



AGENDA ITEM: 10

CABINET:
11 November 2014

PLANNING COMMITTEE
13 November 2014

Report of: Assistant Director Planning

Relevant Managing Director: Managing Director (Transformation)

Relevant Portfolio Holder: Councillor M Forshaw

Contact for further information: Mr S Benge (Extn. 5274)
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SUBJECT: GOVERNMENT CONSULTATION ON PROPOSED CHANGES TO NATIONAL POLICY ON GYPSIES AND TRAVELLERS

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

1.1 To recommend a set of responses to specific questions set out in the Department for Communities and Local Government (DCLG) document 'Consultation: Planning and Travellers' and to seek Cabinet approval to submit these responses to DCLG on behalf of West Lancashire Borough Council.

2.0 RECOMMENDATIONS TO CABINET

2.1 That Cabinet approve the responses set out at Appendix A as the West Lancashire Borough Council response to the DCLG consultation, subject to any amendments to be made by the Assistant Director Planning in consultation with the Portfolio Holder, following consideration of any agreed comments from Planning Committee.

2.2 That Call In is not appropriate for this item as the deadline for responses to be submitted to central government is Monday 23 November 2014, four days before the next Executive Overview and Scrutiny Committee meeting (27 November 2014).

3.0 RECOMMENDATIONS TO PLANNING COMMITTEE

- 3.1 That the content of this report and its appendices be considered and that agreed comments be referred to the Assistant Director Planning for consideration.
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4.0 BACKGROUND

- 4.1 In March 2012, the government issued two national planning policy documents. The first document, the National Planning Policy Framework (NPPF) replaced the majority of previous Planning Policy Statements and Planning Policy Guidance Notes, as well as various Circulars, and covered almost all areas of planning policy. The second document, Planning Policy for Traveller Sites (PPTS) dealt specifically with the issue of Gypsies and Travellers and Travelling Showpeople (hereafter referred to collectively as 'Travellers').
- 4.2 The NPPF and PPTS cover both the plan-making and development management aspects of planning. PPTS is consistent with the NPPF, for example in affording protection to the Green Belt.
- 4.3 Since the publication of PPTS, the government has issued a number of Ministerial Statements / documents elaborating on specific aspects of policy in PPTS, and / or providing additional guidance, in particular:
- 29 March 2013: Ministerial Statement:
 - The Secretary of State announced he would revoke regulations that currently limit the use of Temporary Stop Notices in relation to caravans used as main residences.
 - 3 July 2013, Ministerial Statement:
 - The single issue of unmet demand, whether for Traveller sites or for conventional housing, is unlikely to outweigh harm to the Green Belt and other harm to constitute the 'very special circumstances' justifying inappropriate development in the Green Belt.
 - The Secretary of State will, for a period of six months, consider for recovery appeals involving Traveller sites in the Green Belt.
 - The 2005 practice guidance, 'Diversity and Equality in Planning' is revoked.
 - August 2013: publication by DCLG of the document, "Dealing with illegal and unauthorised encampments: a summary of available powers."
 - 17 January 2014: Ministerial Statement:
 - Reiteration of the statement that unmet need, whether for traveller sites or for conventional housing, is unlikely to outweigh harm to the Green Belt and other harm to constitute the "very special circumstances" justifying inappropriate development in the green belt.

- The government will continue to recover appeals relating to Traveller sites in the Green Belt;
- The government is considering redefining “Travellers” to include only those who actually travel.

5.0 CURRENT POSITION

5.1 Following the above statements and document, DCLG published for consultation in September 2014 a 20 page document setting out proposed changes to national planning policy and the PPTS document, and containing 13 questions on different aspects of the proposed changes. This document (available at <https://www.gov.uk/government/consultations/planning-and-travellers-proposed-changes-to-planning-policy-and-guidance>), entitled ‘Consultation: Planning and Travellers’ contains a number of proposals, including:

- Amending the planning definition of Travellers to limit to those who have a nomadic way of life
- Amending PPTS to say that local authorities should *very strictly limit* (previously ‘strictly limit’) new Traveller sites in the open countryside;
- Downgrading the lack of existence of a five year supply of deliverable Traveller sites from a ‘significant material consideration’ to a ‘material consideration’ when considering the grant of temporary permission for Traveller sites in the Green Belt and certain other locations;
- Amending policy to state 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;
- Advising that intentional unauthorised occupation of a site should be viewed as a material consideration weighing against the grant of planning permission;
- Amending PPTS to state that, where a local authority is subject to a large unauthorised Traveller site that has significantly increased their need, then there is no assumption that the local authority in question is required to meet their Traveller needs in full;
- Preparation of new guidance on assessing Traveller accommodation needs, to supersede guidance contained in four older (2007-08) documents.

5.2 The Assistant Director Planning informed Members via email on 23 September 2014 of the publication of the above DCLG consultation document, and asked for any Members’ comments on the content of the document to be provided to officers by 15 October 2014 in order to help shape the Council’s proposed responses to the consultation questions. No comments were received from Members.

5.3 The proposed responses to the DCLG consultation are set out in Appendix A to this report.

6.0 NEXT STEPS

- 6.1 Subject to Cabinet approval, and to any alterations made by the Assistant Director Planning in consultation with the Portfolio Holder, the responses to the government's consultation questions set out in Appendix A to this report will be submitted to DCLG in time for the 23 November deadline to form the West Lancashire Borough Council submission with regard to the proposed changes to PPTS.

7.0 SUSTAINABILITY IMPLICATIONS / COMMUNITY STRATEGY

- 7.1 The responses to the DLCCG consultation document have been compiled in such a way as to facilitate this Council's duty to meet the accommodation needs of Travellers in West Lancashire on suitable and sustainable sites.
- 7.2 The provision of suitable accommodation for the travelling community, whilst ensuring they are treated fairly in comparison with the settled community, is consistent with the principal aims and objectives of the West Lancashire Sustainable Community Strategy, including those of safer communities, improved health for all, affordable housing and sustainable development.

8.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 8.1 The current CLG proposals for Planning and Travellers could have resource implications in a number of possible ways, related to the preparation of suitable local planning policy on Travellers, the consideration of applications for Traveller sites and any enforcement action taken against unauthorised Traveller sites. The CLG proposals appear to make it harder to gain permission for a Traveller Site in the open countryside or Green Belt, but this is often where Travellers would prefer to locate and is often the most appropriate place to avoid tension with settled communities.
- 8.2 As such, it is conceivable that the CLG proposals make enforcement action more likely, which has a potential cost and resource implication for the Council. Additionally, there is a significant lack of detailed explanation relating to the proposals; such ambiguity makes the development management process for an application for a Traveller Site more challenging, with greater potential for appeals and legal challenges, which would have a cost and resource implication (potentially significant) for the Council.
- 8.3 In relation to preparing a suitable local planning policy on Travellers, the Council is currently preparing a DPD on this matter and it could be argued that the CLG proposals will make the DPD preparation process more challenging and lengthy, again potentially having a cost and resource implication for the Council.

9.0 RISK ASSESSMENT

- 9.1 A failure to plan adequately for the travelling community could lead to unauthorised development, illegal encampments, and increased tensions between the settled and travelling communities.

Background Documents

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

Equality Impact Assessment

There is a direct impact on members of the public. Therefore, an Equality Impact Assessment is required. A formal equality impact assessment is attached at Appendix B to this report, the results of which have been taken into account in the Recommendations contained within this report.

Appendices

- A. Proposed responses to DCLG consultation
- B. Equality Impact Assessment
- C. Minute of Cabinet 11 November 2014 (Planning Committee only)