
Report to: Planning Committee

Date of Meeting: 29th June, 2011

Subject: Communities + Local Government consultation
- Planning for travellers

Report of: Head of Planning Services

Wards Affected: All

Is this a Key Decision? No

Is it included in the Forward Plan? No

Exempt/Confidential

No

Purpose/Summary

To seek Members' views on the Government's consultation paper on "Planning for Travellers".

Recommendation(s)

That Members endorse the responses to the consultation paper set out in sections 4 and 5 of this report and that these comments be sent to the CLG as Sefton's response to the consultation.

How does the decision contribute to the Council's Corporate Objectives?

	<u>Corporate Objective</u>	<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		√	
2	Jobs and Prosperity		√	
3	Environmental Sustainability	√		
4	Health and Well-Being	√		
5	Children and Young People	√		
6	Creating Safe Communities		√	
7	Creating Inclusive Communities	√		
8	Improving the Quality of Council Services and Strengthening Local Democracy		√	

Reasons for the Recommendation:

In order that Sefton Council's views can be submitted to the CLG within the consultation period.

What will it cost and how will it be financed?

(A) Revenue Costs

N/A

(B) Capital Costs

N/A

Implications:

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

Legal	N/A
Human Resources	N/A
Equality	
1. No Equality Implication	<input type="checkbox"/>
2. Equality Implications identified and mitigated	<input type="checkbox"/>
3. Equality Implication identified and risk remains	<input checked="" type="checkbox"/>

Impact on Service Delivery:

We are required to make adequate provision for gypsies and travellers within our Local Development Framework (LDF) i.e. the Core Strategy and other Development Plan Documents that we produce. This will enable us to determine planning applications for further traveller sites in a consistent and equitable manner, as required by the consultation document.

What consultations have taken place on the proposals and when?

The Head of Corporate Finance & ICT and the Head of Corporate Legal have been consulted and has no comments on this report (**FD817/2011** and **LD 181/11**).

The Housing Strategy Manager, Investment Programmes and Infrastructure Division, Built Environment Directorate has also commented on the draft report and his comments incorporated.

Are there any other options available for consideration?

No – this is the Council’s response to the consultation document published by the CLG.

Implementation Date for the Decision

Immediately following the Committee meeting.

Contact Officer: Ingrid Berry
Tel: (0151) 934 3556
Email: Ingrid.berry@sefton.gov.uk

Background Papers:

The following papers are available for inspection by contacting the above officer or can be viewed at

<http://www.communities.gov.uk/publications/planningandbuilding/travellersitesconsultation>

1. Introduction/Background

- 1.1 The Government has made a series of announcements about its intentions to radically alter the planning system. As part of this review, it has published a consultation paper on 'planning for travellers'. This is intended to provide a better deal for both travellers and settled communities. Changes are needed due to the proposed abolition of the Regional Strategy which currently sets out how many pitches we need to provide in Sefton (a 'top down central target'), rather than one that is set locally. The Government also feels that it is easier for travellers to gain planning permission, particularly on Green Belt land, than other groups of people and wants this anomaly to be addressed.
- 1.2 The Government is keen that everyone should be treated equally and even-handedly. Planning for travellers should therefore be more closely aligned with policies for other forms of housing. This will also provide greater environmental protection. It also takes account of proposals in the Localism Bill to decentralise the planning system and make it fair.
- 1.3 When approved, the new single Planning Policy Statement for traveller sites will replace the existing circulars relating to gypsy and traveller caravan sites, and travelling showpeople, and be incorporated into the proposed National Planning Policy Framework.

2. The current national and regional policy for gypsies and travellers

- 2.1 Circular 01/2006 provides the current national planning policy guidance on planning for gypsy and traveller sites. It contains a definition of 'gypsies and travellers' based on lifestyle, not ethnicity, as most gypsies and travellers live in 'bricks and mortar' housing, not caravans. The 2010 bi-annual national caravan count showed that there were 18,146 caravans in England, of which about 80% were on authorised sites (sites with planning permission). The number of caravans on unauthorised sites has risen from 728 to 2,395 in 10 years from January 2000 to January 2010. In part this is due to a lack of suitable sites.
- 2.2 Currently the Regional Strategy sets out a target for the number of permanent and transit pitches required in each local authority's area. The Regional Strategy for the North West of England said we need to 15 more permanent pitches in Sefton from 2007 – 2015, plus another 15 pitches during the rest of the period that will be covered by our Core Strategy (which covers the period to 2028). We also need to provide 5 transit pitches. This requirement is based on the findings of the Merseyside Gypsy and Traveller Accommodation Needs Assessment, which was completed in 2008.

3. Existing provision in Sefton

- 3.1 There is one permanent travellers site at Broad Lane, Formby which has 16 pitches. Most people live on this site on a permanent basis. There are no transit pitches in Sefton.

- 3.2 Most gypsies and travellers live on permanent sites, but there is also a need for transit sites, for people who are passing through the area on their way to somewhere else. During the past year there have been unauthorised encampments in Sefton at Crosby marina (up to 18 caravans), the Esplanade Southport (up to 8 caravans), Fylde Road Southport (up to 11 caravans), Bootle (1 or 2 vans) and Copy Lane Netherton (5 vans).
- 3.3 There are no travelling showpeople based in Sefton, although there are some based in West Lancashire.

4. The new proposals

- 4.1 The Government is proposing the New Homes Bonus which means the local authority will get 6 years of matched Council Tax funding with an extra supplement for affordable homes if these are on sites owned or managed by a local authority or a registered partner. It will therefore be aligned with other housing provision. Additional grant funding (£60m nationally) is also allocated for providing traveller sites, and will be administered by the HCA. This would need to be bid for, but in order to be able to bid we would need a site and costed proposal.
- 4.2 The Government also plans to toughen up and align action taken against unauthorised sites with other housing policy, by limiting the opportunities for retrospective planning permission. Where an unauthorised development has taken place, travellers will only be allowed a retrospective planning application or an enforcement appeal, but not both.
- 4.3 The Government is proposing to simplify the whole of the planning system and reducing the amount of guidance. A proposed draft National Planning Policy Framework has been published (but not yet consulted on) which amalgamates all the current national planning policy guidance contained in PPS's and circulars. This is currently 55 pages long, but the final version will have only 8 pages. Their intention is that the policy for travellers will be incorporated into this. However, the government state that they think it is important to change the policy for travellers in advance of the rest of the new Framework. This will be easier for councils and developers to use effectively.
- 4.4 The new policy aims to have a light-touch policy that puts provision into the hands of elected Councils by:
- Enabling local authorities to make their own assessment of need;
 - Facilitating planning authorities in planning for sites over a reasonable timescale;
 - Protecting the Green Belt from development; and
 - Reducing tensions between settled and traveller communities.

The consultation questions and the Head of Planning Services' comments

- 4.5 The government has invited comments from all members of the public, but particularly welcomes responses from:

- Travellers;
- Community representatives (included settled communities); and
- Local planning authorities.

4.6 A planning officer has met with the Broad Lane community, and this report includes their views. Formby Parish Council have been informed of the consultation (as the Broad Lane site is in their parish), and the Area Committee were informed of the consultation and the need for additional provision in their area as part of the presentation on the Core Strategy options (on 16th June).

4.7 Consultation responses need be submitted to the CLG by 6th July 2011.

4.8 The consultation paper contains 13 key questions on the proposals, together with further questions on their impact on settled and traveller communities and the predicted costs to Councils and other monetary costs/ benefits. It also contains a draft policy which should be used for determining all planning applications for traveller sites.

4.9 As well as any comments that may be submitted by Sefton Council, a joint response from the Merseyside local authorities is also being prepared. Many of the comments in this report replicate those contained in the wider Merseyside response.

Q1. Do you agree that the current definitions of ‘gypsies and travellers’ and ‘travelling showpeople’ should be retained in the new policy?

4.10 Current Government policy for gypsies and travellers contain a definition of ‘gypsy and traveller’ based on lifestyle and land use considerations, whatever their ethnicity or cultural tradition. It includes people who have ceased to travel temporarily or permanently because of educational or health needs or old age. There is a separate definition of travelling showpeople or circus people. The consultation paper does not propose that this should be changed.

4.11 This definition is similar but not identical to that used when assessing the need for traveller accommodation, which is defined in the Housing Act. The ‘housing’ definition includes people with a cultural tradition of nomadism or of living in a caravan and people of a nomadic way of life, but also includes travelling showpeople. The consultation paper says that the planning definition is relevant to the application of planning polices and determining planning applications, whereas the housing definition is more pragmatic and broader and should be used to understand possible future accommodation needs. This is potentially confusing. There seems to be no reason why this can’t be defined in a uniform way for both purposes.

Q2: Do you support the proposal to remove the specific reference to Gypsy and Traveller Accommodation Needs Assessments (GTANA) in the new policy and instead refer to a “robust evidence base”?

- 4.12 Whilst there are flaws with the GTANA, whatever replaces it needs to be standardised so that assessments for neighbouring areas can be easily compared, and can be independently updated as needed, and if not carried out on a sub-regional basis. This will ensure that the evidence is robust when examined by an independent Inspector as part of any Examination in Public into a relevant Core Strategy or other Development Plan Document (DPD).
- 4.13 Any study would also need to follow Gypsy and Traveller movements over a considerable period; it needs to be more than a snapshot in time in order to pick up travellers in transit, and how they move around the Merseyside area. In Sefton, many of the transit travellers in Sefton have been on sites in St Helens and West Lancashire at various times, but we also get some Irish travellers passing through our area with no local connections.
- 4.14 It would not be appropriate for traveller requirements to be assessed as part of the SHMA, for a variety of reasons including sample size and they don't use estate agents to find sites. As the paper concedes, many people living in 'bricks and mortar' housing may not wish to admit their ethnic origin, if they are randomly selected for assessment.

Q3: Do you think that local planning authorities should plan for “local need in the context of historical demand”?

- 4.15 No, as this doesn't share the burden across the sub-region. Authorities such as Knowsley who don't have any traveller sites would not be required to provide any permanent sites under this methodology.
- 4.16 Furthermore, the GTANA said that there was a need for transit pitches to be provided in the Merseyside area, and the partial review of the Regional Strategy proposed that 5 transit pitches in each of Sefton, Knowsley, Liverpool and the Wirral. As we don't have any, under the new proposals we wouldn't be required to provide any. But we do get transit travellers – there have been travellers in Bootle, Southport and at Crosby marina this year.

Q4: Do you agree that where need has been identified LPAs should set targets for the provision of sites in their local planning policies?

- 4.17 Whilst a housing target should be set based on the robust evidence so that it can be monitored, the requirement should not be contained in a DPD, such as the Core Strategy. This is because any 'need' would need to be reviewed and updated regularly in the same way that the general and affordable housing need is reviewed. But having a target in a DPD is not likely to secure the provision of any more traveller sites, either permanent or transit sites.

Q5: Do you agree with the proposal to require local planning authorities to plan for a five-year supply of traveller pitches / plots?

- 4.18 No. The provision of traveller sites is not like other housing. Sites are mainly provided by the local authority. They would be provided at a suitable scale so as

to be economically viable to provide and warden. Very few private sites are provided. Once any significant provision that largely meets the identified need has been provided, the evidence base would need to be updated to say what the outstanding need is. It would not be economically viable to do this on an annual basis.

Q6: 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?

- 4.19 We have no objection in principle to the policy wording being consistent with other forms of housing. But the guidance needs to recognise that it may not be possible to identify sites in the urban area, so development in the Green Belt may be inevitable as the only solution to meeting this need.
- 4.20 The proposal to inset sites into the Green Belt may not be practicable, and the Green Belt guidance contained in PPG2 would also need to be amended as currently only refers to villages being capable of being inset into the Green Belt. It should also be noted that inset villages are not mentioned in the Planning Advisory Group's draft National Planning Policy Framework, so it is not clear if this concept will still exist when the new national policy framework is produced.

Q7: Do you agree with the general principle of aligning planning policy on traveller sites more closely with that on other forms of housing?

- 4.21 Whilst the same principles should apply, the different needs and character of traveller development needs to be recognised, including the way sites are provided.

- 4.22 **Q8. 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?**

- 4.23 This happens anyway, so there is no need for any change.

Q9. 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*?

- 4.24 We have already expressed our concerns about how feasible it is to have a 5 year supply in response to Question 5 above.
- 4.25 The suggested approach is inconsistent with other housing, and it is both inappropriate and may be impractical to grant a temporary consent for these uses.

- 4.26 Firstly, we would appear to be debarred from approving or refusing permanent sites in suitable locations. The impact of a temporary site compared to a permanent site would be virtually identical. If we are only able to grant temporary consents, then we would not be able to require the same level of screening or other requirements to limit the impact of a development. If a site was considered to be unsuitable permanently for a traveller site, for example, because it is in an area at high risk of flooding, or with an inadequate access, the travellers would be expected to live there temporarily until a more suitable site could be identified.
- 4.27 Secondly, the residents would be condemned to live in poorer housing conditions, possibly without service provision (water, electricity etc), and in poor and cramped conditions as it would not be possible to provide the utility buildings (traveller “sheds”) which normally contain a kitchen, washroom and lounge area. This is something the Gypsy Council has included in its response to the consultation.
- 4.28 Finally, as will be explained in response to Question 10, it will take a lot longer than 6 months to identify suitable alternate and available sites, especially if the provision has to be included as part of the Local Development Framework (LDF) in a DPD.

Q10. 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?

- 4.29 This is not practicable. It would take a minimum of 18 months to prepare an up-to-date assessment and consult on this, and for the requirements to be adopted as part of a DPD.

Q11. Do you have any other comments on the transitional arrangements?

- 4.30 The proposals are not practicable. This will lead to planning by appeal.

Q12. Are there any other ways in which the policy can be made clearer, shorter or more accessible?

- 4.31 Yes – the consultation document and draft policy is far too long and technical. It is not geared for consultation with the most directly affected groups – travellers.

4.32

Q13. 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.)

4.33 The above response sets out how the proposals will impact on the travelling community.

5. The draft policies

5.1 The 'light touch' approach proposes policies covering 8 policies, most which have several sub-policies and further criteria within them. The policy areas are:

- A Using evidence to plan positively and manage development;
- B Planning for traveller sites;
- C Sites in rural areas and the countryside;
- D Rural exception sites;
- E Travellers sites in the Green Belt;
- F Mixed use traveller sites;
- G Major development projects; and
- H Determining planning applications for traveller sites.

5.2 There is a demonstrable lack of what needs to be in the policy, and many of the policies contradict each other. They would also mean that no further travellers sites could be provided in Sefton, as there is a lack of any suitable sites in the urban area. It is a belt and braces approach to cover every aspect of a travellers life.

5.3 The two parts of Policy A set out how we should assemble our evidence base by consulting with travellers and the settled community, and that we should monitor how we determine applications for traveller sites compared to other types of residential development. The GTANA was prepared as a result of consultation with the traveller community, and we have already consulted the Broad Lane travellers and the Formby community about the need for further pitches as part of our consultation on the Core Strategy. It is not policy in the sense that it would help us to determine planning applications.

5.4 Although we don't have many applications for traveller sites, this can be monitored in our Annual Monitoring Report.

5.5 Policy B contains 4 elements: firstly set pitch targets to address the need for permanent and transit sites in the light of historical demand; and secondly, to set out policies in the Development Plan. These should show how we will:

- (a) ensure the continuous supply of sites to deliver the target;
- (b) + (c) identify a 5 year supply of sites excluding sites with planning permission unless they are deliverable;
- (d) allow provision for travellers who cannot move their own accommodation onto a site;
- (e) consider the preparation of joint Development Plans to address cross-boundary issues which will provide more flexibility in providing sites, particularly if a local authority has special or strict planning constraints across its area ('special and strict' are not defined);

- (f) ensure that the size of the site is proportionate to the size of any settlement where the site will be located; and
- (g) protect local amenity and the environment.

- 5.6 The third element requires us to guide land supply to areas where there is an identified need. The 4th requires sites to be sustainable economically, socially and environmentally. Policies should therefore:
- (a) promote peaceful and integrated co-existence between the site and the local community;
 - (b) promote easier access to health facilities;
 - (c) ensure children can attend school;
 - (d) provides a settled base that reduces the need for long-distance travelling and possible environmental damage caused by unauthorised encampments;
 - (e) does not locate sites in areas at high risk of flooding given the particular vulnerability of caravans; and
 - (f) reflects the extent to which some travellers live and work from the same location, thereby omitting many travel to work journeys.
- 5.7 Policies C, D + E all deal with sites in rural areas, the countryside and the Green Belt. Again, the policy requires us to ensure that the size of any site is proportionate to its surroundings. We are also required to consider if there is a need for 'rural exception' affordable housing to meet local traveller needs, which should be provided in perpetuity.
- 5.8 Policy E deals with proposals in the Green Belt. It confirms that traveller sites are inappropriate development in the Green Belt. However, it indicates that we may wish to make an exceptional limited alteration to the Green Belt boundary to meet a specific identified need through the plan-making process. If land is removed from the Green Belt in this way (the consultation suggests that sites could be inset into the Green Belt), it should only be specifically allocated for this purpose.
- 5.9 Policy F states that we should approve sites where travellers live and work, having regard to the safety and amenity of the residents. If this is not practicable, then we should consider locating sites for each purpose in close proximity to each other. This is particularly relevant to travelling showpeople. But we should not allow mixed use sites on 'rural exception' sites if we decide to identify any.
- 5.10 Policy G requires us to work with the traveller community and planning applicants to relocate any traveller community if they are affected by any major development project. This is not likely to affect Sefton.
- 5.11 Policy H sets out 6 development management policies. These set out how we should determine applications, including the identified need for any traveller sites, and whether we have a five-year supply of deliverable sites. It does not matter whether the applicant has local connections or not.

6. Financial implications

- 6.1 The consultation paper considers that there will be a national saving of £0.1m by having more streamlined and easier to use guidance. The Government acknowledges that there may be more unauthorised sites in the short term and a short-term reduction in authorised sites (presumably as a result of not being able to grant planning permission for a site until we have up-to-date evidence and a 5 year target / supply of sites).
- 6.2 The consultation paper ignores the cost of providing the new and regularly updated evidence needed to ensure that local authorities have a 5 year supply of traveller sites, so that they can approve planning applications.

7. Conclusion

- 7.1 It is not considered that the proposals will result in any more authorised traveller sites being delivered, even though this is the intention of the consultation paper. Indeed, the proposed changes will make it more difficult to approve planning applications in a highly constrained area such as Sefton where new provision will inevitably have to be located within the Green Belt due to a lack of suitable sites in our urban areas.