Wealden District Council and South Downs National Park Authority Response to the Summary of the Inspector's Concerns and letter dated 31st October 2011

Appendix C

Wealden District Council Response to CLG Consultation on Gypsy and Travellers - April 2011

Planning for traveller sites

Consultation response form

When complete please email to: travellerspps@communities.gsi.gov.uk

Alternatively, we would be happy to receive responses by post. Please send to:

Paul Williams
Planning – Economy and Society Division
Department for Communities and Local Government
1/G6 Eland House
Bressenden Place
London SW1E 5DU

The deadline for submissions is Wednesday 6 July 2011.

(a) About you

(i) Your details

Name:	D.L. Phillips
Position:	Head of Planning Policy & Environment
Name of organisation (if applicable):	Wealden District Council
Address:	Pine Grove TN6 1DH Crowborough, East Sussex
Email:	david.phillips@wealden.gov.uk
Telephone number:	01892 602587

(ii) Are the views expressed on this consultation an official response from the organisation you represent or your own personal views?

Organisational response	☒
Personal views	☐

(iii) Please tick the *one* box which best describes you or your

organisation:

Voluntary sector or charitable organisation	☐	
Relevant authority (i.e. district, London borough, county council)	☒	
Parish council	☐	
Business	☐	
Other public body (please state)	☐	
Other (please state)	☐	

(iv) Do your views or experiences mainly relate to a particular type of geographical location?

City	☐	
London	☐	
Urban	☐	
Suburban	☐	
Rural	☒	
Other (please comment)	☐	

(vi) Would you be happy for us to contact you again in relation to this consultation?

Yes	☒
No	☐

(b) Consultation questions

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

Yes	☒
No	☐

Comment:

Historically this has worked reasonably well - clearly excluding " New age traveller "

Q2. 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”?

Yes	☒
No	☐

Comment:

This provides more scope for LPA to produce evidence that is specific to their area . Published best practice notes would nevertheless be helpful .

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?

Yes	☒
No	☐

Comment:

Where need is identified it is proper to address this in LDF process as to how we expect to meet that need - as indeed with all other types of housing needs .This will require joint working with housing and County colleagues .

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

Yes	☐

No	☒

Comment:

Whilst historical demand can be an important factor in determining needs there will be changes that emerge to reflect current or changing circumstances. Similarly some historic demand may be atypical owing to local circumstance/ non provision by neighbouring authorities/ inconsistent approaches across boundaries etc and this might also skew figures and show a greater demand than actually exists .

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

Yes	☒
No	☐

Comment:

This would place the matter on a par with the approach adopted to the provision for all other housing

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*?

Yes	☒
No	☐

Comment:

Whilst WDC has no areas of green belt this would appear sensible for sake of conssistency . Please see later comments re AONBs and National Parks .

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

Yes	☒
No	☐

Comment:

Yes.. however caution is needed here as (historicaly at least)some

traveller provision or applications have been allowed , including sometimes on appeal in areas that would simply never be acceptable for other forms of housing . The implications of this might therefore be considerable .Whilst other landowners readily bring land forward for other types of residential use /housing the land coming forward for traveller sites is often very much more limited .

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?

Yes	☒
No	☐

Comment:

Most Local authorities would have already been doing this for years . It is often difficult however to get full engagement and indeed " sign up " to emerging results or even acceptance of need . This is especially so when , for some , it is perceived that travellers are treated as a special case / more favourably.

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*?

Yes	☐
No	☒

Comment:

Temporary permissions granted in the wrong place runs counter to the stated idea in this Govt announcement/ consultation of putting all on an even footing .

Further the resulting temporary permission is often either extended or leads to expensive enforcement and court action when the period of the temporary permission expires and little or nothing has been done to clear the site/ find an acceptable and authorised alternative

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?

Yes	☐
No	☒

Comment:

No .Our experience of evidence gathering, testing, consultation and then getting matters through the LDF process is that this would be an unreasonably short period.

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

Yes	☒
No	☐

Comment:

More use should be made of all of the evidence that was put forward for the partial review of the South East Plan in respect of gypsy and traveller provision - evidence which though never published as an Inspectors report , was made public via an FOI request . If LPAs have to again spend time gathering this information then this is likely to cause unecessary delay and a further waste of resources .

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

Yes	☒
No	☐

Comment:

Yes . Clear statement that the same planning policies and principles will apply to all - including a reference to the fact that (irrespective of 5 yr supply) if the site is simply not suitable it will not be permitted - as is the case with all other forms of housing .

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.)

Yes	☒
No	☐

Comment:

There must be wider education and awareness made of the basis for a fair and level playing field for all - and that includes for the due process of seeking permission prior to commencement of works and / or changes of use . This needs to come from central government and the courts if necessary- combined with better provision including continuing grants to LPAs establish authorised sites if necessary .

(c) Consultation questions on the impact assessment

The impact assessment is annexed to the consultation document. It is a consultation stage impact assessment, which analyses the costs and benefits of the policy options alongside the 'do nothing' baseline.

General questions about the impact assessment

Q1. Do you think that the impact assessment broadly captures the types and levels of *costs* associated with the policy options? If not, why not?

Yes	☐
No	☒

Comment:

Our experience of the issue suggests that there will always be very high costs associated with any enforcement process , including in particular , with any court actions (prosecutions and injunctions etc) and that these will not be wholly eradicated even where an LPA can show a 5yr supply . Reference in the consultation to raising BCN fines will have little effect unless the magistracy are closely aligned and the higher levels of fines are ever levied - or even collected. This problem persists and further dissuades from peruading people to comply with the legislation .

Q2. Do you think that the impact assessment broadly captures the types and levels of *benefits* associated with the policy options? If not, why not?

Yes	☐
No	☒

Comment:

because it is based upon idealism and not realism .

Q3. Are there any significant costs and benefits that we have omitted? If so, please describe including the groups in society affected and your view on the extent of the impact.

Yes	☒

No	☐

Comment:

The costs to settled communities and LPA of unauthorised developments - both in terms of ratepayers money spent on enforcement and in terms of the impact of such development (HRA) on the rights and freedoms of others - ie the settled community

Q4. Do you agree that the impact assessment reflects the main impacts that particular sectors and groups are likely to experience as a result of the policy options? If not, why not?

Yes	☐
No	☒

Comment:

There seems to be expectation that assessment of needs will automatically result in suitable land being put forward for allocation purposes . Very few landowners are likely to put their land forward for gypsy and traveller sites - even where it may meet a set of clearly agreed criteria .

Q5. Are the key assumptions used in the analysis in the impact assessment realistic? If not, what do you think would be more appropriate and do you have any evidence to support your view?

Yes	☐
No	☒

Comment:

See answers to Q2, 3, and 4

Q6. Are there any other relevant key sources of evidence relating to the policy or the effectiveness of the suggested options that have been omitted? If so, please provide details.

Yes	☒
No	☐

Comment:

Detailed evidence from court cases , injunctions , appeals (including outcomes and costs to LPA) and from LPA officers involved at the sharp end

.

Q7. Are there any significant risks or unintended consequences we have not identified? If so, please describe.

Yes	☒
No	☐

Comment:

If the aim is to make a fair playing field for all it seems that a number of travellers who now benefit from temporary permissions and maybe even some permanent ones - would not be likely to do so in the future if planning policy is truly applied fairly to all .A shortage of suitable land coming forward is likely to remain a problem .

Specific questions about the proposed policies in the impact assessment

Q8. Do you think there are any other benefits to retaining the existing policy (Option 1, do nothing), and whether these can be quantified?

Yes	☐
No	☒

Comment:

N/A- this has needed reviwing since the 1994 Act when similar concerns were raised

Q9. Can you identify – in quantitative terms if possible – whether you think there would be any benefits to Option 2 (withdraw circulars 01/2006 and 04/2007 and do not replace them)?

Yes	☐
No	☒

Comment:

Withdrawal might result in less arguments about favourable treatment for travellers .

Q10. Please comment on whether you envisage any extra costs to local planning authorities associated with the assessment of need for traveller sites in their areas, over and above those which they experience at present.

Comment:

See also answer to Q11 to main questionnaire above . There will be costs in assessing and revewing / updating evidence base and consultation - this is likely to increase if the issue of a 5 yr supply comes into effect (and where comments as to shortage of land coming forward have also been made) and where no real solution to this problem has been offered .

Q11. Please give your view on the scale of the time and money benefits which will accrue to local planning authorities as a result of being able to set traveller site targets locally.

Comment:

The underlying assumption appears to be based upon suitable land being put forward by private landowners and all enforcement needs/ action ceasing immediately . This is unlikly to be the case

Q12. Please give your view on whether the transitional period envisaged will lead to any extra costs – and what those might be in monetised terms.

Comment:

See above .

Q13. Please give your view on the extent to which, and rate at which, you consider new sites will come forward as a result of the new approach.

Comment:

Without expedited CPO powers or LPAs making use of their land (currently advised in circulars at maybe less than market rate ? - I suspect unlikely in current fiscal climate)the prospect of suitable land coming forward through a proper planning process seems slim

Q14. Is the draft policy likely to have any significant monetary benefit in terms of protection of the Green Belt, and, if so, what this is likely to be?

Yes	☐
No	☒

Comment:

Unlikely - I am also concerned there is no reaffirmation given to Policy approach in AONBs , National Parks etc This should be clearly mentioned in

para 22 of the draft PPS - a presumption against .

Q15. Do the familiarisation costs estimated for local planning authorities appear reasonable? Please give your view on the assumptions made in this calculation.

Yes	☐
No	☒

Comment:

One officer will not be able to disseminate the detail of this to all colleagues to any point where they are then able to produce evidence , DPDs , face appeals , court cases etc, assess needs for enfocement action, social needs of travellers as part of this process etc .

Q16. Do the estimated administrative savings for local planning authorities, as a result of streamlining national planning policy, seem reasonable? Please give your view on the assumptions made in this calculation.

Yes	☐
No	☒

Comment:

See above replies to a number of questions

Q17. Are there any significant costs and benefits that we have omitted? If so, please describe including the groups in society affected and your view on the extent of the impact.

Yes	☐
No	☐

Comment:

Ditto

Q18. Do you think that the draft policy is likely to have any impact, positive or negative, on travelling showpeople as an economic group?

Yes	☐

No	☒

Comment:

of itself no - this will need further and wider work on enagement , testing of evidence , attitude and experience of the courts and the inspectorate decisions on appeals before any of this hoped for change may emnerge in any quantifiable form

Q19. Are there any significant risks or unintended consequences we have not identified? If so, please describe.

Yes	☒
No	☐

Comment:

Within the draft Policy at para 23 the suggestion that " untidy " land should be looked upon favourably is likely to lead to a number of unscrupulous landowners allowing land to become so in order to gain permission . This suggested criteria has no regard to normal planning criteria and should be removed from the draft Policy .

Q20. Do you think there are any groups disproportionately affected?

Yes	☐
No	☒

Comment:

No - not if the aim is really fair consideration for all under the planning system .

END