
REPORT TO:	Environmental & Development Services Committee	AGENDA ITEM: 9
DATE OF MEETING:	9th June 2011	CATEGORY: DELEGATED
REPORT FROM:	Director of Operations	OPEN
MEMBERS' CONTACT POINT:	Karen Beavin 01283 595749 karen.beavin@south-derbys.gov.uk	DOC:
SUBJECT:	Consultation Paper on Draft Planning Policy Statement: Planning for Traveller Sites	REF: KB
WARD(S) AFFECTED:	All	TERMS OF REFERENCE: EDS 17

1.0 Recommendations

- That the contents of the consultation paper be noted;
- the move towards a clear and fair policy be welcomed and;
- that the Committee Chair, in consultation with the Chief Executive be delegated to respond to Communities and Local Government (CLG).

2.0 Purpose of Report

- 2.1 To inform Members of, and formulate a response to, a draft Planning Policy Statement (PPS), 'Planning for traveller sites' issued for consultation by CLG.
- 2.2 Responses are required to be submitted by 6 July 2011. A copy of the document is available online at www.communities.gov.uk in the consultation section.

3.0 Executive Summary

- 3.1 The Government has already announced its intention to abolish regional strategies and has also committed to replacing Circulars with policy that puts provision into the hands of local authorities. The Government intends the draft PPS to address the perception among many that current policy treats traveller sites more favourably than it does other forms of housing, particularly on green belt land, and that for this reason people believe the system is unfair.

- 3.2 The proposed policy seeks to enable local authorities to make their own assessment of need for the purposes of planning and to use that assessment to set their own targets for pitch and plot provision. The draft policy aims to encourage local authorities to plan for sites over a reasonable timescale and ensure they work collaboratively with other local authorities to develop fair and effective strategies for identifying sites to meet need.
- 3.3 In terms of provision for travellers, the draft PPS aims to promote more private traveller site provision, increase the number of traveller sites in appropriate locations with planning permission and thereby reduce the number of unauthorised developments and encampments.
- 3.4 This report sets out the questions included in the consultation document and provides recommended responses where appropriate.

4.0 Detail

Background

- 4.1 CLG have published for consultation a draft planning policy statement for traveller sites. It is intended that the statement will eventually be incorporated into a consolidated National Planning Policy Framework covering all aspects of planning policy.
- 4.2 In terms of the general approach, it should be noted that Government policy on Gypsies and Travellers and Travelling Show People has been combined into one draft PPS. The document refers to Gypsies, Travellers and Travelling Show People collectively as “travellers”.
- 4.3 The consultation proposes a ‘light touch’ policy in response to the Government’s proposal to abolish Regional Spatial Strategies and a concern over the inadequacy of current guidance. Accordingly, to pass responsibility for the planning of traveller sites into the hands of local authorities and align policies on traveller sites more closely with other forms of development.

The Proposed PPS

- 4.4 The Government’s overarching objective is to ensure fair and equal treatment for travellers, facilitating their traditional and nomadic way of life, whilst respecting the interests of the settled community. The proposed policy aims to ensure that local authorities, working collaboratively, develop fair and effective strategies to meet need for traveller sites through the identification of land.
- 4.5 The draft PPS is to be taken account of in preparing development plans, however their preparation should not be delayed to take it into account. The draft PPS contains development management policies that can be applied directly by the decision maker, for instance the local authority.
- 4.6 In summary, the new policy aims to:

- enable local planning authorities to make their own assessment of need for the purposes of planning
- enable local planning authorities to use their assessment of need to set their own targets for pitch/plot provision
- encourage local planning authorities to plan for sites over a reasonable timescale
- protect green belt from development
- ensure that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites
- promote more private traveller site provision while recognising that there will always be those travellers who cannot provide their own sites
- reduce the number of unauthorised developments and encampments and make enforcement more effective if local planning authorities have had regard to this policy
- ensure that the development plan includes fair, realistic and inclusive policies
- increase the number of traveller sites, in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply
- reduce tensions between settled and traveller communities in plan making and planning decisions
- enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure

4.7 The consultation poses a number of specific questions relating to the above. Each of these questions is set out below in paragraphs 4.8 to 4.33 together with a recommended response.

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

4.9 No response recommended.

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

4.11 The methodology required to be followed for the Derbyshire Gypsy and Traveller Accommodation Needs Assessment meant that the results were skewed towards areas where provision already exists. This was then misapplied in the East Midlands Regional Plan. However, it is recommended that there continue to be guidance on the production of needs assessments for traveller sites to ensure a clear and consistent approach, particularly given the proposed requirement for collaborative working between local authorities.

4.12 *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?*

4.13 The Government has committed to removing “top-down targets” including those for Gypsy and Traveller pitch provision. As many Members will recall, the Council has written on more than one occasion to the Secretary of State raising concerns about the Regional Plan’s approach to Gypsy and Traveller site provision. The draft PPS provides the opportunity to set targets on a cross-authority basis, which was a

recommendation in Derbyshire's GTAA. It is recommended that the opportunity for local authorities to set targets be welcomed provided that the need takes into account historical under-provision in neighbouring authorities.

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

4.15 Instead of complying with GTAA guidance, the draft PPS proposes local authorities provide an assessment of need “based on robust evidence of local need in the light of historical demand”. In producing this assessment of need, the local authority is to co-operate widely with others, including travellers and other local authorities. It is recommended that such a local needs based approach can be welcomed. However, the PPS must make clear that “historical demand” should ensure appropriate provision is made in those local authority areas where there has been under-provision in the past. This is important in addressing the imbalance in provision in Derbyshire, where South Derbyshire in particular has received a disproportionately high pitch requirement, as a result of the East Midlands Regional Plan.

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

4.17 The draft PPS seeks to bring traveller site provision in line with provision for other forms of housing development. It is recommended that the requirement for a five-year supply of traveller pitches/plots be welcomed provided that sufficient lead in time is given to get the supply in place, for example to allow for the Core Strategy to be adopted.

4.18 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 It is recommended that yes, consistency across national policy be welcomed.

4.20 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 The Government's aim through the proposed policy is for fair and effective provision of traveller sites to facilitate their traditional way of life whilst respecting the interests of the settled community. It also aims to reduce tensions between settled and traveller communities in plan making and planning decisions. It is recommended that these aims be welcomed and that the aligning of planning policy on traveller sites with that of other forms of housing be recognised as a means of facilitating those aims.

4.22 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 With regard to policy preparation, for instance in preparing the Core Strategy, the views of everyone are invited and taken into account. Similarly the views of those affected by planning applications are taken into consideration in determining the

application. Therefore it is recommended that the emphasis on consultation can be welcomed.

4.24 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?

4.25 The draft PPS refers to local authorities having an up-to-date five-year supply of deliverable sites for travellers. The draft PPS does not specify what this five-year supply is to be based on. It is assumed that, in the long term, the five-year supply would be based on the Council’s own needs assessment and in the absence of this assessment, the Derbyshire GTAA could provide the baseline figures required. However calculated, the draft PPS states that a local authority should have an up-to-date five-year supply of deliverable sites within six months of the draft PPS coming into effect, otherwise it should consider favourably applications for the grant of temporary permission. It is recommended that the granting of temporary permission for a traveller site, should the Council not be able to demonstrate a five-year supply, be recognised as a proportionate measure of maintaining supply.

4.26 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?

4.27 It is recommended that 18 months would be a more realistic period of time to get a five-year land supply in place. This would also then closely coincide with the adoption of the Core Strategy. Furthermore, it would provide a reasonable time frame for assessment of need and co-operation with neighbouring authorities.

4.28 Do you have any other comments on the transitional arrangements?

4.29 No response recommended.

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

4.31 No response recommended.

4.32 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 No response recommended.

5.0 Conclusions

- 5.1 There are three aspects of the proposed PPS that can be broadly welcomed. Firstly, the move towards a clear and fair policy for both the travelling and settled communities. Secondly, the guidance requiring local authorities to assess needs properly and make provision for it. Thirdly, that the problem is being addressed of under-provision in neighbouring areas in places like South Derbyshire through collaborative working.

6.0 Financial Implications

- 6.1 Traveller sites will be included in the New Homes Bonus scheme, which started in April 2011. For every home, including those on traveller sites, that gets built in its area, the local authority should get six years of matched council tax funding, with an extra supplement on affordable homes.
- 6.2 Gypsy and Traveller Accommodation Needs Assessments were part-funded by Government grant. The financial implications of the new needs assessment that the Council will need to produce are unclear.

7.0 Corporate Implications

- 7.1 Meeting the accommodation needs of all sections of the community is an important part of providing 'sustainable growth and opportunity'.

8.0 Community Implications

- 8.1 The draft PPS is intended to assist the Council in supporting healthier, safer, vibrant and sustainable travelling communities in South Derbyshire.

9.0 Background Papers

- 9.1 None