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spaces and places for gypsies and travellers

how planning can help



spaces and places for gypsies and travellers

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executive summary

This case study draws on emerging good practice in some local authorities to identify how effective use of the planning process can increase the number of authorised pitches available for Gypsies and Travellers in line with new government planning guidance.

The planning regime for providing Gypsy and Traveller sites was amended with the publication of Circular 01/2006, *Planning for Gypsy and Traveller Caravan Sites*. The Circular emphasises the need to ensure that enough sites are provided, and sets out a planning process for achieving this.

Councils now have a duty to allocate sufficient land for Gypsy and Traveller accommodation needs and this should underpin how authorities assess need and identify suitable sites. There has been over a decade of site under-provision and councils in areas of need are now implementing the Circular to address this.

This study is based on interviews from councils and experts around England (see the inside back cover for a full list). Some of the broad themes to emerge include:

involve Gypsy and Traveller communities.

Planning staff need to consult with Gypsy and Traveller communities early and often. This will require innovative approaches because of low rates of literacy and high levels of social exclusion within these communities.

work collaboratively. Some councils have recognised that moving Gypsies and Travellers on from one district to another doesn't solve the overall problem of a lack of sites, and are working in sub-regions to assess site need collectively.

be transparent. Gypsy and Traveller communities value trust, but it can take a long time to develop, and can be broken quickly. The planning process should be as transparent as possible so that all members of the community can understand the decisions that have been taken and why.

integrate Gypsy and Traveller accommodation needs into the new planning system. The new planning system presents opportunities to incorporate the advice of the Circular 01/2006 into the Local Development Framework. Those councils at the forefront of planning for the accommodation needs of Gypsies and Travellers are developing specific Development Plan Documents (DPDs) which set out location criteria and site allocations.

educate and work with councillors. Circular 01/2006 makes it clear that 'doing nothing' is not an option. Local authorities that are at the forefront of implementing the new Circular are ensuring that their councillors are aware of the changes in the guidance so that they can make sound planning decisions and can explain these decisions to the so-called 'settled' community.

Although implementation of the new Circular and related guidance is in its early stages, it is possible to point to wider benefits of incorporating these approaches:

- an increase in site provision
- reduced costs
- greater community engagement and understanding of community need.

in brief: Circular 01/2006 Planning for Gypsy and Traveller caravan sites

Councils have a crucial role in managing land use conflicts surrounding Gypsy and Traveller caravan sites, and the guidance for them to do this has recently been updated and amended, most notably via Circular 01/2006, *Planning for Gypsy and Traveller sites*. The Circular's planning aims include to:

- increase significantly the number of Gypsy and Traveller sites in appropriate locations with planning permission
- reduce the number of unauthorised encampments and developments
- make enforcement more effective where appropriate
- highlight the importance of assessing site needs at regional and sub-regional level
- ensure that local authorities develop strategies to deal with these needs fairly and effectively, including making allocations in their development plan documents (DPDs)
- promote more private site provision.

The revised planning process for assessing Gypsy and Traveller accommodation needs and incorporating this in the planning process is set out below.



(Taken from Circular 01/2006 ODPM)

This revised approach reinforces the new planning system's emphasis on community involvement, and calls for early consultation with Gypsies and Travellers to help identify suitably located sites to reduce unauthorised encampments and developments.

planning for Gypsies' and Travellers' accommodation needs

introduction

Based on January 2006 figures, the government estimates that there are 15,500 Gypsy and Traveller caravans in England – 79 per cent of these are on authorised sites, and more than half of these sites (6,636) are owned by local authorities. The remaining 21 per cent of sites are divided between:

- unauthorised developments (Gypsies and Travellers own the land but don't have planning permission) (14 per cent)
- unauthorised encampments (Gypsies and Travellers do not own the land and there is no planning consent for them to use it as a site) (7 per cent).

A recent report by the Commission for Racial Equality found that 76 per cent of local planning authorities have policies on managing unauthorised encampments, and only 27 per cent have a policy on providing sites. The new approach embodied in the Circular seeks to fundamentally change this balance.

involve Gypsy and Traveller communities

Circular 01/2006 advises councils to discuss Gypsies' and Travellers' accommodation needs with individuals and representative groups at 'an early stage'.

Because Gypsies and Travellers are 'seldom heard' groups, consulting with national representative organisations is likely to be insufficient – finding ways to get the views of local groups will also be important. This will involve working with the council's officer or unit responsible for Gypsies' and Travellers' liaison, or making new contacts.

The **Cambridgeshire** sub-region Gypsies and Travellers Accommodation Assessment (GTAA) was the first in the country to include Gypsies and Travellers as part of the research team. Interested individuals were trained as interviewers and paid to interview Gypsies and Travellers. This training also provided them with a transferable skill, and all have been engaged in interview work elsewhere since then. Gypsies and Travellers were offered the choice of a local or regional interviewer so that they didn't have to disclose personal information to a local if they didn't want to.



This kind of approach has been replicated in other areas such as **Leicestershire, Surrey and Dorset**.

Councils need to connect with Gypsies and Travellers in ways that they can identify with. **Kent** recognises that these communities traditionally rely on oral communication, and so offers face-to-face meetings as much as possible. It has also begun distributing information on professionally produced CDs so that people can listen rather than read, as well as identifying who is literate in the local Gypsy and Traveller communities and providing them with written materials.

Fenland contacts Gypsy and Traveller families when they arrive in their area. The council takes a coordinated approach, which includes planning officers, to understanding what their needs are. Officers encourage Gypsies and Travellers to discuss any proposed planning applications prior to either submitting them or purchasing land. This proactive approach has helped to alleviate misgivings from the 'settled' community, and there have been only limited objections to proposed Gypsy and Traveller sites.

In **Doncaster**, the preparation of its Gypsy and Traveller Strategy made the planning service and the Gypsy liaison team aware of the value of better cooperation between the two council teams. This has led to close working between both sections on the draft Local Development Framework (LDF), and a more formalised process for seeking the liaison team's input on planning applications.

It might also be useful to work with resources that have been published by Gypsy and Traveller communities themselves. For example, Travellers' Times has published a planning guide for Gypsies and Travellers which tries to explain the planning application process in an accessible way.

'Councils need to make special efforts to involve Gypsies and Travellers in the planning process because of problems like low literacy and a lack of awareness of the planning system.'

Siobhan Spencer, Derbyshire Gypsy Liaison Group

work collaboratively

Authorities in a number of county and sub-regional areas are working together to undertake GTAA's and jointly plan for site allocations.

The **Cambridge sub-region** – including Cambridge, East Cambridgeshire, Fenland, Forest Heath, Huntingdonshire, King's Lynn and West Norfolk, Peterborough, South Cambridgeshire and St Edmundsbury – worked together on their GTAA and released it in May 2006. The needs assessment calculated approximate pitch allocations for each council area, to be supplied over the next five years.

Five **south and west Hertfordshire councils** – Hertsmeire, Dacorum, Three Rivers, St Albans, Watford – and Hertfordshire County Council have also taken a consortium approach to identifying Gypsy and Traveller accommodation needs. They have undertaken a needs assessment (prior to the publication of the new Circular) and are trying to reach a consensus about allocating accommodation sites. While actual site identification will be dealt with through individual LDFs, the aim is for there to be cross-area agreement.

The councils in **Derbyshire County** – Amber Valley, Erewash, High Peak, Derbyshire Dales, Chesterfield, Bolsover, North East Derbyshire and South Derbyshire – are also joining forces to fund an independent GTAA, partly funded by the Regional Housing Board, with in-kind assistance from Derbyshire County Council. The county-wide task group which is coordinating the work is cross-departmental and includes representatives from environmental health, housing, planning and Gypsy groups. This approach recognises that planning cannot work in isolation, and that a robust approach needs to include all relevant council services. Some of the challenges include identifying whether housing or planning should take the lead on GTAA's within an individual authority, reconciling the different planning and housing definitions for Gypsies and Travellers, and a shortage of independent expert consultants to carry out GTAA's.

'The councils here recognise that they share the same problem – for example, if Bournemouth moves on Gypsies and Travellers they end up in Poole, which then moves them onto East Dorset, and so it goes on. So it makes sense to talk to each other.'

Mike Evans, Principal Business Support Officer, Dorset County Council

'There is a need to roughly move forward together so that there is a consistent approach to site allocation.'

Michael Monk, Planning Policy Consultant, Huntingdonshire District Council

be transparent

Gypsy and Traveller communities value trust. Margaret Greenfields, a leading academic in this area, reports that ideally council work in this area should be led by an officer who is respected both within the council and also within Gypsy and Traveller communities: 'trust is vital and can be broken easily'.

The planning system encourages transparency when preparing development plan documents (DPDs) through the issues and options stage which gives people the opportunity to have input on a number of options rather than reacting to a single one. Authorities also need to revisit their development control criteria for applications for Gypsy and Traveller sites to ensure that the criteria make it clear what applications are likely to be accepted by the council. Authorities need to ensure that these are reasonable and realistic.

Kent's draft Gypsy and Traveller communication strategy recognises the importance of being as factual as possible and to explain council processes continually. Bill Forrester, Head of the council's Gypsy and Traveller unit, says that, 'However difficult it is to maintain contact with Gypsy and Traveller communities, councils still need to make the effort. It is easy to fall out but it is better to keep lines of communication open. If people recognise over time your goodwill then they will forgive you if something goes wrong.'

Hertsmere has engaged independent planning consultants to advise on possible sites. This independence can help improve the credibility of councillors' decision-making because they can point to impartial advice informing their decisions.

Doncaster's Gypsy and Traveller Strategy, published in 2006, highlighted that Gypsies and Travellers often have a lack of knowledge about the planning application process. It called for the planning process to be more transparent and, where applications were rejected, better explanation of the reasons for the decision. The council's Gypsy liaison team works with Gypsy and Traveller applicants to help them submit better quality applications, and involves the local Planning Aid where necessary.

'You can only influence behaviour through building relationships and communication.'

Bill Forrester, Head of Gypsy and Traveller Unit, Kent County Council

integrate Gypsy and Traveller accommodation needs into the new planning system

The Local Government Association supports the main thrust of the new planning Circular but argues that a 'clear, tight timetable with agreed milestones is needed for implementation of the new Circular in the first round of Regional Spatial Strategies and LDFs'.

Local authorities need to prepare local development documents (DPDs) which include site allocations for Gypsy and Traveller pitches. The guidance makes provision for councils to begin preparing their DPDs without waiting for the relevant regional spatial strategy (RSS) to be finalised in circumstances where there is 'a clear and immediate need'.

Circular 01/2006 makes provision for councils to grant temporary planning consent for applications which are likely to meet the future DPD criteria even though the DPD is not yet complete.

South Cambridgeshire is preparing a Gypsies' and Travellers' DPD. The DPD will translate the needs assessment figure for the council (130 new pitches over five years) into site allocations. The process includes two issues and options stages. The first identified draft site allocation criteria. This was informed by focus groups with Gypsies and Travellers, focus groups with parish councillors and the extensive consultation that had been undertaken as part of the GTAA. The council consulted on the first issues and options paper in autumn 2006. There will be a second issues and options paper on proposed sites in summer 2007. It is not yet clear how this timetable fits into the review of the regional spatial strategy (RSS).



The East of England region is currently reviewing and evaluating the different approaches that have been taken to GTAA in the region and is due to report by the end of the year.

Also in **South Cambridgeshire**, the council has received a planning application for a new town around Northstowe. As part of its negotiations on the S106 agreement, it is proposing to include two Gypsy and Traveller sites, each with eight pitches, as part of the affordable housing requirement. Council officers have determined these figures based on best practice elsewhere and listening to what local Travellers say they want provided in the new development.

Huntingdonshire has revised its criteria-based policy for windfall sites in line with the Circular's guidance. The new criteria are regarded as part of the council's informal strategy until its core strategy has been completed and examined.

'We hope that by planning for site allocation now we will minimise tensions later because of the needs-based process we have followed.'

Kirsty Simmons, Corporate Projects Officer, South Cambridgeshire District Council

educate and work with councillors

The Circular makes it clear that there must be sound planning reasons for rejecting applications for Gypsy and Traveller sites. Councils are finding that it is important that councillors are aware of this change and understand what it means.

South Cambridgeshire recently granted temporary planning consent to four sites and has another two temporary planning consents in the pipeline. Granting these temporary consents has followed the statutory planning process. Most objections were not on planning grounds, and the council continues to work with parish councillors – including getting them to attend a Travellers' Liaison Forum – to inform them about the provisions in the Circular.

'Meeting Gypsies' and Travellers' needs can be an emotive subject for councillors because of the sensitivities involved with the wider community. But we have persuaded them of the merits of planning positively.'

Richard Grove, Head of Planning and Building Control, Hertsmere Borough Council

'Inspectors will overrule poor planning decisions where there is insufficient evidence and where a council is being unreasonable.'

Dr Margaret Greenfields, Senior Lecturer, Buckinghamshire Chilterns University College

deal with unauthorised encampments

As well as Circular 01/2006, the government has published a guide to enforcing existing legislation that relates to unauthorised encampments. This sets out the range of powers currently available to councils. The government has also set up a Gypsy and Traveller Enforcement and Site Provision Task Group which will underline the importance of adequate site provision as the key to effective enforcement and to ensure that enforcement powers are used effectively. Following the planning process will put councils in a stronger position to carry out enforcement action on unauthorised developments.

Kent's approach to dealing with unauthorised encampments aims to 'avoid conflict, cost and delay'. Fundamentally, this means engaging with both Gypsies and Travellers and other local residents as the council's experiences suggest that this is the most effective way of meeting its aims. As well as getting to know the Gypsy and Traveller communities in its area, the council has also set up a dedicated 'report and information' telephone number. However, where unauthorised encampments continue to pose a problem the council uses the powers available to act swiftly.

the added benefits

Following the planning process set out in Circular 01/2006 won't instantly change community perceptions or automatically dissipate longstanding tensions between the 'settled' community and Gypsies and Travellers. However, tackling the shortfall in site provision should lead to outcomes – for example, a reduced number of unauthorised developments and encampments – that will help to build cohesive communities over time. Some councils are already reporting benefits from following the new system and these are set out below.

an increase in site provision

This is the primary aim of the Circular, and early indications suggest that the duty it sets out to provide sufficient sites is having an effect, at least in providing an increase in temporary planning consents. Some councillors now recognise that if there aren't good planning reasons to object to a planning application then consent is likely to be awarded on appeal and they would rather take a proactive approach. As one interviewee put it, 'Once a needs assessment has been published then it is difficult to wriggle out of allocating sites to match the figures.'

From a Gypsy and Traveller perspective, temporary planning consents still create uncertainty and fall well short of permanent site security. Councils therefore need to pursue permanent site allocation through their LDFs and DPDs as quickly as possible.

reduced costs

Some councils are reporting that following the new Circular may lead to a reduction in costs.

Hertsmere recognises that evictions from illegal encampments are expensive, and officers have made the case for using resources in the short term to plan for site allocation so that the number of evictions can be reduced. The council will then be in a stronger position to take necessary legal action if unauthorised encampments are established.

Authorities in **Dorset** report that conducting the GTAA jointly has led to reduced costs as the bill has been split between eight councils. Authorities are also able to share expertise and experiences.

greater community engagement and understanding of community need

As reported above, the GTAA process has, for the first time, allowed Gypsies and Travellers to participate in assessing the accommodation needs of their own communities. As well as creating employment and opportunities for acquiring transferable skills, the academic Margaret Greenfields reports that it has also led to Gypsy and Traveller communities engaging with each other for the first time.

In the past Gypsies and Travellers have been sceptical of researchers collecting personal information. However, there are now examples, such as the **Cambridgeshire** sub-region, where GTAA questionnaires have been devised with the input of Gypsies and Travellers. Gypsies and Travellers have also been trained to be interviewers. As well as the economic and skills benefits this has brought for individuals, both initiatives have made these communities more amenable to providing personal details on income and health, which is leading to a better understanding of community need.

what does success look like? some hints and tips

The government has provided councils with a process to follow for providing more sites for Gypsies and Travellers. Within this process there is still flexibility to take account of local circumstances. However, the overall message is clear: councils are expected to identify accommodation needs and provide suitable pitches to meet this need. To do this councils should:

- **consult early and consult often.** It takes time to win the trust of Gypsy and Traveller communities, but their involvement in planning for site allocations is essential. The 'settled' community also needs to be part of consultative processes, which should include an explanation of the duty on local authorities to find sufficient Gypsy and Traveller sites.
- **use innovative techniques.** Gypsy and Traveller communities are typically socially excluded, may have low rates of literacy and are often wary of engaging with authorities. This means that conventional consultation is likely to bypass many Gypsies and Travellers – consult with Gypsy and Traveller liaison teams and representative groups about other ways of involving these

communities. As well as consultation on site allocation, councils should also assist Gypsies and Travellers to understand how to make better quality planning applications.

- **make the process accountable.** The location of Gypsy and Traveller sites can be controversial. Transparent and criteria-based policies help everyone to understand what planning decisions have been made and why.
- **promote the new guidance.** The new Circular places councils under a duty to provide sites. Communities and councillors need to be aware of and to understand these changes and the new requirements this places on local authorities to allocate sites.
- **expedite the planning process.** The shortage of Gypsy and Traveller sites means that there is an urgent need to use the planning process to identify suitable sites. Councils can start preparing DPDs to address this where there is a clear and immediate need without having to wait for the GTAA or regional allocation of site numbers to be completed.

relevant guidance

Circular 01/2006 Planning for Gypsy and Traveller Caravan Sites
<http://www.communities.gov.uk/index.asp?id=1500620>

Local Authorities and Gypsies and Travellers: Guide to Responsibilities and Powers
<http://www.communities.gov.uk/index.asp?id=1163367>

Guide to Effective Use of Enforcement Powers – Part 1: Unauthorised Encampments
<http://www.communities.gov.uk/index.asp?id=1163371>

Gypsy and Traveller Accommodation Assessments: Draft Practice Guidance <http://www.communities.gov.uk/index.asp?id=1163362>

Diversity and Equality in Planning: a Good Practice Guide
http://www.cre.gov.uk/downloads/commonground_report.pdf

Report of the LGA Gypsy and Traveller Task Group
www.lga.gov.uk

abbreviations used in this case study

DPD – Development Plan Document

GTAA – Gypsy and Traveller Accommodation Assessment

LDF – Local Development Framework

For definitions of these and any other terms see
www.pas.gov.uk – glossary

list of councils and organisations interviewed for this case study

- Buckinghamshire Chilterns University College
- Bristol City Council
- Derbyshire County Council
- Derbyshire Gypsy Liaison Group
- Doncaster Metropolitan Borough Council
- Dorset County Council
- Hertsmere Borough Council
- Huntingdonshire District Council
- Fenland District Council
- Government Office for the East of England
- Gypsy and Traveller Unit, Department for Communities and Local Government
- Kent County Council
- Local Government Association
- Robert Doughty Consultancy
- South Cambridgeshire District Council
- South Derbyshire District Council
- Tewkesbury Borough Council.

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