



Department for  
Communities and  
Local Government

# Consultation: planning and travellers

## Equalities statement

Consultation on proposed changes to planning policy and guidance; ensuring fairness in the planning system; and strengthening protection of our sensitive areas and Green Belt

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<b>1. Name of Directorate</b>
Planning Directorate
<b>2. Please list all the policy streams in your business area.</b>
<p><b>Proposed changes to national planning policy, Planning Policy for Traveller Sites (March 2012) and draft planning guidance for travellers</b></p> <p>The Department is undertaking an Equality Statement to assess the equality impacts of its proposals for changes to Planning Policy for Traveller Sites; national planning policy and planning guidance for travellers.</p> <p>Planning Policy for Traveller Sites (published in March 2012) is designed to be read in conjunction with the National Planning Policy Framework. In much the same way as local councils should meet the housing needs of their settled community, Planning Policy for Traveller sites returns to local councils the freedom and responsibility to objectively-assess their own traveller site needs and identify a suitable five-year supply of sites to meet their needs. It also asks local authorities to identify a supply of specific, developable sites or broad locations for growth, for years six to ten and, where possible, for years 11-15.</p> <p>The Government's overall aim is to secure more authorised traveller sites in appropriate locations, to address historic under provision and meet future supply needs.</p> <p>Local authorities should work collaboratively across administrative boundaries, and consider joint development plans that set targets on a cross-authority basis – an approach supported by the statutory duty to cooperate.</p> <p>The policy also makes clear that traveller sites are inappropriate development in the Green Belt and that local authorities should strictly limit the development of new traveller sites in the open countryside. It also gives more flexibility to local councils to enable them to safeguard local amenity and the local environment in their areas.</p> <p>From 27 March 2013 where local authorities cannot demonstrate that they have identified a five-year supply of suitable sites then this will be a <u>significant</u> material consideration in the determination of temporary planning permission.</p> <p>A further Government aim is to reduce the number of unauthorised traveller sites. We have strengthened enforcement through enabling councils to deal effectively with retrospective and misleading applications and have made improvements to Temporary Stop Notice powers to support councils to take swift and decisive action against unauthorised caravans.</p> <p>Although the proportion of unauthorised sites has declined significantly in the last 20 years, from around 30% to 15% of overall provision, as authorised provision has increased, there still remains a significant number of unauthorised sites (approximately 2000 caravans are located on unauthorised sites). These unauthorised sites fuel community tension, undermine community cohesion and create resentment against the overwhelming majority of travellers who are law abiding and do not live on unauthorised sites. This serves to undermine public confidence and trust in the planning system.</p> <p>Since its introduction two years ago, the Government has become increasingly concerned that the policy has not sufficiently reflected Ministers' aims in relation to the protection for the</p>

Green Belt and other sensitive areas; reducing community tensions fuelled by unauthorised sites; ensuring planning rules apply fairly and equally to all; and upholding public confidence and trust in the planning system.

The proposed changes will address these concerns, and would:

- improve community relations by ensuring that planning rules apply fairly and equally to both the settled community and traveller community;
- strengthen the protection of our Green Belt and other sensitive areas against inappropriate traveller site development and reduce the circumstances in which planning permission for traveller sites in these areas is likely to be granted.
- make clear that where Gypsies and Travellers have given up travelling and are living a settled lifestyle their needs are considered in the same way as other members of the settled community.
- tackle abuse of the planning system through addressing intentional unauthorised occupation and development of land.

The Government aims to reduce bureaucracy to make the planning system simpler, clearer and easier for people to use, allowing local communities to shape where development should and should not go.

In line with the new streamlined planning guidance published earlier this year we have developed draft guidance to support councils to accurately and robustly assess their traveller needs. Once published it will replace the statutory guidance given by the Secretary of State on assessing gypsy and traveller accommodation needs under section 226 of the Housing Act 2004.

The Government is of the view that this current guidance is unnecessarily long, in need of updating and sends unhelpful messages to local authorities about assessing their traveller needs.

It is a requirement that before this draft guidance can take effect it would have to be laid before Parliament.

Once published, the planning guidance would cancel the following documents:

- Local authorities and Gypsies and Travellers: a guide to responsibilities and powers (2007)
- Preparing Regional Spatial Strategy reviews of Gypsies and Travellers by regional planning bodies (2007)
- Gypsy and Traveller Accommodation Needs Assessments - Guidance (2007)
- Designing Gypsy and Traveller Sites - Good Practice Guide (2008)

The external review of planning guidance has considered that the guidance documents set out above were out of date, did not reflect current national planning policy or were in need of review.

### 3. Identify any policy streams aimed at or impacting upon a Protected Group.

In undertaking its assessment the Department has had due regard to the equality impacts of the proposed policy changes upon all protected groups.

In this assessment, the term 'Gypsies and Travellers' (capitalised) is used to refer specifically to Romany Gypsies and Irish Travellers. References to 'travellers' more generally are used when referring to definitions in policy, which do not refer to specific ethnic groups.

The Department recognises that Gypsies and Travellers have specific accommodation needs, which differ from those of the settled community (including those of other protected groups within the settled community). Data from the 2011 Census reports that 58,000 people identified themselves as Gypsy or Irish Traveller. Of those 61% live in whole houses or bungalows; 24% in caravans or other temporary or mobile structures; and 15% in flats, maisonettes; or apartments. These findings reflect previous research<sup>1</sup> which has estimated that between half to three quarters of Gypsy or Irish Travellers live in bricks and mortar housing.

Romany Gypsies and Irish Travellers are recognised as having a protected characteristic under the Equality Act 2010. Other protected groups are age, disability and gender. 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.

For this reason, this Equality Statement has focused on the assessment of impacts upon Romany Gypsies and Irish Travellers (and in particular the elderly, women, children and disabled within this group).

In accordance with section 149 of the Equality Act 2010 and in discharge of the public sector equality duty, the Department has had due regard to the needs of this particular protected group in formulating these policy proposals and the draft planning guidance.

#### Ensuring fairness in the planning system

**Amend the current planning definition of "travellers" in Annex 1 of Planning Policy for Traveller Sites to remove the words or permanently to limit it to those who have a nomadic habit of life.**

This proposal would impact on those Gypsies and Travellers who have given up travelling permanently for whatever reason, but in particular on the elderly who no longer travel due to reasons related to ill-health or disability. Similarly, it would also impact on children and young people including those with disabilities or special educational needs who use a settled base in order to access education; as well as women who have ceased to travel in order to care for dependents.

The Government is fundamentally of the view that where travellers have given up travelling

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<sup>1</sup> Some examples of previous research in this area are: Equality Human Rights Commission, 'Inequalities experienced by Gypsy and Traveller communities: A review' 2009. Race Equality Foundation and Communities and Local Government, 'Gypsies, Travellers and Accommodation' 2009.

Commission for Racial Equality, 'Common Ground Equality, good race relations and sites for Gypsies and Irish Travellers' 2006. Shelter, 'Good practice guide: Working with housed Gypsies and Travellers', 2008

permanently, they should be treated in the same way as other members of the settled community for planning purposes. Under the proposal, Gypsies and Travellers who had given up travelling permanently would not be considered “travellers” in planning terms. Ensuring that those travellers who have settled permanently are subject to the same planning rules as the rest of the settled community would improve community relations. It would also help to ensure that provision is made available for those who do have a nomadic lifestyle.

This would not prevent them from applying and securing permission for a permanent site, but such an application would not be considered a traveller site and would not be determined in accordance with Planning Policy for Traveller Sites. The intention of the proposed policy is that such an application would be considered in the same way as any application for a permanent caravan site from a member of the settled community (for example, those who wish to live in Park Homes or Mobile Homes but do not travel) and would be determined in accordance with the National Planning Policy Framework only.

Where cases involve families in which some members do not travel, it may continue to be appropriate to grant permission for traveller sites on the grounds that it is proportionate to do so, and would be an interference with the family’s Human Rights to limit the permission to particular family members only.

Our intention is that local authorities would continue to have to assess and plan to meet the needs of those Gypsies and Travellers who no longer travel, but this would be carried out as part of their wider responsibilities to plan to meet the accommodation (or housing) needs of their settled community. We will further consider how this process will work in practice.

The independent examination process carried out by inspectors ensures that local plans are based on robust evidence and are tested for soundness which includes whether they are in accordance with national planning policy.

**Consider that: a) we should amend the 2006 regulations to bring the the definition of “gypsies and travellers” into line with the proposed definition of travellers for planning purposes; and b) we should also amend primary legislation to ensure that those who have given up travelling permanently have their needs assessed.**

The Government also wishes to consider whether the definition of “gypsies and travellers” set out in the 2006 Housing (Assessment of Accommodation Needs) (Meaning of Gypsies and Travellers) (England) Regulations for the purposes of undertaking accommodation assessments under section 225 of the Housing Act 2004 should align with the proposed definition of “travellers” for planning purposes.

The effect could be that in assessing the accommodation needs of gypsies and travellers residing in or resorting to their area, local authorities would only need to take account of those who have a nomadic lifestyle. This would likely impact on those Gypsies and Travellers who have ceased to travel and who live (or wish to live) in a caravan, as they would be excluded from the accommodation needs assessment under section 225 of the Housing Act 2004.

We would therefore need to consider how the accommodation needs of those travellers who have ceased to travel would be assessed as part of duties on local authorities to assess the housing needs of their settled community. In doing so, we would consider whether change to legislation is needed to ensure that those who have given up travelling permanently would

have their needs assessed in the same way as other members of the settled community.

The Government believes that it is confusing for local authorities to have to consider two different definitions for planning purposes and for carrying out accommodation needs assessments. Aligning the two definitions would streamline and simplify the processes for assessing needs of gypsies and travellers for planning and housing purposes. It would also help ensure suitable site provision is made available to those Gypsies and Travellers who have a nomadic lifestyle.

The consultation will draw out the impacts on Gypsies and Travellers and will consider how we can ensure the needs of those who have ceased to travel have their needs assessed in the same way as other members of the settled community.

#### Protecting the Green belt and other sensitive areas

**Amend Planning Policy for Traveller Sites to reflect the provisions in the National Planning Policy Framework that provide protection to sites protected under the Birds and Habitats Directives and / or sites designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, or within a National Park (or the Broads Authority).**

Planning Policy for Traveller Sites is designed to be read in conjunction with the National Planning Policy Framework which already accords great weight to conserving landscape and scenic beauty of these areas.

In order to clarify this, the Government wishes to insert those provisions in the National Planning Policy Framework that are relevant to Planning Policy for Traveller Sites. The proposal does not represent a material change in national planning policy, but would ensure protections to the areas mentioned above apply equally to traveller sites as they do to conventional housing.

**Amend paragraph 23 of Planning Policy for Traveller Sites to say “local authorities should very strictly limit new traveller sites in the open countryside.”**

This proposal is likely to impact on the ability of Gypsies and Travellers to gain permission for sites in the open countryside through individual site proposals and further discourage local authorities from identifying potential sites in these areas.

However, this does not prevent local authorities from granting permission for sites in such areas or extending existing sites which are in the open countryside.

Sustainable development is a key principle of national planning policy. Open countryside locations can often be unsustainable economically, socially and / or environmentally.

The National Planning Policy Framework maintains strong protection of the open countryside against conventional housing development, by making clear that new isolated homes in the countryside should be avoided unless special circumstances apply.

The responses to the consultation will draw out the extent to which the scale of new traveller site development in the open countryside is an issue and the impact on securing authorised site provision.

**Amend paragraph 25 of Planning Policy for Traveller Sites to make clear that it does not apply to applications relating to sites protected under the Birds and Habitats**

**Directives and / or sites designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, or within a National Park (or the Broads Authority).**

Current Planning Policy for Traveller Sites encourages councils to plan to make provision for sites by making clear that where local authorities cannot demonstrate a suitable five-year supply of sites then this is a significant material consideration in the grant of temporary permission.

By disapplying this policy for sites in the above mentioned areas, there will be an impact on Gypsies and Travellers ability to gain temporary planning permission in these sensitive locations.

An absence of a five-year supply of sites would be capable of being a material consideration in determining whether to grant temporary permission for sites in the above mentioned areas and would continue to be a significant material consideration in determining whether to grant temporary permission for sites in areas outside those mentioned above.

Furthermore, there may still be occasions where it may be appropriate for the temporary permission to be granted in these areas where the decision taker determines that it is proportionate in the circumstances.

Temporary permission for traveller sites often leads to permanent permission and is rarely appropriate for conventional housing. This proposal recognises the protection given to these areas in national planning policy and ensures that such areas are protected equally from traveller site development as they are from conventional housing.

The proposal would help to improve community tensions by ensuring that the policy protection ascribed to these sensitive areas applies equally to both the traveller and settled community.

We will continue to investigate the extent to which Gypsies and Travellers reside on sites with temporary permission in these areas, and the impact of such a proposal.

**Set out in policy that subject to the best interests of the child, unmet need and personal circumstances are unlikely to outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.**

Evidence shows that since the introduction of our policy in March 2012 a disproportionate number of traveller appeals in the Green Belt have been successful against refusal of planning permission compared with minor housing appeals. Since 23 March 2012, 45.5% of traveller appeals in the Green Belt have been approved, compared with only 24.4% of minor housing developments<sup>2</sup>.

The proposal would likely impact on Gypsies and Travellers' ability to demonstrate very special circumstances to justify inappropriate development in the Green Belt. Although we do not collect data on the number of planning applications for Gypsy and Traveller sites in the Green Belt, since the introduction of our policy in March 2012 there have been 66 traveller appeals (compared with 873 minor housing appeals over the same period) of which 30 have been allowed (compared with 213 successful minor housing appeals).

Green Belt land has the highest protection in national planning policy. The Government has

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<sup>2</sup> Figures based on relevant appeals determined between 23 March 2012 and 1 April 2014.



been clear that local authorities should only plan for sites in the Green Belt by altering the boundary as part of the Local Plan process. However, the Green Belt boundary should only be altered in exceptional circumstances.

The perception that particular groups are more likely than others to be able to secure planning permission for inappropriate development in the Green Belt creates the view that planning rules do not apply fairly and equally to all. This fuels community tensions and undermines confidence and trust in the planning system as a whole. This proposal would strengthen protection for the Green Belt; would help to address the concerns that travellers receive preferential treatment and improve community relations.

This would be subject to the best interests of the child. Recent UK case law derived from the United Nations Convention on the Rights of the Child (UNCRC) establishes that the best interests of the child are a primary consideration in planning decisions affecting children, and that no consideration is inherently more important than the best interests of the child. Substantial weight should therefore continue to be given to the best interests of the child. This consultation will draw out the extent to which local authorities are determining that very special circumstances exist in order to justify inappropriate traveller site development in the Green Belt. We will also give further consideration to the impact on children, women, the elderly and the disabled.

#### Addressing unauthorised occupation of land

**Amend national planning policy and Planning Policy for Traveller Sites to make clear that intentional unauthorised occupation should be regarded by decision takers as a material consideration that weighs against the grant of planning permission.**

This proposal would likely impact on those Gypsies and Travellers who are occupying unauthorised sites. Recent traveller caravan count data shows that approximately 14% of caravans are on unauthorised land (includes sites on land owned by travellers as well as on land not owned by travellers for which planning permission has not been granted). This equates to 2640 caravans<sup>3</sup>. A significant number of these are likely to be occupied by Gypsies and Travellers.

The proposal makes clear that it is for decision takers in individual cases to attribute weight to the new material consideration, and in some cases little or no weight may be given if it is considered appropriate in the circumstances.

The policy proposal would require careful drafting to make clear that such a consideration should be weighed in the balance and should not be used in a punitive way to override other material considerations in favour of the proposal, and refuse permission.

However, unauthorised occupation undermines confidence and trust in the planning system, fuels community tensions and prevents the planning system working effectively to prevent or mitigate harm and the negative impacts of development or use.

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<sup>3</sup> Count of Traveller Caravans, January 2014 (England)

The Commission for Racial Equality found in 2006 that 67% of local authorities reported tension between Gypsies and Travellers and other groups in their area, while 94% of these identified unauthorised encampments as the cause of the tension<sup>4</sup>.

The proposal would encourage travellers to apply for planning permission through the proper channels and ensure that planning rules apply fairly and equally to all.

There is evidence that unauthorised occupation of land can give rise to harm which could have been either prevented or at least mitigated if the occupant had applied for planning permission before occupying and developing their land. For example, the removal of a number of mature trees; risk of flooding and highways safety issues which raise serious public health and safety concerns in relation to the site occupants and others. The consultation will seek further evidence of harm to the planning system and community relations.

**Amend Planning Policy for Traveller Sites to set out that in exceptional cases, where a local authority is burdened by a large-scale unauthorised site which has significantly increased their need, and is subject to strict and special planning constraints across their area, then there is no assumption that the local authority is required to plan to meet their traveller site needs in full.**

The proposal would likely impact on those Gypsies and Travellers who are occupying large unauthorised sites. Under this proposal it is possible that Gypsies and Travellers evicted from such sites would not have their need for sites addressed.

The impact could mean that some Gypsies and Travellers would have to relocate to another area. Local authorities must have regard to the realistic alternatives available to residents of such sites, and the effects on the residents of not meeting their needs, when formulating policies and reaching development management decisions.

Although such large-scale unauthorised sites are exceptional, their occupation has a significant impact on those few authorities affected. Their presence fuels community tensions and the local authority can incur significant financial cost to the public purse through taking enforcement action, as well as costs associated with policing and bailiffs. In the case of Dale Farm, a 51-pitch unauthorised site in Basildon involving around 240 people, police costs were calculated at £2.36 million. Approximately, a further £1.6 million is attributed to spending between September and October 2011 when Basildon Council was in the High Court defending against injunctions and judicial reviews. More information on the costs in relation to Dale Farm can be found at [www.basildon.gov.uk/dalefarm](http://www.basildon.gov.uk/dalefarm).

Furthermore, the significant increase in need which can happen over a short period of time can place a considerable burden on an individual local authority. This can be exacerbated where the local authority has large amounts of Green Belt land for example.

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<sup>4</sup> Commission for Racial Equality "Common Ground: Equality, good race relations and sites for Gypsies and Irish Travellers: Report of CRE inquiry in England and Wales (2006)" as quoted in Research Report 12 of the Equality and Human Rights Commission "Inequalities experienced by Gypsy and Traveller communities: a review" (2009)

Under current policy, local authorities could be discouraged from taking early action against large-scale unauthorised sites, as they are then required to plan to meet that significant increase in need which arises from their occupation.

This proposal makes clear that it applies as an exception, where the local authority has an increase in need which arises from a large-scale unauthorised site and is subject to strict and special planning constraints across its area.

Initial investigation shows that there are a small number of large-scale unauthorised sites across the country. We will continue to undertake further work to assess the incidence of large-scale unauthorised sites across the country and the impact of these proposals on the relevant protected groups in those areas. Further consideration of the impact and the effect of the proposals on protected groups will be made as the consultation progresses.

### **Draft planning guidance for travellers**

The draft planning guidance on assessing traveller accommodation needs will impact on those defined as “Gypsies and Travellers” for the purposes of undertaking accommodation needs assessments under the 2004 Housing Act. It will also impact on those Gypsies and Travellers who meet the definition of “traveller” in planning policy.

In line with the Government’s wider planning guidance, the draft guidance represents a significant reduction and streamlining of current guidance. It has been carefully drafted to take account of the different types of accommodation needs Gypsies and Travellers (as set out in regulations (The Housing (Assessment of Accommodation Needs) (Meaning of Gypsies and Travellers) (England) Regulations 2006) under the Housing Act 2004) have as compared with the settled community. This would include those residing or resorting to conventional housing as well as those on sites. This would ensure that those Gypsies and Travellers in conventional housing who wish to resume a nomadic lifestyle would have their needs assessed.

It also highlights the key sources of information to support an objective and accurate assessment of needs and removes the reference to the 3% growth rate figure used as an example for calculating future needs.

Once published, this guidance would cancel and replace the previous Administration’s “Gypsy and Traveller Accommodation Needs Assessments – Guidance” (2007). As recommended by the external review group, as part of the wider review of planning guidance, it would also cancel the following which are out of date and do not reflect current planning policy:

- Local authorities and Gypsies and Travellers: a guide to responsibilities and powers (2007)
- Preparing Regional Spatial Strategy reviews of Gypsies and Travellers by regional planning bodies (2007)

The external review group also considered that the “Designing Gypsy and Traveller Sites – Good Practice Guide” (2008) was a good practice guide rather than planning guidance. However, we recognise the importance of suitable site locations and good design in promoting the health and well-being of Gypsies and Travellers. We consider that Planning

Policy for Traveller Sites in combination with the streamlined planning guidance on design ensures that there is help for local authorities and Gypsies and Travellers on the design of traveller sites.

Before the draft guidance can take effect it must be laid in Parliament for 40 sitting days which provides a further opportunity for representations to be made.

#### 4. Who has responsibility for developing these policies?

Stephen Biddulph, Planning – Economy and Society

#### 5. Are there any EU or other statutory regulations that need to be adhered to regarding equalities?

- Safeguards are provided by the **Human Rights Act 1998** and European Convention on Human Rights, in particular Article 1, Article 6, Article 8, Protocol 1 and Article 14; and the UN Convention on Human Rights in relation to the best interests of the child.
- Public bodies are subject to the public sector equality duty in section 149 of the **Equality Act 2010**. Section 149 replaces section 71 of the **Race Relations Act 1976**, section 49A of the **Disability Discrimination Act 1995** and section 76A of the **Sex Discrimination Act 1975**, which imposed similar public sector equality duties in relation to race, disability and gender respectively. Section 149 extends the new public sector equality duty to cover gender reassignment in full, age, religion or belief and sexual orientation.
- Section 8 of the **Housing Act 1985** places a statutory duty for local authorities to carry out an assessment of the accommodation needs of Gypsies and Travellers. The Act also requires authorities to prepare a strategy demonstrating how the accommodation needs of Gypsies and Travellers will be met as part of their housing strategies.
- The local plan examination process provides further protection by ensuring that plan proposals are evidence-based. Section 19 of the **Planning & Compulsory Purchase Act 2004** requires local plans to be prepared in accordance with national policies, and in accordance with their statement of community engagement. Section 20 of the Act makes clear that the purpose of the examination in respect of plan-making is to determine whether the plan is sound.
- Taken together, the **Planning and Compulsory and Purchase Act 2004** and **Housing Act 1985** provide legislative protection to ensure that (a) the accommodation needs of the traveller community are assessed; and (b) that local plans must be sound, meaning inter alia that they present the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence (which must include the accommodation needs of the traveller community).
- To ensure that local plans are effective on strategic matters, section 110 of the **Localism Act 2011** introduces a statutory duty to cooperate. The duty is a new requirement upon local authorities and other public bodies to work together constructively, actively and on an ongoing basis in relation to planning for strategic cross-boundary matters in local plans.
- Section 38(6) of the **Planning and Compulsory Purchase Act** and section 70(2) of

the **Town and Country Planning Act 1990** requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework and Planning Policy for Traveller Sites are material considerations in planning decisions.

**6. The following summary will be analysed and used as evidence which you considered in demonstrating due regard to the Public Sector Equality Duty. Have you used information from any of the following sources when developing policies?**

*This can be (but not limited to):*

- Letters to the Department for Communities and Local Government (the Department) from MPs, elected members, council officials, general public and traveller organisations
- Bi-annual Caravan Count figures
- National quarterly planning statistics
- Planning Inspectors appeal case reports
- The responses to the Government's consultation on draft Planning Policy for Traveller Sites
- Equality Impact Assessment on Planning Policy for Traveller Sites
- Equality Statements on revocation of regional spatial strategies
- Equality Statement on changes to Temporary Stop Notices
- External Review of Government Planning Practice Guidance - Report submitted by Lord Matthew Taylor of Goss Moor
- National Census data

**7. Have you as a consequence taken actions on identified equality issues?**

Section 3 above outlines the mitigation which is built into the system or could be a part of the system. We are open to considering how the adverse impacts could be further mitigated and will engage with the Gypsy and Traveller community to explore these issues.

The proposals are presented as a package to be consulted on under the three main themes of *ensuring fairness in the planning system; protecting Green Belt and other sensitive areas; and addressing unauthorised occupation of land*. The Government is open to considering whether some or all of these proposals may be implemented subject to consultation; and is also seeking comments on the draft planning guidance.

There will continue to be flexibility on individual site proposals in the planning process, where decision-takers will be able to take a decision which is proportionate in response to the specific circumstances of a case.

**8. When your policies are finally implemented which groups are most likely to benefit?**

The presence of caravans on unauthorised developments can be the source of significant community tension, which can undermine community cohesion and cause resentment against the overwhelming majority of law-abiding travellers who do not live on unauthorised sites. The tension is exacerbated where caravans remain on land for long periods of time without the necessary planning permission. This undermines confidence and trust in the planning system.

It is also unfair that members of the traveller community are able to secure planning permission for sites in sensitive locations which are protected in planning policy. Often where it would be unlikely for a member of the settled community to gain permission for building a house. This substantiates the view that the planning system does not apply equally and evenly to all, and that some groups benefit from preferential treatment, particularly where some travellers have given up travelling permanently.

The proposed policy changes and draft planning guidance would help to improve relations and reduce tensions between the settled community and traveller community through ensuring that the planning system applies fairly and equally to all. It would also better facilitate those Gypsies and Travellers that lead a genuinely nomadic lifestyle have their site needs met.

**9. In considering the above information have any gaps in data or equalities information been identified?**

We will continue to investigate and gather evidence on the impact of the policy proposals, which will include but are not limited to:

- The proportion and number of Gypsies and Travellers residing on sites with permanent and temporary permission in the Green Belt, open countryside and other sensitive areas mentioned in section 3 of this Equalities Statement
- The configuration of Gypsy and Traveller families including the extent to which they are living in extended communities or family groups
- The progress local authorities are making in identifying a suitable five-year supply of sites to meet their assessed needs in line with our Planning Policy for Traveller Sites
- The level and scale of unauthorised site provision

Public consultation, including effective engagement with Gypsy and Traveller groups and representatives in the form of oral hearings and an easy read consultation document, will enable us to fully explore the impact of the proposals and draft planning guidance.

**10. Overall, can you make an assessment of the potential of this policy; programme/service to have a substantial equalities impact on discrimination, fostering good relations or advancing equality of opportunity?**

The Department has recognised the importance of assessing the impacts of the proposals to amend Planning Policy for Traveller Sites; national planning policy and draft planning guidance. It has identified the main impacts discussed in this statement, and has made an initial assessment of them. The public consultation will seek further views on the impact of these proposals. We will seek further evidence on each proposal; the draft planning guidance and their cumulative effect which will be gathered throughout the policy-making and consultation processes.

At this stage the Department has concluded that the changes are proportionate in response to the issues they seek to address. In particular, a key aim of national planning policy is to protect the Green Belt from inappropriate development. The Government is therefore justified in taking steps to strengthen its protection and that of other sensitive areas where other types of residential accommodation would be unlikely to gain permission.

The Government continues to recognise that those Gypsies and Travellers that adopt a nomadic lifestyle have specific accommodation needs which differ from those of the settled community. However, the Government is fundamentally of the view that those who give up travelling permanently, for whatever reason, should be treated the same as any member of the settled community. Those Gypsies and Travellers that wish to adopt a settled life on a permanent site can continue to apply for planning permission to do so, but would be subject to the same planning rules as everyone else. The consultation should draw out the impact of such changes and how the system may operate in practice.

The Government also believes that the proposals to address unauthorised occupation, including large-scaled unauthorised sites, are proportionate in order to uphold public trust and confidence in the planning system as a whole, as well as to assist the small number of local authorities which are unfairly burdened by large-scale unauthorised occupation. There is a strong public interest reason in ensuring that land is allocated for use and development in a considered and balanced way. Unauthorised occupation undermines this core purpose and prevents the system from acting as intended.

The Government recognises that due to Gypsies and Travellers cultural and historical connection with rural areas, the cumulative impact of the proposals set out above would have a significant impact on them as an ethnic group especially children, women, the elderly and the disabled. This Equalities Statement outlines the mitigation built into the system or that could be provided to mitigate adverse impacts. This mitigation is provided through legislation and policy and guidance. We will continue to re-assess the equality impacts and review this Equality Statement as policy is developed through the consultation process and beyond, which will include whether further mitigation of the adverse effects could be provided.