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Consultation – summary of response

Circular – Planning for Gypsy, Traveller and Showpeople Sites

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

Consultation on the draft Circular: Planning for Gypsy, Traveller and Showpeople Sites

Summary of Responses Report

1. Introduction

1.1 The Welsh Government carried out a 12-week public consultation on a draft Circular: Planning for Gypsy, Traveller and Showpeople Sites over the period 27 February to 22 May 2017.

1.2 The planning system plays a significant role in ensuring the provision of sustainable sites which can accommodate Gypsy and Traveller communities. The Circular: Planning for Gypsy, Traveller and Showpeople Sites provides advice to assist local authorities in providing sustainable sites to meet the accommodation needs of Gypsies, Travellers and Showpeople across Wales.

1.3 A total of thirteen questions were asked during consultation on the draft Circular. These questions focused on whether the draft had provided appropriate advice on how Gypsy, Traveller and Showpeople accommodation should be provided through the planning system; in particular, with regards to allocating sites in Local Development Plans and determining site proposals during the Development Management process. A thirteenth question provided respondents with the opportunity to make any additional comments should they not be captured in the previous questions.

1.4 The comments received were wide ranging and detailed, highlighting many individual and thematic issues. Due to the nature of the comments received, all detailed comments received during the consultation are not specifically referred to as part of this summary report. All comments have been considered fully during analysis of the responses.

1.5 This consultation summary report provides a summary of all responses received to the draft Circular consultation exercise and the Welsh Government's response to those matters raised. The results of this analysis have informed publication of the final Circular.

2. Background

2.1 The Welsh Government wants to ensure the needs of Gypsy and Traveller communities across Wales are provided for in service delivery. Existing advice to planning 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 Site 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.

2.2 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.

2.3 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. 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.

2.4 The planning system plays a significant role in ensuring the provision of sustainable sites which can accommodate Gypsy and Traveller communities. If we are to provide sustainable sites for our Gypsy and Traveller communities, we must ensure planning authorities are equipped with the relevant tools and guidance to ensure Gypsy and Traveller accommodation needs are fully catered through the planning process.

2.5 A new Circular: Planning for Gypsy, Traveller and Showpeople Sites has been published in order to fully reflect the legislative and guidance updates to how sites are provided by local authorities in order to meet Gypsy and Traveller accommodation needs.

2.6 This new Circular consolidates the definition of Gypsies and Travellers provided by the Housing (Wales) Act to include reference to Travelling Showpeople. Also, it reflects advice contained in Welsh Government guidance on unauthorised camping published in 2013. Therefore, it not only supersedes advice contained in Circular 30/07 (Planning for Gypsy and Traveller Caravan Sites) but also advice on Travelling Showpeople contained in Circular 78/91 and advice on unauthorised camping by Gypsy and Traveller communities contained in Circular 76/94. Circulars 78/91, 76/94 and 30/07 are cancelled as a result.

3 Key proposals

3.1 The detailed advice in the new Circular provides information on how regional working could be of use in providing Gypsy, Traveller and Showpeople sites. It also updates other factual information that has changed since publication of Circular 30/07. For example, references to organisations that should be consulted when planning for Gypsy, Traveller and Showpeople accommodation.

3.2 The main planning policy guidance proposals provided in the draft consultation version of the Circular were as follows:

The draft Circular provided detail on the legislation and guidance which set the context of local authorities to provide appropriate sites and accommodation for Gypsy and Traveller communities.

- The draft Circular provided information on the updated definition of ‘Gypsies and Travellers’ as set out in the Housing (Wales) Act. The definition provided is consistent with that used by each local authority in order to assess accommodation needs as part of the requirement to produce a Gypsy and Traveller Accommodation Assessment for its area.
- The draft Circular provided information on recent updates to legislation and guidance in particular. For example, it made reference to legislation contained in the Housing (Wales) Act 2015, Well-being of Future Generations (Wales) Act 2015 and Mobile Homes (Wales) Act 2013. In addition, it made reference to guidance contained in the Welsh Government’s ‘Travelling to a Better Future’ framework for action in respect of Gypsies and Travellers.

The draft Circular provided information on how local authorities are to use the findings of their Gypsy Traveller Accommodation Assessments to inform provision of appropriate sites, in respect of the Local Development Plan (LDP) process.

- The draft Circular provided guidance on how the LDP process should accord with the requirements of the Housing (Wales) Act with regards to local authorities meeting their need for Gypsy and Traveller accommodation through providing appropriate sites for their communities. In particular, it provided guidance for each local authority on how they should use the findings of their Gypsy Traveller Accommodation Assessments to inform site provision during LDP plan making, monitoring and review.

The draft Circular provided guidance on how local authorities may work collaboratively to identify need for Gypsy and Traveller accommodation and allocate sites within their respective development plans.

- The draft Circular provided 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 detailed the circumstances where local authorities may work collaboratively to prepare Gypsy and Traveller Accommodation Assessments. It also detailed 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.

The draft Circular provided guidance to planning authorities on how they should allocate sites for Gypsy and Traveller accommodation through the Local Development Plan process.

- The draft Circular updated information on how 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 were strengthened, compared to those included in Circular 30/2007. Also, the document made references to recent Welsh Government guidance planning authorities should have regard to during the process of considering Gypsy and Traveller sites for allocation within their respective LDPs.

The draft Circular provided guidance on when local authorities should consider the provision of transit sites or temporary stopping places within their areas.

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

The draft Circular provided guidance to planning authorities on the circumstances where they may include an ‘exception sites’ policy for Gypsy and Traveller accommodation within their respective Local Development Plans.

- The draft Circular updated the circumstances during which planning authorities may consider the inclusion of an ‘exception site’ policy for Gypsy and Traveller accommodation within their respective LDPs. It widened the circumstances during which this policy could be used, so that it doesn’t only apply to rural areas. This recognised 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. Further to comments received on the draft Circular, this policy requirement has been removed for those reasons covered under Question 7 of this summary report.

The draft Circular provided guidance to planning authorities on matters which should be taken into account during the determination of site proposals for Gypsy and Traveller accommodation.

- The draft Circular updated the information provided on the procedure for planning authorities to consider planning applications for Gypsy and Traveller site accommodation, including examples of possible planning conditions or obligations. Updating this information was considered necessary in order to provide planning authorities with more applicable and robust guidance to consider when determining site proposals for Gypsy and Traveller accommodation.

The draft Circular provided guidance to 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.

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

The draft Circular provided information and guidance on appeals and how planning authorities should have regard to human rights and equality of opportunity in making decisions on Gypsy and Traveller site proposals.

- The draft Circular updated the information on considerations a Planning Inspector will take into account during the determination of appeals for Gypsy and Traveller site accommodation. Also, it updated human rights and equality considerations which should be taken into account by planning authorities in decision making on sites for Gypsy and Traveller accommodation, making reference to the Human Rights Act 1998 and Equality Act 2010 in this context.

The draft Circular provided guidance to planning authorities on the monitoring of planning applications for Gypsy and Traveller sites.

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

The draft Circular provided information on additional considerations that are of importance to local authorities during the process of providing Gypsy and Traveller sites.

- The draft Circular updated information in the Annexes compared to those contained in Circular 30/07. In particular, it made new references to documentation and organisations that may be of interest to Gypsies and Travellers at Annex A. It also contained information on criteria for Gypsies and Travellers that would be unacceptable to include in development plans.

4 Consultation and publicity

4.1 Draft Circular: Planning for Gypsy, Traveller and Showpeople Sites was published by the Welsh Government on 27 February 2017 for a 12 week public consultation period.

4.2 Details of the consultation were published on the Welsh Government's website throughout its duration. The Welsh Government maintains a list of established stakeholders in the planning system and these were all notified of the consultation by direct e-mail on 27 February 2017. The stakeholders comprise the Chief Executives and Chief Planning Officers of the 25 planning authorities, 23 statutory consultees and 101 non-statutory consultees.

4.3 In addition, planning officials worked with equality officials to obtain a list of key stakeholders in relation to Gypsies and Travellers. These stakeholders comprised bodies and individuals with a specific interest in Gypsy and Traveller matters (for example, police and Gypsy Traveller organisations) and they were also notified of the consultation on 27 February 2017.

5 The responses

5.1 A total of 40 responses were received to the consultation. The largest respondent by type was planning authorities who represented 35% of the total responses submitted. A total of 13 of the 22 planning authorities in Wales provided a response and the 3 national park authorities with planning powers provided a consolidated response.

5.2 Government agencies and other public sector bodies represented 30% of the respondents. Comments were received from organisations such as town councils, South Wales Police, a committee for an Area of Outstanding Natural Beauty, Natural Resources Wales, Health and Safety Executive, Network Rail and the Welsh Local Government Association.

5.3 The voluntary sector, businesses and groups which classified themselves as others each made up 10% of the respondents. Voluntary organisations who responded included Churches Together in Wales, Planning Aid Wales, Travelling Ahead and a residents association. Businesses (10%) who responded included Dŵr Cymru Welsh Water. Groups who classified themselves as 'others' (10%) were made up of individuals with a personal or professional interest in Gypsy and Travellers communities and the planning system.

5.4 Professional bodies and interest groups represented 5% of the respondents. Responses from these organisations were provided by the Law Society and the Royal Town Planning Institute.

5.5 A complete breakdown of the stakeholders who responded can be found in the Appendix.

Question 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?

Statistical Overview

Respondents by type	Agree	Disagree	Neither Agree nor Disagree
Business Organisations	2	0	1
Planning Authorities	8	2	4
Government Agencies or Other Public Sector Bodies	3	0	6
Professional Bodies or Interest Groups	1	0	0
The Voluntary Sector	3	0	1
Other	1	1	2
Total	18	3	14
%	51.4%	8.6%	40.0%

Summary Analysis

Approximately half of those respondents who answered the question directly (51.4%) agreed 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. A small proportion of respondents (8.6%) disagreed that the Circular provides appropriate information.

A number of respondents supported the approach, including commenting on how it consolidated existing legislation defining Gypsies and Travellers as set out under the Housing (Wales) Act 2014.

Some respondents considered the definition of Gypsies and Travellers as prescribed under the 2014 Act and set out in the Circular does not provide enough clarity, particularly on certain groups of Gypsies, Travellers and Showpeople and the meaning of 'cultural tradition of nomadism' in the defining of such communities.

Other respondents made comments on various matters relating to site provision, including resource implications, the role of certain persons and measures such as grant finding in this process and concerns on the reclassification of Mobile Home Parks in order to provide Gypsy Traveller sites.

Welsh Government Response

The Circular is consistent with all relevant legislation and guidance which sets the context for the provision of Gypsy and Traveller sites and accommodation. The Welsh Government acknowledges the queries raised in the context of defining Gypsies and Travellers, particularly regarding where the Circular makes reference to 'cultural tradition of nomadism'. The wording on cultural tradition and nomadism is taken from existing legislation on the definition of a Gypsy and Traveller as prescribed under the section 108 of the Housing (Wales) Act 2014. The Circular provides information confirming that a nomadic habit of life is something which may or may not be continuous. Therefore, how cultural tradition and nomadism is demonstrated for defining Gypsies and Travellers could vary on a case-by-case basis. Further, the Circular is clear that the definition of Gypsies and Travellers would include those individuals from any ethnic group who follow a nomadic habit of life. This could include Welsh, Scottish or other groups of travellers.

The comments received on various matters relating to site provision have been considered. Firstly, it is to be noted that the role of the Circular is to provide guidance on how Gypsy and Traveller sites should be delivered through the planning system. Other matters referenced such as resource implications fall wider than the remit of the Circular. Further, where practical, information on such matters is appropriately provided for elsewhere. For example, the Welsh Government provided a guidance note to local authorities on how to apply for Gypsy and Traveller Sites Capital Grant for the period 2017/2018. With regards to concerns raised on the reclassification of Mobile Home Parks in order to provide sites, existing mobile home sites are protected under the Mobile Homes (Wales) Act 2013.

Question 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?

Statistical Overview

Respondents by type	Agree	Disagree	Neither Agree nor Disagree
Business Organisations	1	0	2
Planning Authorities	5	6	3
Government Agencies or Other Public Sector Bodies	3	0	6
Professional Bodies or Interest Groups	1	0	1
The Voluntary Sector	0	3	0
Other	1	2	1
Total	11	11	13
%	31.4%	31.4%	37.1%

Summary Analysis

The same number of respondents who answered the question directly were both in agreement and disagreement (31.4%) that the draft Circular provides appropriate information on all types of site to be 'Gypsy and Traveller Sites' under current legislation and guidance.

Some respondents considered there is a need for further guidance on the planning for private Gypsy and Traveller sites within the document as they consider it solely focuses on the provision of local authority owned sites.

Further, some respondents considered there is a need for further guidance or clarity on the provision of sites which meet the needs of specific groups of Gypsies and Travellers, including making references to Travelling Showpeople and New Travellers in this context.

A few respondents requested clarity on what the term 'site' is defined as, with queries raised in this regard on whether it would or would not include a dwelling.

Other respondents under this question requested clarity or information on various matters relating to site provision, including appraising the different types of sites permitted in Wales, grant funding and moorings on waterways for Gypsies and Travellers.

Welsh Government Response

The Circular provides guidance to assist planning authorities in planning for sustainable Gypsy and Traveller site provision, whether it is for privately owned sites or sites managed by local authorities. The type of Gypsy and Traveller sites provided within an area is a local matter and should not be differentiated through a planning Circular. The Welsh Government's Designing Gypsy and Traveller Sites Guidance¹ currently only provides information relating to local authority Gypsy and Traveller sites, with standards of private sites being dealt with through the Model Standards for Caravan Sites 2008. Clarification on where the standards for private sites can be found has been provided under the 'Planning Applications' section of the Circular. The inclusion of further information on the design of private sites will be considered as part of the review of the Designing Sites Guidance, which is intended to take place in 2020. Addressing requests for clarity within the Circular on which types of sites the Designing Sites Guidance currently applies to is not considered necessary in order to future-proof the Circular in light of any forthcoming guidance review.

In respect of providing guidance on the provision of sites which meet the needs of specific groups of Gypsies and Travellers, this has been addressed where possible. In particular, the Designing Sites Guidance provides information on the designing of sites for groups of travellers such as Travelling Showpeople and increased signposting to this document has been provided in the Circular. Currently, there is insufficient knowledge about best practice design guidelines for New Traveller sites but further engagement with this community will take place through local authority design processes in forthcoming sites and the next Welsh Government review of the Designing Gypsy and Traveller sites guidance, which will inform any additional guidance requirements.

The definition of 'site' within the Circular does not include a dwelling. The Welsh Government concurs with the need for clarity on this issue which has been provided in the Circular.

The comments received on various matters relating to site provision have been considered and addressed where possible, including providing further signposting to relevant information on legislation, guidance and grant funding. Otherwise, they are addressed under other questions (such as information on Temporary Stopping Places), are local in nature or fall wider than the remit of the Circular which is to provide guidance on how sites should be delivered through the planning system.

¹ Designing Gypsy and Traveller Sites, Welsh Government, May 2015

Question 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?

Statistical Overview

Respondents by type	Agree	Disagree	Neither Agree nor Disagree
Business Organisations	2	0	1
Planning Authorities	8	6	0
Government Agencies or Other Public Sector Bodies	3	1	5
Professional Bodies or Interest Groups	1	0	1
The Voluntary Sector	2	1	1
Other	1	1	2
Total	17	9	10
%	47.2%	25.0%	27.8%

Summary Analysis

Approximately half of those respondents who answered the question directly (47.2%) agreed that the draft Circular provides appropriate guidance to local authorities on how to use the findings of their Gypsy and Traveller Accommodation Assessments to inform site provision during LDP preparation. A quarter of those respondents (25%) disagreed with this statement.

In response to this question, respondents commented on a wide range of matters, with no clear consensus on the comments received. Some respondents covered matters addressed under other questions as part of this consultation, such as regional working addressed under Question 4. A few respondents referred to the importance of engaging the Gypsy and Traveller community in informing site provision. Other respondents referred to individual matters of clarity and information forming part of the process of preparing Accommodation Assessments and informing LDP site provision.

Welsh Government Response

The Welsh Government acknowledges the importance of actively engaging the Gypsy and Traveller community to appropriately inform site provision in development plans. Detailed guidance on development plan consultation is provided in the Development Plan Manual as referenced in the Circular. The Welsh Government's 'Undertaking Gypsy and Traveller Accommodation Assessments' Guidance (dated May 2015) already provides information on how local authorities can engage with Gypsies and Travellers to inform an assessment of accommodation needs and subsequent site provision for their areas.

Where respondents have referred to matters of clarity and information forming part of the process of preparing Accommodation Assessments and informing site provision, these have been addressed in the Circular where possible, including by clarifying terms and appropriate referencing to related documents. Other matters raised will be considered elsewhere in preparation and review of related guidance. Review of the Welsh Government's Undertaking Gypsy and Traveller Accommodation Assessments Guidance is likely to take place later this year and will consider matters relating to the calculation of local authority accommodation need.

The Circular is clear in stating that data from the All Wales Caravan Count System should be routinely updated to inform Accommodation Assessments, such Assessments including calculations of need should inform site provision in development plans and that all sites considered for inclusion in development plans must be assessed in accordance with the requirements of sustainability appraisal. How local authorities go about the detail in collating and monitoring such data and using Assessment findings to inform development plan site provision are matters for each authority. The consequence of a local authority not meeting need identified in their individual Accommodation Assessment is a matter for the Welsh Ministers to determine, rather than this being prescribed in a planning Circular.

Question 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?

Statistical Overview

Respondents by type	Agree	Disagree	Neither Agree nor Disagree
Business Organisations	1	1	1
Planning Authorities	8	3	3
Government Agencies or Other Public Sector Bodies	2	1	6
Professional Bodies or Interest Groups	1	0	1
The Voluntary Sector	1	1	0
Other	1	1	2
Total	14	7	13
%	41.2%	20.6%	38.2%

Summary Analysis

More than two fifths of the respondents who answered the question directly (41.2%) agree the draft Circular provides appropriate guidance on how local authorities may work collaboratively in order to identify need and allocated suitable Gypsy and Traveller site accommodation within their respective Local Development Plans. Approximately one fifth (20.6%) of the respondents disagree the Circular provides appropriate guidance in this context.

Many of the respondents were supportive of this guidance and provided positive comments in this regard, including stating that it accords with a general increase in collaboration between planning authorities.

Some respondents queried and requested further detail on how collaborative working could apply in respect of transit site provision. In particular, it was queried how this may work because of the powers under Section 62A of the Criminal Justice and Public Order Act 1994 which limit the police to only move trespassers onto another site within the same local authority area.

Some respondents made comments around regional working and provision of sites, including suggesting a need for flexibility and to account for land use planning mechanisms such as Strategic Development Plans in this process.

Other respondents provided a variety of comments and requests for clarity on a range of issues linked to collaborative working in identifying need and sites for Gypsy Traveller accommodation. Comments received in this regard included referring to local authority resource implications and timescales for development plans impacting on such working.

Welsh Government Response

In response to the queries raised regarding how collaborative working would apply in the provision of Gypsy and Traveller transit sites, the implications of legislation contained in the Criminal Justice and Public Order Act 1994 are recognised. The Welsh Government recognises that local authorities and the police would not be able to direct Gypsies and Travellers to move across local authority boundaries, both in respect of permanent and transit site provision. It is worth noting that the UK Government has recently committed to reviewing these powers.

The Welsh Government considers it may prove beneficial for local authorities to work together in order to identify patterns of movement for Gypsies and Travellers across existing local authority boundaries, which may help to identify where a transit site could be located.

The Circular has been updated to confirm regional land-use planning mechanisms such as Strategic Development Plans and Joint Local Development Plans and discussions on individual Gypsy Traveller Accommodation Assessments could be of benefit and facilitate in the identification of Gypsy and Traveller sites. The Circular has been further updated to amplify the requirement that work undertaken at a regional level must be disaggregated back to individual local authority assessments of need for Gypsy and Traveller site provision and that there should not be any trade off of permanent sites between partner authorities. This requirement derives from legislation under the Housing (Wales) Act 2014 which prescribes that individual local authorities are responsible for meeting their identified Gypsy Traveller accommodation needs. In addition, specific reference to Local Development Plans has been replaced by 'development plans' in the Circular, in order to account for the possibility of Strategic Development Plans and Joint Local Development Plans potentially being prepared as the development plans for local authority areas across Wales in future.

Other comments received on issues regarding collaborative working are noted. The Welsh Government considers the Circular to be sufficient and clear in highlighting the benefits to local authorities of working collaboratively to inform Gypsy Traveller site provision. Further guidance on working regionally in the preparation of Gypsy Traveller Accommodation Assessments is also provided in the Welsh Government's Undertaking Gypsy and Traveller Accommodation Assessments Guidance (dated May 2015). Local authorities have the evidence and expertise to determine between themselves on an individual and collective basis where such working should occur in order to determine appropriate site provision.

Question 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?

Statistical Overview

Respondents by type	Agree	Disagree	Neither Agree nor Disagree
Business Organisations	2	0	1
Planning Authorities	6	3	5
Government Agencies or Other Public Sector Bodies	1	2	6
Professional Bodies or Interest Groups	1	0	1
The Voluntary Sector	1	1	1
Other	1	2	1
Total	12	8	15
%	34.3%	22.9%	42.9%

Summary Analysis

Over a third of the respondents who answered the question directly (34.3%) were in agreement 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, whilst a smaller number of respondents (22.9%) disagreed the Circular provides appropriate guidance in this context.

There were varying comments received on the Circular with regards to providing guidance on where sites should be located. Some respondents considered further guidance should be provided on this matter, including on what is meant by sites being 'near existing settlements' (as specified at paragraph 37) and on access of sites to local amenities. Other respondents considered the Circular should not be overly restrictive in order to allow flexibility in allocating sites.

Other respondents provided a variety of comments under this question relating to the provision of sites in LDPs, requesting clarity and further information in such instances. Comments received in this regard included suggesting a need for clarity on matters regarding unauthorised camping, design and engagement on site proposals.

Welsh Government Response

The Welsh Government has considered all those comments received with regards to providing guidance within the Circular on where sites should be located. It has been decided to adopt a sequential approach to the selection of sites, giving a preference to planning authorities allocating sites within or adjacent to existing settlement boundaries with access to local services. Updated text is included in the Circular which confirms sites in the countryside, away from existing settlements, can be considered for Gypsy and Traveller sites if there is a lack of suitable sustainable locations within or adjacent to existing settlement boundaries. It is considered this approach provides local authorities with more clarity, but enough flexibility in determining where to locate sites so not as to be overly restrictive. It is for each planning authority to determine access to local amenities and services, as given due regard in the Circular, when considering the locations of sites for inclusion in development plans.

The Welsh Government has considered all those comments received requesting clarity and further information on matters relating to the provision of sites in LDPs. The Welsh Government and indeed the Circular recognises that sites will be delivered through the Development Management system, but consider the Circular should be clear in emphasising the importance of the development plan process providing the appropriate tool for planning authorities to effectively plan for site provision in the first instance. Further, the Welsh Government considers that how a planning authority goes about identifying sites and the methodology they use in doing so is for them to determine during the development plan preparation process. As part of this process in identifying sites, it should be noted the Circular is intended to be read alongside and complement other Welsh Government guidance on Gypsies and Travellers and wider national planning policy, including the Designing Gypsy and Traveller Sites Guidance. Further clarity has been provided on specific issues raised where necessary, including on terminology and referencing to issues such as design, unauthorised camping and engagement. Other matters referenced are addressed under other questions where appropriate, such as on collaborative and regional working. Otherwise, it is considered the Circular should not be advising on certain comments raised as they are considered to be best addressed at a local level on a case-by-case basis or do not directly relate to the planning system to warrant inclusion in the Circular.

Question 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?

Statistical Overview

Respondents by type	Agree	Disagree	Neither Agree nor Disagree
Business Organisations	1	0	2
Planning Authorities	4	7	3
Government Agencies or Other Public Sector Bodies	3	1	4
Professional Bodies or Interest Groups	1	0	1
The Voluntary Sector	1	1	0
Other	1	2	1
Total	11	11	11
%	33.3%	33.3%	33.3%

Summary Analysis

The same number of respondents who answered the question directly were both in agreement and disagreement (33.3%) on whether the draft Circular provides appropriate guidance to local authorities on when to consider transit sites or temporary stopping places.

Some respondents required further clarity on the use of these types of sites, including safety requirements and location and also on how they differ from each other, particularly with regards to timeframes for their occupancy.

Further, some respondents required further clarification on the wording at paragraph 44 of the draft Circular which states that transit sites would be required if there are a 'significant number of unauthorised encampments' within an authority area.

Other respondents provided a variety of comments under this question including requesting clarity and further information regarding issues surrounding transit sites, temporary stopping places and dealing with unauthorised encampments in general. Comments received in this regard included suggesting a need for clarity on how evidence, including from Gypsy Traveller Accommodation Assessments, should inform provision of such sites.

Welsh Government Response

The Welsh Government has taken into account the comments for further clarity on transit sites and temporary stopping places and the differences between them.

Temporary stopping places serve a different purpose to transit sites as they are to assist local authorities where a need for Gypsy and Traveller transit site accommodation is accepted for those with a nomadic lifestyle but none are currently available. Therefore, they should not be a permanent solution. The Circular provides information on the identification of temporary stopping places and makes further reference to detailed guidance on the provision of these sites contained in Chapter 7 of the Welsh Government's Designing Gypsy and Traveller Sites guidance. It is not considered necessary to provide further guidance on how long such sites should be occupied, other than to state they are for 'short-term occupation', as this would be dependent on local circumstances in terms of addressing the deficiency in need. The Circular has provided further clarification on temporary stopping places in that whilst they can assist local authorities, they are not planning designations and therefore should not be addressed through land use allocation policies in development plans.

Transit sites are a permanent form of site, which are designed to occupy Gypsies and Travellers with a nomadic form of lifestyle. The requirement for maximum length of three months occupancy for these sites is prescribed under the Mobile Homes (Wales) Act 2013 which also allows occupiers of transit pitches the right to four weeks notice if the local authority intends to end their occupation early for any reason. This does not preclude Gypsies and Travellers moving off transit sites earlier if they wish to do so. The timeframes for the occupation of transit sites have been set out in the draft Circular under reference to transit sites in the section 'Identifying Gypsy and Traveller Sites'. It is considered the Circular could provide increased signposting to relevant legislation and guidance on transit site provision which has been added as footnotes within the document.

The Welsh Government has considered the requests for clarity on unauthorised encampments and what is meant by a 'significant number of' these when determining if transit sites are required in a local authority area. Unauthorised encampments are not planning designations and their impact can vary between different local authority areas, depending on the number of encampments relative to population, area of authority, current site provision and other local factors. Therefore, it is concluded that local authorities should determine whether transit sites are required if there are unauthorised encampments located within their area. How local authorities should address unauthorised encampments is further detailed as part of the Welsh Government's Managing Unauthorised Camping 2013 guidance. In recognition that such encampments should be addressed by local authorities on an individual basis and there is separate guidance on dealing with these circumstances, reference to 'significant number of unauthorised encampments' has been removed from the Circular.

Finally, guidance on relevant wider matters, such as on regional working for the provision of sites, is already provided within the Circular which should be read in its entirety. The Welsh Government considers that the Circular is clear in stating that the evidence base deriving from the local authority's Gypsy Traveller Accommodation Assessment should inform all site provision, which could include transit sites or temporary stopping places. Further comments received on specific issues regarding unauthorised encampments and provision of sites cannot be addressed through the Circular and would be best considered at a local level on a case-by-case basis. Notwithstanding this, it should be noted that the Welsh Government intends to fund a Wales-wide network of transit sites in the mid-term.

Question 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?

Statistical Overview

Respondents by type	Agree	Disagree	Neither Agree nor Disagree
Business Organisations	1	0	2
Planning Authorities	5	6	3
Government Agencies or Other Public Sector Bodies	2	1	6
Professional Bodies or Interest Groups	1	0	1
The Voluntary Sector	1	1	0
Other	0	1	2
Total	10	9	14
%	30.3%	27.3%	42.4%

Summary Analysis

Around one third of respondents who answered the question directly (30.3%) agree that the draft Circular provides appropriate guidance to local planning authorities on circumstances where they may include an 'exception sites' policy for Gypsy and Traveller accommodation within their respective LDPs. Slightly fewer respondents (27.3%) disagreed that the Circular provides appropriate guidance on the inclusion of an 'exception sites' policy.

Some respondents queried the exception sites policy requirement; in particular, in light of local authorities being required to deliver sites through their LDPs and to include a criteria based policy in their plans for assessing new site proposals brought forward.

Other respondents raised wider comments and matters of clarity regarding the selection of sites in LDPs. Comments were received disagreeing with the wording contained in the Circular on the establishment of sites on untidy land and on not supporting over rigid application of policies seeking a reduction in car borne travel where it could be used to block site proposals in the countryside.

Welsh Government Response

The Welsh Government has considered all of the comments submitted on the wording regarding local planning authorities including an 'exception sites' policy for Gypsy and Traveller accommodation within their respective LDPs. In light of the comments received on this issue, including queries surrounding the wider issue of the acceptability of rural sites for development as discussed under Question 13, the requirement for local planning authorities to include a Gypsy Traveller Exceptions Sites policy in their LDPs has been removed.

The Welsh Government considers that planning authorities must adopt a sequential approach in selecting Gypsy and Traveller sites within their development plans. The preference for considering site locations in or near existing settlements with access to local services is retained in the Circular, with 'near' replaced by 'adjacent' and reference made to 'settlement boundaries' rather than 'settlements' to help ensure clarity in site selection. In order to give regard to sites in rural locations, the Circular has been amended to confirm that sites outside of settlements can be considered if there is a lack of suitable sustainable locations within or adjacent to existing settlement boundaries. The Welsh Government considers that this sequential approach must be replicated for any 'windfall' sites submitted as planning applications. Therefore, text has been added to the 'Planning Applications' section of the Circular which states that permission to develop Gypsy and Travellers sites outside of settlement boundaries could be granted subject to sustainability criteria set out in national planning policy if there are no realistic, suitable sites available within or adjacent to settlement boundaries to accommodate Gypsies and Travellers (as defined under section 108 of the Housing (Wales) Act 2014). It is considered that applying this sequential approach provides planning authorities with a more logical, clear and straightforward way to determine how they should consider location when determining Gypsy Traveller site proposals.

The Welsh Government has considered all of the wider comments submitted regarding the selection of sites in LDPs. Planning authorities would determine acceptable locations for sites in development plans in accordance with the sequential approach and other criteria listed in the Circular and national planning policy. The Welsh Government acknowledges the points raised regarding wording on the use of untidy land and this wording has been removed from the Circular. The policy wording contained in the Circular on car borne travel is not intended to override highways considerations in the selection of sites. The intention of this wording is to clarify that it would be inappropriate for planning authorities to apply policies which seek in a reduction in car borne travel in an overly rigid way in order to block proposals for a Gypsy and Traveller site in a countryside location. It is acknowledged the policy wording on car borne travel could be tightened in order to make clear its purpose and therefore it has been amended accordingly.

Question 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?

Statistical Overview

Respondents by type	Agree	Disagree	Neither Agree nor Disagree
Business Organisations	1	1	1
Planning Authorities	5	4	5
Government Agencies or Other Public Sector Bodies	1	3	5
Professional Bodies or Interest Groups	0	0	2
The Voluntary Sector	1	1	1
Other	0	2	2
Total	8	11	16
%	22.9%	31.4%	45.7%

Summary Analysis

Approximately a third of the respondents who answered the question directly (31.4%) disagree with the statement 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. Conversely, slightly fewer respondents (22.9%) agreed the draft Circular provides relevant guidance on these matters.

Comments were received on the consideration of need during the determination of Gypsy and Traveller site applications and appeals, including a few respondents querying the role of the Gypsy and Traveller Accommodation Assessments in providing robust evidence of data on need to inform this process. A few respondents considered the Circular should provide clarity on how evidence of individual circumstances and Gypsy and Traveller status of applicants are relevant considerations in determining planning applications.

Various respondents requested clarity and/or amendments within the Circular on further matters relating to the determination of site proposals, including matters regarding the planning applications process and on other specific considerations relating to sites.

A few respondents made wider comments in respect of Gypsy and Traveller site provision and encampments, including commenting on how local authorities address such matters and support provided to Gypsies and Travellers in this regard.

Welsh Government Response

The Welsh Government has considered all comments received on the Circular relating to the planning applications process and addressed matters raised where necessary. It is to be noted planning authorities have the appropriate knowledge and expertise in the context of their local area and communities in order to advise and make appropriate decisions on site proposals, which they are required to do so fairly and on their individual merits. The Circular, other national planning policy and local evidence obtained accordingly on each proposal should be used in this decision making process.

The Welsh Government considers that each local authority Gypsy and Traveller Accommodation Assessment should continue to be referenced in the Circular as the primary source of evidence for local authorities in identifying need for sites, which would inform consideration of site planning applications. Such Assessments are prepared using a robust methodology designed to provide clarity and certainty on the need for Gypsy and Traveller accommodation within a local authority area. Further, the Welsh Government's Undertaking Gypsy and Traveller Accommodation Assessments Guidance (dated May 2015) is clear in stating that if a material change in the level of need for an area has been identified, local authorities may choose to update their Assessments. To make this position clear, this text has been replicated in the Circular. Any immediately arising unmet need (i.e. demand) identified through submission of a planning application, such as when Gypsies and Travellers wish to move to an area, would be a consideration in accordance with the guidance within the Circular on development plan criteria based policies. Finally, the Welsh Government guidance on Gypsy and Traveller Accommodation Assessments is likely to be updated later this year, at which point interested parties can submit their comments on the methodology local authorities use in calculating need for accommodation and sites within their areas.

The Welsh Government has considered whether the Circular should provide clarification on how evidence of individual circumstances and Gypsy and Traveller status of applicants should be considerations in determining planning applications. It is noted that the Circular already confirms that personal circumstances could be considerations during the determination of applications, alongside others including level of provision and need for sites in the area. The Circular also provides detail on the legal definition of 'Gypsies and Travellers' as derived from the Housing (Wales) Act 2014 and confirms that the human rights of Gypsies and Travellers should be considered when determining applications, with local authorities able to obtain legal advice on such matters if necessary. Finally, the Circular includes revised wording stating that Gypsy and Traveller sites outside of settlement boundaries could be granted subject to sustainability criteria set out in national planning policy if there are no realistic, suitable sites available within or adjacent to settlement boundaries to accommodate Gypsies and Travellers (as defined under section 108 of the Housing (Wales) Act 2014). The circumstances and status of applicants as Gypsies and Travellers could therefore form part of the evidence base in determining whether or not a site is required. The Welsh Government considers that personal circumstances should only apply where applications are personal and any subsequent permissions are tied to the occupiers by condition. Therefore, clarity has been added to the Circular to confirm this. It is for determining bodies to apply the considerations listed in the Circular appropriately and to assess the evidence on a case-by-case basis in assessing whether the status and circumstances of applicants as Gypsies and Travellers should be given due weight during the determination of planning applications.

Requests for further clarity or amendments under this question have been addressed where considered necessary, including updating the text to ensure appropriate consideration is given to local landscape and nature conservation designations when sites are proposed and providing further information on the use of planning conditions and obligations.

The wider comments made in respect of Gypsy Traveller site provision and encampments are noted. It is considered national guidance, legislation and funding mechanisms such as Sites Capital Grant Funding provide the tools to address site provision at a local level. In respect of support for Gypsies and Travellers, the Circular makes reference to Planning Aid Wales as an organisation that can provide free advice in the submission of planning applications. Finally, the Welsh Government is looking to update the easy read planning guidance for Gypsies and Travellers which should provide further assistance to these communities in the process of identifying land and applying for planning permission to develop sites.

Question 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?

Statistical Overview

Respondents by type	Agree	Disagree	Neither Agree nor Disagree
Business Organisations	2	0	1
Planning Authorities	13	1	0
Government Agencies or Other Public Sector Bodies	4	0	5
Professional Bodies or Interest Groups	0	0	1
The Voluntary Sector	1	1	1
Other	0	2	2
Total	20	4	10
%	58.8%	11.8%	29.4%

Summary Analysis

More than half of those respondents who answered the question directly (58.8%) were in agreement that the draft Circular's 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. A few respondents (11.8%) disagreed that the draft Circular provides relevant guidance on the range of tools for enforcement.

There were a number of positive comments received with regards to the guidance contained in the Circular on enforcement tools, including respondents considering the guidance to be comprehensive and relevant.

A few respondents submitted comments which varied widely regarding enforcement guidance and measures for unauthorised sites. A few respondents in this regard suggested the enforcement tools available to planning authorities need to be strengthened, including with regards to requiring adequate levels of information so there is no chance of breaching human rights of Gypsies and Travellers.

One respondent suggested a need for training, particularly for local authority Council Members, on the provisions contained within the Circular.

Welsh Government Response

The Welsh Government welcomes the positive comments received by a number of respondents on the guidance contained within the Circular relating to the use of enforcement tools.

The Welsh Government notes the comments received and considers the enforcement guidance contained in the Circular and range of enforcement tools available to planning authorities to be sufficient in order to enable effective action to be taken where unauthorised developments occur. The Planning (Wales) Act 2015 provided legislation to tighten up the measures by which local authorities can take effective enforcement action, including introducing restrictions on rights to appeal an enforcement notice. The Circular provides some detailed guidance on Temporary Stopping Places as it is considered that such sites are a useful tool in preventing unauthorised Gypsy and Traveller sites. Further, the Circular provides appropriate signposts to other measures and guidance, including to the Welsh Government's Development Management Manual which contains detailed information on the taking of enforcement action. It is for local authorities to use all of these tools at their discretion when deciding the appropriate course of enforcement action to take against unauthorised site developments. They should use the evidence at their disposal in order to make informed decisions and are best placed to determine where they can work collaboratively on such matters between their departments if they consider it necessary. Further, local authorities should obtain their own legal advice to ensure that their proposed actions conform with Equality and Human Rights legislation. Reference to the Equality Act 2010 has been added to the section on Temporary Stop Notices within the Circular in order to emphasise the responsibility of planning authorities to consider their duties under this Act when taking enforcement action. Also, reference has been added in the Circular to collaborative working between planning authorities and other authority departments on enforcement matters in order to emphasise how such working may be appropriate in determining enforcement action.

Finally, the Welsh Government will monitor the effectiveness of the Circular in assisting local authorities to meet their needs for Gypsy and Traveller accommodation.

Question 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?

Statistical Overview

Respondents by type	Agree	Disagree	Neither Agree nor Disagree
Business Organisations	2	0	1
Planning Authorities	9	2	3
Government Agencies or Other Public Sector Bodies	4	0	5
Professional Bodies or Interest Groups	1	0	1
The Voluntary Sector	1	1	0
Other	1	1	2
Total	18	4	12
%	52.9%	11.8%	35.3%

Summary Analysis

Approximately half of those respondents who answered the question directly (52.9%) agreed that the draft Circular provides appropriate information to local planning authorities on the monitoring of planning applications for Gypsy and Traveller sites. A small proportion of respondents (11.8%) did not consider that the draft provides appropriate information.

Whilst there was general support for this section of the Circular, a number of respondents suggested a need for further clarity on matters related to planning authority monitoring of applications, including on linkages to LDP monitoring, collaborative working and the publication and national monitoring of such data.

A few respondents made wider comments on how Gypsy and Traveller sites are monitored in general and the impact of sites on local communities, querying local democracy.

Welsh Government Response

The Welsh Government considers the guidance contained in the Circular on the monitoring of planning applications for sites to be appropriate, as it emphasises and consolidates other planning guidance on monitoring. How planning authorities wish to go about monitoring applications, including working collaboratively, sharing and publishing data and using this data to inform their annual monitoring of development plans, is a matter for each authority. Monitoring of applications should be undertaken at a local authority level in order to ensure compliance with accommodation needs identified in their respective Gypsy and Traveller Accommodation Assessments.

In response to those wider comments received, monitoring of individual sites is not a matter to be addressed through the planning system and Circular. The Welsh Government's guidance on Managing Gypsy and Traveller Sites in Wales provides further information on the maintenance of sites and local authority responsibilities in this process. The Circular advocates consultation on Gypsy Traveller site proposals, which is undertaken by planning authorities and should involve the wider community.

Question 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?

Statistical Overview

Respondents by type	Agree	Disagree	Neither Agree nor Disagree
Business Organisations	2	0	1
Planning Authorities	6	3	5
Government Agencies or Other Public Sector Bodies	2	2	4
Professional Bodies or Interest Groups	1	0	1
The Voluntary Sector	1	1	0
Other	1	1	2
Total	13	7	13
%	39.4%	21.2%	39.4%

Summary Analysis

Over a third of respondents who answered the question directly (39.4%) agree 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. About a fifth of respondents (21.2%) disagree that the annexes provide appropriate information.

A need for further clarity was suggested by some respondents on various aspects of the Annexes, including requirements to update contact details for organisations referenced and to provide further information in respect of Gypsies and Travellers submitting planning applications.

A few respondents considered information should be provided on planning authorities determining retrospective applications at Annex C because they consider the majority of Gypsy Traveller site applications submitted to be of this nature.

One respondent specifically commented on the guidance provided for Gypsies and Travellers on the making of planning applications at Annex D, querying who this Annex is aimed at and whether it should be reworded for the Gypsy and Traveller community.

Welsh Government Response

The Welsh Government has considered the comments received on the Annexes and provided updates and clarity where it considers it necessary, including on the contact details provided for organisations and to the text on Gypsies and Travellers submitting planning applications.

In response to those comments requesting further information on the determination of retrospective Gypsy and Traveller site applications by planning authorities, such applications should be processed in the same manner as a standard application. Therefore, it is not considered any distinction should be made within the Circular on the differences between a retrospective and standard planning application.

Annex D can be used by appropriate bodies and organisations in order to disseminate advice to Gypsy and Traveller communities on how to submit their planning applications. The Welsh Government is looking to update the easy read planning guidance for Gypsies and Travellers which should provide accessible guidance for these communities to use during the process of applying for planning permission in order to develop sites.

Question 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?

Statistical Overview

Respondents by type	Agree	Disagree	Neither Agree nor Disagree
Business Organisations	1	0	2
Planning Authorities	7	0	7
Government Agencies or Other Public Sector Bodies	3	0	6
Professional Bodies or Interest Groups	1	0	1
The Voluntary Sector	0	1	1
Other	1	1	2
Total	13	2	19
%	38.2%	5.9%	55.9%

Summary Analysis

Over a third of the respondents who answered the question directly (38.2%) considered that a Circular provides the appropriate format for publishing this guidance. Of those who answered the question directly, less than a tenth of the respondents did not agree that a Circular provides the appropriate format for publication.

Limited comments were received on this issue. However, those who supported publication of the guidance as a Circular commented that a Circular may carry more weight and be more specific than a Technical Advice Note (TAN). A few respondents who attached importance to the guidance being published as a TAN gave weight to the inclusion of policy within the document and the need to provide clarity in particular to the relationship with existing TANs.

Welsh Government Response

The Welsh Government has considered the responses received and notes the responses do show more respondents are in favour of the guidance remaining as a Circular. TANs provide advice on policy matters only. Having reviewed the content of the guidance, it does provide information regarding procedural matters on planning applications for Gypsy and Traveller sites. Welsh Government Planning Circulars are designed to cover procedural matters and may be material to decisions on individual planning applications. Therefore, in light of the responses received and the content of the final guidance, it is considered appropriate for it to be published as a Circular.

Question 13:

We have asked a number of specific questions. If you have any related issues which we have not addressed, please let us know.

Other issues which are not already covered in the previous sections were raised by a number of the respondents. These issues may have been cross-cutting themes raised across responses to a number of the questions or directly raised under Question 13 and, as such, are summarised below:

- There were a number of comments received under Question 13 that expressed general support for the Circular or sections of it.
- Some respondents suggested a need for clarity in the Circular on various planning considerations they considered should be taken into account by planning authorities during the process of allocating sites in LDPs and / or determining planning applications for Gypsy and Traveller site provision. Considerations referenced in this regard included access, amenity, hazards, utilities including disposal of sewage and drainage, the environment, designing out of crime, impacts of development on existing residential communities and consultation with relevant bodies on some of these particular matters.
- A few respondents commented on a lack of guidance on the circumstances where temporary planning permissions for sites could be used, as covered in the previous Gypsy and Traveller Circular 30/2007.
- A few respondents raised comments regarding the development of rural sites, in particular suggesting wording contained in Circular 30/2007 on rural sites being acceptable for Gypsy and Traveller accommodation should be retained.
- A few respondents made comments on the good practice criteria set out at Annex B. In particular, there was some disagreement on the threshold of 20 pitches for Gypsy and Traveller sites.
- A few respondents commented on what they perceived to a lack of consultation by local authorities with Gypsies and Travellers and the wider community on need and proposals for Gypsy and Traveller sites.
- A few respondents requested clarity on planning authorities charging for pre-application advice on Gypsy and Traveller site proposals.
- A few respondents made comments and required clarity on the wording contained in the Circular on local connection. It was queried how it should apply in respect of considering planning applications, including those inside and outside of settlement limits, and also how it links to local need identified as part of an authority's Gypsy Traveller Accommodation Assessment.
- A few respondents considered additional 'best practice' guidance and examples could be provided on using Accommodation Assessments and developing Gypsy and Traveller sites.

- A few respondents commented on consulting with particular organisations and bodies on Gypsy and Traveller and planning related matters, including Town and Community Councils.
- A few respondents provided comments on matters surrounding the management of Gypsy and Traveller sites, including on responsibilities and dealing with anti social behaviour.
- A few respondents commented on issues regarding Human Rights and Equality of Opportunity. In this context, a few respondents referred to accounting for children in site provision.
- A few respondents queried referencing to LDPs in the Circular in the context of providing Gypsy and Traveller sites, including one respondent stating that criteria based LDP policies for sites should be a choice as applications can be determined under general development management policies.
- One respondent commented on the appeals section of the Circular, considering it should clarify that all material considerations for a site proposal should have been addressed at the planning application stage.
- One respondent considered the Circular should provide information on the data that can be shared between Council departments regarding Gypsies and Travellers in order to avoid duplication of work.
- A few respondents referenced other distinct matters, including management of public sector bodies; local site provision within a particular area; obtaining of wider consents, licences or permits other than planning; and guidance on the responsibilities of the settled community in site provision.

Welsh Government Response

- **References in the Circular to various planning considerations for Gypsy Traveller site provision.** The section of the Circular on Identifying Gypsy and Traveller Sites picks up on considerations that are to be taken into account in providing sites. The list of considerations which are listed in particular at paragraph 36 of the draft Circular are not supposed to be definitive or exhaustive. It is for each planning authority to consider how each of these considerations and other national planning policy applies as appropriate when determining site proposals for their particular area. To provide clarity, wording has been added to the Circular in order to confirm the considerations listed should be taken into account alongside other national planning policy requirements. Notwithstanding this, the Welsh Government has revisited the considerations listed and updated where appropriate, in particular in light of the criteria provided in Circular 30/2007. No reference to ‘possible environmental damage caused by unauthorised encampment’ as contained in the 30/2007 Circular has been included as it is considered the focus of the new Circular should be to encourage the provision of properly planned sites. Considerations would be further addressed when planning authorities undertake statutory consultation with bodies such as utilities providers where proposals would have a relevant impact.
- **Temporary planning permissions.** Circumstances have now moved on from the guidance contained in Circular 30/2007 as each local authority in Wales is required to have assessed its Gypsy and Traveller accommodation needs and most have adopted Local Development Plans. Therefore, the Welsh Government considers that local authorities should only be granting temporary Gypsy and Traveller site permissions in exceptional circumstances as they will have clearly identified their needs for accommodation. This need should be met through the granting of full planning permission for sites.
- **Development of rural sites.** Please refer to response on exceptions sites policy under question 7.

- **Annex B criteria.** The Welsh Government has reviewed the good practice criteria at Annex B in light of the comments received and it is considered these criteria remain acceptable. The 20 pitch threshold for Gypsy and Traveller sites as set out in this Annex is consistent with the threshold as set out in the Welsh Government’s published Designing Gypsy and Traveller Sites guidance². The threshold was established following a period of consultation and engagement. It is considered to be good practice and therefore is not intended to be prescriptive. It provides flexibility for smaller sites and also extensions to sites in the circumstances where there may be a large population of Gypsies and Travellers and a desire within the community to keep those families together. Whilst the threshold is considered to remain acceptable, reference to it has been removed from the Circular and the Designing Sites guidance has been referenced instead. This is in order to future-proof the Circular in response to any future updates to the Designing Sites guidance. References within the Annex provide signposts to relevant guidance which should be read alongside the Circular, including on the use of planning conditions. These references have been amplified where possible within the Annex.
- **Local authority consultation on need and proposals for Gypsy and Traveller sites.** National guidance and legislation provides information on how and who local authorities should consult during the process of identifying need and proposals for Gypsy and Traveller sites. Ultimately, it is the responsibility of individual local authorities to ensure they consult with relevant statutory bodies, organisations and individuals during this process. If an individual or organisation considers they haven’t been consulted or their views haven’t been taken into account by a local authority, there are mechanisms by which they can make a complaint. This would be through contacting the local authority in the first instance and they would be able to advise on such matters accordingly.
- **Charging for pre-application advice on Gypsy and Traveller site proposals.** It is a requirement for planning authorities to charge for any statutory pre-application services provided. Clarity on this matter has been provided at Annexes C and D which provide information to planning authorities and Gypsies and Travellers on the planning applications process.

² Designing Gypsy and Traveller Sites, Welsh Government, May 2015

- **Local connection.** It is considered the position outlined in the draft Circular is correct in confirming that planning authorities should not refuse applications because the applicant has no local connection. The Welsh Government considers this would act against freedom of movement for Gypsies and Travellers, placing unfair restrictions on those who wish to move to a new area. This would be the case whether a site was proposed inside or outside of settlement boundaries. For sites proposed outside of settlement boundaries, under the sequential approach outlined in the Circular the key consideration should be whether there are alternative sites to accommodate Gypsies and Travellers within existing settlements.

The Welsh Government considers local authorities should meet any needs for Gypsy Traveller accommodation identified as part of their Gypsy Traveller Accommodation Assessment. Where a Gypsy Traveller wishes to move to an area and submits a planning application accordingly, such applications should be considered on their own merits in planning terms. Determination of applications in such cases should not hinge on the connection of the applicant to the area or the findings of the Accommodation Assessment, as existing local need should already have been accounted for by the local authority. The Circular is clear on the issue of local connection and also on local authorities meeting their identified accommodation needs. Therefore no further changes are made to the Circular in respect of these matters.

- **‘Best practice’ guidance and examples.** The Welsh Government considers additional best practice guidance, targets and examples for site provision are not necessary as need and requirements for sites vary between local authority areas. Therefore, each authority should refer to the guidance contained in the Circular and apply it to their own assessments of need and site provision. Further, wider Welsh Government guidance on Gypsy and Traveller site provision and management, including appropriate design, is referenced in the Circular.
- **Consulting on Gypsy and Traveller and planning related matters.** The draft Circular was publicised for a 12 week period and notified to stakeholders who have registered an interest in the planning system and Gypsy Traveller related matters. The process for consulting on particular site proposals is administered by local authorities; the response on which is covered above.
- **Management of Gypsy and Traveller sites.** The management of sites are matters wider than the remit of a planning Circular and fall under the responsibility of the site owner, which can be the local authority. Further Welsh Government guidance on the management of local authority sites, including addressing anti social behaviour, is contained in the Welsh Government’s guidance Managing Gypsy and Traveller Sites in Wales (dated May 2015).

- **Human Rights, Equality of Opportunity and Children.** It is considered the section of the Circular on Human Rights is sufficient to give regard to considering individual persons' rights when determining Gypsy Traveller site proposals. Planning authorities should automatically have regard to relevant considerations in their decision making, particularly where these are statutory duties such as the needs and interests of children.
- **Referencing to LDPs in the Circular.** The guidance is intended to emphasise the role of development plans as the appropriate mechanism for the delivery of sites through the planning system. The Welsh Government considers it important for this issue to be detailed and signposted at a local level through the inclusion of criteria based policies in development plans to ensure it is fully accounted for in the planning applications process. Specific reference to Local Development Plans has been replaced by 'development plans' in the Circular, in order to account for the possibility of Strategic Development Plans and Joint Local Development Plans potentially being prepared as the development plans for local authority areas across Wales in future.
- **Appeals and material considerations.** The Welsh Government concurs with the comment on the appeals section of the Circular and has updated the text to clarify all material considerations for a site proposal should have been addressed at the planning applications stage.
- **Data sharing between Council departments on Gypsies and Travellers.** The Welsh Government is generally supportive of sharing data in order to inform Gypsy and Traveller accommodation needs. It is recognised data gathered can vary locally and it is considered individual authorities are best placed to determine where data can be shared between Council departments, rather than prescribing information on this in the Circular.
- **Other distinct matters referenced.** The Circular is a document which is intended to provide national guidance on providing Gypsy and Traveller sites through the land use planning system. Those other distinct matters referenced by respondents fall outside the remit of this Circular; for example, they may be addressed by other regimes or at a local level.

Appendix – List of Respondents by Category

Business Organisations	
Heine Planning	
Ruston Planning Limited	
The Community Law Partnership	
Dŵr Cymru Welsh Water	
Total – 4	Percentage of total respondents from this category – 10%

Planning Authorities	
Caerphilly County Borough Council	
Cardiff County Council	
Carmarthenshire County Council	
Ceredigion County Council	
City & County of Swansea	
Flintshire County Council	
Gwynedd Council and the Isle of Anglesey County Council	
National Parks Wales	
Neath Port Talbot County Borough Council	
Newport City Council	
Powys County Council	
Torfaen County Borough Council	
Vale of Glamorgan Council	
Wrexham County Borough Council	
Total – 14	Percentage of total respondents from this category – 35%

Government Agencies or Other Public Sector Bodies	
Abergele Town Council	
Anonymous	
Barry Town Council	
Clwydian Range and Dee Valley AONB Joint Committee	
Dyfed Powys Police	
Health and Safety Executive	
Natural Resources Wales	
Network Rail	
South Wales Police	
South Wales Police - Designing out Crime	

Usk Town Council	
Welsh Local Government Association	
Total – 12	Percentage of total respondents from this category – 30%

Professional Bodies or Interest Groups	
Royal Town Planning Institute Cymru (RTPI Cymru)	
The Law Society of England and Wales	
Total – 2	Percentage of total respondents from this category – 5%

The Voluntary Sector	
Cytûn – Churches Together in Wales	
Planning Aid Wales	
Travelling Ahead / Tros Gynnal Plant	
Woodland Residents Association	
Total – 4	Percentage of total respondents from this category – 10%

Others	
Anonymous	
Anonymous	
Private Individual	
Private Individual	
Total – 4	Percentage of total respondents from this category – 10%