

PLANNING

Planning policy for gypsy and traveller sites: A new dawn?

Matthew Knight, Knights, Tunbridge Wells

Stricter rules that require gypsies and travellers to prove they live a “genuine travelling lifestyle” before being allowed to benefit from special rules to allow development outside settlement boundaries were revealed by the Department for Communities and Local Government (DCLG) as part of a new planning policy which came into effect on 31st August 2015.

‘Settled encampments’

Providing ‘settled encampments’ or sites for Gypsies and Travellers has been a requirement for Local Planning Authorities since the Housing Act 2004, but as of 31st August 2015 in response to calls to strengthen the protection for greenbelt land and to balance out the past planning policy which was largely regarded as unfairly favouring developers claiming to be gypsies and travellers, new rules have been implemented.

The DCLG’s Planning Policy for Traveller Sites adopts a clear stance, with the objective of providing proper support for the gypsy and traveller community who lead a “genuine traveller lifestyle” whilst preventing illegal development by those developers who pretend to be gypsies and travellers but are not.

Those who consider themselves “settled travellers” or travellers who no longer live a nomadic lifestyle will now have to abide by the same planning rules for permanent sites that bind everyone else (“the settled community”). This is a test which is far more arduous than that which such developers previously had to face.

Those who do live a ‘genuine traveller lifestyle’ however will now have to prove it. Although Annex 1 of the policy document provides standard definitions of Gypsies and Travellers, it does not provide guidelines or requirements to enable developers to prove a Gypsy or Traveller life and methods of proving their ‘genuine lifestyle’ to Local Planning Authorities. Unless this blurred area is addressed and defined, it could prove to be a weak link, providing a loophole and causing hindrance to Local Planning Authorities seeking to implement the new changes properly.

Greater countryside protection

The new policy also focuses on providing greater protection for the countryside; aiming to preserve not only the greenbelt land but also sites protected under the Birds and Habitats Directive, Sites of Specialist Scientific Interest, Areas of Outstanding Natural Beauty, National Parks and local green spaces.

Gypsy and Traveller campsites are often viewed by the settled community as a blot on the landscape and are one of the main causes of tension and hostility by the settled towards the travelling community.

This protection from inappropriate development such as by gypsy and traveller encampments will not only benefit the environment in the countryside, but also the relations between the two communities.

But what if this new policy is not adhered to? There have been calls for a stronger deterrent for

developers of illegal encampments, making it a criminal offence. It does appear that the new policy is focusing on being proactive as opposed to reactive, with Tunbridge Wells MP and Communities Secretary Greg Clark stating that the new policy “strengthens the hand of councils to tackle unauthorised development”. With the success of the policy riding on its implementation, it is necessary that councils have adequate power to properly enforce the new rules, a factor which appears to be at the forefront of this policy.

A step in the right direction

Whilst some finer details need to be ironed out to allow less room for interpretation and to set clearer boundaries, the new rules appear to be a step in the right direction, and as they are put into practice it will soon become apparent if further adjustments to this new policy are needed.

