



## **DRAFT PORTFOLIO HOLDER DECISION NOTICE**

### **PROPOSED INDIVIDUAL DECISION BY THE PORTFOLIO HOLDER FOR PLANNING AND TRANSPORT**

### **TOPIC – DRAFT PLANNING GUIDANCE RELATING TO TRAVELLING SHOWPEOPLE**

#### **PROCEDURAL INFORMATION**

The Access to Information Procedure Rules – Part 4, Section 22 of the Council's Constitution provides for a decision to be made by an individual member of Cabinet.

In accordance with the Procedure Rules, the City Secretary and Solicitor, the Chief Executive and the Director of Finance are consulted together with Chairman and Vice Chairman of the Principal Scrutiny Committee and all Members of the relevant Scrutiny Panel (individual Ward Members are consulted separately where appropriate). In addition, all Members are notified.

Five or more of these consulted Members can require that the matter be referred to Cabinet for determination.

**If you wish to make representation on this proposed Decision please contact the relevant Portfolio Holder and the following Committee Administrator by 5.00pm on Tuesday 15 May 2007**

#### **Contact Officers:**

**Case Officer:** Greg White, Tel: 01962 848 418, Email: [gwhite@winchester.gov.uk](mailto:gwhite@winchester.gov.uk)

#### **Committee Administrator:**

Colin Veal, Tel: 01962 848 438, [cveal@winchester.gov.uk](mailto:cveal@winchester.gov.uk)

#### **SUMMARY**

This report relates to a current consultation by the Department for Communities and Local Government, which puts forward revised planning guidance relating to travelling showpeople. A new draft Circular updates, and replaces, the guidance previously contained in Circular 22/91 and also reflects the overall changes made through the recently issued ODPM Circular 1/06: 'Planning for Gypsies and Travellers'. Consequently, the replacement Circular contains the following main elements:

- To promote and put into effect a better understanding of the distinctive cultural traditions and particular needs of travelling showpeople;
- To incorporate advice on achieving better engagement between local authorities and travelling showpeople, leading to improved levels of mutual understanding and trust within the framework of the planning system;

- To require Local Authorities to identify suitable sites for travelling showpeople in their Development Plan Documents;
- To set out improved guidance for identifying criteria in development plans, against which applications for sites not subject of a specific allocation will be judged;
- Where there is a need for additional plots identified through a Gypsy and Traveller Accommodation Assessment, local allocations should be made in general accordance with the provisions of the Regional Spatial Strategy;
- Where it is not possible to allocate to meet specific requirements, as part of the current round of Regional Spatial Strategies, Regional Planning Boards may need to consider making interim arrangements;
- An acceptance of the need, in certain instances, to accommodate mixed residential and business use, to allow for the maintenance, repair and testing of rides and other machinery;
- In terms of identifying suitable sites, an emphasis on all aspects of sustainability, including access to education, access to other facilities and services and to the provision of a settled base which reduces the need for long-distance travelling.

The accommodation needs of gypsies and travellers and, as a distinct grouping, of travelling showpeople are currently the subject of a detailed assessment being conducted on behalf of all the Hampshire authorities. The results of this Accommodation Assessment will shortly be the subject of consultation with the authorities concerned. Following this stage, a finalised Assessment will be submitted to the South East England Regional Assembly, which will then decide on levels of site provision to be used by individual authorities in the preparation of their Development Plan Documents.

### **PROPOSED DECISION**

It is recommended that the Department for Communities and Local Government be thanked for the opportunity to comment in response to its consultation on revised planning guidance for Travelling Showpeople and that, in response, the following comments should be made:

- 1) The City Council supports the Circular's approach, whereby the distinctive requirements of travelling showpeople are recognised and, in consequence, the matter of providing for their site needs and allocations will be dealt with separately through the Regional Spatial Strategies.
- 2) In light of experience gained, partly as the result of having made positive provision for Travelling Showpeople's sites within the Winchester District, the City Council recommends that the revised Circular should acknowledge that, in terms of 'sites in rural areas and the countryside', some aspects of the repair, maintenance and testing of rides and other machinery may give rise to potential impacts of noise, disturbance and visual intrusion which are unsuitable in certain locations not subject to a nationally recognised designation. These locations may be sensitive or occur in close proximity to existing residential property.

3) The City Council recommends that the Circular's definition of "travelling showpeople" should be expanded, in order to address more precisely the issue of extended families or other travelling groups. Without reasonable limits to these being set, local authorities can encounter situations where it is impossible to distinguish between the main family or travelling group on the one hand and others who become loosely associated with that group simply for the purpose of seeking, or benefiting from, planning permission.

### **REASON FOR THE PROPOSED DECISION AND OTHER ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

The revised Circular rationalises and generally updates planning guidance for travelling showpeople in a way which brings this into line with recently revised guidance for gypsies and travellers. Nevertheless, the new Circular does emphasise that the two groupings are quite distinct and that, in terms of locational and operational needs, travelling showpeople have particular accommodation requirements which set them apart from all other travelling groups.

In acknowledging this distinctive culture and more settled way of life - which generally involves summer travel, from an established base, to fairs and shows within a traditional circuit - the Circular advises authorities to adopt a more co-operative approach to understanding and meeting the needs of travelling showpeople. An important part of this would, for example, require a better two-way flow of information, as part of building greater confidence and trust between local communities and showpeople.

Within the Winchester District there is a small number of mixed residential/business use sites occupied exclusively by travelling showpeople. Most of these exist by virtue of "established use" rights. However, in the recent past, express planning permissions have been additionally granted for a small site at Owslebury and a larger site at Micheldever.

In general, all these sites have been well run and have not given rise to any particular incompatibility with local communities or the local environment. However, in view of the practical operating aspects of many of these small businesses, experience suggests that siting is important, not only in relation to sensitive landscapes, but in regard to good road connections and to established residential property.

It is, therefore, recommended that the Department for Communities and Local Government should be requested to amend the draft Circular, to acknowledge that there may well be practical constraints on siting near to settlements in rural areas, or in sensitive areas of countryside, given the maintenance, repair and testing operations which travelling showpeople often need to carry out on-site.

In addition, it is recommended that the Circular's definition of "travelling showpeople" should be clarified, by setting reasonable limits as to what constitutes a family or other form of "organised group" of travelling showpeople. Without some limit being set, it can be extremely difficult to distinguish between certain family or travelling groups and others who become loosely associated with that group, solely for the purpose of obtaining planning permission.

Overall, the proposed new Circular sets out guidance which is reasonable in its tone and objectives and, importantly, states that meeting the legitimate accommodation needs of travelling showpeople will be addressed separately through the Regional Spatial Strategies.

The City Council is one of the partners to the Hampshire-wide Gypsy and Traveller Accommodation Assessment currently being undertaken. This partnership approach allows information on the site needs of the different groups, including travelling showpeople, to be gathered and assessed on a better co-ordinated and far more comprehensive basis.

For individual District Councils, with their relatively limited capacity to access robust information independently of others, a unilateral approach to determining accommodation needs does not offer a viable alternative and, in any event, could possibly lead to a quota requirement being directly imposed on the City Council by the Regional Assembly.

**FURTHER ALTERNATIVE OPTIONS CONSIDERED AND REJECTED FOLLOWING PUBLICATION OF THE DRAFT PORTFOLIO HOLDER DECISION NOTICE**

None.

**DECLARATION OF INTERESTS BY THE DECISION MAKER OR A MEMBER OR OFFICER CONSULTED**

None

**DISPENSATION GRANTED BY THE STANDARDS COMMITTEE**

None

**Approved by: (signature)**

**Date of Decision**

**Councillor Keith Wood – Portfolio Holder for Planning**