

LDF Project Management Board

Workshop 14 – 12th April 2012

Planning Policy for Traveller Sites, CLG, March 2012

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Introduction

Following the consultation on the draft Planning Policy for traveller sites in April 2011 the Government has now published the final Planning Policy Statement, it came into effect on 27th March and should be read in conjunction with the National Planning Policy Framework (NPPF) which came into effect at the same time. The Government intends to review this policy when “fair and representative” results of its implementation are available. For the purposes of the planning policy “gypsies and travellers” and “travelling showpeople” are defined in Annex 1: Glossary of the Statement. The term “travellers” is used to describe gypsies, travellers and travelling showpeople.

Recommendations

1. Amend Core Strategy supporting text to refer to this new national policy guidance.
2. Consider inclusion of a site allocations DPD in the LDS.
3. Include provision of traveller sites in the housing trajectory.
4. There is no need for SSDC to have a rural exception policy for traveller sites. The absence of such a policy would not prevent SSDC or a registered provider being able to buy land in an appropriate location i.e. well related to an existing settlement with a school and other community facilities, gain planning permission and rent pitches at an affordable rate.
5. Development Management to note the contents of Policy H: Determining planning applications for traveller sites and I: Policy implementation.

Summary and Implications

The Governments key aims are:

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- that local planning authorities should make their own assessment of need for the purposes of planning
- to ensure that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites
- to encourage local planning authorities to plan for sites over a reasonable timescale
- that plan-making and decision-taking should protect Green Belt from inappropriate development
- to promote more private traveller site provision while recognising that there will always be those travellers who cannot provide their own sites
- that plan-making and decision-taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more effective
- for local planning authorities to ensure that their Local Plan includes fair, realistic and inclusive policies
- • to increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply
- to reduce tensions between settled and traveller communities in plan-making and planning decisions

- to enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure
- for local planning authorities to have due regard to the protection of local amenity and local environment. “

Implications

- Core Strategy should no longer refer to Circular 10/2006 and 04/2007.

PLAN MAKING

Policy A: Using evidence to plan positively and manage development

In putting together evidence to support their planning approach LPA's should:

- a) pay particular attention to early and effective community engagement with both settled and traveller communities
- b) co-operate with travellers, their representative bodies and local support groups, other local authorities and relevant interest groups to prepare and maintain an up-to-date understanding of the likely permanent and transit accommodation needs of their areas over the lifespan of their development plan working collaboratively with neighbouring local planning authorities
- c) use a robust evidence base to establish accommodation needs

Implications

- None. Somerset GTAA, January 2011 addresses this.

Policy B: Planning for traveller sites

- Presumption for sustainable development in line with NPPF
- LPA's should set pitch targets for gypsies and travellers and plot targets for travelling showpeople which address the permanent and transit needs – should do this working with neighbouring authorities
- In producing their Local Plan LPA's should:

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- a) identify and update annually, a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set targets
- b) identify a supply of specific, developable sites or broad locations for growth, for years six to ten and, where possible, for years 11-15
- c) consider production of joint development plans that set targets on a cross-authority basis, to provide more flexibility in identifying sites, particularly if a local planning authority has special or strict planning constraints across its area (local planning authorities have a duty to cooperate on planning issues that cross administrative boundaries)
- d) relate the number of pitches or plots to the circumstances of the specific size and location of the site and the surrounding population's size and density
- e) protect local amenity and environment “

- Criteria should be set to guide land supply allocations where there is an identified need. Where there is no need, criteria based policies should be included to provide the basis for consideration of planning applications. Policies should be fair to both travellers and the settled community.

- LPA's should ensure their policies:
 - a) promote peaceful and integrated co-existence between the site and the local community
 - b) promote access to health services
 - c) ensure children can attend school regularly
 - d) provide a base that reduces the need for long distance travelling
 - e) consider the effect on local environmental quality – noise and air quality, health and well being
 - f) avoid undue pressure on local infrastructure
 - g) not locate sites in areas at high risk from flooding, including functional floodplains
 - h) reflect the extent to which traditional lifestyles can contribute to sustainability

Implications

- Need identified in GTAA is already noted in Core Strategy supporting text
- New requirement to identify annually a 5 year supply of sites set against locally set targets. In SSDC we are currently performing well against our target of delivering 10 residential pitches by 2015 - we have planning permission for 9 new pitches, 7 of which have been implemented there remains a need for an additional 8 pitches by 2020. Therefore, any need would probably feed into the trajectory in years 6-11. We also have a requirement for 10 transit pitches. 1 Travelling Showpeople plot is required across Somerset to 2020 (could be located in one of the other Somerset Districts)
- Consideration should be given to the production of a site allocations DPD perhaps in conjunction with other Somerset authorities.
- Core Strategy Policy HG6: Gypsies, Travellers and Travelling Showpeople accords with policy.

Policy C: Sites in rural areas and the countryside

- When assessing the suitability of sites in rural or semi-rural settings, the scale of such sites should not dominate the nearest settled community.

Implications

- None. Addressed in Core Strategy Policy HG6: Gypsies, Travellers and Travelling showpeople.

Policy D: Rural exception sites

- Where there is a lack of affordable land to meet traveller needs, LPA's in rural areas, where viable and practical should consider allocating and releasing sites solely for affordable traveller sites – including a rural exception site policy – applies to small rural communities as defined under S17 of the Housing Act 1996.
- Rural exception sites should only be used for affordable housing in perpetuity.
- Rural exception policy should seek to address the needs of either current residents or those who have an existing family or employment connection.

Implications

- Need to consider if SSDC should have such a rural exception policy. Para 5.5 Affordability, Figure 5.5.2 of the GTAA identifies that 71 respondents said they could afford a mortgage and 80 could afford rent, 36 people said they could not afford rent and 58 could not afford a mortgage. However, detailed questions on income were not asked – focus was on the respondent’s perception of affordability. The absence of such a policy would not prevent SSDC or a registered provider being able to buy land in an appropriate location i.e. well related to an existing settlement with a school and other community facilities, gaining planning permission and renting pitches at an affordable rate. An exception to normal policy could be approved should all other material factors weigh in the balance of any such an exception.
- It is concluded that SSDC should not adopt a specific exception site policy for gypsies, travelers and travelling showpeople.

Policy E: Traveller sites in Green Belt

- Inappropriate development that is harmful to the Green belt should not be approved except in very special circumstances.
- Green Belt boundaries should be altered only in exceptional circumstances. If boundary altered to meet a specific need this should only be through the plan making process and not in response to a planning application i.e. allocated in the development plan as a traveller site.

Implications

- None for SSDC. There is no Green Belt in this district.

Policy F: Mixed planning use traveller sites

- LPA’s should consider wherever possible mixed use sites for employment residential and business use.
- Should consider scope for identifying separate sites for residential and for business use in close proximity to each other if mixed sites are not practicable.
- Should have regard for the need of travelling showpeople to have mixed use yards.
- LPA’s should not permit mixed use on rural exception sites.

Implications

- None. Addressed in Core Strategy Policy HG6: Gypsies, Travellers and Travelling showpeople.

Policy G: Major development projects

- LPA’s should work with the applicant if a major development proposal requires the permanent or temporary relocation of a traveller site. LPA’s are entitled to expect the applicant to identify and provide an alternative site.

Implications

- This policy is more likely to be applicable in large urban areas and unlikely to be relevant in South Somerset. A policy response in the Core Strategy is not required.

DECISION TAKING

Policy H: Determining planning applications for traveller sites

- Decisions should be determined with a presumption in favour of sustainable development and in accordance with NPPF and this policy.
- LPA's should consider the following issues:

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- a) the existing level of local provision and need for sites
- b) the availability (or lack) of alternative accommodation for the applicants
- c) other personal circumstances of the applicant
- d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
- e) that they should determine applications for sites from any travellers and not just those with local connections

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- Should strictly limit new sites in the open countryside that is away from existing settlements or outside areas allocated for development
- Weight should be attached to:
 - a) effective use of previously developed (brownfield), untidy or derelict land
 - b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness
 - c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children
 - d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community “
- Subject to implementation arrangements in para 28 if LPA can't demonstrate an up to date 5 year land supply this should be a significant material consideration in any decision for temporary planning permission*.
- Consider use of planning conditions and obligations including:
 - a) Limiting which parts of site can be used for business operations
 - b) Specifying the number of days the site can be occupied by more than the allowed number of caravans
 - c) Limiting the maximum number of days for which caravans might be permitted to stay on a transit site

Implications

- Content of policy should be noted by Development Management. Core Strategy Policy HG6 provides the criteria by which to consider planning applications and allocate sites in any subsequent site allocations DPD.

Policy I: Implementation

- Comes into effect the same day as the NPPF
- * only applies to planning applications made 12 months after the policy comes into force.
- Implementation policies set out in NPPF apply.

Implications

- Development Management should note that where no 5 year supply can be demonstrated this should be a significant material consideration in any decision for temporary planning permission.