

Annex 2

CONSULTATION FORM

Circular - Planning for Gypsy, Traveller and Showpeople Sites

We want to know your views on the Welsh Government's Draft Circular – Planning for Gypsy, Traveller and Showpeople Sites.

Please submit your comments by 22 May 2017

If you have any queries on this consultation, please email:
planconsultations-h@wales.gsi.gov.uk or telephone: 0300 025 3524

Data Protection

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tick the box below. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

Confidentiality

Responses to consultations may be made public on the internet or in a report.

If you do not want your name and address to be shown on any documents we produce please indicate here

If you do not want your response to be shown in any document we produce please indicate here

CONSULTATION FORM

Circular - Planning for Gypsy, Traveller and Showpeople Sites (Consultation)

Date		
Name	Jane Lee	
Organisation	Welsh Local Government Association	
Address	Local Government House Drake Walk Cardiff CF10 4LG	
E-mail address	Jane.lee@wlga.gov.uk	
Telephone		
Type <i>(please select one from the following)</i>	Businesses	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, enterprises, religious, not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above)	<input type="checkbox"/>

Q1	Do you agree that the draft Circular provides appropriate information on current legislation and guidance that sets the context for local authorities to provide appropriate sites and accommodation for Gypsy and Traveller communities?	<input checked="" type="checkbox"/> X
	Agree	
	Neither Agree nor Disagree	<input checked="" type="checkbox"/> X
	Disagree	
Further comments		
<p>The Circular draws together the relevant requirements into one place which is useful and provides a consistent definition of Gypsies and Travellers with the Housing (Wales) Act. However, clarification is required to ensure the definition is applied consistently. To aid planners and other users in the application of the definition clear guidance on what 'cultural tradition' means in practice would be welcome i.e. how would this be evidenced?</p>		

Q2	Do you agree that the draft Circular provides appropriate information on all types of site considered to be 'Gypsy and Traveller Sites' under current legislation and guidance?	<input checked="" type="checkbox"/> X
	Agree	
	Neither Agree nor Disagree	<input checked="" type="checkbox"/> X
	Disagree	

Further comments

There are mixed views from LPAs regarding this question. There is a desire for more clarity as to what a 'site' is defined as. For example there is nothing stating that gypsy and traveller site may not include a dwelling. There are instances where sites have wanted to create dwellings to suit the needs of individuals.

It was also felt that the Circular lacked guidance relating to private sites. This guidance is only applicable to Local Authority owned sites and not to privately owned Gypsy-Traveller sites.

It should be made clearer that different types of Gypsies and Travellers may require different types of sites. The Designing Gypsy and Traveller Sites in Wales Guidance is targeted primarily towards the requirements of Romany and Irish Travellers rather than New Travellers or Travelling Showpeople.

Q3	Do you agree that the draft Circular provides appropriate guidance to local authorities on how to use the findings of their Gypsy Traveller Accommodation Assessments to inform site provision during LDP preparation? If not, how can this guidance be improved?	X
	Agree	
	Neither Agree nor Disagree	X
	Disagree	

Further comments

It is considered that further guidance is required to explain the differences between Transit and Temporary Stopping Places and the calculation of Transit need. The publication of clearer guidance would greatly assist Local Authorities in determining what types of sites are required for visiting Gypsies and Travellers and would provide greater consistency in identifying need for transit sites throughout Wales.

Q4	Do you agree that the draft Circular provides appropriate guidance on how local authorities may work collaboratively in order to identify need and allocate suitable Gypsy and	X
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	Traveller site accommodation within their respective LDPs? If not, how can this guidance be improved?	
	Agree	<input checked="" type="checkbox"/>
	Neither Agree nor Disagree	
	Disagree	
Further comments		
<p>Collaboration between Local Authorities is appropriate as travelling patterns may not be restricted by Local Authority boundaries and it is important to understand wider patterns. This proposal chimes with the increase in collaboration between LPAs.</p>		

Q5	Do you agree that the draft Circular provides appropriate guidance to local planning authorities on how they should allocate sites for Gypsy and Traveller accommodation through the LDP process? If not, how can this guidance be improved?	<input checked="" type="checkbox"/>
	Agree	
	Neither Agree nor Disagree	<input checked="" type="checkbox"/>
	Disagree	
Further comments		
<p>There are mixed views from LPAs on this question. There is no significant disagreement but comments regarding clarity and layout are set out in the individual LPA responses. Examples include:</p> <ul style="list-style-type: none"> • It should be clarified that the WG Good Practice Guidance "Designing Gypsy and Traveller Sites is not applicable to the design of private Gypsy and Traveller sites (paragraph 38) • Paragraph 30 notes the existence of 'Guidance on Managing Unauthorised Camping' which is referenced directly after the text refers to unauthorised development. This is confusing as Unauthorised Camping and Unauthorised Developments are two separate issues, which are clearly stated in the opening sections of the guidance. It 		

would be useful to set out the differences here and refer to any relevant guidance on the topic of unauthorised development.

Q6	Do you agree that the draft Circular provides appropriate guidance to local authorities on when to consider transit sites or temporary stopping places? If not, how can this guidance be improved?	X
Agree		
Neither Agree nor Disagree		x
Disagree		
Further comments		
There is limited detail on the mechanism for introducing temporary sites/temporary stopping places.		
Paragraph 44 refers to a “significant number of unauthorised encampments”. However, there is no guidance in the draft Circular regarding the interpretation of “significant”.		

Q7	Do you agree that the draft Circular provides appropriate guidance to local planning authorities on the circumstances where they may include an ‘exception sites’ policy for Gypsy and Traveller accommodation within their respective LDPs? If not, how can this guidance be improved or changed?	X
Agree		
Neither Agree nor Disagree		
Disagree		x
Further comments		
Paragraph 50 of the circular states that the exception site policies for Gypsies and Travellers should operate in accordance with the requirements set out in PPW. These requirements		

are known to planners but as the circular is to be used by other groups it would be helpful for the requirements to be set out in the circular or a direct signpost made. As the requirements are straightforward i.e. sites to be within or direct adjacent to a settlement boundary, it would be preferable to have the requirements set out in the circular.

There is a contradiction between paragraph 50 and 51 of the circular where paragraph 51 states that 'sites on the outskirts of built up areas or countryside locations may be suitable as exception sites', this is in direct contradiction with the exception site requirements set out in PPW.

It is proposed that paragraph 52 is deleted due to the nature of the text encouraging the dereliction and making untidy of land in order to gain permission.

Q8	Do you agree that the draft Circular provides relevant guidance to local planning authorities on matters that should be taken into account during the determination of site proposals for Gypsy and Traveller accommodation? If not, how can this guidance be improved?	<input checked="" type="checkbox"/> X
	Agree	
	Neither Agree nor Disagree	<input type="checkbox"/> X
	Disagree	

Further comments

For clarity, it should be explained in the new Circular that Local Authorities will need to follow the "line of best fit" when assessing potential Gypsy-Traveller Sites because it is unlikely that potential sites will fully comply with all the matters referred to in national guidance.

The interchangeable nature of the terms 'need' and 'demand' cause confusion with the interpretation of the document. In order to clarify it would be worth setting out the definition of these terms. It is our understanding that need is for that accommodation which is required out of necessity, whereas demand is that accommodation which is desirable to the occupant.

Q9	Do you agree that the draft Circular provides relevant guidance to local planning authorities on the range of tools that can be used in order to take effective enforcement action against unauthorised Gypsy and Traveller site developments? If not, how can this guidance be improved?	X
Agree		
Neither Agree nor Disagree		x
Disagree		
Further comments		
To assist LPAs take enforcement action where appropriate, the tools available to LPAs need to be strengthened particularly around unauthorised development.		

Q10	Do you agree that the draft Circular provides appropriate information to local planning authorities on the monitoring of planning applications for Gypsy and Traveller sites? If not, how should this information be amended?	X
Agree		x
Neither Agree nor Disagree		
Disagree		
Further comments		
Monitoring work could be done in conjunction with neighbouring LPA given the pressures on staff resources.		

Q11	Do you agree that the annexes to the draft Circular provide appropriate information on additional considerations that are of importance to local authorities during the process of providing sites to Gypsies and Travellers? If not, how can they be amended or improved?	X
Agree		
Neither Agree nor Disagree		x
Disagree		
Further comments		
There is normally a fee payable for seeking pre-application advice from the Local Planning Authority. The need to pay a fee might discourage potential applicants from seeking pre-application advice. Also the Circular does not reflect that the great majority of applications are retrospective in nature.		

Q12	Do you agree that a Circular provides the appropriate format for publishing this guidance? If not, should it be published as a Technical Advice Note?	X
Agree		
Neither Agree nor Disagree		x
Disagree		
Further comments		

Q13	We have asked a number of specific questions. If you have any related issues which we have not addressed, please let us know.	<input checked="" type="checkbox"/> X
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Further comments	
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How to respond

Please submit your comments by 22 May 2017, in any of the following ways:

Email	Post
<p>Please complete the consultation form and send it to :</p> <p>planconsultations-h@wales.gsi.gov.uk</p> <p>[Please include 'Gypsy, Traveller and Showpeople Sites Circular Consultation' in the subject line]</p>	<p>Please complete the consultation form and send it to:</p> <p>Gypsy, Traveller and Showpeople Sites Circular Consultation Planning Policy Branch Planning Directorate Welsh Government Cathays Park Cardiff CF10 3NQ</p>

Additional information

If you have any queries about this consultation, please

Email: planconsultations-h@wales.gsi.gov.uk

Telephone: 0300 025 3524