

# Frequently asked questions

This list of frequently asked question has been prepared to help answer queries that may arise during the preparation of the Traveller Sites Allocations Document. The list will be kept up to date as the Document progresses.

Part 1 of the list contains general questions. Part 2 provides information on the process of preparing the Traveller Sites Allocation Document.

## Part 1: General questions

### Who are Gypsies and Travellers and Travelling Showpeople??

Gypsies are believed to have arrived in the UK over 500 years ago. The Gypsy and Traveller community is diverse and hard to define in simple terms. The main cultural groups include Romany Gypsies, Irish Travellers and New Age Travellers.

For the purposes of planning, The Governments '*Planning policy for traveller sites*', states the following definition:

'Gypsies and Travellers' means:

*"Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such."*

Romany Gypsies and Irish Travellers are covered by the protected characteristic of race for the Equality Act 2010. Local authorities have a duty under this Act to actively seek to eliminate unlawful discrimination, advance equality of opportunity and promote good race relations.

Travelling Showpeople are members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). Most Travelling Showpeople are members of the Showmen's Guild of Great Britain.

For the purposes of planning, The Governments '*Planning policy for traveller sites*', states the following definition:

*"Members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or their family's or dependants' more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily or permanently, but excludes Gypsies and Travellers as defined above"*.

## **Why does Mid Sussex need more permanent Gypsy and Traveller sites?**

Councils are required by law to assess the accommodation needs of all people living in the area they are responsible for and this includes Gypsies and Travellers.

It is increasingly difficult for families to live on the road as they used to. There are fewer places to stop, and work patterns have changed, for example as agricultural practices have been modernised. Families increasingly require safe and secure 'base sites' from which to travel from should they wish. The lack of legal permanent sites makes accessing key services and facilities much harder. Gypsies and Travellers face the most serious disadvantages of all ethnic minority groups with shorter life expectancy, high child mortality rates and low educational attainment.

A detailed study carried out for Mid Sussex District Council identified that 34 new permanent residential pitches need to be provided for Gypsies and Travellers in Mid Sussex over the period to 2031 with no identified a need for Travelling Showpeople.

The *Mid Sussex Gypsy and Traveller and Travelling Showpeople Accommodation Assessment* is available on the Council's website at [www.midsussex.gov.uk/8686.htm](http://www.midsussex.gov.uk/8686.htm)

## **What is a pitch?**

A pitch is the space required to accommodate one household and will vary according to the size of the household in a similar way to housing for the settled community. Typically a family pitch will provide space for a mobile home and touring caravan, space for parking, and an amenity block.

## **How is Mid Sussex District Council responding to this requirement?**

The Council has set up a cross party working group to advise and guide officers and will produce a *Traveller Sites Allocations Development Plan Document* (DPD). This will allocate the necessary land suitable for development as permanent Gypsy, Traveller or Travelling Showpeople sites.

The Council has also engaged in cross-boundary work with other West Sussex authorities and has made a financial commitment in order to provide a countywide Gypsy and Traveller transit site in Chichester District to help meet the need for this type of accommodation and tackle unauthorised encampments in West Sussex. The allocation of a countywide transit site is a separate area of work to the *Traveller Sites Development Plan Document*. The site in question was granted planning permission April 2014.

## **Shouldn't Travellers be 'travelling'?**

For many Gypsies and Travellers, living in a caravan is not a 'lifestyle choice' but a result of their social and cultural heritage and an essential part of their ethnic identity. This is true whether they are nomadic or settle for long periods in one place.

Although some groups are highly mobile, moving on to find work elsewhere, others live permanently in one area or only travel for a few weeks or months during the year.

The main reason for travelling is to work, follow fairs and visit family and so a 'base' site is required from which to live when not travelling. Reasons for stopping permanently can be down to growing older and becoming less able to travel on a regular basis.

National planning guidance recognises the needs of Gypsies and Travellers even when they may have stopped travelling, temporarily or permanently, so to enable the cultural traditions of being a Gypsy or Traveller to be maintained.

### **Why not provide houses instead of sites?**

According to the *Mid Sussex Gypsy and Traveller and Travelling Showpeople Accommodation Assessment* a large proportion of the Mid Sussex Gypsy and Traveller community live in houses. Some Gypsies and Traveller prefer to live in housing by choice, or do so for health reasons. However for some families it doesn't work; they feel isolated from their community, and often feel claustrophobic or hemmed in, inside four walls. Everyone should have the opportunity of a decent home that meets their needs, and this includes Gypsies and Travellers who need sites to accommodate caravans.

### **What do Gypsy and Traveller sites look like?**

Properly set up managed and landscaped modern Gypsy and Traveller sites are designed to make possible a healthy, safe and secure environment for residents and to maintain visual and acoustic privacy for residents and for those living nearby.

Modern sites are nothing like older sites that were, in the main, developed on an assumption that households would not live on them for long periods of time. The facilities on many older sites are increasingly out of keeping with accepted standards for family living.

In Mid Sussex existing sites range in size from 3 to 4 pitches to larger sites of around 10 pitches. National guidance and guidance from West Sussex County Council suggest sites of no larger than 10-15 pitches to make for a comfortable living environment on sites that are easier to manage.

Typical pitches on modern Gypsy and Traveller sites appear much like tourist caravan sites, including an area of hardstanding for a caravan or chalet style mobile home plus landscaping and vehicle parking. Minimum site requirements include mains water, sewerage and electricity. Sites can also be connected to mains gas if it is available in the area.

### **What would it be like to have a site near where I live?**

Properly set up and well-managed Gypsy and Traveller sites are nothing like unauthorised encampments and do not cause any problems to neighbours. Unauthorised encampments can cause considerable problems for both on-site and neighbouring residents. Properly set up and maintained sites have services and facilities on-site to establish safe, secure and healthy communities. If any problems are encountered, these would be dealt with by the Council in partnership with the police and other relevant agencies.

## **Do Gypsies and Travellers pay tax and for other services?**

As with all other residential properties, each pitch will be assessed by the local taxation officer and given a council tax rating. Residents will then pay the correct level of council tax for their property. Charges for water, electricity and other amenities are also charged on Traveller sites. Gypsies and Travellers are subject to the same law enforcement rules as the settled community for non-payment of taxes.

## **Can residents run a business from their site?**

As part of any site allocations the Council may propose that a site is suitable for some business use. Details of this would have to be taken through a detailed planning application which will be assessed on its individual merits. Permission could be granted subject to relevant conditions either restricting or ruling out the operation of particular business activities. Business use on permanent pitches or a Travelling Showmen's yard will be subject to the normal business rates.

## **How will refuse be collected?**

Refuse disposal facilities will be expected to be provided on site. Sufficient space should also be accommodated for local authority refuse collection vehicles to reach an appropriate point to collect waste from individual pitches and any communal refuse areas.

## **What if there are impacts on the local community?**

The impact on local residents will be taken into account when assessing potential sites. The proximity of sites to existing settlements is considered important, although this does not rule out sites that are located away from a settlement boundary providing they are reasonably close to key local services and facilities.

Noise is another key issue that will be assessed, recognising that this could be an issue that may rule out sites or require mitigation if affecting proposed or neighbouring residents.

It is proposed that emerging *District Plan* will contain a policy to assess planning applications for Gypsy and Traveller sites. This will ensure that a site will not have an unacceptable adverse impact on the character and appearance of the surrounding area and that the use of the site be compatible with neighbouring land uses.

## **What happens if I spot anti-social behaviour?**

Any anti-social behaviour of any sort, anywhere in the District is dealt with by the Council in partnership with the police and other relevant agencies.

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## **Part 2: Preparing the Traveller Sites Allocations Document**

### **What is the Traveller Sites Allocations Development Plan Document?**

The Traveller Sites Allocations Document will be a formal plan that will identify and allocate land for the development of new accommodation for Gypsies, Travellers and Travelling Showpeople. It will also safeguard existing sites from development to an alternative use unless an adequate replacement is made to prevent the need for sites being made greater through the loss of these sites.

### **Why is the Council producing the Traveller Sites Allocations Document?**

The Government requires that Local Authorities identify sites to meet the needs of the travelling communities<sup>1</sup> as it is required to provide houses to meet the needs of the settled community. A local assessment of the accommodation needs of this group have identified a shortage of permanent sites.

This Document will help to address the needs of this section of the local community but will also ensure that the most appropriate sites are identified in a proactive, planned way rather than decisions being made on an ad hoc basis by planning application or by planning appeal. The failure to identify and allocate sites also inhibits the ability of the Council to take enforcement action against unauthorised sites.

### **Is the Council legally obliged to do this work?**

The Council is legally obliged to do this work.

The Housing Act 2004<sup>2</sup> places a duty on local housing authorities to undertake regular assessments of the accommodation needs of Gypsies and Travellers either living in, or resorting to their area<sup>3</sup>.

The Act also requires local housing authorities to include the needs of Gypsies and Travellers in any housing strategy they produce<sup>4</sup> and to take any such strategy in to account in exercising their functions.

The definition of Gypsies and Travellers<sup>5</sup> is that set out for the purposes of planning by the Secretary of State for Communities and Local Government, set out in national planning guidance, '*Planning policy for traveller sites*' (see Part 1 of this list).

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<sup>1</sup> Paragraph 9 of "Planning Policy for Traveller sites" (March 2012) states that  
" Local planning authorities should, in producing their Local Plan:

a. identify and update annually, a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set targets

b. identify a supply of specific, developable sites or broad locations for growth, for years six to ten and, where possible, for years 11-15 "

<sup>2</sup> Section 225 of the Housing Act 2004

<sup>3</sup> Under the Local Housing Needs Assessment process set out in Section 8 of the Housing Act 1985.

<sup>4</sup> In line with Section 87 of the Local Government Act 2003

<sup>5</sup> As referred to at Section 225(5)(a) of the Act

## **Planning Policy for Traveller Sites**

National planning guidance set out in '*Planning policy for traveller sites*' is to be read alongside the *National Planning Policy Framework*.

The guidance places a requirement on local authorities to set pitch targets for Gypsies and Travellers and plot targets for Travelling Showpeople which address the likely permanent and transit site accommodation needs of their area.

To set those pitch and plot targets local authorities should prepare and maintain an up-to-date understanding of accommodation need using a robust evidence base.

In addition to setting pitch targets local authorities are required to identify a supply of specific deliverable sites, sufficient to provide five years' worth of sites against the locally set targets. There is also a requirement to plan for a further 10 years' supply of sites.

### **What has the Council done so far?**

A Traveller Policy Member Working Group consisting of elected Councillors and Council officers has been set up to progress the work on forming the Traveller Sites Allocation Document.

The Council has issued a 'call for sites'. This is an exercise to inform and provide landowners the opportunity to promote their sites for permanent Gypsy and Traveller accommodation. The Council will assess all potential sites against a framework agreed with the Working Group.

The Council is also working with neighbouring authorities to ensure that it meets the 'Duty to Co-operate'. This is a legal test that requires co-operation between local planning authorities and other public bodies to maximise the effectiveness of policies for strategic matters in Local Plans where appropriate. A report setting out how work will progress on the Duty to Co-operate will be taken to the [Scrutiny Committee for Planning and Economic Development](#) 14<sup>th</sup> January 2014.

No decisions on which sites to potentially allocate have been made. The first stage in the Plan making process will be a public consultation on the Council's 'Preferred Options' for Gypsy and Traveller sites. This is scheduled for spring 2014. Further detail on the timetable for the Traveller Sites Allocation Document is available on the Council's website at [www.midsussex.gov.uk/8686.htm](http://www.midsussex.gov.uk/8686.htm)

### **What happens once sites are allocated through the Traveller Sites Allocations Document?**

Allocated sites will still have to go through the planning application process to determine the detailed aspects of development such as design, highways access and landscaping before development can commence. This will mean further information in the form of ecology and highways assessments may still be required on individual sites to gain planning permission and further local consultation will take place for any planning application.

### **How has the impact on the environment been assessed?**

The Council will seek to identify those sites which have the least impact on the environment and landscape and where any identified impacts have a realistic opportunity for mitigation.

Due to the proximity of the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC) to the Mid Sussex District, under European Habitats Regulations, the District Council is required to undertake an appropriate assessment where a land use plan is likely to have a significant effect on a European site. The Traveller Sites Allocations Document will therefore be accompanied by a Habitats Regulations Assessment (HRA).

### **How will the Council control unauthorised expansion of sites?**

Although this is not an issue that has been experienced in Mid Sussex, unauthorised expansion of sites will be addressed in the detailed design stage so that this is made physically difficult. Should unauthorised expansion of sites occur, this would be dealt with by the Council in partnership with the police and other relevant agencies. By taking a proactive, plan led approach to making adequate provision for Gypsy and Traveller accommodation needs, the pressure to expand sites in an unauthorised way will be much reduced.