

The Impact of Planning Circular 1/06 on Gypsies and Travellers in England

Executive Summary

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This executive summary outlines the key findings and recommendations in a fuller research report which examined the impact of Planning Circular 1/06 on the delivery of sites for Gypsies and Travellers. It is part of ongoing analysis of planning appeal data gathered over three tranches of research activity. Initial findings and thoughts are published early in this report as part of a quick response to the draft National Planning Policy Statement – Consultation on planning for traveller sites - which was published by Secretary of State Eric Pickles on 13th April 2011.

Methodology of the Research

The research involved examination of 100% planning *appeal* cases during three tranches and four distinct research periods:

	Time frame	Number of cases
Period 1	1 st November 2005 – 31 st January 2006 (Tranche One – pre Circular 1/06)	75
Period 2	1 st February – 30 th April 2006 (Tranche One – post Circular 1/06)	54
Period 3	1 st February 2007 – 20 th January 2009 (Tranche Two – ‘embedded Circular’)	231
Period 4	27 th May – 31 st December 2010 (Tranche Three – post revocation announcement)	45
		405

Findings

Although a wide range of factors was considered across all cases, which were decided upon by a number of different Planning Inspectors, three key areas seemed to be discussed most:

1. Unmet evidenced need and lack of alternative sites
2. Weighing up impact on the Green Belt
3. Health, education and other personal circumstances

The Planning Circular 1/06 research found that the number of permissions given at appeal increased substantially (from 40% prior to implementation of Circular 1/06 to 70% during the ‘entrenched period’ of implementation of the Circular).

The majority of permissions given during this ‘entrenched period’ were temporary permissions. Inspectors’ discussion on reasons for decisions showed that weight

was given to evidenced need for more sites and lack of alternative accommodation. Appeals were being allowed on a temporary basis to stop the gap.

Since the Secretary of State's announcements to revoke Regional Strategies and Planning Circular/ 1/06 there has been an impact on number of temporary permissions allowed at appeal. Inspectors' decision reports show that the revocation announcements were considered and in some cases, weight was given to this.

Whilst there is clear evidence that Circular 1/06 did have a positive impact on the number of permissions (albeit temporary) given for Gypsy and Traveller sites, this should not be seen as a system skewed to advantage Gypsies and Travellers. Instead the Circular levelled the playing field for this traditionally disadvantaged group.

Key Recommendations

1. Equality Impact Assessments should be undertaken on the cumulative effect of the combined loss of Regional Strategy targets for pitch requirements, together with the withdrawal of Circular 1/06 and the reduction in available government grant funding for site development.
2. Government should consider retaining the word 'normally' in the guidance on consideration of site applications in Green Belts. This would allow decisions to be made on a case by case basis and where it is the most appropriate and least contentious location for a site: Green Belt could be considered as an option.
3. The Government should not remove the obligation for councils to undertake GTAAs specifically from the Planning Guidance, as this may mean councils do not update and use this source of evidence but instead rely on other sources – such as count data – which are not so robust.
4. Government should retain the imperative for Planning Inspectors to give 'substantial weight' to unmet evidenced need and lack of alternative accommodation, in Planning Guidance.
5. Whilst cuts to Government grant for sites fall within a wider context of cuts, the Government should be mindful that there is a *business case* for funding sites to negate spend on dealing with unauthorised encampments and developments. There is a *social case* for facilitating sites to enable Gypsies and Travellers to access healthcare and education.
6. Alternative approaches to site provision, where appropriate, should be supported and facilitated by the Government through matching development funds from charitable organisations, for recyclable grants for schemes such as Community Land Trusts. Currently applications for funding are made through the Traveller Pitch Funding Stream of the HCA National Affordable Housing Programme; it may be appropriate to make additional funding available for this innovation.
7. Care should be taken in political debate on Gypsy and Traveller issues to avoid stoking contentious and discriminatory rhetoric in the popular press and in community debates on site provision.