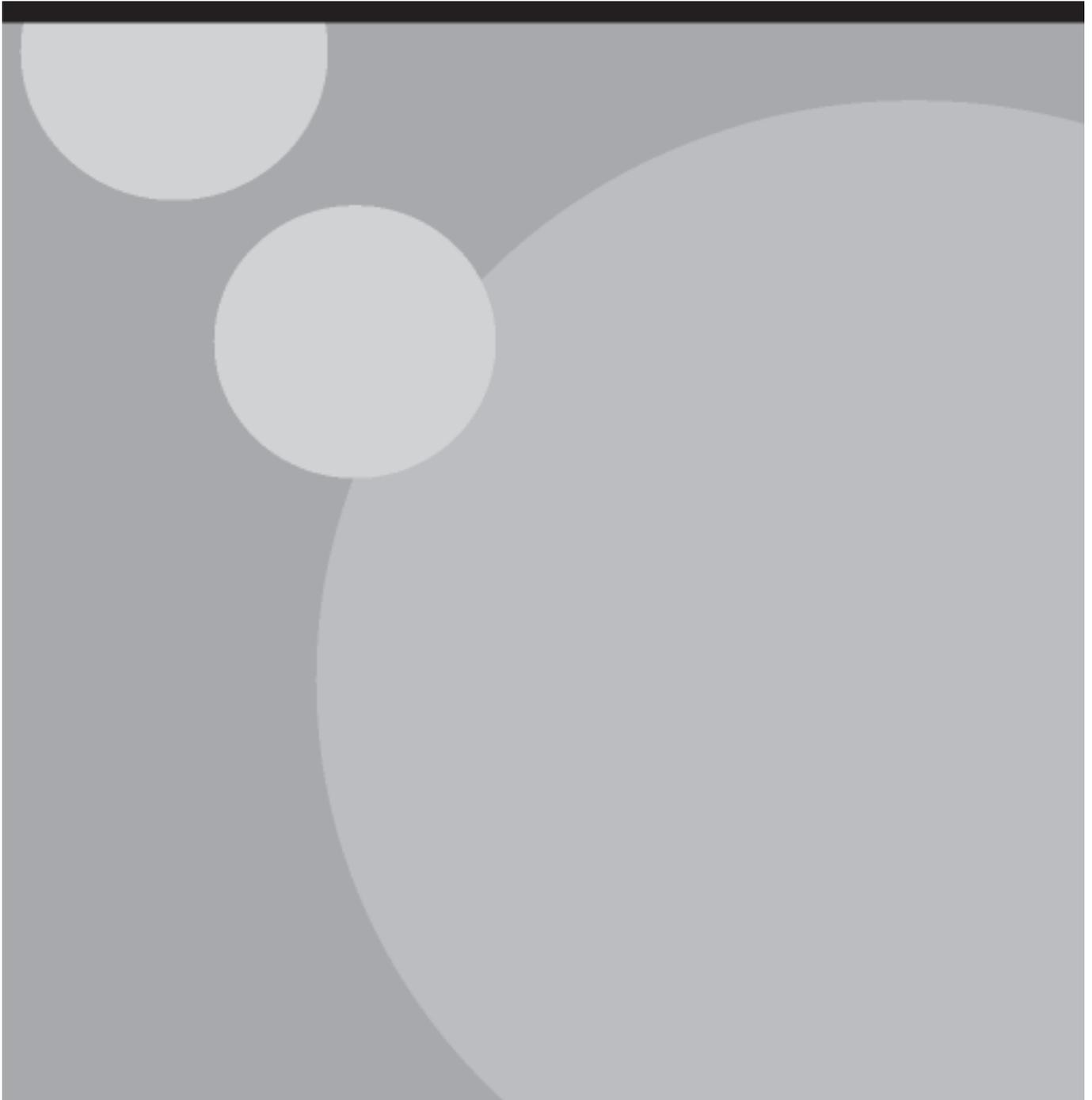




Planning policy for traveller sites

Equality impact assessment





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March 2012
Department for Communities and Local Government

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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 Circular 01/2006: *Planning for Gypsy and Traveller Caravan Sites* and Circular 04/2007: *Planning for Travelling Showpeople* and replacement with a new planning policy for traveller sites

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

Nicola Higgins (Planning: Economic and Social Policy 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.

The Government is taking forward planning reforms to pass control to local communities and make the planning system simpler and more accessible. The Government believes that planning is best carried out by local councils and communities that know the requirements of their areas and not unelected regional bodies. Circulars 01/2006 and 04/2007 have become outdated in this context and are difficult to navigate.

As part of the decentralisation agenda, the Localism Act repeals the statutory framework for regional planning in England. The Government intends to abolish existing regional strategies¹ to put decisions on housing (including traveller sites) and planning back into the hands of local councils and communities.

The planning policy for traveller sites set out in circulars 01/2006 and 04/2007 asks sites to be planned for and planning applications assessed using the previous

¹ The procedure to abolish regional strategies has two stages. The first is to abolish the architecture of the regional planning tier. This stage took effect when the Localism Bill was enacted on 15 November and prevents any further regional strategies being created. The second is to abolish each existing regional strategy by order using powers that the Secretary of State has taken in the Localism Act. Now the Localism Act is in place, it is the Government's clear intention to lay Orders in Parliament to abolish existing strategies as soon as possible, but that process is subject to the outcomes of the consultation on the environmental assessments. The consultation closed on 20 January and we are currently considering the responses. The abolition is also subject to an equality impact screening process.

Government's regional planning system, which the present Government disagrees with and is in the process of abolishing.

The National Planning Policy Framework is a radical streamlining of national planning policy to support the decentralisation reforms to pass control to local communities and make the planning system simpler and more accessible. Traveller site policy also needs to be radically streamlined for the same reasons.

These circulars need to be replaced with an updated planning policy that will work effectively by being clear and telling local authorities what is expected of them in the decentralised system in terms of planning for traveller sites. Government intervention by way of policy is necessary to promote adequate and efficient provision of traveller sites locally.

The Government's **overarching policy aim** 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. In achieving this aim, the Government has had due regard to its public sector equality duty under section 149 of the Equality Act 2010.

There are two sets of aims to achieve the Government's overarching aim.

The **first set of aims** relates to the need to have an updated, fair, light-touch policy that puts provision for traveller sites into the hands of elected local councils. To help achieve this, Government's aims in respect of traveller sites are:

- that local planning authorities should make their own assessment of need for the purposes of planning
- to encourage local planning authorities to plan for sites over a reasonable timescale
- that plan-making and decision-taking should protect Green Belt from inappropriate development
- to reduce tensions between settled and traveller communities in plan-making and planning decisions

This will lead to the provision of appropriate numbers of sites in appropriate places and support enforcement action if local authorities have complied with the policy.

The **second set of aims** relates to the need to consolidate and streamline the circulars into a shorter single planning policy in the context of Government's broader reforms to simplify and consolidate national planning policy. 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 housing policies in the National Planning Policy Framework
- remove unnecessary guidance so that planning policy documents contain only policy
- remove unnecessary context so that planning policy documents contain only

policy.

This will lead to a shorter, clearer, less cumbersome policy document that will be easier for councils and developers to use effectively. It will make clear the Government's expectations in this area of policy, which is often a difficult and contentious one for local authorities, in the context of the reforms to the planning system and Government's desire to push decisions on planning to the local level. It is very important that the Government's expectations in this contentious area are made clear as quickly as possible.

Finally, there are other benefits arising from replacing the circulars with a new single planning policy:

- The current circulars emphasise the importance of effective consultation with travellers when planning for sites. The new policy augments this by also emphasising the importance of consulting with settled communities. This is to ensure the policy works within the new localist planning framework with its emphasis on the involvement and engagement of all parts of local communities.
- The new policy makes provision for an implementation period of 12 months to allow councils to put their five-year land supply in place under the new localist policy, which is more likely to lead to permanent rather than temporary permissions. Under the current circulars, many planning permissions that have been granted since its introduction are reported to be temporary ones. Temporary permissions are not considered ideal as they create insecurity for those living on them and for the settled community living around them.
- The circulars themselves have 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. In recognition of this, in drafting the new traveller site policy due regard has been had to the need to foster good relations between traveller and settled communities.

Traveller site policy has been published in a separate document (and not within the National Planning Policy Framework). This will allow focus on this specific policy area, which causes a high degree of community stress. It will benefit those engaged in planning for traveller sites by clearly setting out specific traveller site policies in a separate document. The Government intends to review this policy when fair and representative practical results of its implementation are clear. It is intended to incorporate a version of this policy within the National Planning Policy Framework at that stage, having taken account of the results of its implementation.

Having due regard to the particular considerations of planning for traveller sites and the lack of clarity in previous circulars, this approach has been adopted.

The new traveller site planning policy is part of a wider package of measures that will work alongside the reformed and decentralised planning system, including the proposed abolition of regional strategies, and is aimed at securing fair and effective provision of authorised sites for travellers. These include: Traveller Pitch Funding from April 2011; the inclusion of traveller sites in the New Homes Bonus scheme from April 2011; reforms to enforcement measures to tackle unauthorised sites (under provisions in the Localism Act); improved protection from eviction for local authority traveller sites; and training for local authority councillors on their leadership role in relation to traveller site provision.

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 for Communities and Local Government (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 Showmen'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 Departmental survey of local planning authorities on participation of traveller groups in the local development plan process
- Information gathered through the Government's formal consultation on the draft new planning policy for traveller sites and draft National Planning Policy Framework

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, a range of evidence bases were consulted in developing the draft policy. A full public consultation on the policy was then held to ensure evidence was gathered from as full a range of relevant sources as possible. The usual consultation period of 12 weeks was extended to 16 weeks for this consultation. This was done in response to requests made during the consultation period. It allowed a series of oral hearings around the country to be organised so that people with poor literacy could give their views to the consultation in person, rather than in writing. The Government recognises that Gypsy and Traveller communities have poor literacy rates and wanted to ensure it gained the views of a wide range of people, including Gypsies and Travellers. The draft Equality Impact Screening and the associated draft Full Equality Impact Assessment were published as part of the consultation and views on the screening and assessment were welcomed during the consultation process. The screening and full assessment have both been updated following the public consultation and the subsequent changes made to the draft policy.

A consultation was also held on the draft National Planning Policy Framework, which was published on 25 July 2011. The consultation ended on 3 August. During this consultation, the Government welcomed views on the consistency of the draft National Planning Policy Framework with the draft planning policy for traveller sites or any other comments about the Government's plans to incorporate planning policy on traveller sites into the National Planning Policy Framework.

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. In accordance with section 149 of the Equality Act 2010, the Government has had due regard to the needs of these protected groups in formulating the new traveller site policy. 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. Comments were made about a potential negative impact by organisations representing Gypsies and Travellers about the initial announcement of the intention to replace the circulars. Comments about the draft policy and some of the Government's stated reasons for withdrawing and replacing the circulars have also been made by travellers and those representing them during the consultation process.

The Government takes its 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. A decision to carry out a full Equality Impact Assessment has, therefore, been made.

The Government does not believe that there will be any adverse impacts on any group with protected characteristics under the Equality Act 2010. In addition, it believes 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 the 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: Ruth Stanier
Role: Deputy Director – Planning: Economic and Social Policy Division
Date: 26 March 2012
Note: A copy of the initial screening form should be retained by the originator for audit purposes.

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 is replacing them with a new, short, light-touch, single planning policy for traveller sites.

National planning policy and guidance for 'gypsy and traveller', and 'travelling showpeople' caravan sites is currently 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.

The Government is taking forward planning reforms to pass control to local communities and make the planning system simpler and more accessible. The Government believes that planning is best carried out by local councils and communities that know the requirements of their areas and not unelected regional bodies. Circulars 01/2006 and 04/2007 have become outdated in this context and are difficult to navigate.

As part of the decentralisation agenda, the Localism Act repeals the statutory framework for regional planning in England. The Government intends to abolish existing regional strategies to put decisions on housing (including traveller sites) and planning back into the hands of local councils and communities².

The planning policy for traveller sites set out in Circulars 01/2006 and 04/2007 provides that traveller sites should be planned for and planning applications assessed using the previous Government's regional planning system. The present Government disagrees with the regional system and, as set out above, is in the process of abolishing it.

The National Planning Policy Framework entails a radical streamlining of national planning policy to support the decentralisation reforms to pass control to local communities and make the planning system simpler and more accessible. Traveller site policy also needs to be more simple and accessible but the existing circulars are unclear and difficult to navigate.

² The procedure to abolish regional strategies has two stages. The first is to abolish the architecture of the regional planning tier. This stage took effect when the Localism Bill was enacted on 15 November, which repeals the existing regional strategy framework and prevents any further regional strategies being created. The second is to abolish each existing regional strategy by order using powers that the Secretary of State has taken in the Localism Act. Now the Localism Act is in place, it is the Government's clear intention to lay Orders in Parliament to abolish existing strategies as soon as possible, but that process is subject to the outcomes of the consultation on the environmental assessments. The consultation closed on 20 January and we are currently considering the responses. The abolition is also subject to an equality impact screening process.

These circulars need to be replaced with an updated planning policy that will work effectively by being clear and telling local authorities what is expected of them in the decentralised system in terms of planning for traveller sites. Government intervention is necessary to promote adequate and efficient provision of traveller sites locally.

The Government's **overarching policy aim** 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.

There are two sets of aims to achieve the Government's overarching aim.

The **first set of aims** relates to the need to have an updated, fair, light-touch policy that puts provision into the hands of elected local councils. To help achieve this, Government's aims in respect of traveller sites are:

- that local planning authorities should make their own assessment of need for the purposes of planning
- to encourage local planning authorities to plan for sites over a reasonable timescale
- that plan-making and decision-taking should protect Green Belt from inappropriate development
- to reduce tensions between settled and traveller communities in plan-making and planning decisions

This will lead to the provision of appropriate numbers of sites in appropriate places and support enforcement action if local authorities have complied with the policy.

The **second set of aims** relate to the need to consolidate and streamline the circulars into a shorter single planning policy in the context of Government's broader reforms to simplify and consolidate national planning policy. 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 housing policies in the National Planning Policy Framework
- remove unnecessary guidance so that planning policy documents contain only policy
- 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. It will make clear the Government's expectations in this area of policy, which is often a difficult and contentious one for local authorities, in the context of the reforms to the planning system and Government's desire to push decisions on planning to the local level. It is very important that the Government's expectations in this contentious area are made clear as quickly as possible.

Finally, there are **other benefits** arising from replacing the circulars with a new single planning policy.

- The current circulars emphasise the importance of effective consultation with travellers when planning for sites. The new policy augments this by also emphasising the importance of consulting with settled communities. This is to ensure the policy works within the new localist planning framework with its emphasis on the involvement and engagement of all parts of local communities.
- The new policy makes provision for an implementation period of 12 months to allow councils to put their five-year land supply in place under the new localist policy – applications for sites on land that has been identified by local planning authorities for traveller sites are more likely to receive permanent permission. Under the current circulars, many planning permissions that have been granted since its introduction are reported to be temporary ones. Temporary permissions are not considered ideal as they create insecurity for those living on them and for the settled community living around them. Giving local authorities time to put a land supply in place to meet need should reduce the number of temporary permission given on the basis that there is insufficient land supply.
- The circulars themselves have 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. In recognition of this, in drafting the new traveller policy due regard has been had to the need to foster good relations between traveller and settled communities.

The new planning policy for traveller sites should be read in conjunction with the National Planning Policy Framework. The traveller site policy has been published in a separate document (and not within the National Planning Policy Framework). This will allow focus on this specific policy area, which causes a high degree of community stress. It will benefit those engaged in planning for traveller sites by clearly setting out specific traveller site policies in a separate document. The Government intends to review this policy when fair and representative practical results of its implementation are clear. It is intended to incorporate a version of this policy within the National Planning Policy Framework at that stage, having taken account of the results of its implementation.

Having due regard to the particular considerations of planning for traveller sites and the lack of clarity in previous circulars, this approach has been adopted.

Decentralisation is supported by other broader planning reforms. This includes the growth incentives, including the New Homes Bonus, which includes traveller sites and was introduced in April 2011 and will incentivise local authorities to provide appropriate sites. This will promote a more localist and collaborative planning system and is also combined with the Traveller Pitch funding (which was introduced in April 2011 and provides £60m over the spending review period).

The duty to cooperate is an important element of the planning reforms. This has been introduced through the Localism Act and is a key mechanism for strategic planning once regional strategies are abolished (subject to the environmental assessment process). The duty requires local planning authorities, county councils and other public bodies to engage constructively, actively and on an ongoing basis when planning for strategic cross-boundary matters in the preparation of Local Plans.

The new planning policy will operate in the context of the range of broader policy initiatives in relation to planning and traveller communities, which will provide a fair deal for traveller communities and settled communities who play by the rules. In addition to the New Homes Bonus and Traveller Pitch Funding, the Government's key policy commitments are:

- to limit the opportunities for retrospective planning applications, in relation to any form of development via the Localism Act, which came into force on 15 November
- to provide £50,000 to support a training programme run by Local Government Improvement and Development which aims to raise awareness amongst councillors of their leadership role in relation to traveller site provision and planning applications for sites
- the duty to cooperate provided for in the Localism Act (relevant provision came into force on 15 November 2011)
- to provide stronger enforcement powers for local authorities to tackle breaches of planning control
- to abolish undemocratic regional strategies and the top-down housing and traveller pitch targets they contain (subject to the outcome of the environmental assessment process)
- to set up a cross-Government, ministerial-level working group to address the discrimination and poor social outcomes experienced by traveller communities
- to apply the Mobile Homes Act (1983) to local authority traveller sites to 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 not affect the powers of local planning authorities and the police to take action against gypsies and travellers on unauthorised sites.
- for the Secretary of State to chair a cross-government ministerial working group to look at ways to address the inequalities and poor social outcomes experienced by Gypsies and Travellers, particularly in health and education. The report will be published shortly

Public Sector Equality Duty

Romany Gypsies and Irish Travellers are recognised as having a protected characteristic under the Equality Act 2010. In accordance with its public sector

duty under section 149 of the Equality Act 2010, the Government has had due regard to the needs of these protected groups in formulating the new traveller site policy. In addition the Government recognises the duty to facilitate the traveller way of life and protect this without discrimination. The impacts of the new policy on traveller sites are set out in this assessment and where relevant the Government provides how the equality duty has been discharged.

The Government does not believe that there will be any adverse impacts on any group with protected characteristics under the Equality Act 2010. In addition, it believes 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 the conclusion that there is no adverse equality impact are discussed in detail in this assessment.

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

Comments about a potential negative impact on Romany Gypsies and Irish Travellers was voiced by organisations representing travellers in relation to the initial announcement of the intention to replace the circulars and during consultation on the draft policy. In this assessment, the term 'Gypsies and Travellers' (capitalised) is used to refer to these ethnic groups. Small case is used when referring to definitions in planning policy, which do not refer to 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*³ shows that of the 18,383 caravans in England, 15,274 are on authorised sites and 3109 (about 17 per cent) are on unauthorised sites. Of the 3,109 caravans on unauthorised sites, 909 are on 'unauthorised encampments' and 2,200 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.

Discussion of issues and possible equality impacts

³ Figures are from the January 2011 *Count of Gypsy and Traveller Caravans*.

This section sets out the key changes to planning policy for traveller and discusses the possible equality impacts.

Site targets, evidence base and land supply

The planning policy on traveller sites set out in the current circulars points to a process for setting targets and imposing them on local authorities that is centred on the regional planning system, which the Government intends to abolish.

The Government, therefore, wants its policy on traveller sites to be decentralised and to put decisions on needs assessment, target setting and bringing forward land against targets to be in the hands of local councils, in collaboration with local communities and to have it fit within its broader planning reforms.

Some travellers have argued that there is evidence to show the existing circulars are working to provide sites and if given more time, would work more effectively. They, therefore, wanted to keep the circulars and thought that the draft policy would reduce the number of authorised traveller sites. However, if the current circulars were to remain in place it is highly likely that there would be a significant decrease in the future in the provision of traveller sites relative to the current rate as the planning reforms continued and the policies of the circulars became increasingly at odds with the new localist system. It is more likely that appropriate sites will be brought forward if there is clear guidance to local authorities on the process Government expects them to follow to plan and manage traveller site development within the context of a reformed planning system.

Now the Localism Act is in place, the current policy points to a process that no longer exists for setting future traveller site targets because the Act removed the framework for regional strategies meaning that no further regional strategies can be created. The Government will expect local authorities to plan for strategic matters, including accommodation for Gypsies and Travellers, in their Local Plans. Through this process, local authorities will have to justify their policies for traveller site provision using robust evidence that will be tested at the Local Plan examination. However, it will not be clear if the circulars were left in place that local authorities should set targets as part of their decisions on the right level of provision in their areas. The new policy, therefore, asks local authorities to **set targets** based on their evidence of need and to bring forward land in their plans to meet these.

Although it has not been verified, evidence was submitted in response to the consultation from a report by the Irish Traveller Movement of Britain that put forward an argument that there had been a decrease in targets since the announcement of the intended abolition of regional strategies. It is, therefore, important that targets and associated land supply allocations are based on robust evidence of need and tested at an examination in public and that the new policy is published to make this clear.

There are social consequences for Gypsies and Travellers of inappropriate reduced rate of site provision and insufficient supply of traveller sites. Lack of authorised sites can lead to an increase in unauthorised sites. Unauthorised sites can increase tensions with settled communities in surrounding areas. A 2009

Equality and Human Rights Commission⁴ report noted that people living near unauthorised sites often object to developments without planning permission. Gypsies and Travellers experience and are being held back by some of the worst outcomes of any group in this country, across a wide range of social indicators. Gypsies and Travellers living on unauthorised sites can face additional difficulties accessing health and education services and the precarious nature of their homes can further exacerbate inequalities and stifle life chances.

There was general agreement including from local government representatives (over 60 percent) and traveller representatives (over 70 percent) that where need has been identified, local authorities should set their own targets for the provision of sites in local planning policies. Some travellers expressed views about targets being set by local authorities, as opposed to the regional system, in which they are allocated via the regional strategy process. Some respondents referenced as evidence the above report by the Irish Traveller Movement of Britain that noted a decrease in targets since the announcement of the intended abolition of regional strategies. However, it is unlikely that many of the revised targets have been tested at an examination in public or have been drawn up as part of a process of strategic working as is required by the duty to cooperate. The potential problem of unjustifiably reduced targets not based on robust evidence of reduced need will be mitigated by the introduction of the new traveller site planning policy, which sets out the process for local target setting in the context of the duty to cooperate that requires local authorities to carry out planning on strategic matters jointly. Local planning authorities are required to demonstrate compliance with the duty at the local examination. The Government believes that the ability of local planning authorities to set their own targets will have benefits in terms of better quality plan making because the targets will be suited to the needs of the local authority, working collaboratively with neighbouring authorities where necessary, rather than being a figure mathematically imposed by a regional assembly.

In light of the localist planning system, the Government's new planning policy asks local authorities to use a "**robust evidence base**" to assess needs for the purposes of planning and managing development of traveller sites. This replaces the reference in the circulars to the Gypsy and Traveller Accommodation Needs Assessment (these assessments are part of local housing authorities' statutory duties to assess needs).

A number of local planning authorities supported the proposal to remove the reference to the Gypsy and Traveller Accommodation Needs Assessments commenting that this would provide them with greater flexibility to assess the needs of the traveller community depending on local circumstances.

However, a number of travellers and local planning authorities commented that the removal of the reference to the Gypsy and Traveller Accommodation Needs Assessments would result in a lack of a common basis for decisions on the level of need and subsequent target setting. Travellers commented that a lack of a common basis would lead to lack of robustness by local authorities in assessing need and producing targets and that many would, therefore, set low targets.

⁴ *Gypsies and Travellers: simple solutions for living together* (Equality and Human Rights Commission, 2009)

Travellers and their representatives commented that their views about the lack of robustness would not be alleviated by the process of testing the evidence base in local examinations in public. They have said that their resources are limited and that this would make involvement in numerous local authority examinations in public difficult. There are eight regional strategies and the London Plan but 326 local planning authorities in England. They have highlighted that input by traveller groups in examinations was important in the regional process in getting the targets increased to reasonable numbers. Travellers have argued that their lack of resource will be exacerbated by the removal of the Gypsy and Traveller Accommodation Needs Assessments reference and the lack of emphasis of the need for local authorities to work together across boundaries and that this will lead to individual planning decisions being at greater risk of challenge.

The Government has considered the comments received in relation to removing specific reference to the Gypsy and Traveller Accommodation Needs Assessments and the comments of travellers about resource. It has concluded that there are adequate legislative requirements in place that will ensure that local authorities properly assess the accommodation needs of the traveller community within their local area. In the Government's view this process, if carried out properly, cannot be said to be disadvantageous to travellers. Local housing authorities are required under the Housing Act 2004 to assess the accommodation needs of travellers as part of their statutory duties. There is also extant Government guidance on this. The requirement to carry out a Gypsy and Traveller Accommodation Needs Assessment is a statutory one so this requirement will remain.

However, in line with the removal of the regional planning system in favour of a more localist system that puts control back into the hands of local councils and communities, the Government is giving local authorities the freedom to choose the method it uses to assess needs for the purposes of planning policy. A council may choose to use the statutory assessment or it may choose another. The Government remains of the view that local authorities are best placed to determine how to assess housing needs, including traveller site provision, in their local areas depending on local circumstances. It is important to note that the emphasis on "robust evidence" and the removal of specific reference to Gypsy and Traveller Accommodation Needs Assessments does not mean that Gypsy and Traveller Accommodation Needs Assessments are no longer capable of forming part of the evidence base. Indeed, in some cases it is anticipated that some local planning authorities will continue to rely on their existing Gypsy and Traveller Accommodation Needs Assessments rather than gather a new evidence base from scratch and their continued use may be less burdensome for local authorities. It remains very important that local authorities continue to plan for the future of their communities, including travellers. However, the Government considers that local authorities are best placed to determine the type and level of evidence of need in their area.

The Government is clear that part of its streamlining aims is to remove references in policy to issues that are covered adequately by legislation. The Government agrees that it is important to ensure that there is a common evidence base between local planning authorities where needed but not at a national level. The

final policy therefore places an additional emphasis on the importance of cross-boundary working between local planning authorities in planning for traveller sites. In addition, the final policy also references local planning authorities' duty to cooperate on strategic planning under the Localism Act provisions. The duty to cooperate will be a key mechanism for strategic working after the intended abolition of regional strategies, subject to the environmental assessment process. The introduction of the duty to cooperate through the Localism Act requires local planning authorities, county councils and other public bodies to engage constructively, actively and on an ongoing basis in the planning process and will support a common basis for decisions between local authorities. This will ensure local authorities work together on strategic matters in their plans. Councils are required to demonstrate compliance with the duty at Local Plan examinations, which is a powerful sanction.

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 positively prepared, justified, effective and consistent with national policy. "Positively prepared" means that the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development "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. Where an Inspector judges that there has not been effective cooperation, under the duty to cooperate, the plan cannot proceed. Local Plans may not be adopted if they are not found sound.

In addition, there is clearly some involvement already by travellers and those supporting them in the Local Plan process. A December 2010 informal survey by Departmental officials of Local Plan examinations that took place in November 2010 revealed that in nine out of 12 cases (75 percent), 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.

The Traveller Law Reform Project carried out their own informal survey on the number of written representations made by traveller representatives on a sample

of local planning authorities' core strategies⁵. Their data suggested that 62 percent of local authorities (with website evidence and in the Departmental survey) had written input at some stage from the community or linked voluntary organisations in the development of core strategies and 38 percent did not. They felt that 38 percent was a substantial minority and that only 17 percent of local authorities were identified as having received input based on local knowledge. It must be emphasised that these results only relate to material available on websites, some websites had no information because of the particular stage that the core strategy was at or the information was not collated. It does not cover attendance at local examinations in public and relates only to written responses which have been recorded.

Also, 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.

The new policy asks local councils to identify a **five-year land supply** to meet their targets. This means that local authorities are asked to identify land for traveller sites to meet needs for the next five years and to update this every year.

This is in line with planning policy for general housing set out the National Planning Policy Framework so the alignment will also help to simplify planning policy. The policy also says that a lack of five-year supply should be a "significant material consideration in any subsequent planning decision" when considering the grant of a temporary planning permission. The policy also asks Local authorities to look into the longer term and also to identify a supply of specific developable sites or broad locations for years six to ten and, where possible, for years 11 to 15. The housing policy in the National Planning Policy Framework asks local authorities to have an additional buffer of five per cent (moved forward from later in plan period) and where there has been a record of persistent under delivery of housing, to increase the buffer to 20 percent (moved forward from later in the plan period). This has not been applied to the traveller site policy. The requirement to have a five-year land supply for traveller sites, unlike the requirement to have a five-year land supply for housing, is new. In addition, some consultees commented that the way in which land comes forward for traveller

⁵ The sample was a 15 per cent sample of the 326 local planning authorities and included those surveyed by the Department.

sites is different to that for general housing. The Government does not, therefore, think it is appropriate to apply the buffer policy to traveller sites.

Some local councils commented on the necessity and practicality of bringing forward a five-year land supply and the resource required to do this. However, local councils are already under a legal duty to assess traveller housing needs and have been asked to bring forward land under previous policies. Some comments were expressed about how a five-year land supply would work in practice given the different ways in which traveller sites can come forward. Some asked for guidance in the policy on identifying deliverable sites. Some felt that criteria-based policies, if constructively developed and applied, would be more effective than demonstrating a five-year land supply.

Some travellers commented that local councils might merge traveller land supply sites with housing land supply sites (in other words, the same land would just be set aside for either) which would risk pricing travellers out of the market.

The Government has considered the range of comments on this policy. It has concluded that the final policy should require local planning authorities to plan for a five-year supply of land for traveller sites. It is very important that local planning authorities plan for the future of their communities, including travellers, and identifying land is a reasonable policy in this context and the Government is committed to aligning planning policy for traveller sites with that for housing, where practical. If need has been met then this will be shown in local authorities' robust assessments and there will consequently be no requirement to bring forward land in that particular case. The policy is clear that specific land should be set aside for traveller sites.

As the consultation draft did, the final policy also sets out that, after the implementation period (see below), if a local planning authority does not have a five-year land supply then this should be given significant weight when the grant of a temporary permission is being considered. This policy operates in addition to (and not instead of) the presumption in favour of sustainable development, set out in the National Planning Policy Framework. This means that, a lack of five-year land supply may be relevant to the granting of a permanent permission as well as counting as "significant" in relation to a temporary permission. On balance in considering the equality duty, the Government concludes that these policies when considered together do not create a disadvantageous position for travellers.

Criteria-based policies

Where no need has been identified and thus a five-year land supply is not required, local authorities should have criteria-based policies in their plans, to provide a basis for decisions in case applications nevertheless come forward.

The final policy removes wording from the consultation draft that said that in producing their Local Plan, local planning authorities should allow for provision to be made for other family members who may not themselves physically move their accommodation onto the site.

On reflection, the Government feels that this wording only addresses one aspect of criteria in plans that it would find unacceptable because they would be discriminatory towards travellers. Instead, a more encompassing requirement has been included in the policy, which makes it clear that criteria-based policies should be fair and should facilitate the traditional and nomadic life of travellers, while respecting the interests of the settled community. This approach has been reached having due regard to the section 149 Equality Act 2010 duty, recognising the particular needs of travellers where criteria based policies are adopted.

Monitoring

In line with the Government's streamlining aims, the final document does not contain reference to local authorities, monitoring and comparing applications for sites for travellers and those for other types of residential development and other caravan sites. Monitoring requirements are dealt with elsewhere in legislation and guidance. In addition, some consultation responses from councils were critical of this policy as being opaque. They felt it was not clear what was required of them.

The Government has considered whether the removal of this text would represent an unjustified impact on any group with protected characteristics. However, it has concluded that there are ample monitoring requirements on local authorities already in place that ensure that local authorities understand the needs of their traveller populations in terms of planning, and the degree to which those needs are being met, to enable them to feed this back into their policy making.

The Department publishes official National Statistics every quarter in the *Planning Statistical Release*. This sets out data collected by local planning authorities. It covers applications for major and minor gypsy and traveller sites and applications for major and minor housing developments. While it does not cover applications for other forms of caravan sites, local planning authorities would themselves have this data.

In addition, further requirements exist. Annual Monitoring Reports are undertaken by local planning authorities to consider whether their Local Plan implementation is being achieved, and the Housing Act requires local housing authorities to assess travellers' needs. Section 13 of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to keep under review matters which affect the development of their area, including the size, composition and distribution of the population of the area – this is a strong starting position from which to plan effectively for the needs of different groups of people.

The new traveller site planning policy itself requires local authorities to use a robust evidence base to assess need, to set targets to meet the need they have identified, and to identify a five-year land supply that is reviewed and maintained on an annual basis.

On balance therefore, Government concluded that the removal of this part of the draft policy did not disadvantage travellers in respect of policy plan development.

Green Belt

There is a difficulty with **Green Belt policy** in the two circulars that are being withdrawn.

The policy in the Circular 01/2006 is at odds with broader Green Belt policy, set out in the National Planning Policy Framework. Circular 01/2006 says that traveller sites are “normally” “inappropriate development” in Green Belt. The National Planning Policy Framework states that all development (with some exceptions that do not include traveller sites) *are* (rather than *normally are*) inappropriate development in Green Belt.

The inconsistency of the circulars with wider policy is potentially confusing. In a system based on locally agreed targets and one in which local councils and communities have power returned to them, the clarity and streamlining of policy is important.

In addition, much development of traveller sites under the circulars 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. There is a risk that this would, therefore, continue if the circulars were to remain in place.

A more permissive policy for traveller sites in relation to Green Belt can create perceptions of unfairness amongst people, which can in turn lead to community tensions. Aligning the policy, where effective, with those for general housing may help decrease the view that traveller sites receive favourable treatment in the planning system and thus reduce the community tension this view can cause. Ensuring consistency between policy for traveller and settled communities should help to address views about unfairness in the planning system. This will help to promote community cohesion which will have benefits for both the settled and traveller communities.

The new policy, therefore, removes the word “normally”. This aligns it with general policy on Green Belts set out in the National Planning Policy Framework and tells local authorities that traveller sites, whether a permanent or temporary permission is being considered, are inappropriate development in Green Belt. The policy also clarifies that there is no presumption that a temporary permission, including those in Green Belt, should become a permanent one.

Some consultees commented that the new policy would make it harder for travellers to get planning permission for development in the Green Belt. Some wanted to ensure that there is no blanket ban on any development in Green Belt and felt the retention of the word normally would achieve this. Others felt that little difference would be made in reality because most decision makers start from the premise that a traveller site is inappropriate development in Green Belt – the issue is whether there are very special circumstances that outweigh that.

⁶ “Minor housing” is defined as development of ten dwellings or less.

The new policy will help ensure that traveller sites are developed in appropriate places and not on Green Belt land, ensure planning policy is clear and consistent and thus can operate most effectively in a new localist planning system, and reduce community tensions that can arise over perceptions that planning policy for traveller sites is more lenient than planning policy for housing for settled communities.

Countryside

The Government has also amended the wording of its new policy in relation to traveller sites in the countryside. The new planning policy for traveller sites clarifies that, on a similar basis to planning policy on housing in the countryside, local planning authorities should strictly limit new traveller site development in open countryside.

Some traveller representatives expressed views about strengthening of planning policy in relation to traveller sites in the countryside. Some commented that the policy in relation to the development in the open countryside would make it more difficult for them to get planning permission for sites in the countryside and that this would lead to increased costs. Some pointed out that there would have to be some sites in the countryside given the lack of previous supply, that travellers were generally a rural group and that if travellers were pushed closer to settled communities that are not always welcoming, community tension could increase. Some, therefore, wanted the removal of “strictly limit” and inclusion of words in current policy that make it clear that some development is acceptable in the countryside.

The Government has considered these comments and has decided to keep “strictly limit”. Government believes that it is important that development should not take place at the expense of the environment. The policy therefore clarifies that, on a similar basis on housing in the countryside, 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. In addition, there are many examples of traveller sites and travellers being well integrated with local settled communities.

The Government recognises that traveller sites are often in rural or semi-rural locations and that this reflects some cultural links between travellers and the countryside. However, there are examples of successful traveller sites in and on the edge of settlements and the Government’s policy objective is to protect open countryside from development of traveller sites or housing. On this basis, the Government considers that the strict limit on rural development is proportionate. It has also carefully considered whether this restriction enables the meeting of the needs of section 149(1) of the Equality Act 2010 and has concluded that its countryside policy is compatible with the meeting of those needs.

In the countryside policy for housing in the National Planning Policy Framework, there are examples of special circumstances in which local planning authorities may allow new isolated development in the countryside. These have not been included in the traveller site policy because they relate to the nature of built

housing and, therefore, do not have an equivalent and are not relevant in terms of traveller sites.

Perception of circulars

There was general agreement about the proposal to align planning policy on traveller sites more closely with that for other forms of housing, where effective, to help mainstream and reduce perception of unfair treatment.

Some expressed views that equality would not necessarily be achieved by treating people equally if they had different needs. Some travellers commented that fairness is not created by treating people the same if they do not start on a level-playing field (rates of homelessness were noted to be higher for traveller communities than the general population) and, therefore, attempts to align traveller site and housing policy starts from a base that is unequal. There were also comments that the policy is being replaced, in part, on the basis of a *perception* of unfairness.

The circulars themselves have 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. In the emerging system in which the Government needs to bring people on board with planning by having clear policy with which they can engage, this will be an increasing problem unless changes are made.

The Government therefore thinks that it is important to replace the circulars to show that a new planning system is in place and thus reduce the perceptions of unfairness that can have a real impact on relations between settled and traveller communities. Signalling that fundamental parts of the policy have changed by implementing a new policy may help address this perception and in turn reduce tensions between settled and traveller communities. The alignment with other policy, particularly that for general housing, will help ensure that policy is fair and is seen to be fair. This can again help to address the perceptions of unfairness that can create tensions between settled and traveller communities.

Consultation with settled community

The current circulars emphasise the importance of effective consultation with travellers when planning for sites. The new policy augments this by also emphasising the importance of early and effective community engagement with settled as well as traveller communities when councils are formulating their plans and determining planning applications.

This will again help to ensure that the policy works within the new localist planning framework with its emphasis on the involvement and engagement of all parts of local communities in the planning system to give people a chance to shape the development that occurs in their area and to help reduce opposition to development.

Support was generally shown for the new emphasis on local councils consulting with settled communities as well as traveller communities (more than sixty percent of respondents supported the proposal). Some traveller representatives supported this policy because they thought that any forum that would help open up communication channels between settled and traveller communities was good. However, some of those representing travellers commented that this forum could result in confrontational events or the settled community believing they had the right to veto development and thus increase tensions when they realised this was not possible. Others, like some local government respondents, were supportive saying that if settled communities could say *where* they wanted sites and travellers could say *why* they want them in a particular location this would be beneficial. Others commented that a requirement to consult already exists or that of most importance was the need for local authorities to consult traveller communities. Others commented that local authorities are not always good at engaging with traveller communities relative to settled communities and that there should also be emphasis placed on better engagement with travellers.

The Government recognises that 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. On balance, the Government believes that the best way to try and reduce tension is to retain the emphasis on early and effective community engagement with settled as well as traveller communities. Engagement does not mean communities have an automatic right to veto development. The Government wants instead to give communities a much greater say on what gets built in their areas but we need to make sure the right balance is struck between conservation and growth, with an appropriate fit with local and national planning policy. This policy also sits in the context of the support that it is providing towards training programme run by the Local Government Group. The Government is contributing £50,000 to support funding from Local Government Improvement and Development and the Homes and Communities Agency. This aims to raise awareness amongst councillors of their leadership role in relation to traveller site provision and planning applications for sites and will support the transition to the new planning system. 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. The more people participate, the more likely it is that development will 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. However, the Government has considered the comments and has amended the final policy to stress the importance of effective consultation with traveller communities. The policy will emphasise that local authorities should 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. The Government believes that the new policy promotes equality, good relations and knowledge about groups and increases civic and democratic participation.

Implementation

The new policy gives local authorities a 12-month implementation period to put in place their five-year land supply before the consequences of not doing so come into effect. After this period, the policy says that any lack of a five-year land supply be a “significant material consideration in any subsequent planning decision when considering the grant of a temporary planning permission”.

The Government recognises that it is removing the Circular 01/2006 policy that unmet need is given additional weight in decisions but not bringing in the replacement policy until after the implementation period.

However, the Government believes that an implementation period is more likely to lead to permanent rather than temporary permissions. Five-year land supply is a new requirement for traveller sites. When a plan is adopted, there should be evidence in the plan to show that at the moment of adoption there is a five-year supply. However, before a plan is adopted, or when the five-year supply is updated annually after a plan is adopted, an up-to-date five-year supply is maintained through annual monitoring (and usually published in an annual monitoring report). Having considered the consultation feedback, the Government is giving local authorities 12 months to give local planning authorities reasonable opportunity to identify their first five-year supply. Local planning authorities require time to gather evidence and assess sites for their deliverability. If land is identified by local authorities in their five-year land supply, they are more likely to be able to grant permanent permissions. Under the current circulars, many planning permissions that have been granted since its introduction are reported to be temporary ones. Temporary permissions are not considered ideal as they create insecurity for those living on them. This will promote a plan-led approach and the provision of traveller sites. The Government believes that this implementation period strikes the best balance between the need to give local planning authorities time to prepare and the need to avoid unnecessary uncertainty for travellers.

Some consultees commented that there was possible risk, if new policy is considered in isolation from the wider measures that the Government is implementing, of a short-term reduction in authorised sites during the implementation period of the policy, while local authorities get their five-year land supply of traveller sites in place because during this period there will be no consequence for local authorities that do not have a five-year supply of sites in place. This could potentially add to the number of unauthorised sites. An increase in unauthorised sites could, in turn, lead to more demand for, and pressures on social housing, community tension and increased enforcement costs. We do not believe that this reduction will occur – for the reasons outlined below.

Some respondents considered that the six-month implementation period proposed to enable local planning authorities to plan for a five-year supply of sites before the consequences of not doing so (giving significant material consideration to applications for the grant of temporary permission) come into effect was either too short (mainly local planning authorities) or too long (mainly travellers). Travellers generally wanted the implementation period to remain the same or be shorter. They felt there is a risk that a longer implementation period

would lead to a greater risk of short-term reduction in sites through the absence of the “significant material consideration” policy during that time. Some respondents representing travellers wanted there to be no implementation period at all.

Conversely, some local authorities commented that a six-month implementation period would be insufficient time for them to get in place their targets and land supply for sites, particularly if they are not well advanced on their local plan preparation. Some asked for as long as two years to do this.

The Government considers that local authorities clearly need time to put in place their five-year land supply if a long-term sustainable solution is to be implemented in which local authorities properly plan for sites in appropriate locations. However, it also notes that local authorities are already under a legal duty to assess needs and should, therefore, have a good idea of their requirements. Local planning authorities should already have been assessing need and bringing forward land for sites and the new policy, therefore, represents a continuation of this work. On balance, the Government has, therefore, increased the implementation period to 12 months. This will ensure that there is time to put a five-year land supply in place to support a proper plan-led approach to development that will make development of sites more likely once land is identified by local planning authorities. The Government does not want to extend the period further given the existing requirements to assess need and bring forward land. In addition, the publication of the draft policy on 13 April 2011, giving a clear steer on Government’s policy intentions, means that local authorities will have had nearer 24 months to put in place their land supply.

The number of sites at risk here is small (the Impact Assessment estimated that a maximum of 244 caravans may be affected during the 12-month implementation period) and is heavily mitigated by the other measures which the Government is putting in place to encourage the provision of more sites. The Government does not conclude that an increase in unauthorised sites will occur if these other aspects of its package of measures enable an increase in short-term site provision.

In particular, the effective use of pitch funding, which will be available to local authorities during this implementation period will encourage provision. The Government is providing £60 million of traveller pitch funding from 2011 to 2015, through the Homes and Communities Agency. Successful bids totalling £47 million were announced on 5 January 2012 – this will help provide over 600 new pitches and will refurbish another 150 existing pitches. New bids for the remaining £13 million of the £60 million budget will continue to be considered. The Homes and Communities Agency will help those who put in unsuccessful bids to improve and resubmit their offers so further pitches can be delivered over the next year and beyond to 2015.

The Government has also 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 was introduced in 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. While some consultees questioned the degree to which the money available under the New Homes Bonus would incentivise site provision the Government has put in place this measure to incentivise sites and believes it will. The New Homes Bonus will match fund the additional council tax raised for new homes including, traveller sites, for the following six years. New traveller pitches owned by local authorities and housing associations will be eligible for the £350 per year enhanced bonus for affordable homes.

The Government concludes that the New Homes Bonus combined with the Traveller Pitch Funding will work to increase site provision. There is also the policy requirement to have a five-year land supply after 12 months, which should incentivise delivery. 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 Traveller Pitch Funding of £60m over the spending review period commenced in April 2011. In addition, the Government has committed to providing financial support (£50,000) along with Local Government Improvement and Development and the Homes and Communities Agency, to support a training programme by the Local Government Group, which aims to raise awareness amongst councillors of their leadership role in relation to traveller site provision and planning applications for sites. The existence of temporary permissions policy in Circular 11/1995 gives local authorities the option of granting a temporary permission. Also, by the time a planning application was refused and a decision made at appeal, it is more likely that the implementation period would be over and the extra weight on temporary permissions policy in place. Together with the incentives noted above, the Government believes that all these measures will mean that new sites will come forward which hitherto were not practical or viable, enabling an increase in site provision overall.

It is anticipated that the potential risks of short term decrease in site supply will also be mitigated by the presence of wider policy on temporary permissions and the changes made to the policy as a result of consultation – these include the introduction of the duty to cooperate, and increased emphasis on local authorities working together in the final policy. In addition, the policy on temporary permissions set out in wider policy (Circular 11/95: *The Use of Conditions in Planning Permissions*) will still be in place. This states that a temporary permission may be justified for a development if it is expected that the planning circumstances will change in a particular way at the end of the period for which a temporary permission is being sought.

In addition, any risk has to be seen against the risk of sites decreasing immediately and for the longer term if the circulars remain in place now that there is no framework for setting targets through the regional planning system. 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 give significant material consideration to this in any subsequent planning decision when considering the grant of a temporary planning permission, the new policy gives local authorities a reasonable period of time to get their land supply in place before this becomes effective.

The implementation provisions for the National Planning Policy Framework apply equally to traveller sites. The policies in the National Planning Policy Framework apply from the day of publication and are therefore material considerations that local planning authorities should take into account from the day of publication. The implementation provisions also say that for 12 months from the day of publication, decision-takers may continue to give due weight to relevant policies adopted since 2004⁷ even if there is a limited degree of conflict with the National Planning Policy Framework or traveller site policy. By virtue of the fact that the implementation provision in relation to relevant policies adopted before the Framework is limited to those adopted in accordance with the 2004 Act and that only due weight is to be given policies with a limited degree of conflict to the National Planning Policy Framework or traveller site policy, we do not anticipate any disadvantageous effects on travellers in this implementation period. The traveller policy will come into effect at the same time as the National Planning Policy Framework.

Potential risk that local authorities will not consider working together to allow needs to be met across a wider spatial scale, where this is required

There is a potential 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. This was raised by a number of consultees.

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 has introduced a duty to cooperate through the Localism Act that requires local planning authorities and other public bodies to engage constructively on strategic cross-boundary matters in the preparation of Local Plans. The final policy references the duty. The Government believes that

⁷ In development plan documents adopted in accordance with the Planning and Compulsory Purchase Act 2004 or published in the London Plan

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. This duty is a mechanism for strategic working now that the framework for regional strategies has been abolished by the Act so no more can be created.

As stated above, the Government has 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 give significant material consideration to a lack of five-year land supply in any subsequent planning decision when considering the grant of a temporary planning permission.

A system of locally agreed targets puts control back into the hands of local councils and allows them to plan for their local needs. The Government, however, recognises that strategic working between local councils will also at times be required but within the new framework wants to allow greater freedom to local councils in how they manage strategic planning matters. The Government has introduced a duty to cooperate via the Localism Act. This provides a statutory context for strategic working within the reforms. The new policy, therefore, needs to reflect the new framework's balance of local and strategic working. The new planning policy therefore, asks local authorities to plan for local need but the importance of working together across boundaries is also stressed.

The Government intends to abolish the regional planning system to put control back into the hands of local authorities. The draft policy on which Government consulted asked local councils to plan for "local need in the context of historical demand" with the duty to cooperate being the key mechanism through which the strategic element of local planning would occur. However, consultation responses sought clarification of this phrase. Views were expressed by a number of local councils and traveller representatives, that this policy could discourage effective joint working between councils and lead to inequitable distribution of sites between councils, with those that had previously provided continuing to do so, while those that had not provided would be able to continue to not provide. The consultation, therefore, identified that this proposal presented a risk that some local planning authorities would not plan for sites, which would in turn lead to undersupply and have significant impacts for traveller communities and resources and land pressure for local planning authorities that do plan.

In response to these comments, to support strategic working within local planning, the Government has amended the final policy so local authorities are asked to plan for local need but the importance of working together across boundaries is also stressed, in line with the new duty to cooperate. The final policy emphasises the need for local authorities to work across boundaries to ensure redistribution of provision of sites. The Government believes that this will ensure local planning authorities properly plan for current and future need, using robust evidence.

Potential risk that local planning authorities will only bring forward large parcels of land

There is a potential 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 and planning applications for sites can be very contentious. It can, therefore, be less problematic to consult less often on a smaller 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 the system under the circulars working in the regional strategy context or if the circulars remained while regional strategies continued to be abolished. 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. In addition, the policy has a definition of “deliverable” to ensure that land allocations for traveller sites have a reasonable prospect of being developed.

Alignment with the National Planning Policy Framework

A question was asked as part of the National Planning Policy Consultation that sought views on the relationship between it and the traveller site policy, and Government’s intentions to incorporate the traveller policy into the National Planning Policy Framework.

There was support for the proposition that traveller site policy should eventually be incorporated into the National Planning Policy Framework. The final planning policy for traveller sites is aligned with the policies in the new National Planning Policy Framework, which replaces the previous suite of planning policies. For clarity, an addition has been made to the final planning policy for traveller sites that clarifies that it should be read in conjunction with the National Planning Policy Framework.

However, traveller site policy has been published in a separate document (and not within the National Planning Policy Framework). The Government has considered whether a separate document would enable or inhibit the meeting of its duties in the Equality Act 2010, section 149 (1). A separate document will allow focus on this specific policy area, which causes a high degree of community stress. It will benefit those engaged in planning for traveller sites by clearly setting out specific traveller site policies in a separate document. The Government intends to review this policy when fair and representative practical results of its implementation are clear. On balance, the Government has concluded that the clarity of a separate document enables, rather than inhibits, the meeting of its public sector equality duties. It is intended to incorporate a version of the traveller site policy within the National Planning Policy Framework at that stage, having taken account of the results of its implementation.

There was also desire for policies for housing in the National Planning Policy Framework that were not included in the draft Planning Policy Statement for traveller sites to apply. The National Planning Policy Framework includes the key policy of the presumption in favour of sustainable development and was one such policy some consultees wanted to apply. The final planning policy for traveller sites makes it clear that the policies within the traveller site document have the

same status in terms of the application of the presumption in favour of sustainable development as those set out within the National Planning Policy Framework itself.

A separate equality screening has been carried out on the National Planning Policy Framework.

- 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.**

We undertook a full assessment of new policy having due regard to the public sector equality duty under section 149(1) of the Equality Act 2010 and because of the potential for adverse impacts on Gypsies and Travellers identified in the screening and because of comments raised during consultation.

Consideration of equalities issues has been central to the development of the policy. In addition, the Government has carried out an extended full public consultation on its proposed policy, including holding a series of oral hearings around the country. As discussed above, it has either made changes to the policy as a result of the consultation or given evidence for disagreeing with the points made.

The Government does not, therefore, believe that its new planning policy has any adverse impacts on protected groups. It believes that it will benefit Gypsies and Travellers by enabling an appropriate supply of sites.

- 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 met with a number of interested parties, including traveller groups and local planning authorities, to gather views on the circulars that are being withdrawn. This included:

- 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 was subject to a 16-week public consultation period. Those with an interest in the policy, including those representing Gypsies and Travellers, were made aware of the publication. The consultation was open to all to respond. The usual consultation period of 12 weeks was extended to 16 weeks. This was done in response to requests made during the consultation period. It allowed a series of oral hearings around the country to be organised so that people with poor literacy could give their views to the consultation in person, rather than in writing. There were nine of these, held in eight different towns and cities around the country. The Government recognises that Gypsies and Traveller communities have poor literacy rates and wanted to ensure it gained the views of a wide range of people, including Gypsies and Travellers.

The consultation document included specific questions upon which we particularly welcomed responses, one of which asked whether the draft policy would 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. It said that the Government was particularly interested in any impacts on (Romany) Gypsies and (Irish) Travellers and welcomed the views of organisations and individuals with specific relevant expertise. The draft Equality Impact Assessment was published for comment as part of the consultation. This Equality Impact Screening and full Equality Impact Assessment have, therefore, been updated in light of the responses to the consultation and changes to the final policy following consultation on the draft.

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.

As seen above we have fully explored the potential impacts identified in the screening and have concluded that the policy has no adverse impacts on any protected groups.

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.

The consultation on the draft National Planning Policy Framework closed on 17 October. During the consultation, views were welcomed from everyone on all aspects of the National Planning Policy Framework. This included views on the consistency of the draft National Planning Policy Framework with the draft planning policy for traveller sites, or any other comments about the Government's intention to incorporate planning policy for traveller sites into the final National Planning Policy Framework.

The Government has considered the responses to this consultation and reviewed its draft planning policy for traveller sites in the light of this. The final planning policy for traveller sites says that it should be read in conjunction with the National Planning Policy Framework, with which it has been aligned. This planning policy on traveller sites will be integrated into the National Planning Policy Framework in due course.

This policy itself will not, therefore, be subject to a separate Post Implementation Review but 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: Ruth Stanier
Role: Deputy Director (Planning: Economic and Social Policy Division)
Date: 26 March 2012
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:				
Changes to the policy and other measures to ensure there is no adverse impact were in place before this Equality Impact Assessment was finalised. These have been set out in the Fully Equality Impact Assessment above.				
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?				
The Government does not believe that there will be any adverse impacts on those with protected characteristics under the Equality Act in the long term. It believes that this policy will benefit Gypsies and Travellers.				
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.				
No areas have been identified.				

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>The Government believes 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. Its new policy is aligned with the National Planning Policy Framework and its intentions for a localist planning system and intended abolition of regional strategies.</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.</p>	<p>The provision of appropriate sites in appropriate places with improve give travellers a secure base and support enforcement action against unauthorised sites, which can be the cause of tensions between settled and traveller communities.</p> <p>The Government believes that more participation in the planning system will lead to more acceptance of development. It will also allow local authorities to obtain a</p>	<p>Gypsies and Travellers and other 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>The Government believes that the alignment of planning policy for traveller sites with wider housing policy, will reduce the perception that travellers are treated more favourably, which it believes has created bad feeling and undermined community cohesion.</p>	<p>balance of views to enable them to make their decisions and will reduce opposition to development based on misunderstanding.</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>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</p>	<p>The policy will, at a future point in time, be incorporated into the National Planning Policy Framework.</p>		<p>At the time of the post implementation review of the National Planning Policy Framework</p>	<p>Department for Communities and Local Government</p>

Actions taken or proposed	Rationale for the action	Beneficiaries of the action	Timing	Responsibility
as described above.				
Publish: Give details of how the results of the equality impact assessment will be published.				
The equality impact assessment will be published on the Department for Communities and Local Government's website.			The equality impact assessment will be published alongside the final policy.	Department for Communities and Local Government