

## BCC Response Statement

This responds to matters raised in paragraph 6 of the Inspector's note of 8 September 2010.

Inspector's question:

*"I also highlighted yesterday the recent Ministerial Statement relating to Circulars 1/2006 and 4/2007. See <http://www.communities.gov.uk/news/corporate/1700758> I invite comments from the Council (and any others who made representations on this policy) on any implications of this announcement for the soundness of policy BCS19 and of the Council's proposed change to this policy. The Council should also inform me if any recent decisions by the Council materially alter the evidence before me when policy BCS19 was discussed in June".*

Council's response:

1. The Government's intention to revoke Circulars 01/2006 and 04/2007 and replace with light touch guidance outlining Councils' statutory obligations is noted.
2. The guidance contained within the Circulars informed the content of Policy BCS19. The wording of the policy and accompanying text (including the potential minor changes) is still considered appropriate.
3. Paragraph 4.19.5 of the explanatory text (Submission Core Strategy) acknowledges that Travelling Showpeople are excluded from the planning definition of Gypsies and Travellers (as contained in Circular 01/2006). However, it recognises that they are included within the definition of Gypsies and Travellers as defined under Section 225 of the Housing Act 2004 (for the purposes of undertaking GTAAs). Paragraph 4.19.6 states "where permission is granted for a Gypsy & Traveller or Travelling Showpeople site, occupation of the site will be restricted to those persons genuinely falling within the appropriate definitions set out in government circulars 01/2006 and 04/2007". It is currently unclear whether these definitions will be included within the future light touch guidance.
4. The Council does not consider the Government's intention to revoke the Circulars has any implications for the soundness of Policy BCS19. The Housing Act 2004 still requires that every local housing authority must, when undertaking a review of housing needs in their district, carry out an assessment of the accommodation needs of Gypsies and Travellers residing in or resorting to their district and prepare a strategy in respect of the meeting of such accommodation needs. Paragraph 21 of Planning Policy Statement 3 (Housing) considers that planning authorities have to take into account the need to accommodate Gypsies and Travellers when preparing plans.

5. This requirement was reiterated by DCLG in the Guidance issued on 6th July 2010 regarding the revocation of Regional Strategies which noted in paragraph 14 that local authorities will be responsible for determining the right level of site provision, reflecting local need and historic demand, and for bringing forward land in Development Plan Documents.
6. The announcement on 29th August by DCLG also reiterated that councils will decide for themselves how many traveller pitches are necessary in their area according to local need and historic demand, and that there will be incentives available to build authorised sites. Therefore, the revocation of the Circulars will not remove the expectation that land is brought forward through Development Plan Documents. It is considered that the approach to site provision set out in Policy BCS19 remains appropriate.
7. To date there have been no decisions by the City Council which affect the proposed approach to Gypsy & Traveller and Travelling Showpeople site provision set out in Policy BCS19 (as discussed at the hearing on 28 June 2010). The Full Council discussed a motion on Gypsy & Traveller sites at its meeting on 7 September 2010. However, the discussion ran out of time and there was no vote on the motion.