

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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| REPORT TO: | Development and Conservation Control Committee Leader and Cabinet | 2nd March 2005 10 th March 2005 |
| AUTHOR: | Development Services Director | |

Response to “Planning For Gypsy And Traveller Sites” consultation paper**Purpose**

1. To seek the Committee’s views on the proposed response to the consultation document from the Office of the Deputy Prime Minister (ODPM) before it is considered by the Cabinet at its meeting on 10 March.

Effect on Corporate Objectives

2. The need for a fair solution to Traveller Issues in the District is central to the Council’s corporate objective of “Quality Village Life”. It also impacts on the other three objectives: “High Quality, accessible, value for money services”; “a Sustainable Future for South Cambridgeshire”; and “a Better Future through Partnership”.
3. The Council has already set out its case, last May, on the need for changes to planning law, as part of its written evidence to the Parliamentary Select Committee on Gypsy and Traveller Sites. This was reflected in the Council’s Policy on Traveller Issues, agreed in July 2004, which sets out its commitment to:
 - a. uphold the rights of all local residents and travellers to live peacefully and safely, with mutual respect for the rights of others;
 - b. lobby for a national approach to traveller issues and planning policy, which takes account of public provision and private ownership of traveller sites, and keeps sites to a reasonable size;
 - c. apply planning policy fairly and firmly in relation to traveller sites;
 - d. engage with travellers and the local community in order to make available appropriate and authorised traveller sites - identifying suitable additional sites, where necessary, and accommodating the service needs of travellers, wherever possible;
 - e. give full consideration to proposed private sites when travellers approach the Council in advance about their proposals;
 - f. safeguard and defend the local environment and local facilities and services from issues flowing from illegal and unplanned travelling encampments/development;
 - g. promote greater community cohesion between the settled and travelling communities.

Background

4. The ODPM published the "Planning For Gypsy And Traveller Sites" consultation paper in December 2004 as part of its plans to revise previous Circular 1/94. A summary of the consultation paper can be found in **Appendix A**. The ODPM's consultation deadline is 18 March 2005.
5. The draft response to the consultation paper (see paragraphs 6 – 10 and Appendix B) has been developed by the Strategic Officer Group on Traveller Issues. All Members were invited to contribute their initial views as part of this drafting process. Comments have been received from Councillors Mason, van de Ven and Wotherspoon, as well as from Meldreth Parish Council and Meldreth Residents Association. These have been taken into account in the draft, and there will be further opportunity for views to be added as the response is considered both by this Committee and by the Cabinet.

The Draft Response

6. ***A revision of Circular 1/94 is long overdue and is welcomed.***
 - 6.1 Fundamental weaknesses in the current national guidance mean that it has proved to be inadequate at a local and national level in controlling unauthorised developments, particular in the context of significant migratory movements of travellers that have occurred in the last few years. It is largely because of these flaws in planning law that the Council has had to spend in the region of £200,000 in 2004/05 alone on Traveller Issues. This does not take account of the significant costs of any direct enforcement action – possibly hundreds of thousands of pounds - that might be necessary in future if those travellers who are in breach of planning regulations continue to disregard the law.
 - 6.2 Changes are also needed to address the fact that this District and a number of others have become a "honey-pot" for traveller incursions in recent years. This Council has addressed responsibly the needs of travellers and gypsies while many others have not. Working in partnership with parish councils, this Council has granted permission for over 300 sites, enabling the local traveller population to gain access to education and health facilities and to integrate with local communities.
 - 6.3 Members will not need reminding that travellers and gypsies have a lower life expectancy, higher infant mortality and lower academic level of achievement than any other section of society.
7. ***The ODPM consultation paper is a 'curate's egg'.***
 - 7.1 It is good in the parts that could allow the travellers access to better health and educational opportunities and a clearer assessment of their housing needs. Indeed, it is this Council's experience that, before the influx of Irish Travellers, the local gypsy population had settled down and generally been accepted without significant problems.
 - 7.2 In other respects, however, the consultation paper is very disappointing. It represents a missed opportunity to put right the deficiencies of Circular 1/94. by eliminating the significant on-going (and basically unproductive) costs that

an increasing number of local authorities are having to bear in relation to Traveller Issues.

- 7.3 The draft guidance is unlikely to reduce the protracted and expensive legal disputes or to restore good community relations. In the context of the Gershon requirements for year-on-year efficiency savings, this consultation paper is unlikely to promote increased value-for-money and improved effectiveness.
8. The principle problem with the draft guidance is that it does not balance its laudable aims with realistic controls to meet the equally important rights of the settled community to have their communities protected from large, unplanned incursions, which place unacceptable demands on limited local resources.
9. There are five main shortcomings with the ODPM's approach to planning controls.
- 9.1 ***It places too much reliance on existing enforcement powers, which have proved inadequate.*** There are no other changes, apart from the immediate stop notice and a statement that councils should have 24-hour enforcement cover. We already have 24-hour cover and have served stop notices with immediate effect, yet it has made no difference.
- 9.2 ***It does not address the 'honey-pot' effect,*** placing more burden on those councils that are doing more than their fair share, and not spreading the load fairly across local government. The need for traveller sites identified in regional spatial strategies runs the risk of being arbitrary and unfair, based on numbers of nationally mobile travellers who claim to be in need of a site, unqualified by any other consideration. Most alarmingly, this means that the draft ODPM guidance is unlikely to prevent what has happened in the past at Cottenham and elsewhere in the district from happening again.
- 9.3 ***It provides no guidelines on the size of traveller sites.*** This is particularly disappointing, given the overwhelming desire by all parties to avoid concentration beyond a specific number.
- 9.4 ***It does not recognise important practical constraints and resource implications for councils.*** Identifying specific sites means pre-owning or controlling them or acquiring (control of) them. However, the consultation paper does not properly set out what local authorities can reasonably be expected to do where:
- the locational criteria, set out in the consultation paper, point to the edge of settlements where the acquisition value is likely to be based on (higher) caravan site value rather than agricultural land value; and
 - councils (like SCDC) have no surplus land of their own available for use as traveller sites.
- 9.5 ***It still seems weighted against the equally legitimate interests of householders.*** Public confidence in the fairness and consistency of the planning process is not going to be enhanced by not allowing retrospective permission in cases where there has been a disregard of the planning process. In these circumstances, it is difficult to know how councils are to be expected to strengthen community cohesion between travellers and

householders when the settled community is aggrieved that their rights and interests seem to count for less.

10. More detailed comments, which will also form part of the Council's response to the ODPM, can be found in **Appendix B**.

Recommendation

11. Members' comments are invited on the draft response to the ODPM's consultation paper, as set out in paragraphs 6 – 10 and Appendix B. An updated version will then be produced for consideration by the Cabinet on 10 March 2005.

Background Papers

The following background papers were used in the preparation of this report:

- *Planning for Gypsy and Traveller Sites*, ODPM consultation paper, December 2004.
- South Cambridgeshire Local Plan, adopted February 2004.
- SCDC's written evidence to Parliamentary Select Committee inquiry into Gypsy and Traveller Sites from SCDC, May 2004.
- Council Policy on Traveller Issues, SCDC, July 2004.
- SCDC's response to ODPM discussion document *Gypsy Sites and Planning - revision of Circular 1/94*, July 1994.
- *Delivering Efficiency in Local Services*, ODPM, November 2004 and January 2005.

Contact Officer:

G.H.Jones – Deputy Development Services Director. Telephone: (01954) 713151