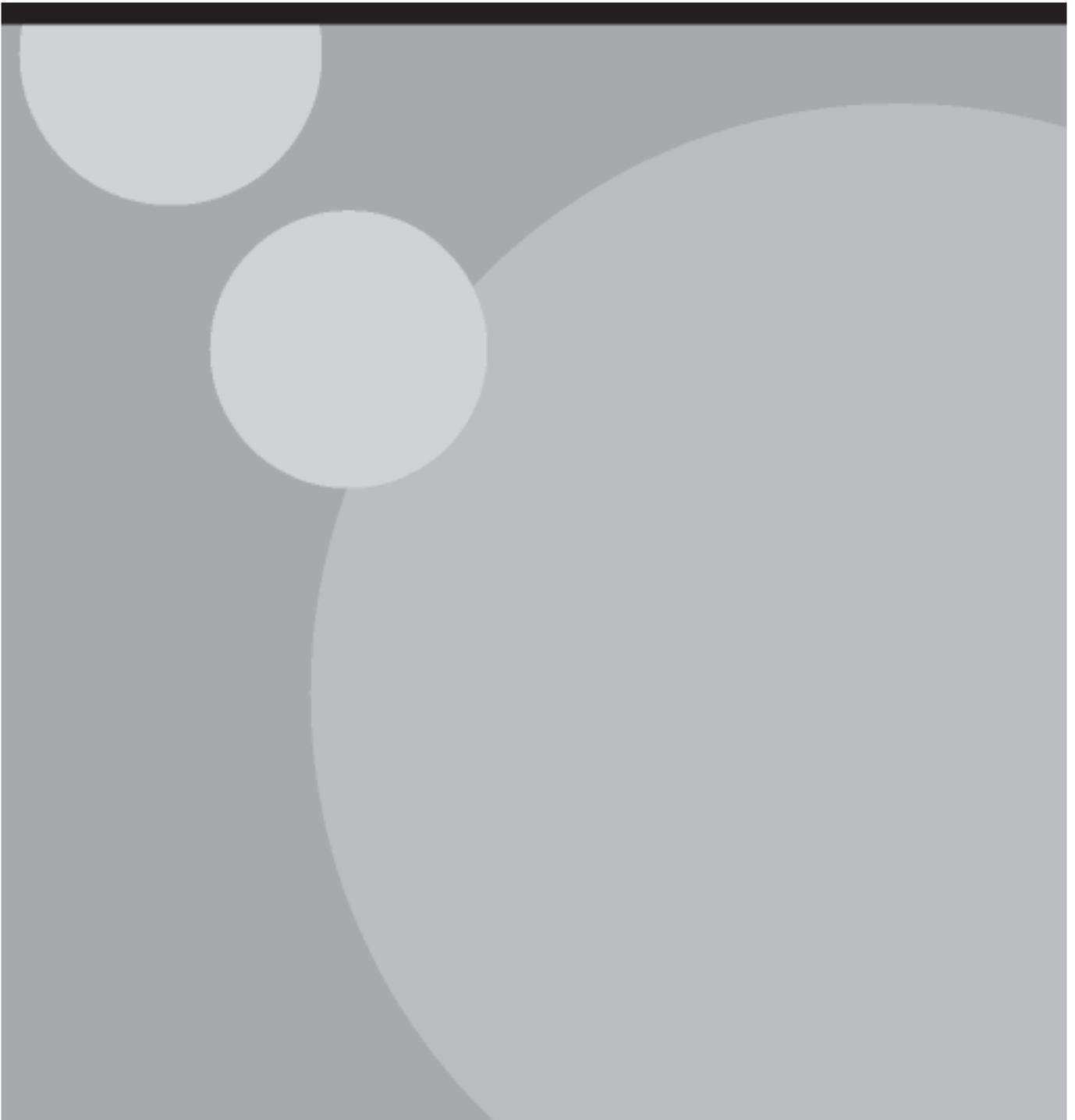


Planning for traveller sites

Consultation





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April 2011

ISBN: 978-1-4098-2947-8

Ministerial foreword

The Government is committed to a better deal for both traveller and settled communities within the planning system. It is important that local planning authorities are given the freedom to plan for the future of their communities. However, the current planning policy for traveller sites does not work. There is a widespread perception that the system is unfair and that it is easier for one group of people to gain planning permission, particularly on sensitive Green Belt land. This creates resentment and damages community cohesion. In addition, the top-down housing and traveller site targets that were imposed on local councils set communities against development of all kinds.

A new approach is needed. The Government wants to see fair play in the planning system – everyone being treated equally and even-handedly. We will align planning policy for traveller sites much more closely with the policies for other forms of housing and in doing so will provide greater environmental protection. We will put planning for traveller sites back in the hands of local planning authorities – they are best placed to know the needs of their communities, not unelected regional bodies.

Our new planning policy for traveller sites sits within a broader package of reforms to decentralise the planning system, make it fair and return powers to local communities. Abuse of the planning system undermines faith in it and we will not tolerate this from anyone. Instead we will reward those who play by the rules. The Localism Bill introduced measures to limit opportunities for retrospective planning permission in relation to any form of unauthorised development, to increase the powers that local planning authorities have to enforce against a range of breaches of planning control and to ensure local planning authorities have greater accountability to the people they serve and that decisions are decentralised to the most local level possible. Our new planning policy for traveller sites also sits with a broader package of policies affecting travellers that are set out in this consultation document. Our new policy is fair.

In line with our broader planning reforms to streamline the planning system, the new policy is also a much shorter, clearer and less cumbersome document that will be easier for councils and members of the public to use effectively.

I look forward to reading your responses to the questions set out in this consultation.

The Rt Hon Eric Pickles MP
Secretary of State

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Summary

Scope of the consultation

Topic of this consultation:	Withdrawal and replacement of Circular 01/2006: <i>Planning for Gypsy and Traveller Caravan Sites</i> and Circular 04/2007: <i>Planning for Travelling Showpeople</i>
Scope of this consultation:	The consultation is to consider the details of a proposed new, single Planning Policy Statement that will replace Circular 01/2006 and Circular 04/2007.
Geographical scope:	The proposals relate to England only.
Impact Assessment:	A consultation stage impact assessment has been completed and can be found at Annex B.
Equality Impact Assessment:	An equality impact assessment has been completed and can be found at Annex C.

Basic information

To:	This is a public consultation and it is open to anyone to respond. We would particularly welcome views from: <ul style="list-style-type: none"> • travellers and their representative groups • community representatives (including settled communities) • local planning authorities
Body/bodies responsible for the consultation:	Department for Communities and Local Government (Planning: Economy and Society Division)
Duration:	The consultation period begins on 13 April 2011 and ends on 6 July 2011. This is a standard 12-week consultation period.
Enquiries:	Paul Williams Tel: 0303 44 41223 Email: paul.williams@communities.gsi.gov.uk
How to respond:	By email to: travellerspps@communities.gsi.gov.uk A downloadable questionnaire form, which can be emailed to us, will be available on our website at: www.communities.gov.uk/consultations

	<p>Alternatively, paper communications should be sent to:</p> <p>Paul Williams Planning: Economy and Society Division Department for Communities and Local Government Zone 1/G6 Eland House Bressenden Place London SW1E 5DU.</p>
Additional ways to become involved:	This will be a largely written exercise. A copy of this consultation will be sent to local planning authorities and bodies representing travellers to ensure that those who may be affected can comment.
After the consultation:	A summary of responses will be published.
Compliance with the Code of Practice on Consultation:	The consultation complies with the code.

Background

Getting to this stage:	The current planning framework is set out in Circular 01/2006: <i>Planning for Gypsy and Traveller Caravan Sites</i> and Circular 04/2007: <i>Planning for Travelling Showpeople</i> .
Previous engagement:	<p>On 29 August 2010, the Secretary of State for Communities and Local Government announced the Government's intention to withdraw circulars 01/2006 and 04/2007.</p> <p>Prior to the publication of this document, officials from the Department for Communities and Local Government met with a number of traveller representatives and local authority representatives to discuss the key issues that need to be addressed.</p> <p>There were also Adjournment Debates on national planning policy for travellers on 8 September 2010 and 7 December 2010. The relevant Hansard extracts can be found by using the following links:</p> <p>http://www.publications.parliament.uk/pa/cm201011/cmhansrd/cm101207/halltext/101207h0001.htm#10120726000001</p> <p>http://www.publications.parliament.uk/pa/cm201011/cmhansrd/cm100908/halltext/100908h0002.htm#10090817000652</p>

1 Introduction

- 1.1 This section sets out the background to this consultation.
- 1.2 On 29 August 2010, the Secretary of State for Communities and Local Government announced the Government's intention to withdraw the existing traveller planning circulars (Circular 01/2006: *Planning for Gypsy and Traveller Caravan Sites* and Circular 04/2007: *Planning for Travelling Showpeople*). The Government intends to replace them with a new, short, light-touch, single Planning Policy Statement for traveller sites. The draft statement is set out in Annex A.
- 1.3 The proposed withdrawal and replacement of the circulars formed part of a broader set of policy announcements to provide a fair deal for traveller communities and settled communities. There is a perception among many that currently policy treats traveller sites more favourably than it does other forms of housing and that it is easier for one group of people to gain planning permission particularly on sensitive Green Belt land. This has led people to believe that the system is unfair and this has led to tension and undermined community cohesion.
- 1.4 The circulars are also becoming increasingly outdated in the context of broader reforms to the planning system, in particular the move towards more local decision making, shorter and fewer statements of national planning policy and the abolition of regional strategies.
- 1.5 The Government has already announced its intention to abolish regional strategies. The Localism Bill that is required to do this is currently progressing through Parliament. The Government's desire to return power to elected bodies and give communities a greater role in shaping their neighbourhoods underlies its changes across the planning system and beyond into civic society, including its vision of The Big Society. The Government believes that local planning authorities are best placed to know the needs of their communities, not unelected regional bodies, and it will put planning for traveller sites back in their hands. It will give local planning authorities the freedom and responsibility to determine the right level of traveller site provision in their area in consultation with local communities, while ensuring fairness in the planning system.
- 1.6 The Coalition's *Programme for Government* sets out the intention to radically alter the planning system based upon the pre-election Conservative Party publication *Open Source Planning*. The new Planning Policy Statement is part of a set of broader commitments to reform the planning system by streamlining lengthy, cumbersome inaccessible and complex policy and guidance and decentralising the planning system to strengthen the role of elected councils and communities.

- 1.7 As part of these Coalition planning reforms, the Government has committed to publish and present to Parliament a simplified and consolidated National Planning Policy Framework ('the Framework'). The new Planning Policy Statement on traveller sites has been designed in this context and follows the simplifying and streamlining principles of the Framework. The policy it contains will eventually be incorporated into the Framework.
- 1.8 The reforms set out in *Open Source Planning* also include specific proposals to withdraw the circular for gypsy and traveller caravan sites. However, the new planning policy that this consultation document proposes should also be read in the context of the range of broader policy initiatives in relation to traveller communities that have been announced. This package of measures will ensure fair treatment for those in traveller and settled communities who play by the rules. The Government's key policy commitments are to:
- include traveller sites in the New Homes Bonus scheme, to incentivise local planning authorities to provide appropriate sites
 - resume traveller site grant funding from April 2011
 - set up a cross-Government, ministerial-level working group to address the discrimination and poor social outcomes experienced by traveller communities
 - bring local authority traveller sites into the Mobile Homes Act (1983) to give residents improved protection against eviction
 - contribute funding to Local Government Improvement and Development to support their programme of work with elected members on traveller site provision
 - limit the opportunities for retrospective planning applications, in relation to any form of development
 - provide stronger enforcement powers for local planning authorities to tackle breaches of planning control
 - abolish undemocratic regional strategies and the top-down housing and traveller pitch targets they contain.
- 1.9 Further details of this new approach to site provision, enforcement and wider policy measures relating to traveller communities are set out in Section 2 below.
- 1.10 This document sets out the proposed new, single Planning Policy Statement for traveller sites. The Government wishes to seek views on the details of their new policy. The Government has had regard to equalities issues and also the likely costs and benefits of its proposed policy as it has designed its new policy. However, good practice is to consult widely on these issues. Alongside this policy, we are, therefore, also publishing a consultation stage impact assessment and equality impact assessment. We would welcome views on the likely equality and

cost and benefit impacts of the new policy. We wish to use this consultation to gather evidence to inform the completion of these assessments. Following our analysis of responses received to this consultation, the assessments will be finalised and published alongside the summary of responses.

2 Policy background

- 2.1 This section provides information about the broader framework of Government policies relating to planning and traveller communities, within which the new proposed Planning Policy Statement sits.

Current national planning policy for travellers

- 2.2 Current national planning policy and guidance for gypsy and traveller and travelling showpeople sites is set out in Circular 01/2006 and Circular 04/2007. These are used by local planning authorities, the Planning Inspectorate and Secretary of State to plan for traveller sites and make decisions about planning applications for traveller sites.
- 2.3 Circular 01/2006 covers policies for 'gypsy and traveller' sites. The circular contains a definition of 'gypsy and traveller' for the purposes of planning. This is a definition based on lifestyle and not ethnicity. However, those living on 'gypsy and traveller'¹ sites in England are primarily either (Romany) Gypsies or (Irish) Travellers. Estimates of these populations vary but generally it is taken that there are about 300,000² Gypsies and Travellers in England. Most now live in 'bricks and mortar' houses rather than caravans. The bi-annual *Caravan Count*³ shows that of the 18,146 caravans in England, 14,510 are on authorised sites and 3,636 (about 20 per cent) are on unauthorised sites. It is 'unauthorised developments' that concern the planning system - an unauthorised development is one that is on land that is owned by the traveller but does not have planning permission. The number of caravans on unauthorised developments has been increasing steadily over recent years with 728 recorded in January 2000 and 2,395 recorded in January 2010.
- 2.4 Gypsies and Travellers have lived in England for at least 500 years. Although some Gypsies and Travellers travel for some of the year, the vast majority do not now travel on a daily basis all year round. Increasingly, as traditional seasonal work has declined, Gypsies and Travellers have adapted to permanent residential sites where they can more easily access a doctor, schools and other services and employment while maintaining the cultural traditions of being a Gypsy or Traveller. Permanent authorised pitches can also help to promote integration and inclusion with settled communities. Although there is increasingly a need for permanent pitches, the Government also recognises the need to provide transit sites to facilitate the travel undertaken by these groups to maintain their traditional way of life.

¹ The term 'gypsies and travellers' is used in this document to denote the non-ethnic description for the purposes of planning. The term 'Gypsies and Travellers' is used to denote the ethnic groups of Roman Gypsy and Irish Traveller heritage.

² The 2011 Census has, for the first time, allowed people to mark their identity as Romany Gypsy or Irish Traveller. This will provide more reliable data on the population.

³ Figures are from the July 2010 Caravan Count.

- 2.5 Gypsies and Travellers are recognised as having a protected characteristic under the Equality Act 2010. Case law has also established that the Government has a duty to “*facilitate the gypsy way of life*” for ethnic Gypsies and Travellers under the Human Rights Act.
- 2.6 Circular 04/2007 covers policies for travelling showpeople. Travelling showpeople are members of a community that consists of self-employed business people who travel the country, often with their families, holding fairs. Most travelling showpeople are members of the Showmen’s Guild of Great Britain, which represents approximately 20,000 travelling showpeople families. Some travelling showpeople do not operate funfairs, but instead hold circuses. These form a small subgroup and there are separate professional organisations for circus people. Travelling showpeople require secure, permanent bases for the storage of their equipment, maintenance of rides and for residential purposes. Circus people are likely to require an enclosed space in which to rehearse and may also require space in which to exercise animals.

Planning system reform and broader policy in relation to travellers

- 2.7 The Coalition Government is committed to radically reforming the planning system. It wants to return power to local communities to help them shape the development of their areas and have shorter and fewer statements of planning policy. At the same time, the Government is committed to ensuring fairness in the planning system, so that everyone is treated equally and even-handedly.
- 2.8 The Government is committed to sustainable development. It is important that local planning authorities plan for the needs of their communities, including travellers. However, too often the planning system pits communities against development of all kinds. It is important that communities are brought on board with development of all kinds – the Government wants a plan-led planning system that empowers local people to shape their surroundings while encouraging the idea that development can positively benefit a community. Ministers have stated that growth (including an adequate supply of housing) is a priority and the aim of its new statement is to facilitate the provision of traveller sites through the planning system. The reforms to planning are designed to give people more say over how growth is achieved in their local areas.
- 2.9 Abolishing regional strategies will remove the system of top-down housing and traveller site targets that were set by regional planning bodies. It will instead make local planning authorities responsible for determining the right level of site provision in their area and in consultation with local communities. Top-down site targets have not delivered. Ultimately, the regional strategy targets that were imposed on local areas were more effective at generating resentment than at getting homes built.

- 2.10 The top-down imposition of development will be replaced with a duty on councils to work together across boundaries in a way that reflects their genuine shared interests. The introduction of this duty to cooperate should result in greater understanding and achievement of shared aims. The reforms will lead to a more collaborative planning system.
- 2.11 Instead of top-down targets, the Coalition Government is also focussing on incentivising development so communities reap benefits and not just costs of development. Councils will be given incentives to deliver new housing, including traveller sites, through the New Homes Bonus scheme. Too often the communities and neighbourhoods that host new development do not feel a direct benefit. They do not share in the proceeds of growth. The Government's goal is to increase and underline the local benefits of development. Local planning authorities that take responsibility and encourage growth should be recognised proportionately.
- 2.12 In the consultation on the New Homes Bonus, the Government proposed that for every new home that gets built in its area, a local planning authority should get six years of matched council tax funding, with an extra supplement for affordable homes (such as houses or traveller sites owned or managed by local authorities or registered partners). The scheme will operate in exactly the same way for traveller sites as it does for other forms of housing ensuring that policy on traveller sites is aligned with that for other forms of housing and that it is fair for traveller and settled communities. And instead of operating under direction from the Treasury, local planning authorities will be free to spend this money on local priorities. The scheme started in April 2011. The introduction of the New Homes Bonus and the proposal to allocate some of the Community Infrastructure Levy for expenditure locally will reduce the resistance to development created by communities not sharing in the direct benefits from new development.
- 2.13 Private development and ownership of traveller sites is a key component in meeting requirements and the planning system is important in the delivery of private sites. However, as with the general housing market, there will always be those who are unable to provide sites of their own and site grant funding for local planning authorities to deliver new sites will also resume this year. As part of the Government's *National Affordable Housing Programme* for 2011-15, it has allocated £60m to fund the provision of traveller sites. The program for 2011-15 was launched in February and will increase the supply of affordable homes in England, including traveller sites where they are needed.
- 2.14 As part of the Government's plan to provide a fair deal for travellers and the settled community, the Government is also bringing forward legislation that will apply the Mobile Homes Act (1983) to local authority traveller sites. This will not affect the powers of local planning authorities and the police to take action against gypsies and travellers on unauthorised sites but will give those living on authorised traveller sites

improved protection against eviction and a secure home in line with residents of other residential mobile home sites. This will be done at the end of April 2011.

2.15 Discrimination and existing poor social outcomes among traveller communities must be addressed. The Government is particularly concerned about poor health and educational outcomes: Gypsies and Travellers are 12 per cent more likely to have a long-term illness compared to comparable members of the settled community⁴; Gypsy and Traveller mothers are 20 times more likely to experience the death of a child than the rest of the population⁵; and school attendance and educational attainment of Gypsy and Traveller pupils has been considerably lower than their peers at every key stage⁶. The Secretary of State for Communities and Local Government has formed a cross-Government Ministerial Working Group to explore ways to address inequalities experienced by Gypsies and Travellers. It is made up of ministers from the Departments of Health, Education, Justice, Work and Pensions, the Home Office, Treasury and DCLG. The group will look at the range of inequalities faced by Gypsies and Travellers including:

- poor health outcomes
- poor performance at school
- high unemployment and lack of engagement with employment support provided by the Department for Work and Pensions
- unmet accommodation needs (with insufficient appropriate authorised public site provision and difficulties settling into bricks and mortar accommodation)
- lack of access to financial products and services (such as insurance, loans and bank accounts)
- hate crime and discrimination (with negative media portrayal of Gypsies and Travellers potentially leading to higher incidence of discrimination and hate crime).

2.16 At the same time, the Government wants to tackle unauthorised development in all its forms. It is clear that it will not tolerate abuse of the planning system by a small minority of travellers, who set up unauthorised developments which create tension, undermine community cohesion and create resentment against the overwhelming majority of law-abiding travellers who do not live on unauthorised sites.

⁴ G Parry, P Van Cleemput, J Peters, J Moore, S Walters, K Thomas, C Cooper, *The Health Status of Gypsies and Travellers in England* (2004) (University of Sheffield)

⁵ G Parry, P Van Cleemput, J Peters, J Moore, S Walters, K Thomas, C Cooper, *The Health Status of Gypsies and Travellers in England* (2004) (University of Sheffield); S Cemlyn, M Greenfields, S Burnett, Z Matthews, C Whitwell, *Inequalities experienced by Gypsy and Traveller communities ; a review* (2009) (Equality and Human Rights Commission)

⁶ Key Stage National Curriculum Assessment Statistics (DCSF)

- 2.17 The Government has brought forward measures to limit the opportunities for retrospective planning permission. These proposals are set out in the Localism Bill. The measures allow only an enforcement appeal or a retrospective planning application to be made for a development, not both. This is designed to crack down on unscrupulous developers who have been deliberately 'playing the system' by drawing out the period for appealing against enforcement action by also submitting a retrospective application for planning permission – during which time their unauthorised development is allowed to continue. Limiting retrospective applications will enable the Government to close this loophole.
- 2.18 Local planning authorities have a wide range of discretionary enforcement powers to enable them to deal with unauthorised development. However, the Government recognises that enforcement remains a problem. Therefore the Localism Bill also contains a range of measures to strengthen the powers that local planning authorities have to enforce against breaches of planning control. These include an increase in penalties for non-compliance with a Breach of Condition Notice⁷, taking the maximum fine from £1,000 to £2,500.
- 2.19 Only those measures that require primary legislation are set out in the Localism Bill and, beyond this, the Government is proposing a range of other measures to strengthen enforcement powers. For example, the Government is considering strengthening Temporary Stop Notice⁸ powers. It will publish more information on all the measures it is taking separately.
- 2.20 The Government is also committed to simplifying the planning system and reducing the number of pages of guidance to make it simpler and more user-friendly. On 20 December 2010, the Government announced how it will take forward its new National Planning Policy Framework (the "Framework"), and invited organisations and individuals to offer their suggestions to the Department on what priorities and policies might be adopted to produce a shorter, more decentralised and less bureaucratic policy framework. The new Planning Policy Statement on traveller sites will eventually be incorporated into the Framework. However, the community tensions that exist because of the problems with the current policy for traveller sites mean that the Government thinks it is important to change the policy and align it more closely with general housing policy ahead of the process for writing the new Framework. The new planning policy for traveller sites is structured in a standard way that is common to all new Planning Policy Statements, such as Planning Policy Statement

⁷ A breach of condition notice can be used where there is a failure to comply with any condition or limitation imposed on a grant of planning permission. The current penalty for non-compliance is a level 3 fine (maximum £1,000) on summary conviction.

⁸ A temporary stop notice stops any activity for a period of 28 days. This allows the local planning authority time to decide whether further enforcement action should be taken. Penalty for non-compliance is a fine of up to £20,000 on summary conviction or an unlimited fine on indictment.

4: *Planning for Sustainable Economic Growth*. This is a sparse and direct style that has been welcomed by local planning authorities and developers for its clarity and directness.

- 2.21 The Government also plans to support a training programme by the Local Government Improvement and Development Agency. The cost to DCLG for the programme over the spending review period will be £50,000. The aim of the training is to raise awareness amongst councillors of their leadership role in relation to traveller site provision and planning applications for sites, and includes advice on dealing the controversy that can sometimes accompany these planning applications. This will help the transition to the new planning system.

The way forward

- 2.22 The changes to planning policy for traveller sites proposed in this document are designed to give local planning authorities powers to meet needs for site provision in their area, in consultation with local communities, to ensure greater fairness in the planning system, align policy for traveller sites more closely with that for other forms of housing and contribute to a more effective and more streamlined planning system with which local planning authorities and developers can more easily engage.
- 2.23 If implemented, this new Planning Policy Statement for traveller sites would replace Circular 01/2006: *Planning for Gypsy and Traveller Caravan Sites* and Circular 04/2007: *Planning for Travelling Showpeople*. Circulars 01/2006 and 04/2007 would, therefore, be cancelled.

3 Key matters for consideration

- 3.1 The Government's overarching policy objective is fair and effective provision of authorised sites for travellers to facilitate the traditional and nomadic way of life of these groups whilst respecting the interests of the settled community. This objective can be broken down into two elements.
- 3.2 The first element relates to the need to have a fair, light-touch policy that puts provision into the hands of elected local councils. The new policy aims to: enable local planning authorities to make their own assessment of need for the purposes of planning; facilitate local planning authorities in planning for sites over a reasonable timescale; protect Green Belt from development; and reduce tensions between settled and traveller communities in relation to the planning system. This will lead to the provision of appropriate sites in appropriate places and support enforcement action if local planning authorities have complied with the policy.
- 3.3 The second element relates to the need to consolidate and streamline the circulars into a shorter single Planning Policy Statement. To do this we will: remove repetition of national planning policy that is set out elsewhere; remove unjustified differences in policy in the two circulars and between the two circulars and other policy statements including Planning Policy Statement 3: *Housing*; and remove unnecessary guidance and context so that planning policy documents contain only policy. This will lead to a shorter, clearer, less cumbersome document that will be easier for councils and developers to use effectively.
- 3.4 To address concerns about fairness and enable greater consolidation of policy, the Planning Policy Statement will align traveller site policy more closely with that of planning policy for housing.

Content of the light-touch policy

- 3.5 The Government has committed to replacing the circulars with new light-touch policy that puts provision into the hands of elected local councils. The new policy aims to:
 - enable local planning authorities to make their own assessment of need for the purposes of planning
 - enable local planning authorities to use their assessment of need to set their own targets for pitch/plot provision
 - encourage local planning authorities to plan for sites over a reasonable timescale
 - protect Green Belt from development

- ensure that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites
 - promote more private traveller site provision while recognising that there will always be those travellers who cannot provide their own sites
 - reduce the number of unauthorised developments and encampments and make enforcement more effective if local planning authorities have had regard to this policy
 - ensure that the development plan includes fair, realistic and inclusive policies
 - increase the number of traveller sites, in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply
 - reduce tensions between settled and traveller communities in plan making and planning decisions
 - enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure.
- 3.6 There are 13 key questions on which the Government would particularly welcome views in relation to its proposed light-touch new policy, which are set out in Section 5.

Definition of traveller for the purposes of planning

- 3.7 The Government proposes that its new policy includes a definition of "travellers" to which the new statement applies. It proposes that "traveller" combines the current planning definitions of "gypsies and travellers" and "travelling showpeople".
- 3.8 The current planning definition of "gypsies and travellers", in particular, was introduced to try and limit costly litigation in planning cases about who is a "gypsy or traveller" and was based on a consideration of case law. The Government proposes to retain the current definitions, which seek to capture those with specific land use requirements arising from their current or past nomadic way of life. It is not based on ethnicity or cultural tradition, as many ethnic Gypsies and Travellers will not have an individual history of nomadism, and hence will have no associated land use requirements for a site.
- 3.9 There is also a definition of "gypsies and travellers" for the purposes of the Housing Act 2004. It is different because the function of the planning definition is different from the function of the housing definition. The purpose of the planning system is to regulate the use and development of land in the public interest. The planning definition has, therefore, been limited to those who can demonstrate that they have specific land use

requirements arising from their nomadic way of life. The planning definition is relevant to the application of planning policies and the determination of applications for planning permission. The housing definition is more pragmatic and wider and enables local planning authorities to understand the possible future accommodation needs of this group and plan strategically to meet those needs.

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

Enable local planning authorities to make their own assessment of need for the purposes of planning and use this evidence to set their own targets for pitch/plot provision

- 3.10 Local planning authorities have a statutory duty to assess accommodation needs of travellers as part of their wider housing needs assessments and to take into account their housing strategy in respect of meeting such accommodation needs. Under the current planning system, this assessment is then fed into the regional planning process and regional bodies set out pitch/plots targets for each local planning authority. As seen above, the system of top-down targets has been ineffective in delivering sites in the manner anticipated and the number of unauthorised developments has increased.
- 3.11 Abolishing regional strategies will remove the system of top-down site targets and make local planning authorities responsible for determining how to meet their housing needs, including traveller site provision, and to use this evidence to set their own targets for pitch/plot provision. It remains very important that local planning authorities continue to plan for the future of their communities, including travellers. The Government, therefore, proposes to give local planning authorities the power to set their own targets for pitch/plot provision, based on robust evidence of local need in the light of historical demand.
- 3.12 Under the proposed policy, local planning authorities will continue to assess the accommodation needs of travellers (as required by the Housing Act 2004) and in accordance with the definition of travellers for this purpose. However, unlike the current circulars, the proposed policy does not specifically refer to the guidance that sets out how needs should be assessed for the purposes of the Housing Act (the *Gypsy and Traveller Accommodation Needs Assessment* guidance). While the Government is keen that planning policy highlights the importance of ensuring that targets are based on robust evidence, it does not consider it necessary to prescribe to local planning authorities the type and volume of evidence required, especially as their conclusions will be tested through the process of consultation and Examination in Public of local plans. This also accords with the Government’s “streamlining”

objectives by removing policy that is already adequately covered by legislation. The proposed policy states that local planning authorities set their own evidence-based targets for the provision of pitches/plots. The policy does not dictate what targets local planning authorities should adopt. This is a matter for local planning authorities to decide themselves depending on the circumstances in their particular area.

Q2: Do you support the proposal to remove the specific reference to *Gypsy and Traveller Accommodation Needs Assessments* in the new policy and instead refer to a “robust evidence base”?

Q3: Do you think that local planning authorities should plan for “local need in the context of historical demand”?

Facilitate local planning authorities in planning for sites over a reasonable timescale

- 3.13 An objective of the current policy is to increase significantly the number of traveller sites in appropriate locations with planning permission in order to address under-provision over the next three to five years. The evidence highlighted above shows that local planning authorities have not delivered against this objective.
- 3.14 The Government, therefore, proposes to ask local planning authorities to plan for a five-year supply of traveller pitches/plots. This provides them with a more reasonable timescale in which to meet their own targets, thus making the delivery of pitches/plots much more likely.

Q4: 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?

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

Protect Green Belt from development

- 3.15 Circular 01/2006 states that new sites in the Green Belt are “*normally inappropriate development*”, as defined in Planning Policy Guidance 2: *Green Belts*. The inclusion of the word “normally” could give rise to applications by travellers being treated more favourably than applications from members of the settled community. This perception is evidenced by data from the Planning Inspectorate that suggests that, between 2006 and 2009, 60 per cent of planning appeals for traveller development in the Green Belt were allowed. This is compared to just 19 per cent over the same period for minor housing⁹ appeals.

⁹ “Minor housing” is defined as development of 10 dwellings or less

- 3.16 The Government is committed to ensuring fairness in the planning system and, therefore, proposes removing the word “normally” so that the wording is consistent with the policy in Planning Policy Guidance 2. The Government considers that this change will clarify that applications from travellers for development on Green Belt should be dealt with in exactly the same way as applications from members of the settled community.

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*?

Reduce tensions between settled and traveller communities in relation to the planning system

- 3.17 The Government recognises that there is concern that the current planning policy for travellers has resulted in unfairness and there is a perception among some that travellers are treated more favourably in the planning system than members of the settled community. The Government wants to see fair play with everyone being treated equally and even-handedly and, therefore, proposes to amend the policy so that it is consistent with policy on housing provision for the settled community (see above) and is, therefore, fair.
- 3.18 In order to further reduce tensions between settled and traveller communities, the Government also proposes to ask local planning authorities to pay particular attention to early and effective community engagement with both settled and traveller communities when formulating their plans and determining planning applications. The new focus on consultation with settled communities will increase meaningful public participation in planning meaning people are more likely to be supportive of development. It will also enable local planning authorities to obtain a balance of views to enable them to make their decisions, and reduce opposition to development based on misunderstanding and lack of information.

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

Q8: Do you think the new emphasis on local planning authorities consulting with both settled and the traveller communities when formulating their plans and determining individual planning applications will reduce tensions between these communities?

Transitional arrangements

- 3.19 If a local planning authority has not planned for a five-year supply of traveller pitches/plots, the draft policy asks them to “treat favourably” applications for a temporary permission. This makes the policy more consistent with the equivalent policy relating to the provision of housing for settled communities, which also asks local planning authorities to treat applications “favourably” in the absence of a five-year land supply. This is opposed to the current circulars that say that “substantial weight” should be given to unmet need when considering whether to grant a temporary permission.
- 3.20 Unlike the situation when the current circulars were introduced, the new policy will give local planning authorities a reasonable period of time in which to put their five-year land supply into place before these consequences of not planning to meet identified need come into force.

Q9: Do you agree with the proposal in the transitional arrangements policy (paragraph 26 of the draft policy) that asks 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*?

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?

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

Consolidating and streamlining policy

- 3.21 The Government is committed to simplifying and consolidating national planning policy through its new National Planning Policy Framework and these principles underline its approach to the proposed new planning policy for traveller sites.
- 3.22 The current two circulars contain both policy and guidance which total 54 pages. Many of the requirements set out in each of the circulars are the same. The circulars also duplicate a number of policies that are already adequately covered in other policy statements. In addition, there is much guidance and context in the circulars that is not actual planning policy.
- 3.23 The Government, therefore, proposes consolidating and streamlining the two circulars into a shorter single Planning Policy Statement that contains only necessary planning policy. To do this, the Government proposes to:

- remove repetition of national planning policy that is set out elsewhere (for example: paragraphs 52-53 in Circular 01/2006 and paragraph 44 in Circular 04/2007 are adequately covered in Planning Policy Statement 7: *Sustainable Development in Rural Areas*; paragraph 45 of Circular 01/2006 and paragraph 41 of Circular 04/2007 repeat Circular 11/1995: *The Use of Conditions in Planning Permission*; Circular 04/2007 only contains six paragraphs that are not already included in Circular 01/2006¹⁰)
- remove nonsensical differences in policy in the two circulars
- remove unnecessary guidance so the Planning Policy Statement contains only policy (it is estimated that over half of the current circulars consists of unnecessary guidance and removing this has resulted in a document that has been reduced from 54 to eight pages)
- remove unnecessary context so the Planning Policy Statement contains only policy (for example: the first 14 paragraphs of both circulars consist of introduction and context to the policy whereas the proposed policy reduces these 28 paragraphs to just five paragraphs).

3.24 These changes make the new policy a shorter, clearer, less cumbersome document that will be easier for councils and developers to use effectively.

3.25 There is one key question on which the Government would particularly welcome views in relation to its proposed consolidation and streamlining of the traveller policy, which is set out in Section 6 (the key question is the eighth bullet point in the 'specific questions about the proposed policies in impact assessment' section.

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

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.)

¹⁰ This does not include the paragraphs in the Preface, Introduction or Definition sections as they are specific to travelling showpeople.

4 The consultation options

- 4.1 Three options have been considered: 1) do nothing; 2) withdraw the circulars; 3) withdraw the circulars and replace with a new single Planning Policy Statement. Option 3 is preferred.
- 4.2 These options are discussed in the impact assessment, which can be found at Annex B. Option 1 and Option 2 have been dismissed prior to this consultation. The Government is, therefore, consulting on the details of its proposed new policy and the impact assessment and equality impact assessment set out at annexes B and C.

5 The consultation questions

1. Do you agree that the current definitions of “gypsies and travellers” and “travelling showpeople” should be retained in the new policy?
2. 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”?
3. Do you agree that where need has been identified, local planning authorities should set targets for the provision of sites in their local planning policies?
4. Do you think that local planning authorities should plan for “local need in the context of historical demand”?
5. Do you agree with the proposal to require local planning authorities to plan for a five-year supply of traveller pitches/plots?
6. 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*?
7. Do you agree with the general principle of aligning planning policy on traveller sites more closely with that on other forms of housing?
8. 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?
9. 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*?
10. 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?
11. Do you have any other comments on the transitional arrangements?
12. Are there any other ways in which the policy can be made clearer, shorter or more accessible?

13. 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.)

6 About this consultation

Impact assessment

The impact assessment is annexed to this 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:

- Do you think that the impact assessment broadly captures the types and levels of costs associated with the policy options? If not, why not?
- Do you think that the impact assessment broadly captures the types and levels of benefits associated with the policy options? If not why not?
- Are there any significant costs and benefits that we've omitted? If so please describe including the groups in society affected and your view on the extent of the impact.
- 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?
- 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?
- 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.
- Are there any significant risks or unintended consequences we haven't identified? If so please describe.

Specific questions about the proposed policies in the impact assessment:

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

- 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.
- Please give your view on whether the transitional period envisaged will lead to any extra costs – and what those might be in monetised terms.
- 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.
- 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?
- Do the familiarisation costs estimated for local planning authorities appear reasonable? Please give your view on the assumptions made in this calculation.
- 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.
- 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.
- Do you think that the draft policy is likely to have any impact, positive or negative, on travelling showpeople as an economic group?
- Are there any significant risks or unintended consequences we have not identified? If so please describe.
- Do you think there are any groups disproportionately affected?

Invitation to comment

This is a public consultation and it is open to anyone to respond to this consultation. However, we would particularly welcome responses from:

- travellers, their representative bodies and local support groups
- community representatives (including settled communities)
- local planning authorities.

How to respond

The Government welcomes your views on all aspects of the proposals set out in this consultation.

A range of questions are set out in the attached questionnaire. We would value your opinion on as many or as few questions as you can answer. Your response should follow the format of the questionnaire and we welcome responses via the consultation questionnaire, which is downloadable from our website at: www.communities.gov.uk/consultations.

The online questionnaire will be available from 13 April 2011 and should be emailed to the team at the following address:
travellerspps@communities.gsi.gov.uk

Our preference is to receive responses electronically using the consultation questionnaire where possible. If you wish to post your response, however, please send it to the Planning: Economy and Society Division at the following address:

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

This consultation will run from 13 April to 6 July 2011.

The deadline for submissions is 6 July 2011.

Data protection

We may, with your consent, quote from your response in a published summary of the response to this consultation. If you are content for your views to be made public in this way, please tick the box. Otherwise, your views may be set out in the response, but without attribution to you as an individual or to you as an organisation.

We shall treat the contact details you provide us with carefully and in accordance with the data protection principles in the Data Protection Act 1998. We shall not make them available to other organisations, apart from any contractor (“data processor”) who may be appointed on our behalf to analyse the results of this questionnaire, or for any other purpose than the present survey without your prior consent.

We shall inform you in advance if we need to alter this position for any reason.

What will happen to the responses?

The Department will take account of the responses received to this consultation before making decisions on possible changes to planning policy.

Following the close of the consultation we will analyse the responses to the consultation and produce a summary of them which will be published on the Department's website.

Publication of responses – confidentiality and data protection

- Information provided in responses to this consultation, including personal information, may be published, or disclosed in accordance with the access to information regimes. (These are primarily the Freedom of Information Act 2000, the Data Protection Act 1998 and the Environmental Information Regulations 2004).
- If you want any of the information that you provide to be treated as confidential you should be aware that under the Freedom of Information Act, there is a statutory Code of Practice with which public authorities must comply, and which deals amongst other things with obligations of confidence. In view of this, it would be helpful if you could explain to us why you regard the information you have provided as confidential.
- If we receive a request for disclosure of information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.
- The Department will process your personal data in accordance with the Data Protection Act and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

7 The seven consultation criteria and this consultation

This consultation document and consultation process have been planned to adhere to the Code of Practice on Consultation issued by the Department for Business Enterprise and Regulatory Reform and is in line with the seven consultation criteria, which are:

1. Formal consultation should take place at a stage when there is scope to influence the policy outcome.
2. Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.
3. Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.
4. Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.
5. Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.
6. Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.
7. Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000, the Data Protection Act 1998 and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the Freedom of Information Act, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for

disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the department.

The Department for Communities and Local Government will process your personal data in accordance with Data Protection Act and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

Individual responses will not be acknowledged unless specifically requested.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

Are you satisfied that this consultation has followed these criteria? If not or you have any other observations about how we can improve the process please contact:

DCLG Consultation Co-ordinator
Zone 6/H10
Eland House
London SW1E 5DU

or by e-mail to: consultationcoordinator@communities.gsi.gov.uk

Annex A

Planning for traveller sites

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Introduction

Application of this planning policy statement

1. Planning policy statements set out the Government's national policies on different aspects of spatial planning in England. This document sets out planning policies for planning for traveller sites. These policies complement but do not replace or override other national planning policies and should be read alongside other relevant statements of national planning policy.
2. The plan making policies in this Statement should be taken into account by the Mayor of London in relation to the spatial development strategy for London, and by local planning authorities in the preparation of their development plan. The preparation of development plans should not be delayed to take the policies in this statement into account.
3. The policies in this Statement are a material consideration which must be taken into account in development management decisions, where relevant¹. The development management policies in the statement can be applied directly by the decision maker when determining planning applications. It is only necessary for the development plan to reformulate development management policies in this Statement² if there are specific factors justifying variation of these policies.

The government's objectives for traveller³ sites

4. The Government's overarching objective is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.
5. To help achieve the above objectives the Government's objectives for planning in respect of traveller sites are to:
 - enable local planning authorities to make their own assessment of need for the purposes of planning
 - ensure that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites
 - encourage local planning authorities to plan for sites over a reasonable timescale
 - protect Green Belt from development

¹ See section 38(6) of the *Planning and Compulsory Purchase Act 2004*.

² See paragraph 4.31-4.32 of *Planning Policy Statement 12: Local Spatial Planning*.

³ See Annex A for the definition of traveller for the purposes of this Statement.

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- promote more private traveller site provision while recognising that there will always be those travellers who cannot provide their own sites
- reduce the number of unauthorised developments and encampments and make enforcement more effective
- ensure that the development plan includes fair, realistic and inclusive policies
- increase the number of traveller sites, in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply
- reduce tensions between settled and traveller communities in plan making and planning decisions
- enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure
- have due regard to the protection of local amenity and local environment

Using evidence

Policy A: using evidence to plan positively and manage development

6. In assembling the evidence base necessary to support their planning approach, local planning authorities 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 in the light of historical demand; and
 - c) use a robust evidence base to establish need to inform the preparation of the development plan and make planning decisions
7. Local planning authorities should, to inform policy development, monitor and critically analyse decisions on applications for sites for travellers compared to those of applications for other types of residential development and other types of caravan site.

Plan making policies

Policy B: planning for traveller sites

8. Local planning authorities should set pitch and plot targets⁴ which address the likely permanent and transit site accommodation needs of travellers in the light of historical demand.
9. Local planning authorities should, in producing their development plan:
 - a) set out their policies and strategies for delivering their locally set targets, including identifying specific sites that will enable continuous delivery of sites for at least 15 years from the date of adoption
 - b) identify sufficient specific deliverable sites to deliver site need in the first five years (to be considered deliverable, sites should, at the point of adoption of the relevant policy: be available – the site is available now; be suitable – the site offers a suitable location for development now and would contribute to the creation of sustainable, mixed communities; be achievable – there is a reasonable prospect that housing will be delivered on the site within five years)
 - c) in determining how much land is required, not include sites for which they have granted planning permission unless they can demonstrate, based upon robust evidence, that the sites are developable and are likely to contribute to delivering locally set targets at the point envisaged
 - d) allow for provision to be made for other family members who may not themselves physically move their own accommodation onto the site
 - e) 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
 - f) 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
 - g) protect local amenity and environment
10. Criteria should be set to guide land supply allocations where there is identified need. Where there is no identified need, criteria-based policies should be included to provide a basis for decisions in case applications nevertheless come forward.
11. Local planning authorities should ensure that traveller sites are sustainable economically, socially and environmentally. Local planning authorities should, therefore, ensure that their policies:
 - a) promote peaceful and integrated co-existence between the site and the local community

⁴ See Annex A for definitions of 'pitch' and 'plot'.

- b) promote easier access to health services
- c) ensure that children can attend school on a regular basis
- d) provide a settled base that reduces the need for long-distance travelling and possible environmental damage caused by unauthorised encampment
- e) do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans; and
- f) reflect the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability

Policy C: sites in rural areas and the countryside

12. When assessing the suitability of sites in rural or semi-rural settings, local authorities should ensure that the scale of such sites does not dominate the nearest settled community.

Policy D: rural exception sites

13. If there is a lack of affordable land to meet local traveller needs, local planning authorities in rural areas, where viable and practical, should consider allocating and releasing sites solely for affordable traveller sites, including using a Rural Exception Site Policy for traveller sites that should also be used to manage applications. A Rural Exception Site Policy enables small sites to be used, specifically for affordable traveller sites, in small rural communities⁵, that would not normally be used for traveller sites. Rural exception sites should only be used for affordable traveller sites in perpetuity. A Rural Exception Site Policy should seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection, whilst also ensuring that rural areas continue to develop as sustainable, mixed, inclusive communities.

Policy E: traveller sites in green belt

14. There is a general presumption against inappropriate development within Green Belts. Traveller sites in the Green Belt are inappropriate development, within the meaning of Planning Policy Guidance 2: *Green Belts*.
15. Detailed Green Belt boundaries defined in adopted development plans or earlier approved plans should be altered only exceptionally. If a local planning authority wishes to make an exceptional limited alteration to the defined Green Belt boundary (which might be to accommodate a site inset within the Green Belt) to meet a specific, identified need for a traveller site, it should do so only through the plan-making process and

⁵ Small rural settlements have been designated for enfranchisement and right to acquire purposes (under Section 17 of the *Housing Act 1996*) by SI 1997/620-25 inclusive and 1999/1307.

not in response to a planning application. If land is removed from the Green Belt in this way, it should be specifically allocated in the development plan as a traveller site only.

Policy F: mixed planning use traveller sites

16. Local planning authorities should consider, wherever possible, including traveller sites suitable for mixed residential and business uses, having regard to the safety and amenity of the occupants and neighbouring residents. Local planning authorities should consider the scope for identifying separate sites for residential and for business purposes in close proximity to one another if mixed sites are not practicable.
17. Local planning authorities should have regard to the need that travelling showpeople have for mixed-use yards to allow residential accommodation and space for storage of equipment.
18. Local planning authorities should not permit mixed use on rural exception sites.

Policy G: major development projects

19. Local planning authorities should work with the planning applicant and the affected traveller community to identify a site or sites suitable for relocation of the community if a major development proposal requires the permanent or temporary relocation of a traveller site. Local planning authorities are entitled to expect the applicant to identify and provide an alternative site, providing the development on the original site is authorised.

Development management policies

Policy H: determining planning applications for traveller sites

20. Local planning authorities should consider the following issues when considering planning applications for traveller sites:
 - 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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21. If local planning authorities have an up-to-date five year supply of deliverable sites and applications come forward for sites that are allocated in the overall land supply, but which are not yet in the up-to-date five year supply, they should consider whether granting permission would undermine achievement of their policy objectives.
22. Local planning authorities should strictly limit new development in open countryside that is away from existing settlements or outside areas allocated in the development plan. However, they should recognise that some rural areas may be acceptable for some forms of traveller sites. Local authorities should ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community, and avoid placing an undue pressure on the local infrastructure.
23. Local planning authorities should look favourably upon applications that:
 - a) involve the development of previously developed (brownfield), untidy or derelict land
 - b) are well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness
 - c) ensure adequate landscaping and play areas for children
 - d) do not enclose 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
24. Local planning authorities should consider how they could overcome planning objections to particular proposals using planning conditions or planning obligations including:
 - a) limiting which parts of a site may be used for any business operations, in order to minimise the visual impact and limit the effect of noise
 - b) specifying the number of days the site can be occupied by more than the allowed number of caravans (which permits visitors and allows attendance at family or community events)
 - c) limiting the maximum number of days for which caravans might be permitted to stay on a transit site
25. Local planning authorities should determine applications for sites from any travellers and not just those with local connections.

Transitional arrangements

26. This planning policy statement comes into effect immediately. From [the date six months after date policy comes into effect], if a local planning authority cannot demonstrate an up-to-date five year supply of deliverable sites, it should consider favourably applications for the grant of a temporary planning permission⁶.

⁶ Policy on the use of temporary permissions is set out in *Circular 11/1995 The Use of Conditions in Planning Permission*.

Annex A: definitions

1. For the purposes of this planning policy statement “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 showpeople or circus people travelling together as such.

2. For the purposes of this planning policy statement, “travelling showpeople” means:

Members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or their family’s or dependants’ more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily or permanently, but excludes Gypsies and Travellers as defined above.

3. For the purposes of this planning policy statement, “travellers” means “gypsies and travellers” and “travelling showpeople” as defined above.
4. For the purposes of this planning policy statement, “pitch” means a pitch on a “gypsy and traveller” site and “plot” means a pitch on a “travelling showpeople” site (often called a “yard”). This terminology differentiates between residential pitches for “gypsies and travellers” and mixed-use plots for “travelling showpeople”, which may/will need to incorporate space or to be split to allow for the storage of equipment.

Annex B

Title: Withdrawal and replacement of Circular 01/2006 (Planning for Gypsy and Traveller Caravan Sites) and Circular 04/2007 (Planning for Travelling Showpeople) Lead department or agency: Department for Communities and Local Government Other departments or agencies:	Impact Assessment (IA)	
	IA No:	DCLG 0033
	Date:	15/02/2011
	Stage:	Consultation
	Source of intervention:	Domestic
	Type of measure:	Other
	Contact for enquiries: Nicola Higgins nicola.higgins@communities.gsi.gov.uk	

Summary: Intervention and Options

What is the problem under consideration? Why is government intervention necessary?

National planning policy and guidance for gypsies and travellers, and travelling showpeople caravan sites is set out in circulars 01/06 and 04/07. These are used by local planning authorities, the Planning Inspectorate and Secretary of State for Communities and Local Government to plan for traveller sites and make decisions about planning applications for traveller sites.

Government intervention is necessary to ensure adequate provision of traveller sites locally – both through a revised planning policy and a wider package of measures aimed at improving site provision.

The circulars are becoming increasingly out dated in the context of broader reforms to the planning system, in particular the move towards more local decision making, shorter and fewer statements of planning policy and the abolition of regional strategies. There is also a perception amongst many that policy currently treats traveller sites more favourably than it does the settled community and is therefore unfair, which has led to tension and undermined community cohesion. The circulars, therefore, need to be shortened and updated to reflect these issues.

What are the policy objectives and the intended effects?

The Government's overarching policy objective is fair and effective provision of authorised sites for travellers to facilitate the traditional and nomadic way of life of these groups whilst respecting the interests of the settled community.

The first set of objectives relate to the need to have a fair, light-touch policy that puts provision into the hands of elected local councils. The new policy aims to:

- enable local planning authorities to make their own assessment of need for the purposes of planning; facilitate local authorities in planning for sites over a reasonable timescale
- protect Green Belt from development and
- reduce tensions between settled and traveller communities in relation to the planning system

This will lead to the provision of appropriate sites in appropriate places and support enforcement action if local authorities have complied with the policy. To address concerns about fairness and enable greater consolidation of policy, the Planning Policy Statement will align traveller site policy more closely with that of policy on planning for housing.

The second set of objectives relate to the need to consolidate and streamline the circulars into a shorter single Planning Policy Statement. To do this we will:

- remove repetition of national planning policy that is set out elsewhere
- remove unjustified differences in policy in the two circulars and between the two circulars and other policy statements including Planning Policy Statement 3: 'Housing'
- remove unnecessary guidance so that planning policy documents contain only policy and
- remove unnecessary context so that planning policy documents contain only policy. This will lead to a shorter, clearer, less cumbersome document that will be easier for councils and developers to use effectively

The new Planning Policy Statement will eventually be incorporated into the new National Planning Policy Framework. The statement is part of a wider package of measures aimed at securing the above objectives. Other measures include a resumption of site grant from April 2011; the inclusion of traveller sites in the New Homes Bonus scheme; reforms to enforcement measures to tackle unauthorised sites; and improved protection from eviction for local authority traveller sites.

What policy options have been considered? Please justify preferred option (further details in Evidence Base)

Three options have been considered: 1) do nothing, 2) withdraw the circulars 3) withdraw circulars and replace with a new single Planning Policy Statement. Option 3 is preferred.

Options 1 and 2 would not achieve Government's overarching objective of effective provision of authorised sites for travellers to facilitate the traditional way of life of these groups nor its sub objectives of consolidating and streamlining policy and having a light-touch, fair policy that puts provision into the hands of elected local councils. In addition, Option 2 would not meet Government's duty under the Human Rights Act 1998 to 'facilitate the gypsy way of life' or its duty under the Equality Act 2010 to promote equality of opportunity.

Option 3 will allow Government to enable effective provision of authorised sites for travellers, consolidate and streamline policy, implement a light-touch policy that puts site provision into the hands of elected local councils and meet its duties under the Human Rights Act and the Equality Act. It would be designed to complement wider measures being taken by the Government as part of its objectives for more appropriate site provision for travellers.

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When will the policy be reviewed to establish its impact and the extent to which the policy objectives have been achieved?	It will be reviewed as part of the arrangements for reviewing the National Planning Policy Framework.
Are there arrangements in place that will allow a systematic collection of monitoring information for future policy review?	Yes

Ministerial Sign-off For consultation stage impact assessments:

I have read the impact assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Minister:  Date: 8 April 2011

Summary: Analysis and Evidence

Description: Withdraw circulars 01/2006 and 04/2007 and replace them with a new single policy

Price Base Year 2011	PV Base Year 2011	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)			
			Low: n/a	High: n/a	Best Estimate: £0.08m	
COSTS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)		Total Cost (Present Value)	
Low	n/a		n/a		n/a	
High	n/a		n/a		n/a	
Best Estimate	£0.01m		n/a		£0.01m	
Description and scale of key monetised costs by 'main affected groups'						
There are no costs anticipated with this policy over and above the one-off familiarisation costs. These costs are difficult to quantify, but for illustration we have estimated £0.01m (see evidence base for details of calculation).						
Other key non-monetised costs by 'main affected groups'						
BENEFITS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)		Total Benefit (Present Value)	
Low	n/a		n/a		n/a	
High	n/a		n/a		n/a	
Best Estimate	n/a		£0.01m		£0.1m	
Description and scale of key monetised benefits by 'main affected groups'						
With guidance that is more streamlined and easier to use, a small saving will be made in processing each application that relates to the guidance. For illustration we have estimated the total savings to be £0.1m.						
Other key non-monetised benefits by 'main affected groups'						
<ul style="list-style-type: none"> local planning authorities will have the ability to set their own targets and to meet this need over a reasonable timescale Green Belt will be protected from inappropriate site development by making the wording consistent with that of other Green Belt policy fairness will be ensured between the traveller and settled communities, which will promote cohesion and reduce tension administrative savings can be made for local planning authorities through streamlined and clear guidance sites will be brought forward in more appropriate places 						
Key assumptions/sensitivities/risks					Discount rate (%)	3.5%
There is a possible risk, if treated in isolation of wider measures being taken by the Government, of a short-term reduction in authorised sites and an increase in unauthorised sites. The consequences of these potential risks would be poor living conditions for travellers, increase in enforcement for local planning authorities and police, and increased tension. There could be concern that local planning authorities do not work together, that a light touch policy for traveller sites may not work and that travellers are not able to participate effectively in the local plan making process. However, it is anticipated that these risks will be limited given the wider measures being taken.						

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Impact on admin burden (AB) (£m):			Impact on policy cost savings (£m):	In scope
New AB:	AB savings:	Net:	Policy cost savings:	Yes/No

Enforcement, Implementation and Wider Impacts

What is the geographic coverage of the policy/option?			England		
From what date will the policy be implemented?			Summer 2011		
Which organisation(s) will enforce the policy?			Local planning authorities		
What is the annual change in enforcement cost (£m)?			n/a		
Does enforcement comply with Hampton principles?			Yes		
Does implementation go beyond minimum EU requirements?			No		
What is the CO ₂ equivalent change in greenhouse gas emissions? (Million tonnes CO ₂ equivalent)			Traded:	Non-traded:	
Does the proposal have an impact on competition?			No		
What proportion (%) of Total PV costs/benefits is directly attributable to primary legislation, if applicable?			Costs:	Benefits:	
Annual cost (£m) per organisation (excl. Transition) (Constant Price)	Micro	< 20	Small	Medium	Large
Are any of these organisations exempt?					

Specific Impact Tests: Checklist

Set out in the table below where information on any specific impact tests undertaken as part of the analysis of the policy options can be found in the evidence base. For guidance on how to complete each test, double-click on the link for the guidance provided by the relevant department.

Please note this checklist is not intended to list each and every statutory consideration that departments should take into account when deciding which policy option to follow. It is the responsibility of departments to make sure that their duties are complied with.

Does your policy option/proposal have an impact on...?	Impact	Page ref within IA
Statutory equality duties ¹ Statutory Equality Duties Impact Test guidance	Yes	57
Economic impacts		
Competition Competition Assessment Impact Test guidance	No	57
Small firms Small Firms Impact Test guidance	No	57
Environmental impacts		
Greenhouse gas assessment	No	57
Wider environmental issues	No	57
Social impacts		
Health and well-being Health and Well-being Impact Test guidance	No	57
Human rights Human Rights Impact Test guidance	No	58

¹ Race, disability and gender Impact assessments are statutory requirements for relevant policies. Equality statutory requirements will be expanded in 2011, once the Equality Bill comes into force. Statutory equality duties part of the Equality Bill apply to GB only. The Toolkit provides advice on statutory equality duties for public authorities with a remit in Northern Ireland.

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Justice system <u>Justice Impact Test guidance</u>	No	58
Rural proofing <u>Rural Proofing Impact Test guidance</u>	No	58
Sustainable development <u>Sustainable Development Impact Test guidance</u>	No	58

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Evidence Base (for summary sheets) – Notes

Use this space to set out the relevant references, evidence, analysis and detailed narrative from which you have generated your policy options or proposal. Please fill in **References** section.

References

Include the links to relevant legislation and publications, such as public impact assessment of earlier stages (e.g. Consultation, Final, Enactment).

No.	Legislation or publication
1	Circular 01/2006: <i>Planning for Gypsy and Traveller Caravan Sites</i> http://www.communities.gov.uk/publications/planningandbuilding/circulargypsytraveller
2	Circular 04/2007: <i>Planning for Travelling Showpeople</i> http://www.communities.gov.uk/publications/planningandbuilding/circulartravellingshow
3	The Showmen's Guild of Great Britain http://www.showmensguild.co.uk/
4	Coalition Agreement 2010 http://www.direct.gov.uk/prod_consum_dg/groups/dg_digitalassets/@dg/@en/documents/digitalasset/dg_187876.pdf
5	Caravan Count http://www.communities.gov.uk/publications/corporate/statistics/caravancountjul2010
6	<i>Gypsies and Travellers: simple solutions for living together</i> (Equality and Human Rights Commission)
7	<i>Gypsy and Traveller Accommodation Needs Assessment: Guidance</i> http://www.communities.gov.uk/publications/housing/accommodationassessments
8	Equality and Human Rights Commission Research Report 68: <i>Assessing local authorities' progress in meeting the accommodation needs of Gypsy and Traveller communities in England and Wales: 2010 update</i> http://www.equalityhumanrights.com/uploaded_files/research/rr68_gt_web_version.pdf

+ Add another row

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Evidence base

Ensure that the information in this section provides clear evidence of the information provided in the summary pages of this form (recommended maximum of 30 pages). Complete the **Annual profile of monetised costs and benefits** (transition and recurring) below over the life of the preferred policy (use the spreadsheet attached if the period is longer than 10 years).

The spreadsheet also contains an emission changes table that you will need to fill in if your measure has an impact on greenhouse gas emissions.

Annual profile of monetised costs and benefits* - (£m) constant prices

	Y ₀	Y ₁	Y ₂	Y ₃	Y ₄	Y ₅	Y ₆	Y ₇	Y ₈	Y ₉
Transition costs	£0.01									
Annual recurring cost										
Total annual costs	£0.01									
Transition benefits										
Annual recurring benefits	£0.011	£0.011	£0.010	£0.010	£0.010	£0.009	£0.009	£0.009	£0.009	£0.008
Total annual benefits	£0.011	£0.011	£0.010	£0.010	£0.010	£0.009	£0.009	£0.009	£0.009	£0.008

* For non-monetised benefits please see summary pages and main evidence base section

Evidence Base (for summary sheets)

Background

TRAVELLERS IN ENGLAND

Current national planning policy and guidance for 'gypsy and traveller' and 'travelling showpeople' sites is set out in circulars 01/2006 and 04/2007. These are used by local planning authorities, the Planning Inspectorate and Secretary of State for Communities and Local Government to plan for traveller sites and make decisions about planning applications for traveller caravan sites.

Circular 04/2007 covers policies for 'travelling showpeople' sites. Showpeople are members of a community that consists of self-employed business people who travel the country, often with their families, holding fairs. Most showpeople are members of the Showmen's Guild of Great Britain which represents approximately 20,000 travelling showpeople families. Some showpeople do not operate funfairs, but instead hold circuses. These form a small subgroup and there are separate professional organisations for circus people. Travelling showpeople require secure, permanent bases for the storage of their equipment and for residential purposes. Circus people are likely to require an enclosed space in which to rehearse and may also require space in which to exercise animals.

Circular 01/2006 covers policies for 'gypsy and traveller' sites. The circular contains a definition of 'gypsy and traveller' for the purposes of planning. Although the definition is not based on ethnicity, those living on 'gypsy and traveller' sites in England are primarily either (Romany) Gypsies or (Irish) Travellers². Both groups are groups protected as ethnic minorities under the Equality Act. Estimates of these populations vary but generally it is thought that there are about 300,000³ Gypsies and Travellers in England. Most of these now live in houses rather than caravans. The bi-annual *Caravan Count*⁴ shows that of the 18,146 caravans in England, 14,510 are on authorised sites and 3,636 (about 20 percent) are on unauthorised sites. Of the 3,636 caravans on unauthorised sites, 1,437 are on 'unauthorised encampments' and 2,199 are on 'unauthorised developments'. The former denotes caravans parked without permission on land that is not owned by the traveller and the latter denotes land that is owned by the traveller but does not have planning permission. It is the latter (unauthorised developments) that are a matter for the planning system.

Gypsies and Travellers have lived in England for at least 500 years. Although some Gypsies and Travellers travel for some of the year, the vast majority do not now travel on a daily basis all year round. Increasingly, as traditional seasonal work has declined, Gypsies and Travellers have adapted to permanent residential sites where they can more easily access a doctor, schools and other services and employment whilst maintaining the cultural traditions of being a Gypsy or Traveller.

CURRENT PLANNING POLICY FOR TRAVELLER SITES

Circulars 01/2006 and 04/2007 say that local planning authorities should assess needs for 'gypsies and travellers' and 'travelling showpeople' as part of their statutory duties under the Housing Act (2004). This assessment was intended to inform the regional planning system and top-down pitch/plot targets are then allocated to local authorities by the regional body. Local planning authorities are then required to translate their pitch/plot targets into specific site allocations in their development plans. The circulars also set out policies for determining planning applications for traveller sites. Where a local planning authority is still deciding on its site allocations policy, the

² The term 'gypsies and travellers' is used in this document to denote the non-ethnic description for the purposes of planning. The term 'Gypsies and Travellers' is used to denote the ethnic groups of Romany Gypsy and Irish Traveller heritage.

³ The 2011 Census will, for the first time, allow people to mark their identity as Romany Gypsy or Irish Traveller. This will provide more reliable data on the population.

⁴ Figures are from the July 2010 *Count of Gypsy and Traveller Caravans*.

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circulars say that it should give substantial weight to any unmet need if considering whether a temporary planning permission is justified.

The effectiveness of current policy

There is evidence that suggests the current circulars simply have not achieved their objective of significantly increasing the number of traveller sites with planning permission in appropriate locations over three to five years to address under-provision. This is reflected in a recent Equality and Human Rights Commission report which concluded that:

- across England, taking into account all pitch types (social and private) and those with temporary and permanent planning permissions, it will take about 16 years to meet stated five-year requirements at the rate of progress achieved during 2006-09
- excluding pitches with only temporary or personal planning permissions, it will take about 27 years to meet stated five-year requirements
- just 35 local authorities (15 per cent of those providing full information to their survey) are on track to meet their requirements within the first five years at the rate of progress achieved between 2006 and 2009 taking into account all net change (a further 25 (11 per cent) will do so within 10 years)
- excluding pitches with temporary or personal planning permissions, only 15 authorities (six per cent) are on track to meet requirements within five years and a further 24 (10 per cent) within 10 years
- one hundred and thirty-five authorities (57 per cent of those providing full information) showed either a zero or a negative change in pitch numbers in 2006-09
- excluding pitches provided through temporary or personal planning permissions, 68 per cent of authorities made no net gain in pitches
- progress was rather better than the average in areas identified as high-priority and low-priority but in medium-priority areas it would take 22 years or 38 years (excluding temporary or personal permissions) to meet five-year requirements at the rate of progress achieved in 2006-09

The following table⁵ shows that, based on the bi-annual Caravan Count statistics, the total number of caravans has gone up by approximately 38 per cent between 2000 and 2010. Over the same period, the percentage of caravans located on authorised sites has remained at around 79 per cent. The circulars have not, therefore, made inroads into any under provision as supply has just kept up with the rate of growth. Furthermore, there is evidence that the circulars have not achieved their objective of reducing the number of unauthorised sites and reducing the conflict and controversy they cause. The number of caravans on unauthorised developments has increased from 728 in January 2000 to 2,395 in January 2010 and a 2009 Equality and Human Rights Commission report noted that people living near unauthorised sites often object to developments without planning permission. In addition, the circular itself has been highly contentious, creating a perception amongst many that the policy is unfair and treats traveller sites more favourably than housing for the settled community. This has created tension, undermined community cohesion and caused resentment against the overwhelming majority of law-abiding travellers who do not live on unauthorised sites.

⁵ Figures are from *Count of Gypsy and Traveller Caravans* in January each year.

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Table 1: Numbers of caravans 2000-2010 (based on bi-annual Caravan Count)

Year (January)	Total number of caravans	Caravans on authorised sites (% of total number of caravans)	Caravans on unauthorised developments
2000	13,253	10,737 (81%)	728
2001	13,503	10,900 (81%)	965
2002	13,612	10,838 (80%)	1,137
2003	13,972	10,944 (78%)	1,408
2004	14,309	10,738 (75%)	1,977
2005	15,369	11,929 (78%)	2,139
2006	15,746	12,474 (79%)	2,154
2007	16,611	13,073 (79%)	2,252
2008	17,844	14,047 (79%)	2,287
2009	17,813	14,185 (80%)	2,365
2010	18,355	14,736 (80%)	2,395

Problem under consideration/rationale for intervention

The Government considers that the circulars contain flawed policy that does not meet their objectives of fair and effective provision of authorised sites for travellers to facilitate the traditional and nomadic way of life of these groups whilst respecting the interests of the settled community. The data above shows that the circulars have not delivered the sites intended, have not decreased unauthorised sites in the way intended and have not decreased community tension in the way intended. In addition, much development has not been in appropriate places but has instead been on Green Belt. Data from the Planning Inspectorate suggests that between 2006 and 2009 60 percent of planning appeals for traveller site development in the Green Belt were allowed. This is compared to just 19 per cent over the same period for minor housing⁶ appeals. The circulars are also becoming increasingly out dated in the context of broader reforms to the planning system, in particular the move towards more local decision making, shorter and fewer statements of planning policy and the abolition of regional strategies. The circulars, therefore, need to be shortened and updated to reflect these issues. Government intervention is necessary to ensure adequate provision of traveller sites locally.

On 29 August 2010, the Secretary of State for Communities and Local Government therefore announced the Government's intention to withdraw the existing traveller planning circulars and replace them with a new, short, light-touch, single policy for traveller sites. This announcement is set out in Annex A to the consultation document with which this impact assessment is published.

The Coalition's *Programme for Government* sets out the intention to radically alter the planning system. The new planning policy statement is in line with a set of broader commitments to reform the planning system. These reforms include streamlining lengthy, cumbersome, user-unfriendly complex policy and guidance, and decentralising the planning system to strengthen the role of elected councils and communities.

The Government has already announced its intention to abolish regional strategies. The Localism Bill that is required to do this is currently progressing through Parliament. The emphasis in the current circulars on the regional tier will therefore be out of date once regional strategies are abolished. The Government has also committed to publish and present to Parliament a simplified and consolidated National Planning Policy Framework ('the Framework') covering all forms of development. The new planning policy statement on traveller sites has

⁶ "Minor housing" is defined as development of 10 dwellings or less.

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been designed in this context and follows the simplifying and streamlining principles of the Framework. The policy it contains will eventually be incorporated into the Framework.

The Government is also introducing a 'Duty to Co-operate' through the Localism Bill that will require local planning authorities and other public bodies to engage constructively on the preparation of local plans. The Government believes that this will be more effective than the system of top-down targets imposed via regional strategies, which redistributed pitch targets to different local authorities in an arbitrary and non-strategic manner and antagonised local areas.

The new planning policy that forms the subject of this impact assessment should be read in the context of the range of broader policy initiatives in relation to traveller communities that will provide a fair deal for traveller communities and settled communities who play by the rules. The Government's key policy commitments are to:

- resume traveller site grant funding from April 2011 (£60m over the spending review period)
- set up a cross-Government, ministerial-level working group to address the discrimination and poor social outcomes experienced by traveller communities
- bring local authority traveller sites into the Mobile Homes Act (1983) to give residents improved protection against eviction
- include traveller sites in the New Homes Bonus scheme (which begins in April 2011) to incentivise local authorities to provide appropriate sites
- limit the opportunities for retrospective planning applications, in relation to any form of development via the Localism Bill currently before Parliament
- provide stronger enforcement powers for local authorities to tackle breaches of planning control
- abolish undemocratic regional strategies and the top-down housing and traveller pitch targets they contain

Policy objectives

The Government's overarching objective is to ensure fair and equal treatment for travellers in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community. To help achieve this objective the Government's objectives for planning are to:

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

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Some of the Government's objectives for the new policy are the same as those of the existing circulars and current policy has been incorporated into the new Planning Policy Statement where it was sensible to do so. In the remainder of this section, the Impact Assessment, therefore, focuses on Government objectives that are either different to current policy or objectives that the new Government believes will be better achieved through its proposed new, short and updated policy.

A) LIGHT-TOUCH POLICY

The Government has committed to replacing the circulars with new light-touch policy that puts provision into the hands of elected local councils. The new policy aims to:

1. enable local planning authorities to make their own assessment of need for the purposes of planning and use this evidence to set their own targets for pitch/plot provision
2. facilitate local authorities in planning for sites over a reasonable timescale
3. deliver fairness in relation to protection of the Green Belt from development
4. reduce tensions between settled and traveller communities in relation to the planning system

1. *Enable local planning authorities to make their own assessment of need for the purposes of planning and use this evidence to set their own targets for pitch/plot provision*

Local planning authorities are required under the Housing Act 2004 to assess the accommodation needs of travellers. This assessment was intended to inform the regional planning process and regional bodies set pitch/plots targets for each local planning authority. As seen above, this system of top-down targets has been ineffective in delivering sites in the manner anticipated and the number of unauthorised encampments and developments has increased. The Government considers that the circular has harmed community cohesion and created resentment towards the overwhelming majority of law-abiding travellers.

The Government has already announced its intention to abolish regional strategies in their entirety through the Localism Bill, which was laid in Parliament in December. Abolishing regional strategies will remove the system of top-down site targets and make local authorities responsible for determining the right level of site provision in their area, in consultation with local communities. In addition, the Government is introducing a 'Duty to Co-operate' through the Localism Bill (see above).

The Government considers that local authorities are best placed to determine how to meet their housing needs, including traveller site provision, to meet local need in the context of historical demand, and to use this evidence to set their own targets for pitch/plot provision. It remains very important that local authorities continue to plan for the future of their communities, including travellers. The Government, therefore, proposes to give local authorities the power to set their own targets for pitch/plot provision, based on robust evidence of local need in the light of historic demand.

Under the proposed policy, local authorities will continue to assess the accommodation needs of travellers (as required by the Housing Act 2004) and in accordance with the definition of travellers for the purposes of the Housing Act 2004. However, unlike the current circulars, the proposed policy does not specifically refer to the current guidance that sets how this should be done (*Gypsy and Traveller Accommodation Needs Assessment: guidance*). The Government considers that local authorities are best placed to determine the evidence needed to make their assessment of need for sites in their area and to inform their targets for the purposes of planning, and their conclusions will be tested through the consultation and Examination in Public of local plans. While the Government is keen that the policy highlights the importance of ensuring that targets are based on robust evidence, it does not consider it necessary to prescribe to local authorities the type and volume of evidence required. This also accords with the Government's "streamlining" objectives by removing policy that is already adequately covered by legislation. The proposed policy states that local authorities set their own evidence-based targets for the provision of pitches/plots. The policy does not dictate what targets local

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authorities should adopt. This is a matter for local authorities to decide themselves depending on the circumstances in their particular area.

2. Facilitate local authorities in planning for sites over a reasonable timescale

An objective of the existing circulars is to increase significantly the number of traveller sites in appropriate locations with planning permission in order to address under-provision over the next three to five years. The evidence highlighted above shows that local authorities have not delivered against this objective. Indeed, evidence from the Equality and Human Rights Commission suggests that across England, taking into account all pitch types (social and private) and those with temporary and permanent planning permissions, it will take about 16 years to meet five-year requirements at the rate of progress achieved during 2006-09.

The Government, therefore, proposes to ask local authorities to plan for a five-year supply of traveller pitches/plots, providing them with a more reasonable timescale in order to meet their own targets, thus making the delivery of pitches/plots much more likely.

Where a local authority has not adequately planned for a five-year supply of traveller pitches/plots, the draft policy asks them to “treat favourably” applications for traveller pitches/plots when considering whether to grant a temporary permission. This makes the policy more consistent with Planning Policy Statement 3: *Housing*. This differs to the current circulars, which say that “substantial weight” should be given to unmet need when considering whether to grant a temporary permission.

Unlike the situation when the current circulars were introduced, local planning authorities will also be given a reasonable period of time in which to put their plans in place before the consequences of not planning to meet supply are enforced.

3. Deliver fairness in relation to protection of the Green Belt from development

Circular 01/2006 states that new sites in the Green Belt are “*normally inappropriate development, as defined in Planning Policy Guidance 2: Green Belts (PPG2)*”. There is concern that the inclusion of the word “normally” could give rise to applications by travellers being treated more favourably than applications from members of the settled community. As seen above, this perception is evidenced by data from the Planning Inspectorate that suggests that between 2006-09 60 per cent of planning appeals for traveller development in the Green Belt were allowed. This is compared to just 19 per cent over the same period for minor housing appeals.

The Government is committed to ensuring fairness in the planning system and therefore proposes to remove the word “normally” so that the wording is consistent with that in Planning Policy Guidance 2: *Green Belts*. The Government considers that this change will clarify that applications from travellers for development on Green Belt should be dealt with in exactly the same way as applications from members of the settled community.

4. Reduce tensions between settled and traveller communities in relation to the planning system

The Government recognises that there is concern that the current planning policy for travellers has resulted in unfairness as there is a perception among some that travellers are treated more favourably in the planning system than members of the settled community. The Government wants to see fair play with everyone being treated equally and even-handedly in the planning system.

Firstly, it will, therefore, amend the policy so that it is consistent with policy for the settled community to reduce the perception that travellers are treated more favourably.

For example, the Government proposes to amend the wording in relation to Green Belt so it is consistent with Planning Policy Guidance 2: *Green Belts* (see above). Similarly, the Government

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proposes to amend the wording in relation to determining applications where there is unmet need for traveller sites to make it consistent with policy for the settled community, as set out in Planning Policy Statement 3: *Housing*. The Government therefore proposes to replace the wording currently set out in paragraphs 45 and 46 of circular 01/2007 and paragraphs 41 and 42 of circular 04/2007 with wording that is consistent with Planning Policy Statement 3: *Housing*.

Secondly, in order to reduce tensions between the settled and traveller communities, the Government also proposes that the new policy requires local authorities to pay particular attention to early and effective community engagement with settled as well as traveller communities when formulating their plans and determining planning applications. The Government has identified a broader shortcoming in the planning system that needs to be addressed – a lack of meaningful public participation in planning. The Government's view is that too often, the planning system (such as the previous system of regional strategy housing and traveller pitch targets) sets communities against development of all kinds. The evidence of inquiry by design in this country, and other models of getting people involved on the continent, suggest that early involvement in the decision-making process means people are more likely to be supportive of local development. Ministers have stated that growth is a priority and the more people participate, the more likely it is that development is to take place. Such engagement accords fully with the Government's localism agenda by maximising the opportunity for communities to be involved in the planning process. It will enable local authorities to obtain a balance of views to enable them to make their decisions and will reduce opposition to development based on misunderstanding and lack of information.

B) CONSOLIDATING AND STREAMLINING POLICY

The current circulars contain both policy and guidance which, taken together, total 54 pages. Many of the requirements set out in each of the circulars are the same. The circulars also duplicate a number of policies that are already adequately covered in other policy statements, particularly in relation to housing, Green Belt and the use of planning conditions.

The Government has committed, by April 2012, to publish and present to Parliament a simplified and consolidated National Planning Policy Framework covering all forms of development. However, the Government has identified a pressing need to amend national planning policy for travellers in order to update the policy and to address issues of perceived unfairness in the planning system (see above). The Government is therefore committed to immediately consolidating and streamlining circulars 01/2006 and 04/2007 into a shorter single Planning Policy Statement ahead of the publication of the National Planning Policy Framework. To do this, the Government proposes to:

- remove repetition of national planning policy that is set out elsewhere. For example, the main body of circular 04/2007 contains 61 paragraphs and only six of these are not already included in circular 01/2006. In addition, paragraphs 52-53 in circular 01/2006 and paragraph 44 in circular 04/2007 are adequately covered in Planning Policy Statement 7: *Sustainable Development in Rural Areas*. Similarly paragraph 45 of circular 01/2006 and paragraph 41 of circular 04/2007 simply repeat what is already said in circular 11/1995: *The Use of Conditions in Planning Permission*
- remove repetition of national planning policy that is set out elsewhere. For example, the main body of circular 04/2007 contains 61 paragraphs and only six of these are not already included in circular 01/2006. In addition, paragraphs 52-53 in circular 01/2006 and paragraph 44 in circular 04/2007 are adequately covered in Planning Policy Statement 7: *Sustainable Development in Rural Areas*. Similarly paragraph 45 of

⁷ This does not include the paragraphs in the Preface, Introduction or Definition sections as they are specific to travelling showpeople.

⁸ This does not include the paragraphs in the Preface, Introduction or Definition sections as they are specific to travelling showpeople.

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circular 01/2006 and paragraph 41 of circular 04/2007 simply repeat what is already said in circular 11/1995: The Use of Conditions in Planning Permission

- remove nonsensical differences in policy in the two circulars
- remove unnecessary guidance so that planning policy documents contain only policy. It is estimated that over half of the current circulars consists of unnecessary guidance, much of which simply duplicates other policy or guidance. Removing this unnecessary guidance and duplication has resulted in a document that is just 10 pages long, as opposed to 54 pages
- remove unnecessary context so that planning policy documents contain only policy. For example paragraphs 1-14 of circular 01/06 and paragraphs 1-14 of circular 04/2007 just set out the introduction and context to the policy, totalling 28 paragraphs of contextual information. Whereas the proposed policy sets out the introduction and context in just five paragraphs

By making these changes, the proposed policy is a shorter, clearer, less cumbersome document that will be easier for councils and developers to use effectively. The new planning policy statement for travellers will eventually be incorporated into the National Planning Policy Framework.

Costs and benefits of each option

The Government aims to test its understanding of the costs and benefits of its proposals during the consultation period. The sectors and groups most likely to be affected are:

- local planning authorities
- traveller communities (including (Romany) Gypsies and (Irish) Travellers and other 'gypsies and travellers' as identified by the planning definition and travelling showpeople)
- settled communities

OPTION 1: DO NOTHING

Under this option, no changes would be made to national planning policy and circulars 01/2006 and 04/2007 would remain in place as the national policy for planning for 'gypsy and traveller' and 'travelling showpeople' sites.

Costs

This option would not impose additional costs although it would forego the benefits identified under Option 3. This option would, therefore, result in the ongoing costs to local planning authorities and communities in having to work with a cumbersome and confusing policy that is over long and repetitive (between the two circulars and of other national policy). This option would maintain a lack of democratic accountability by retaining the current centralised, top-down system of assessing need and setting targets. In the longer-term, this option would result in an out-dated policy as the regional strategy abolition process continues. This option is unlikely to reduce community tension over policy that is seen as unfair and departs from mainstream planning policy. Similarly, this option is unlikely to reduce the number of unauthorised developments.

Benefits

The benefit of this option is that it retains a framework with which users are familiar and therefore avoids the familiarisation costs that are likely to be incurred under options 2 and 3. However, all national planning policy, including that on traveller sites, is currently being reviewed as part of the Government's commitment to publish and present to Parliament a simple and streamlined National Planning Policy Framework covering all forms of development by April 2012. So this may only be a short-term benefit.

Do you think there are any other benefits to retaining the existing policy, and whether these can be quantified?

OPTION 2: WITHDRAW CIRCULARS 01/2006 AND 04/2007 AND DO NOT REPLACE THEM

Under this option, the Government would withdraw the two circulars but not replace them with a new policy. This would mean there would be no national planning policy for 'gypsy and traveller' or 'travelling showpeople sites'. The only guidance on the Government's intentions for planning for traveller sites would be two short references to gypsies and travellers in the national planning policy for housing (Planning Policy Statement 3: *Housing*). The first of these references points to circular 01/2006 as the current national planning policy for gypsy and traveller sites for further explanation. The second reference is in an annex concerning evidence bases for the assessment of housing needs for the purposes of the Housing Act 2004. There is separate guidance on this for 'gypsies and travellers' (the definition of which for the purposes of the 2004 Housing Act is different and includes travelling showpeople) and it is not set out in the current planning policy.

For the reasons given below, the Government has dismissed this option prior to the launch of its consultation.

Costs

Option 2 would not be compliant with Government's duty under the Human Rights Act 1998 to 'facilitate the gypsy way of life' nor its duty under the Equality Act 2010 to promote equality of opportunity.

In addition, Option 2 would impair achievement of the Government's overarching objective for travellers, which is "to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community". Government intervention is necessary to ensure adequate provision of traveller sites locally.

Benefits

The Government considers that there are no benefits associated with this option.

Can you identify – in quantitative terms if possible – whether you think there would be any benefits to this option?

OPTION 3: WITHDRAW CIRCULARS 01/2006 AND 04/2007 AND REPLACE THEM WITH A NEW SINGLE POLICY

This option would be delivered by consolidating and streamlining the two circulars into one comprehensive new planning policy statement. The new policy would:

- a) enable local planning authorities to make their own assessment of need and to use this evidence to set their own targets for pitch/plot provision
- b) enable local planning authorities to plan to meet this need over a reasonable timescale
- c) enable local planning authorities to protect Green Belt from development
- d) reduce tensions between settled and traveller communities
- e) streamline planning policy for traveller sites

a) *Enabling local planning authorities to make their own assessment of need and to use this evidence to set their own targets for pitch/plot provision*

Local authorities are under a statutory duty to assess the accommodation needs of travellers as part of their assessments of housing need for the wider community. Under the current system this was fed into the regional planning process and regional planning bodies then impose

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pitch/plot targets on local authorities. The Government proposes replacing this with a system in which local authorities set their own pitch/plot targets based on robust evidence of need.

Costs

Local authorities are already required by legislation to collect evidence about the need for traveller accommodation in their area. We do not consider that local authorities, traveller and settled communities, or their representatives are likely to face any extra costs, in net terms, from implementing the changes proposed under this option. Local plans already have to go through an independent process of challenge via consultation and Examination in Public and this will continue. Previously, local authorities had to also participate in regional-level consultations and Examinations in Public to set pitch/plot targets. Under the new policy, this process will instead occur at the local plan level. There is a potential cost to travellers through a risk that sites will not be provided where they are needed if a majority of electorate are opposed to them or because local planning authorities do not work with neighbouring authorities, where necessary. However, these potential costs are addressed by risks 4 and 5 (see following section).

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.

Benefits

The proposed policy changes will give local authorities the ability to set their own targets, based on their own assessment and on local circumstances, rather than having top-down targets imposed on them. This will have benefits in terms of better quality plan making because it will be suited to the needs of the local authority rather than to a figure imposed by a regional assembly. There will also be cost and time savings because there will be no need for local authorities to participate in a lengthy and bureaucratic regional planning process. The new policy will encourage local authorities to work with neighbouring authorities, when necessary, to meet need but this will be on a more collaborative basis. The new policy's requirement that targets be set at a local level will also ensure that planning policy for traveller sites clear and up-to-date in light of the forthcoming abolition of regional strategies.

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.

b) Enabling local planning authorities to plan to meet this need over a reasonable timescale

This option asks local authorities to ensure they plan for a five-year supply of traveller pitches/plots and to “treat favourably” applications where there is an unmet need for traveller pitches/plots when considering whether to grant a temporary permission, to make the policy more consistent with Planning Policy Statement 3: *Housing*. This is opposed to the current circulars which say that “substantial weight” should be given to unmet need when considering whether to grant a temporary permission.

Costs

There is the risk of an opportunity cost with this option, whereby giving a temporary planning permission on land that would otherwise be unsuitable for that usage means that the site can not be used for something else more appropriate.

There is also a potential cost of a short-term reduction in authorised site provision during the transitional period (during which time local authorities may not have a five-year land supply to meet need but will also not have to treat favourably applications when considering whether to grant

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temporary permissions). This could, in turn, lead to more demand for, and pressures on social housing. This is, however, addressed under risks 1 and 2 (see following section).

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

Benefits

An objective of the existing circulars is to increase significantly the number of traveller sites in appropriate locations with planning permission in order to address under-provision over the next three to five years. The evidence highlighted above indicates that local authorities have not delivered against this objective. We therefore consider that replacing this with a requirement for local authorities to plan for a five-year supply of traveller pitches/plots provides local authorities with a much more reasonable timescale in order to meet their own targets. This will make the delivery of pitches/plots more likely. This option, therefore, has the potential to benefit local authorities and the traveller community by making it easier to plan for and provide pitches/plots. In turn, the effective provision of sites may lead to a reduction in the cost of enforcing against unauthorised sites and better access to services such as health and education for travellers.

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.

c) Enabling local planning authorities to protect Green Belt from development

This option proposes to make the wording in relation to traveller development in the Green Belt consistent with that for all other types of development in the Green Belt.

Costs

There is the potential cost to travellers of a refusal of planning permission for sites in Green Belt that may otherwise have been given permission.

Benefits

The main benefit of this proposal is that the Green Belt will be protected from inappropriate traveller development in the same way that it is for all other types of development. This represents a benefit because of the variety of evidence that people value the Green Belt and green spaces more generally. The Barker Review estimated the social benefit of urban fringe green belt at £177,800 per hectare (present value). This is supported by the impact of green space on house prices. Gibbons, Mourato and Resende (2011) found that 'green space' increased the value of housing by 1.04 per cent and being in the Green Belt increased them by a further 3 per cent. However, for this specific policy it is extremely difficult to estimate the extent to which it will lead to greater protection of the Green Belt.

Please give your view on whether the draft policy is likely to have any significant monetary benefit in terms of protection of the Green Belt, and, if so, what this is likely to be.

Another benefit of this approach is that it will ensure fairness between the traveller and settled communities, which will address concern that it is easier for travellers to obtain planning permission for development in the Green Belt than it is for the settled community. This should, in turn, help to reduce community tensions (see below).

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Making the wording consistent with that in other Green Belt policy will lead to greater certainty for local authorities, traveller and the settled communities, particularly when making planning applications. This should result in fewer planning appeals and challenges.

d) Reducing tensions between settled and traveller communities

This option proposes to amend policy for traveller development so that it is consistent with policy for all other types of development, particularly in terms of development on the Green Belt and in terms of determining applications where there is a need for pitches/plots that has not been adequately planned for. This option also highlights the importance of community consultation that focuses on both the settled and traveller communities at the plan-making and development management stages (as opposed to the current circulars that only emphasise engagement with the travelling communities rather than engagement with both travellers and the settled community).

Costs

There is a potential cost to travellers through a risk that sites will not be provided where they are needed if a majority of the electorate are opposed to them or because local planning authorities do not work with neighbouring authorities, where necessary. However, these potential costs are addressed by risks 4 and 5 (see following section).

Benefits

Ensuring consistency between policy for the traveller and settled communities should help to address concerns about unfairness in the planning system. This will help to promote community cohesion which will have benefits for both the settled and traveller communities.

As mentioned above, making the wording consistent with that in other Green Belt and housing policy will lead to greater certainty for local authorities, traveller and settled communities, particularly when making planning applications. This should result in fewer planning appeals and challenges

The emphasis on community engagement will make it more likely that members of the settled community will accept traveller development. Not only will this help to reduce tension between the traveller and settled community, but it will make it more likely that development will take place in sustainable locations. This will benefit the traveller community by providing greater access to education and health services as well as employment.

e) Streamlining planning policy for traveller sites

By removing guidance and duplication between the two circulars and between other national policies thus reducing the number of pages from over 50 to less than ten.

Costs

We consider that local authorities, traveller and settled communities, and their representatives are unlikely to face any extra costs, in net terms, from implementing the changes proposed under this option. Whilst there may be some familiarisation costs, predominantly for local authorities, the scale of this is extremely difficult to assess because it depends upon the existing approach to planning for traveller sites. Moreover, any such costs will be quickly offset by savings derived from presenting the Government's policies for traveller sites in an integrated, streamlined way. For illustration, we assume that – on average – one person per local planning authority will be required to familiarise themselves with the new guidance. Assuming that it takes one hour to read the new guidance and the average wage of a planning officer is £37.18 (ONS), the total cost of familiarisation is estimated at £0.01m. This is considered to be a one-off cost in year one only.

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

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Benefits

It has not been possible to robustly quantify the benefits of streamlining policy given the inherent difficulties of assessing the impact of changes in the way that policy is structured and presented. However, analysis for the Killian Pretty Review provides some context for what the benefits of streamlining could look like if they were implemented across the planning system as a whole. The Killian Pretty review considered that if Government overhauled and simplified the national policy framework and the secondary legislation for the process of planning applications, this would enable faster and more effective handling of applications by reducing the inherent complexity in the process. They estimated that this complexity costs applicants a total of £750m per year in consultants and legal fees, and that a 10 per cent reduction could save applicants £75m per year and local authorities £30m per year.

Bringing together policy for travellers in a single document has the potential to result in real cost savings for local authorities and travellers by cutting out duplication and minimising complexity for users. Instead of looking at several policy documents, they will only need to look at one.

We therefore consider that there is a potential for cost savings for local authorities and travellers in the medium to long term from presenting policies for traveller sites in an integrated way, particularly in terms of speedier and better quality plan-making and decision taking in respect to planning applications. However, planning applications for gypsy and traveller pitch developments are a relatively small proportion of all planning applications. Statistics⁹ from September 2009-2010 (Sept 2008-2009) show that total major and minor decisions on gypsy and traveller pitch developments equalled 291 (217). The administrative savings to planners in local authorities would therefore be relatively small and are difficult to monetise. For illustration, we assume that one hour is saved per application (at a wage rate of £37.18 as above). Assuming that the current level of planning applications rises in line with economic growth - using the Office for Budget Responsibilities forecast – we estimate the total savings will be £0.1m (present value over 10 years) or £0.01m (average annual).

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.

Risks for option 3

1) There is a possible risk, if this policy is considered in isolation of the wider measures that the Government is implementing, of a **short-term reduction in authorised sites** during the 'transitional period' of the policy, while local authorities get their five-year land supply of traveller sites in place. This could potentially add to the already increasing number of unauthorised sites. An increase in unauthorised sites could, in turn, lead to more demand for, and pressures on social housing. Travelling showpeople need mixed use sites to maintain their business. A lack of sites could, therefore, be detrimental to their ability to function economically. However, the number of sites at risk are small (see below) and the Government believes that its wider measures (discussed below) will mitigate this risk.

Following the introduction of circulars 01/2006 and 04/2007, a number of temporary permissions for traveller sites were given because the circulars said that if there was immediate unmet need then a temporary permission should be given. While the new policy says that those local authorities that have not planned to meet local need should consider temporary permission

⁹ See www.communities.gov.uk/documents/statistics/xls/1801915.xls and www.communities.gov.uk/documents/statistics/xls/1417711.xls.

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favourably, the new policy gives local authorities a reasonable period of time to get their plans in place before this sanction becomes effective.

The policy of circulars 01/2006 and 04/2007 led to sites in unsuitable places, such as Green Belt, without giving local authorities time to plan properly for the new policy. The Government wants to give local authorities a reasonable amount of time to plan properly and, as was the case when Planning Policy Statement 3: *Housing* was introduced, will allow local authorities a transitional period. This will mean that development of sites is sustainable. In line with the transitional period adopted when Planning Policy Statement 3: *Housing* was introduced, the draft policy proposes a transitional period of six months from the date of publication of the final policy to enable local planning authorities to review their existing policies. After the six-month period, if a local planning authority cannot demonstrate an up-to-date five year supply of deliverable traveller sites, the draft policy requires them to consider favourably applications for the grant of a temporary planning permission.

Some temporary permissions will be coming to an end during the transitional period. Should there be a period of time after the implementation of the new planning policy, in which regional strategies have been abolished but the new planning policy is still in its transitional period, some permissions that might have been renewed if the existing circular just remained in place may be more likely to be refused under the transitional arrangements of the new policy. This is because during the transitional period, any local planning authorities that have not finalised their five-year land supply of sites would not yet be subject to the policy within the planning statement that says they should “treat favourably” consideration of temporary permission.

It is not anticipated, however, that this will be a significant problem because, firstly, the maximum period of time that this would apply would be six months and so the numbers of sites involved would be small and, secondly, there are other measures that the Government has put in place that will mitigate this risk.

NUMBER OF SITES POTENTIALLY AFFECTED

We do not have exact figures for the number of temporary permissions that are likely to expire at this time or the number that may have been granted an extension under the old policy. However, data from the Equality and Human Rights Commission indicates that in the four-year period between 2006 and 2009, 95 new site applications were granted a temporary or personal permission by the local planning authority and a further 89 were granted a temporary or personal permission on appeal. These 184 permissions represent 576 pitches. We assume this equates to 979 caravans¹⁰.

Personal permissions are permanent until the death of the applicant so will not come up for renewal in the same way. However, if we take the 184 figure as a base and assume that a quarter of these permissions will expire every year between 2011 and 2014, this represents approximately 244 caravans per year. Over a six-month transitional period following publication of the final policy, this would, therefore, represent 122 caravans. The data on which this calculation is based does only relate to temporary and personal permissions granted for new sites in the 2006-2009 period. It therefore excludes extensions of temporary permissions granted on existing sites. However, on the other hand, as seen above, it does include personal permissions, which will not come up for renewal in the same way. In addition, temporary permissions tended to be for a five-year period and it is likely that most of them would have been granted towards the end of the period 2006-2009, once circular 01/2006 had been in place for a time so, on this basis, less than a quarter are actually likely to be expiring in 2011 when we are aiming to implement the new policy. Even taking the figure of 122 caravans, across the whole of England this is relatively low as a proportion (3.5 percent) of the total number of caravans on unauthorised sites (which, if the permission was not renewed, these sites would become).

¹⁰ Based on the assumption that each pitch represents an average of 1.7 caravans

MITIGATING MEASURES

Should a short-term reduction in authorised sites arise, it may, if considered in isolation of other measures, lead to a short-term increase in unauthorised sites, either on land travellers own or on land they do not own. A potential reduction in authorised sites could, in turn, lead to an increase in community tension or poor living conditions for some travellers who may end up living on overcrowded or unauthorised sites and/or moving around much more frequently, including risks to their ability to access services such as education and health care. There is also a risk that a lack of authorised sites could lead to burdens on local authorities in terms of increased homelessness applications. (However, travellers tend to resort to unauthorised sites or overcrowded living rather than putting in homelessness applications.) Some planning and police enforcement powers rely on the availability of authorised sites so the ability to use these may be restricted. In addition, any increase in enforcement action will have costs to the public purse (see below for costs).

Overall, however, the risk of sites not coming forward is heavily mitigated by the other measures which the Government is putting in place to encourage the provision of more sites. The increase in unauthorised sites will not occur if these other aspects of the Government's package of measures enable an increase in short-term site provision – in particular the effective use of site grant (£60m over the spending review period), which will be available to local authorities during this transitional period. The Government has also included traveller sites in the New Homes Bonus. These measures will mean that new sites could come forward which hitherto were not practical or viable, enabling an increase in site provision overall. Similarly, the new enforcement powers which the Government will be giving councils will help to ensure that there is no increase in the overall number of unauthorised sites beyond what would be expected in the absence of this policy change.

2) There is a risk that local authorities will bring forward large parcels of land for sites rather than the small ones that are desired by travellers, are more affordable for private purchase and are more easily managed. This is because allocating land in plans and planning applications for sites can be very contentious. It can, therefore, be less problematic to consult less often on a fewer number of large sites than more often on a larger number of smaller sites.

There is nothing in the new policy that makes this more of a potential risk than at present. The policy is clear that local authorities should plan for need in the consultation with travellers and the wider community and so should understand their needs.

3) There is a risk that **local authorities will not consider working together** to produce joint plans, where appropriate, to allow needs to be met across a wider local spatial scale. Local authorities that have a history of providing sites often report that travellers move from neighbouring authorities to their areas because they are more likely to find a site. This means that the need increases in those areas that have provided sites and decreases in those areas that have not and they will be liable to provide yet more sites. This could lead to some local authorities being unfairly overburdened in terms of provision unless neighbouring authorities work with them. There may also be risks to areas such as Green Belt if a local planning authority has special or strict planning constraints across its area unless neighbouring authorities were to work with it.

However, the publication of joint *Gypsy and Traveller Accommodation Needs Assessments* shows that most local authorities voluntarily worked in partnership to produce joint statutory housing needs assessments for travellers. This shows willingness to co-operate in relation to traveller accommodation issues and has also provided a precedent for this in practice. In addition, the Government is introducing a 'Duty to Co-operate' through the Localism Bill, which is currently before Parliament, that will require local planning authorities and other public bodies to engage constructively on the preparation of local plans. The Government believes that this will be more effective than the system of top-down targets imposed via regional strategies,

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which redistributed pitch targets to different local authorities in an arbitrary and non-strategic manner and antagonised local areas.

4) There is a risk that local authorities may not provide sites where they are needed if a majority of their electorate are opposed to them. Travellers can experience antipathy from the settled community through misunderstanding and stereotyping. The planning system is one arena where these tensions often come to the fore.

The Government's new policy, however, makes it clear that local planning authorities should use a robust evidence base to assess need for site provision for the purposes of planning, set pitch targets based on this and then plan to meet those targets by identifying 'deliverable' land in their local plans.

The established process of independent challenge, scrutiny and testing of local planning policies through consultation and Examination in Public will play a central role in verifying the evidence of need on which pitch targets are based and the subsequent bringing forward of suitable and available sites to meet targets. During the Examination in Public, an independent planning inspector will consider whether the plan complies with legal requirements and whether it is sound. There is no legal definition of what is "sound". However, in order to be found sound in this context, the inspector will need to consider whether the plan is justified, effective and consistent with national policy. "Justified" means that the document must be founded on a robust and credible evidence base and must be the most appropriate strategy when considered against the reasonable alternatives. "Effective" means that the document must be deliverable, flexible, and able to be monitored. If it is concluded that the plan is not justified, effective and consistent with national policy, the plan may not be found sound, in which case further work may be required before it can be adopted by the local authority. Local plans may not be adopted if they are not found sound.

Local housing authorities also have a statutory responsibility to assess need for traveller accommodation. Every local housing authority is required, when undertaking a review of housing needs in their district under section 8 of the Housing Act 1985, to carry out an assessment of the accommodation needs of travellers residing in or resorting to their district. The Act also requires authorities to prepare a strategy demonstrating how the accommodation needs of travellers will be met as part of their housing strategies. This evidence base is available to form part of the discussion of assessment of need for the purposes of planning in any local authority.

Under the new policy, local authorities will be fully responsible for the assessment, target setting, planning and provision of sites. However, the Government have made it clear that alongside the additional powers that localism brings also comes responsibility. The proposed new policy makes it clear that local authorities that do not plan to meet the need they have themselves assessed will face consequences and will be asked to consider applications for temporary planning permissions favourably.

In addition, alongside its proposals for locally-driven development, the Government has put in place the New Homes Bonus to create an incentive that rewards local authorities that deliver sustainable housing development, including traveller sites, with a financial bonus. The New Homes Bonus will be introduced from April 2011, ensuring that local authorities and communities see the benefits rather than the costs of development. The Government's proposals under the New Homes Bonus will also apply to the delivery of traveller sites. Additionally, following the Spending Review, travellers' sites in public ownership are now included in the Homes and Communities Agency's National Affordable Housing Programme. The Homes and Communities Agency will seek to ensure that provision of appropriate sites forms part of the overall package of housing and regeneration in the area, and grant funding for traveller sites (£60m over the spending review period) will resume in April 2011.

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There is a clear business case for planning for and providing sites. A 2006 Commission for Racial Equality report found that local authorities spent around £18m a year of council tax payers' money evicting gypsies and travellers from unauthorised sites and that these costs could be significantly reduced if councils invested in providing an authorised alternative. Since Bristol City Council created two authorised sites, it saw its costs for enforcement drop from £200,000 in the mid-1990s to a yearly average of £5,000. A later Equality and Human Rights Commission Report (*Simple Solutions*) argued that once gypsies and travellers are in authorised sites significant returns can also be collected in rent, council tax and utility bills. Well-run, authorised sites in appropriate locations that allow integration between settled and traveller communities can also diminish the community tensions that arise when sites are developed without planning permission. Unauthorised sites are often located in unsafe or unsuitable places lack basic facilities causing a health hazard for those who live there or nearby, environmental damage and an eyesore for neighbours. This too can be avoided with appropriate planning for official sites.

5) There is a risk that travellers will not be able to participate effectively in the local plan making process. As seen above, consultation and Examinations in Public in drawing up local plans will be the key arena in which evidence of need is tested and pitch targets set. The Government's proposed new policy says that local planning authorities should assess the needs of their area for the purposes of plan making, set associated pitch targets and plan to meet this need. Under the current circular, there is the chance to influence the evidence base for the assessment of and pitch targets through eight Regional Strategies and the London Plan. There are 326 local planning authorities in England and, therefore, a risk that the, often, small community groups that represent travellers will have insufficient resource to participate effectively in relevant local plan consultations or Examinations in Public.

However, a December 2010 informal survey by DCLG officials of local plan examinations that took place in November 2010 revealed that in nine out of 12 cases, representations (either in writing or in person) had been made by traveller representatives. In addition, The Showmen's Guild of Great Britain reported successful participation in all the *Gypsy and Traveller Accommodation Needs Assessments* and Gypsy and Traveller and New Traveller groups also participated in these. While, as seen above, a number of these were carried out jointly by local authorities, they show the ability of traveller groups to engage with authorities at a local level.

New Burdens assessment

Local authorities are already required under the Housing Act 2004 to assess the accommodation needs of travellers. Under the proposed policy, local authorities will continue to gather this evidence, as required by law, but then have the responsibility for using this and other relevant evidence to set their own targets for pitch/plot provision rather than having targets forced on them by an unelected regional tier.

Similarly, all the other policy changes proposed simply clarify the policy position or amend the policy so it is consistent with that for the settled community (for example in relation to the Green Belt, or determining applications where there is not a five-year supply of traveller sites).

Therefore, it is not anticipated that the Government's preferred option will result in any new burdens on local authorities.

One in One Out

It is not anticipated that these changes will impact on business.

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

Specific impact tests

Statutory equality duties

An Equality Impact Initial Screening and consultation stage Full Equality Impact Assessment have been carried out and have been published alongside the draft policy. It is not anticipated that the draft policy will have a negative impact on any group with protected characteristics under the Equality Act 2010 (including Romany Gypsies and Irish Travellers). The policy is embedded within a broader set of policy measures that will ensure fairness for traveller and settled communities (these are set out in the consultation document).

Do you think there are any groups that will be disproportionately affected by the draft policy?

Economic impacts

COMPETITION AND SMALL FIRMS

The Government recognises that travelling showpeople are an economic group and these policy changes therefore have the potential to result in economic impacts in terms of competition and small firms. It is not anticipated that the Government's preferred policy option will have any harmful impacts on competition or small firms as the aim is to increase site provision for travellers. This in turn will lead to positive impacts on the employment opportunities of travelling showpeople and gypsies and travellers and their ability to run the small businesses which they often run. However, we would welcome views from consultees (particularly travelling showpeople) as to whether this conclusion seems reasonable.

Environmental impacts

GREENHOUSE GAS ASSESSMENT AND WIDER ENVIRONMENTAL ISSUES

The policy changes clarify the position in relation to development in Green Belt and will ensure that proposals for traveller sites in the Green Belt are considered in the same way as all other applications for development. The preferred policy option therefore has the potential to have positive environmental impacts in this regard by reducing the inappropriate locating of traveller sites in Green Belt and thus increasing the amenity of Green Belt to all.

There is other national policy and guidance that local planning authorities should use in formulating their plans and determining individual applications, for example policy on flooding.

It is anticipated that the Government's preferred policy option will have any beneficial environmental impacts.

Social impacts

HEALTH AND WELLBEING

It is anticipated that the Government's preferred policy option will have beneficial impacts on health and wellbeing. Further details on this are set out in the draft Equalities Impact Assessment/screening published alongside this Impact Assessment.

The Government is committed to addressing the discrimination and poor social outcomes already experienced by traveller communities. The Secretary of State has set up a cross-Government,

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ministerial-level working group to tackle existing social inequalities, particularly in relation to health and education.

HUMAN RIGHTS

It is anticipated that the Government's preferred policy option will have beneficial impacts on human rights. This has been considered as part of the equalities impact assessment/screening.

JUSTICE SYSTEM

It is anticipated that the Government's preferred policy option will have beneficial impacts on the justice system. An increase in authorised sites will mean less police time in enforcing against unauthorised sites.

RURAL PROOFING

It is not anticipated that the Government's preferred policy option will have any harmful impacts on rural areas. Indeed, these policy changes may have a positive impact on rural areas by reducing the number authorised sites located inappropriately in the countryside and Green Belt. It is therefore believed that the Government's preferred policy option will give a greater emphasis to protection of the countryside and Green Belt. An increase in appropriate sites in appropriate rural areas will facilitate the small businesses of travellers and potentially support the rural economic base.

Sustainable development

It is not anticipated that the Government's preferred policy option will have any harmful impacts on sustainable development. Indeed, taken as a whole these proposals should have a positive impact on sustainable development by giving local planning authorities more powers to ensure that traveller sites are located in more sustainable locations.

Annexes

Annex 1 should be used to set out the post implementation review plan as detailed below. Further annexes may be added where the specific impact tests yield information relevant to an overall understanding of policy options.

Annex 1: Post Implementation Review Plan

A post implementation review plan should be undertaken, usually three to five years after implementation of the policy, but exceptionally a longer period may be more appropriate. A post implementation review plan should examine the extent to which the implemented regulations have achieved their objectives, assess their costs and benefits and identify whether they are having any unintended consequences. Please set out the post implementation review plan as detailed below. If there is no plan to do a post implementation review please provide reasons below.

<p>Basis of the review: [The basis of the review could be statutory (forming part of the legislation), it could be to review existing policy or there could be a political commitment to review];</p> <p>The traveller Planning Policy Statement will be an interim policy until the National Planning Policy Framework ('the Framework') is put in place. The Coalition Agreement committed to do this by April 2012. The policy in the Planning Policy Statement will be incorporated into the Framework. The policy itself will not, therefore, be subject to a post implementation review but the Government's new planning policy for travellers will be reviewed through a post implementation review of the Framework.</p>
<p>Review objective: [Is it intended as a proportionate check that regulation is operating as expected to tackle the problem of concern?; or as a wider exploration of the policy approach taken?; or as a link from policy objective to outcome?]</p> <p>N/A (see above)</p>
<p>Review approach and rationale: [e.g. describe here the review approach (in-depth evaluation, scope review of monitoring data, scan of stakeholder views, etc.) and the rationale that made choosing such an approach]</p> <p>The methodology for review will be that developed for the Framework.</p>
<p>Baseline: [The current (baseline) position against which the change introduced by the legislation can be measured]</p> <p>There are a variety of sources of information that can be used as necessary to baseline traveller policy as part of a post implementation review of the Framework. These include:</p> <ul style="list-style-type: none"> • the bi-annual <i>Count of Gypsy and Traveller Caravans</i> (published by DCLG), which sets out the number of caravans on authorised and unauthorised sites • <i>Housing and Planning Statistics Annual</i> (published by DCLG) and the quarterly <i>Housing and Planning Key Facts</i> (published by DCLG), which sets out statistics covering all aspects of housing and planning including the number of planning applications in England • the 2011 Census (UK Statistics Authority), which will include the category of 'Gypsy or Irish Traveller' for the first time • Publications by <i>The Showmen's Guild of Great Britain</i> • <i>Gypsy and Traveller Accommodation Needs Assessments</i> have been carried out by all local authorities and they have a statutory duty to assess the accommodation needs of travellers
<p>Success criteria: [Criteria showing achievement of the policy objectives as set out in the final impact assessment; criteria for modifying or replacing the policy if it does not achieve its objectives]</p> <p>N/A (see above)</p>

Annex B

Monitoring information arrangements: [Provide further details of the planned/existing arrangements in place that will allow a systematic collection systematic collection of monitoring information for future policy review]

Review of new traveller planning policy will not be carried out until a review of the Framework. However, there are a range of sources of information that can be used as appropriate to review traveller policy as part of a post implementation of the Framework. These include:

- the bi-annual *Count of Gypsy and Traveller Caravans* (published by DCLG)
- *Housing and Planning Statistics Annual* (published by DCLG) and the quarterly *Housing and Planning Key Facts* (published by DCLG)
- the 2011 Census (UK Statistics Authority)
- *The Showmen's Guild of Great Britain* data
- *Gypsy and Traveller Accommodation Needs Assessments*

Reasons for not planning a post implementation review: [If there is no plan to do a post implementation review please provide reasons here]

The traveller Planning Policy Statement will be an interim policy until the Framework is put in place. The Coalition Agreement committed to do this by April 2012. The policy in the Planning Policy Statement will be incorporated into the Framework and will be reviewed through a post implementation review of the Framework.

Add annexes here.

Annex C (1)

DCLG equality impact assessment initial screening form

1. Name of the current or proposed new or changed, policy, strategy, procedure, project or service being assessed:

Withdrawal of Circulars 01/2006 (*Planning for Gypsy and Traveller Caravan Sites*) and 04/2007 (*Planning for Travelling Showpeople*) and replacement with a new Planning Policy Statement for “traveller sites”

2. Person and team responsible for completing the Equality Impact Assessment:

Nicola Higgins (Planning: Economy and Society Division)

3. What is the main aim or purpose of the current or proposed new or changed, policy, strategy, procedure, project or service and what are the intended outcomes?

National planning policy and guidance for gypsy and traveller, and travelling showpeople caravan sites is set out in circular 01/2006 and circular 04/2007. These are used by local planning authorities, the Planning Inspectorate and Secretary of State for Communities and Local Government to plan for traveller sites and make decisions about planning applications for traveller sites.

There is evidence that suggests the current circulars have not achieved their objective of significantly increasing the number of traveller sites with planning permission in appropriate locations over three to five years.

Based on the bi-annual Caravan Count statistics, the total number of caravans has gone up by approximately 38 per cent between 2000 and 2010. Over the same period, the percentage of caravans located on unauthorised sites has remained at around 21 per cent, increasing from 728 in January 2000 to 2,395 in January 2010. The circulars have not, therefore, made inroads into any under provision as supply has just kept up with the rate of growth, nor have they achieved their objective of reducing the number of unauthorised sites and reducing the conflict and controversy they cause. In addition, the policy itself has been highly contentious, creating a perception amongst many that it is unfair and treats traveller sites more favourably than housing for the settled community. This has created tension, undermined community cohesion and caused resentment against the overwhelming majority of law-abiding travellers who do not live on unauthorised sites.

In addition, there is a concern amongst many that the current policy is unfair in that travellers are more likely to gain planning permission for development on the Green Belt than members of the settled community. This has caused tension and harmed community cohesion. This perception is evidenced by data from the Planning Inspectorate that suggests that, between 2006 and 2009, 60 percent of planning

appeals for traveller development in the Green Belt were allowed. This is compared to just 19 percent over the same period for minor housing appeals.

The circulars are also becoming increasingly out dated in the context of broader reforms to the planning system, in particular the move towards more local decision making, shorter and fewer statements of planning policy and the proposed abolition of regional strategies.

The circulars, therefore, need to be consolidated, shortened and updated to reflect the above issues.

The Government's overarching policy objective is fair and effective provision of authorised sites for travellers to facilitate the traditional and nomadic way of life of these groups whilst respecting the interests of the settled community. Government intervention is necessary to ensure adequate provision of traveller sites locally – both through a revised planning policy and a wider package of measures aimed at improving site provision.

There are two sets of objectives to achieve the Government's overarching policy.

The first set of objectives relate to the need to have a fair, light-touch policy that puts provision into the hands of elected local councils. The new policy aims to:

- enable local planning authorities to make their own assessment of need for the purposes of planning
- facilitate local authorities in planning for sites over a reasonable timescale
- protect Green Belt from development
- reduce tensions between settled and traveller communities in relation to the planning system

This will lead to the provision of appropriate numbers of sites in appropriate places.

To address concerns about the fairness of planning policy for traveller sites, the Planning Policy Statement will align traveller site policy more closely with that of policy on planning for housing.

The second set of objectives relate to the need to consolidate and streamline the circulars into a shorter single Planning Policy Statement. Greater consolidation will be enabled through the closer alignment of traveller site policy with housing policy. In addition, to consolidate and streamline we will: remove repetition of national planning policy that is set out elsewhere; remove unjustified differences in policy in the two circulars and between the two circulars and other policy statements including Planning Policy Statement 3: Housing; remove unnecessary guidance so that planning policy documents contain only policy. This will lead to a shorter, clearer, less cumbersome document that will be easier for councils and developers to use effectively.

The new Planning Policy Statement will eventually be incorporated into the new National Planning Policy Framework.

The new policy is part of a wider package of measures to secure the Government's objective of fair and effective provision of authorised sites for travellers to facilitate the

traditional and nomadic way of life of these groups whilst respecting the interests of the settled community. Other measures include a resumption of site grant from April 2011; the inclusion of traveller sites in the New Homes Bonus scheme; reforms to enforcement measures to tackle unauthorised sites, and improved protection from eviction for local authority traveller sites through legislation that will apply the Mobile Homes Act to local authority traveller sites.

4. What existing sources of evidence will you use to help you identify the likely impacts on different groups of people?

(For example research statistics, survey results, complaints analysis, consultation documents, customer feedback, and monitoring data)

- Bi-annual *Caravan Count* figures
- National quarterly planning statistics
- The Planning Inspectorate statistics
- Letters to the Department from MPs, elected members, council officials, general public and traveller organisations
- Records of discussions with traveller community representatives including: Friends, Family and Travellers; Irish Travellers Movement in Britain; Derbyshire Gypsy Liaison Group; and the UK Association of Gypsy Women
- Records of discussions with representatives from the National Association of Gypsy and Traveller Officers; Councillors from Reigate and Banstead Borough Council and South Somerset District Council; officials from the Greater London Authority; and a number of local authority planners
- Written memorandums to the Parliamentary Select Committee on the Abolition of Regional Spatial Strategies (November 2010) from: *London Gypsy and Traveller Unit*; *Traveller Law Reform Project* and *Friends Families and Travellers*; Dr Angus Murdoch; *Irish Traveller Movement in Britain*; *National Federation of Gypsy Liaison Groups*; *Gypsy Council*; Eric Avebury, Professor Thomas Acton OBE, Professor Alan Townsend, Andrew Ryder and Marc Willers
- Records of discussions with and written submissions from *The Showmen's Guild of Great Britain*
- *Planning Law* (publication by the Showman's Guild of Great Britain)
- Equalities and Human Rights Commission Report: *Gypsies and Travellers: Simple Solutions for Living Together*
- Equality and Human Rights Commission Research Report 68: *Assessing local authorities' progress in meeting the accommodation needs of Gypsy and Traveller communities in England and Wales: 2010 update*
- *Common Ground* (Equalities and Human Rights Commission)
- *Inequalities experienced by Gypsy and Traveller communities: a review* (Equalities and Human Rights Commission)
- *Report of the Local Government Association Gypsy and Traveller Task Group*
- Informal DCLG survey of local planning authorities on participation of traveller groups in the local development plans process

5. Are there gaps in evidence that make it difficult or impossible to form an opinion on how the existing or proposed policy, strategy, procedure, project or service does or might affect different groups of people? If so what are the gaps in the information and how and when do you plan to collect additional information?

Note: This information will help you to identify potential equality stakeholders and specific issues that affect them - essential information if you are planning to consult as you can raise specific issues with particular groups as part of the consultation process. Equalities impact assessments often pause at this stage while additional information is obtained.

As noted above, we have consulted a range of evidence bases in developing our policy. However, we will also hold a full 12-week public consultation to ensure we gather evidence from as full a range of relevant sources as possible. This equality impact screening and the associated draft full equality assessment will be published as part of the consultation. We welcome comments on the screening and assessment during this process and will update them following the public consultation.

6. Having analysed the initial and additional sources of information including feedback from any consultation, is there any evidence that the policy, strategy, procedure, project or service has or is likely to have an adverse equality impact on, and/or that there are known or anticipated different needs or requirements, for any of these different groups of people?

The policy change is likely to affect Romany Gypsies and Irish Travellers. Romany Gypsies and Irish Travellers are recognised as having a protected characteristic under the Equality Act 2010. Concern has been voiced from organisations representing these groups about the initial announcement of the intention to replace the circulars. The Government is also under a duty through the Human Rights Act 1998 to 'facilitate the gypsy way of life' in relation to ethnic gypsies.

The Government takes these responsibilities seriously and also recognises that Romany Gypsies and Irish Travellers are ethnic minorities that experience poor social outcomes and discrimination. It, therefore, wants changes to policy in relation to these groups to promote equality and reduce discrimination. We have, therefore, decided to carry out a full Equality Impact Assessment.

We do not believe that there will be any adverse impacts on any group with protected characteristics under the Equality Act 2010. In addition, we believe that the policy will have a positive impact on Gypsies and Travellers and community relations between traveller and settled communities and that it will promote equality. The impacts of the policy in relation to equality and the reasoning for our conclusion that there is no adverse equality impact are discussed in detail in the full assessment.

7. Is a full equality impact assessment required?
(If no, please explain why not.)

Yes, a full equality impact assessment is required.

Note: You will need to complete a full equality impact assessment if:

- the proposals are likely to have equality impacts and you will need to provide details about how the impacts will be mitigated or justified
- there are likely to be equality impacts plus negative public opinion or media coverage about the proposed changes
- you have missed an opportunity to promote equality of opportunity and need to provide further details of action that can be taken to remedy this

8. The Initial Screening Form should now be signed off by one of the following: a deputy director, director or director general.

Note: Sign off at this point should only be obtained if:

- there are no equality impacts
- the changes have promoted equality of opportunity

Name of person signing off the initial screening: Miles Gibson

Role: Deputy Director – Planning: Economy and Society Division

Date: 8 April 2011

Note: A copy of the initial screening form should be retained by the originator for audit purposes.

Annex C (2)

DCLG full equality impact assessment

Introduction and aims

On 29 August 2010, the Secretary of State for Communities and Local Government announced the Government's intention to withdraw the traveller planning circulars (Circular 01/2006: *Planning for Gypsy and Traveller Caravan Sites* and Circular 04/2007: *Planning for Travelling Showpeople*). The Government intends to replace them with a new, short, light-touch, single Planning Policy Statement for traveller sites.

The proposed withdrawal and replacement of the circulars forms part of a broader set of policy measures to provide a fair deal for traveller communities and settled communities and should be seen in this context. These broader measures include a resumption of site grant from April 2011; the inclusion of traveller sites in the New Homes Bonus scheme; reforms to enforcement measures to tackle unauthorised sites, and improved protection from eviction for local authority traveller sites through legislation that will apply the Mobile Homes Act to local authority traveller sites.

There is a perception amongst many that current planning policy treats traveller sites more favourably than it does other forms of housing and that it is easier for one group of people to gain planning permission particularly on Green Belt land. The belief that the system is unfair has led to tension and undermined community cohesion. By more closely aligning planning for traveller sites with planning policy for housing, the proposed new policy is fair and the parity with planning policy for housing means that it is clear that it is fair.

The current circulars are also becoming increasingly outdated in the context of broader reforms to the planning system, in particular the move towards more local decision making, shorter and fewer statements of planning policy and the proposed abolition of regional strategies.

The Government has already announced its intention to abolish regional strategies. The Localism Bill that is required to do this is currently progressing through Parliament. The Government's desire to return power to elected bodies and give communities a greater role in shaping their neighbourhoods underlies its changes across the planning system and beyond. The Government believes that local authorities are best placed to know the needs of their communities, not unelected regional bodies, and it will put planning for traveller sites back in their hands. It will give local authorities the freedom and responsibility to determine the right level of traveller site provision in their area in consultation with local communities, while ensuring fairness in the planning system.

The changes to planning policy for traveller sites proposed are designed to give local authorities powers to meet needs for site provision in their area, increase consultation with local communities, ensure greater fairness in the planning system, align policy for traveller sites more closely with that for other forms of housing, protect Green Belt land, and contribute to a more effective and more

streamlined planning system with which local authorities and developers can more easily engage.

1. Which group(s) of people has been identified as being disadvantaged by your proposals? What are the equality impacts?

There is a potential negative impact on Romany Gypsies and Irish Travellers. Romany Gypsies and Irish Travellers are recognised as having a protected characteristic under the Equality Act 2010. In this assessment the term 'Gypsies and Travellers' (capitalised) is used to refer to these ethnic groups.

Estimates of Gypsy and Traveller populations vary but generally it is thought that there are about 300,000 Gypsies and Travellers in England, most of whom now live in houses rather than caravans.

The bi-annual *Caravan Count*¹ shows that of the 18,146 caravans in England, 14,510 are on authorised sites and 3,636 (about 20 per cent) are on unauthorised sites. Of the 3,636 caravans on unauthorised sites, 1,437 are on 'unauthorised encampments' and 2,199 are on 'unauthorised developments'. The former denotes caravans parked without permission on land that is not owned by the traveller and the latter denotes land that is owned by the traveller but does not have planning permission. It is the latter (unauthorised developments) that are a matter for the planning system.

Gypsies and Travellers have lived in England for at least 500 years. Although some Gypsies and Travellers travel for some of the year, the vast majority do not now travel on a daily basis all year round. Increasingly, as traditional seasonal work has declined, Gypsies and Travellers living in caravans have adapted to permanent residential sites where they can more easily access a doctor, schools and other services and employment whilst maintaining the cultural traditions of being a Gypsy or Traveller.

Possible equality impacts

1) RISK OF A SHORT-TERM REDUCTION IN AUTHORISED TRAVELLER SITES

There is a possible risk, if this policy is considered in isolation of the wider measures which the Government is implementing, of a short-term reduction in authorised sites during the 'transitional period' of the policy, while local authorities get their five-year land supply of traveller sites in place. Should a short-term reduction in authorised sites arise, it may lead to a short-term increase in unauthorised sites, either on land travellers own or on land they do not own. However, this increase will not occur if other aspects of the Government's package of measures enable an increase in short-term site provision – in particular the effective use of site grant (£60m over four years from April 2011) which will be available to local authorities during this transitional period.

There a consequent risk from this of poor living conditions for some travellers who as a result may end up living on overcrowded or unauthorised sites and/or moving around much more frequently, including risks to their ability to access services such as education and health care. There also a consequent risk of an increase in community tension.

¹ Figures are from the July 2010 *Count of Gypsy and Traveller Caravans*.

Overall, the risk of sites not coming forward, and the consequent risks associated with it, is heavily mitigated by the other measures which the Government is putting in place to encourage the provision of more sites, such as the resumption of site grant (£60m over a four-year period from April 2011) and the New Homes Bonus. These will mean that new sites could come forward which hitherto were not practical or viable, enabling an increase in site provision overall.

In addition, the policy on temporary permissions set out in Circular 11/1995: *The Use of Conditions in Planning Permissions* will be in force during the transitional period. This states that if it is expected that planning circumstances will change in a particular way at the end of that period, then a temporary permission may be justified. During the six-month transitional period, such circumstances could include the expectation that a five-year land supply of sites will be identified by the end of the transitional period.

2) RISK THAT LOCAL PLANNING AUTHORITIES WILL ONLY BRING FORWARD LARGE PARCELS OF LAND

There is a risk that local authorities will bring forward large parcels of land for sites rather than the small ones that are desired by travellers, are more affordable for private purchase and are more easily managed. This is because allocating land in plans and planning applications for sites can be very contentious. It can, therefore, be less problematic to consult less often on a fewer number of large sites than more often on a larger number of smaller sites.

However, there is nothing in the new policy that makes this more of a potential risk than at present. The policy is clear that local authorities should plan for need in consultation with travellers and the wider community and so should understand their needs.

3) RISK THAT SITES WILL NOT BE PROVIDED WHERE THEY ARE NEEDED

There is a risk that local authorities may not provide sites where they are needed if a majority of their electorate are opposed to them. Travellers can experience antipathy from the settled community through misunderstanding and stereotyping. The planning system is one arena where these tensions often come to the fore.

The Government's new policy, however, makes it clear that local planning authorities should use a robust evidence base to assess need for site provision for the purposes of planning, set pitch targets based on this and then plan to meet those targets by identifying "deliverable" land in their local plans.

The established process of independent challenge, scrutiny and testing of local planning policies through consultation and Examination in Public will play a central role in verifying the evidence of need on which pitch targets are based and the subsequent bringing forward of suitable and available sites to meet targets. During the Examination in Public, an independent planning inspector will consider whether the plan complies with legal requirements and whether it is "sound". This means that the inspector will need to consider whether the plan is justified, effective and consistent with national policy. "Justified" means that the document must be founded on a robust and credible evidence base and must be

the most appropriate strategy when considered against the reasonable alternatives. "Effective" means that the document must be deliverable, flexible, and able to be monitored. If it is concluded that the plan is not justified, effective and consistent with national policy, the plan may not be found sound, in which case further work may be required before it can be adopted by the local authority. Local plans may not be adopted if they are not found sound.

Local housing authorities also have a statutory responsibility to assess need for traveller accommodation under section 8 of the Housing Act 1985. The Act also requires authorities to prepare a strategy demonstrating how the accommodation needs of travellers will be met as part of their housing strategies. This evidence base is available to form part of the discussion of assessment of need for the purposes of planning in any local authority.

Under the new policy, local authorities will be fully responsible for assessment, target setting, planning and provision of sites. However, the Government have made it clear that alongside the additional powers that localism brings also comes responsibility. The proposed new policy makes it clear that local authorities that do not plan to meet the need they have themselves assessed will be asked to consider applications for temporary planning permissions favourably. This requirement to consider applications for temporary planning permissions favourably if local planning authorities have not planned to meet need will also mean that there will be no reason for local planning authorities to not plan for sites during the transitional period because it will be clear that after six months, if they have not done so, they will need to treat temporary planning permissions favourably. This will, therefore, provide an incentive for local authorities to identify land and plan for sites. The new circular will also provide certainty in terms of the future of traveller site planning policy in the context of the proposed abolition of Regional Strategies and the associated removal of regional traveller pitch targets.

In addition, alongside its proposals for locally-driven development, the Government has put in place the New Homes Bonus to create an incentive that rewards local authorities that deliver sustainable housing development, including traveller sites, with a financial bonus. The New Homes Bonus will be introduced from April 2011, ensuring that local authorities and communities see the benefits rather than the costs of development. The Government's proposals under the New Homes Bonus will also apply to the delivery of traveller sites. Additionally, following the Spending Review, travellers' sites in public ownership are now included in the Homes and Communities Agency's National Affordable Housing Programme. The Homes and Communities Agency will seek to ensure that provision of appropriate sites forms part of the overall package of housing and regeneration in the area, and grant funding for traveller sites (£60m over four years) will resume in April 2011.

There is also a risk that local authorities will not consider working together to allow needs to be met across a wider local spatial scale, where this is required. However, the publication of joint *Gypsy and Traveller Accommodation Needs Assessments* shows that most local authorities voluntarily worked in partnership to produce joint statutory housing needs assessments for travellers. This shows willingness to co-operate in relation to traveller accommodation issues and has also provided a precedent for this in practice. In addition, the Government is introducing a 'Duty to Co-operate' through the Localism Bill that will require local planning authorities and other public bodies to engage constructively on the

preparation of local plans. The Government believes that this will be more effective than the system of top-down targets imposed via regional strategies, which redistributed pitch targets to different local authorities in an arbitrary and non-strategic manner and antagonised local areas.

4) RISK THAT TRAVELLERS WILL NOT BE ABLE TO PARTICIPATE EFFECTIVELY IN THE LOCAL PLAN MAKING PROCESS

As highlighted above, consultation and Examinations in Public in drawing up local plans will be the key arena in which evidence of need is tested and pitch targets set. The Government's proposed new policy says that local planning authorities should assess the needs of their area for the purposes of plan making, set associated pitch targets and plan to meet this need. Under the current circular, there is the chance to influence the evidence base for the assessment of pitch targets through eight regional strategies and the London Plan. There are 326 local planning authorities in England and, therefore, a risk that the, often, small community groups that represent travellers will have insufficient resource to participate effectively in relevant local plan consultations or Examinations in Public.

However, a December 2010 informal survey by DCLG officials of local plan examinations that took place in November 2010 revealed that in nine out of 12 cases, representations (either in writing or in person) had been made by traveller representatives. While, as seen above, a number of these were carried out jointly by local authorities, this survey does show the ability of traveller groups to engage with authorities at a local level.

- 2. In brief, what changes are you planning to make to your current or proposed new or changed policy, strategy, procedure, project or service to minimise or eliminate the adverse equality impacts? Please provide further details of the proposed actions, timetable for making the changes and the person(s) responsible for making the changes on the resultant action plan.**

The policy has been designed with equality at its core. In the long term the planning policy will have a positive impact on site provision. The requirement that, as with general housing policy, local authorities bring forward a five-year supply of land on which to meet need for traveller sites will ensure appropriate levels of sites for traveller communities.

In addition, the policy is embedded within a broader set of policy measures in relation to Gypsies and Travellers that will ensure fairness for traveller and settled communities. Therefore, as discussed above, we do not anticipate that even the risks of a short-term negative impact on Gypsies and Travellers that we have noted will materialise.

The broader measures to ensure site provision and a positive equality impact for Gypsy and Traveller communities include:

- resumption of traveller site grant funding from April 2011 (£60m over the spending review period)
- setting up a cross-Government, ministerial-level working group to address the discrimination and poor social outcomes experienced by traveller communities
- bringing local authority traveller sites into the Mobile Homes Act (1983) to give residents improved protection against eviction
- including traveller sites in the New Homes Bonus scheme (which begins in April 2011) to incentivise local authorities to provide appropriate sites
- introducing the Duty to Co-operate through the Localism Bill

We will, however, revisit the equality impact assessment in light of responses to the 12-week public consultation and decide then whether there are further changes to the policy or mitigating actions that are required.

3. Please provide details of whom you will consult on the proposed changes and if you do not plan to consult, please provide the rationale behind that decision. Please note that you are **required** to involve disabled people in decisions that impact on them.

Prior to the formal consultation period, officials have met with a number of interested parties, including traveller groups and local planning authorities, to gather views on the current policy. This includes:

- Friends, Families and Travellers
- Irish Travellers Movement of Great Britain
- Travelling Showmen's Guild
- Derbyshire Gypsy Liaison Group
- UK Association of Gypsy Women
- Somerset Black Development Agency
- National Association of Gypsy and Traveller Officers
- A number of local authority representatives

The draft policy will be subject to a full 12-week public consultation period. We will make key stakeholders, including traveller groups, aware of the publication date. In addition, the consultation is open to all. The consultation document includes specific questions upon which we would particularly welcome responses, one of which asks whether the draft policy 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. 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. This assessment will be published for comment as part of the consultation.

4. Can the adverse impacts you identified during the initial screening be justified without making any adjustments to the existing or new policy, strategy, procedure, project or service? Please set out the basis on which you justify making no adjustments.

We undertook a full assessment because of the potential for adverse impacts on Gypsies and Travellers identified in the screening. Consideration of equalities issues has been central to the development of the policy. We do not, therefore, believe that the policy has any adverse impacts on protected groups.

In addition, we believe that the new policy promotes equality, good relations and knowledge about groups and increases civic and democratic participation.

Firstly, the new policy requires local authorities to pay particular attention to early and effective community engagement with settled as well as traveller communities when formulating their plans and determining planning applications. This helps to address a broader shortcoming that the Government has identified in the planning system – a lack of meaningful public participation in planning. The Government's view is that too often, the planning system (such as the previous system of regional strategy housing and traveller pitch targets) sets communities against development of all kinds. The evidence of inquiry by design in this country, and other models of getting people involved on the continent, suggest that early involvement in the decision-making process means people are more likely to be supportive of local development. Ministers have stated that growth is a priority and the more people participate, the more likely it is that development is to take place. Such engagement accords maximises the opportunity for communities to be involved in the planning process. It will enable local authorities to obtain a balance of views to enable them to make their decisions and will reduce opposition to development based on misunderstanding.

Secondly, the greater alignment of planning policy for traveller sites with wider housing policy that the new planning policy statement proposes, will reduce the perception that travellers are treated more favourably, which has created bad feeling and undermined community cohesion.

5. You are legally required to monitor and review the proposed changes after implementation to check they work as planned and to screen for unexpected equality impacts.

Please provide details of how you will monitor/evaluate or review your proposals and when the review will take place.

We will review this draft equality impact assessment following the formal consultation period. A final equality impact assessment will be published alongside the final policy.

The draft policy will be an interim policy until the National Planning Policy Framework is put in place, which the Government has committed to do by April

2012. At this point, the policy will be incorporated into the new Framework. The policy itself will not, therefore, be subject to a Post Implementation Review but the Government's new planning policy for travellers will be reviewed as part of the Post Implementation Review of the National Planning Policy Framework. This review will consider the impact of the new policy using a range of sources of information.

6. The full Equality Impact Assessment form should be signed off by one of the following: a deputy director, director or director general.

Name of person signing off the full Equality Impact Assessment: **Miles Gibson**

Role: **Deputy Director (Planning: Economy and Society)**

Date: **8 April 2011**

Note: Equality impact assessments should be published with detailed publication arrangements agreed with the Directorate of Communication. In most cases this will be as part of a broader impact assessment or consultation exercise which will ensure the requisite clearance from the relevant minister.

A copy of the full equality impact assessment form should be retained by the originator for audit purposes.

Full equality impact assessment - action plan

Actions taken or proposed	Rationale for the action	Beneficiaries of the action	Timing	Responsibility
Changes made:				
None. Changes to the policy and other measures to ensure there is no adverse impact were in place before this Equality Impact Assessment was finalised.				
Mitigation: For areas where a policy may have a differential impact on certain groups, what arrangements are in place or proposed to mitigate these effects?				
<p>We do not believe that there will be any adverse impacts on those with protected characteristics under the Equality Act in the long term. We believe that this policy will benefit Gypsies and Travellers.</p> <p>In the short term there is a small possible risk if a reduction in authorised sites during the six-month transitional period while local authorities get their five-year land supply of traveller sites in place. However, this is only a risk if this policy is considered in isolation of the wider measures which the Government is implementing. This increase will not occur if other aspects of the</p>	<p>The Site Grant will mean that local authorities can bid for capital funding for the development of new sites and refurbishment of existing sites.</p> <p>The New Homes Bonus is a council tax match funding scheme. It provides financial incentives to councils and local communities to allow development but rewarding and passing back some of the benefits</p>	Local authorities and travellers and wider local communities	The New Homes Bonus and site grant funding will both come into operation in April 2011	<p>New Homes Bonus is funded by DCLG.</p> <p>The Site Grant is administered by the Homes and Communities Agency.</p>

Actions taken or proposed	Rationale for the action	Beneficiaries of the action	Timing	Responsibility
<p>Government's package of measures enable an increase in short-term site provision – in particular the effective use of site grant of £60m over four years from April 2011 and the introduction of the New Homes Bonus in April 2011.</p>	<p>of growth to those communities. Local authorities are given an amount equal to the national average for the council tax band on each additional pitch or property for six years. Pitches defined as affordable homes will receive an enhancement of £350 for each of the six years.</p> <p>These measures mean that new sites could come forward which hitherto were not practical or viable, enabling an increase in site provision overall.</p>			
<p>Justification: For areas where a policy may impact negatively (but not illegally) on certain groups but mitigation is not possible (e.g. an overriding societal driver) there needs to be a strategy for handling issues of unfairness.</p>				
<p>No areas have been identified.</p>				

Actions taken or proposed	Rationale for the action	Beneficiaries of the action	Timing	Responsibility
Opportunities: Please state actions designed to maximise positive effects, i.e. opportunities identified for: promoting equality, good relations or knowledge about groups; increasing civic and democratic participation; or addressing inequalities.				
<p>We believe that the new policy promotes equality, good relations and knowledge about groups and increases civic and democratic participation.</p> <p>The Government's overarching policy objective is fair and effective provision of authorised sites for travellers to facilitate the traditional and nomadic way of life of these groups whilst respecting the interests of the settled community. The new policy will lead to the provision of appropriate sites in appropriate places and support enforcement action against unauthorised sites.</p> <p>The new policy requires local authorities to pay particular attention to early and effective community engagement with settled as well as traveller communities. The greater alignment of planning policy for traveller sites with wider housing policy that the new planning policy statement proposes, will reduce the perception that travellers are treated</p>	<p>The engagement policy will enable early involvement in the decision-making process. This means that communities are more likely to be supportive of local development. It will enable local authorities to</p>	<p>Traveller communities and settled communities</p>	<p>From the implementation of the policy</p>	<p>Local planning authorities</p>

Actions taken or proposed	Rationale for the action	Beneficiaries of the action	Timing	Responsibility
<p>more favourably, which has created bad feeling and undermined community cohesion.</p> <p>The new policy will enable local authorities to provide appropriate sites in their areas to meet local need by requiring them to set their own targets.</p> <p>The new planning policy statement brings planning policy for traveller sites into alignment with planning policy for housing in general.</p>	<p>obtain a balance of views to enable them to make their decisions and will reduce opposition to development based on misunderstanding.</p> <p>The new localist policy will replace a regional system that slowed development down by being over complex.</p> <p>This provides a clear message of equality to counter the feelings that the circulars are unfair to the settled community. This will improve community relations.</p>			
<p>Monitor: How will you monitor the impact and effectiveness of the new policy?</p>				
<p>We will review this equality impact assessment following the formal consultation period. A further equality impact assessment will be published</p>	<p>The draft policy will be an interim policy until the National Planning Policy Framework is put in place</p>		<p>At the time of the post implementation review of the</p>	<p>Department for Communities and Local Government</p>

Actions taken or proposed	Rationale for the action	Beneficiaries of the action	Timing	Responsibility
<p>alongside the final policy.</p> <p>The policy itself will not be subject to a post implementation review but the Government's new planning policy for travellers will be reviewed as part of the Post Implementation Review of the National Planning Policy Framework. The post implementation review of the National Planning Policy Framework will consider the impact of the new policy using a range of sources of information as described above.</p>	<p>(which the Government has committed to do by April 2012). The policy will then be incorporated into the National Planning Policy Framework.</p>		<p>National Planning Policy Framework</p>	
<p>Publish: Give details of how the results of the equality impact assessment will be published.</p>				
<p>The equality impact assessment will be published on the Department for Communities and Local Government's website and as part of the Government's response to the consultation.</p>			<p>The draft equality impact assessment for the draft policy will be published as part of the consultation [in April 2011].</p> <p>The final</p>	<p>Department for Communities and Local Government</p>

Actions taken or proposed	Rationale for the action	Beneficiaries of the action	Timing	Responsibility
			equality impact assessment for the final policy will be published alongside the Government's response to the consultation.	