

**Planning and Travellers Consultation September 2014**

**Q1 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?**

**Draft Response:** No, for the following reasons:

- There has been no consideration of the probably increased resource implications for local authorities in terms of gathering, verifying and monitoring information and taking enforcement action where necessary;
- The proposed change does not make it clear whether the definition will apply to individuals only or to households where at least one member travels;
- The proposed new wording implies that travelling can temporarily cease due to old age - this seems unlikely and this would also apply to some health reasons for ceasing travelling;
- It is unclear whether permission for new pitches will cease to apply when previously nomadic applicants cease to travel.

**Q2 Are there any additional measures which would support those travellers who maintain a nomadic life to have their needs met? If so, what are they?**

**Draft Response:** Public transit sites may be helpful elsewhere in the County, but they would not be appropriate in this district, given its 92% Green Belt coverage and the recent history of only very infrequent encampments. We have no suggestions for other measures which would be suitable for the district.

**Q3 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, 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?**

**Draft Response:** (a) If changes are made to the planning definition, similar changes should be made to the housing definition for the sake of consistency;(b) Yes

**Q4 Do you agree that Planning Policy for Traveller Sites be amended to reflect the provisions in the NPPF that provide protection to these sensitive sites? If not, why not?**

**Draft Response:** No, because this amounts to unnecessary repetition when the areas are already protected by NPPF policies and most probably by relevant local plan policies. If necessary, “special area” protection could be included in the criteria-based policy required by PPTS.

**Q5 Do you agree that paragraph 23 of PPTS should be amended to “local authorities should very strictly limit new traveller sites in the open countryside”? If not, why not?**

**Draft Response:** No - the change seems unnecessary at the level of national guidance, and it should be down to individual authorities to decide whether they wish to increase protection

of “open countryside” (however that is defined). This further restriction will make it even more difficult for this Council to make adequate provision for the needs of the travelling community, which in turn will make it a lot harder to achieve a sound Local Plan.

**Q6 Do you agree that the absence of an up-to-date five year supply of deliverable sites should be removed from PPTS as a significant material consideration in the grant of temporary permission for traveller sites in the areas mentioned above? If not, why not?**

**Draft Response:** Yes – this proposed change is particularly appropriate for areas where there are significant policy constraints on development – Epping Forest District is 92% Green Belt.

**Q7 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?**

**Draft Response:** None as yet – see paras 23 and 24 of the report.

**Q8 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?**

**Draft response:** Agree that it should be a valid material consideration but it must apply equally to both the settled and travelling communities. This will show fairness to all those who use the planning system correctly, and hopefully gradually encourage all to do so.

**Q9 Do you agree that unauthorised occupation causes harm to the planning system and community relations? If not, why not?**

**Draft Response:** Yes – there is a lot of tension in this district between the travelling community and sections of the settled community. This is partly based on the perception that favourable consideration is given to retrospective applications, despite the fact that all of these are in the Green Belt.

**Q10 Do you have evidence of the impact of harm caused by intentional unauthorised occupation? (And if so, could you submit details with your response).**

**Draft Response:** The travelling community has historically concentrated into a small part of this district. Of the current 117 authorised permanent pitches, 91 (78%) are found in only 2 of the district's 24 parishes. Intentional unauthorised occupation tends to imitate this, to the extent that a District Councillor, representing one of these parishes, has sought a meeting with the Planning Minister on a number of occasions to explain the problems being caused and the resentment and frustration being expressed by the local settled community.

**Q11 Would amending PPTS in line with the proposal set out in para 4.16 above help that small number of local authorities in these exceptional circumstances? If not, why not? What other measures can Government take to help local authorities in this situation?**

**Draft Response:** The proposal may help the immediately affected authorities, but it is likely to raise problems for neighbouring and other nearby authorities, and does not address the lack of provision for the travelling community on unauthorised sites.

**Q12 Are there any other points 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?**

**Draft Response:** This is dealt with in the generality of responses to the earlier questions.

**Q13 Do you have any comments on the draft planning guidance for travellers (see Annex A)?**

**Draft Response:** The draft guidance is basic in the extreme amounting to little more than a list of items or issues, almost a form of tick box. There is no mention of the suggested frequency of such assessments, and no mention of, let alone guidance on, household formation rates. This latter is key to future needs in this district and the figures used in the Essex GTAA have already been challenged at Public Inquiry and undoubtedly will be again.