3:

**Do you think that local planning authorities should plan for local need in the context of historic demand?**

Broadly yes. However, historical demand is capable of different interpretations. Historic 'demand' may merely reflect historic patterns of site provision rather than reflecting where gypsies and travellers may now want to live if a wider distribution of site provision were to be made. In this context, the issue is 'larger than local' and the regional assessment exercises (e.g. South East Plan Partial Review) which undertook some degree of 're-distribution' was an attempt to offer and ensure a greater choice of locations to Gypsies and Travellers. Without a sub-regional framework to provide a basis for needs assessment and site provision it is difficult to see how a wider network of site provision can be achieved.

Question 4:

**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?**

Yes. Where need has been established through a robust evidence base, then it is appropriate that LPAs set some form of measurable target for the provision of suitable sites in their local planning policies. The accommodation requirements of 'travellers' should be planned for as they are for the settled community.

However, in terms of the housing targets set for the settled community, these do not always reflect absolute need or demand for additional housing. More commonly, in locations with significant physical and environmental constraints (like Brighton & Hove), housing targets may reflect 'capacity' more than the full extent of demand or need. Therefore the planned 'targets' for traveller site provision should be subject to the same considerations so that a reasonable level of need/demand is planned for.

Question 5:

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

No. In principle it is agreed that the accommodation needs of Gypsies and Travellers should be given the same priority as the accommodation needs of those in the settled community. It is also important that there is a level of consistency with and between groups to ensure that the draft Planning Policy Statement approaches this issue fairly. However, unlike general market housing where commercial providers deliver new homes because it is their business, there are no such active agents in the provision of Gypsy and Traveller sites. In areas where there are high land values (like Brighton & Hove), the Gypsy and Traveller community cannot afford to develop their own

sites and public site provision will often be constrained by the lack of available funds. This seems an over-bureaucratic proposal and site provision should be more closely aligned with a robust assessment of need over the plan period.

It is also worth noting, in this respect, that local planning authorities are not required to plan for a five-year supply specifically for those people in need of, for example, affordable housing or a five year supply of suitable housing for the elderly.

Question 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*?**

This is not an issue for Brighton & Hove as there is no land allocated as 'Green Belt' within the County.

Question 7:

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

As set out above, it is important that there is a level of consistency with other groups within the community in terms of plans proposing a realistic and achievable level of provision for traveller sites which takes on board and balances a range of other planning considerations. This is the established approach in terms of planning for additional housing provision and should be the same for traveller site provision.

If this means that not all the assessed need can realistically be met within a LPA area then there may be scope for adjacent LPAs to make joint or shared provision. As with traditional housing, the implications of any 'displaced' need or demand have to be considered as part of the plan examination process and 'duty to cooperate'.

Question 8:

**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?**

There is a considerable amount of stigma attached to the 'traveller' community. Early consultation with the settled community is one way to help improve perceptions and reduce tensions. Consultation should be undertaken conscientiously to ensure that negative views and opinions are not increased as a result of the early consultation. Many local authorities, including Brighton & Hove, have already been doing this.

Question 9:

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

BHCC does not agree with the proposal to require a rolling five year supply of Gypsy and Traveller sites.

A LPA has the responsibility to ensure that all communities are provided for in an equal manner. The proposed transitional arrangements are similar to the approach currently undertaken in relation to planning applications for new housing. However, every application has to be treated ‘on its own merits’ and PPS3 already qualifies the ‘favourable consideration’ by making reference to a number of specific planning considerations *before* making any ‘favourable consideration’ (paragraph 69, PPS3). It is suggested that this approach should be the same for the consideration of planning applications for traveller sites.

Question 10:

**Under the transitional arrangements, do you think six months is the right time local planning authorities should be given to put in place their five year supply before the consequences of not having done so come into force?**

BHCC is not convinced that there is a justification for a specific five year supply requirement in relation to traveller sites. It should be noted that this is not a specific requirement for any other group within the community with specific accommodation needs. It may be extremely difficult to establish a ‘pipeline’ of ‘deliverable’ sites particularly where site development and delivery is dependent upon public sector grant.

It is also unclear what status, in planning terms, such a five year supply is intended to have. For example, it would take far longer than six months to establish a five year supply of suitable sites through the formal plan making process. If the intention is to identify and assess potential traveller sites through a ‘SHLAA’ (Strategic Housing Land Availability Assessment) type of exercise, then the guidance should make this clear.

Question 11:

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

No comments, other than those made above.

Question 12:

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

Responses to other questions indicate where further clarity can be achieved. This is particularly the case in terms of an alternative approach to assessing the accommodation needs of travellers if the GTAA is to be abandoned. The guidance must be clear, realistic, practical and equitable in terms of what constitutes 'robust evidence' of need.

Question 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.)**

The draft statement may have a differential impact in that it appears to prioritise the accommodation needs of Gypsies and Travellers over and above some of the accommodation needs of other groups within the settled community, for example the elderly or those in need of affordable housing . The PPS should ensure that the planning policy approach to addressing the accommodation needs of Gypsies and Travellers is balanced with that for other groups within the community with a specific housing need or requirement.

The current proposed traveller definition could be considered to impact negatively on the accommodation needs of Romany Gypsies and Irish Travellers whose established ethnic/cultural needs are considered alongside the 'lifestyle choice' needs of New Travellers.

