DERBYSHIRE GLG

Department for
Communities and
Local Government

Response form: Consultation: planning and travellers

We are seeking your views to the following questions on proposed changes to planning policy and guidance, to:

- ensure that the planning system applies fairly and equally to both the settled and traveller communities
- further strengthen protection of our sensitive areas and Green Belt
- address the negative impact of unauthorised occupation

And

On proposed planning guidance on assessing traveller accommodation needs and use of Temporary Stop Notices.

How to respond

The closing date for responses is 23 November 2014.

This response form is saved separately on the DCLG website.

Responses should be sent to PPTS@communities.gsi.gov.uk.

Written responses may be sent to:

Owen Neal
Planning Policy for Traveller Sites Consultation
Department for Communities and Local Government
Fry Building
2 Marsham Street
London
SW1P 4DF

About you

i) Your details:

Name:	Siobhan Spencer MBE
Position:	Co Ordinator
Name of organisation (if applicable):	Derbyshire Gypsy Liaison Group
Address:	Unit 3 Molyneux Business Park Whitworth Road Darley Dale Matlock DE4 2NR
Email:	info@dglg.org
Telephone number:	01629732744

ii) Are the views expressed on this consultation an official response from the organisation you represent or your own personal views?

Organisational response	x
Personal views	☐

iii) Please tick the box which best describes your organisation

Local/ District Council	☐
Unitary Authority	☐
County Council	☐
Parish/ Town Council	☐
Traveller	☐
Public	☐
Representative body/ voluntary sector/ charity	x
Non Departmental Public Body	☐
Other	☐

(please specify):	Why is Gypsy not on this list ??? Are you trying to legislate Gypsy community out of existence?

Would you be happy for us to contact you again in relation to this questionnaire?

Yes x No ☐

Questions

Please refer to the relevant parts of the consultation document for narrative relating to each question.

Ensuring fairness in the planning system

Question 1: Do you agree that the planning definition of travellers should be amended to remove the words *or permanently* to limit it to those who have a nomadic habit of life? If not, why not?

Yes ☐ No **x**

Comments

This is the wrong question
Does the definition need a review ?

We have had approximately 20 years of nonsensical interpretation post Gibb. DGLG welcome a debate but we believe that this should be a debate with a review of recent history and status addressed with regard to those who are traditionally Gypsies or Travellers. In our view Gypsy or Traveller status should not be 'lost or acquired', neither should it be opened so wide that the small traditional community loses out. Present case law illustrates it is discrimatory towards women (*Medhurst* and *McCann*)

Our answer would be "no" to any further legal interpretation. Rather we would like to see the indigenous Gypsy and Traveller people of England and Wales with a protective statute, similar to that of the Métis cultural people from Canada. The law has struggled with the definition of Gypsy and has not had the opportunity to look outside of its own jurisdiction for what may be an answer. It is time that this issue was addressed sensibly and calmly but it does need addressing. Rather than rush things through prior to a General Election in May 2015 we would, however, like to see (as per the recommendation included in "Civil Society Monitoring on the implementation of the National Roma Integration Strategy in the United Kingdom") the establishment of a "Gypsy and Traveller" Working Group, representative of those particular people, in relation to "gypsy status" so that a relevant definition can be discussed and agreed.

Question 2: Are there any additional measures which would support those travellers who maintain a nomadic habit of life to have their needs met? If so, what are they?

Yes x No ☐

Comments

How about a pro active approach to equality in accommodation instead of a reactive one against the community as a whole.

Question 3: Do you consider that:

a) we should amend the 2006 regulations to bring the definition of "gypsies and travellers" into line with the proposed definition of "travellers" for planning purposes?

Yes ☐ No **x**

Comments

There should be no amendment for the reasons in question 1.

and

b) we should also amend primary legislation to ensure that those who have given up travelling permanently have their needs assessed? If not, why not?

Yes ☐ No **x**

Comments

As above There needs to be careful consideration of all issues.

Protecting sensitive areas and the Green Belt

Question 4: Do you agree that Planning Policy for Traveller Sites be amended to reflect the provisions in the National Planning Policy Framework that provide protection to these sensitive sites (set out in para. 3.1 of the consultation document)? If not, why not?

Yes ☐ No **x**

Comments

We strongly disagree. Paragraph 1 PPTS makes clear this guidance is to be read alongside NPPF. There is no need to add to PPTS when adequate guidance exists in NPPF

Question 5: Do you agree that paragraph 23 of Planning Policy for Traveller Sites should be amended to "local authorities should very strictly limit new traveller sites in the open countryside"? If not, why not?

Yes ☐ No **x**

Comments

We strongly disagree. The "countryside" as interpreted in planning policy, is not always a place of open character or beauty and often would not be recognised as countryside by ther public at large.
"Countryside" locations are often required because the settled community do not want traveller sites to be located within their settlement and will successfully oppose any sites within their settlement. This forces Travellers to seek sites outside settlements and thus in the countryside

Question 6: Do you agree that the absence of an up-to-date five year supply of deliverable sites should be removed from Planning Policy for Traveller Sites as a significant material consideration in the grant of temporary permission for traveller sites in the areas mentioned above (set out in para. 3.7 of the consultation document)? If not, why not?

Yes ☐ No **x**

Comments

This is totally unacceptable and discriminatory. We are talking about a small community, it cannot be beyond the witt of man to see that the 5 year supply is a way fo getting Local authorities to look at their land and it needs to stay.

Question 7: Do you agree with the policy proposal 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? If not, why not?

Yes ☐ No **x**

Comments

It is highly likely that in the situation where we are now that there will be children at risk because they have not got a legal base to access needs. What has happened to "Every child Matters"

Addressing unauthorised occupation of land

Question 8: Do you agree that intentional unauthorised occupation should be regarded by decision takers as a material consideration that weighs against the grant of permission? If not, why not?

Yes ☐ No x

Comments

Many people after years of looking for a site would not hesitate but to move on it as they will often not have an alternative place and surely this is better that being on the road side. Families don't have an alternative.

Question 9: Do you agree that unauthorised occupation causes harm to the planning system and community relations? If not, why not?

Yes x No ☐

Comments

It can cause harm to community relations but more often we are finding that local people are more at odds with their local authority for not doing anything. Community relations between all the parties is never going to improve and certainly not under these proposals, unless positive proactive policy is in place. 5 year supply being one.

Question 10: Do you have evidence of the impact of harm caused by intentional unauthorised occupation? (And if so, could you submit them with your response.)

Yes ☐ No ☐

Comments

This question is not clear are you talking about harm in relation to land or harm to people?
In relation to Gypsy and Traveller families there is a lot of harm to health and wellbeing.

Question 11: Would amending Planning Policy for Traveller Sites in line with the proposal set out in paragraph 4.16 of the consultation document help that small number of local authorities in these exceptional circumstances (set out in paragraphs 4.11-4.14 of the consultation document)? If not, why not? What other measures can Government take to help local authorities in this situation?

Yes ☐ No x

Comments

The site like Dale farm was blown out of all proportion, it was not the norm. This appears to be a politically motivated response to public concern over the Dale Farm incident which, in reality, was a problem of Basildon Council's own making. Had the Council managed the situation more effectively at an earlier stage, it would not have escalated out of control. There is no evidence to suggest this sort of situation will become commonplace. The Government is seeking to address a problem which does not exist.

Question 12: Are there any other points that you wish to make in response to this consultation, in particular to inform the Government's consideration of the potential impacts that the proposals in this paper may have on either the traveller community or the settled community?

Yes x No ☐

Comments

Please do not use Gypsy and Traveller population as a pre election tool to raise the population to support a policy change that few understand.

Draft planning guidance for travellers (Annex A)

Question 13: Do you have any comments on the draft planning guidance for travellers (see Annex A of the consultation document)?

Yes x No ☐

Comments

This is wholly inadequate. 103 points of detailed guidance spread over 103 pages (plus a further 8 in an annex) have been whittled down into 4 points (point 5 isn't really to do with accommodation need assessments) on a page and a half. Where GTAAs worked well this was where local Gypsy and Traveller communities played a central role in the assessment process. The proposals set out in Annex A water this down dangerously - compare point 38 on page 13, point 46 page 14 and point 49 page 15 in the previous "Gypsy and Traveller Accommodation Needs Assessments" guidance with the bland statements in the draft planning guidance "local authorities should engage both the local traveller and settled communities..." and local authorities COULD (our emphasis) use "information gathered by traveller groups...". The proposed guidance will produce GTAAs that are neither robust nor credible and is, therefore, not fit for purpose.