

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Northstowe and New Communities Portfolio Holder

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RESPONDING TO GOVERNMENT CONSULTATION ON NEW PLANNING POLICY STATEMENT: PLANNING FOR TRAVELLER SITES

Purpose

1. To agree the Council's response to the Government's consultation on a draft new Planning Policy Statement (PPS) 'Planning for Travellers'.

This is not a key decision because it is responding to a consultation
It was first published in the April 2011 Forward Plan.

Recommendations

2. That the Portfolio Holder responds to the consultation with the comments set out in appendix 1 of this report.

Reasons for Recommendations

3. This is an important consultation as the new PPS will set out the Government's Gypsy and Traveller planning policies, which will affect planning for Gypsy and Traveller sites in South Cambridgeshire, both in terms of the emerging Development Plan Document and decisions on planning applications.

Background

4. The Government is carrying out consultation on a Planning Policy Statement which would replace the current planning circulars regarding Gypsy and Traveller Sites (01/2006) and Travelling Showpeople sites (04/2007). It will become a material planning consideration. It will be incorporated into the new National Planning Policy Statement in due course.
5. Alongside the PPS, other measures to be introduced are the inclusion of Gypsy and Traveller sites in the New Homes Bonus scheme, and the resumption of the Gypsy and Traveller site grant funding from April 2011. The Government also intends to limit the opportunities for retrospective planning applications, in relation to any form of development, and provide stronger enforcement powers for local planning authorities to tackle breaches of planning control.
6. The draft PPS states that, 'Preparation of Development Plans should not be delayed to take the policies in this statement into account'. Following consultation the Government intends to adopt the final PPS in Summer 2011.

Considerations

South Cambridgeshire Gypsy and Traveller DPD

7. The proposed policy changes in the draft PPS have significant implications for planning for Gypsy and Traveller site provision in the District, and preparation of the Gypsy and Traveller Development Plan Document. At the New Communities Portfolio Holder Meeting in December, it was decided to review the way forward on the Gypsy and Traveller DPD in light of changing Government policy. Whilst the current document is only a consultation draft, the final PPS is likely to be published prior to the publication of the draft Gypsy and Traveller DPD and submission to the Secretary of State, and will therefore be a consideration when assessing the soundness of the plan.

Summary of Issues and Implications

8. The table below provides a summary of the key proposals of the draft PPS, and a summary of the proposed response. The consultation is framed around 13 questions on which the government is seeking views. A full detailed response is proposed in appendix 1 of this report.

Key Issue in Draft PPS	Implications and Summary of Proposed Response
The PPS proposes to provide 'Light Touch policy', consolidation and streamlining previous guidance, putting provision into the hands of elected local Councils.	It is difficult to describe this set of detailed policies as light touch guidance, as they would create very specific requirements for planning and plan making.
The key message of the draft PPS is to make planning for travellers more consistent with planning for housing. The consistency theme includes clarifying traveller sites as inappropriate development in the green belt, and stating that windfall sites away from settlements should be strictly limited whilst acknowledging that some rural areas may be suitable for some forms of travellers sites reflecting local considerations.	In general the move to make planning for travellers sites more consistent with the approach to planning for housing is supported, including clarifying the status of traveller sites as inappropriate development in the green belt, and that windfall sites in open countryside away from settlements should be strictly limited whilst acknowledging that some rural areas may be suitable for some forms of travellers sites reflecting local considerations. This is broadly consistent with the approach taken in the emerging Gypsy and Traveller DPD. It also noted that stronger enforcement powers are being addressed separately, and this is also supported.
Local Planning Authorities must set pitch targets through development plans which address the likely permanent and transit site accommodation needs in light of historical demand. This must be based on robust evidence, but it doesn't prescribe to Local Authorities what type and volume of evidence is required.	The draft PPS provides more flexibility in identifying what evidence is required to establish the local need for Gypsy and Traveller sites. The Draft PPS and supporting document do not provide any reasoning or justification for the addition of the phrase 'in light of historical demand'. Whilst this provides flexibility for local interpretation, it is unclear what interpretation will be found sound by inspectors through the development plan examination process.

	<p>The increased flexibility is supported. However, in reality, if evidence is robust it will make little difference, and it is likely that areas with the highest existing provision will continue to identify the highest levels of need whilst those areas who have previously made no provision will identify low levels of need.</p>
<p>Local planning authorities must work collaboratively to develop fair and effective strategies to meet need. This is part of the Localism Bill's Duty to Cooperate.</p>	<p>The Council is supportive of more permanent sites being planned and delivered in order to meet established needs appropriately. However, it is important the responsibility of providing sites is not focused on only a small number of local authorities, particularly those where extensive provision has already been made.</p> <p>Localism's Duty to Cooperate is highlighted as the solution for areas with an existing high level of provision where as a result a high level of need has been identified. Identifying suitable deliverable sites is not an easy process and there is a risk of a few authorities being overburdened unless surrounding authorities take responsibility for meeting some of the need. This was the approach taken in the East of England Plan following detailed consideration through independent examination. However, in this area surrounding authorities with a much lower level of existing provision have previously expressed a view that need should only be met where it is identified.</p> <p>Not enough is known about the process, and what will count as constructive engagement, to understand whether this will offer a successful solution, but there is a continued danger of an even distribution of sites, with significant contribution in particular areas, which will in itself generate future demand for further pitches. The Council does not want its plan making delayed with protracted negotiations, but does want a balanced approach to be taken on a wider than district basis in a similar way as other land uses. The draft PPS should be more flexible to allow plan making to reflect local circumstances, allowing a plan to be found sound where the Council has planned a level of provision that is deliverable and appropriate to local circumstances.</p>
<p>Development Plans would be required to set out policies and strategies for delivering locally set targets, including identifying specific sites that will enable</p>	<p>The proposed requirement does not reflect the difficulties in identifying suitable, available and deliverable sites in comparison with bricks and mortar housing. The draft PPS needs to recognise that there may be circumstances</p>

continuous delivery of sites for at least 15 years	where it is not possible to allocate sufficient sites to meet the full target, particularly where there is a high level of need. In such circumstances a windfall policy may be an appropriate solution.
Local Planning Authorities to maintain a five year land supply of pitches, in a similar way to how bricks and mortar housing is planned. If a local planning authority cannot demonstrate a five-year supply of traveller pitches/plots, the draft policy asks them to consider favourably applications for the grant of a temporary permission.	The draft PPS appears to offer blanket support in favour of granting temporary planning permission if a five-year land supply of deliverable sites cannot be identified. This is not appropriate. The Local Planning Authority must be able to consider the circumstances of the application, whether it is suitable in environmental terms, and whether the application would contribute towards meeting a genuine need which justifies a temporary consent.
Local Planning Authorities to develop criteria to guide the location of sites, considering issues such as access to schools and healthcare, and avoiding areas at high risk of flooding.	The Council has already developed criteria through the emerging Gypsy and Traveller Development Plan Document, which are generally consistent with the policies in the draft PPS.
Green Belt	An approach consistent with PPG2 is supported. However, there may be circumstances where site allocations in the Green Belt are justified by exceptional local circumstances, and it should be possible for these to remain in the Green Belt.
Transitional arrangements give local planning authorities six months to put in place their five-year land supply before the consequences of not having done so come into force.	Given the time it takes to put development plans in place this proposal is unworkable.
Major developments	It is disappointing that the policy does not acknowledge the opportunities provided by major development sites to deliver new site provision, and that this may be a route available to Local Planning Authorities, which would allow provision to be made through mainstream developments as part of the masterplanning of the development.
The definitions of Gypsy and Traveller and Travelling Showpeople for planning purposes are the same as those currently contained in Circular 01/2006 and Circular 04/2007.	The proposal to maintain the existing definitions is supported.
Definition of a pitch: 'a pitch on a Gypsy and Traveller site'.	The definition adds little. It is an important definition given it forms the basis of the entire PPS, and therefore it is surprising it is not defined.
Asks local planning authorities to	The Council already strives to do this, and will

pay particular attention to early and effective community engagement with both settled and traveller communities when formulating their plans and determining planning applications.	continue to do so.
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Options

9. The Council has the option not to respond, but given the importance of the issue to South Cambridgeshire this is not recommended. The response proposed takes account of the Council's position on planning for travellers gained over many years of experience on both dealing with planning applications and plan making.

Implications

10. Key implications of the PPS relate to the impact on how the Council plans for Gypsy and Traveller and Travelling Showpeople sites. Following the consultation the Government anticipates adopting the final Planning Policy Statement in Summer 2011.

11. Financial	No direct cost in responding to consultation.
Legal	Implications for planning and plan making are described in the main report.
Staffing	No additional staff cost responding to consultation.
Risk Management	Implications for planning and plan making are described in the main report.
Equality and Diversity	Our Gypsy and Traveller population is our largest ethnic group. The Planning Policy Statement will impact on how we plan for future site provision.
Equality Impact Assessment completed	No The consultation document includes an Equalities Impact Assessment of the draft Planning Policy Statement.
Climate Change	No specific impact.

Consultations

12. A range of officers have been consulted on the preparation of this report, including Development Control, Senior Lawyer, the Travellers Team Leader. The consultation was also highlighted view the Weekly Bulletin, no comments were received from members.

Consultation with Children and Young People

13. None.

Effect on Strategic Aims

14. The Planning Policy Statement once adopted by the Government will impact on how the Council plans for Gypsy and Traveller sites, including the Gypsy and Traveller DPD.

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

Planning for Travellers Sites Consultation:

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

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Appendix A

PROPOSED RESPONSE TO DRAFT PPS: PLANNING FOR TRAVELLER SITES

1. South Cambridgeshire District Council was anticipating 'light touch guidance' following the Government's announcements made in August 2010, however, it is difficult to describe this set of detailed policies as light touch guidance.
2. In general the move to make planning for travellers sites more consistent with the approach to planning for housing is supported, including clarifying the status of traveller sites as inappropriate development in the green belt, and that windfall sites in open countryside away from settlements should be strictly limited, whilst acknowledging that some rural areas may be suitable for some forms of travellers sites reflecting local considerations. It also noted that stronger enforcement powers are being addressed separately, and this is also supported.
3. The Council is supportive of more permanent sites being planned and delivered in order to meet established needs appropriately, to provide certainty to both the traveller and the settled community. However, it is important the responsibility of providing sites is not focused on only a small number of local authorities, particularly those where extensive provision has already been made.
4. South Cambridgeshire has already granted permission for over 200 permanent pitches, and consent for around 70 temporary pitches pending consideration through the plan making process. Localism's Duty to Cooperate is highlighted as the solution for areas with an existing high level of provision where as a result a high level of need has been identified. Identifying suitable deliverable sites is not an easy process and there is a risk of a few authorities being overburdened unless surrounding authorities take responsibility for meeting some of the need. This was the approach taken in the East of England Plan following detailed consideration through independent examination. However, in this area surrounding authorities with a much lower level of existing provision have previously expressed a view that need should only be met where it is identified. Not enough is known about the process, and what will count as constructive engagement, to understand whether this will offer a successful solution, but there is a continued danger of an even distribution of sites, with significant contribution in particular areas, which will in itself generate future demand for further pitches. The Council does not want its plan making delayed with protracted negotiations, but does want a balanced and regional approach to be taken on a wider than district basis in a similar way as other land uses. The draft PPS should be more flexible to allow plan making to reflect local circumstances, allowing a plan to be found sound where the Council has planned a level of provision that is deliverable and appropriate to local circumstances.
5. South Cambridgeshire District Council has carried out an extensive site search working with other public bodies, and two public 'call for sites' to identify potential site options for plan making. We have extensive constraints such as flood plain and green belt, and the Council has limited land holdings. Identifying a large number of available, suitable and deliverable sites, sufficient to meet the high level of need, is extremely challenging. Greater flexibility is needed in the draft PPS to acknowledge that local circumstances may mean a plan could be sound relying partly on a windfall allowance.
6. The draft PPS appears to offer blanket support in favour of granting temporary planning permission if a five-year land supply of sites cannot be identified. This is not appropriate. The Local Planning Authority must be able to consider the

circumstances of the application, whether it is suitable in environmental terms, and whether the application would contribute towards meeting a genuine local need which justifies a temporary consent.

7. Whilst the document refers to development plans not being delayed to reflect the guidance, the specific and wide ranging requirements of the PPS would have clear consequences to how South Cambridgeshire could proceed with plan making. The Council wants to complete its Gypsy and Traveller Development Plan Document to deliver sites to meet local needs, but the specific nature of the PPS could actually make this more challenging. Greater flexibility to plan according to local circumstances is required.

Q1: Do you agree that the current definitions of “gypsies and travellers” and “travelling showpeople” should be retained in the new policy?

8. Draft Response: Yes. The retention of the existing definitions is supported. They provide a clear definition relating to land use requirements.

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

9. Draft Response: Yes. Flexibility to plan according to local circumstances and evidence is supported. However, in reality, if evidence is robust it will make little difference, and it is likely that areas with the highest existing provision will continue to identify the highest levels of need whilst those areas who have previously made no provision will identify low levels of need.
10. Local ‘Housing’ Authorities will still be required to assess the accommodation needs of travellers, as required by the Housing Act 2004. Such assessments are expensive and time consuming to produce and may be able to be adapted to consider both issues, or at least to be sufficiently clear of the basis of the need identified that any specific planning evidence can supplement rather than replace the Needs Assessment carried out for Housing purposes.

Q3: 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?

11. Draft Response: Yes. Treating travellers and the settled community equally means that setting targets through plan making is appropriate. South Cambridgeshire District Council therefore has no objection to a requirement to set a target, as long as there is flexibility regarding how it is set, and flexibility to allow provision to be planned for appropriately according to local circumstances. See also Question 4.

Q4: Do you think that local planning authorities should plan for “local need in the context of historical demand”?

12. Draft Response: No. Need should be identified on a sound basis. The Draft PPS and supporting document do not provide any reasoning or justification for the addition of the phrase ‘in light of historical demand’. Whilst this provides flexibility for local interpretation, it is unclear what interpretation will be found sound by inspectors through the development plan examination process. Further explanation would assist the plan making process if it is retained.

13. There is inconsistency between the wording of the Draft PPS and the wording of this question. The Draft PPS states that 'Local Planning Authorities should set pitch and plot targets which address the likely permanent and transit site accommodation needs of travellers in the light of historical demand.' It does not use the words 'local need' as in the question. The flexible nature of the definition in the draft PPS is supported, but it should be clearly established that the word 'local' does not mean that need can only be met within the district where it has been identified, as there may be circumstances where a more distributed pattern of meeting need is the most appropriate solution, in a similar way to planning housing market areas for the settled community.
14. The draft PPS includes the objective, 'Ensure that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites.' South Cambridgeshire has continually strived to plan appropriately for Gypsy and Traveller site provision. It has granted planning permission for more private pitches than any other district in the region. The Council successfully argued through the regional planning process that need should be met fairly across a wider area, rather than concentrating sites into a few areas where significant provision has already been made.
15. Annex B (page 63) of the consultation document (justifying the draft PPS) describes a situation which has occurred in South Cambridgeshire, '*Local authorities that have a history of providing sites often report that travellers move from neighbouring authorities to their areas because they are more likely to find a site. This means that the need increases in those areas that have provided sites and decreases in those areas that have not and they will be liable to provide yet more sites. This could lead to some local authorities being unfairly overburdened in terms of provision unless neighbouring authorities work with them.*'
16. The solution proposed by the Government to replace regional plan making is the 'Duty to Cooperate', part of the Localism Bill, which will require Local Planning Authorities to engage constructively on the preparation of local plans. Recent revisions to the Bill have strengthened the requirements to cooperate, and it is understood this will be tested at the examination. However, it is currently unclear how the duty to cooperate will operate in practice, and what will count as constructive engagement. The risk of Local Authorities not working together is noted in the risk assessment accompanying the draft PPS, but it is given little weight. Some Districts adjoining South Cambridgeshire have previously supported a 'need where it arises approach' to planning for travellers, objecting to the East of England Plan which included the approach which was found sound of distributing site provision.
17. Under the approach proposed by the draft PPS, South Cambridgeshire would be required to plan for the whole of the need identified from within the district unless it is able to demonstrate that an element of the need will be met in other areas. Applying the duty to cooperate could introduce delay to the plan making process whilst this takes place, and it is unclear how inspectors would treat an unwillingness to cooperate by adjoining districts in assessing the soundness of a DPD. Greater flexibility would allow the Council to plan a level of provision that is deliverable and appropriate reflecting local circumstances and how the need identified in the evidence base should be met.
18. The following underlined words should be added to Policy B Paragraph 9a, '*..set out their policies and strategies for delivering their locally set targets, including identifying specific sites where available suitable and deliverable land can be identified, that will*

enable continuous delivery of sites for at least 15 years from the date of adoption, identifying a windfall policy if appropriate.'

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

19. Draft Response: No. A requirement to maintain a five-year land supply does not reflect the difficulties in identifying suitable, available and deliverable sites in comparison with bricks and mortar housing, or provide the flexibility to plan appropriately.
20. There may be material considerations that mean that it may not be possible to identify a five year land supply of identified available suitable and deliverable sites. For example, in South Cambridgeshire there are environmental constraints, and large areas of Green Belt. Council owned land is in limited supply. Despite two 'call for sites' consultations very few suitable sites have been suggested. This contrasts to planning for bricks and mortar housing when a range of sites are typically put forward by developers which are available and deliverable.
21. There may be justified local considerations that mean that it may not be possible to identify a 15 year supply of available suitable and deliverable sites through a development plan in a particular district. PPS3 'Housing' acknowledges that local and sub-regional evidence of the availability of suitable land is a factor which could influence the level of housing requirement included in development plans. This is not reflected in the draft traveller PPS, which does not acknowledge that there may be reasons why a full level of need cannot be met.
22. An appropriate solution could be allocating suitable sites that have been identified, and utilise a windfall policy to meet the remaining need. This could be demonstrated as a sound approach through evidence to a planning inspector through the plan making process. The windfall policy should be allowed to consider whether the site proposal would meet the need identified in the evidence base that lead to the target. However, the draft PPS currently offers no flexibility to reflect such local circumstances.
23. Another element of PPS3 providing greater flexibility has also been excluded is the caveat that, 'Where it is not possible to identify specific sites for years 11-15, broad locations for future growth should be indicated.' A similar situation could reasonable occur when planning traveller sites, therefore the same caveat should be included. For example South Cambridgeshire may need to identify broad locations within the latter period of its Gypsy and Traveller DPD, where review of its wider LDF will provide opportunities for new sites during the plan period e.g. through major development proposals.
24. Most Gypsy and Traveller Accommodation Need Assessments have been able to assess need based on evidence for a five year period. They provide much less certainty over longer term timescales, as it is difficult to predict trends such as movements to and from bricks and mortar and how future provision will be affected by site delivery patterns. Evidence in years 10 to 15 is likely to be based on projections and assumed rates, and is likely to be superseded by more accurate evidence as a result of on-going monitoring. This adds to the case for allowing greater flexibility for later years of the plan period, or addressed as necessary through plan review as for other residential development.

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?

25. Draft Response: Yes. An approach consistent with PPG2 is supported. This would clarify that any applications for sites on unallocated land in the Green Belt would be departure from national policy and the development plan.
26. However, there may be circumstances where site allocations in the Green Belt are justified by exceptional local circumstances, and it should be possible for these to remain in the Green Belt. This could reduce pressure for alternative uses which may have a higher land value, and avoid creating isolated islands in the Green Belt which would create an undesirable precedent. If the developments are permitted in exceptional circumstances they could remain in the Green Belt rather than remove the designation. There are many circumstances where Green Belt washes over built development. Flexibility to apply this approach should be included.

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

27. Draft Response: Yes. In principle this is supported, however, there are a number of practical differences when delivering traveller sites that need to be taken into account, which have been highlighted elsewhere in this response. In addition, there are a number of inconsistencies with PPS3 which have also been highlighted.
28. Policy H should be reordered to provide greater clarity. Paragraph 22 should be the starting point, and therefore it should be the first element of the policy. The other elements should follow on from this. The addition of paragraph 22 does provide greater clarity regarding development in the countryside, and is welcome.

Q8: 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?

29. Draft Response: Potentially. The emphasis on effective consultation is supported. South Cambridgeshire District Council already strives to engage both the settled and traveller communities when planning new sites.
30. As part of the consultation for the South Cambridgeshire Gypsy and Traveller Development Plan Document, carried out in Summer 2009, a wide range of events were held to promote participation, including road shows across the district. Specific consultation material and assistance was provided to travellers in order to ensure they had the same opportunity to put their views forward as those of the settled community. As part of the Councils Gypsy and Traveller Community Strategy, wider measures have been taken to improve community relations and break down barriers. The plan includes a detailed action plan which is being implemented.

Q9: Do you agree with the proposal in the transitional arrangements policy (paragraph 26 of the draft policy) that asks 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?

31. Draft Response: No. The statement appears to offer blanket support in favour of granting temporary planning permission, which is not appropriate. The Local Planning Authority must be able to consider the circumstances of the application, and whether the application would contribute towards meeting a genuine need for a site in the district. The draft PPS should state that consideration for temporary planning consent should be made in the context of draft Policy H (determining Planning Applications for Traveller Sites). This would allow the local planning authority to consider issues including the existing level of provision and need for sites, availability of alternative accommodation, and the personal circumstances of the applicant.
32. There are differences between the approach in the draft PPS and the approach to housing in 'PPS3' which it purports to reflect. PPS3 does require the Council to consider applications favourably when a five year land supply cannot be demonstrated, but it cross references to a paragraph referring to other considerations (paragraph 69) which are important considerations, such as considering the 'suitability of a site for housing, including its environmental sustainability'. For a traveller site to warrant temporary consent, a site would have to be suitable in planning terms. For example, it would be inappropriate to grant consent if it would cause harm to the environment even if it was temporary, or it would not provide a safe residential environment. This should be highlighted in the PPS, in a similar way to how the requirement to consider favourably is caveated in PPS3.
33. In addition, given that a five-year land supply would be judged against a target established through an adopted development plan, it is not clear how a judgment could be as to whether a five-year land supply is or is not available before a plan is adopted.

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?

34. Draft Response: No. The draft PPS is specific that the five-year land supply should be identified through plan making. Given the time and resources required to deliver a Development Plan Document six-months is an unachievable timescale. Unless existing plans are at the examination stage, they will not be adopted in that period. It is therefore unclear what the purpose of the transitional period is and why six months has been selected, as this is not a reasonable time period to put plans in place.

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

35. It should be clarified, in a similar way to the current circular, that the granting of a temporary planning permission does not prejudice the determination of any future applications for full permission for use of the land as a caravan site. There may be circumstances where a temporary planning permission is granted and a site is not suitable for permanent accommodation.

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

36. The format is succinct comprising a series of policies, which does provide focus on key issues. However, it is difficult to see how it could be described as light touch as had been described by Government, given the specific nature of the policies.

Other Matters

37. There are a number of detailed points in the draft PPS which require clarification, as set out below:
38. Policy B paragraph 9 d states, 'allow for provision to be made for other family members who may not themselves physically move their own accommodation onto the site.' It is not clear what this statement is asking Local Planning Authorities to do.
39. Policy B paragraph 9 f states, 'relate the number of pitches or plots to the circumstances of the specific size and location of the site and the surrounding populations size and density.' This statement is not clear. If it is a statement that a site should be suitable in scale to its location, this should be made clear. It is helpful to make clear that size of site, relative to the location and surrounding communities, is a material planning consideration.
40. Policy B paragraph 10 states that, '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.' Local Planning Authorities should have the flexibility to prepare criteria based policies even if they are preparing criteria to guide site allocations. There may be particular issues relating to windfall applications that warrant additional criteria, in order to clarify which areas are considered suitable, and issues that must be addressed by planning applications.
41. Policy F states that where possible Local Planning Authorities should plan for traveller sites suitable for mixed residential and business uses. However, this approach is not consistent with the existing Government guidance regarding Design of Gypsy and Traveller Sites, which states at paragraph 49, 'Gypsy and Traveller sites are essentially residential and those living there are entitled to a peaceful and enjoyable environment'. It also does not reflect the experience of South Cambridgeshire, where the vast majority of sites are residential in nature, with occupants working off site. Whilst some sites may have business elements that are specifically consented, sites can be planned with a residential in character and impact. There is a danger that the draft PPS could be presenting all traveller sites as sudo-employment sites, and there should be flexibility to plan according to local circumstances and actual needs.
42. Policy G Major Development projects – The current policy acknowledges some major development proposals could require temporary or permanent relocation of traveller sites. It is disappointing that the policy does not acknowledge the opportunities provided by major development sites to deliver new site provision, and that this may be a route available to Local Planning Authorities, which would allow provision to be made through mainstream developments as part of the masterplanning of the development. For example, the East of England Plan identified the potential for major developments to contribute towards provision, due to their potential to address viability and deliverability issues.
43. Policy H paragraph 20e states that Local Planning Authorities '...should determine applications for sites from any travellers, not just those with local connections.' The

statement is not necessary, as Local Planning Authorities are required to determine all valid planning applications.

44. Policy H (paragraph 21) is specific that phasing the delivery of the identified allocated sites could be a material consideration when determining a planning application for an allocated site that has come forward early. However, sites coming forward as windfalls could equally undermine plan objectives, or mean that sites in a development plan are no longer required. Circular 01/2006 states that 'Local planning authorities should be able to release sites for development sequentially, with sites identified in DPDs being used before windfall sites'. The need to consider the impact on the development plan strategy should be highlighted as a material consideration when considering windfall site applications.
45. Annex A Definition of a Pitch – The definition given is 'a pitch on a Gypsy and Traveller site'. The definition adds little. It is an important definition given it forms the basis of the entire PPS, and therefore it is surprising it is not defined.
46. An appropriate definition would be, 'A parcel of land of such area and form as is sufficient to accommodate a single Gypsy or Traveller household together with their residential or domestic necessities as shall typically comprise a principal mobile home or stationary caravan, touring caravan, any visiting touring caravan, family and visitors' vehicles, day-room and other domestic belongings as are reasonably associated with such residential occupation by Gypsies or Travellers.'

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.

47. It is noted that the assessment has been subject to a full Equalities Impact Assessment. The issues highlighted elsewhere in the Council's response highlight further considerations, in particular how the duty to cooperate will be enacted, to enable the best solution across a wider area to site provision.