

Equality and Human Rights Commission

Research report 128

**Gypsy and Traveller
sites: the revised
planning definition's
impact on assessing
accommodation needs**

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Contents

Executive summary	6
1 Introduction.....	9
1.1 Planning policy definition of ‘Gypsies and Travellers’	9
1.2 Background: law and policy relating to accommodation for ‘non-PPTS’ ethnic Gypsy and Traveller	13
1.3 Relevant equality and human rights considerations	14
1.4 Research methodology	15
2 Impact of the PPTS 2015 definition on local plans	16
2.1 Summary of findings	16
2.2 The relationship between historical under-provision and the impact of the 2015 definition	17
2.3 The effect of geographical constraints on planning progress for sites.....	18
2.4 LPAs that aim to acknowledge and / or meet non-PPTS need	18
2.5 How Planning Inspectors are addressing non-PPTS need	26
2.6 The approaches of different GTAA providers	31
3 Conclusion.....	37
References	39
Appendix 1 Summary of local authority information	43
Appendix 2 Notes on Scotland and Wales	49

Tables and figures

- Figure 2.1 Table 5.3 of the City of York GTAA Update 2017
- Figure 2.2 Gypsies & Traveller Households Meetings PPTS Definition in ORS GTAA's
- Figure 2.3 Extract of ORS Site Record Form 1
- Figure 2.4 Extract of ORS Site Record Form 2
- Figure 2.5 Table 5.3 from 2017 Herefordshire GTAA Update

Glossary

Arc4	A private consultancy that undertakes Gypsy and Traveller Accommodation Assessments
AONB	Area of Outstanding Natural Beauty, an area with statutory national landscape designation, the primary purpose of which is to conserve and enhance natural beauty
DPD	Development Plan Document, part of a Local Planning Authority's Local Plan
Green Belt	A designation for land around certain cities and large built-up areas that aims to keep this land permanently open or largely undeveloped
GTAA	Gypsy and Traveller Accommodation Assessment
JCS	Joint Core Strategy, a cross-authority Development Plan Document
LPA	Local Planning Authority
NPPF	National Planning Policy Framework (2019)
ORS	Opinion Research Services, a private consultancy that undertakes Gypsy and Traveller Accommodation Assessments
pitch	The land occupied by one Gypsy or Traveller household. Households will often have more than one caravan on a pitch.
Planning Inspector	An inspector appointed by the Secretary of State and tasked with impartially assessing planning appeals and development plans
PPTS 2012	Planning Policy for Traveller Sites (2012)
PPTS 2015	Planning Policy for Traveller Sites (2015)
site	The land comprising one or more Gypsy and Traveller pitches.
SSCLG	Secretary of State of the Department of Communities and Local Government

Executive summary

Introduction

The Equality and Human Rights Commission commissioned this research to look at how local planning authorities (LPAs) are responding to the revised definition of 'gypsies and travellers' as specified in Planning Policy for Traveller Sites 2015 ('PPTS 2015'), Annex 1.¹

The definition is relevant to how planning applications for Traveller sites are determined and to the way that LPAs plan for the provision of Gypsy and Traveller pitches in England. This research focuses on England because different considerations apply to Scotland and Wales, as set out in Appendix 2.

The revised definition of Gypsies and Travellers now no longer includes those who have ceased travelling permanently for any reason, including old age or disability. This is a departure from the previous definition, which did include those who had ceased travelling either temporarily or permanently on the grounds of old age, ill health or educational needs.

We want to understand how LPAs are responding to this change: is the number of Gypsy and Traveller households that meet the PPTS definition decreasing and / or are pitches being provided for ethnic Gypsies and Travellers who do not meet the definition but nonetheless wish to live on a caravan site?

The Government identifies unmet accommodation needs as an inequality faced by Gypsies and Travellers (Department of Communities and Local Government, 2011, para 2.15). Although there are pockets of good practice in site delivery and management (as found in Richardson and Codona's 2016 study for the Joseph Rowntree Foundation), historically LPAs have failed to facilitate or provide sufficient sites (Cemlyn et al., 2009). And the lack of suitable and secure accommodation underpins many of the other inequalities that Gypsies and Travellers encounter

¹ [Planning Policy for Traveller Sites \(2015\)](#)

(ibid). The research does not seek to provide an assessment of the extent to which the LPAs comply with relevant equality and human rights law.

Research methodology

This research provides a snapshot of the impact of the PPTS 2015 definition on forward planning among LPAs in England. It is based on a sample of 20 LPAs that had responded to the new definition by updating their Gypsy and Traveller Accommodation Assessment (GTAA).² The sample was selected against objective criteria to show a range of approaches. These criteria included:

- whether the accommodation needs of Gypsies and Travellers who do not meet the PPTS definition had been assessed
- the organisation that had undertaken the assessment and the methodology used
- whether local plans that were emerging or had been adopted took account of the 2015 definition
- GTAAs that showed significant variation between original and revised plans, and no change at all
- LPAs that represented reasonable geographical spread across England and varied topographical characteristics, such as constrained and tightly bound planning areas compared with areas that had more 'room' for site development.

Five key findings

Across the 20 LPAs the pre-2015 total requirement was for 1,584 further pitches. After the revised definition was introduced, the assessed need fell to just 345. Another way of looking at this is that **instead of 100% of accommodation need coming within the PPTS definition, we have found that since August 2015 this figure is nearer 15% of assessed households.** The LPAs identified up to 450 additional pitches for households whose travelling status had not been ascertained.

² The base date for the research was February 2019 and changes in any need figures after this date have not been included

There is no clear correlation between an LPA's history of site provision and the way in which it has responded to the revised definition. Similarly, there is no clear correlation between the level of geographical constraint to which an LPA is subject, and its response to the definition.

While eight LPAs had plans that aimed to meet the accommodation needs of 'non-PPTS' Gypsies and Travellers (ie those who do not meet the current definition), the remainder of LPAs did not. So, **it is a 'postcode lottery' as to whether ethnic non-PPTS Gypsies or Travellers will have provision made for them**

Although two Planning Inspectors examining local plans made reference to equality and human rights considerations, the outcome in both cases ultimately failed to ensure that the LPAs in question made any substantive provision within those plans for non-PPTS Gypsies and Travellers.

The approach of the various GTAAs highlights the methodological issues in assessing Gypsy and Traveller need that the revised 2015 definition has presented.

1 | Introduction

This research examines how local planning authorities (LPAs) are responding to the revised definition of 'gypsies and travellers' that is specified in Annex 1 of Planning Policy for Traveller Sites 2015 (PPTS 2015),³ and whether pitches are being provided through the forward-planning process for ethnic Gypsies and Travellers who do not meet the PPTS definition.

1.1 Planning policy definition of 'Gypsies and Travellers'

For the past 50 years, aspects of law and policy in England have sought to address a shortage of Gypsy and Traveller sites to compensate for the closure of traditional stopping places on common land since 1960.⁴ To restrict the use of such sites to those who have a genuine need for them, a definition of Gypsies and Travellers as 'persons of a nomadic habit of life, whatever their race or origin' was introduced.⁵

'Nomadic habit of life' has been subject to significant interpretation in the higher courts. For instance, there needs to be a recognisable connection between travelling and how someone makes their living,⁶ and nomadism can be held in abeyance for a considerable amount of time.⁷

The definition was not linked to an individual's ethnicity. But the vast majority of those who met it were either Romany Gypsies or Irish Travellers, both recognised as having a protected characteristic (race) under the Equality Act 2010.⁸ The definition of Gypsies and Travellers has been through several iterations since it was

³ [Planning Policy for Traveller Sites \(2015\)](#).

⁴ Caravan Sites and Control of Development Act 1960, section 23.

⁵ Caravan Sites Act 1968, section 6.

⁶ *R v South Hams DC Ex parte Gibb* [1994] 3 W.L.R. 1151, [1995] Q.B. 158.

⁷ *R v Shropshire CC Ex p. Bungay* (1991) 23 H.L.R. 195 See also *Wrexham CBC v National Assembly of Wales and Berry* [2003] EWCA Civ 835 at paragraphs 60–61.

⁸ *Commission for Racial Equality [CRE] v Dutton* 1989 WL 651202; *O'Leary & others v Allied Domecq and others*: CL 950275-79 29 August 2000 (unreported), Central London County Court.

introduced but it has consistently focused on individuals' nomadic habit of life, rather than race.

The definition is used in two ways. One is in determining applications for planning permission for Gypsy and Traveller sites. If applicants meet the definition then they can rely upon the planning policies set out in PPTS 2015, which aim to address the shortfall in Gypsy and Traveller sites. Otherwise, those policies are not applicable.

Second, the definition is relevant to the development of local planning policies (often known as 'local plans') for the provision of Gypsy and Traveller sites. PPTS 2015 requires LPAs to demonstrate an up-to-date, five-year supply of deliverable Gypsy and Traveller sites. They must do this by assessing how many pitches are needed through studies often called 'Gypsy and Traveller Accommodation Assessments' (GTAAs). When preparing their local plans, LPAs must allocate sufficient land where those pitches can be provided and set criteria for assessing applications for new Gypsy and Traveller sites within the LPA's area.

Draft local plans are sent for examination by Planning Inspectors appointed by the Secretary of State for Housing, Communities and Local Government. The Planning Inspector will assess whether the plan has been prepared in accordance with legal and procedural requirements, and whether it is 'sound' – that is, positively prepared, justified with a robust evidence base, effective and consistent with national policy. If the Inspector finds the plan to be sound, they will recommend that the LPA adopts it. Otherwise, they can recommend changes be made to it.

The Caravan Sites Act 1968 provided the first modern definition of Gypsies and Travellers.⁹ It stated:

'Gipsies' means persons of nomadic habit of life whatever their race or origin, but does not include members of an organised group of travelling showmen or circus people travelling together as such

⁹ This definition was repealed by section 80 of the Criminal Justice and Public Order Act 1994, and then inserted into section 24 of the Caravan Sites and Control of Development Act 1960 and remains the same.

This definition was then amended in national planning policy to take account of the needs of ethnic Gypsies and Travellers who might have ceased travelling. A circular from the Office of the Deputy Prime Minister (2006) defined 'Gypsies and Travellers' as (emphasis added):

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 dependents' [sic] educational or health needs or old age have ceased to travel **temporarily or permanently**, but excluding members of an organised group of travelling show people or circus people travelling together as such.

This definition was carried through unamended into the 2012 replacement to Circular 01/2006, 'Planning policy for traveller sites' ('PPTS 2012'). In August 2015, the Government published an updated version of its policy, PPTS 2015. This version amended the definition of 'gypsies and travellers' to remove the word 'permanently'. The revised definition now states (emphasis added):

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**, but excluding members of an organised group of travelling Showpeople or circus people travelling together as such.

The equalities statement (DCLG, 2014) accompanying the consultation on the proposed changes acknowledged the impact on protected groups and set out the rationale for this policy change:

This proposal would impact on those Gypsies and Travellers who have given up travelling permanently for whatever reason, but in particular on the elderly who no longer travel due to reasons related to ill-health or disability. Similarly, it would also impact on children and young people including those with disabilities or special educational needs who use a settled base in order to access education; as well as women who have ceased to travel in order to care for dependents [sic].

The Government is fundamentally of the view that where travellers have given up travelling permanently, they should be treated in the same way as other members of the settled community for planning purposes. Under the proposal, Gypsies and Travellers who had given up travelling permanently would not be considered 'travellers' in planning terms. Ensuring that those travellers who have settled permanently are subject to the same planning rules as the rest of the settled community would improve community relations. It would also help to ensure that provision is made available for those who do have a nomadic lifestyle.

In relation to assessing the accommodation needs of Gypsies and Travellers who no longer travel, the equalities statement continues:

Our intention is that local authorities would continue to have to assess and plan to meet the needs of those Gypsies and Travellers who no longer travel, but this would be carried out as part of their wider responsibilities to plan to meet the accommodation (or housing) needs of their settled community. We will further consider how this process will work in practice.^[10]

The independent examination process carried out by inspectors ensures that local plans are based on robust evidence and are tested for soundness which includes whether they are in accordance with national planning policy.

The plan-making process and its independent examination is the focus of this research.

¹⁰ At the time of writing, this has not taken place.

1.2 Background: law and policy relating to accommodation for 'non-PPTS' ethnic Gypsy and Traveller

The legislative framework for the consideration of Gypsy and Traveller accommodation needs has altered significantly since the definition of Gypsies and Travellers changed in 2015. The Housing and Planning Act 2016 removed the duty to assess Gypsy and Traveller accommodation requirements¹¹ and replaced it with a more general duty to assess the need for sites where caravans can be situated as part of the assessment of mainstream housing need.¹² The latter is guided by the 'National Planning Policy Framework' (NPPF), the overarching planning policy document for England (Ministry for Housing Communities and Local Government, 2019).

There is a lack of specific guidance to support a consistent approach across LPAs and reduce shortcomings in assessments such as those identified by this research. Previously, section 225 of the Housing Act 2004 required housing authorities to have regard to government guidance when carrying out GTAAs and preparing local plans to meet Gypsies' and Travellers' needs. The guidance issued under section 226 of the Act set out in detail the matters that a GTAA should cover and provided advice on ensuring a high quality assessment (DCLG, 2007). But this guidance was withdrawn in December 2016 following the repeal of sections 225 and 226 by the Housing and Planning Act 2016. And as yet, no replacement guidance has been published. Instead, the needs of all people who require caravan sites are to be considered as part of a general housing needs assessment, while only those Gypsies and Travellers who meet the definition will have their needs assessed under PPTS 2015.

Furthermore, the approach to housing provision in the NPPF appears to be inadequate in addressing the very specific needs of non-PPTS ethnic Gypsies and Travellers. Such non-PPTS Gypsies and Travellers include those who have ceased travelling permanently through old age, ill health or other reasons, but whose identity requires that they live in culturally appropriate accommodation. It is uncertain exactly how many people this applies to because of issues with the methodology used by the research companies undertaking GTAAs. These are discussed further in section 2.6. The concern is that a general assessment of housing need may fail to pick up this 'hard-to-reach' group – a proposition that the evidence in this report supports.

¹¹ Housing Act 2004, section 225

¹² Housing and Planning Act 2016, section 124

1.3 Relevant equality and human rights considerations

Under section 149 of the Equality Act 2010, public bodies must, in the exercise of their functions, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- advance equality of opportunity between people who share a protected characteristic and those who do not
- foster good relations between people who share a protected characteristic and those who do not.

The Equality Act explains that the second aim (advancing equality of opportunity) involves, in particular, having due regard to the need to:

- remove or minimise disadvantages suffered by people due to their protected characteristics
- take steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- encourage people with certain protected characteristics to participate in public life or in other activities where their participation is disproportionately low.

In a decision by the European Court of Human Rights,¹³ the Court held that:

[T]he applicant's occupation of her caravan is an integral part of her ethnic identity as a Gypsy [and] the vulnerable position of Gypsies as a minority means that some special consideration should be given to their needs and their different lifestyle both in the relevant regulatory planning framework and in arriving at the decisions in particular cases. To this extent there is thus a positive obligation imposed on the Contracting States by virtue of Article 8 to facilitate the Gypsy way of life.

These considerations of law are relevant to an LPA's approach to the assessment of need for all ethnic Gypsies and Travellers, PPTS compliant or otherwise.

1.4 Research methodology

The research provides a snapshot of the impact of the PPTS 2015 definition on forward planning among LPAs in England. It is based on a sample of 20 LPAs representing a range of localities, local authority types and approaches to planning policy.

A random sample of 100 of England's 335 LPAs was generated. From this, we selected 20 for the study. To achieve a spread of different LPAs from this initial sample, we developed a set of objective selection criteria. The first of these was to ensure that the LPA had produced a new or updated GTAA, or had revised the needs figures in their plan-making, since the publication of PPTS 2015. It is important to note here that it is not possible to conclude why those LPAs who have not updated their needs assessments have chosen not to do so. It may be for reasons of pragmatism, political expediency or simply that there were insufficient resources to make changes to an existing GTAA.

Following the initial sift of the sample to ensure that LPAs selected for the study had responded to the new definition, we then undertook a second sift that took into account the following factors:

- Examples of where non-PPTS accommodation need for pitches had been assessed
- Examples of where non-PPTS need had not been assessed
- Examples of where a plan had been adopted that had taken account of the 2015 definition (nb these are particularly limited in scope due to the length of time it takes to produce local planning documents)
- GTAs undertaken across the sample by different organisations, using a variety of methodological approaches
- Examples of where no real change appeared to have taken place
- Examples of extreme variation in planning responses to Gypsy accommodation issues and to changing legislative guidance and definition
- Ensuring the overall research cohort represented reasonable geographical spread across England and represented varied topographical characteristics – constrained and tightly bound planning areas, compared with areas that had more 'room' for site development.

The research does not seek to provide an assessment of the extent to which the LPAs comply with their duties under relevant equality and human rights law.

A summary of the information from the 20 local authorities selected for the study is set out in Appendix 1.

2 | Impact of the PPTS 2015 definition on local plans

2.1 Summary of findings

The effect of PPTS 2015 on GTAA pitch requirements

We looked at the level of assessed need for pitches for Gypsies and Travellers before and after the definition change. We also looked at the variation in the number of permanent pitches over the corresponding period to check for an increase in the available pitches on the supply side.

Across the sample of 20 LPAs, the pre-2015 assessments identified that pitches were needed for 1,584 households. The standard approach is that each household requires an individual pitch, so the terms tend to be used interchangeably. The post-2015 assessments across the same LPAs identified 345 households who met the revised definition, 536 who did not meet the definition and 450 whose status was 'unknown'.¹⁴ Between the assessments carried out before the change to the definition and the subsequent assessments, there was an overall increase of 285 pitches in the sample.

Taking this into account, we calculate that the requirement for pitches fell from 1,299 (1,584 minus 285) to 345, an indicative reduction of 73%.¹⁵ It is clear that the revised definition is the main driver in the reduction of assessed need, even when the increase in pitch provision is taken into account. This finding is echoed by comments from Steve Jarman of Opinion Research Services (ORS), a private consultancy that

¹⁴ An 'unknown' is a household whom the LPA's assessors have not been able to interview. There are variations in how much of the 'unknown' need is taken to be PPTS need and this issue is discussed in further detail herein.

¹⁵ It should also be noted that there are variations between the periods of assessment. For instance, one assessment may have given a pitch figure for a 10-year period, whilst the post 2015 version covered a 15-year period. Such variations would only affect figures with regard to household formation, and would not significantly impact on the total figures. Nevertheless, it is important to acknowledge that the overall reduction across the 20 LPAs in need should be taken as an indicative.

undertakes a large number of GTAAs, who said that the need identified in local plans has dropped by about 70 to 80 per cent since the definition changed.¹⁶

Only one LPA – Runnymede – saw an increase in GTAA pitch requirements following the introduction of the 2015 definition. There, need increased by 6 pitches to a total of 123 PPTS pitches (plus more pitches for non-PPTS, which we discuss later). This may have been due to a change in methodology (also discussed in this report).

The LPAs took various approaches to the 'unknown' households whose status could not be determined. For example, Aylesbury Vale and Central Bedfordshire included 100% of the 'unknowns' within their need figures, while others only included 10%. LPAs who provide too few pitches for 'unknown' households risk overlooking the needs of Travellers who do in fact meet the definition. This is also important because unmet need counts in favour of granting a planning application for a Traveller site. If a LPA's unmet need is low (or non-existent) because it has not included enough of its 'unknowns', it will be more difficult for an individual to obtain planning permission to provide a site for themselves, regardless of whether they in fact meet the definition. Furthermore, the 'unknown' need risks becoming obscured in strategic allocations made through the plan-making process because it is far from clear that housing allocations will address 'unknown' need.

2.2 The relationship between historical under-provision and the impact of the 2015 definition

Historical progress on site delivery across the sample was mixed. A qualitative judgement was made by the research team on the basis of several factors, including:

- a review of past appeal decision letters and GTAAs
- historical levels of private and public provision of Traveller sites
- historical and current levels of unmet need for pitches
- whether any substantive efforts had been made to identify sites through the development plan process.

Examples of these judgements are given in Appendix 1. Of the 20 LPAs studied, 13 had a 'poor' history of provision, two were 'improving' with a further one more 'slowly emerging', and four were judged by the research team to be 'limited' or 'slow' in their

¹⁶ 'Why travelling groups are struggling in the hunt for deliverable sites', Planning Resource, 12 April 2018.

approach (one step up from 'poor'). We found no clear correlation between historical under-provision and the way LPAs are responding to the revised definition.

2.3 The effect of geographical constraints on planning progress for sites

Many local authority areas have policy constraints meaning that planning permission for Gypsy and Traveller sites is harder to obtain. Such constraints include:

- Green Belts
- Areas of Outstanding Natural Beauty
- Special Protection Areas
- areas at high risk of flooding

In some areas, such as London and its surroundings, land values and availability are significant constraints to site development.

Based on a review of LPAs' development plans and national and local government mapping data, we have taken a qualitative judgement as to the level of constraint experienced in an area.

Of the 20 cases in this study, we judged that four LPAs experienced 'few' constraints, eight experienced 'some' constraints and a further eight experienced 'substantial' constraints as a result of geographical context. For instance, authorities that are primarily rural, such as Herefordshire, experience few constraints, whereas authorities bordering London, such as Guildford, are heavily constrained.

We found no correlation between proactive planning approaches and constraints on land. An absence of large areas of designated land does not seem to lead to more progressive planning policies and site provision.

2.4 LPAs that aim to acknowledge and / or meet non-PPTS need

Eight of the 20 LPAs were found to have specific adopted or emerging policies that aim to meet the accommodation needs of non-PPTS Gypsies and Travellers. These LPAs are Basildon, Central Bedfordshire, Guildford, Sevenoaks, South Gloucestershire, West Oxfordshire, Tewkesbury and York. The approach for seven

of these authorities that do have an emerging policy to meet non-PPTS needs is set out in the following sections.

South Cambridgeshire mentions non-PPTS Gypsies and Travellers in its policies but does not specifically plan a strategy for them, and this approach has been subject to an examination in public. Tewkesbury has an emerging approach to meeting non-PPTS needs, but has previously had a plan examined in public and subject to the scrutiny of a Planning Inspector. Both authorities are discussed in section 2.4.

It should also be noted that Aylesbury Vale and Central Bedfordshire have taken into account the needs of 100% of the 'unknown' Gypsies and Travellers (those the research company was unable to interview and whose status is therefore unknown). While this may include non-PPTS Gypsies and Travellers, the plans do not make explicit provision for such people.

Basildon

While no specific allocations are made for non-PPTS Gypsies and Travellers, the emerging Basildon Borough Revised Publication Local Plan 2014–2034, published in October 2018:

- explicitly notes the relevant legislation
- sets a target for non-PPTS ethnic Gypsy and Traveller need
- has a carefully worded policy allowing caravan sites to be located within the Green Belt in specific circumstances.

In the emerging plan, specific mention is made of the requirement to assess accommodation needs of Gypsies and Travellers who do not meet the definition, as well as those who do. It also mentions relevant equality and human rights legislation:

Do not meet the planning definition: Those who should be planned for in accordance with their specific cultural needs for living accommodation in accordance with the *Equality Act 2010*, the *Children's [sic] and Families Act 2014* and the *Human Rights Act 1998*, but no longer exercise a nomadic lifestyle and where the *PPTS* does not apply (ethnic Gypsies, Travellers and Travelling Showpeople).

The plan acknowledges that this need 'should be met as part of the overall housing provision and [has] therefore been added to the full objectively assessed need for housing'. It goes on to state:

In terms of land supply for ethnic Gypsies and Travellers, this can be met from within the identified supply, including limited infill development in the green belt. Infill plots offer similar sites to those currently occupied by a majority of the Gypsies and Travellers living in the Borough.

The Green Belt infill policy within the plan does not preclude caravan sites and so, in this highly constrained area, there would appear to be a policy mechanism to allow for non-PPTS sites.

Furthermore, a site provision study identifies specific existing unauthorised sites in two neighbourhood planning areas (Peter Brett, 2018). Correspondence from a planning policy officer stated:

The Council has therefore taken additional steps to support these areas in the preparation of their Neighbourhood Plans by including a section in the Site Potential Study (Section 7 / Page 37) that summaries [sic] the known existing Gypsy and Traveller pitch needs for both nomadic and ethnic Gypsies and Travellers in these areas as of 2018. These discrete appendices should help the Neighbourhood Plans respond better to local needs by allocating new land for development which can include pitches for ethnic travellers as part of the housing mix and work towards any housing targets set for the area.

This version of the emerging local plan attempts to meet the needs of non-PPTS ethnic Gypsies and Travellers. It is, however, at an early stage and will be subject to an examination in public, so may be subject to change.

Central Bedfordshire

Central Bedfordshire's 2017 draft local plan does not have specific pitch targets for non-PPTS Gypsies and Travellers. It does, however, allow these people to take advantage of the specific Gypsy and Traveller development plan policy set out within the pre-submission document (Central Bedfordshire Council, 2018):

The pitch and plot requirements for Gypsies and Travellers and Travelling Showpeople are set out in Strategic Policy SP7 at the head of this Plan. This establishes the need for those Gypsies, Travellers, and Travelling Showpeople which accord with the planning definition, as defined in Annex 1 of the revised 2015 Planning Policy for Traveller Sites (PPTS). However, the Council is also mindful of its duties under the Equality Act. In particular there may be travellers who no longer travel, and therefore no longer fall under the planning definition, but for whom the Council may still need to provide culturally suitable housing under the requirements of the Equality Act. Therefore the following policies applies to all Gypsies, Travellers, and Travelling Showpeople.

Guildford

Guildford has explicitly stated that it is waiting for Government guidance (noted in the previous section) on how to address the needs of non-PPTS Gypsies and Travellers, but has in the interim included them in its local plan. Guildford Borough's 2017 GTAA states the following with regard to the changes to the definition and the legislation regarding housing assessment:

2.20 At this stage the Council has not commissioned a caravan and houseboat accommodation assessment. Government guidance is currently still in draft form with the Government unable to confirm when the final version will be published. Within the borough there are several established private sector caravan parks but we are unaware of any demand to expand or increase their capacity. This is something that market forces will to some extent provide should there be a demand. We are not aware of any travellers living on these caravan park sites.

2.21 We recognise there is a need for pitches and plots, both for people meeting the planning definition of 'travellers' or 'travelling Showpeople' and for some of our settled Gypsy, Traveller and Travelling Showpeople community who do not meet the planning definition of traveller. Our Strategic Housing Market Assessment 2015 has not specifically addressed the need for accommodation that is culturally suitable for ethnic Gypsies and Travellers or the accommodation needs of settled Gypsies, Travellers and Travelling Showpeople (not meeting the planning definition).

The figure for all Gypsy and Traveller need is included in the proposed plan (Guildford Borough Council, 2018), where it is stated:

We will seek to provide 41 permanent pitches for Gypsies and Travellers and 4 permanent plots for Travelling Showpeople who do not meet the definition [within the plan period].

The point made with regard to the lack of a caravan / houseboat assessment is in all likelihood applicable to many other LPAs, as without the awaited guidance it is likely that many will not undertake the work. None of the LPAs examined in this research has undertaken such an assessment. It is notable that Guildford's plan has been subject to a public examination, and so it would appear that the examining Planning Inspector did not object to the LPA's approach.

Sevenoaks

The proposed submission from Sevenoaks includes both PPTS and non-PPTS needs in its site allocations (Sevenoaks District Council, 2018). The plan proposes to meet the assessed need in full. It is, however, subject to further consultation and examination in public.

South Gloucestershire

South Gloucestershire LPA is in the process of preparing their new local plan (2018-2036). Like Guildford, they have included those Gypsies and Travellers who do not meet the PPTS 2015 definition and set out their reasoning in an explanatory note (South Gloucestershire Council, 2018). The LPA took the following view of the PPTS 2015 definition:

Applying such an approach [the definition] would have significant implications for the Council, both in terms of the way it carries out its planning functions (policy, development management and enforcement) and its responsibilities under the Equality Act 2010.

It went on to state:

The Council has a responsibility under the public sector equality duty (PSED) to,

'...have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities'.

As a result, it is important that the Council plans for the housing needs of all its communities, including the local Gypsy/ Traveller and Travelling Showpeople communities. In doing so, regard must be had to the cultural/ social aspects associated with travelling ('nomadic' way of life) as the majority of the local Gypsy / Traveller population in South Gloucestershire are Romany Gypsy and Irish or Scottish Travellers and as such continue to have characteristics protected under the Equality Act 2010.

Consequently, basing an assessment of need on economic considerations alone does not fully address the Council's responsibilities in terms of its planning and equality duties. As these groups have a legal right to 'culturally appropriate accommodation, in practice the degree to which Gypsy and Travellers are still considered to travel should not, from the Council's perspective, be taken as determining the actual level of demonstrable need in South Gloucestershire.

In this instance, the LPA have taken the approach of combining the requirements of PPTS 2015 with the duty under section 124 of the Housing and Planning Act 2016 to consider the needs of people residing in or resorting to their district with respect to the provision of sites on which caravans can be stationed. Their justification is made on the basis of their duties under the Equality Act 2010. It should be noted that this plan is at an early stage and has yet to be examined by a Planning Inspector.

West Oxfordshire

The West Oxfordshire District Council's 2018 local plan stipulates that the needs of non-travelling households will be addressed through general housing policies and that the Gypsy and Traveller policy only applies to those who meet the new PPTS 2015 definition. The plan states that:

In 2015 the definition of 'traveller' was changed for planning related purposes to exclude those who have permanently ceased travelling. For those still travelling, Policies H7 and H8 are particularly relevant. For those that no longer meet the planning definition, the GTAA explains their needs will need to be addressed through alternative means, such as the SHMA and more general housing planning policies. The suggested level of need during the plan period is in the order of up to 24 additional pitches for non-travelling Gypsies and Travellers and up to 3 plots for Travelling Showpeople. Policy H4, and other appropriate policies in the Plan, will be used to help meet these possible requirements. This will include considering the potential for the strategic development sites to provide suitable areas for these communities.

Policy H4, on the type and mix of homes, states that:

In recognition of the needs of households from the travelling communities who are no longer travelling, the Council will seek to ensure the provision of up to 24 additional pitches for non-travelling Gypsies and Travellers and up to 3 plots for Travelling Showpeople in the period to 2031. This will include consideration of all opportunities including within the strategic location for growth (SLG) and strategic development areas (SDAs) identified in the Local Plan.

York

York has included the provision of pitches for non-PPTS Gypsies and Travellers in its draft local plan. The ORS assessment in York found that the vast majority of Gypsies and Travellers did not meet the PPTS 2015 definition (see Table 2.1).

Table 2.1 City of York GTAA update, 2017

Households in York meeting the revised definition of a Traveller	GTAA	SHMA	Total
Households that meet the planning definition (inc. 10% of unknown need)	3	0	3
Households that do not meet the planning definition (inc. 90% of unknown need)	0	44	44
Showpeople households that meet the planning definition	3	0	3

Source: ORS (2017a, pp. 8–9)

Draft Local Plan policy H5 specifies that to meet need for 44 pitches for non-PPTS Gypsies and Travellers, strategic allocation applications for larger development sites of 5 hectares or more will be required to either provide pitches or make financial contributions to the provision of pitches.

The policy also includes a set of criteria for the determination of planning applications, although it is not clear whether non-PPTS Gypsies and Travellers are to be included within this. The explanation for the policy states that:

Key evidence including the Equality and Human Rights Commission report *Inequalities Experienced by Gypsy and Traveller Communities* (2009) suggests that today Gypsies and Travellers are the most marginalised and disadvantaged of all minority groups nationally, suffering the greatest inequalities across a range of indicators

2.5 How Planning Inspectors are addressing non-PPTS need

There were three instances in the study sample where Planning Inspectors examining local plans had commented on non-PPTS need.

Ashford

The Ashford local plan was at examination stage in May 2018 – at which point there was no inclusion of non-PPTS Gypsies and Travellers.

In their pre-hearing questions, the Planning Inspector asked how the Council intends 'to deal with the needs of people defined by section 124 of the Housing and Planning Act including those residing in or resorting to the District with respect to the provision of sites on which caravans can be stationed'.

The LPA's response makes no mention of the needs of non-PPTS Gypsies and Travellers:

3.1 In addition to surveying authorised permanent pitches, the GTAA has taken into account the needs of those living on the following circumstances: Temporary planning permissions, concealed households, unauthorised developments and, [sic] unauthorised encampments.

3.2 Insofar as those temporarily resorting to the borough, the GTAA indicated that there was no need for a transit site. However in the last five years, the council has taken action against 22 unauthorised encampments which suggests that there may be an unmet need.

3.3 Whilst the borough is satisfied that the existing GTAA provides a robust evidence base, it is intended that the new GTAA will provide a [sic] up-dated, comprehensive assessment of the current need for transit and permanent sites within the borough and will respond to any new or emerging government policy. This GTAA will be used to inform the upcoming Gypsy and Traveller Development Plan Document

The approach of a separate Gypsy and Traveller Development Plan Document has since been endorsed by the Examining Inspectors.¹⁷ The LPA in correspondence

¹⁷ [See Report on the Examination of the Ashford Local Plan 2030](#)

has acknowledged that the needs of non-PPTS ethnic Gypsies and Travellers will be assessed in a revised accommodation assessment, which will inform the forthcoming development plan document.

South Cambridgeshire

In a letter dated 30 March 2017,¹⁸ the examining Inspector for the Cambridge City and South Cambridgeshire local plan examinations made the following references to the needs of non-PPTS Gypsies and Travellers:

The new GTAA [...] identifies 70 households not meeting the new definition and 170 unknowns of which it suggests only 10 might meet the definition. Assuming for the moment that the GTAA is correct it [sic] its assumptions, it identifies a substantial base population of caravan-dwelling households (up to 240) which is likely to give rise to additional needs in the future for additional pitches for caravan dwellers.

The GTAA (e.g. paragraph 3.20) highlights, among other matters, that some of those who fall outside the new definition may be able to demonstrate a right to culturally appropriate accommodation, which is likely to be caravans. More generally the Council is now required by the Housing Act as amended, to assess the need for provision of sites on which caravans can be sited.

¹⁸ [Letter from examining Inspector](#), 30 March 2017

Given the above and the very large number of 'unknown' households identified in the GTAA, I am concerned that planning for the very small numbers identified as currently coming within the new definition without identifying provision for those persons who fall outside the PPTS definition who have a need to reside in caravans may not represent a sound approach in South Cambridgeshire. There would also be Human Rights and Public Sector Equality Duty implications in adopting a plan which fails to meet the needs of those persons who no longer fall within the PPTS definition but who are in need of a caravan site, in particular those persons who are also Romany Gypsies, Irish Travellers, elderly and disabled.

A note from the same Inspector dated 20 October 2017¹⁹ in relation to the South Cambridgeshire local plan stated:

Text should be added to the proposed modifications to reflect the requirements under the Housing Act 1985 (as amended) to consider the needs of people residing in or resorting to the District with respect to the provision of sites on which caravans can be stationed, or places on inland waterways where houseboats can be moored. The Plan should include a commitment by the Council to consider the results of such an assessment through the early review of the Plan, including whether any site allocations should be made to meet any need identified.

The South Cambridgeshire District Council (2018) local plan appears to have responded to this by stating that:

The Council will undertake an early review of the Local Plan to commence before the end of 2019, and with submission to the Secretary of State for examination anticipated by the end of summer 2022. The new Local Plan will be prepared jointly by Cambridge and South Cambridgeshire Councils for their combined districts (Greater Cambridge). Specific matters to be addressed by the review include the following:

¹⁹ [Correspondence with Programme Officer regarding main modifications](#)

...working with the local housing authority, consideration of the implications of an assessment required by the Housing Act 1985, as amended by the Housing and Planning Act 2016, of the needs of people residing in or resorting to their district with respect to the provision of sites on which caravans can be stationed.

This approach has allowed the LPA to delay the provision of a large number of pitches until beyond summer 2022.

Tewkesbury

This study found that the second largest decline in need, according to GTAA's, was in Tewkesbury. Here, there was a drop of 96% – from 147 pitches in their 2013 GTAA to 6 in 2017 (ORS, 2017b). In this case, the impact of the revised definition is clear.

Tewkesbury's local plan was in the form of a Joint Core Strategy (JCS) with the neighbouring authorities of Cheltenham and Gloucester. The JCS was the subject of an examination in public by an Inspector. The Inspector's interim report (Ord, 2016) addressed the need for additional site provision (emphasis added):

45. The issues of quantum and location of sites has exercised participants considerably over the course of the examination, and there has been almost universal objection to pitches being sited at strategic allocations. However, following the publication of new Government policy in August 2015, a new assessment has demonstrated a reduction in the need for gypsy and traveller pitches from 151 pitches to 82 pitches, apparently due to temporary planning consents being made permanent and the evidence based use of a lower household formation rate.

46. Taking the re-definition for planning purposes of Gypsies, Travellers and Travelling Showpeople in the new Government policy, which excludes non-travelling households, the need for 82 pitches is shown to further reduce to 28 over the plan period. On the same basis, a slight increase in the need for Travelling Show-people plots has been identified from 36 to 38, mainly due to the large numbers of children on site who will form their own households.

[...]

48. The evidence demonstrates that there is a five year land supply for pitches and plots and, indeed, that Gypsy and Traveller needs can be met throughout the plan period without the use of green belt sites. There is no longer a strategic requirement for Gypsy and Traveller sites as needs can be met on smaller sites. A main modification to Policy SD14 (Gypsies, Travellers and Travelling Showpeople) should set out the identified needs and how they are proposed to be met. **The accommodation needs of those people who are no longer classified as Gypsies, Travellers and Travelling Showpeople should be considered as part of the overall housing requirements addressed within the SHMA [Strategic Housing Market Assessment].**

It is clear from the highlighted excerpts of the Inspector's report that the considerable reduction in the assessed need for additional Gypsy and Traveller site provision from 82 to 28 pitches resulted directly from the application of the new planning policy definition to the new assessment of need.

The JCS authorities indicated that the accommodation needs of non-PPTS Travellers would be considered in the district level plans. Tewkesbury Borough Council's preferred options consultation (2018) states that:

The needs of those who meet the PPTS definition are described as 'Travelling Households', those that don't as 'Non-Travelling Households' and those that could not be interviewed or surveyed for the GTAA are 'Not Known'. Although a significant proportion of needs in the Borough is made from households who are either defined as 'Non-Travelling Households' or whose status is not known, the Borough Council has a duty to provide culturally specific accommodation to meet the needs of all groups as part of the overall housing mix. As such, the Borough Plan seeks to address the need for 78 pitches over the plan period.

This approach has not yet been through an examination in public, so may be subject to change. However, it represents an attempt to address the accommodation needs of all Gypsies and Travellers in full.

2.6 The approaches of different GTAA providers

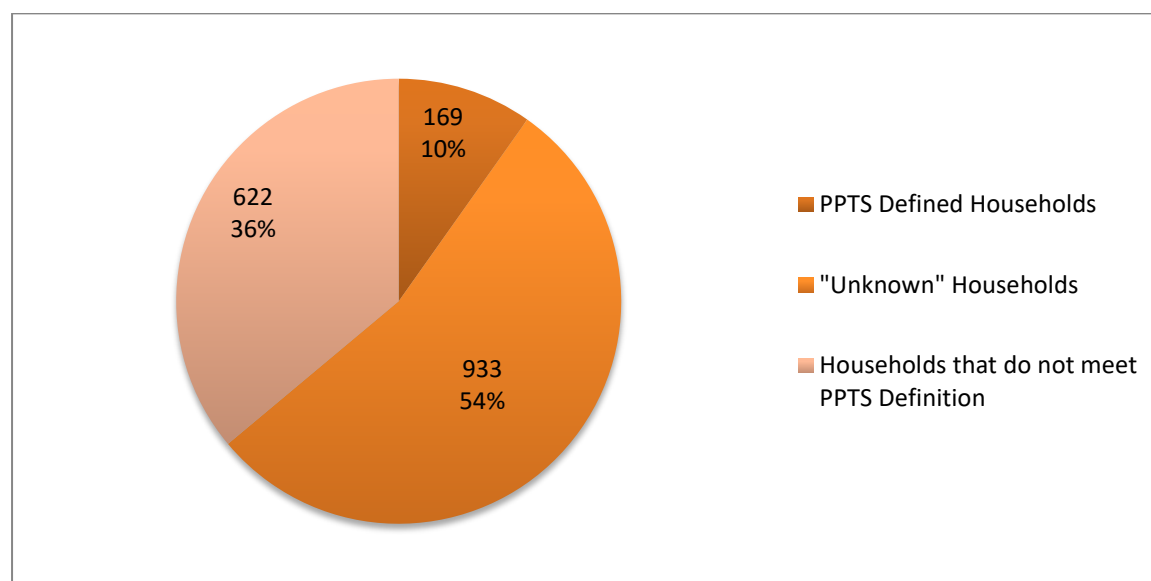
Three quarters of the sample (15 LPAs) commissioned Opinion Research Services (ORS) to undertake their GTAAs, two commissioned Arc4 (another professional research company) and three conducted their own assessment.

ORS

ORS's prevalence in the sample broadly reflects their wider coverage across England. They have undertaken more than 130 GTAAs or updated GTAAs since August 2015, so their methodology is worth further consideration.

The research team's view is that the approach taken in all but one of the GTAAs to the definition is erroneous and has disenfranchised a large number of Gypsies and Travellers.

Figure 2.2 Households meeting PPTS definition in sample of 15 ORS GTAAs



Of the 1,724 households assessed across the 15 assessments, 10% were identified as satisfying the definition, 36% fell outside of the PPTS definition and 54% were considered to be 'unknown' (Figure 2.2). The view taken by ORS across their GTAAs regarding 'unknown' households is that approximately 10% are likely to satisfy the PPTS definition.

Our view is that this low figure of PPTS-compliant Gypsies and Travellers is due to ORS's approach in the consideration of horse fairs in all but one of their GTAAs.

Identical text appears in each one: for instance, in the Gloucestershire GTAA (ORS, 2017b) a key legal case is cited:

In **Maidstone BC v Secretary of State for the Environment and Dunn (2006)**, it was held that a Romany Gypsy who bred horses and travelled to horse fairs at Appleby, Stow-in-the-Wold and the New Forest, where he bought and sold horses, and who remained away from his permanent site for up to two months of the year, at least partly in connection with this traditional Gypsy activity, was entitled to be accorded Gypsy status.

It is useful now to refer to part of the 'site record form' appended at page 99 of the assessment (Figure 2.3).

Figure 2.3 Extract of ORS site record form

F3	What was the <u>main</u> reason for travelling? INTERVIEWER: Please cross one box only				
	Work	Holidays	Visiting family	Fairs	Other
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Details / specify if necessary				

The interpretation given to these answers is evidenced by the following paragraph in all but one of the ORS assessments subject to this research:

The implication of these rulings in terms of applying the planning definition is that it will only include those who travel (or have ceased to travel temporarily) for work purposes and in doing so stay away from their usual place of residence. It can include those who have a permanent site or place of residence, but that it will not include those who travel for purposes other than work – such as visiting horse fairs and visiting friends or relatives.

By only allowing one box to be ticked, the form implied that travelling for work and travelling to fairs are mutually exclusive. It appears to rule out the possibility that many Gypsies and Travellers travel to horse fairs for work, a fact that the court in Dunn (2006) acknowledged and held to be sufficient to satisfy the 'nomadic habit of life' requirement.

In terms of the 'Unknowns', ORS applies a calculation that suggests that 10% of the Gypsies and Travellers that it has interviewed since 2015 meet the definition.²⁰ This approach is common to all 15 ORS GTAA's looked at in this study.

After the GTAA's subject to this research were carried out, ORS changed their research methodology with regard to the percentage of 'unknowns' who would meet the definition. This is illustrated by criticism of the 2017 Havering GTAA, which was revised and reissued in February 2018. It was noted during consultation proceedings that ORS was changing their approach so that the assumption that 10% of households that had not been interviewed would meet the definition was changed to 25%. This is set out in Havering Council's (2018) response to criticisms:

For information, the number of interviews completed with Gypsies and Travellers by ORS since changes to the PPTS in [sic] now more than 3,500 and the proportion of households that meet the planning definition has increased to approximately 25% – still suggesting that a significant proportion of households do not meet the current definition and that only a proportion of unknown need should be considered alongside need from households that meet the definition.

No explanation is given as to why an increase of 15% had occurred. This change is also found within one of the most recent of the GTAA's, namely Runnymede Borough Council's GTAA (ORS, 2018).

Runnymede Borough Council's GTAA also takes a slightly different approach to horse fairs:

The implication of these rulings in terms of applying the planning definition is that it will only include **those who travel (or have ceased to travel temporarily) for work purposes and in doing so stay away from their usual place of residence**. It can include those who have a permanent site or place of residence, but that it will not include those who travel for purposes other than work – such as *visiting* horse fairs, holidays and visiting friends or relatives. It will also not cover those who commute to work daily from a permanent place of residence.

²⁰ See, for instance, ORS (2017c, pp. 27–28).

A previous version of this text cited above did not use italics in the phrase 'visiting horse fairs'. It is also helpful to note that the question on the form has changed from 'What were the main reasons for travelling?' to 'What were the reasons for travelling?' and more than one box can now be ticked (Figure 2.4).

Figure 2.4 Extract of ORS site record form

F3 What were the reasons for travelling? <i>INTERVIEWER: Please cross all that apply</i>				
Work	Holidays	Visiting family	Fairs	Other
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Details / specify if necessary. If fairs—probe for whether this involves work				

It appears, then, that the point made with regard to horse fairs has been taken on. This in itself is a useful development which may also explain the high number of PPTS compliant Gypsies and Travellers identified in Runnymede relative to other ORS assessments. It may also explain the increase in the national percentage of Gypsies and Travellers found to be compliant.

Arc4

Arc4 produced the 2017 Herefordshire GTAA update in response to the 2015 definition change (Arc4, 2017a). The update set out two sets of figures for need; the first is identified as an overall 'cultural need', and the second as 'PPTS need' as a proportion of 'cultural need':

Table 2.5 Herefordshire GTAA update, 2017

Overall plan period Gypsy and Traveller pitch need	Cultural need	Of which: PPTS need
Historic plan period pitch need (2011/12 to 2016/17)	17	6
Five year pitch need (2017/18 to 2021/22)	48	17
Longer-term need (2022/23 to 2030/31)	26	10
Total pitch need 2017/18 to 2030/31 (Local Plan period)	91	33

Source: Arc4 (2017a, p. 38)

The change in the definition excludes travellers who have stopped travelling permanently due to ill health or old age. According to Arc4 this accounts for 63.5% of the Herefordshire Gypsy and Traveller population (Arc4, 2018: p. 37); how the assessment has determined whether someone falls within the definition is set out in the following:

Analysis of the 2017 household survey data established that 36.5% of respondent households on Gypsy and Traveller sites meet the new PPTS 2015 definition of being a Gypsy/Traveller household. These households meet the definition by either travelling in the preceding year or within the past 5 years and/or intend to travel in the next year or in any year in the next five years. Those who do not meet the PPTS 2015 definition are included within the wider 'cultural' definition of need in the assessment set out in chapter 5 of this GTAA Update.

The issue with this approach is that the case law is clear that, as explained in section 1.1, nomadism can be held in abeyance for a considerable period of time.²¹ In addition, the exemptions in the PPTS 2015 definition allow for a temporary cessation of travel for education or ill health with no time limit, so the figure of five years appears to have been set by the researchers rather than being based on national policy.

It is notable that while a figure for 'cultural need' has been included, the LPA is not making provision for this need within its Gypsy and Traveller development plan document that is currently under examination.

With regard to the PPTS 2015 definition, the Sevenoaks GTAA (Arc4, 2017b) states that:

Analysis of household survey data establishes that 62.1% of Gypsies and Travellers living on pitches across Sevenoaks satisfy the PPTS definition of Gypsies and Travellers. This proportion is applied to the cultural need evidenced in the 5-year and longer-term modelling of pitch requirements to establish a PPTS need for pitches.

²¹ R v Shropshire CC Ex p. Bungay (1991) 23 H.L.R. 195. See also Wrexham CBC v National Assembly of Wales and Berry [2003] EWCA Civ 835 at paragraphs 60–61.

The questionnaire includes a greater number of questions on travelling than Herefordshire's, including:

- Q13 In the last year have [you] or someone in your household you [sic] travelled?
- Q14 Previous to the last year, did you or someone in your household travel?
- Q15 Why do you travel?
- Q16 Do you or a member of your household plan to travel next year?
- Q17 Do you think you or a member of your household will travel each year for the next five years and/or beyond?
- Q18 How many days or weeks do you normally travel each year?
- Q19 How many days or weeks do you plan to travel in any given year in the future?
- Q20 Where would you normally go when you are travelling; where and when?
- Q21 What reasons do you have for not travelling now or in the future?

Unlike Herefordshire's plan, no explanation is given for how the answers to these questions were interpreted, so it is not possible to comment on the results. In any case, as already set out, the local authority is planning to meet the assessed needs of non-PPTS Gypsies and Travellers (described as 'cultural need') in full.

3 | Conclusion

This research has identified a number of concerning trends. The new definition of Gypsies and Travellers has reduced the accommodation need that is being provided for under PPTS. Existing legislation and the approach to housing provision in the NPPF appear to be inadequate in addressing the very specific needs of ethnic Gypsies and Travellers who are not covered by the definition.

The changes to PPTS, the repeal of the duty to specifically assess Gypsy and Traveller accommodation needs,²² and its replacement with a more general duty to assess the need for caravan sites in the assessment of a general housing need,²³ have led to a significant reduction in pitch numbers in GTAAs. It is particularly important then that the specific needs of 'non-PPTS' Gypsies and Travellers are considered by LPAs in their general assessment of housing needs, but there is considerable variation in the extent to which this is happening.

There was no correlation between historical under-provision or the constraints of an area and the impact of the 2015 definition. It is notable that the seven LPAs who were making proactive steps to meet the need for non-PPTS Gypsies and Travellers were subject to significant constraints and in some cases had a history of poor site provision.

Only seven out of the 20 LPAs examined in this research appeared to have had regard to the need to provide 'culturally appropriate' accommodation for those who did not meet the definition. As such, it is effectively a 'postcode lottery' as to whether an ethnic non-PPTS Gypsy or Traveller will have provision made for them.

Two LPAs failed to make any substantive provision for non-PPTS ethnic Gypsies and Travellers, despite specific reference to equality and human rights legislation in initial comments.

²² Housing Act 2004, section 225/226

²³ Housing and Planning Act 2016, section 124

The approach of the various GTAA's highlights the methodological issues in assessing Gypsy and Traveller need that the revised 2015 definition has presented. There is currently a lack of any guidance on how to produce accommodation assessments, and so this leads to wide variations in their methodologies and consequent outputs.

Finally, it is notable that the submitted draft London Plan (Greater London Authority, 2018) contains the following proposed definition of Gypsies and Travellers in August 2018:

As of the start of this Plan period, boroughs should use the following definition of 'Gypsies and Travellers' as a basis for assessing need:

People with a cultural tradition of nomadism, **a nomadic habit of life**, or living in a caravan, whatever their race or origin, including:

- 1) those who are currently travelling or living in a caravan
- 2) those who currently live in bricks and mortar dwelling households whose existing accommodation is unsuitable for them by virtue of their cultural preference not to live in bricks and mortar accommodation
- 3) those who, on grounds of their own or their family's or dependents' educational or health needs or old age, have ceased to travel temporarily or permanently.

This is a specific response by the Greater London Assembly to the 2015 definition. At the time of writing the plan is subject to examination and objections have been made to the inclusion of the above definition, including one from the Ministry of Housing, Communities and Local Government (2018) and so it is unclear as to whether the proposed London definition will be adopted.

Nevertheless, for the purposes of this report it highlights further the point that provision for non-PPTS Gypsies and Travellers is likely to be uneven across England, so the inequalities already faced by them with regard to access to accommodation will be compounded further.

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Appendix 1 | Summary of local authority information

LPA name	Level of constraint	Historical record of meeting need	Pitch targets pre 2015 definition change	Pitch targets post 2015 definition change	GTAA Produced by:	How have existing households been assessed by the GTAA?	Have the needs of non-PPTS been addressed? How?
Ashford BC	Some constraints 1/3 land AONB, 43 conservation areas, watercourses and listed buildings	Improving History of unmet need, increasingly proactive since 2013 GTAA, but over reliance on private provision	57 (2012–28)	48 (2012–28)	Ashford BC	Of 134 households 78 are considered to meet the definition	No Non-PPTS are subject to general Housing Policy
Aylesbury Vale DC	Few constraints Relatively small proportion of area designated GB or AONB	Poor Unmet need, absence of 5-year supply plan	57 (2013–28)	8 pitches for 'travelling', 0–76 for 'unknown', 27 for 'non-travelling' 2016–33	ORS	Of 111 households 4 meet definition, 87 'unknown, 20 do not	No But 100% of unknowns are taken into consideration
Basildon BC	Some constraints 63% GB land	Poor SoS noted re. Dale Farm 'failure so far to make proper provision'	240 (2013–32)	47 pitches for 'definition', 0–57 for 'unknown', 51 for 'do not meet def.' between 2016–2034	ORS	Of 164 households 27 meet definition., 83 unknown, 54 do not	Yes There is a pitch target for non PPTS G+T and there is a proposal to meet the need through neighbourhood plans (see main report)

LPA name	Level of constraint	Historical record of meeting need	Pitch targets pre 2015 definition change	Pitch targets post 2015 definition change	GTAA Produced by:	How have existing households been assessed by the GTAA?	Have the needs of non-PPTS been addressed? How?
Central Bedfordshire	Few constraints Approx. 40% GB	Poor Doubts raised by Inspector on accuracy of data + no 5-year supply plan.	157 (2013–31)	23 pitches 'meet definition', 0–48 pitches 'unknown', between 2015–35	ORS	Of 253 households 14 meet definition, 146 unknown, 93 do not	Yes Pre-submission local plan (para 11.8.1) states that G&T and Showpeople policy will apply to those who do not meet the definition
RB Greenwich	Substantial constraints Land value, highly populated	Poor No permissions given since 1994, Unmet need	22–45 (2007–12)	0 (2016–31)	ORS	Of 40 households 0 meet definition, 0 unknown, 40 do not	No Need of all G&T will be a component of OAN figure identified in the SHMA. No specific policy for non-PPTS G&T
Guildford	Substantial constraints nearly 90% GB, some AONB	Improving Historic under-provision, 24 pitches (50% of identified need) provided since 2012)	73 (2012–27)	4 pitches for 'travelling', 8 pitches for 'unknown', 41 pitches for 'households' (do not meet definition) between 2017–34	Guildford BC	Of 70 households 6 meet definition	Yes Specific plans to meet needs of non PPTS

LPA name	Level of constraint	Historical record of meeting need	Pitch targets pre 2015 definition change	Pitch targets post 2015 definition change	GTAA Produced by:	How have existing households been assessed by the GTAA?	Have the needs of non-PPTS been addressed? How?
Hart DC	Some constraints Thames basin heaths	Poor Unmet need and no 5-year supply plan	24 pitches (2012–17)	-5 pitches 'travelling', 4+ for 'unknown', between 2016–31	ORS	Of 49 households 4 meet definition, 16 unknown, 29 do not	No No allocation for non PPTS
Herefordshire	Few constraints Some AONB and flood zone – but limited	Poor Historic unmet need and no 5-year supply plan	42 (2014–29)	30 pitches 'PPTS need', 53 'cultural' (non-PPTS), between 2017–31	Arc4	36.5% of households meet the definition	No No allocations for non PPTS
Hinckley & Bosworth BC	Few constraints Agricultural land + SSSI	Poor Historic under-provision	40 (2012–27)	0 pitches 'meet definition', 0–15 'unknown', between 2016–36	ORS	Of 66 households 6 meet definition, 43 unknown, 17 do not	No LPA will consider allocations for non-PPTS through emerging local plan
Mid Sussex DC	Substantial constraints Significant AONB	Poor Historic unmet need	34 (2013–31)	0 pitches 'travelling', 0–'unknown', 20 'non-travelling' between 2016–31	ORS	Of 30 households 3 meet definition, 14 unknown, 13 do not	No Non PPTS not within any specific policy
Newark & Sherwood	Some Constraints Flood zone and GB	Limited Some private supply, but historic unmet need too.	84 (2013–28)	39 pitches between 2013–28	Newark & Sherwood	Gypsies and Travellers in bricks and mortar considered to fall outside of definition	No 'It is unlikely that site allocations will be made for those not meeting the definition'

LPA name	Level of constraint	Historical record of meeting need	Pitch targets pre 2015 definition change	Pitch targets post 2015 definition change	GTAA Produced by:	How have existing households been assessed by the GTAA?	Have the needs of non-PPTS been addressed? How?
Runnymede	Substantial constraints 80% GB + flood plain + land value	Poor Historic underestimation of need	117 (2014–29)	123 pitches 'meet definition', 32 'unknown', 50 'do not meet definition', between 2017–35	ORS	Of 117 households 52 meet definition, 27 unknown, 38 do not	No Non-PPTS to be included in OAN in SHMA as part of household projections
Sevenoaks	Substantial constraints 93% GB + AONB	Slowly emerging Some small provision, but slow	72 (2012–26)	11 pitches 'PPTS need', 51 pitches 'cultural need' between 2017–35	Arc4	62.1% of households meet the definition	Yes As set out in Proposed Submission Local Plan - To meet 'cultural need' sites have been identified where additional pitches could be provided
South Bucks DC	Substantial constraints 87% GB	Slow No new permanent provision	44 (2013–28)	0 pitches 'travelling', 0–37 'unknown', 33 'non-travelling' between 2016–33	ORS	Of 111 households 0 meet definition, 62 unknown, 49 do not	No Previous policy makes no mention of non-PPTS

LPA name	Level of constraint	Historical record of meeting need	Pitch targets pre 2015 definition change	Pitch targets post 2015 definition change	GTAA Produced by:	How have existing households been assessed by the GTAA?	Have the needs of non-PPTS been addressed? How?
South Cambs	Some Constraints 25% GB	Poor Historic unmet need and underestimation	114 (2011–31)	-9 pitches 'travelling', 0-68 'unknown', 61 'non-travelling' between 2016–36	ORS	Of 286 households 11 meet definition, 194 unknown, 81 do not	No Will be a 'matter for consideration when preparing next joint Local Plan'
South Gloucestershire	Some constraints AONB and GB	Poor History of under provision	46 (2013–28)	2017: 10 pitches 'meet definition', 0–11 'unknown', 54 'do not' 2017–32. 2018 update: 61 pitches 2017–32 (no breakdown)	ORS	Of 107 households 22 meet definition, 36 unknown, 49 do not	Yes Explicitly states in explanatory note that all GT (non PPTS too) will be treated same way
Tandridge	Substantial constraints Over 90% GB + AONB	Poor Historic non provision + no 5-year land supply plan	63 (2013–28)	5 pitches 'meet definition', 0-15 'unknown', 23 'do not meet definition', between 2017-2033	ORS	Of 47 households 4 meet definition, 17 unknown, 26 do not	No Old plan no specific mention of non PPTS

LPA name	Level of constraint	Historical record of meeting need	Pitch targets pre 2015 definition change	Pitch targets post 2015 definition change	GTAA Produced by:	How have existing households been assessed by the GTAA?	Have the needs of non-PPTS been addressed? How?
Tewkesbury	Some constraints Areas of GB and AONB but relatively small areas.	Slow Some provision but slow and protracted	147 (2013–31)	5 pitches 'meet definition' (4 due to expiring temp), 0–48 'unknown', 25 'do not meet definition' between 2016–31	ORS	Of 177 households 6 meet definition, 132 unknown, 39 do not	Yes Policy SD11 includes needs of non PPTS
West Oxfordshire	Some constraints High value, Cotswold AONB	Poor Reluctant and unclear GTAA on 'turnover' and out migration	18 (2012–27)	4 pitches 'travelling', 0–15 'unknown', 14 'non-travelling', between 2016–32	ORS	Of 96 households 7 meet definition, 55 unknown, 34 do not	Yes Policy H4 in plan, + SHMA
York	Substantial constraints GB, land value, tight boundary	Poor / Slow History of unmet need, some v. small slow provision	66 (2014–30)	2 pitches 'meet definition', 12 'unknown', 33 'do not meet definition' between 2016–32	ORS	Of 70 households 9 meet definition, 21 unknown, 40 do not	Yes Policy H5 – non-PPTS need met via strategic allocations

Appendix 2 | Notes on Scotland and Wales

The situation in Wales

While the planning regime in Wales is similar in nature to the English system, the Welsh Government has taken a substantially different approach to the definition. Their Guidance on Managing Unauthorised Camping 2013 provides the following definition of Gypsies and Travellers at paragraph 5:²⁴

Persons with a cultural tradition of nomadism or of living in a caravan;
and all other persons of a nomadic habit of life, whatever their race or
origin, including –

such persons who, on grounds only of their own or their family's or
dependant's educational or health needs or old age, have ceased to
travel temporarily or permanently; and

members of an organised group of travelling show people or circus
people (whether or not travelling together so).

²⁴ [Guidance on Managing Unauthorised Camping 2013](#).

A definition very similar to this has been brought onto the statute books. Section 108 of the Housing (Wales) Act 2014 provides the following definition of Gypsies and Travellers for the purpose of assessing accommodation needs:

- (a) Persons of a nomadic habit of life, whatever their race or origin, including –
- (i) Persons who, on grounds only of their own or their family's or dependant's educational or health needs or old age, have ceased to travel temporarily or permanently, and
 - (ii) Members of an organised group of travelling show people or circus people (whether or not travelling together so); and
- (b) All other persons with a cultural tradition of nomadism or of living in a mobile home.

The Welsh Government Circular 005/2018, Planning for Gypsy, Traveller and Showpeople Sites at paragraph 2 uses the statutory definition in section 108 of the Housing (Wales) Act 2014 for the purposes of planning.²⁵

Given the recent nature of the above provisions, there is currently no evidence as to their effectiveness.

²⁵ [Welsh Government Circular 005/2018, Planning for Gypsy, Traveller and Showpeople sites.](#)

The situation in Scotland

There is no statutory or policy definition of Gypsy or Traveller in Scottish law or policy, and the needs of Gypsy/Travellers and Travelling Showpeople are considered in just one paragraph of a broader national policy.

Scottish Planning Policy (2014) considers Gypsy/Traveller accommodation under *Specialist Housing Provision and Other Specific Needs*, and states that:²⁶

HNDAs [Housing Need and Demand Assessments] will also evidence need for sites for Gypsy/Travellers and Travelling Showpeople. Development plans and local housing strategies should address any need identified, taking into account their mobile lifestyles. In city regions, the strategic development plan should have a role in addressing cross-boundary considerations. If there is a need, local development plans should identify suitable sites for these communities. They should also consider whether policies are required for small privately-owned sites for Gypsy/Travellers, and for handling applications for permanent sites for Travelling Showpeople (where account should be taken of the need for storage and maintenance of equipment as well as accommodation). These communities should be appropriately involved in identifying sites for their use.

Housing Need and Demand Assessments (HNDAs), are required to assess the current provision and likely future requirements of sites for Gypsies and Travellers. Information is crucial to the HNDA process, and it is important that information sources are sound and verifiable. However, the guidance from the Scottish Government on how to assess the need of Gypsies and Travellers is again part of a boarder document on HNDAs and is significantly lacking in the detail required to accurately assess need.

²⁶ [Scottish Planning Policy \(2014\)](#), para. 133, p. 32.