



Department for
Communities and
Local Government

Consultation: planning and travellers

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Summary of consultation

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| <p>Topic of this consultation</p> | <p>This consultation seeks views on proposed changes to planning policy and guidance ensuring fairness in the planning system; and strengthening protection of our sensitive areas and Green Belt.</p> <p>The proposals would ensure that the planning system applies fairly and equally to both the settled and traveller communities; further strengthen protection of our sensitive areas and Green Belt; and address the negative impact of unauthorised occupation.</p> |
| <p>Scope of this consultation</p> | <p>The proposals relate primarily to changes to Planning Policy for Traveller Sites, although some would apply to the settled community and would involve changes to wider national planning policy.</p> <p>The Government remains committed to increasing the level of authorised traveller site provision in appropriate locations to address historic undersupply as well as to meet current and future needs.</p> <p>However, the Government also believes that further measures are needed to ensure that planning rules apply fairly and equally to both the traveller and settled community. The Government's view is that where travellers have ceased to travel then they should be treated no differently to members of the settled community.</p> <p>Since the introduction of Planning Policy for Traveller Sites in March 2012 Ministers have also become increasingly concerned that it is not providing sufficient protection for our sensitive areas and the Green Belt. The proposals would further strengthen protection for these areas.</p> <p>Furthermore, the Government continues to hear about the problems caused by a minority of travellers who ignore planning rules and occupy sites without applying for planning permission. This undermines confidence and trust in the planning system and prevents it from acting effectively. The proposals would further assist those councils in dealing with unauthorised occupation of land.</p> <p>In addition, we also wish to consult on streamlined draft planning guidance which primarily aims to support councils robustly assess their traveller site need.</p> |
| <p>Geographical scope</p> | <p>This proposal relates to England alone.</p> |
| <p>Impact Assessment</p> | <p>The potential impacts of this proposal are set out in the accompanying Equalities Statement.</p> <p>Question 12 asks specifically for comments on the potential impacts that the proposals in this paper may have on either the traveller community or the settled community.</p> |

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| To: | This is a public consultation open to anyone with an interest in planning policy and guidance for travellers. In particular we are keen to hear views from local planning authorities, Gypsy and Traveller groups and representatives as well as travellers. |
| Body responsible for the consultation: | The Department for Communities and Local Government |
| Duration: | 10 weeks from 14 September to 23 November 2014 |
| Enquiries: | Owen Neal 0303 444 44412 owen.neal@communities.gsi.gov.uk ; or PPTS@communities.gsi.gov.uk |
| How to respond | <p><u>In writing to:</u></p> <p>Owen Neal Planning – Economy and Society Department for Communities and Local Government Fry Building 2 Marsham Street London SW1P 4DF</p> <p><u>Or by email to:</u></p> <p>PPTS@communities.gsi.gov.uk</p> <p>In developing this consultation we have taken careful account how best to engage with the traveller community, particularly in relation to traveller levels of literacy, nomadic habit of life, and socio-economic disadvantage. The consultation process is designed to engage appropriately, specifically we have:</p> <ul style="list-style-type: none"> - produced an easy to read version of the consultation document (paying attention to Plain English standards where possible); - and will engage, with organisations representing the traveller community throughout the consultation period; - put arrangements in place to hold oral hearings sessions during the consultation period. Please contact Owen Neal on 0303 444 4412, PPTS@communities.gsi.gov.uk |
| Additional ways to become involved: | <p>We would be keen to receive views in writing, by telephone or through meetings with relevant parties. Please contact Owen Neal to arrange.</p> <p>We also intend to hold oral hearing sessions with traveller groups and representatives to ensure effective engagement with the consultation proposals.</p> |
| After the consultation: | <ul style="list-style-type: none"> • A Government response, including a summary of responses, will be published; and • An updated Planning Policy for Traveller Sites, subject to the outcomes of the consultation, will be produced • Draft planning guidance on assessing accommodation |

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| | needs of gypsies and travellers will be laid in Parliament (as required under Section 226 of the Housing Act 2004). |
| Compatibility with the Consultation Principles | This consultation complies with the Consultation Principles. |

Proposed changes to national planning policy and Planning Policy for Traveller Sites

1. Introduction

- 1.1 The National Planning Policy Framework and Planning Policy for Traveller Sites were both published in March 2012. The two were designed to be read in conjunction.
- 1.2 The Government remains committed to increasing the level of authorised provision in appropriate locations to address historic under supply and meet present and future site needs. Our policy is clear that local authorities are responsible for objectively assessing their own site needs and identifying a suitable five-year supply of sites to meet their needs, as is consistent with national planning policy as a whole.
- 1.3 In planning positively to meet their local traveller sites needs, especially where local authorities are limited by particular special or strict planning constraints across their area, councils may wish to consider the production of joint development plans that set targets on a cross-authority basis and provide more flexibility in identifying sites.
- 1.4 The National Planning Policy Framework sets out that, once established, local authorities should only alter Green Belt boundaries in exceptional circumstances, through the preparation or review of the Local Plan.
- 1.5 To support councils to plan to meet their traveller sites needs and deliver increased authorised site provision, the Government has since March 2012:
 - made available £60 million in Traveller Pitch Funding to help councils and housing associations build new traveller sites;
 - ensured that traveller pitches attract the New Homes Bonus in exactly the same way as other forms of housing;
 - set aside £50,000 to fund a training programme for councillors to support them in their leadership role in relation to traveller site provision and planning applications for sites. Nearly 1,000 councillors and their partner agencies have now benefited from this training.
- 1.6 In addition the Government is working to address the inequalities the gypsy and traveller communities suffer with respect to health and education.
- 1.7 The Government is committed to delivering a planning system that applies equally and fairly to all, and is keen to ensure that policy provides fair and equal treatment to both the traveller and settled communities; a perception that it doesn't can often fuel community tensions. Travellers who have given up travelling permanently should be

treated in the same way as the settled community, especially regarding sites in sensitive locations, such as the Green Belt.

- 1.8 The Government is also committed to planning policies that protect our sensitive areas and Green Belt. Since the introduction of our traveller planning policy over two years ago Ministers have become increasingly concerned that it is not providing sufficient protection for these areas.
- 1.9 The Government is also aware of the problems (outlined further on in this paper) caused by a small minority of travellers who continue to ignore planning rules and occupy land in an unauthorised way. This also fuels community tension and undermines confidence and trust in the planning system. This is unfair on the majority who choose to play by the rules, and brings the system into disrepute.
- 1.10 Further, a small number of areas are unfairly affected by large-scale unauthorised occupation of land and are required to plan to meet the increased need for traveller sites that arises from those who choose to ignore planning rules. This discourages councils from taking swift and decisive enforcement action against unauthorised sites and in some cases places an increased burden on a particular area in planning for sites.
- 1.11 This consultation paper seeks views on a number of proposals to amend national planning policy and Planning Policy for Traveller Sites to strengthen policy in these areas.
- 1.12 The Government is also committed to making the planning system simpler, clearer and easier for people to use, allowing local communities to shape where development should and should not go. Our intention still remains to review in the future whether Planning Policy for Traveller Sites should be incorporated within the National Planning Policy Framework, which will be considered as part of any wider review of the Framework.
- 1.13 In line with the new streamlined planning guidance launched earlier this year, we also wish to seek views on updated planning guidance to support how local authorities objectively assess their own traveller accommodation needs. This guidance would replace the previous Administration's guidance on assessing gypsy and traveller accommodation needs.

2. Ensuring fairness in the planning system

- 2.1 Annex 1 to Planning Policy for Traveller Sites defines “gypsies and travellers” and “travelling showpeople”.

“For the purposes of this planning policy “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 showpeople or circus people travelling together as such.

For the purposes of this planning policy, “travelling showpeople” means:

Members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or their family’s or dependants’ more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily or permanently, but excludes Gypsies and Travellers as defined above.”

- 2.2 Current policy requires that those who have ceased travelling permanently for reasons of health, education or old age (be it their needs or their family’s or dependents’) are for the purposes of planning treated in the same way as those who continue to travel.
- 2.3 The Government feels that where a member of the travelling community has given up travelling permanently, for whatever reason, and applies for a permanent site then that should be treated no differently to an application from the settled population (for example, seeking permission for a Park Home). This would not prevent applications for permanent sites, but would mean that such applications would be considered as any other application for a permanent caravan site would be: i.e. not in the context of Planning Policy for Traveller Sites.
- 2.4 This is not about ethnicity or racial identity. It is simply that for planning purposes the Government believes a traveller should be someone who travels.
- 2.5 The Government therefore proposes amending the current definition of both “gypsies and travellers” and “travelling showpeople” in Annex 1 to Planning Policy for Traveller Sites to remove the words or permanently (underlined in the current definitions in paragraph 2.1 above) to the effect that it would be limited to those who have a nomadic habit of life. The Government is conscious of the need to facilitate the traveller way of life, including the right to family life and in considering whether there should be amendment to the definition will continue to bear this in mind.
- 2.6 We therefore propose to amend the definition of “gypsies and travellers” for the purposes of planning policy to:

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, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

2.7 And "travelling showpeople" for the purposes of planning policy to:

Members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or their family's or dependants' more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily, but excludes Gypsies and Travellers as defined above.

2.8 In determining whether applicants for traveller sites would fall under the proposed new definition, decision takers should give close scrutiny to whether the applicants are in fact living a nomadic lifestyle.

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?

2.9 To complement the proposals set out above, the Government wishes to seek views on further measures to support those travellers which fall under the proposed new definition in order to facilitate their nomadic habit of life. For example, through the use of conditions which ensure that transit sites are available at certain times of the year for travellers to occupy on a temporary basis. This of course would be a matter for the local authority but may go towards making provision for those travellers who do travel. We are open to views on how we could further facilitate travellers' nomadic habit of life including its potential effects on the traveller community.

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

2.10 Section 225 of the Housing Act 2004 requires each local housing authority when undertaking a review of housing needs in their districts (under section 8 of the Housing 1985) to carry out an assessment of the accommodation needs of gypsies and travellers residing or resorting to their district. The meaning of gypsies and travellers for this purpose is defined in the Housing (Assessment of Accommodation Needs) (Meaning of Gypsies and Travellers) (England) Regulations 2006 ("2006 regulations"). This is:

*Persons with a cultural tradition of nomadism or of living in a caravan; and
All other persons of a nomadic habit of life, whatever their race or origin, including –
Such persons who, on grounds only of their own or their family's or dependent's educational or health needs or old age, have ceased to travel temporarily or permanently.*

2.11 The Government wishes to simplify and streamline the processes for assessing needs of gypsies and travellers for planning and housing purposes. We would like therefore to seek views on amending secondary legislation to bring the definition of “gypsies and travellers”, set out under the 2006 regulations, into line with the proposed planning definition of “travellers” set out above. The effect would be to limit the definition to those who have a nomadic lifestyle.

2.12 In doing so, we would consider whether change to primary legislation is needed to ensure that those who have given up travelling permanently would have their needs assessed.

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?

3. Protecting sensitive areas and the Green Belt

- 3.1 The National Planning Policy Framework accords significant protection to those sites and areas protected under the Birds and Habitats Directives and / or sites designated as Sites of Special Scientific Interest; Local Green Space, an Area of Outstanding Natural Beauty, or within a National Park (or the Broads). To ensure these special protections are given full consideration, the Government proposes amending Planning Policy for Traveller Sites to include sections replicating the relevant parts of the Framework. This is not a change of policy, but rather clarification that those relevant parts of the Framework apply to the provision of traveller sites.

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

- 3.2 Paragraph 23 of Planning Policy for Traveller Sites requires local planning authorities to strictly limit new traveller site development in open countryside. The Government wishes to strengthen this to reflect the importance of accounting for the intrinsic character and beauty of the countryside. The Government therefore proposes amending paragraph 23 to say “Local planning authorities should very strictly limit new traveller site development in open countryside.” (Italicised and underlined simply to highlight the change for the purposes of this consultation. The Government does not propose italicising or underlining the word in the amended policy document.)

Q5 – Do you agree that paragraph 23 of Planning Policy for Traveller Sites should be amended to “local authorities should very strictly limit new traveller sites in the open countryside”? If not, why not?

- 3.3 The Government wants local authorities to plan positively to meet their current and future traveller needs. However, the National Planning Policy Framework in conjunction with Planning Policy for Traveller Sites makes clear that traveller sites and conventional housing in the Green Belt are inappropriate and should be permitted only where very special circumstances exist: i.e. where the harm to the Green Belt and any other harm is clearly outweighed by the benefits of the development.
- 3.4 This was re-emphasised by Government through the Written Ministerial Statements of 1 July 2013 and 17 January 2014, which said “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”.
- 3.5 Paragraph 25 of Planning Policy for Traveller Sites sets out that where a local authority cannot demonstrate an up-to-date five year supply of deliverable sites then this should be a significant material consideration when determining proposals for temporary planning permission.

- 3.6 The Government wishes to maintain this approach - not least because it encourages local authorities to work towards addressing their site needs - but believes this has not provided sufficient protection for the Green Belt and other sensitive areas (listed in paragraph 3.1 above).
- 3.7 The Government therefore proposes to amend paragraph 25 in Planning Policy for Traveller Sites to make clear that it does not apply to land designated as Green Belt; sites protected under the Birds and Habitats Directives and / or sites designated as Sites of Special Scientific Interest; Local Green Space, an Area of Outstanding Natural Beauty, or within a National Park (or the Broads).
- 3.8 The absence of an up-to-date five year supply of deliverable sites would therefore no longer be a significant material consideration in favour of the grant of temporary permission for sites in these areas. It would remain a material consideration, but its weight would be a matter for the decision taker.
- 3.9 If adopted, the Government would ensure similar appropriate provisions applied for the settled community.

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

- 3.10 In many cases the weight attached to unmet need for traveller sites in combination with the personal circumstances of the occupants is being given greater weight than the harm to the Green Belt justifying planning permission for inappropriate development. As a result there is a greater disproportionate impact on the Green Belt from traveller decisions compared with those for conventional housing.
- 3.11 The Government recognises that case law derived from the United Nations Convention on the Rights of the Child establishes that the best interests of the child are a primary consideration in planning decisions affecting children, and that no consideration is inherently more important than the best interests of the child. The best interests of the child will vary from case to case and there may be circumstances where those best interests suggest living off-site rather than on-site.
- 3.12 Substantial weight should therefore be given to the best interests of the child; however those interests are capable of being outweighed by the harm to the Green Belt and any other harm dependent on the circumstances of the specific case.
- 3.13 The Government therefore proposes to amend national planning policy and Planning Policy for Traveller Sites to provide 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.

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?

4. Addressing unauthorised occupation of land

- 4.1 Although we have been clear that local authorities should be addressing their traveller community's site needs through the local plan-making process and provision of sites, the Government is nonetheless concerned about those who intentionally ignore planning rules and occupy land without planning permission.
- 4.2 Unauthorised occupation occurs when the owners of land set up residence without first obtaining the necessary planning permission. Applying for planning permission before occupation allows for proper consideration of the issues, which can weigh in favour or against an individual proposal, in order that a balanced view can be formed and a decision made, including whether any conditions or limitations should be attached in respect of permission.
- 4.3 Intentional unauthorised occupation – whether by travellers or members of the settled community – reduces the effectiveness of the planning system and undermines public confidence and trust in its function.
- 4.4 A cornerstone of the planning system is the ability of local authorities to impose conditions on a planning permission to mitigate any negative impacts, for example, environmental harm or public health and safety issues. A condition might require alterations to an access to the public highway to ensure road safety, or ensure that measures are taken to reduce flood risk; or preserve and enhance ancient woodland. Where occupation takes place without planning permission, there is no opportunity to appropriately limit or mitigate harm that has already taken place.
- 4.5 Furthermore, it is clear that the intentional unauthorised occupation of land particularly in sensitive areas (including the Green Belt) where those who would apply through the proper channels would be unlikely to gain permission, is highly contentious at the local level and fuels tension between the site occupants and the surrounding community.
- 4.6 There is also clearly a financial cost to the public purse in dealing with the intentional unauthorised occupation of sites once it occurs. Costs that would not have been incurred had planning permission been sought and gained before occupation and development took place. These costs are incurred by councils in taking enforcement action, and in some cases the costs of bailiffs and police action.
- 4.7 The Government believes that further steps are needed to uphold confidence and trust in the planning system and save enforcement costs, including in its ability to protect sensitive areas.
- 4.8 The Government does not wish to remove the ability to apply for retrospective planning permission, which allows for the correction of innocent mistakes where applicants are unaware that planning permission is required. But at the same time, intentional abuse of the system by those who choose to ignore planning rules is unacceptable and brings the planning system into disrepute.
- 4.9 The Government therefore proposes to amend national planning policy and Planning Policy for Traveller Sites to make clear that intentional unauthorised occupation,

whether by travellers or members of the settled community, should be regarded by decision takers as a material consideration that weighs against the grant of permission.

4.10 For the avoidance of doubt, this does not mean that retrospective applications should be automatically refused, but rather failure to seek permission in advance of occupation will count against the application. It will, the Government hopes, encourage all applicants to apply through the proper planning processes before occupying land and carrying out development.

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?

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

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

4.11 The occupation of large-scale unauthorised sites in particular can distort the level of need in an area. Such sites could encourage other travellers to locate to the area from elsewhere in the country which increases the local authority's level of need. Some areas in particular are burdened by large unauthorised sites, which make it difficult for those local authorities to plan to meet their traveller needs, particularly where they are subject to strict or special planning constraints.

4.12 Although such large-scale sites are highly exceptional their impact on the local area is significant. Their existence places a heavy burden on a small number of local authorities, as they can incur significant costs associated with enforcement action against a large number of occupants and then have to plan to meet the increased need which arises from the unauthorised occupation. This can fuel community tensions and undermine public trust and confidence in the planning system.

4.13 The Government believes that it is unfair that a small number of authorities have to bear the burden in planning to meet the site needs of people who have created such a need in a locality by ignoring planning rules and occupying large-scale unauthorised sites. This could discourage them from taking early enforcement action, choosing instead to tolerate such sites, and encourage those travellers to occupy land without planning permission.

4.14 The Government believes that the specific proposals set out in this paper above will help greatly to relieve the pressure on the small number of authorities which are in this exceptional situation. However, we are keen to know whether any additional measures might also assist.

4.15 Under current national planning policy where the local authority can demonstrate that their objectively assessed needs cannot be met due to physical or policy constraints on their area, they are not required to meet them in full. This is particularly relevant to

those local authorities faced with a large-scale unauthorised site, and to help to alleviate the burden on such authorities, the following is proposed.

4.16 We could amend Planning Policy for Traveller Sites to set out that in exceptional cases, where a local authority is burdened by a large-scale unauthorised site which has significantly increased their need, and their area is subject to strict and special planning constraints, then there is no assumption that the local authority is required to plan to meet their traveller site needs in full.

4.17 This policy would recognise that that the level of site provision the local authority in this exceptional situation could reasonably plan to provide would be less than their objectively assessed need. The possible effect is likely to mean that those travellers evicted from the large-scale unauthorised site may not have their needs met in the local area and would need to relocate in order to find a suitable alternative provision. Local authorities would need to have regard to the realistic alternatives available to residents of such sites, and the effects on the residents of not meeting their needs, when formulating policies and reaching development management decisions.

Q11 – Would amending Planning Policy for Traveller Sites in line with the proposal set out in paragraph 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?

4.18 The Government is keen to ensure that its policies deliver positive outcomes and that it properly considers the implications of these proposals before deciding how to proceed.

Q12 – Are there any other points that 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?

4.19 In line with the recently published streamlined planning guidance, we wish to consult on updated planning guidance to support councils in objectively and accurately assessing their own traveller needs as set out in Planning Policy for Traveller Sites. For the avoidance of doubt this guidance would form the statutory guidance on assessing gypsy and traveller accommodation needs as given by the Secretary of State under section 226 of the Housing Act 2004¹). Once published, the relevant sections would replace the previous Administration’s guidance and would cancel the following guidance:

- Local authorities and Gypsies and Travellers: a guide to responsibilities and powers (2007)
- Preparing Regional Spatial Strategy reviews of Gypsies and Travellers by regional planning bodies (2007)
- Designing Gypsy and Traveller Sites - Good Practice Guide (2008)
- Gypsy and Traveller Accommodation Needs Assessments - Guidance (2007)

¹ (<http://www.legislation.gov.uk/ukpga/2004/34/contents>)

4.20 For the avoidance of doubt this guidance would form the statutory guidance on assessing gypsy and traveller accommodation needs as given by the Secretary of State under section 226 of the Housing Act 2004

4.21 It is a requirement that before the relevant sections of this guidance (Questions 1 – 4) can take effect it be laid before Parliament.

4.22 Furthermore, we also wish to clarify that in some circumstances it may be appropriate to use a Temporary Stop Notice where unauthorised development has occurred on land not owned by travellers (Question 5).

4.23 The draft planning guidance for travellers is available at Annex A.

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

Annex A - Draft planning guidance for travellers

1. Why assess traveller accommodation needs?

Travellers are members of our communities and have particular accommodation needs. Planning Policy for Traveller Sites requires that local authorities use a robust evidence base to establish accommodation needs to inform the preparation of Local Plans and make planning decisions. Robust evidence on traveller accommodation needs will be important in securing a sound Local Plan.

When undertaking a review of housing needs in their district under Section 8 of the Housing Act 1985, Section 225 of the Housing Act 2004 requires that local housing authorities carry out an assessment of the accommodation needs of Gypsies and Travellers (as defined in Statutory Instrument 2006/3190) residing in or resorting to their district.

2. How should local authorities assess current traveller accommodation needs?

Local authorities should take account of travellers specific accommodation needs which relates to:

- their nomadic lifestyle
- their preference for caravan-dwelling
- movement between housing and caravans
- their preference for mixed use caravan sites
- the absence of a market for sites owing to lack of site provision or local hostility

And, consider their type of accommodation need in relation to:

- private sites
- sites owned by a Registered Provider
- affordable housing occupied by travellers
- other housing occupied by travellers
- different types of site e.g. transit sites

Local authorities should assess needs for different types of travellers, whatever their race or origin, taking account of their different traveller lifestyles and cultures.

Local authorities should engage both the local traveller and settled communities and involve other local authorities to assess their traveller needs as part of the Duty to Cooperate. The area to be covered by the assessment will largely depend on travel and movement patterns.

3. How should local authorities assess future traveller accommodation needs?

Local authorities should establish:

- The change in the number of traveller households that have or are likely to have accommodation needs to be addressed over the Local Plan period
- Broad locations where there is a demand for additional pitches
- The level, quality and types of accommodation and facilities needed (eg sites; housing)

- The demographic profile of the traveller community obtained from working directly with them
- Caravan count data at the local level
- Whether there are different needs at different times of the year – travelling is usually concentrated during the summer

4. What sources of information could local authorities use in assessing traveller accommodation needs?

- Caravan count data maintained by the Department for Communities and Local Government – eg number of caravans and the types of site on which they are located
- Site management information – eg site waiting lists; pitch turnover; length of licenses; transfer applications
- Information on private authorised sites – number of caravans permitted on each site; type of planning permission; restrictions on occupancy
- Information from recent applications, whether successful or unsuccessful, or enforcement action
- Data from other service providers – eg health and education
- Information gathered by traveller groups or representative bodies eg the Showmen's Guild
- Data from surveys of traveller accommodation needs

5. Can a Temporary Stop Notice be used on land not owned by travellers?

Yes. It may be appropriate in some circumstances for the local planning authority to issue a Temporary Stop Notice where the breach of planning control has occurred on land owned by a third party, including the local authority or another public authority.

About this consultation

This consultation document and consultation process have been planned to adhere to the Consultation Principles issued by the Cabinet Office.

Representative groups are asked to give a summary of the people and organisations they represent and, where relevant, who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000, the Data Protection Act 1998 and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the Freedom of Information Act, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the department.

The Department for Communities and Local Government will process your personal data in accordance with DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. Individual responses will not be acknowledged unless specifically requested.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

Are you satisfied that this consultation has followed the Consultation Principles? If not, or you have any other observations about how we can improve the process, please contact the DCLG Consultation Co-ordinator.

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or by e-mail to: consultationcoordinator@communities.gsi.gov.uk