



## Advice produced by the Planning Inspectorate for use by its Inspectors

### CONSULTATION: PLANNING FOR TRAVELLER SITES

1. The Government announced on 29 August 2010 its intention to withdraw the current planning guidance for gypsy & traveller sites and travelling showpeople, set out in Circular 01/2006 and Circular 04/2007 respectively, and replace with a single slimmed down, light-touch Planning Policy Statement (PPS) for traveller sites, as part of the intended planning reforms.
2. This [consultation](#) announced as part of the statement on 13 April by Eric Pickles – '[Time for fair play for all on planning](#)', seeks views on the proposed new, single PPS<sup>1</sup> for traveller sites in England, which in line with the Government's planning reforms and the [localism bill](#) returns powers to Local Authorities (LA's) by removal of the housing and traveller sites targets as a result of the abolition of regional strategies. It will be for the LA's to determine the right level of site provision in their area, in consultation with the local community.
3. LA's will be given financial incentives to deliver new housing through the [New Homes Bonus Scheme](#), which includes traveller sites, as well as £60 million of grants to support them in building and planning new official sites.
4. Through amendments to the Mobile Homes Act 1983<sup>2</sup>, persons living on local authority traveller sites will have the same tenancy rights as those for any other mobile home sites, which will result in improved protection against eviction.
5. The Government proposes that for the purposes of the new PPS the term "travellers" includes "gypsies and travellers" and "travelling showpeople", as defined in Annex A of the proposed PPS.
6. To make the policy more consistent with provisions for housing for settled communities, the proposed transitional arrangements request that LPA's "treat favourably" applications for temporary permission where the LPA has not planned for a five year supply of traveller pitches/plots as opposed to the current Circulars, which state that "substantial weight" should be given to unmet need when considering temporary permission.
7. The consultation draft guidance contains a number of significant differences from the advice currently contained in Circulars 1/2006 and 04/2007. It is accordingly likely to be referred to by parties in current appeal and development plan casework. Whilst it is a consultation document and, therefore, subject to potential amendment, nevertheless it gives a clear indication of the "direction of travel" in the Government's mind. Therefore regard should be had to it as a material consideration, albeit that the current Circulars remain in place in the mean-time.

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<sup>1</sup> The 'Planning for Traveller Sites' PPS is at Annex A of the consultation document.

<sup>2</sup> [1983 c.34](#) amended by SI's 2011 No. [1003](#), [1004](#), [1005](#) & [1006](#). DCLG Guidance – [Applying the Mobile Homes Act 1983 to local authority traveller sites](#) (DCLG, 13 April 2011)

8. When conducting casework you should have regard to the consultation draft guidance and apply the advice in Annexes [A](#) and [B](#) below as appropriate.

**APPEALS & CALL-INS – Gypsy & Traveller Casework Management**

- 1) The key test for an Inspector considering the potential relevance of the Government's emerging policy position on planning policy relating to travellers to a piece of casework will be to identify whether the case turns on, or refers to, any of the matters raised by the consultation document, and if it does what action to take in the interests of fairness to the parties.
- 2) The proposed changes, outlined above, are significant in number and could have a material bearing on the cases put and thus the decision reached by the decision maker. They are, however, draft so Inspectors need to have regard to the proportionality of referring back to the parties in cases where, realistically, it is not likely that such reference would result in a change in the balance of considerations.
- 3) Measures are in place to identify new incoming casework that has not yet been dispatched to Inspectors where the draft guidance may be relevant and case officers will proactively seek the parties' views. There will inevitably already be relevant such cases with Inspectors, and we particularly ask for your vigilance in identifying early and considering whether any proactive action needs to be taken where the draft guidance is likely to be relevant and may affect the cases put and your decision. Moreover, you might already have sent some cases in for issue / reading, in which case please alert OST urgently if you consider that a reference back to parties and/ or adjustment of what you have written is required.
- 4) The following approach has been developed to assist in determining which cases may merit revisiting, which may be dealt with by a reference back to the parties for comment and which cases may not need any additional action. There will be a considerable degree of judgement necessary in reaching the decision as to whether to refer back. The following principles should however be applied:
  - where the emerging guidance has no material relevance, and the cases put by the parties make no reference either to the relevant Circular (admittedly unlikely) or to local policies reflecting it, no further action is required;
  - where the parties' cases rely significantly on the approach in the relevant Circular and you judge the new guidance to approach the particular matter differently (or no longer to address a particular and relevant matter), the parties should be canvassed. If the case is going by inquiry or hearing and it has closed, most should nonetheless be capable of being addressed in writing (OST will issue the letters). However, some events may need to be reopened if the parties argue convincingly thus and you agree.

**PLAN EXAMINATIONS**

- 1) The first guiding principle in development plan work is where possible to ensure that gypsy and traveller and other sessions where representations may currently rely on national policy as set out in the current Circulars do not proceed immediately, or that space is provided for relevant issues to be revisited before the examination is closed. As with appeal casework a judgement will need to be made about the relevance of the consultation document and what action to take in the interests of fairness to the participants in the examination. The proposed changes are draft, so Inspectors and Examiners will need to have regard to the proportionality of referring back to the participants where, realistically, it is not likely that such reference would result in a change in the balance of soundness considerations. Where you judge that consultation would not assist you in assessing the soundness of the Plan being examined no action is necessary.
- 2) **Preparation before the pre-hearing meeting (PHM)** – At the PHM, make it clear that gypsy and traveller and other sessions where representations may currently rely on national or local policy as stated in or reflecting the current Circulars will be scheduled, so as to give all parties the opportunity to take into account in their representations the potential effect of revised draft guidance.
- 3) **Preparation after the pre-hearing meeting (PHM) and gypsy and traveller session scheduled** – Defer discussion of gypsy and traveller and other policy topics where representations potentially reflect the current Circulars until the parties have been given an opportunity to consider the potential effect of the revised draft guidance as in step 2.
- 4) **Examination hearings in progress** - Defer discussion of gypsy and traveller and other policy topics where representations potentially reflect the current Circulars until an opportunity has been given as in step 3 (if not possible go to step 5).
- 5) **Examination hearings in progress where gypsy and traveller issues are the current topic** - Continue on the basis current policy, but, after canvassing the views of the parties, allow a suitable adjournment to consider potential effect of revised guidance as in step 4.
- 6) **Examination hearings in progress but gypsy and traveller issues are already dealt with** - Seek the views of the parties on the implications of the Ministerial Statement and draft revised gypsy and traveller guidance (see the '[Planning for Growth](#)' advice for procedural details). Be prepared to re-open the hearing if you consider that the policy implications are potentially material to your assessment or if parties take a strong view that they need to address you on its implications. But preferably use the written representations approach.
- 7) **Report is being prepared** – As step 6 above.
- 8) **Report completed but not yet sent** – On the basis that one of steps 1 to 7 has already been implemented, proceed to send it.
- 9) If none of the steps before 8 have been completed, return to step 7.