

**SUMMARY OF “PLANNING FOR GYPSY AND TRAVELLER SITES”  
ODPM Consultation Paper, December 2004**

*The consultation document can be found on the internet at [www.odpm.gov.uk](http://www.odpm.gov.uk).  
Page and paragraph references from the consultation document are shown below in italics.*

**Introduction (*pages 8 - 9, paragraphs 1 – 10*)**

- The Government is committed to ensuring that members of the Gypsy and Traveller communities should have the same access to decent and appropriate accommodation as every other citizen and that there are sufficient sites available to meet their needs.
- A new direction is necessary to ensure that the accommodation needs of Gypsies and Travellers are addressed with the same consideration as is given to the accommodation needs of other sections of the community.

**Gypsy and Travellers – a context (*page 9, paragraph 11*)**

- Many Gypsy and Travellers wish to find and buy their own sites to develop and manage, but there will remain a requirement for public site provision above the current levels.

**Definition (*page 10, paragraphs 12 – 17*)**

- Gypsy and Traveller means “a person or persons who have a traditional cultural preference for living in caravans and who either pursue a nomadic habit of life or have pursued such a habit but have ceased travelling, whether permanently or temporarily, because of the education needs of their dependent children, or ill-health, old age or caring responsibilities (whether of themselves, their dependants living with them, or the widows or widowers of such dependants) but does not include members of an organised group of travelling show people or circus people, travelling together as such.”

**Local Housing Assessments (*pages 10 – 11, paragraphs 18 - 20*)**

- Stated to be the key source of information to assess level of provision required, especially for preparing local development documents.
- Must consult with key stakeholders and local communities.
- Under the Housing Act 2004, all local housing assessment needs to take into account the needs of Gypsies and Travellers, including legal sites to station their caravans.
- Have regard to homelessness under part IV of the Housing Act 1996 and obligations under the Race Relations Act 2000 (RRA).
- Allocate sufficient sites in Development Plan Document (DPD) to meet pitch requirements in the RRA can be met.
- Policies to be reviewed regularly to avoid potential for disagreement with settled population over inappropriate location in land use terms or inadequate explanation of proposed development.
- Aim for more certainty when planning applications are determined or appeals considered.

**Regional and local strategies – assessing need (*pages 11 – 12, paragraphs 21 - 23*)**

- At early stage of preparing Regional Spatial Strategy (RSS) and DPD, planning authorities will assess accommodation needs with Gypsies and Travellers, representative bodies and local support groups. Gypsies and Travellers to be proactive to ensure their views are taken into account.

- Under the Planning Act 2004, planning authorities have to prepare a Statement of Community Involvement, and it needs to set out policy for involving their community. As part of this, communication with Gypsies and Travellers needs to be direct and accessible.
- Regional Planning Bodies (RPBs) need to maintain an up-to-date understanding of the likely needs for Gypsy and Traveller sites in their area to inform the preparation and review of the RSS. A new local needs assessment will be required from the Regional Housing Board so that it will be incorporated into local development documents (LDDs).

**Transitional arrangements – before the completion of local housing needs assessments (page 12, paragraphs 24 - 25)**

- Early data from the local needs assessment will be one element when assessing the required local provision, as well as: a continuous assessment of unauthorised encampments; number and outcomes of planning applications and appeals; levels of occupancy; plot turnover; and waiting lists for local authority sites; status of authorised local sites; and the twice yearly Caravan Count.
- Local authorities will have to show they have considered all this information before any decision to refuse, and to provide it as part of their appeal documentation.

**Development Plan Documents - location of sites (pages 12 – 13, paragraphs 26 - 31)**

- Where an unmet need is identified, DPDs should identify suitable sites and set out fair, reasonable, realistic and effective criteria for suitable site location criteria. The DPD will need to meet current identified need, and as it changes through time.
- If demand cannot be met through identified sites, there should be a reasoned explanation as to why a criteria-based policy is necessary to make adequate provision.
- Criteria-based policies will be needed in a DPD, whether or not there is any current identified need, in order to meet future or unexpected demand. Such policies will be scrutinised to ensure they are fair, reasonable, realistic and effective.
- Sites allocated in the DPD should be either controlled or owned by the local authority or there should be a realistic likelihood that they will come forward.
- If owned by the local authority, they can be disposed of at below market value.
- Local authorities should use the register of unused or under-used land, or land owned by public bodies.

**Sites in Rural Areas and the Countryside (pages 13 – 14, paragraphs 32 - 39)**

- Rural exception policy for sites to be included within the LDD. This will be appropriate where there is a lack of affordable land to meet local Gypsy and Traveller needs that cannot be met by provisions in the Local Development Framework (LDF).
- While new sites within Green Belt continue to be inappropriate development, such development can be accepted where very special circumstances exist, such as out-of-the-ordinary educational or health needs.
- Identified land could be taken out of the Green Belt through the plan process to meet need.
- In other areas such as Conservation areas, scheduled monuments, SSSI planning permission for sites can be granted where the objectives of the designation would not be compromised.
- Local landscape designations should not be used in themselves to refuse planning permission.

- On rural sites local authorities need to be realistic about the availability of alternatives to the car, and sites should respect the scale of and not dominate settled communities, nor should they place an undue burden on the local infrastructure.

#### **Mixed planning use (page 14, paragraph 40)**

- Sites identified in the DPDs should provide for mixed and residential uses. If not practical, local authorities should allocate separate sites for commercial as well as residential sites.
- Mixed uses are not permitted on rural exception sites that are permitted in perpetuity for affordable housing.

#### **Applications (page 15, paragraphs 41 – 44)**

- To encourage private site provision, local authorities should offer advice and practical help with planning procedures. Gypsies and Travellers should consult local authorities before buying land.
- Pre-application discussions are important to resolve problems and avoid misunderstandings. Questions of access, services, conflict with statutory undertakers or agriculture, and significant environmental impact can be resolved.
- Since applications could be received from Gypsies and Travellers without local connections that could not have been reasonably foreseen in their local needs assessment, the LDF should have criteria-based policies against which they can be judged.
- Local authorities should not refuse private applications where there is adequate public provision, alternative provision is available on local authority-owned sites, or the applicant has no local connection.

#### **Sustainability (pages 15 – 16, paragraphs 45 - 47)**

- For Gypsy and Traveller sites, sustainability includes: promotion of peaceful and integrated co-existence with the settled community; easier access to GPs and other health services, schools; and a settled base to reduce the needs for long-distance travelling and less environmental damage from unauthorised sites.
- Sites identified by local authorities should have regard to distance from local services.
- Sites should also have regard to the potential for noise and disturbance from traffic and on site commercial activity.

#### **Planning conditions and contributions (page 16, paragraph 48)**

- Should be used where necessary.

#### **Enforcement (page 16, paragraphs 49 - 51)**

- Planning policies and controls should be respected by all sections of the community, and where breaches occur effective enforcement action should be taken.
- Arrangements need to be in place for out-of-hours emergency cover.
- Other than the new temporary enforcement notices, nothing new is proposed to provide this “effective” enforcement action!!

#### **Appeals (pages 16 – 17, paragraphs 52 - 53)**

- Inspectors will need to take account of: existing and planned provision of, and need for sites; accuracy of data used to assess needs; methodology employed in the assessment

and how up-to-date it is, information on pitch availability on public and private sites; personal circumstances; and alternative accommodation options.

- Absence of existing provision may prejudice enforcement action.

#### **Human Rights (page 17, paragraph 54)**

- European Convention on Human Rights should be an integral part of local authority decision-making, considering whether action is necessary and proportionate. The chosen remedy must have the least interference with the rights in question.
- Facts need to be established before decisions are made (Gypsies and Travellers should co-operate to agree these facts).

#### **Race Relations (page 17, paragraph 55)**

- The Race Relations Act 1976 prohibits racial discrimination by planning authorities in carrying out their functions. Local authorities also have to eliminate unlawful discrimination and to promote equality of opportunity and good race relations.
- Local authorities need to assess their functions to identify those that are relevant to race relations and monitor these functions to assess their impact on racial groups. When policies change or new ones made, local authorities should consult on their likely impact.

#### **Monitoring (pages 17 – 18, paragraph 56)**

- Local authorities should monitor and critically analyse the success rate of applications for Gypsy and Traveller sites and compare them with those for other types of housing and other types of caravan sites, and assess such analysis to inform policy development.
- In order that they can identify any adverse impact on race equality, local planning authorities (LPAs) should monitor Gypsy and Traveller applications.

#### **Financial and manpower implications (page 18, paragraph 57)**

- None is anticipated.

#### **Annexes**

A: Select List of Relevant Organisations (pages 19 – 20)

B: Other relevant guidance and bibliography (page 21)

C: Good practice criteria (pages 22 – 24)

D: Overview of new regional/local planning process (page 25 – 26)

E: Guidance to local authorities in dealing with applications from Gypsies & Travellers (p27)

F: Guidance to Gypsies & Travellers for preparing planning applications (pages 28 – 30)

G: Planning conditions and contributions (page 31)

H: Partial regulatory impact assessment (pages 32 – 41)