

Suitability and Sustainability

The Government sets out in the Circular that the sites must be "sustainable". This means that a site is not likely to be suitable if it is "in the middle of nowhere", so there must be reasonable access to facilities for children including educational facilities and health facilities. There should be reasonable access to shops and other things that a community of Travellers might need. The more isolated an application site the less likely it is to meet this criteria, and comments about the unsuitability of a site in terms of its sustainability are perfectly valid.

What sort of things are immaterial?

There are some matters which are not material to any planning application, but residents often think they are. For example the impact of an application on your own property value is not, as far as the law is concerned a material planning application. Nor are the personal circumstances of the applicant, or the intended user of the development.

In general remarks related to the user or occupants of the site are likely not to be material, but comments about the use of the site are likely to be in order.

The Race Relations Act

Constituents have expressed concern that letters to Mid Beds Council in respect of an application in Stotfold were not considered because the council said they were contrary to the Race Relations Act. The council is obliged to have regard to this, as it is specifically mentioned in the circular.

What I think this means is that prejudicial remarks about the gypsy and traveller community in general will be pointless, and not accepted. Suggestions that any problems about the site will be made worse just because it is a gypsy and traveller application are not likely to be accepted, and it goes without saying that abusive language would be wrong.

Fear of Crime

This is a difficult area. There are legal cases which go both ways as to whether a 'fear of crime' in relation to such sites is material. Unless a constituent has a particular fear, based on knowledge of specific persons who would be on a particular site, I doubt if this would be material to the planning application.

However I will be in touch with the Parish Councils specifically on this, as they may want to take professional advice.

However whether or not this debate is raging, it is not a material consideration in respect of a planning application. Willington and Cople are required to deal with the law as it stands affecting a planning application, and my suggestions recognise that.

The ODPM Circular sets out the background which must be taken into account. The Circular also provides clues but not advice as to what matters may be considered material or immaterial in both promoting and objecting to particular applications. For example Paragraph 3 talks about how the policies brought forward by the Local Authority must be "fair, reasonable, realistic and effective in delivering sites". And Paragraph 33 says that "Local Planning Authorities will need to demonstrate the sites are suitable".

Paragraphs 47 onwards deal with "sites in rural areas and the countryside", and I am sure that you will be giving this section of the Circular particular interest. They will help guide you and residents as to what is material and not, as the policy allows travellers applications in circumstances where other applications would not be accepted. You might have a look particularly at Paragraphs 53, 54 and 55.

Looking at the previous applications with which I have been involved in recent months, and some of the guidance produced by Councils I would offer the following comments:-

General Advice

In general my advice to residents is always to make honest representations, based on what they know to be true, expressed moderately in their own language and through individual letters. A Planning Committee cannot be swayed simply by the number of letters received on a particular application. It is obliged to consider all representations made, but some are legally relevant to an application, and others are not.

Valid Planning Matters

Vehicle access and highways

These include the nature of a main road on which the application site is based, the problem of speed of traffic, the difficulty or otherwise of the proposed access points, parking issues, number of vehicle movements etc.

Amenity

This includes things like the impact of an application on the neighbours close to a site, the lack of proportion in the size of the site compared to nearby settlements, noise and disturbance, the particular history of a site if it has been protected through any existing policy of the local Council; disturbance; poor landscaping, liability to flooding etc.