

5 April 2018

## **PC07-18 | UNAUTHORISED DEVELOPMENT AND ENCAMPMENTS**

### **Summary**

The Ministry of Housing, Communities and Local Government have recently published a consultation on unauthorised development and encampments. The consultation covers local authority and police powers; court processes; trespass; planning enforcement; the provision of authorised sites and the impacts on the travelling community. The main consultation document can be found [here](#).

The Government announced during a House of Commons debate on unauthorised developments and encampments on 9 October 2017 that it would seek views on the effectiveness of existing powers and gather information to inform future policy and legislative proposals. During the debate the government heard that unauthorised development and encampments remain a significant issue which causes genuine difficulties for communities. Such difficulties include:

- trespassing on private land
- occupying public land, including playing fields and children's playgrounds
- damage to property
- extensive litter and waste
- the public and private cost of cleaning or protecting unauthorised sites
- noise and antisocial behaviour
- abusive and threatening behaviour
- carrying out development without planning permission.

In 2015 the Government issued advice on *Dealing with illegal and unauthorised encampments* to all local authorities, the police and landowners to encourage them to work collaboratively to tackle unauthorised encampments and to remind them of the array of powers which exist for tackling such situations. The government has also issued revised planning guidance on enforcement and updated policy and reforms to temporary stop notices.

However, whilst the July 2017 Traveller Caravan Count illustrates that the number of traveller caravans on authorised sites has risen from 14,498 in July 2010 to 19,071 in July 2017, there are still a significant number of unauthorised encampments across England, accounting for 16% of all caravans in July 2017.

## Consultation questions

NALC will be responding to the consultation questions.

The consultation questions are as below:

1. What evidence is there of unauthorised development and encampments in your community, and what issues does this raise for the local community?
2. We would like to invite evidence of unauthorised encampments which have occurred in the last 2 years, as follows:
  - a. the number of instances where trespassers have occupied land without authorisation, including the location and scale of the encampment.
  - b. whether the land in a) required cleaning or repair once the encampment had left, and if so, what was the cost?
  - c. how was each unauthorised encampment encouraged to leave, how long did it take, and was the local authority able to move them on; or did the police become involved?
3. Do you think that the existing powers made available to local authorities to remove unauthorised campers from land are effective?
4. Do you think local authorities could improve their use of existing powers?
5. What other powers may help local authorities deal with unauthorised encampments?
6. Do you consider that the current powers for police to direct trespassers to leave land are effective?
7. Would any new or revised powers that enable police to direct trespassers to leave land make it easier to deal with unauthorised encampments?
8. Do you consider that the Government should consider criminalising unauthorised encampments, in addition to the offence of aggravated trespass? If so, how should a new offence differ, and what actions and circumstances should it apply to?

9. What barriers are there to the greater use of injunctions by local authorities, where appropriate, and how might they be overcome?
10. Do you have any suggestions or examples of how local authorities, the police, the courts and communities can work together more successfully to improve community relations and address issues raised by unauthorised encampments?
11. Are there ways in which court processes might be modified in a proportionate way to ensure unauthorised encampments can be addressed more quickly?
12. In your view, what would the advantages and disadvantages be of extending the IPO process to open land? Are you aware of any specific barriers which prevent the effective use of current planning enforcement powers?
13. If you are aware of any specific barriers to effective enforcement, are there any resourcing or administrative arrangements that can help overcome them?
14. Are you aware of any specific barriers which prevent the effective use of temporary stop notices? If so, do you have a view on how these barriers can be overcome?
15. How do you think the existing enforcement notice appeals process can be improved or streamlined?
16. How can Government make existing guidance more effective in informing and changing behaviour?
17. If future guidance was issued as statutory guidance, would this help in taking action against unauthorised development and encampments?
18. Are there any specific barriers to the provision of more authorised permanent and transit sites? If so, is there any action that the Government could take to help overcome those barriers?
19. What impact would extending local authority, police or land owner powers have on children and families and other groups with protected characteristics that public authorities must, in the exercise of its functions, have due regard to under their Public Sector Equality Duty?

20. Do you expect that extending the powers referred to above would have a positive or negative impact on the health or educational outcomes of Gypsy, Roma and Traveller communities? If so, do you have any evidence to support this view, and/or suggestions for what could be done to mitigate or prevent any negative impacts?

21. Do you have any other comments to make on the issue of unauthorised development and encampments not specifically addressed by any of the questions above?

### **Your Views**

Please email your responses to this consultation to [Jessica.Lancod-frost@nalc.gov.uk](mailto:Jessica.Lancod-frost@nalc.gov.uk) by 17.00 on Friday 25 May 2018.