

# STRATEGIC PLANNING, SUSTAINABILITY AND TRANSPORT COMMITTEE

8 SEPTEMBER 2015

## URGENT UPDATE REPORT

### Revisions to 'Planning Policy for Traveller Sites'

The Government has issued revisions on the national planning guidance for Gypsy & Traveller development contained in 'Planning Policy for Traveller Sites' (PTS). The revised guidance came into force on 31<sup>st</sup> August. Changes follow a consultation on proposed changes to the guidance in September 2014. The changes are as follows;

**Definition:** the planning definition of 'gypsies & travellers' has been amended to exclude those who have ceased to travel permanently. The revised definition is as follows;

*"Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such."*

The definition still includes those who are of a nomadic habit of life who have ceased to travel temporarily because of their own, or their dependants', health or education needs or old age. To determine whether an applicant falls within the definition, the PTS advises that regard should be had to; a) whether they had previously led a nomadic habit of life; b) the reasons for ceasing their nomadic habit of life; and c) whether there is an intention of living a nomadic habit of life in the future and if so, how soon and in what circumstances.

The Government has stated in a press release (although it is not in the PTS itself) that as a result of these changes, a planning application from someone who does not travel will be considered in the same way as an application from the settled population.

The defensible interpretation of this revised definition will become apparent over time as planning applications and appeals are determined but it is highly likely that it will end up being tested through the courts. Matters likely to be subject to debate include;

- What constitutes 'travelling', in particular in terms of frequency and purpose
- How to determine conclusively that a family has no intention to live a nomadic lifestyle in the future
- The form of evidence needed to demonstrate compliance with the definition

**5 year supply:** An absence of a 5 year supply of deliverable sites will continue to be a significant material consideration when considering granting of a temporary consent, other than for sites within the Green Belt, AONB, sites

protected under the Birds & Habitats Directive, sites designated as an SSSI; Local Green Space (or within a National Park) . The Government's response to the consultation, which was published alongside the PTS changes, additionally confirms that the absence of a 5 year supply is nonetheless still capable of being a material consideration for site proposals within such areas.

**Development in open countryside:** The addition of the word 'very' to the following sentence at paragraph 23 in the PTS. "Local Planning Authorities should very strictly limit new traveller site development in open countryside"

**Large scale unauthorised sites:** The PTS has been amended to state that "in exceptional cases where a local planning authority is burdened by a large-scale unauthorised site that has significantly increased their need, and their area is subject to strict and special planning constraints, then there is no assumption that the local planning authority is required to plan to meet their traveller site needs in full."

The Government's response to the consultation makes clear that Dale Farm in Essex is the only existing case for which this exception would apply.

### **Intentional Unauthorised Development**

In a separate letter also issued 31<sup>st</sup> August, the Chief Planner at the DCLG confirmed that a written ministerial statement will state that the intentional development of land before planning permission is granted is a material consideration to be weighed in the consideration of planning applications and appeals. This will apply to all applications/appeals received from 31<sup>st</sup> August onwards. This change applies equally to applications from the settled and travelling community.

### **Next steps**

Nine additional Gypsy & Traveller sites were agreed for Reg 18 consultation by this committee in August. If these sites, and previously agreed sites, are carried forward there would still be a shortfall of some 45 pitches against currently identified needs.

Ahead of the Regulation 19 consultation, officers will identify the implications of the new definition for the Local Plan evidence base provided by the Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (2012). This will be done in conjunction with the University of Salford team which undertook the GTTSAA, and the other Kent districts.

The Government's consultation response does indicate that it will publish new guidance on traveller accommodation needs assessments although it does not provide a timescale for this.