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DCLG CONSULTATION: PLANNING AND TRAVELLERS

Response on Behalf of the National Federation of Gypsy Liaison Groups.

General comment

The Government's reasoning for embarking on this consultation is open to question. The introduction contains some worthy sentiments but these are not reflected in the proposals. The proposals display a prejudicial stance against the Travelling community which has become increasingly apparent through recent actions of the Government.

The planning system is not fair and equal and the current proposals would only worsen the inequality. The Government's desire to further limit Traveller sites in open countryside and in designated areas contrasts sharply with the more relaxed approach towards traditional housing which is being built in the countryside.

The proposals effectively reward Councils which have neglected Traveller issues and will put greater pressure on the few Councils which have sought to make proper provision.

There has been an unacceptable failure to engage with the Travelling community. The Government should have sought to engage with those working with Travellers to get a better understanding of the problems and discuss changes to the planning regime which would address those problems. In regard to Traveller issues, the current planning system is certainly open to criticism but many of these proposals show a complete lack of understanding of where the system is failing and of the real concerns of the public.

Q1

This proposal is strongly opposed. The suggestion to remove the words 'or permanently' from the definition places too much emphasis on the need to travel and ignores the other social and cultural factors that define a Traveller. The proposal is, furthermore, completely impractical and will be impossible to enforce.

It is already difficult for authorities to enforce personal occupation conditions. If this proposal was implemented, how would decision makers be able to determine whether families had ceased to travel permanently or merely temporarily? How long is "temporary"? What evidence would be required to demonstrate that a travelling lifestyle had been abandoned? What would happen if, having been granted permission because travelling had ceased temporarily due to changed circumstance, travelling was never resumed? What would happen to families now settled on sites in accordance with the current definition but who would not meet the proposed change to the definition?

The current definition already places undue emphasis on the need to travel. There are many single parent Gypsies who are not able to travel for work, particularly as education authorities require children to attend school and penalise parents who take their children out of school. The elderly, the disabled and those in poor health cannot travel for work but that should not exclude them from Gypsy status.

The proposal is insensitive and demeaning. It suggests that the disabled, carers and the elderly have no status in society.

If a new definition is to be introduced, It needs careful consideration, taking full account of the views of those it most affects.

Q2

Among other things a good network of transit sites and tolerated stopping places is required where families can stay for up to 3 months without being in breach of planning conditions.

Q3

A single definition would be sensible and provide a consistent approach but it is essential to ensure that this takes proper account of the views of those on whom it will impact.

Gypsies do not recognise the official definition. Their cultural distinctiveness is more about living in caravans, with their extended family and their animals (horses, dogs, chickens). Their culture is not just about travelling for work. Those who look after children, the infirm and the elderly, though unable to travel, do not regard themselves any less a Gypsy.

Q4

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.

Q5

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 the 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.

There is a real difficulty of securing sites within towns and villages due the cost of land which usually has a high value for other forms of development

Rural areas are where most caravans are located. The countryside is where one generally finds caravan holiday sites, farm caravans, touring caravan sites, permanent park home sites and caravan storage areas. Caravan sites are rarely located within settlements; they are difficult to assimilate into the traditional street scene and are often refused planning permission for this reason.

Gypsies often keep horses, chickens and dogs. This is integral to their traditional way of life. This makes it difficult to accommodate Traveller sites within settlements.

This proposed change is inequitable when large areas of housing are being permitted in the countryside due to the need to meet housing targets.

Q6

This is totally unacceptable and discriminatory.

Few local authorities have met their need for a five year supply of sites. If Councils are unable to meet the requirement for a five year supply of housing land, Green Belt locations are often released as are sites in other "protected" area. The same should surely apply to Traveller sites. Temporary permissions whilst a shortfall of Traveller sites is rectified is the least one should expect.

Q7.

We do not agree. What sort of Government considers that the loss of a few square metres of Green Belt should override the compelling need of an otherwise homeless child? What sort of Government would prefer to make a child homeless rather than allow temporary occupation of a site, which has no long term impact?

Q8

This is wholly impractical. It cannot be realistically implemented.

Consider, for instance, a case where, following a refusal of permission on this basis, the site is cleared and the use ceases. What stance will be taken when another applicant comes forward with an identical proposal?

This proposal has not been thought through and has much wider implications for planning law in general. If such a change is proposed the implications must be carefully considered as part of a wider review of planning policy and planning enforcement law.

Q9

We do not agree. What possible "harm to the planning system" can arise when remedies to unauthorised occupation are readily available. As to community relations, other than in a few cases which have received wide media coverage, the harm is more of a political perception than a reality.

The Planning System already has adequate provision to address unauthorised occupation of land.

The Government has deliberately deceived the public by claiming that this is an increasing problem when the verifiable statistics clearly show that unauthorised Traveller sites represent a declining problem and represent a very small proportion of enforcement cases.

Q11

We disagree. This proposal will merely reward Councils which have historically failed to meet their statutory responsibilities.

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.

Q12

It is regrettable that this consultation only serves to perpetuate widespread misunderstandings about the Gypsy and Traveller community.

In our experience from attending many enforcement appeal hearings, members of the public are becoming less critical of unauthorised occupation but increasingly critical of Councils and the Government for failing to ensure that proper provision is made through the planning system.

Q13

The guidance in Annex A is woefully deficient and superficial. If such guidance is to be produced it should be properly thought through in consultation with those who have some understanding of the impact of the planning process on the Travelling community.