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PLANNING FOR GYPSY AND TRAVELLER CARAVAN SITES

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GLOSSARY

DPD	Development Plan Document
GTAA	Gypsy and Traveller Accommodation Assessment (Accommodation Assessment)
LDF	Local Development Framework
LHS	Local Housing Strategy
Planning Act (2004)	Planning and Compulsory Purchase Act 2004
RHS	Regional Housing Strategy
RPB	Regional Planning Body*
RRA	Race Relations Act
RSL	Registered Social Landlord
RSS	Regional Spatial Strategy*
SCI	Statement of Community Involvement

* References to RSS in this document also apply to the Mayor of London's Spatial Development Strategy (SDS) unless otherwise indicated, and references to RPB also apply to the Mayor of London.

PLANNING FOR GYPSY AND TRAVELLER CARAVAN SITES

INTRODUCTION

1. This Circular should be seen in the context of the Government's key objective for planning for housing – to ensure that everyone has the opportunity of living in a decent home.
2. The Government is committed to ensuring that members of the gypsy and traveller communities should have the same rights and responsibilities as every other citizen. This Circular replaces Circular 1/94, *Gypsy Sites and Planning* and provides updated guidance on the planning aspects of finding sites for gypsies and travellers and how local authorities and gypsies and travellers can work together to achieve that aim. The policies in this Circular apply throughout England.
3. A new Circular is necessary because evidence shows that the advice set out in Circular 1/94 has failed to deliver adequate sites for gypsies and travellers in many areas of England over the last 10 years. Since the issue of Circular 1/94, and the repeal of local authorities' duty to provide gypsy and traveller sites there have been more applications for private gypsy and traveller sites, but this has not resulted in the necessary increase in provision.
4. Creating and sustaining strong communities, for the benefit of all members of society including the gypsy and traveller community, is at the heart of the Government's Respect agenda. These communities will depend ultimately on a shared commitment to a common set of values, clear rules and a willingness for people to act together to resolve differences. They will also require effective enforcement action to tackle the poor behaviour of some individuals and families. We recognise the conflict and distress associated with unauthorised encampments, and the anti-social behaviour that sometimes accompanies such sites. This Circular will help to promote good community relations at the local level, and avoid the conflict and controversy associated with unauthorised developments and encampments.
5. Gypsies and Travellers are believed to experience the worst health and education status of any disadvantaged group in England. Research has consistently confirmed the link between the lack of good quality sites for gypsies and travellers and poor health and education. This circular should enhance the health and education outcomes of gypsies and travellers.
6. Major changes to the planning system have been introduced by the Planning and Compulsory Purchase Act 2004 (the Planning Act (2004)). The planning tools which the Planning Act (2004) makes available and the associated move to more positive planning will help deliver communities that are sustainable and work better for people.
7. Regional Spatial Strategies (RSSs) strengthen planning at the regional level. Local Development Frameworks (LDFs) offer more flexibility to planners at the local level. Requirements for early community involvement will help to ensure plans better reflect community aspirations and can be implemented more effectively.

8. Priority setting in LDFs is the responsibility of local authorities within the framework provided by national policy and the RSS. Communities will determine through their local planning authorities what are the priorities for local development. Site-based decisions and allocations are made at this local level. The local housing strategy (LHS) will show how the accommodation needs identified by the accommodation assessment will be met, including those of gypsies and travellers. The Development Plan Documents (DPDs) will identify the location of appropriate sites.
9. The new planning system, as set out in the Planning Act (2004), places emphasis on early consultation between local authorities and the communities they serve. The aim is to ensure that plans properly reflect the needs and aspirations of all sectors of the community. In the case of gypsies and travellers, such early engagement should help in the identification of suitably located sites and a reduction in unauthorised encampments and developments.
10. The Housing Act 2004 will require local housing authorities to include gypsies and travellers in their accommodation assessments and to take a strategic approach, including drawing up a strategy demonstrating how the accommodation needs of gypsies and travellers will be met, as part of their wider housing strategies.
11. This Circular applies equally to the development of public sites by local authorities or registered social landlords (RSLs), to applications for planning permission from gypsies and travellers themselves or from others wishing to develop land for use as a gypsy and traveller caravan site. It applies regardless of whether the site is for residential or transit use, and whatever the expected life of the site itself.
12. The Circular comes into effect immediately. Its main intentions are;
 - a) to create and support sustainable, respectful, and inclusive communities where gypsies and travellers have fair access to suitable accommodation, education, health and welfare provision; where there is mutual respect and consideration between all communities for the rights and responsibilities of each community and individual; and where there is respect between individuals and communities towards the environments in which they live and work;
 - b) to reduce the number of unauthorised encampments and developments and the conflict and controversy they cause and to make enforcement more effective where local authorities have complied with the guidance in this Circular;
 - c) to increase significantly the number of gypsy and traveller sites in appropriate locations with planning permission in order to address under-provision over the next 3 – 5 years;
 - d) to recognise, protect and facilitate the traditional travelling way of life of gypsies and travellers, whilst respecting the interests of the settled community;
 - e) to underline the importance of assessing needs at regional and sub-regional level and for local authorities to develop strategies to ensure that needs are dealt with fairly and effectively;
 - f) to identify and make provision for the resultant land and accommodation requirements;

- g) to ensure that DPDs include fair, realistic and inclusive policies and to ensure identified need is dealt with fairly and effectively;
- h) to promote more private gypsy and traveller site provision in appropriate locations through the planning system, while recognising that there will always be those who cannot provide their own sites; and
- i) to help to avoid gypsies and travellers becoming homeless through eviction from unauthorised sites without an alternative to move to.

GYPSIES AND TRAVELLERS – A CONTEXT

- 13. The Government recognises that many gypsies and travellers wish to find and buy their own sites to develop and manage. An increase in the number of approved private sites may also release pitches on local authority sites for gypsies and travellers most in need of public provision. However, there will remain a requirement for public site provision above the current levels. Such sites are needed for gypsies and travellers who are unable to buy and develop their own sites, or prefer to rent, and to provide transit sites and emergency stopping places where gypsies and travellers may legally stop in the course of travelling.
- 14. Gypsies and travellers are estimated to make up less than 1% of the population of England, but only a proportion of gypsies and travellers live in caravans. July 2005 Caravan Count figures show that there are around 16,000 gypsy and traveller caravans, with around three quarters of these on authorised sites. The overall need for gypsy and traveller sites is therefore very small. However, this need has often proved difficult to meet.

Definition

- 15. For the purposes of this Circular “gypsies and travellers” means

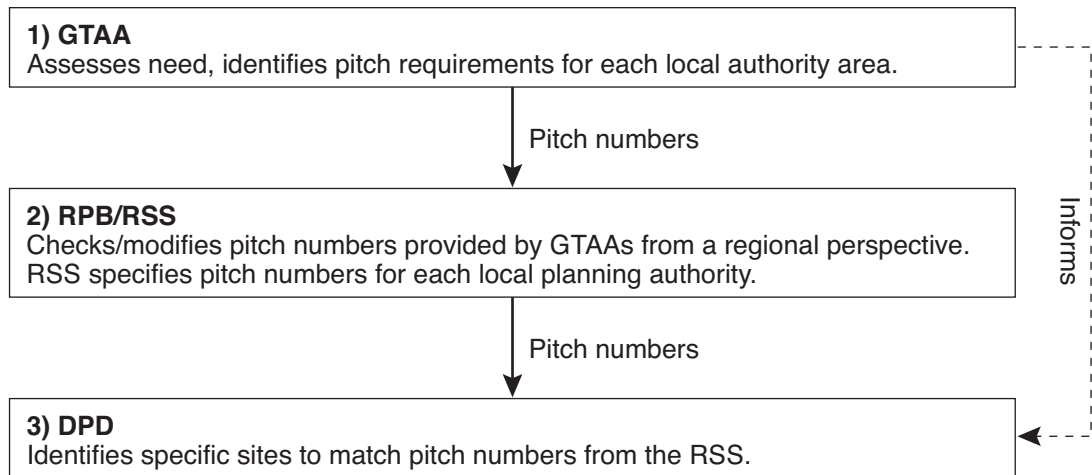
Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show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

- 16. Planning advice relating to travelling showpeople is given in DoE Circular 22/91.
- 17. Some gypsies and travellers have an actively itinerant lifestyle, including groups of long distance travellers, and are generally self-employed people, sometimes occupied in scrap and scrap-metal dealing, laying tarmacadam, seasonal agricultural work, casual labouring, and other employment. These traditional patterns of work are, however, changing and the community has generally become more settled. For example, a reduction of seasonal agricultural and related work has led to more travellers working in trades which require less mobility.
- 18. There is a need to provide sites, including transit sites, in locations that meet the current working patterns of gypsies and travellers. In view of the changes in their work patterns these may not be the same areas they have located in or frequented in the past. This needs to be balanced with the responsibility of gypsies and travellers to respect the planning system.

19. A more settled existence can prove beneficial to some gypsies and travellers in terms of access to health and education services, and employment, and can contribute to greater integration and social inclusion within local communities. Nevertheless the ability to travel remains an important part of gypsy and traveller culture. Some communities of gypsies and travellers live in extended family groups and often travel as such. This is a key feature of their traditional way of life that has an impact on planning for their accommodation needs.

PLANNING PROCESS

Overview



Gypsy and Traveller Accommodation Assessments (GTAA's)

20. The assessment of gypsy and traveller accommodation needs is integral to assessment of general accommodation needs. The new planning process will begin by local authorities assessing gypsy and traveller accommodation needs as part of the gypsy and traveller accommodation assessment (GTAA) process.
21. The data collected through the GTAA process will inform the preparation of Development Plan Documents (DPDs) through the process described below. One of the tests of soundness of a submission DPD at its examination will be whether it is founded on robust and credible evidence. The need identified by the GTAA could include gypsies and travellers who do not fall within the definition at paragraph 14. This need should still inform the amount of land to be identified by the planning system. This is necessary to ensure local authorities have flexibility to allocate adequate land for their own sites to provide for those they have assessed as in need of caravan accommodation. Further guidance on this can be found in draft guidance document *Gypsy and Traveller Accommodation Assessments*.

Regional Spatial Strategy (RSS)

22. The information from GTAA's on gypsy and traveller need for sites will, as with other housing needs, be a key component in the overall assessment of need which informs the housing policies in the RSS. The regional view of the body responsible for the Regional Housing Strategy (RHS) can help inform the preparation of policies in a draft revision of a Regional Spatial Strategy (RSS).

23. The RSS revision should identify the number of pitches required (but not their location) for each local planning authority in the light of the GTAAs and a strategic view of needs across the region.
24. Regional Planning Bodies (RPBs) should maintain an up-to-date understanding of the likely strategic accommodation requirements of their areas over the lifespan of their RSSs, which should inform the preparation and review of RSSs. In allocating pitch numbers by local planning authority, RPBs should work in concert with the body developing the RHS in their region, with housing providers, with adjoining regions where appropriate and with RPBs' constituent local authorities. This should include county councils who will have relevant expertise due to their historical responsibility for gypsy and traveller issues. It is important that there is a common evidence base, prepared in partnership with stakeholders, in particular with gypsy and traveller housing providers, to inform the RHS, RSS, Local Development Frameworks (LDFs) and other relevant regional and local strategies.
25. The draft RSS revision is subject to an examination in public at which representatives of the gypsy and traveller community, and local residents may be invited to give evidence. The examining Panel will then report to the Secretary of State who will consider the Panel's recommendations and any representations before proposing any changes to the RSS (NB: this does not apply to the SDS in London, where the Mayor will consider the Panel's recommendations).
26. Pitch numbers could be identified by sub-regional area if a joint DPD were produced. A joint DPD could be prepared, with the agreement of the local planning authorities involved, on a county wide or other sub-regional basis.

Community Involvement

27. It is expected that at an early stage in the preparation of RSSs and DPDs planning authorities will discuss gypsies and travellers' accommodation needs with gypsies and travellers themselves, their representative bodies and local support groups. A list of some relevant contacts is given in Annex A, although it should be stressed this is not exhaustive. Gypsies and travellers should also be proactive in ensuring that they engage with local planning authorities to ensure that their views are taken into account.
28. Under the Planning Act (2004) local planning authorities are required to prepare a Statement of Community Involvement (SCI), in which they set out their policy on involving their community in preparing local development documents and on consulting on planning applications.
29. Local planning authorities should put in place arrangements so that communication with gypsies and travellers is direct and accessible, and conflict and tensions are minimised. Identifying and understanding the needs of groups who find it difficult, for a number of reasons, to engage with planning processes is essential. One such difficulty is a lack of resources. As with all other sections of the community, local planning authorities should consider what funding sources are available for such groups. One such potential source of assistance is Planning Aid, contact details for whom can be found in Annex F of this circular. SCIs will be examined during their preparation by Planning Inspectors to ensure that such consultation and involvement will take place, and is sound.

Development Plan Documents (DPDs)

30. The number of pitches set out in the RSS must be translated into specific site allocations in one of the local planning authority's DPDs that form part of the LDF.
31. The core strategy should set out criteria for the location of gypsy and traveller sites which will be used to guide the allocation of sites in the relevant DPD. These criteria will also be used to meet unexpected demand.
32. These criteria based policies must be fair, reasonable, realistic and effective in delivering sites. The adequacy of any criteria will be subject to greater scrutiny under changes to the new planning system introduced by the Planning Act (2004). Planning policies that rule out, or place undue constraints on the development of gypsy and traveller sites should not be included in RSSs or DPDs. The Government has powers to intervene in the plan-making process where it considers that the constraints being proposed by local authorities are too great or have been inadequately justified. This will include where a local planning authority does not adequately address gypsy and traveller site provision in its area.
33. Local authorities must allocate sufficient sites for gypsies and travellers, in terms of the number of pitches required by the RSS, in site allocations DPDs. A requirement of the Planning Act (2004) is that DPDs must be in general conformity with the RSS. Criteria must not be used as an alternative to site allocations in DPDs where there is an identified need for pitches. Local planning authorities will need to demonstrate that sites are suitable, and that there is a realistic likelihood that specific sites allocated in DPDs will be made available for that purpose. DPDs will need to explain how the land required will be made available for a gypsy and traveller site, and timescales for provision.
34. Identifying and allocating specific plots of land is a more difficult process than using a solely criteria based approach. However it ensures some certainty for local people and gypsies and travellers when planning applications are determined by local planning authorities, or appeals are considered by the Secretary of State.
35. There are a number of ways in which local authorities can identify specific sites and make land available.
 - a) Local authorities have discretion to dispose of land for less than best consideration where it will help to secure the promotion or improvement of the economic, social or environmental well-being of the area, as set out in ODPM Circular 06/03.
 - b) Authorities should also consider making full use of the registers of unused and under-used land owned by public bodies as an aid to identifying suitable locations. Vacant land or under-used local authority land may be appropriate.
 - c) Authorities should also consider whether it might be appropriate to exercise their compulsory purchase powers to acquire an appropriate site.
 - d) Cooperation between neighbouring authorities, possibly involving joint DPDs, can provide more flexibility in identifying sites. Such cooperation is particularly important where an authority has strict planning constraints across its area.

36. Local planning authorities should facilitate early involvement in the preparation of DPDs (front-loading) by consulting with the community and all stakeholders. Front-loading is particularly important when the DPD is dealing with site allocations. Local planning authorities should ensure that sites are brought forward early in the process so that the community can be consulted, and they can be subjected to sustainability appraisal. Gypsies and travellers (or other site developers) may also bring forward sites through the DPD process. Those wishing to do so should also ensure sites are brought forward early. National planning policy on front-loading, community involvement, and sustainability appraisal in the LDF revision process can be found in PPS12.
37. All DPDs are subject to independent examination. The conclusions reached by the Inspector appointed to examine a submitted DPD are binding. The local planning authority must incorporate the changes required by the Inspector, and then adopt the DPD. The conclusions which the Inspector may reach include;
- a) that the authority is required to undertake additional work before the DPD can be adopted/examined further;
 - b) that part(s) of the DPD should be excluded or changed;
 - c) that part of the DPD should be excluded and brought forward as part of a revised or new DPD; and/or
 - d) that additional material should be included in the DPD.

A further more serious conclusion could be that a DPD/part of a DPD is unsound. This could lead to a recommendation that the document be withdrawn.

38. Where the local planning authority has not allocated sufficient sites for gypsy and traveller need identified by the accommodation assessment process, the Inspector could recommend that the DPD is altered to include additional sites. However the inspector can only do this where suitable sites have been identified earlier in the plan-making process and it is clear how such sites comply with the tests of soundness set out in PPS12 (paragraph 4.24), and how the procedural and sustainability appraisal processes have been undertaken. It is therefore the responsibility of those promoting the inclusion of such sites to show that correct procedure has been followed.
39. There are also requirements for annual monitoring by both the RPB and the local planning authority. The Planning Act 2004 makes clear that one of the main purposes of annual monitoring reports is to consider whether implementation of the RSS or LDF is being achieved in line with the purposes of the RSS or LDF. If it is not, then regulations require the RPB or local planning authority to set out the reasons why it thinks the policy is not being implemented and what it intends to do about it.
40. Local authorities will also need to have regard to their statutory duties, including those in respect of homelessness under Part VII of the Housing Act 1996 and to their obligations under the Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000.

TRANSITIONAL ARRANGEMENTS

41. In advance of the consideration of new GTAAs at a regional level by the RPB, translated into pitch numbers for DPDs, other means of assessment of need will be necessary. RPBs will need to consider whether there is sufficiently robust information on which to establish district level pitch numbers. They will need to work closely with local authorities who will have access to a range of information on gypsy and traveller families in their area. Where it is not possible to allocate pitch numbers comprehensively in the current round of RSS revisions, RPBs will need to consider interim arrangements. This should include a clear statement as to the regional context including;
 - a) priority attached to addressing immediate need and timescale for doing so;
 - b) extent of existing provision;
 - c) identifying those parts of the region with high numbers of unauthorised sites;
 - d) an interim estimate of the additional pitch requirements at regional level;
 - e) arrangements for putting in place district level pitch requirements (e.g. need for further research, engaging local authorities, timetable for any single issue review).
42. This will be important in guiding local planning authorities as they prepare LDDs and ensuring that the RSS is well placed to deliver the regional framework in future. RPBs will need to work closely with local authorities to agree and establish transitional arrangements. A first step is to agree the priority attached to gypsy and traveller provision across the region and how best to address any immediate accommodation needs for gypsies and travellers.
43. Where there is clear and immediate need, for instance evidenced through the presence of significant numbers of unauthorised encampments or developments, local planning authorities should bring forward DPDs containing site allocations in advance of regional consideration of pitch numbers, and completion of the new GTAAs. The early data available from the GTAA will be one of a range of information sources that local authorities should consider when assessing the required level of provision to translate into site allocations in a DPD, and RPBs should consider when allocating pitch numbers to each district. Paragraph 31 above refers to the core strategy setting out criteria in advance of site allocations in a DPD. Where there is an urgent need to make provision, local planning authorities should consider preparing site allocation DPDs in parallel with, or in advance of the core strategy.
44. Other sources of information could include;
 - a) a continuous assessment of incidents of unauthorised encampments, both short and longer-term;
 - b) the numbers and outcomes of planning applications and appeals;
 - c) levels of occupancy, plot turnover and waiting lists for public authorised sites;

- d) the status of existing authorised private sites, including those which are unoccupied and those subject to temporary or personal planning permissions; and,
- e) the twice-yearly Caravan Count undertaken on behalf of ODPM, which gives a picture of numbers and historic trends.

Local planning authorities will be expected to demonstrate that they have considered this information, where relevant, before any decision to refuse a planning application for a gypsy and traveller site, and to provide it as part of any appeal documentation.

- 45. Advice on the use of temporary permissions is contained in paragraphs 108 – 113 of Circular 11/95, *The Use of Conditions in Planning Permission*. Paragraph 110 advises that a temporary permission may be justified where it is expected that the planning circumstances will change in a particular way at the end of the period of the temporary permission. Where there is unmet need but no available alternative gypsy and traveller site provision in an area but there is a reasonable expectation that new sites are likely to become available at the end of that period in the area which will meet that need, local planning authorities should give consideration to granting a temporary permission.
- 46. Such circumstances may arise, for example, in a case where a local planning authority is preparing its site allocations DPD. In such circumstances, local planning authorities are expected to give substantial weight to the unmet need in considering whether a temporary planning permission is justified. The fact that temporary permission has been granted on this basis should not be regarded as setting a precedent for the determination of any future applications for full permission for use of the land as a caravan site. In some cases, it may not be reasonable to impose certain conditions on a temporary permission such as those that require significant capital outlay.

SITES IN RURAL AREAS AND THE COUNTRYSIDE

- 47. Gypsies and travellers in rural areas often face difficulties in securing an adequate supply of affordable land for their needs. Where there is a lack of affordable land to meet local gypsy and traveller needs (as demonstrated by an up-to-date accommodation assessment) local planning authorities in rural areas should include a ‘rural exception site policy’ in the relevant DPD.
- 48. All rural exception sites intended for use as gypsy and traveller caravan sites should be identified as being for this use. Rural exception site policies for gypsies and travellers should operate in the same way as rural exception site policies for housing, as set out in Annex B of PPG3¹ (as updated in January 2005). In applying the rural exception site policy, local planning authorities should consider in particular the needs of households who are either current residents or have an existing family or employment connection.
- 49. There is a general presumption against inappropriate development within Green Belts. New gypsy and traveller sites in the Green Belt are normally inappropriate development, as defined in Planning Policy Guidance 2: ‘Green Belts’ (PPG2). National planning policy on Green Belts applies equally to applications for planning permission from gypsies and travellers, and the settled population. Alternatives should be explored

1. also paragraph 33 of consultation on PPS 3, and provisions on rural exception policies in any final PPS 3.

before Green Belt locations are considered. Pressure for development of sites on Green Belt land can usually be avoided if the local planning authority allocates sufficient sites elsewhere in its area, in its LDF, to meet identified need. Criteria-based policies in DPDs for the location of gypsy and traveller sites (see paragraphs 31 and 32 above) should not depart from national planning policy as set out in PPG2.

50. The presence of Green Belt will constrain and limit opportunities for identifying gypsy and traveller sites in some areas. The general extent of the Green Belt should be addressed through the RSS in the first instance. PPG2 makes clear that once the general extent of Green Belt has been approved, and once detailed Green Belt boundaries have been established in adopted development plans, they should only be altered exceptionally.
51. Alterations to the Green Belt boundary can be used in exceptional circumstances for housing and other types of development inappropriate for the Green Belt. Such alterations have often been used in cases where a local authority's area contains a high proportion of Green Belt land and no other suitable sites outside the Green Belt exist. Such an exceptional limited alteration to the defined Green Belt boundary (which might be to accommodate a site inset within the Green Belt) could be considered to meet a specific, identified need for a gypsy and traveller site in the same way such an alteration could be used for any other type of development. Such a proposal should be brought forward through the plan-making process. Where land is removed from the Green Belt in this way, it should be specifically allocated in a DPD as a gypsy and traveller site only.
52. In areas with nationally recognised designations (Sites of Special Scientific Interest, National Nature Reserves, National Parks, Areas of Outstanding Natural Beauty, Heritage Coasts, Scheduled Monuments, Conservation Areas, Registered Historic Battlefields and Registered Parks and Gardens), as with any other form of development, planning permission for gypsy and traveller sites should only be granted where it can be demonstrated that the objectives of the designation will not be compromised by the development.
53. However, local landscape and local nature conservation designations should not be used in themselves to refuse planning permission for gypsy and traveller sites.
54. Sites on the outskirts of built-up areas may be appropriate. Sites may also be found in rural or semi-rural settings. Rural settings, where not subject to special planning constraints, are acceptable in principle. In assessing the suitability of such sites, local authorities should be realistic about the availability, or likely availability, of alternatives to the car in accessing local services. Sites should respect the scale of, and not dominate the nearest settled community. They should also avoid placing an undue pressure on the local infrastructure.
55. In some cases, perhaps involving previously developed (brownfield), untidy or derelict land, the establishment of a well-planned or soft-landscaped gypsy and traveller site can be seen as positively enhancing the environment and increasing openness.

MIXED PLANNING USE

56. Some gypsies and travellers run their businesses from the site on which their caravans are stationed. PPG4 – *Industrial, Commercial Development and Small Firms* sets out guidance on mixed use which is relevant. Local planning authorities should, wherever possible, identify in their DPDs gypsy and traveller sites suitable for mixed residential and business uses, having regard to the safety and amenity of the occupants and their children, and neighbouring residents. If mixed sites are not practicable, authorities should consider the scope for identifying separate sites for residential and for business purposes in close proximity to one another. Some parts of sites unsuitable for residence might be suitable for parking vehicles or storing materials, provided the overall site is suitable for residential use. Mixed uses are not permitted on rural exception sites.

MAJOR DEVELOPMENT PROJECTS

57. A major development or redevelopment project may require the permanent or temporary relocation of a gypsy or traveller site. An onus should be placed on the planning applicant to identify and provide an alternative site, providing the original site has a legal status. The local planning authority should work with the planning applicant and the affected gypsy and traveller community to identify a site (or sites) that would be suitable for relocating this community. In proposing relocation and in seeking a relocation site regard will need to be paid both to the gypsy and traveller community's social, economic and environmental needs and identified social, economic, and environmental benefits that the major development/redevelopment project will bring to the locality and the broader area.

APPLICATIONS

58. DPDs together with the RSS form part of the “development plan” and the Planning Act (2004) provides that determinations of applications for planning permission must be in accordance with the development plan unless material considerations indicate otherwise. Local planning authorities should be able to release sites for development sequentially, with sites identified in DPDs being used before windfall sites. Windfall sites are those which have not been specifically identified as available in DPDs. Other considerations for gypsy and traveller site applications are likely to include the likely impact on the surrounding area, the existing level of provision and need for sites in the area, the availability (or lack of) alternative accommodation for the applicants and other personal circumstances.
59. In order to encourage private site provision, local planning authorities should offer advice and practical help with planning procedures to gypsies and travellers who wish to acquire their own land for development. It is strongly recommended that gypsies and travellers consult local planning authorities on planning matters before buying land on which they intend to establish any caravan site, for which planning permission will almost always be required. Further guidance on this is contained in Annexes D and E.
60. Pre-application discussions are particularly important to avoid misunderstanding and subsequent problems over planning permission. Constructive and positive engagement on all sides will promote trust and may help to avoid breaches of planning control. The aim should be as far as possible to help gypsies and travellers to provide for themselves, to allow them to secure the kind of sites they need, but in locations that are appropriate

in planning policy terms. This will help to avoid breaches of planning control, and enable firm enforcement against such breaches. In particular, questions of road access, the availability of services, potential conflict with statutory undertakers or agricultural interests, and any significant environmental impacts should be resolved at the earliest opportunity. In line with guidance in PPG25, local planning authorities should consult the Environment Agency about flood risk.

61. Any facts that may be relevant should be established and considered before determining planning applications. Gypsies and travellers should co-operate by responding to requests for information relevant to their applications.
62. Local planning authorities should not refuse private applications solely because the applicant has no local connection. But they are entitled to refuse private applications in locations that do not comply with planning policies, especially where the authority has complied with this guidance and proceeded properly to ensure needs identified by accommodation assessments are being met.
63. Local planning authorities should also have regard to whether the absence of existing provision may prejudice enforcement action, or give rise to grounds for appeal against refusal of an application for a new site.

SUSTAINABILITY

64. Issues of sustainability are important and should not only be considered in terms of transport mode and distances from services. Such consideration should include;
 - a) the promotion of peaceful and integrated co-existence between the site and the local community;
 - b) the wider benefits of easier access to GP and other health services;
 - c) children attending school on a regular basis;
 - d) the provision of a settled base that reduces the need for long-distance travelling and possible environmental damage caused by unauthorised encampment; and,
 - e) not locating sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans.
65. In deciding where to provide for gypsy and traveller sites, local planning authorities should first consider locations in or near existing settlements with access to local services, e.g. shops, doctors and schools. All sites considered as options for a site allocations DPD must have their social, environmental and economic impacts assessed in accordance with the requirements of sustainability appraisal.
66. Sites, whether public or private, should be identified having regard to highways considerations. In setting their policies, local planning authorities should have regard to the potential for noise and other disturbance from the movement of vehicles to and from the site, the stationing of vehicles on the site, and on-site business activities. However, projected vehicle movements for gypsy and traveller sites should be assessed on an individual basis for each site. Proposals should not be rejected if they would only

give rise to modest additional daily vehicle movements and/or the impact on minor roads would not be significant.

ENFORCEMENT

67. The Government's aim is to ensure that planning policies and controls are respected by all sections of the community and that where breaches occur effective enforcement action is taken.
68. In considering enforcement action local authorities should be guided by the advice in PPG 18 *Enforcing Planning Control*. Further advice on the enforcement powers available to local planning authorities and their use can be found in;
 - a) DoE Circular 10/97; *Enforcing Planning Control: Legislative Provisions and Procedural Requirements*;
 - b) DoE Circular 18/94; *Gypsy Sites Policy and Unauthorised Camping*;
 - c) *Good Practice Guide for Local Planning Authorities on Enforcing Planning Control*; DoE 1997;
 - d) *Guidance on Managing Unauthorised Camping*; ODPM, Home Office Feb 2004; and,
 - e) ODPM Circular 02/05; *Temporary Stop Notice*; contains information on the new temporary stop notice provisions introduced in the Planning Act (2004).

APPEALS

69. There will be occasions when local planning authorities refuse planning permission for gypsy and traveller sites. A Planning Inspector considering any subsequent appeal will have regard to the development plan so far as is relevant, and will take into account all material considerations, which should already have been addressed at the application stage. These will include the existing and planned provision of, and need for, sites in the area, the accuracy of the data used to assess need, the methodology employed in the assessment and how up-to-date it is, information on pitch availability on public and private sites, personal circumstances and alternative accommodation options.

HUMAN RIGHTS

70. The provisions of the European Convention on Human Rights should be considered as an integral part of local authorities' decision-making – including its approach to the question of what are material considerations in planning cases. Local planning authorities should consider the consequences of refusing or granting planning permission, or taking enforcement action, on the rights of the individuals concerned, both gypsies and travellers and local residents, and whether the action is necessary and proportionate in the circumstances. If there is any doubt about the application of provisions of the Convention in particular cases, legal advice should be sought. The obligation on public authorities to act compatibly with Convention rights does not give gypsies and travellers a right to establish sites in contravention of planning control.

RACE RELATIONS

71. Section 19A of the Race Relations Act 1976 (RRA 1976) prohibits racial discrimination by planning authorities in carrying out their planning functions. In addition, the majority of public authorities, including local authorities, have a general duty under the RRA 1976 as amended by the Race Relations (Amendment) Act 2000 to actively seek to eliminate unlawful discrimination and to promote equality of opportunity and good race relations in all they do. The duty on local authorities to actively seek to eliminate unlawful discrimination, and promote good race relations does not give gypsies and travellers a right to establish sites in contravention of planning control. In line with their race equality scheme (legally required under the RRA 1976 (Statutory Duties) Order 2001) local authorities should assess which of their functions are relevant to race equality and monitor these functions and policies to see how they impact on different racial groups. The SCI is particularly important in this regard.
72. When policies are changed or new ones introduced, authorities should assess and consult on their likely impact, and where an adverse impact is identified which cannot be justified, changes should be made. It is particularly important that authorities consider all the racial groups served by the authority in order to assess the impact of their policies on those groups. Romany Gypsies and Irish Travellers have been recognised by the courts as being distinct ethnic groups covered by the RRA 1976. Under the general duty mentioned above, there is a requirement that local authorities seek to promote good race relations between Gypsies and Travellers and the settled community. This is important in the context of gypsy and traveller site planning.

MONITORING

73. Local planning authorities should monitor and critically analyse the decisions on applications for sites for gypsies and travellers compared to those of applications for other types of residential development. This includes all types of housing and other types of caravan site. Authorities should assess the results of such analysis to inform policy development. In order to ensure that they can identify any adverse impact on race equality, local planning authorities should monitor applications from Gypsies and Irish Travellers. The Commission for Racial Equality recommends that all local authorities include sub-categories for Gypsies and Irish Travellers within ethnic monitoring forms beneath the 'White Other' category, as in the school census.

Annex A

SELECT LIST OF ORGANISATIONS REPRESENTING GYPSIES AND TRAVELLERS

This annex will be updated via the ODPM website as contact details will change over time.

The Gypsy and Traveller Law Reform Coalition
Banderway House
156-162 Kilburn High Road
London NW6 4JD
Romanistan@yahoo.com
www.travellerslaw.org.uk

National Travellers Action Group
7 Woodside Park
Hatch Road
Sandy
Bedfordshire SG19 1PT
Telephone: 01767 689736
Codona@aol.com

Advisory Council for the Education of Romany and other Travellers (ACERT)
Moot House
The Stow
Harlow
Essex CM20 3AG
Telephone: 01279 418 666

National Association of Health Workers with Travellers
Balsall Heath Centre
43 Edward Road
Birmingham B12 9LB
Telephone: 0117 922 7570/0121 446 2300

National Association of Teachers of Travellers
c/o Cornwall Traveller Education Support Services
16 Carlyon Road
St. Austell
Cornwall
PL25 4AJ
Telephone: 01726 77113

Advice and Information Unit Manager
Friends, Families and Travellers
Community Base
113 Queens Road
Brighton BN1 3XG
Telephone: 01273 234777
Fft@gypsy-traveller.org
www.gypsy-traveller.org

The Gypsy Council for Health, Education and Welfare
8 Hall Road
Aveley
Romford
Essex RM15 4HD
Tel/Fax: 01708 868 986
Enquiries@thegypsycouncil.org
www.thegypsycouncil.org

Irish Travellers Movement in Britain
The Old Library Building
95 High Road
Willesden
London NW10 2ST
0208 830 3079
Joe@travellerschaplaincy.org.uk

The Gypsy Council
Springs Lane Caravan Park
Bickerton
Wetherby
North Yorkshire LS22 5ND
Telephone: 01937 842782

Commission for Racial Equality
St Dunstons House
201-211 Borough High Street
London SE1 1GZ
Telephone 0207 939 0000
Info@cre.gov.uk
www.cre.gov.uk

Annex B

OTHER RELEVANT GUIDANCE

This Circular does not affect the advice given generally in other Departmental Circulars, Planning Policy Guidance Notes (PPGs) and Planning Policy Statements (PPSs). Those which may be of particular relevance are:

- PPS1 – Creating Sustainable Communities;
- PPG2 – Green Belts;
- PPG3 – Housing;
- PPG4 – Industrial, Commercial Development and Small Firms;
- PPS7 – Sustainable Development in Rural Areas;
- PPG9 – Nature Conservation;
- PPS11 – Regional Spatial Strategies;
- PPS12 – Local Development Frameworks;
- PPG13 – Transport;
- PPG16 – Archaeology and Planning;
- PPG18 – Enforcing Planning Control;
- PPG25 – Development and Flood Risk.

DoE Circular 18/94; *Gypsy Sites Policy and Unauthorised Camping and Revision of Advice on 'Toleration'* issued 26 July 2000, and further Guidance on Managing Unauthorised Camping issued in February 2004.

DETR Circular 03/99; *Planning Requirement in respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development.*

Annex C

GOOD PRACTICE – CRITERIA

1. The Government believes that gypsies and travellers have the same rights and responsibilities within the planning system as every other citizen. Plan policies and criteria for the establishment of gypsy and traveller caravan sites should be fair, reasonable, realistic and effective, and written in a positive manner that offers some certainty that where the criteria (not necessarily all of them) are met planning permission will be granted.
2. Research has shown that the majority of plan policies state that permission “may be granted” or that the authority “will take account of” factors. Ambiguous statements of this nature should be avoided as they increase uncertainty. Alternative wording might include “Planning permission will be granted provided that the following criteria/requirements are [clearly] satisfied...”.
3. The list of criteria adopted by a local planning authority should not be over-long as the more criteria there are, and the more restrictive they are, the greater the likelihood of authorities refusing planning permission. The Government wishes to see a more positive approach being taken to making adequate provision for gypsies and travellers in appropriate locations – particularly by those local planning authorities whose present policies have failed to meet current needs. The process by which criteria are adopted in DPDs will therefore be subject to close scrutiny by Planning Inspectors.
4. For all kinds of site, consideration must be given to vehicular access from the public highway, as well as provision for parking, turning and servicing on site, and road safety for occupants and visitors. Landscaping and planting with appropriate trees and shrubs can help sites blend into their surroundings, give structure and privacy, and maintain visual amenity. Enclosing a site with too much hard landscaping, high walls or fences can give the impression of deliberately isolating the site and its occupants from the rest of the community, and should be avoided.
5. In general gypsy and traveller sites should not be located on significantly contaminated land, but this does not necessarily rule out all locations near or adjoining motorways, power lines, landfill sites or railways, any more than it does conventional housing. The site needs to have safe and convenient access to the road network.
6. The Government does not consider it appropriate to set a national maximum size for a site, but would suggest that cases should be considered in context, and in relation to the local infrastructure and population size and density.

CRITERIA WHICH ARE UNACCEPTABLE

7. It is not uncommon currently for criteria to be so restrictive and extensive that in practice it is impossible or virtually impossible for an application to comply with them. The following criteria have been taken from local authority plans and represent the sorts of criteria that are considered generally unacceptable.

“Each unit of accommodation on the site shall have been brought onto the site by the occupier(s) for the time being who shall remove the accommodation from the site when ceasing to use it for residential purposes”

This criterion does not accommodate the nomadic and traditional lifestyle whereby many gypsies and travellers have one caravan to live in, and one that is more mobile that they use when travelling.

A requirement that the accommodation is brought onto site by the occupier does not allow provision to be made for other family members who may not themselves, perhaps for reasons of ill-health, physically move their own accommodation onto the site.

“There shall be no more than [x] caravans”

Setting a maximum number as a blanket policy is arbitrary.

Any maximum should be reached through planning conditions but should be related to circumstances of the specific size and location of the site and the surrounding population size and density.

“Applications from gypsies and travellers with no local connection will not normally be allowed”

Gypsies and travellers are by their very nature nomadic and so will not always have local connections. Planning authorities have to determine applications for development from anyone who submits them.

As the businesses which gypsies and travellers have traditionally engaged decline, the new trades and businesses they take up often necessitate new locations.

“The site does not impact on any area with natural/wildlife interest”

All development by its very nature will have some impact on wildlife. The criteria should be more tightly, but reasonably, defined.

“The site shall not encroach into the countryside”

This is unrealistic. Such policies have been used to thwart site provision.

Annex D

GUIDANCE TO LOCAL AUTHORITIES IN DEALING WITH PLANNING APPLICATIONS FROM GYPSIES AND TRAVELLERS

1. Gypsies and travellers have the same rights and responsibilities within the planning system as all other applicants for planning permission. In dealing with applications and enquiries from gypsies and travellers, planning officers and planning department staff should act in a professional manner and treat enquiries from gypsies and travellers even-handedly.
2. It is particularly important if unauthorised development is to be avoided for local planning authorities to establish a level of trust and co-operation with the local gypsy and traveller community. Entrenched positions on both sides are likely to lead to tensions, conflict and delay.
3. Local authorities may wish to consider designating a named person to deal with all such enquiries/applications or have a named person with whom the applicants can maintain contact, and consider what specific training may be required for staff dealing with gypsy and traveller applications and the associated issues.
4. Local authorities need to provide early, clear pre-application advice and may wish to consider producing leaflets explaining the planning system, and consider using other media – such as video and audio communication – where this would better meet the needs of the gypsy and traveller community. At any pre-application meeting local authorities should give an indication of the chances of getting permission, highlight any possible difficulties and whether these may be overcome and explain the planning process to applicants who are unfamiliar with it.
5. Local authorities need to make gypsies and travellers aware of standards they can expect from the authority, standards expected from them, and their rights to complain, including to the authority’s monitoring officer and the Local Government Ombudsmen.
6. Planning departments may need to consult other departments and agencies with an interest, particularly housing, social services and education departments, health and highways authorities. Other important sources of advice are Gypsy Liaison Officers (or their equivalents) usually, but not always, based in County Councils.

Annex E

GUIDANCE TO GYPSIES AND TRAVELLERS MAKING PLANNING APPLICATIONS

Introduction

1. Members of the gypsy and traveller communities have the same rights and responsibilities within the planning system as members of other communities. Planning permission is normally required for any changes of use of land. As with developments submitted by anyone the only times permission would not be required are;
 - i) if the land has already been granted planning permission for a particular type of land use; or,
 - ii) the use of the land has been established over a period of time without valid planning enforcement action having been taken by the local authority. This time period is 4 years for building or other similar physical works which do not represent a change of land use, or 10 years where the development has represented a change of land use.

Pre-application procedure

2. When looking for a site gypsies and travellers should consider whether;
 - there are any existing sites in the area (with planning permission) available to rent or buy
 - the local authorities know of your need for land and, if so, have they identified any sites that may be available
3. If the answer to the above questions is “No”, and you are looking to buy and develop a new site, to ensure that the site you select is suitable to be granted planning permission you should;
 - identify your area of search. Is the reason for your looking for a particular location due to family circumstances, work or other requirements?
 - Are there suitable previously developed (i.e. brownfield) sites available?
 - Consider;
 - means of access
 - closeness to the main road network
 - ground conditions and levels of land
 - accessibility of schools and other facilities

- existence of landscaping
- capability of being further screened
- respect for neighbouring uses
- Once you have identified a possible site, find out which local authority area it is in and contact the local planning authority. Then consider the local plan policies relevant to gypsy and traveller site use – you can get help from the local authority who should explain their policies and handle your enquiries fairly and professionally.
- You should establish whether the site you are interested in is in the Green Belt or other area of special protection. Development in such areas is subject to stricter control and the likelihood of getting planning permission for any development is much lower than if the site were on “ordinary” land. You should consider undertaking a local search to establish whether there are any restrictions (such as injunctions) on the use of the land.
- If there are no such restrictions you should consider whether the site meets some or all of the criteria set out in the local plan.

Making the planning application

4. You should make your planning application and wait for planning consent before you go on the site. Entering a site without planning permission can be a breach of planning control and may be subject to a series of enforcement actions. When making your application you should provide as much background information (which may include the efforts you have made to find a site, why you have selected the particular site and details of all the people who plan to live on the site) with the application as you can and all the information required on the forms. There is often a guide to help you fill out the forms. If you need help completing the form the planning department of the local authority should help you.
5. Normally gypsy and traveller site development requires a full application. As much detail as possible on the site, including layout, landscaping, access and number of caravans should be provided at the outset.

What happens next?

6. Local planning authorities will normally decide applications within eight weeks of them being submitted. If you are refused permission you may appeal to the Secretary of State. You must submit an appeal within six months of the initial application being refused. Details on how to submit an appeal and how the appeal process works is available on the Planning Inspectorate website at www.planning-inspectorate.gov.uk, or from their customer support unit;

The Planning Inspectorate
Customer Support Unit
Room 3/15 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN
Telephone: 0117 372 6372
Fax: 0117 372 8128
Email: enquiries@planning-inspectorate.gsi.gov.uk

7. Gypsies and travellers should be aware of Planning Aid, a voluntary service run by the Royal Town Planning Institute offering free, independent and professional advice and support on town planning matters to community groups and individuals who cannot afford to employ a planning consultant. For general enquiries about Planning Aid contact the Planning Aid National Unit;

National Planning Aid Unit
Unit 419,
The Custard Factory,
Gibb Street,
Birmingham,
B9 4AA
Telephone: 0121 693 1201
Email: info@planningaid.rtpi.org.uk

Annex F

PLANNING CONDITIONS AND PLANNING OBLIGATIONS

1. The appropriate use of planning conditions or obligations can enable some development proposals to proceed where it might otherwise be necessary to refuse permission.
2. Conditions should be imposed only where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. General advice on the use of conditions is given in DoE Circular 11/95.
3. Guidance on the use of planning obligations is given in Circular 05/2005. This guidance sets out the tests for planning obligations, namely that they must be relevant to planning, necessary to make the proposed development acceptable in planning terms, directly related to the proposed development, fairly and reasonably related in scale and kind to the proposed development and reasonable in all other respects.
4. A number of measures may be introduced to overcome planning objections to particular proposals using planning conditions or planning obligations. These might include;
 - ensuring adequate landscaping and play areas for children;
 - limiting which parts of a site may be used for business operations, in order to minimise the visual impact and limit the effect of noise;
 - the number of days the site can be occupied by more than the allowed number of caravans, to permit visitors and allow attendance at family/community events.

In certain circumstances, conditions might also be appropriate to specify the maximum number of days for which gypsy and traveller caravans might be permitted to stay on a transit site.

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