



Welsh Government
Consultation Document

Circular - Planning for Gypsy, Traveller and Showpeople Sites

Updating of existing advice contained in Circulars 30/2007 (Planning for Gypsy and Traveller Caravan Sites), 78/91 (Travelling Showpeople) and 76/94 (Gypsy Sites Policy and Unauthorised Camping).

Date of issue: 27 February 2017
Action required: Responses by 22 May 2017

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.

Overview	This consultation seeks your views on the Welsh Government's proposed revision of national planning guidance on Gypsies and Travellers.
How to respond	<p>The closing date for the consultation is 22 May 2017. You can reply in any of the following ways.</p> <p>E-mail:</p> <p>Please complete the consultation response form at Annex 2 and send it to: planconsultations-h@wales.gsi.gov.uk</p> <p>Post:</p> <p>Please complete the consultation response form at Annex 2 and send it to the address below:</p> <p>Gypsy, Traveller and Showpeople Sites Circular Consultation Planning Policy Branch Planning Directorate Welsh Government Cathays Park Cardiff CF10 3NQ</p>
Further information and related documents	<p>Large print, Braille and alternative language versions of this document are available on request.</p> <p>Welsh Assembly Government Circular 30/2007: Planning for Gypsy and Traveller Caravan Sites http://gov.wales/about/foi/publications-catalogue/circular/2007/gypsy/?lang=en</p> <p>Welsh Office Circular 78/91: Travelling Showpeople http://gov.wales/topics/planning/policy/circulars/welshofficecirculars/circular7891/?lang=en</p> <p>Welsh Office Circular 76/94: Gypsy Sites Policy and Unauthorised Camping http://gov.wales/topics/planning/policy/circulars/welshofficecirculars/circular7694/?lang=en</p>
Contact details	<p>If you have any queries about this consultation, please contact:</p> <p>Brian Davies Brian.Davies18@wales.gsi.gov.uk 0300 025 3524</p>

**Data
protection**

How the views and information you give us will be used

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 tell us this in writing when you send your response. 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.

What is this consultation about?

Purpose of the Consultation

1. The Housing (Wales) Act 2014 became law in Wales on 17 September 2014 and it contains provisions on the providing of Gypsy and Traveller Sites in Wales. In particular, Part 3 of the Act requires each local authority across Wales to carry out an assessment of the Gypsy and Traveller accommodation needs for its area over a period of at least every 5 years. Part 3 of the Act contains further provisions requiring each local authority to meet those accommodation needs identified in the Gypsy and Traveller Accommodation Assessment for its area. The Act provides an updated definition of 'Gypsies and Travellers' which now includes travelling showpeople and also persons with a cultural tradition of nomadism or of living in a mobile home.
2. The Welsh Government has issued a number of guidance documents on Gypsies and Travellers over recent years which aim to assist local authorities in fulfilling their requirements as set out under the Housing (Wales) Act 2014. This guidance also aims to ensure local authorities manage and design sites appropriately in order to provide a good standard of living for Gypsy and Traveller communities.
3. The planning system plays a significant role in ensuring the provision of sustainable sites which can accommodate Gypsy and Traveller communities. This draft Circular provides up-to-date advice to assist local authorities in providing sustainable sites to meet the accommodation needs of Gypsies and Travellers across Wales.

What are the main issues?

4. The Welsh Government wants to ensure the needs of Gypsy and Traveller communities across Wales are provided for in service delivery. Existing advice to local authorities on the provision of Gypsy and Traveller sites is contained in Welsh Assembly Government Circular 30/2007 – Planning for Gypsy and Traveller Caravan Sites. Circular 30/2007 is supplemented by two Welsh Office Circulars, namely:
 - Circular 78/91: Travelling Showpeople. This Circular contains advice to local authorities about planning considerations relating to travelling showpeople.
 - Circular 76/94: Gypsy Sites Policy and Unauthorised Camping. This circular contains advice to local authorities on unauthorised camping by Gypsy and Traveller communities.

The content of these Circulars have not changed since their initial publications in December 2007, December 1991 and November 1994 respectively.

5. Current national planning guidance on Gypsies and Travellers does not take into account the provisions of the Housing (Wales) Act 2014 and the Welsh Government's updated guidance on Gypsies and Travellers.
6. If we are to provide sustainable site accommodation for our Gypsy and Traveller communities, we must ensure local planning authorities are equipped with the relevant tools in order to guide them on their requirements to ensure Gypsy and Traveller accommodation needs are fully catered through the planning process.

Where are we now?

7. By issuing a new Circular this will ensure our national planning guidance is fully reflective of the Welsh Government's legislative and policy position on Gypsies and Travellers.
8. The draft Circular addresses the planning aspects of the requirement in the Housing (Wales) Act 2014 for local authorities to produce Gypsy and Traveller Accommodation Assessments. It also ensures our national planning guidance is reflective of other recently published Welsh Government policies on Gypsies and Travellers.¹ This is important as these guidance documents provide useful information on how the data findings from the Accommodation Assessments should inform the Local Development Plan (LDP) process in respect of allocating sites for Gypsy and Traveller accommodation.
9. A draft Circular also addresses the following issues:-
 - The revised definition of Gypsies and Travellers contained in the Housing (Wales) Act which now includes travelling showpeople. Updating the definition contained in current planning guidance would cancel the advice contained in current Circular 78/91 Travelling Showpeople;
 - Recently published Welsh Government guidance on unauthorised camping. Updating this information in our national planning guidance would supersede the guidance contained in current Circular 76/94 Gypsy Sites Policy and Unauthorised Camping;
 - How regional working between local authorities could be of use in determining provision for Gypsy and Traveller sites. The Welsh Government considers regional working could have benefits in terms of future planning for Gypsy and Traveller transit accommodation in particular; and
 - Other factual information that has changed since publication of Circular 30/07; for example, references to documentation, legislation and organisations that should be consulted when planning for Gypsy and Traveller accommodation.

What are we proposing to change?

10. The draft Circular proposes a number of changes which are set out in turn below, along with questions relating to them.

¹ Undertaking Gypsy and Traveller Accommodation Assessments Guidance, Welsh Government, May 2015
<http://gov.wales/docs/dsilg/publications/equality/150223-gypsy-traveller-accommodation-assessmentsv2-en.pdf>

Guidance on Managing Unauthorised Camping, Welsh Government, December 2013
<http://gov.wales/docs/dsilg/publications/equality/131220-guidance-managing-unauthorised-camping-2013-en.pdf>

Designing Gypsy and Traveller Sites Guidance, Welsh Government, May 2015
<http://gov.wales/docs/dsilg/publications/equality/150528-designing-gypsy-and-traveller-sites-en.pdf>

Managing Gypsy and Traveller Sites in Wales Guidance, Welsh Government, May 2015
<http://gov.wales/docs/dsilg/publications/equality/150528-managing-gypsy-and-traveller-sites-en.pdf>

11. The definition of 'Gypsies and Travellers' has been revised from that contained in Circular 30/07. The draft Circular reflects the definition contained in Part 3 of the Housing (Wales) Act 2014 to now include travelling showpeople and also persons with a cultural tradition of nomadism or of living in a mobile home. Using this definition within the draft Circular improves consistency, particularly as this definition is used to assess accommodation needs as part of each local authority's requirement to produce a Gypsy and Traveller Accommodation Assessment. In reflection of this revised definition, the draft Circular contains information on travelling showpeople allowing Circular 78/91 Travelling Showpeople to be cancelled.
12. The draft Circular provides updated background information on recent legislation and guidance which updates the position on the providing of appropriate sites and accommodation for Gypsy and Traveller communities. In this context, reference is made to the relevant objectives and goals of the Well-being of Future Generations (Wales) Act 2015 and the Welsh Government's 'Travelling to a Better Future' framework for action in respect of Gypsies and Travellers. Further reference is made to the duties of the Housing (Wales) Act requiring local authorities to monitor and provide appropriate Gypsy and Traveller site provision. The draft Circular also refers to legislation contained in the Mobile Homes (Wales) Act 2013 allowing local authorities to provide such sites.

1. 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?
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2. 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?
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13. The draft Circular provides guidance on how the LDP process should accord with the requirements of the Housing (Wales) Act 2014 for local authorities to monitor Gypsy and Traveller accommodation need and provide appropriate sites for these communities. In particular, it provides guidance for each authority on how they should use the findings of their Gypsy Traveller Accommodation Assessments to inform site provision during the plan making, monitoring and review processes.

3. 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?
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14. The draft Circular provides new information on the circumstances where it is considered regional working may prove of benefit in order to provide for appropriate Gypsy and Traveller site provision through the planning process. It details the circumstances where local authorities may work collaboratively to prepare Gypsy and Traveller Accommodation Assessments. It also details how this information may and may not be used individually by local authorities to identify need and allocate suitable Gypsy and Traveller site accommodation within their respective LDPs.

4. 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 Traveller site accommodation within their respective LDPs? If not, how can this guidance be improved?

15. The draft Circular provides updated information on how local planning authorities should look to allocate sites for Gypsy and Traveller accommodation through the LDP process. In particular, the criteria for services that should be considered when identifying Gypsy and Traveller site provision have been strengthened. Also, the document makes references to recent Welsh Government guidance local planning authorities should have regard to during the process of considering Gypsy and Traveller sites for allocation within their respective LDPs.

5. 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?

16. The draft Circular provides updated guidance on how local authorities should consider unauthorised camping within their areas, referencing recently published Welsh Government guidance. In particular, it identifies the circumstances where local authorities should consider providing temporary stopping places.

6. 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?

17. The draft Circular updates the circumstances during which local planning authorities may consider the inclusion of an 'exception site' policy for Gypsy and Traveller accommodation within their respective LDPs. The updated guidance widens the circumstances during which this policy can be used, so that it doesn't only apply to rural areas. This recognises the fact that in some instances there may be a local need to release land for Gypsy and Traveller accommodation in urban areas due to a lack of available site provision.

7. 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?

18. The draft Circular updates the information provided on the procedure for local planning authorities to consider planning applications for Gypsy and Traveller site accommodation, including examples of possible planning obligations. Updating this information has been considered necessary in order to provide local planning authorities with more applicable and robust guidance that should be taken into account when determining site proposals for Gypsy and Traveller accommodation.

8. 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?

19. The draft Circular updates the information provided on enforcement procedures in respect of unauthorised Gypsy and Traveller site developments. It now includes references to recent legislative changes to the Town and Country Planning Act 1990 that have increased the range of tools which local planning authorities can use to take effective enforcement action. Also, new information is provided on the circumstances where a local planning authority could serve a temporary stop notice in order to immediately prevent the further development of land as a Gypsy and Traveller site.

9. 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?

20. The draft Circular provides further clarity on the process which local planning authorities can follow when monitoring planning applications they receive for Gypsy and Traveller sites. In particular, it provides guidance on how the compiling of such data can be used to inform LDPs.

10. 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?

21. The draft Circular provides updated information in the annexes. In particular, it provides new references to documentation and organisations that are of interest to Gypsies and Travellers at **Annex A**.

11. 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?

22. Finally, the draft provides this guidance in the format of a Circular rather than as a Technical Advice Note. We would like your views on the appropriate format for publishing the guidance.

12. 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?

Consultation questions

23. The specific questions relating to this consultation are set out in their entirety below. If you wish to respond please complete the Consultation Response Form at Annex 2.
24. Responses to consultations may be made public on the internet or in a separate report. If you would prefer your response to be kept confidential please indicate this by ticking the relevant box on the response form.

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?
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?
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?
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 Traveller site accommodation within their respective LDPs? If not, how can this guidance be improved?
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?
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?
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?
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?
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?
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?
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?
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?
Q13	We have asked a number of specific questions. If you have any related issues which we have not addressed, please let us know.

