

Circular from the:

Welsh Assembly Government
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Cardiff CF10 3NQ



Llywodraeth Cynulliad Cymru
Welsh Assembly Government

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PLANNING FOR GYPSY AND TRAVELLER CARAVAN SITES

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Welsh Assembly Government Circular : WAGC. 30/2007

PLANNING FOR GYPSY AND TRAVELLER CARAVAN SITES

INTRODUCTION

1. A review of the current planning policy guidance contained in Welsh Office Circular 2/94 "Gypsy Sites and Planning" and in paragraph 9.2.20 of Ministerial Interim Planning Policy Statement 01/2006 "Housing", Welsh Assembly Government (June 2006) has been undertaken by the Welsh Assembly Government. This has been informed by:

- the then National Assembly for Wales Equality of Opportunity Committee's "Review of Service Provision for Gypsies and Travellers" (May 2003) and the Welsh Assembly Government response (2004) to it;
- the recommendations of the Welsh Assembly Government commissioned research study "Accommodation needs of Gypsy - Travellers in Wales"(2006);
- the provisions of the Planning and Compulsory Purchase Act 2004 providing for the introduction of a new Local Development Plan system in Wales; and public consultation from December 2006 - July 2007 on the terms of a draft Circular.

2. The following provides updated guidance on the planning aspects of finding sustainable sites for Gypsies and Travellers and how local authorities and Gypsies and Travellers can work together to achieve this aim. It supersedes advice contained in Circular 2/94 "Gypsy Sites and Planning" which is hereby cancelled.

DEFINITION

3. For the purposes of **this Circular** "Gypsies and Travellers" means:

"persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such."

4. Planning advice relating to the travelling show people is given in Welsh Office Circular 78/91 "Travelling Show people" which remains in force.

GYPSIES AND TRAVELLERS – A CONTEXT

5. Some Gypsies and Travellers may wish to find and buy their own sites to develop and manage. An increase in the number of approved private sites may also release pitches on local authority sites for Gypsies and Travellers most in need of public provision. However, there will remain a requirement for public site provision above the current levels. Such sites are needed for Gypsies and Travellers who are unable to buy and develop their own sites, or prefer to rent, and to provide transit sites and emergency stopping places where Gypsies and Travellers may legally stop in the course of travelling.

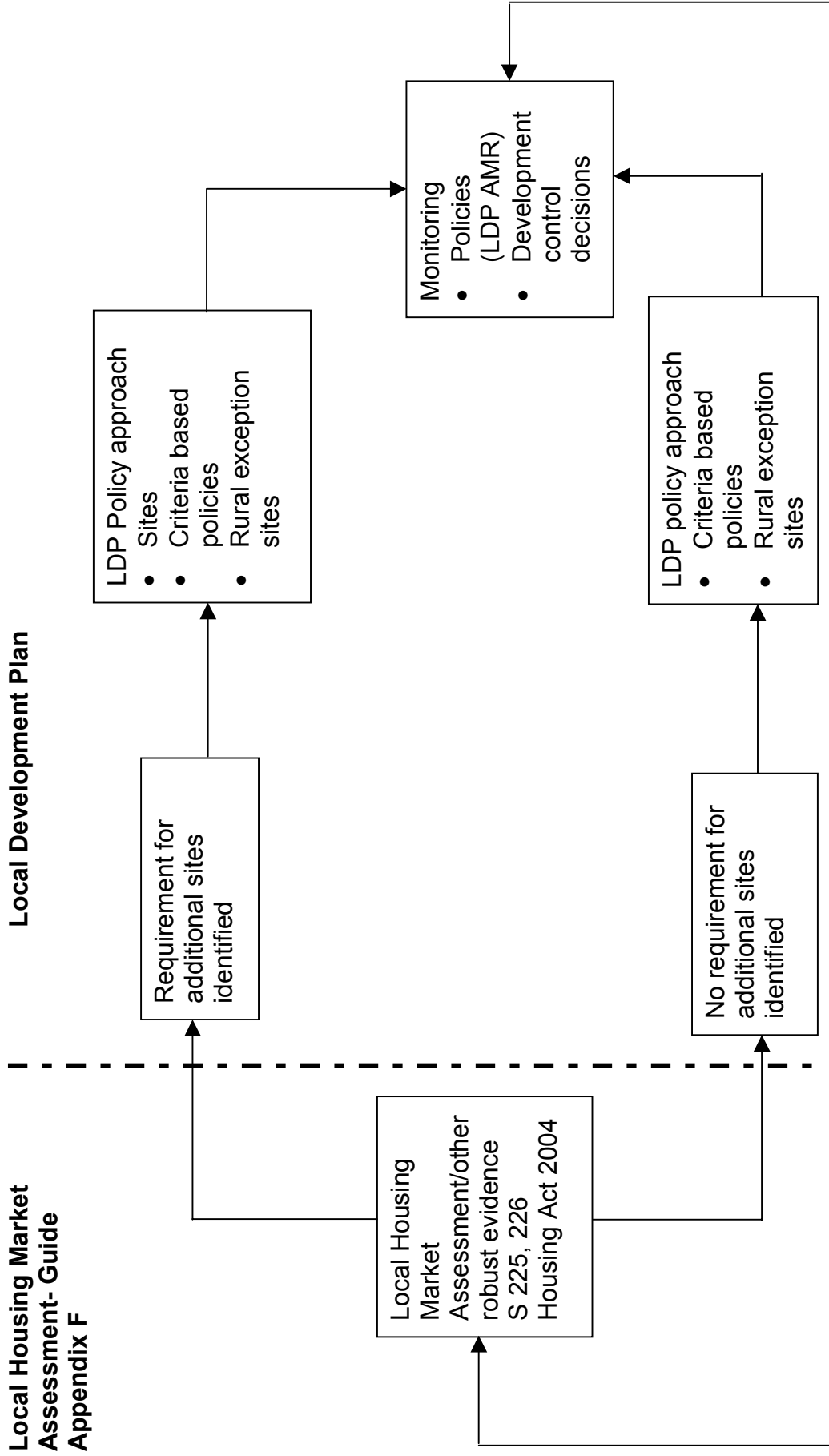
6. Some Gypsies and Travellers have an actively itinerant lifestyle including groups of long distance Travellers, and are generally self-employed people, sometimes occupied in scrap-metal dealing, laying tarmac, seasonal agricultural work, casual labouring, and other employment. These traditional patterns of work are, however, changing and the community has generally become more settled. For example, a reduction of seasonal agricultural and related work has led to more Travellers working in trades which require less mobility.

7. There is a need to provide sites, including transit sites, in locations that meet the current working patterns of Gypsies and Travellers. In view of the changes in their work patterns, these may not be the same areas they have located in or frequented in the past. This needs to be balanced with the responsibility of Gypsies and Travellers to respect the planning system.

8. A more settled existence can prove beneficial to some Gypsies and Travellers in terms of access to health and education services, and employment and can contribute to greater integration and social inclusion within local communities. Nevertheless the ability to travel remains an important part of Gypsy and Traveller culture. Some communities of Gypsies and Travellers live in extended family groups and often travel as such. This is a key feature of their traditional way of life that has an impact on planning for their accommodation needs.

9. An overview of the process to be followed by local authorities when making provision for Gypsy and Traveller caravan sites is set out in diagram 1.

Diagram 1 - Planning for Gypsy and Traveller Caravan Sites



PROVIDING THE EVIDENCE BASE – LOCAL HOUSING MARKET ASSESSMENTS

10. Local housing market assessments provide the key source of information enabling Local Authorities to assess the level of additional Gypsy and Traveller accommodation provision that is required when preparing their Local Development Plans (LDP). Local authorities, when preparing a local housing market assessment (LHMA), must consult with key stakeholders and local communities involving both their planning and housing functions. Once Sections 225 and 226 of the Housing Act 2004 are brought into force by an Order expected to be made in 2007/08, local housing authorities will have a statutory duty to assess the accommodation needs of Gypsies and Travellers. Appendix F of the Local Housing Market Assessment Guide (Welsh Assembly Government) (March 2006) provides substantive guidance on undertaking a Gypsy and Traveller accommodation assessment. The guidance strongly recommends that local authorities work in partnership with neighbouring authorities as travelling patterns are liable to cross local authority boundaries.

11. Local authorities will also need to have regard to their other statutory duties, including those in respect of homelessness under Part VII of the Housing Act 1996 and to their obligations under the Race Relations (Amendment) Act 2000.

TRANSITIONAL ARRANGEMENTS – BEFORE THE COMPLETION OF LOCAL HOUSING MARKET ASSESSMENTS INCLUDING THE NEEDS OF GYPSIES AND TRAVELLERS

12. In advance of the completion of local housing market assessments, other means of assessment of need will be necessary when local planning authorities determine planning applications and begin plan preparation. The early data available from the local housing market assessment will be one element of a range of information sources that local authorities should consider when assessing the required level of provision. Other sources of information could include a continuous assessment of incidents of unauthorised encampments, both short and longer-term, the numbers and outcomes of planning applications and appeals, levels of occupancy, plot turnover and waiting lists for public authorised sites, the status of existing authorised private sites, including those which are unoccupied and those subject to temporary or personal planning permissions, as well as the twice-yearly Caravan Count being undertaken on behalf of the Welsh Assembly Government. They should also take account of information from the statutory homelessness service on presentations from the Gypsy and Traveller community and from waiting lists and registers for social housing. Local planning authorities will be expected to be able to demonstrate that they have considered this information when determining an application for planning permission. Where planning permission is refused they will be expected to provide such information as part of any appeal documentation.

13. Advice on the use of temporary permissions is contained in paragraphs 108-113 of Welsh Office Circular 35/95, "The Use of Conditions in Planning Permissions." Paragraph 110 advises that a temporary permission may be justified where it is expected that the planning circumstances will change in a particular way at the end of the period of the temporary permission. In cases where there is:

- unmet need and;
- no available alternative Gypsy and Traveller site provision in an area and;
- a reasonable expectation that new sites are likely to become available at the end of that period in the area which will meet that need;

local planning authorities should give consideration to granting a temporary permission where there are no overriding objections on other grounds.

14. Such circumstances may arise, for example, in a case where a local planning authority is preparing its site allocations as part of the LDP. In such circumstances, local planning authorities are expected to take into account the consequences of the unmet need in considering whether a temporary planning permission is justified. The fact that temporary permission has been granted on this basis should not be regarded as setting a precedent for the determination of any future applications for full permission for use of the land as a caravan site. In some cases, it may not be reasonable to impose certain conditions on a temporary permission such as those that require significant capital outlay nor indeed may it be reasonable to grant temporary planning permission where such an outlay is required.

LOCAL DEVELOPMENT PLANS

Involving the Gypsy and Traveller Community

15. It is expected that at an early stage in the preparation of LDPs, local planning authorities will discuss Gypsies and Travellers' accommodation needs directly with the Gypsies and Travellers themselves, their representative bodies and local support groups. It should be recognised that Gypsies and Travellers are not a single entity and have different values and attitudes with differing preferences for sites. A list of some possible relevant contacts is given in Annex A but a local knowledge base should be developed by the local authority and the voluntary sector, about the different communities within and travelling through the area. For example some local planning authorities use the results of regular consultation presented by site management officers, Gypsy and Travellers contact officers and multi agency forums. Gypsies and Travellers should also be proactive in ensuring that they engage with local planning authorities to ensure that their views are taken into account. This will help avoid tensions and conflicts that could arise if unauthorised developments take place. Guidance on unauthorised camping can be found in Welsh Assembly Government /Home Office Circular 04/2005 "Guidance on Managing Unauthorised Camping."

16. Section 63 of the Planning and Compulsory Purchase Act 2004, requires local planning authorities to prepare their LDP in accordance with a Community

Involvement Scheme (CIS) in which they will set out their policy on involving their community in preparing Local Development Plans. Local planning authorities should put in place arrangements so that communication with Gypsies and Travellers is direct and accessible, and conflict and tensions are minimised. It should be recognised that Gypsy and Traveller communities are not organised in such a way that it is easy to identify who might represent the interest of any particular community, so developing local knowledge and trust is important. Identifying and understanding the needs of groups who find it difficult, for a number of reasons, to engage with planning processes is essential. One such difficulty is a lack of resources. As with all other sections of the community, local planning authorities should consider what funding sources are available for such groups. One potential source of assistance is Planning Aid Wales (contact details at Annex D of this circular). Each CIS as part of the Delivery Agreement for the LDP, will need to be agreed with the Welsh Assembly Government who will check that such consultation and involvement of the Gypsy and Traveller Community is included in the submitted CIS.

Identifying Gypsy and Traveller Caravan Sites

17. Where there is an assessment of unmet need for Gypsy and Traveller accommodation in the area, local planning authorities should allocate sufficient sites in LDPs to ensure that the identified pitch requirements for residential and transit use can be met. Local planning authorities will need to demonstrate that sites are suitable, and that there is a realistic likelihood that the specific sites allocated in LDPs will be made available for that purpose. With such policies in place in LDPs there will be more certainty for all concerned when planning applications are determined by local planning authorities, or, appeals are considered by the Welsh Ministers or Inspectors.

18. When identifying sites the local planning authority should work with the Gypsy and Traveller community. This should include encouraging Gypsies and Travellers to put forward candidate sites as part of the LDP preparation process (see paragraph 5.4.4 Local Development Plan Manual (June 2006)).

19. Issues of **site sustainability** are important for the health and well being of Gypsy and Travellers not only in respect of environmental issues but also for the maintenance and support of family and social networks. It should not be considered only in terms of transport mode, pedestrian access, safety and distances from services. Such consideration may include:

- opportunities for growth within family units;
- the promotion of peaceful and integrated co-existence between the site and the local community;
- the wider benefits of easier access to GP and other health services;
- access to utilities including waste recovery and disposal services;
- access for emergency vehicles;
- children attending school on a regular basis;

- also other educational issues such as space e.g. for touring or static play bus, homework club, teaching base for older children and adults - (see proposed Good Practice for Local Education Authorities in Wales in meeting educational needs at Annex A);
- suitable safe play areas;
- contribute to a network of transit stops at intervals that reduce the need for long-distance travelling - see paragraph 7;
- possible environmental damage caused by unauthorised encampment;
- not locating sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans and;
- regard for areas designated as being of international or national importance for biodiversity and landscape - see paragraphs 34-35 below.

20. In deciding where to provide for Gypsy and Traveller sites, local planning authorities should first consider locations in or near existing settlements with access to local services e.g., shops, doctors, schools, employment, leisure and recreation opportunities, churches and other religious establishments. All sites considered as options for a site allocation in a LDP must have their social, environmental and economic impacts assessed in accordance with the requirements of sustainability appraisal. (Section 3 of the LDP Manual (W.A.G 2006) introduces the process; section 5 explains the process with regard to Evidence Gathering and Objectives; and section 6 explains the process in Strategic Options and Preferred Strategy). Local authorities should also be aware of site design guidance, and site management guidance, to be issued in 2007/08 by the Welsh Assembly Government.

21. Sites, whether public or private, should be identified having regard to highways considerations. In setting their policies, local planning authorities should have regard to the potential for noise and other disturbance from the movement of vehicles to and from the site, the stationing of vehicles on the site, and on-site business activities. However, projected vehicle movements for Gypsy and Traveller sites should be assessed on an individual basis for each site. Proposals should not be rejected if they would give rise to only modest additional daily vehicle movements and/or the impact on minor roads would not be significant.

22. Some Gypsies and Travellers run their businesses from the site on which their caravans are stationed. Local planning authorities may identify in their LDPs, Gypsy and Traveller sites suitable for **mixed residential and business uses**, having regard to the safety and amenity of the occupants and their children, and neighbouring residents. If mixed sites are not practicable, authorities should consider the scope for identifying separate sites for residential and for business purposes in close proximity to one another. Some parts of sites unsuitable for residence might be suitable for parking vehicles or storing materials, provided the overall site is suitable for residential use. Mixed uses should not be permitted on Gypsy Traveller Rural Exception Sites (see paragraphs 28 and 29).

23. There are a number of ways in which local planning authorities can identify specific sites and make land available:

- Local authorities have discretion to dispose of land for less than best consideration where it will help to secure the promotion or improvement of the economic, social or environmental well-being of the area, as set out in National Assembly for Wales Circular 41/03, “Local Government Act 1972: General Disposal Consent (Wales) 2003, Disposal of land in Wales by Authorities for less than Best Consideration”.
- Authorities should also consider making full use of any registers of unused and under-used land owned by public bodies as an aid to identifying suitable locations. Vacant land or under-used local authority land may be appropriate.
- Authorities should also consider whether it might be appropriate to exercise their compulsory purchase powers to acquire an appropriate site.
- Co-operation between neighbouring authorities can provide more flexibility in identifying sites.

24. A local planning authority which, exceptionally, is unable to meet all assessed future needs through specific site locations should give in the LDP a reasoned explanation why that has not been possible. It must explain what criteria will be used to ensure adequate provision and state the detailed measures it will take to ensure that adequate provision is made during the plan period.

Criteria based policies

25. Criteria based policies will be required in the LDP, whether or not there is any current need identified in the area, in order to meet future or unexpected demand. Criteria based policies must be fair, reasonable, realistic and effective in delivering sites. The adequacy of any criteria will be subject to greater scrutiny under changes to the planning system introduced by the 2004 Act. Planning policies that rule out or place undue constraints on the development of Gypsy and Traveller sites should not be included in LDPs. Annex B contains guidance on good practice criteria. The Assembly Government has the power to intervene in the plan-making process where it considers that the constraints being proposed by local planning authorities are too great or have been inadequately justified.

Rural sites

26. Sites on the outskirts of built-up areas may be appropriate. Sites may also be found in **rural or semi-rural settings**. Rural settings, where not subject to specific planning or other constraints, are acceptable in principle. In assessing the suitability of such sites, local authorities should be realistic about the availability, or likely availability, of alternatives to the car in accessing local services. Over rigid application of national or LDP policies that seek a reduction in car borne travel would not be appropriate as they could be used to effectively block proposals for any Gypsy and Traveller Site in a rural location. Sites should respect the scale of and not be so large as to dominate the nearest settled community serving them. They should also avoid placing an undue burden on the local infrastructure.

27. In some cases, perhaps involving **previously developed (brownfield)**, untidy or derelict land, the establishment of a well-planned Gypsy and Traveller site (e.g. one which incorporates appropriate soft landscaping) can be seen as positively enhancing the environment and increasing openness.

28. Gypsies and Travellers in rural areas often face difficulties in securing an adequate supply of affordable land for their needs. Where there is a lack of affordable land to meet local Gypsy and Traveller needs (as demonstrated by an up-to-date accommodation assessment) local planning authorities in rural areas should consider including a “**Gypsy and Traveller rural exception site policy**” in the relevant LDP.

29. Rural exception site policies for Gypsies and Travellers should operate in the same way as rural exception site policies for housing, as set out in paragraphs 9.2.21 to 9.2.22 of Ministerial Interim Planning Policy Statement 01/2006 “Housing” (June 2006) and paragraphs 10.13 to 10.14 of Technical Advice Note 2 “Planning and Affordable Housing” (June 2006). In applying the Gypsy Traveller rural exception site policy, local planning authorities should consider in particular the needs of households who are either current residents or have an existing family or employment connection.

Monitoring LDP Gypsy and Traveller site policies

30. The Planning and Compulsory Purchase Act 2004, requires the local planning authority to produce an annual monitoring report. One of the main purposes of the report is to consider whether objectives set out in the local development plan are being achieved. It requires that, where a policy specified in a local development plan is not being implemented, the annual monitoring report must identify that policy. In addition, Regulation 37 (3) of the Local Development Plan (Wales) Regulations 2005, requires that the report must include a statement of:

- the reasons why that policy is not being implemented;
- the steps (if any) that the LPA intend to take to secure that the policy is implemented; and
- whether the LPA intends to prepare a revision of the LDP to replace or amend that policy.

31. Further guidance is contained in paragraph 4.43 of “Local Development Plans Wales” (W.A.G 2005).

MAJOR DEVELOPMENT PROJECTS

32. A major development or redevelopment project may require the permanent or temporary relocation of a Gypsy or Traveller site. When determining applications for such development, it may be appropriate to attach conditions or secure planning obligations requiring the developer to identify and provide an alternative site, providing the original site has a legal status. The local planning authority should work with the developer and the affected Gypsy and Traveller Community to identify a site

(or sites) that would be suitable for relocating this community. In proposing relocation and in seeking a relocation site regard will need to be paid both to the Gypsy and Traveller Community's social, economic and environmental needs and identified social, economic, and environmental benefits that the major development/redevelopment project will bring to the locality and the broader area.

33. National planning policy on **Green Belts and Green Wedges** is set out in Section 2.6 of Planning Policy Wales. There is a general presumption against inappropriate development within Green Belts or green wedges. New Gypsy and Traveller sites in the Green Belt or green wedges are likely to be inappropriate development. National planning policy on Green Belts or green wedges applies equally to applications for planning permission from Gypsies and Travellers, and the settled population. Alternatives should be explored before Green Belt or green wedge locations are considered. Pressure for development of sites on Green Belt or green wedge land can usually be avoided if the local planning authority allocates sufficient sites elsewhere in its area, to meet identified need.

34. "Planning Policy Wales" contains national planning policy guidance on development in areas with **nationally recognised designations** - see paragraph 5.3.3 in respect of the statutory landscape designations, paragraph 5.3.6 re development control and paragraph 5.3.8 in respect of statutory nature conservation designations. Any statutory duties associated with a designation (for example those deriving from EC Directives) must be complied with. That guidance is applicable to planning applications for development within those areas including those for Gypsy and Traveller sites.

35. Paragraphs 5.3.2 and 5.3.11 of "Planning Policy Wales" offer guidance on **local landscape and local nature conservation designations**. However, such designations should not be used in themselves to refuse planning permission for Gypsy and Traveller sites.

PLANNING APPLICATIONS

36. Section 54A of the Town and Country Planning Act 1990 (in the case of UDPs) and section 38 of the Planning and Compulsory Purchase Act 2004 (in the case of LDPs) provide that determinations of applications for planning permission shall be made in accordance with the development plan unless material considerations indicate otherwise. Other considerations for Gypsy and Traveller site applications will usually include the impact on the surrounding area, the existing level of provision and need for sites in the area, the availability (or lack of) alternative accommodation for the applicants and their specific personal circumstances.

37. In order to encourage private site provision, local planning authorities should offer advice and practical help with planning procedures to Gypsies and Travellers who wish to acquire their own land for development. Gypsies and Travellers should always consult local planning authorities on planning matters before buying land on which they intend to establish any caravan site, for which planning permission will almost always be required (more guidance on both of these aspects is contained in Annexes C and D).

38. Pre-application discussions are particularly important to avoid misunderstanding and subsequent problems over planning permission. Constructive and positive engagement on all sides will promote trust and may help to avoid breaches of planning control. The aim should be as far as possible to help Gypsies and Travellers to provide for themselves, to allow them to secure the kind of sites they need, but in locations that are appropriate in planning policy terms. This will help to avoid breaches of planning control, and enable firm enforcement against such breaches. In particular, questions of road access, the availability of services, potential conflict with statutory undertakers or agricultural interests, and any significant environmental impacts should be resolved at the earliest opportunity. In line with guidance in TAN 15, "Development and Flood Risk" (2004), local planning authorities should consult the Environment Agency about flood risk.

39. Any facts that may be relevant should be established and considered before determining planning applications. Gypsies and Travellers should co-operate by responding to requests for information relevant to their applications.

40. Local planning authorities should not refuse applications solely because the applicant has no local connection. But they are entitled to refuse applications in locations that do not comply with planning policies, especially where the authority has complied with this guidance and proceeded properly to ensure needs identified by accommodation assessments are being met.

41. In considering whether to enforce against land being used as a Gypsy/Traveller site or to refuse planning permission for such use, local planning authorities should assess what effect, if any, the absence of existing site provision would have on the ability to take, and defend, such actions successfully in any subsequent appeal.

ENFORCEMENT

42. It is important that planning policies and controls are respected by all sections of the community and that, where it is expedient to do so, effective enforcement action is taken.

43. In considering enforcement action, local planning authorities should be guided by the advice in TAN 9 "Enforcement of Planning Control" (1997). Further advice on the enforcement powers available to local planning authorities and their use can be found in:

- Welsh Office Circular 24/97, "Enforcing Planning Control: Legislative Provisions and Procedural Requirements";
- Welsh Office Circular 76/94, "Gypsy Sites Policy and Unauthorised Camping," and
- "Guidance on Managing Unauthorised Camping," Welsh Assembly Government/Home Office (January 2005) (National Assembly Circular 4/2005).

APPEALS

44. There will be occasions when LPAs refuse planning permission for Gypsy and Traveller sites. A Planning Inspector will determine any subsequent appeal in accordance with the development plan and all other material considerations, - most, if not all, of which should already have been addressed at the application stage. These will include the LHMA where this is available, existing and planned provision of, and need for sites in the local planning authority's area, the accuracy of the data used to assess need, the methodology employed in the needs assessment and how up-to-date it is, information on pitch availability on public and private sites, personal circumstances and alternative accommodation options.

HUMAN RIGHTS

45. The provisions of the European Convention on Human Rights should be considered as an integral part of local authorities' decision-making - including its approach to the question of what are material considerations in planning cases. Local planning authorities should consider the consequences of refusing or granting planning permission, or taking enforcement action, on the rights of the individuals concerned, both Gypsies and Travellers and local residents, and whether it is necessary and proportionate in the circumstances. If there is any doubt about the application of provisions of the Convention in particular cases, legal advice should be sought. The obligation on public authorities to act compatibly with Convention rights does not give Gypsies and Travellers a right to establish sites in contravention of planning control.

RACE RELATIONS

46. Section 19A of the Race Relations Act 1976 prohibits racial discrimination by planning authorities in carrying out their planning functions. In addition, the majority of public authorities, including local authorities, have a general duty under the 1976 Act as amended by the Race Relations (Amendment) Act 2000 to actively seek to eliminate unlawful discrimination and to promote equality of opportunity and good race relations in all they do. The duty on local authorities to actively seek to eliminate unlawful discrimination, and promote good race relations does not give Gypsies and Travellers nor any other group a right to establish sites in contravention of planning control. In line with their race equality scheme (legally required under the Race Relations Act 1976 (Statutory Duties) Order 2001) local authorities should assess which of their functions are relevant to race equality and monitor these functions and policies to see how they impact on different racial groups. The CIS is particularly important in this regard. Local authorities should take account of the recommendations of the then Commission for Racial Equality's (CRE) Report "Common Ground – Equality, good race relations and sites for Gypsies and Irish Travellers" (May 2006) about best practice in dealing with planning applications to avoid discrimination.

47. When policies are changed or new ones introduced, authorities should assess and consult on their likely impact, and where an adverse impact is identified which cannot be justified, changes should be made. It is particularly important that authorities consider all the racial groups served by the authority in order to assess

the impact of their policies on these groups. Romany Gypsies and Irish Travellers have been recognised by the Courts as being distinct ethnic groups, covered by the 1976 Act . Under the general duty mentioned above, there is a requirement that local authorities seek to promote good race relations between Gypsies and Travellers and the settled community. This is important in the context of Gypsy and Traveller site planning.

MONITORING PLANNING APPLICATIONS

48. Local planning authorities should monitor and critically analyse the decisions on applications for sites for Gypsies and Travellers compared with those of applications for other types of residential development. This includes all types of housing and other types of caravan site. Authorities should assess the results of such analysis to inform policy development. In order to ensure that they can identify any adverse impact on race equality, LPAs should monitor in line with the former Commission for Racial Equality (CRE) recommendations. The CRE recommends that all local authorities include sub-categories for Gypsies and Irish Travellers within ethnic monitoring forms beneath the 'White Other' category, as in the school census.

49. Local Planning Authorities will be aware that in this context, the Welsh Assembly Government records the number of applications received and determined by local planning authorities through its Development Control Quarterly Returns system. Details of the information collected are being reviewed and it is likely that additional information about Gypsy and Traveller planning applications and decisions will be required. Such information will complement local planning authorities' monitoring arrangements.

Rosemary F Thomas
Head of Planning Division

Reference : APAA 08/08/143

Chief Executive:
County and County Borough Councils in Wales
The National Park Officer:
National Park Authorities

References and List of Organisations of interest to Gypsies and Travellers

REFERENCES

Local Housing Market Assessment Guide (Welsh Assembly Government) (2006) Appendix F- "Gypsies and Traveller Accommodation Assessments".

Guidance on Managing Unauthorised Camping Circular 04/2005 Welsh Assembly Government/Home Office.

Royal Town Planning Institute (February 2007) Good Practice Note 4 Series: Planning for Gypsies and Travellers.

Draft Site Design Guidance, Welsh Assembly Government.

Draft Site Management Guidance, Welsh Assembly Government.

Accommodation Needs of Gypsy –Travellers in Wales Report by Pat Niner for Welsh Assembly Government (April 2006).

Good Practice to be included in proposed revised WAG Circular 'Moving Forward – Gypsy Traveller Education' – Guidance for LEAs and schools intended to replace Welsh Office Circular 52/90- Meeting the Educational Needs of Travellers and Displaced Persons.

The Education of Gypsy Traveller Learners: A survey of provision made by schools and local authorities in Wales to meet the needs of Gypsy Traveller learners. Estyn 2005

Research into the Education of Gypsy Traveller Children in Wales, National Foundation for Educational Research, February 2006

Planning Your Community: A guide to Local Development Plans (Welsh Assembly Government Booklet July 2006)

EOC Report "Review of Service Provision for Gypsies and Travellers", National Assembly for Wales, Equality of Opportunity Committee (May 2003)

ORGANISATIONS

Inclusion Unit
Communities Directorate
Welsh Assembly Government
1st floor South
Rhydycar
Merthyr Tydfil
CF48 1UZ

01685 729135 or 729216

Planning Aid Wales
Bay Chambers
West Bute Street
Cardiff
CF10 5BB

02920 20485765

Wrexham Traveller Health Project Steering Group
Wrexham Local Health Board
Wrexham Technology Park
Rhyd Broughton Lane
Wrexham
LL13 7YP

Cardiff Gypsy and Traveller Project
114 Clifton Street
Roath
Cardiff
CF24 1 LW

02920 214411

AWEMA (All Wales Ethnic Minority Association)
Suite 2
1st floor
St David's House
Wood Street
Cardiff
CF10 1ES

02920 664213

Black Voluntary Sector Network Wales
Crichton House
11-12 Mount Stuart Square
Cardiff
CF10 5EE

02920 45 0068
www.bvsnw.org

Federation of Romani Gypsy and Irish Traveller Groups
c/o Derbyshire Gypsy Liaison Group
Ernest Bailey Centre
New Street, Matlock,
Derbyshire
DE4 3 FE

01629 583300

Save the Children- works across Wales – www.savethechildren.org.uk

The Travellers School Charity
PO Box 2
Goodwick
Pembrokeshire
SA 64 0ZQ
www.travellersschool.plus.com/tsc-contacts.html

Equality and Human Rights Commission Wales
1st Floor, 3 Callaghan Square
Cardiff
CF10 5BT

02920 663710

Travellers Law Reform Project
c/o London Gypsy and Traveller Unit
6 Westgate Street
London
E8 3RN
www.travellerslaw.org.uk

0208 533 2002

Travellers Action Group
7 Woodside Park
Hatch Road
Sandy
Bedfordshire
SG19 1PT

01767 689736
Codona@aol.com

National Association of Health Workers with Travellers
Balsall Heath Centre
43 Edward Road
Birmingham
B12 9LB

0117 922 7570/0121 446 2300

Travellers Aid Trust
PO Box 16
Llangyndeyrn
Kidwelly
SA 17 5YT
www.travellersaidtrust.org

Advisory Council for the Education of Romany and other Travellers (ACERT)
Moot House
The Stow
Harlow
Essex
CM20 3AG

01279 418 666

National Association of Teachers of Travellers
C/o Cornwall Traveller Education Support Services
16 Carlyon Road
St Austell
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113 Queens Road
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Enquiries@thegypsycouncil.org
www.thegypsycouncil.org

The Gypsy Council
Springs Lane Caravan Park
Bickerton
Wetherby
North Yorkshire
LS22 5ND

01937 842782

Irish Travellers Movement in Britain
The Old Library Building
95 High Road
Willesden
London
NW10 2ST

0208 830 3079
Joe@travellerschaplaincy.org.uk

Good Practice – Criteria

1. Gypsies and Travellers have the same rights and responsibilities within the planning system as every other citizen. Plan policies and criteria for the establishment of Gypsy and Traveller caravan sites should be fair, reasonable, realistic and effective, and written in a positive manner that offer some certainty that where the criteria (not necessarily all of them) are met planning permission will be granted.
2. Research has shown that the majority of plan policies state that permission 'may be granted' or that the authority 'will take account of' factors. Ambiguous statements of this nature should be avoided as they increase uncertainty. Alternative wording might include 'planning permission will be granted "provided that the following criteria/requirements are [clearly] satisfied....."'.
3. The list of criteria adopted by a local planning authority should not be over-long as the more criteria there are, and the more restrictive they are, the greater the likelihood of authorities refusing planning permission. A more positive approach should be taken to making adequate provision for Gypsies and Travellers in appropriate locations – particularly by those local planning authorities whose present policies have failed to meet current needs. The process by which criteria are adopted in LDPs will be subject to close scrutiny.
4. For all kinds of site, consideration must be given to vehicular access from the public highway, as well as provision for parking, turning and servicing on site, and road safety for occupants and visitors. Landscaping and planting with appropriate trees and shrubs can help sites blend into their surroundings, give structure and privacy, and maintain visual amenity. Enclosing a site with too much hard landscaping, high walls or fences can not only give the impression of deliberately isolating the site and its occupants from the rest of the community but could also be visually intrusive – both situations should be avoided.
5. It is not considered appropriate to set a national maximum size for a site, but sites should be considered in context and in relation to the local infrastructure and population size and density to ensure they do not dominate local settled communities.

Criteria which are unacceptable

6. It is not uncommon currently for criteria to be so restrictive and extensive that in practice it is impossible or virtually impossible for an application to comply with them all. The following criteria have been taken from local authority plans and represent examples of criteria that are considered generally **unacceptable**:

'Each unit of accommodation on the site shall have been brought onto the site by the occupier(s) for the time being who shall remove the accommodation from the site when ceasing to use it for residential purposes'.

This criterion does not accommodate the nomadic and traditional lifestyle whereby many Gypsies and Travellers have one caravan to live in, and one that is more mobile that they use when travelling.

A requirement that the accommodation is brought onto site by the occupier does not allow provision to be made for other family members who may not themselves, perhaps for reasons of ill-health, physically move their own accommodation onto the site.

‘There shall be no more than [x] caravans’(on any site)

Setting a maximum number as a blanket policy through a development plan policy is arbitrary.

Any maximum number of caravans to be sited on any particular site should be identified through a planning condition after having regard to the circumstances of the individual planning application which would include specific size of site, surrounding population size and density and the requirements of the applicant.

“Applications from Gypsies and Travellers with no local connection will not normally be allowed”

Gypsies and Travellers are by their very nature nomadic and so will not always have local connections. Planning authorities have to determine applications for development from anyone who submits them.

As the business in which Gypsies and Travellers have traditionally engaged decline, the new trades and businesses they take up often necessitate new locations.

“The site does not impact on any area with natural/wildlife interest”

All development by its very nature will have some impact on wildlife. The criteria should be more tightly, but reasonably, defined.

“The site shall not encroach into the countryside”

This is unrealistic. Such policies have been used to thwart site provision.

See also “Advice produced by The Planning Inspectorate for use by its Inspectors” about suggested conditions in Gypsy Permissions.
(www.planning-inspectorate.gov.uk.)

Guidance to Local Planning Authorities in dealing with planning applications from Gypsies and Travellers

1. Gypsies and Travellers have the same rights and responsibilities within the planning system as all other applicants for planning permission. In dealing with applications and enquiries from Gypsies and Travellers planning officers and planning department staff should act in a professional manner and treat enquiries from Gypsies and Travellers even-handedly. Planning Aid Wales (contact details at Annex A) is a source of free independent advice and information that Gypsy and Travellers may wish to use.
2. It is particularly important if unauthorised development is to be avoided for local planning authorities to establish a level of trust and co-operation with the local Gypsy and Traveller community. Entrenched positions on both sides are likely to lead to tensions, conflict and delay.
3. Local planning authorities may wish to consider designating a named person to deal with all such enquiries/applications or have a named person with whom the applicants can maintain contact. Staff responsible for dealing with Gypsy and Traveller applications should be given specific training.
4. Local planning authorities need to provide early, clear pre-application advice and may wish to consider producing leaflets explaining the planning system, and consider using other media – such as video/dvd and audio communication – where this would better meet the needs of the Gypsy and Traveller community. At any pre-application meeting local planning authorities should give an informal indication of the chances of getting permission, highlight any possible difficulties and whether these may be overcome and explain the planning process to applicants who are unfamiliar with it.
5. Local planning authorities need to make Gypsies and Travellers aware of standards they can expect from the authority, standards expected from them and their rights to complain, including to the authority's monitoring officer and the Public Services Ombudsman .
6. Planning departments may need to consult other departments and agencies with an interest, particularly housing, social services and education departments, health and highways authorities. Other important sources of advice are Gypsy Liaison Officers (or their equivalents) usually, but not always, based in local authorities.

Guidance for Gypsies and Travellers making planning applications

Introduction

1. Members of the Gypsy and Traveller communities have the same rights and responsibilities within the planning system as members of other communities. Planning permission is normally required for any changes of use of land. As with development submitted by anyone the only times permission would not be required are:

- i. if the land has already been granted planning permission for a particular type of land use; or
- ii. the use of the land has been established over a period of time without valid planning enforcement action having been taken by the local planning authority. This time period is 4 years for building or other similar physical works which do not represent a change of land use, or 10 years where the development has represented a change of land use. Siting caravans on land is a use of the land in planning terms.

Pre-application procedure

2. When looking for a site Gypsies and Travellers should find out whether

- i. there are any existing sites in the locality (with planning permission) available to rent or buy;
- ii. if not, whether the local planning authority can identify any sites that may be or could become available.

3. If the outcome of the queries outlined above is negative and you are looking to develop a new site, it is probable that you will need to apply for planning permission. When the local planning authority considers your application they will first look to see what their development plan says about the site you have chosen.

4. Consequently, **before applying for planning permission you should take the following steps:-**

- i. contact the local planning authority* in order to identify the development plan policies relevant to Gypsy and Traveller caravan site use and establish whether the site you are interested in is in a Green Belt, green wedge or other area of special protection. Development in such areas is subject to stricter control and the likelihood of getting planning

* This will be the Planning Department of the local authority unless the land falls within the area of the Brecon Beacons, Pembrokeshire Coast or Snowdonia National Parks - in the National Parks you should contact the National Park Authority.

permission usually is much lower than if the site were not within an area enjoying this special protection.

- ii. prepare information indicating
 - the area of your search for a site
 - whether there are particular reasons for selecting the site you have e.g. family circumstances, work or other requirements
 - whether there are other sites available and, if so, why you consider them to be unsuitable
 - the number of caravans proposed for the site.
- iii. prepare an assessment of the suitability of the site and the use to be made of it in relation to:
 - access for vehicles and pedestrians
 - closeness to main road network
 - ground conditions and levels of land
 - how close it is to schools and other facilities
 - existence of landscaping or whether the site could be screened by additional planting
 - compatibility with neighbouring uses.
- iv. You should also consider undertaking a search of the local land charges registers (held by the local authority) to establish whether there are any restrictions (such as injunctions) on the use of the land.

5. When you have completed all this you should seek a meeting with officers of the local planning authority to discuss your proposals and the information provided. They will give you their professional opinion on the case prepared and may be able to suggest ways in which it could be made more acceptable to the local planning authority. They will not, however, be able to give any guarantees or undertaking that planning permission will be granted. That decision will in most cases be made by the Planning Committee.

Making the planning application

6. You should make your planning application and wait for permission *before* you go on the site. Entering a site without planning permission is likely to be a breach of planning control and may be subject to enforcement action.

7. When making your application for a Gypsy and Traveller caravan site you should provide as much detail as possible at the outset including site layout, landscaping, access, and number of caravans.

What happens next?

8. Local planning authorities will normally decide applications within eight weeks of their being submitted. If you are refused planning permission, or the local planning authority fail to determine the application within the 8 week period (or such longer period as you may have agreed with them), it is open to you to appeal to the Welsh Ministers. Any appeal must be submitted within 6 months of the date of the refusal of planning permission or of the date on when the application should have been decided (the end of the 8 weeks period or any longer period you might have agreed).

Details on how to submit an appeal and how the appeal process works is available on the Planning Inspectorate website at www.planning-inspectorate.gov.uk, or from:

The Planning Inspectorate Wales
Crown Buildings
Cathays Park
Cardiff
CF10 3NQ

Telephone: 029 2082 3866

Fax: 029 2082 5150

Email: wales@planning-inspectorate.gsi.gov.uk

9. Gypsies and Travellers should be aware of **Planning Aid**, a voluntary service currently grant funded by the Royal Town Planning Institute and the Welsh Assembly Government offering free, independent and professional advice and support on town planning matters to community groups and individuals who cannot afford to employ a planning consultant:

Planning Aid Wales
Bay Chambers
West Bute Street
Cardiff
CF10 5BB

Telephone: 029 2048 5765

Email: ccc paw@btconnect.com

Website: www.planningaidwales.org.uk