



Planning for Gypsy, Traveller, and Travelling Showpeoples' Accommodation

Position Statement

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1.0. The Revised Planning Definition of Gypsy, Traveller and Travelling Showpeople

1.1. Following an update in August 2015, the PPTS provides that:

“Local planning authorities should set pitch targets for gypsies and travellers as defined in Annex 1 and plot targets for travelling showpeople as defined in Annex 1 which address the likely permanent and transit site accommodation needs of travellers in their area.”

1.2. Gypsies and Travellers are defined in the PPTS as:

“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’ 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.”

1.3. Travelling Showpeople are defined in the PPTS as:

“Members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or their family’s or dependants’ more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily, but excludes Gypsies and Travellers as defined above.”

1.4. This effectively takes away the formal requirement within the PPTS for LPAs to set pitch targets addressing accommodation needs for Gypsies, Travellers and Travelling Showpeople who have permanently ceased to travel. Nonetheless, Woking Borough Council considers that it remains necessary to identify sufficient land to provide for the accommodation needs of this demographic. The reasons for this are set out in detail below.

2.0. Guildford Borough Council’s Approach in Accordance with the Equalities Act (2010)

2.1. It is instructive to consider the approach taken by Guildford Borough Council (Guildford BC) to planning for the accommodation needs of Gypsies, Travellers and Travelling Showpeople. Their Travellers’ Accommodation Assessment (June 2017) provides as below:

“We recognise that the Government’s definition of travellers for the purpose of planning policy means that we should set pitch targets for Gypsies and Travellers and plot targets for Travelling Showpeople who meet the PPTS definition which address their likely permanent and transit accommodation needs in our area.

However, we also recognise that within Guildford borough we have ‘settled’ traveller households who no longer meet the planning definition of traveller but who may require culturally suitable accommodation. The Equalities Act 2010

requires Councils to take steps to meet the needs of people who have relevant protected characteristics, such as Romany Gypsies and Irish and Scottish Travellers. Some ethnic Gypsies and Travellers will fall outside the PPTS definition of travellers as they have ceased to travel on a permanent basis. In the future their accommodation needs may be assessed through an update to the Strategic Housing Market Assessment (SHMA) or as a sub-set of a caravan accommodation assessment. However, although their needs do not need to be included in assessments for the purposes of PPTS, we have included the findings from their interview responses within this assessment. We anticipate that their accommodation needs will inform the future housing and planning policies within Guildford borough and future evidence base studies.”

2.2. To reflect the revised definition, Guildford BC therefore produced two tables outlining the projected accommodation need for Gypsies, Travellers and Travelling Showpeople in the borough between 2017 and 2034. The first (Table 16) includes the need of people who meet the PPTS definition and the second (Table 17) includes the need of people who do not meet the PPTS definition or whose planning traveller status is unknown:

Table 16: Projection of additional pitch and plots needed within Guildford borough 2017-2034 to meet the needs of Gypsies, Travellers and Travelling Showpeople meeting PPTS definition.

Time Period	Pitches for Gypsies and Travellers meeting planning definition	Plots for Travelling Showpeople meeting planning definition
2017-2022	2	3
2022-2027	1	0
2027-2032	1	1
2032-2034 (2 year period)	0	0
TOTAL over plan period	4	4

Table 17: Projection of additional pitch and plots needed within Guildford borough 2017-2034 to meet the needs of households who do not meet the PPTS definition of a traveller and households of unknown planning traveller status.

Time Period	Pitches for Gypsies and Travellers not meeting planning definition	Pitches for Gypsies and Travellers not interviewed of unknown planning status	Plots for settled TSP not meeting planning definition	Pitches for Travelling Showpeople not interviewed of unknown planning status
2017-2022	27	3	2	0
2022-2027	6	2	0	0
2027-2032	6	2	1	0
2032-2034 (2 years)	2	1	1	0
TOTAL over plan period	41	8	4	0

2.3. This approach has demonstrably informed the preparation of the *Guildford Borough Local Plan: Strategy and Sites* which was recently adopted on 25th April 2019. In particular, ‘Policy S2: Planning for the borough – our spatial development strategy’ directly translates the evidenced need into policy:

“Provision has been made for 4 permanent pitches for Gypsies and Travellers and 4 permanent plots for Travelling Showpeople (as defined by Planning Policy for Traveller sites) within Guildford borough between 2017 and 2034. Whilst the needs of Gypsies, Travellers and Travelling Showpeople who do not meet the planning definition fall outside this allocation, in order to meet their assessed needs the Council will seek to make provision for 41 permanent pitches for Gypsies and Travellers and 4 permanent plots for Travelling Showpeople who do not meet the definition. The Council will also seek to make provision for 8 permanent pitches to meet potential additional need of households of unknown planning status.”

2.4. In effect, Guildford BC has allocated land to meet the accommodation needs of Gypsies, Travellers and Travelling Showpeople who meet the PPTS definitions, who don't meet the PPTS definitions and whose planning traveller status is unknown.

2.5. Evidently, this is an approach that the Planning Inspectorate has considered appropriate. In particular, it is noted that in assessing the plan's soundness, Mr Jonathan Bore MRTPI found that:

“Policy S2(3) sets out the number of permanent pitches which will be identified for gypsies and travellers and travelling showpeople; the number provided for those who do not meet the definition in Planning Policy for Traveller Sites; and the number to meet the potential additional need of households of unknown planning status...The approach is based on appropriate evidence.”

2.6. The conclusion to be drawn from this is that planning for travellers sites to meet the accommodation needs of those who do, and those who do not, meet the PPTS definition is a sound approach in principle.

2.7. It is also an approach that would be sound for Woking Borough in particular. Among the findings of the TAA is that:

“About 50% of [households interviewed] would like to move to private owned pitches, 25% to a local authority pitch/plot and 25% to affordable/social housing. This is useful information about the nature of the need to be met. Delivery should be managed to reflect the nature of the need.”

2.8. As is clear in the above extract, preference for a pitch as a specific type of accommodation has been, and must continue to be, understood as part of the nature of need. This need persists irrespective of the PPTS definition. It may be that some of those households seeking a local authority or private pitch have ceased to travel, but the nature of their need for a culturally specific form of accommodation remains fundamentally unchanged.

2.9. Of key importance here is the Equalities Act (2010). In taking the approach outlined above, Guildford BC have evidently had due regard to this legislation. By pursuing a similar course of action, Woking BC would also demonstrate compliance with the aforementioned legislation, ensuring that we are providing a type of culturally appropriate accommodation for which there is demonstrable need. The particularly relevant section of the Equalities Act in this instance is the Public Sector Equality Duty contained therein which provides that:

“A public authority must, in the exercise of its functions, have due regard to the need to...”

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it...

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to...

(b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.”

2.10. Gypsies, Travellers and Travelling Showpeople – whether or not they meet the PPTS definitions – have a need for a culturally suitable form of accommodation. LPAs therefore have a duty to take steps to meet this need, in this instance by allocating the necessary land for pitches.

3.0. Summary of the Nature of the Need Arising from Woking

3.1. The TAA (2013) also continues to be an appropriate evidence base for informing the Site Allocations DPD as regards projected need to 2027 and, beyond the plan period, to 2040. The TAA (2013) identified several sources of need, none of which could be expected to have altered significantly:

- **Overcrowding, including concealed households.** At the time of the TAA, 10 people of 18 years and above were considered to require a pitch for this reason. There is no reason to expect that this number would have altered. It is recognised that some people who weren't 18 at the time of the assessment, but now are, may constitute concealed households. However, this demographic is already planned for under the category of 'need arising through household formation' (as outlined below.)
- **Need arising through household formation.** The need for 7 additional pitches from this source was based on ages of respondents at the time of the TAA, and compounded household formation rates. It therefore remains valid as the base data, and consequently the conclusions drawn from it, would be unchanged.
- **Need arising from unsuitable accommodation.** There are 2 households in need of alternative accommodation according to the TAA. It is reasonable to assume that both continue to be in need, given that there has only been a net gain of 1 additional permanent pitch since the TAA was adopted. It is recognised there is an element of uncertainty regarding whether there are any new households in unsuitable accommodation. However, given that the plan allocates a number of pitches in excess of the assessed need, there is a buffer to account for any potential increase in such a group.

3.2. The TAA does not include supply arising from existing stock of pitches for the below reasons, which continue to be valid:

- There is a vacancy of 0.32 pitches per year which would contribute 5 pitches over the 15 year period. However, at the time of the TAA, there were 13 Travellers on the SCC waiting list. Consequently it is not expected that there would be a net gain in overall supply of pitches from this source. This remains a valid conclusion.

- The TAA found that there were 7 households who wished to move out of the borough. However, it was assumed that were they to do so, it would not result in any additional supply. This assumption was made on the basis that in-migration is an unknown factor that could theoretically counterbalance any out-migration. This continues to be a valid conclusion.

4.0. The Housing Act (1985)

4.1. The requirement to provide such culturally suitable forms of accommodation is also provided for by the Housing Act (1985), which was modified in 2016, after the PPTS definitions were changed. This Act provides that:

“(1) Every local housing authority shall consider housing conditions in their district and the needs of the district with respect to the provision of further housing accommodation...

In the case of a local housing authority in England, the duty under subsection (1) includes a duty to consider the needs of people residing in or resorting to their district with respect to the provision of –

(a) Sites on which caravans can be stationed”

4.2. Taking a holistic view of national policy, there is evidently a requirement to consider the need for provision of additional caravan sites, which would include need which relates to Gypsies, Travellers and Travelling Showpeople, whether or not they meet the PPTS definition.

4.3. At present, the guidance for carrying out caravan and houseboat housing needs reviews is in draft form. However it should be noted that the methodology which it proposes (set out below) is consistent with Woking’s Traveller Accommodation Assessment (TAA) (2013):

“When considering the need for caravans and houseboats local authorities will need to include the needs of a variety of residents in differing circumstances, for example:

Caravan and houseboat dwelling households:

- Who have no authorised site anywhere on which to reside;
- Whose existing site accommodation is overcrowded or unsuitable, but who are unable to obtain larger or more suitable accommodation;
- Who contain suppressed households who are unable to set up separate family units and
- Who are unable to access a place on an authorised site, or obtain or afford land to develop on.

Bricks and mortar dwelling households:

- Whose existing accommodation is overcrowded or unsuitable (‘unsuitable’ in this context can include unsuitability by virtue of a person’s cultural preference not to live in bricks-and-mortar accommodation).”

4.4. The Housing Act provision has been interpreted by the social research company Opinion Research Services (ORS) in their *Gypsy, Traveller and Travelling Showpeople Accommodation Assessment* for Thurrock Council as below:

“the implication is...that the housing needs of any Gypsy and Traveller households who do not meet the new ‘planning’ definition of a Traveller will need to be assessed as part of the wider housing needs of the area, for example through the SHMA process, and will form a subset of the wider need arising from households residing in caravans.”

4.5. ORS recognise that

“It is not now a requirement for a GTAA to include an assessment of need for households that do not meet the planning definition. However this assessment is included for illustrative purposes and to provide the Council with information on levels of need that will have to be addressed through the SHMA or HEDNA and through separate Local Plan policies.”

4.6. On this basis, it is clear that the Housing Act places a duty on local authorities to consider the need for the provision of sites on which caravans can be stationed and a significant component of this need would relate to Gypsies, Travellers and Travelling Showpeople, even if they do not meet the PPTS definitions. It is recognised that this might alternatively be done through a SHMAA rather than a TAA.

5.0. Conclusion

5.1. At present, given that the Gypsy and Traveller Accommodation Needs Assessment Guidance has been withdrawn, and that no guidance has been formally adopted for caravan accommodation assessments, proceeding with the TAA as an evidence base informing the Site Allocations DPD is a reasonable course of action.

5.2. As regards Woking specifically, while the need established in the TAA (2013) might alternatively have been established by a SHMAA and/or a caravan accommodation assessment, the material impact on the Site Allocations DPD would likely be the same: namely that there is a need for 19 additional caravan pitches in the Borough to 2027, irrespective of whether or not the households that these pitches will accommodate meet the PPTS definition.

5.3. By taking this approach, Woking BC would ensure that it was acting in compliance with the Public Sector Equality Duty. It would also be acting consistently with the NPPF, Paragraph 4 of which reads:

“This Framework should be read in conjunction with the Government’s planning policy for traveller sites. Local planning authorities preparing plans for and taking decisions on travellers sites should also have regard to the policies in this Framework so far as relevant.”

5.4. In this regard, the relevant policy is Paragraph 50:

“To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:

- Plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.”