

## Annex 2

### CONSULTATION FORM

#### Circular - Planning for Gypsy, Traveller and Showpeople Sites

We want to know your views on the Welsh Government's Draft Circular – Planning for Gypsy, Traveller and Showpeople Sites.

Please submit your comments by 22 May 2017

If you have any queries on this consultation, please email:  
[planconsultations-h@wales.gsi.gov.uk](mailto:planconsultations-h@wales.gsi.gov.uk) or telephone: 0300 025 3524

#### Data Protection

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tick the box below. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

#### Confidentiality

Responses to consultations may be made public on the internet or in a report.

**If you do not want your name and address to be shown on any documents we produce please indicate here**

**If you do not want your response to be shown in any document we produce please indicate here**

## CONSULTATION FORM

<b>Circular - Planning for Gypsy, Traveller and Showpeople Sites (Consultation)</b>		
<b>Date</b>		
<b>Name</b>	Keith Davies	
<b>Organisation</b>	Natural Resources Wales	
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<b>Telephone</b>	03000 65 3148	
<b>Type</b> <i>(please select one from the following)</i>	Businesses	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input checked="" type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, enterprises, religious, not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above)	<input type="checkbox"/>

<b>Q1</b>	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?	<b>X</b>
	<b>Agree</b>	
	<b>Neither Agree nor Disagree</b>	<b>X</b>
	<b>Disagree</b>	
<b>Further comments</b>		
NRW has no comments to make in response to question 1.		

<b>Q2</b>	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?	<b>X</b>
	<b>Agree</b>	
	<b>Neither Agree nor Disagree</b>	<b>X</b>
	<b>Disagree</b>	
<b>Further comments</b>		
Natural Resources Wales (NRW) has no comments to make in response to question 2.		

<b>Q3</b>	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?	<b>X</b>
	<b>Agree</b>	
	<b>Neither Agree nor Disagree</b>	<b>X</b>
	<b>Disagree</b>	
<b>Further comments</b>		
NRW has no comments to make in response to question 3.		

<b>Q4</b>	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?	<b>X</b>
	<b>Agree</b>	
	<b>Neither Agree nor Disagree</b>	<b>X</b>
	<b>Disagree</b>	
<b>Further comments</b>		
NRW has no comments to make in response to question 4.		

<b>Q5</b>	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?	<b>X</b>
	<b>Agree</b>	
	<b>Neither Agree nor Disagree</b>	<b>X</b>
	<b>Disagree</b>	

**Further comments**

In identifying suitable sites (paragraphs 32-46), we would support the appraisal of environmental considerations in allocating accommodation for gypsy and traveller communities through the Local Development Plan and Sustainability Appraisal process. However, this guidance could be improved:

Planning Policy and Guidance

Whilst the draft Circular provides a list of issues to consider site sustainability (paragraph 36), it should convey that the list is not exhaustive, and other requirements and planning policies may be relevant (e.g. Planning Policy Wales<sup>1</sup> (PPW) and Technical Advice Notes (TANs)). The draft Circular provides reference to TAN15: Development and Flood Risk<sup>2</sup>, however, guidance contained in other technical advice notes may also be material to a planning application.

### Strategic Land Use Planning

Whilst the draft Circular provides advice on the benefits of regional working, the provision of a suitable evidence base, how to consider site allocations and the type of detailed policies in a Local Development Plan (LDP), limited guidance is provided on how gypsy and traveller needs could inform a LDP's overall spatial strategy (options and broad locations for development). We would therefore support the appraisal of environmental considerations to inform gypsy and traveller options at the LDP strategic options and pre-deposit (preferred strategy) stage. For example, TAN15<sup>2</sup> advises that where a Local Planning Authority identifies flood risk as a strategic issue, which could significantly constrain development options, a precautionary approach should be adopted and sites should only be allocated if justified (meeting the tests set out in Section 6.2). As part of the justification test, a broad level assessment would need to demonstrate that the consequences of flooding have been understood and are capable of being managed in an acceptable way. NRW would recommend a strategic flood consequences assessment be undertaken, which is iterative and encompasses a phased assessment to align and inform the LDP process at the outset (from the evidence base to informing strategic options, policy and site allocations) and to inform whether tests of soundness have been met.

### Utilities

Whilst we welcome the reference to utilities in the draft Circular, it should clarify that the applicant would need to demonstrate that the adequacy of supply and suitability of infrastructure is acceptable.

A hierarchical approach should be adopted, where in the first instance, effluent from the development in a sewered area is connected into the main sewer. Non-main drainage proposals shall only be considered where connection into the main sewer is not demonstrated as practicable and/or feasible (consistent with Chapter 12 of Planning Policy Wales and criteria set out in Welsh Office Circular 10/99<sup>3</sup>). Further, appropriate bodies including Natural Resources Wales (NRW) and the relevant Water Company should be consulted for their views about the acceptability of foul drainage proposals.

<b>Q6</b>	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?	<b>X</b>
	<b>Agree</b>	<b>X</b>
	<b>Neither Agree nor Disagree</b>	
	<b>Disagree</b>	
<b>Further comments</b>		
<p>NRW agrees that the draft Circular provides appropriate guidance for transit and temporary stopping places. We note that transit sites would be identified rather than stopping places if the level of unauthorised encampment is significant. However, the level of significance is not defined.</p> <p>We therefore recommend that the Circular clarifies that local planning authorities should consider the potential adverse impact of unauthorised encampments on protected environmental features and sites, and the risk of flooding to and from existing unauthorised encampments, in determining the need to allocate transit sites.</p>		
<b>Q7</b>	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?	<b>X</b>
	<b>Agree</b>	<b>X</b>
	<b>Neither Agree nor Disagree</b>	
	<b>Disagree</b>	
<b>Further comments</b>		
<p>NRW agrees that the draft Circular provides appropriate circumstances for exception sites, which accord with requirements set out in Planning Policy Wales and positively enhance the environment. Exceptions should also avoid or minimise adverse environmental risks such as the risk of flooding to and from the development.</p>		

<b>Q8</b>	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?	<b>X</b>
<b>Agree</b>		
<b>Neither Agree nor Disagree</b>		<b>X</b>
<b>Disagree</b>		
<b>Further comments</b>		
<p>We would agree that those matters to be assessed should be agreed early in the planning process (including matters raised in Annex C and D) and we agree with comments in paragraph 62 for pre-application discussions.</p>		
<p>We would suggest, however, that this guidance could be improved. Whilst the draft Circular provides consideration of various planning matters, it should also clarify that other factors may also be relevant to a planning application and therefore consideration may need to be given to other policies and guidance e.g. PPW and relevant TANs.</p>		
<p>The Circular should clarify that an applicant will need to demonstrate how requirements set out in Planning Policy Wales and relevant planning technical advice notes have been satisfied. This may involve further work being undertaken and the provision of suitable evidence to support a planning application. Appropriate surveys and assessments may need to be undertaken. For example, in considering access to water and waste services, the applicant will need to demonstrate that the adequacy of supply and suitability of infrastructure is acceptable. A hierarchical approach should be adopted, where in the first instance, effluent from the development in a sewered area is connected into the main sewer. Non-main drainage proposals shall only be considered where connection into the main sewer is not demonstrated as practicable and/or feasible (in line with Chapter 12 of Planning Policy Wales and criteria set out in Welsh Office Circular 10/99<sup>3</sup>). Further, appropriate bodies including Natural Resources Wales (NRW) and the relevant Water Company should be consulted for their views about the acceptability of foul drainage proposals.</p>		
<p>We refer you to the last sentence in paragraph 62, which states “<i>In line with guidance in TAN15<sup>20</sup>, local planning authorities should consult Natural Resources Wales about flood risk</i>”. While we are one of the bodies to be consulted about flood risk and consequences, local planning authorities may need to consult other appropriate bodies or experts in-house about their requirements for an assessment and criteria to be satisfied, for example, the lead local authority would provide guidance and advice on localised flooding, site drainage and design.</p>		

<b>Q9</b>	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?	<b>X</b>
	<b>Agree</b>	
	<b>Neither Agree nor Disagree</b>	<b>X</b>
	<b>Disagree</b>	
<b>Further comments</b>		
NRW has no comments to make on the range of tools that can be used to take effective enforcement action.		

<b>Q10</b>	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?	<b>X</b>
	<b>Agree</b>	<b>X</b>
	<b>Neither Agree nor Disagree</b>	
	<b>Disagree</b>	
<b>Further comments</b>		
NRW agrees that the draft Circular provides explanation to local planning authorities on the need to monitor planning applications and the Local Development Plan (sites and policies). Under the section 'Monitoring LDP Gypsy and Traveller site policies' further reference could be made to ensure that those measures reflect the sustainable development principle and well-being goals of the Well-being of Future Generations (Wales) Act 2015.		

<b>Q11</b>	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?	<b>X</b>
	<b>Agree</b>	
	<b>Neither Agree nor Disagree</b>	<b>X</b>
	<b>Disagree</b>	
<b>Further comments</b>		
NRW has no comments to make.		

<b>Q12</b>	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?	<b>X</b>
	<b>Agree</b>	
	<b>Neither Agree nor Disagree</b>	<b>X</b>
	<b>Disagree</b>	
<b>Further comments</b>		
NRW has no comments to make.		

<b>Q13</b>	We have asked a number of specific questions. If you have any related issues which we have not addressed, please let us know.	<b>X</b>
<b>Further comments</b>		
<p>NRW is supportive of the clarity provided in paragraph 58, which conveys that any development proposal must comply with statutory duties associated with a designation (landscape or nature conservation), and makes reference to further guidance set out in Planning Policy Wales (PPW)<sup>2</sup>, which would apply for both development management and planning purposes.</p> <p>In addition to planning permission, all other consent, licence or permit under other legislation should be acquired. Relevant procedures can take several months to complete, and early contact with us is therefore advised. Further guidance on activities, which we regulate can be found on our website at <a href="http://www.naturalresourceswales.gov.uk">www.naturalresourceswales.gov.uk</a> / <a href="http://www.cyfoethnaturiolcymru.gov.uk">www.cyfoethnaturiolcymru.gov.uk</a>. This includes advice on water discharges, pollution prevention, waste management, biodiversity and protected species.</p>		

**NRW Footnote**

1. The Welsh Government. Planning Policy Wales. Edition 9. November 2016.
2. The Welsh Assembly Government, Planning Policy Wales, Technical Advice Note 15 Development and Flood Risk (14 July 2004)
3. Welsh Office Circular 10/99 Planning Requirements in respect of the Use of Non Mains Drainage incorporating Septic Tanks in New Development (1 April 1999)

## How to respond

Please submit your comments by 22 May 2017, in any of the following ways:

Email	Post
<p>Please complete the consultation form and send it to : <a href="mailto:planconsultations-h@wales.gsi.gov.uk">planconsultations-h@wales.gsi.gov.uk</a> [Please include '<b>Gypsy, Traveller and Showpeople Sites Circular Consultation</b>' in the subject line]</p>	<p>Please complete the consultation form and send it to: Gypsy, Traveller and Showpeople Sites Circular Consultation Planning Policy Branch Planning Directorate Welsh Government Cathays Park Cardiff CF10 3NQ</p>

### Additional information

If you have any queries about this consultation, please

Email: [planconsultations-h@wales.gsi.gov.uk](mailto:planconsultations-h@wales.gsi.gov.uk)

Telephone: 0300 025 3524