

Gypsy and Traveller and Travelling Showperson Accommodation Assessment 2019

City of Bradford Metropolitan District Council

First Draft Report
July 2019

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Table of Contents

Executive Summary.....	5
Introduction	5
Current provision and activity	5
Planning policy requirements for needs assessments.....	5
Gypsy and Traveller pitch requirements: Bradford District.....	6
Travelling Showperson plot requirements	7
Transit site requirements.....	7
1. Introduction	8
GTAA 2019 overview.....	8
Who the study covers	8
Report structure.....	9
2. Policy and local context	11
Government policy and guidance	11
Planning policy context: ‘cultural’ and ‘PPTS’ need.....	14
Strategic context	15
Local context	16
3. Methodology.....	17
Phase 1: Literature/desktop review and steering group discussions.....	17
Phase 2: Fieldwork survey and interviews with Gypsies and Travellers and Travelling Showpeople	17
Phase 3: Needs assessment and production of report.....	18
4. Review of the Gypsy, Traveller and Travelling Showpeople population and existing provision of pitches and plots.....	21
2011 Census population estimates.....	21
Caravan Count information	22
Local information	23
5. Household survey findings.....	26
6. Gypsy and Traveller pitch, Travelling Showperson plot and transit site requirements ...	26
Introduction	26
Pitch need model overview	27
Bradford district: 5-year cultural need model output	27
Bradford district: longer-term cultural need model output.....	30
Meeting permanent Travelling Showperson requirements across Bradford district	33
7. Conclusion and strategic response	34
Gypsy and Traveller: current pitch supply and future need	34
Meeting permanent Travelling Showperson requirements	34

Meeting transit site/stop over requirements.....	34
Good practice in planning for Gypsy and Traveller provision	35
Appendix A: Legislative background	36
Appendix B: Review of policy, guidance and best practice	39
Appendix C: Gypsy and Traveller Fieldwork Questionnaire	51
Appendix D: Glossary of terms	55

List of Tables

Table ES1	Plan period Gypsy and Traveller pitch need: Bradford district	7
Table 3.1	Household responses achieved by tenure and type of accommodation	18
Table 4.1a	Households identifying as Gypsy Traveller by accommodation type.....	21
Table 4.1b	People from households identifying as White Gypsy or Irish Traveller by accommodation type	21
Table 4.1c	People per Household, Calculation by Accommodation Type	22
Table 4.2	Bi-annual Traveller caravan count figures January 2016 to January 2019.....	22
Table 4.3	List of Gypsy and Traveller sites and Travelling Showpersons yards as at April 2019	24
Table 4.4	Summary of Site and yard provision.....	24
Table 6.1	Summary of need and supply factors: Gypsies and Travellers – 2019/20 to 2023/24.....	28
Table 6.2	Future pitch requirements based on the assumption that 50% of children form households on reaching 18.....	30
Table 6.3	Plan period Gypsy and Traveller pitch need: Bradford district	31
Table 6.4	Bradford District pitch requirement taking into account turnover/ vacancy	32

List of Maps

Map 4.1	Location of Gypsy and Traveller sites and Travelling Showperson yards.....	25
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Executive Summary

Introduction

The City of Bradford Metropolitan District Council 2019 Gypsy and Traveller Accommodation Assessment (GTAA) analyses the latest available evidence to identify the accommodation needs of Gypsies and Travellers and Travelling Showpeople across the study area.

The GTAA has comprised the following evidence sources:

- A review of existing (secondary) data including caravan count and census data;
- Interviews and data obtained for 27 Gypsy and Traveller households out of a total of 37 households (representing an overall 73% response).

This data has been analysed to provide a picture of current provision and activity across the district and an assessment of future need. The findings of the study provide an up-to-date, robust and defensible evidence base for policy development.

Current provision and activity

The 2011 Census identified a total of 168 households in Bradford district where the Household Reference Person had a 'White: Gypsy or Irish Traveller' ethnicity: 139 lived in bricks and mortar accommodation (house, bungalow, flat, maisonette or apartment) and 29 lived in a caravan.

The bi-annual DCLG Traveller caravan count has identified an average of 68 caravans over the last six counts across Bradford District. The Travelling Showperson caravan count (undertaken each January) indicated 24 caravans on yards in 2018.

In terms of Gypsy and Traveller site provision, in Bradford District there are two Council sites and two private permanent sites. There is also one Travelling Showpersons' yard.

The triangulation of secondary data, council information and fieldwork survey has identified a total of 52 Gypsy and Traveller pitches in Bradford District accommodating 37 households.

Planning policy requirements for needs assessments

Planning policy for traveller sites (PPTS) (first published in March 2012 and updated in August 2015), requires an assessment of the current needs of Gypsies and Travellers and Travelling Showpeople and a projection of future needs. The calculation of pitch/plot requirements in the GTAA 2019 is based on established DCLG modelling methodology, as advocated in *Gypsy and Traveller Accommodation Needs Assessment Guidance* (DCLG, 2007). Although this Guidance was formally withdrawn in December 2016, in the absence of any updated guidance on the subject, it continues to provide a standard approach for needs modelling employed by most local planning authorities and also confirmed by inspectors at public inquiries.

This approach comprises an assessment of the current needs of Gypsies and Travellers and Travelling Showpeople and a projection of future needs. The Guidance advocates the use of a fieldwork survey to supplement secondary source information and derive key supply and demand information.

‘Cultural’ and ‘PPTS need’

A major change in planning policy, introduced by PPTS 2015, was the amended definition of the group to which the policy applies. The definitions of both ‘Gypsy and Traveller’ and ‘Travelling Showperson’ have been amended to exclude, for planning purposes, anyone who has stopped travelling on a permanent basis. It continues to include those who have ceased to travel temporarily. Essentially, this created a more restricted ‘PPTS 2015’ definition which applies to those who follow a nomadic habit of life.

This GTAA expresses two levels of need for pitches: a ‘cultural’ and ‘PPTS’ need. This is to ensure that the overall needs of the Travelling community are fully reflected in the evidence base which needs to accord with planning and wider policies.

Paragraph 61 of the 2019 National Planning Policy Framework (NPPF) recognises the need to assess a range of community needs including those of Travellers. The February 2019 Planning Practice Guidance (PPG) which accompanies the NPPF states ‘the household projections that form the baseline of the standard method are inclusive of all households including Travellers as defined in Planning Policy for Travelling Sites’¹. The NPPF states that the PPTS sets out how travellers’ housing needs should be assessed for those covered by the definition in Annex 1 of that document. The planning policy therefore differentiates between ‘travelling’ and ‘non-travelling’ Gypsies and Travellers.

For non-travelling Travellers, their needs should also be met by the requirements of the NPPF as non-travelling households are a component of overall housing need. Additionally, the Human Rights Act 1998 and the Equalities Act 2010 protects the cultural choice of Gypsies and Travellers to live in mobile accommodation and therefore there is a need to plan for this type of accommodation. The Housing and Planning Act 2016 section 124 also makes specific reference to the needs of households living in caravans.

Therefore, our GTAAs establish an overall ‘cultural’ need for pitches which accords with the overall need for the Travelling community and takes into account the Human Rights Act 1998, the Equalities Act 2010 and the Housing and Planning Act 2016 section 124. A PPTS ‘policy filter’ is then applied to identify the level of need associated with those households meeting the definitions set out in the PPTS Annex 1. It is our understanding that the needs arising from the PPTS analysis establishes the level of need against which a 5-year land supply is assessed but Councils should be mindful of a wider obligation to consider overall ‘cultural’ need.

Gypsy and Traveller pitch requirements: Bradford District

For the Local Plan Period (to 2036/7) the GTAA has identified the following Gypsy and Traveller pitch needs: cultural need of 17 pitches and a PPTS need for 10 pitches (a total of 59.3% of households living on pitches meet the PPTS definition) (Table ES1).

The main drivers for this need are:

¹ Paragraph: 017 Reference ID: 2a-017-20190220

- in the short-term, existing households moving into the district and moves from bricks and mortar housing; and
- in the longer-term and households expected to emerge over the plan period.

Table ES1 Plan period Gypsy and Traveller pitch need: Bradford district		
	Cultural need	PPTS NEED
5yr Authorised Pitch Shortfall (2019/20 to 2023/24)	-6	-4
Longer-term need		
<i>Over period 2024 to 2028</i>	<i>4</i>	3
<i>Over period 2029 to 2033</i>	<i>10</i>	6
<i>Over period 2034 to 2037</i>	<i>9</i>	5
<i>Longer-term need TOTAL</i>	<i>23</i>	14
TOTAL NET SHORTFALL 2019/20 to 2036/37	17	10

It is anticipated that there will be some turnover on Council sites which means there will be some capacity to address this need. On the basis of recent trends 1 pitch each year is expected to come available. This would address the needs outlined in Table ES1 but because turnover cannot be guaranteed to take place, the Council should prudently plan for a need of 10 pitches over the plan period.

Travelling Showperson plot requirements

There is currently one Travelling Snowpersons yard in Bradford District. Based on discussions with the yard manager, the GTAA has not evidenced any need for additional Travelling Showperson plots. This is a significantly different finding to the previous GTAA but the number of households living on the yard has reduced from 42 (as reported in the 2015 GTAA) to 18.

Transit site requirements

- To be confirmed;

1. Introduction

GTAA 2019 overview

- 1.1 In October 2018, arc⁴ was commissioned to update the evidence base to support the preparation of the Bradford's local plan. As part of this commission, the evidence base to establish the need for Gypsy, and Traveller pitch and Travelling Showperson plot has been updated.
- 1.2 The overall objective of the Gypsy and Traveller Accommodation Assessment is to form a clear evidence basis to inform the development of planning policies relating to Gypsy and Travellers and Travelling Showpeople.
- 1.3 The overall objectives of the GTAA 2019 update are:
 - to carry out an assessment of Gypsy and Traveller, and Travelling Showpeople accommodation needs (including houseboat dwellers) over the plan period for the council in accordance with the requirements of the National Planning Policy Framework and the Planning Policy for Traveller Sites; and
 - make recommendations on pitch/plot provision (and moorings), including the split between permanent and transit requirements over the plan period and any further policy recommendations relevant to planning for the needs for Gypsy and Travellers, and Travelling Showpeople.

Who the study covers

- 1.4 The GTAA 2019 update adopts the definition of 'Gypsies and Travellers' set out within *Planning policy for traveller sites* (PPTS), which was published by the Government in August 2015. This sets out the following definition of 'Gypsies and Travellers':

*'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.'*²
- 1.5 In addition, PPTS 2015 provides the following 'clarification' for determining whether someone is a Gypsy or Traveller:

'In determining whether persons are "gypsies and travellers" for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:

² DCLG *Planning policy for traveller sites* August 2015 Annex 1, para 1

- a) whether they previously led a nomadic habit of life
- b) the reasons for ceasing their nomadic habit of life
- c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.³

1.6 The following definition of ‘Travelling Showpeople’ is set out in PPTS 2015:

‘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.’⁴

1.7 In addition:

‘For the purposes of this planning policy, “pitch” means a pitch on a “gypsy and traveller” site and “plot” means a pitch on a “travelling showpeople” site (often called a “yard”). This terminology differentiates between residential pitches for “gypsies and travellers” and mixed-use pitches for “travelling showpeople”, which may/will need to incorporate space or to be split to allow for the storage of equipment.’⁵

1.8 For the purposes of this study, therefore, Gypsies and Travellers live on pitches on sites, whilst Travelling Showpeople live on plots on yards.

1.9 This GTAA expresses two levels of need for pitches: a ‘cultural’ and ‘PPTS’ need. This is to ensure that the overall needs of the Travelling community are fully reflected in the evidence base which needs to accord with planning and wider policies. A fully glossary of terms can be found at Appendix D.

Report structure

1.10 The GTAA 2019 report structure is as follows:

- **Chapter 1 Introduction:** provides an overview of the study;
- **Chapter 2 Policy and local context:** presents a review of the policy context which guides the study, including a consideration of the specific local context of Central Lancashire;
- **Chapter 3 Methodology:** provides details of the study’s research methodology;
- **Chapter 4 Review of current Gypsy and Traveller population and provision of pitches/plots:** reviews and estimates of the Gypsy and Traveller and Travelling Showpeople population across Bradford district;

³ DCLG *Planning policy for traveller sites* August 2015 Annex 1, para 2

⁴ DCLG *Planning policy for traveller sites* August 2015 Annex 1, para 3

⁵ DCLG *Planning policy for traveller sites* August 2015 Annex 1, para 5

- **Chapter 5** **Household survey findings:** presents relevant data obtained from the household survey research;
- **Chapter 6** **Pitch/plot/transit requirements:** focuses on current and future pitch/plot requirements. This chapter includes a detailed assessment of drivers of demand, supply and current shortfalls across the study area; and
- **Chapter 7** **Conclusion and strategic response:** concludes the report, bringing together the different strands of the research and identifying headline issues, including recommending ways in which these could be addressed.

1.11 The report is supplemented by the following appendices:

- **Appendix A** Which provides details of the legislative background underpinning accommodation issues for the Travelling community;
- **Appendix B** Review of policy, guidance, reports and best practice notes;
- **Appendix C** Fieldwork questionnaires;
- **Appendix D** Glossary of terms.

2. Policy and local context

- 2.1 This study is grounded in an understanding of the national legislative and planning policy context that underpins the assessment and provision of accommodation for Gypsies and Travellers, Travelling Showpeople and houseboat dwellers.
- 2.2 Appendix A sets out the legislative background that is relevant to accommodation issues and Appendix B provides a review of Government policy and guidance that has been published in recent years, alongside other key reports and best practice advice.
- 2.3 This chapter sets out the policy context within which this GTAA has been prepared, including a consideration of the local context of Bradford district.

Government policy and guidance

Gypsy and Traveller Accommodation Needs Assessments Guidance 2007 (withdrawn)

- 2.4 The calculation of pitch/plot requirements in the GTAA 2019 is based on established DCLG modelling methodology, as advocated in *Gypsy and Traveller Accommodation Needs Assessment Guidance* (DCLG, 2007). Although this Guidance was formally withdrawn in December 2016, in the absence of any updated guidance on the subject it continues to provide a best practice approach for needs modelling.
- 2.5 This approach comprises an assessment of the current needs of Gypsies and Travellers and Travelling Showpeople and a projection of future needs. The Guidance advocates the use of a fieldwork survey to supplement secondary source information and derive key supply and demand information.

Planning policy for traveller sites, PPTS 2012

- 2.6 In 2012, the Government published both the National Planning Policy Framework (NPPF)⁶ and its accompanying Planning Practice Guidance (PPG) documents covering a range of topics. They also published some separate planning policy documents, including *Planning policy for traveller sites*⁷ (PPTS 2012). These documents replaced all previous national planning policy in respect of Gypsies and Travellers and Travelling Showpeople.
- 2.7 Previously, local planning authorities had been required to set aside enough land for Gypsy and Traveller sites, with their targets set in regional plans. However, the Coalition Government abolished regional planning under the provisions of the Localism Act 2011. The approach set out in PPTS 2012 instead, encouraged local

⁶ DCLG National Planning Policy Framework March 2012

⁷ DCLG *Planning policy for traveller sites* March 2012 (now superseded)

planning authorities to form their own evidence base for accommodation needs in their area and use this to set their own pitch and plot targets for their Local Plan.

Written Ministerial Statement, July 2015

- 2.8 Technical adjustments were made to paragraphs 49 and 159 of the NPPF by a Written Ministerial Statement (WMS) on 22nd July 2015⁸, following a High Court judgement (Wenman v Secretary of State).
- 2.9 In relation to paragraph 49, the WMS stated that those persons who fall within the definition of ‘traveller’ under the PPTS, cannot rely on the lack of a five-year supply of deliverable housing sites under the NPPF to show that relevant policies for the supply of housing are not up to date. Such persons should have the lack of a five-year supply of deliverable traveller sites considered in accordance with Planning Policy for Traveller Sites.
- 2.10 Regarding paragraph 159, the WMS clarified that the PPTS sets out how ‘travellers’ accommodation needs should be assessed. However, those who do not fall under that definition should have their accommodation needs addressed under the provisions of the NPPF.

PPTS 2015

- 2.11 An updated *Planning policy for traveller sites* (PPTS 2015) was published in August 2015⁹. PPTS 2015 introduced some key changes to policy, including by changing the definitions of ‘Gypsy and Traveller’ and ‘Travelling Showperson’ by deleting the word ‘permanently’ in relation to their travelling habits, so that for planning-related purposes the definitions of Gypsies and Travellers and Travelling Showpeople have been changed to exclude those who have permanently stopped travelling. In addition, the following ‘clarification’ was added:

‘In determining whether persons are “gypsies and travellers” for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:

- a) *whether they previously led a nomadic habit of life*
- b) *the reasons for ceasing their nomadic habit of life*
- c) *whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.*¹⁰

⁸ <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Lords/2015-07-22/HLWS167/>

⁹ DCLG *Planning policy for traveller sites* August 2015

¹⁰ DCLG *Planning policy for traveller sites* August 2015 Annex 1, para 2

Planning policy statement, August 2015

- 2.12 Alongside the publication of the revised policy document on 31st August 2015, a letter and accompanying planning policy statement were issued by the DCLG Chief Planner (Steve Quartermain)¹¹ to Chief Planning Officers in England. The letter and planning policy statement dealt specifically with the issue of *Green Belt protection and intentional unauthorised development*. On 17th December 2015, the Minister of State for Housing and Planning (Brandon Lewis) made a Written Statement confirming the changes to national policy set out in the letter and statement.¹²

Intentional unauthorised development

- 2.13 The planning policy statement issued with PPTS 2015¹³ (and confirmed by Ministerial Statement¹⁴) makes clear that if a site is intentionally occupied without planning permission this would be a material consideration in any retrospective planning application for that site. Whilst this does not mean that retrospective applications will be automatically refused, it does mean that failure to seek permission in advance of occupation will count against the application.
- 2.14 In addition, PPTS 2015 (paragraph 12) makes clear that in exceptional cases where a local authority is burdened by a large-scale unauthorised site that has significantly increased their need, and their area is subject to strict and special planning constraints, then there is no assumption that the local authority will be required to meet their Gypsy and Traveller site needs in full. This is intended to protect local planning authorities with significant land constraints from being required to provide for additional needs arising directly from large sites such as Dale Farm (a large unauthorised site in Essex).

Draft Guidance to local housing authorities on the periodical review of housing needs: caravans and houseboats, March 2016

- 2.15 In March 2016, the DCLG published *Draft guidance on the periodical review of housing needs: Caravans and Houseboats*. The draft Guidance related to Clause 115 of the Housing and Planning Bill, which has become Section 124 of the Housing and Planning Act 2016 (passed in May 2016).

¹¹https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/457632/Final_Chief_Planning_Officer_letter_and_written_statement.pdf

¹²<http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2015-12-17/HCWS423/>

¹³https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/457632/Final_Chief_Planning_Officer_letter_and_written_statement.pdf

¹⁴<http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2015-12-17/HCWS423/>

- 2.16 The draft Guidance explains how Government wants local housing authorities to interpret changes to accommodation needs assessments (as required by Section 8 of the Housing Act 1985), specifically in relation to caravans and houseboats.
- 2.17 In the carrying out of accommodation needs assessments, the draft Guidance stresses the importance of close engagement with the community. The use of existing data along with conducting a specialist survey is recommended.
- 2.18 The draft guidance has been taken into account in the planning, preparation and undertaking of this GTAA for Bradford district.

Revised National Planning Policy Framework (NPPF), July 2018 and February 2019

- 2.19 In July 2018, the Ministry of Housing, Communities and Local Government published the Revised National Planning Policy Framework (NPPF), with a further update published in February 2019. Updating the original NPPF which was published in 2012, the Revised NPPF sets out 17 topic-based chapters which reflect the Government’s development priorities. There is a particular focus on delivering solutions to the housing crisis through the plan-led system.
- 2.20 Chapter 5, *‘Delivering a sufficient supply of homes’*, sets out the Government’s objective of significantly boosting the supply of homes including meeting the needs of groups with specific housing requirements (paragraph 59). It states that in determining the minimum number of homes needed, strategic plans should be based upon a local housing need assessment. This should be conducted using the standard method unless there are exceptional circumstances and also taking into account any needs that cannot be met within neighbouring areas (paragraph 60).
- 2.21 It is then set out in paragraph 61 that:

‘Within this context, policies should identify the size, type and tenure of homes required for different groups in the community (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes.’
- 2.22 An additional footnote to the word *‘travellers’* provides further definition:

‘Planning Policy for Traveller Sites sets out how travellers’ housing needs should be assessed for those covered by the definition in annex 1 of that document’

Planning policy context: ‘cultural’ and ‘PPTS’ need

- 2.23 Further to the publication of updated PPTS in August 2015, the 2007 GTAA Guidance was withdrawn and there was considerable confusion regarding what accommodation needs should be assessed and the best methodological approach.
- 2.24 A major change in planning policy, introduced by PPTS 2015, was the amended definition of the group to which the policy applies. The definitions of both ‘Gypsy and Traveller’ and ‘Travelling Showperson’ have been amended to exclude, for planning

- purposes, anyone who has stopped travelling on a permanent basis. It continues to include those who have ceased to travel temporarily. Essentially, this created a more restricted 'PPTS 2015' definition which applies to those who follow a nomadic habit of life.
- 2.25 This GTAA expresses two levels of need for pitches: a 'cultural' and 'PPTS' need. This is to ensure that the overall needs of the Travelling community are fully reflected in the evidence base which needs to accord with planning and wider policies.
- 2.26 Paragraph 61 of the 2019 NPPF recognises the need to assess a range of community needs including those of Travellers. The February 2019 PPG which accompanies the NPPF states 'the household projections that form the baseline of the standard method are inclusive of all households including Travellers as defined with Planning Policy for Travelling Sites'¹⁵ The NPPF states that the PPTS sets out how travellers' housing needs should be assessed for those covered by the definition in Annex 1 of that document. The planning policy therefore differentiates between 'travelling' and 'non-travelling' Gypsies and Travellers.
- 2.27 For non-travelling Travellers, their needs should also be met by the requirements of the NPPF as non-travelling households are a component of overall housing need. Additionally, the Human Rights Act 1998 and the Equalities Act 2010 protects the cultural choice of Gypsies and Travellers to live in mobile accommodation and therefore there is a need to plan for this type of accommodation. The Housing and Planning Act 2016 section 124 also makes specific reference to the needs of households living in caravans.
- 2.28 Therefore, our GTAAs establish an overall 'cultural' need for pitches which accords with the overall need for the Travelling community and takes into account the Human Rights Act 1998, the Equalities Act 2010 and the Housing and Planning Act 2016 section 124. A PPTS 'policy filter' is then applied to identify the level of need associated with those households meeting the definitions set out in the PPTS Annex 1. It is our understanding that the needs arising from the PPTS analysis establishes the level of need against which a 5-year land supply is assessed but Councils should be mindful of a wider obligation to consider overall 'cultural' need.
- 2.29 Our assessment methodology is set out in Chapter 3 and the outworking of this approach for the boroughs is set out in Chapter 7.

Strategic context

- 2.30 Despite the revocation of regional spatial strategies, the need for strategic planning remains, especially to ensure coherent planning beyond local authority boundaries. To this end the Localism Act 2011 and the NPPF set out that public bodies have a duty to cooperate on planning issues that cross administrative boundaries (NPPF 2019, paragraph 24).

¹⁵ Paragraph: 017 Reference ID: 2a-017-20190220

- 2.31 PPTS 2015 sets out that the preparation of Local Plans and setting of pitch and plot targets should be undertaken by local planning authorities working collaboratively with neighbouring planning authorities (paragraphs 8 and 9). It reiterates that local planning authorities have a duty to cooperate on planning issues that cross administrative boundaries (paragraph 10).

Local context

- 2.32 A GTAA was prepared in 2015 which established the following needs:
- 30 additional Gypsy and Traveller pitches over the period 2014/15 to 2018/19;
 - 9 additional Gypsy and Traveller pitches over the period 2019/20 to 2029/30;
 - a total need for 39 additional pitches over the period 2014/15 to 2029/30;
 - a need for 45 additional Travelling Showperson plots over the period 2014/15 to 2029/30
- 2.33 A previous West Yorkshire GTAA established a shortfall of 25 Gypsy and Traveller pitches over the period 2008 to 2015.
- 2.34 The GTAA 2019 update forms part of the evidence base for the Bradford District local plan preparation. The plan period used in this study is to 2036/37.

3. Methodology

- 3.1 The GTAA research method is grounded in an understanding of the requirement of the NPPF and based on an established methodology which regularly withstands scrutiny at planning inquiries and hearing.
- 3.2 The methodology has comprised:
- a desktop analysis of existing documents, including data on pitches/sites, plots/yards and unauthorised encampments;
 - the collection of primary data, including a household interviews with Gypsies and Travellers and Travelling Showpeople; and
 - An assessment of accommodation needs taking into account all available data and information.
- 3.3 The information gathering has been carried out in three phases, as outlined below:
- Phase 1: Literature/desktop review and steering group discussions;
 - Phase 2: Fieldwork survey (including census) and interviews with Gypsies and Travellers and Travelling Showpeople; and
 - Phase 3: Needs assessment and production of the GTAA 2019 report.

Phase 1: Literature/desktop review and steering group discussions

- 3.4 We have reviewed relevant literature, including legislative background and best practice information; and analysis of available secondary data relating to Gypsies and Travellers and Travelling Showpeople in the district.
- 3.5 This information has helped to shape the development of this report, and in particular the review of the legislative and policy context set out in Chapter 2.
- 3.6 The project was overseen by the SHMA steering group but the main aim of the GTAA update was to engage with residents living on sites and update the needs assessment model.

Phase 2: Fieldwork survey and interviews with Gypsies and Travellers and Travelling Showpeople

- 3.7 Households living on sites were interviewed using a standard questionnaire which can be found at Appendix C. This questionnaire has been carefully designed in consultation with councils, feedback from community representative and planning agents.
- 3.8 We aim to obtain responses from all households living on sites. All sites are visited prior to survey fieldwork so residents are aware the survey is taking place. Fieldwork was carried out during March and April 2019 and prior to the main travelling season.

- 3.9 Table 3.1 sets out the number of pitches on sites, vacant pitches, the number of households and interviews achieved. Across the district there are two Gypsy and Traveller Council sites, two private authorised sites and one Travelling Showperson's yard.
- 3.10 The site observation and fieldwork survey confirmed that there are 37 households living on Gypsy and Traveller pitches and 18 households on a Showperson's yard. Interviews were achieved with 27 Gypsy and Traveller households and the reason for non-response was households were travelling and not at their homebase.

Table 3.1 Household responses achieved by tenure and type of accommodation					
Gypsies and Travellers					
Tenure and type of site	Pitch numbers			Household numbers	
	Total pitches	Total vacant	Occupied pitches	Total households	Interviews achieved
Council (permanent) authorised	47	14	33	33	23
Private (permanent) authorised	5	0	5	4	4
Total Gypsy and Traveller	52	14	38	37	27
Travelling Showperson					
Tenure and type of site	Plot numbers			Household numbers	
	Total plots	Total vacant	Occupied pitches	Total households	Interviews achieved
Private (permanent) authorised on Council-owned land	36	18	18	18	*

*Site owner confirmed 18 households living on the site and sufficient capacity for the needs of the community

- 3.11 Regarding the PPTS definition, the questionnaire asks if households have 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. If households answer 'yes' to either question the household meets the travelling criteria set out in PPTS. By contrast, all households identifying as part of the Gypsy and Traveller or Travelling Showpeople community are contained within a broader 'cultural' definition. All households identifying as part of the Gypsy and Traveller or Travelling Showpeople community are contained within a broader 'cultural' definition
- 3.12 The 2019 GTAA found that 59.3% of households living in pitches meet the PPTS 2015 definition of being a Gypsy/Traveller household for planning policy purposes.

Phase 3: Needs assessment and production of report

- 3.13 A detailed explanation of the analysis of pitch requirements is contained in Chapter 6 but briefly comprises analysis of the following:
- Current pitch supply, households living in bricks and mortar accommodation; households planning to move in the next five years, and emerging households to give total need for pitches; and

- Supply based on the number of authorised pitches and turnover on sites on public pitches.
- 3.14 The overall need for pitches is then compared with the overall supply.
- 3.15 The need for transit pitches was calculated using unauthorised encampment data which set out how many encampments had taken place and the number of caravans on them. The survey also asked households if they felt there was a need for transit pitches.

Pitches and households

- 3.16 One of the key challenges faced when assessing Gypsy and Traveller pitch requirements is the actual nature of pitches and how this relates to the number of households they can support.
- 3.17 PPTS 2015 refers to the need for Local Planning Authorities to *'identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets'* and *'relate the number of pitches/plots to the circumstances of the specific size and location of the site and the surrounding population's size and density'* (PPTS 2015, paragraph 10).
- 3.18 Planning decision notices usually refer to the number of pitches on a site or the specifics of what can be on a pitch e.g. statics, tourers; or specific individuals and/or households.
- 3.19 As part of the GTAA, it is essential that the characteristics of sites, the number of pitches and how many households these can support is carefully considered. There are a range of issues which need to be considered when reviewing site and pitch characteristics and their potential implications for future pitch and site requirements which are now summarised.

Site and pitch size

- 3.20 There are no definitive parameters for site or pitch sizes. Previous Design Guidance (DCLG, 2008) states in paragraph 4.4 that *'Gypsy and Traveller sites are designed to provide land per household which is suitable for a mobile home, touring caravan and a utility building, together with space for parking. Sites of various sizes, layouts and pitch numbers operate successfully today and work best when they take into account the size of the site and the needs and demographics of the families resident on them'*.
- 3.21 Paragraph 4.47 states that *'to ensure fire safety it is essential that every trailer, caravan or park home must be not less than 6 metres from any other trailer, caravan or park home that is occupied separately'*.
- 3.22 Paragraph 7.12 states that *'as a general guide, it is possible to specify that an average family pitch must be capable of accommodating an amenity building, a large trailer and touring caravan (or two trailers, drying space for clothes, a lockable shed (for bicycles, wheelchair storage etc.), parking space for two vehicles and a small garden area'*.

- 3.23 Paragraph 4.13 states that *'smaller pitches must be able to accommodate at least an amenity building, a large trailer, drying space for clothes and parking for at least one vehicle'*.

Occupancy

- 3.24 A pitch may accommodate more than one family unit, for instance it could include a family, older children who have formed their own household and other family members. This could lead to potential overcrowding and this is considered as part of the GTAA household survey.
- 3.25 Private sites may restrict occupancy to close family/friends. This limits opportunity for others to move onto the site, but this restrictive occupancy may provide for emerging needs within a household, for example as grown-up children (previously living within a parent(s) or grandparent(s) home) form independent households of their own.
- 3.26 Quality, size of pitch and proximity of caravans on pitches vary dramatically.

Response

- 3.27 For each site, a pragmatic and reasonable judgement should be made as part of the GTAA regarding the number of pitches or sub-divisions on sites. This may relate to the number of families living on sites and could consider the potential intensification of sites (for instance through further sub-division, extension or use of vacant areas within the site). Capacity and layout of sites should be identified through site observation (directly or indirectly through Google maps or similar), planning history, local knowledge, and enforcement and liaison officers.
- 3.28 Pitches can become intensified or sub-divided once planning applications have been approved. These sub-divisions tend to be tolerated by councils. Often pitches become subdivided to provide space for newly forming households, particularly from family members.

4. Review of the Gypsy, Traveller and Travelling Showpeople population and existing provision of pitches and plots

- 4.1 This chapter provides information on the population of Gypsies and Travellers across the district, caravan count data and detailed information on current Gypsy and Traveller pitches and Travelling Showperson yards.

2011 Census population estimates

- 4.2 Whilst it is recognised that some families may not identify themselves as Gypsies or Travellers in research, the 2011 Census¹⁶ identifies a total of 168 households in Bradford district where the Household Reference Person (HRP) has a ‘White: Gypsy or Irish Traveller’ (WGoIT) ethnicity (Table 4.1a). Overall, 82.7% live in bricks and mortar and 17.3% live in caravans/mobiles/temporary structures.

District	Total: Accommodation type	House or bungalow	A flat, maisonette or apartment	A caravan or other mobile or temporary structure
Bradford	168	105	34	29

Source: 2011 Census CT0128

- 4.3 The 2011 Census provides further information on actual residents and Table 4.1b provides details of the number of people identifying as a White Gypsy or Irish Traveller by accommodation type.

District	Total: Accommodation type	House or bungalow	A flat, maisonette or apartment	A caravan or other mobile or temporary structure
Bradford	424	324	56	45

Source: 2011 Census

¹⁶ Tables 4.1a to 4.1b are taken from the Census 2011. Special tables were commissioned by ONS to cover the ethnicity and several data sets were produced and made available on the ONS website on the 21st January 2014. See Tables CT0127 and CT0128. Main article: <http://www.ons.gov.uk/ons/rel/census/2011-census-analysis/what-does-the-2011-census-tell-us-about-the-characteristics-of-gypsy-or-irish-travellers-in-england-and-wales-/index.html>

- 4.4 Table 4.1c shows that the average household size is 2.5 persons for Gypsies and Travellers which compares with an average household size of 2.3 across the UK as a whole.

District	Total: Accommodation type	House or bungalow	A flat, maisonette or apartment	A caravan or other mobile or temporary structure
Bradford	2.5	3.1	1.6	1.6

Source: 2011 Census

Caravan Count information

- 4.5 Since 1979, caravan counts have been carried out in January and July each year. These remain a source of useful information on the number and distribution of Gypsy and Traveller caravans across local authorities. A count of caravans on Travelling Showperson yards started in 2010 and takes place in January each year .
- 4.6 The counts include caravans (or trailers) on authorised sites and unauthorised sites but do not relate necessarily to the actual number of pitches on sites.
- 4.7 The figures for the last seven Traveller caravan count for Bradford district are set out in Table 4.2. There have been an average of 66 caravans in the last seven counts, with around 70% on Council sites, 29% on private temporary authorised sites and 1.5% on unauthorised sites. .

Bradford	Authorised sites with planning permission		Unauthorised sites without planning permission	Total
	Social Rented	Total Private (Temporary Authorised)	Total Unauthorised	
Jan 2016	43	29	0	72
Jul 2016	28	31	0	59
Jan 2017	59	8	8	75
Jul 2017	52	31	0	83
Jan 2018	55	3	0	58
Jul 2018	33	30	0	63
Jan 2019	55	3	0	58
Seven-Count Average	46	19	1	66
Seven-Count % Average	69.7%	28.8%	1.5%	100.0%

Source: MHCLG Traveller Caravan Count, Live Table 1 (January 2019)

- 4.8 The Travelling Showperson count reports zero caravans in 2015 and 2016 and 24 in 2017 and 2018.

Local information

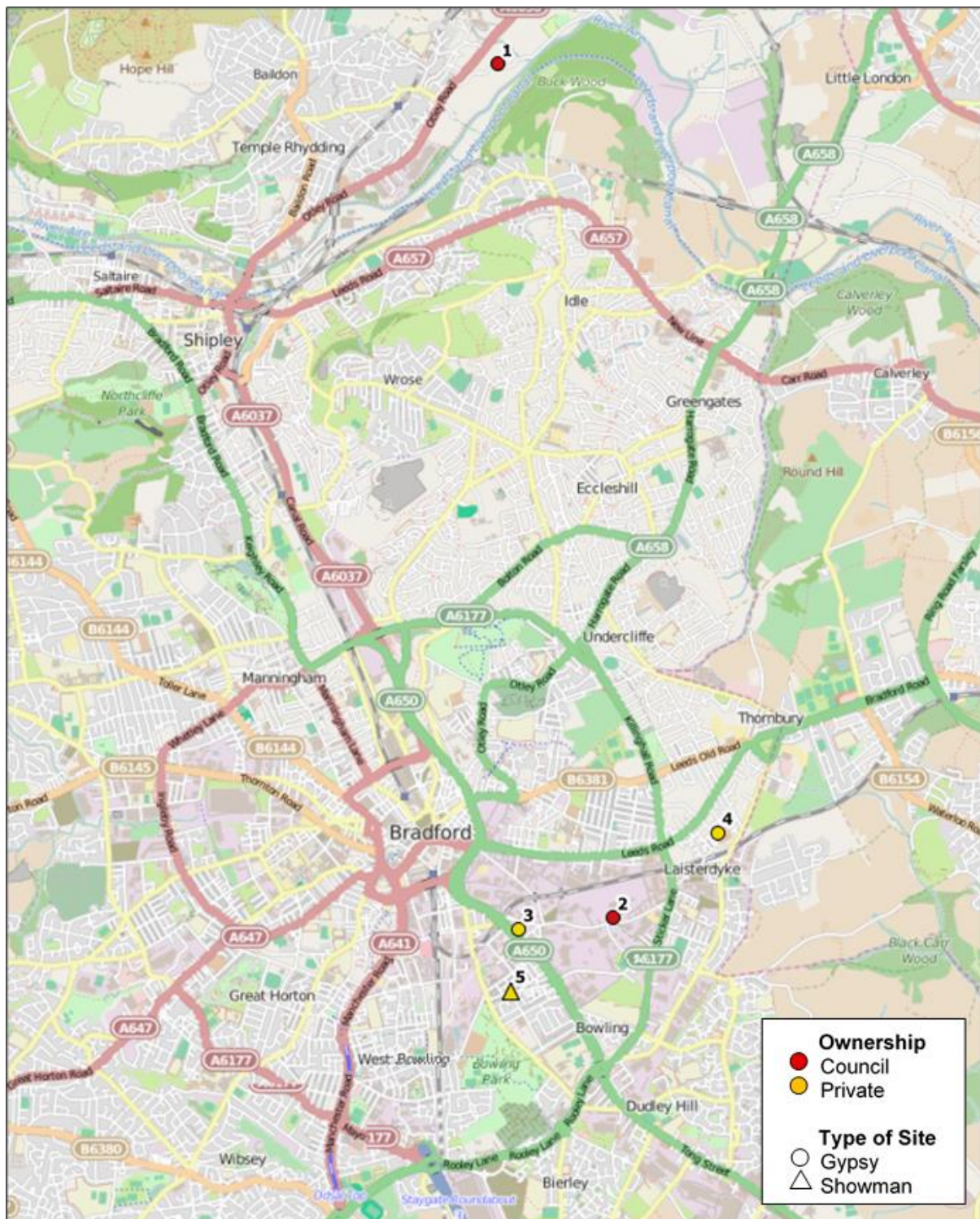
- 4.9 Tables 4.3 and 4.4 provide details of Gypsy and Traveller sites and Travelling Showperson yards across Bradford district. Authorised sites/yards are those with planning permission and can be on either public or privately-owned land (see Appendix D for more detailed definitions).
- 4.10 In terms of Gypsy and Traveller site provision across Bradford district there are two permanent council sites (47 pitches in total) and two private sites (5 pitches). There is one Travelling Showperson Site locations shown on Map 4.1.

Site Name	Site Location	Type of Site	Ownership	Total number of pitches	Occupied pitches	Vacant pitches	Households
Esholt	Esholt Lane, Esholt, BD17 7RJ	Permanent Authorised	Council	19	8	11	8
Mary Street	Mary Street, Bradford, BD4 8TF	Permanent Authorised	Council	28	25	3	25
Square Street	Square Street, Bradford, BD4 7NP	Permanent Authorised	Private	3	3	0	2
Gavin Close	Gavin Close, Bradford, BD3 8PS	Permanent Authorised	Private	2	2	0	2
Yard Name	Yard location	Type of Yard	Ownership	Total number of plots	Occupied plots	Vacant plots	Households
Paley Road	Paley Road, Bradford, BD4 7EN	Permanent Authorised	Private (on council land)	36	18	18	18

Gypsy and traveller	No sites	No pitches	No. Vacant pitches	Households
Total Permanent Authorised Private	2	5	0	4
Total Permanent Authorised Council	2	47	14	33
TOTAL	4	52	14	37
Travelling Showperson	No yards	No plots	No. Vacant plots	Households
Total Permanent Authorised	1	36	18	18

Source: Council data 2019, site survey fieldwork 2019

Map 4.1 Location of Gypsy and Traveller sites and Travelling Showperson yards



5. Household survey findings: household characteristics

- 5.1 The following summarises some key data relating to Gypsies and Travellers living on sites across Bradford District. Analysis is based on 27 completed surveys (out of a total of 37 households).
- There were a total of 66 residents (unweighted and 91 weighted) living on sites, comprising 34 adults and 32 children (unweighted and 47 adults and 44 children weighted);
 - The median household size was 2 and average was 2.4; and
 - 1 household stated they were living in overcrowded conditions.
- 5.2 Overall, both the median and average household size was 4 people. 63% of households comprised one or two people, 22.2% had 3 people and 11.1% had 4 or more people.
- 5.3 Regarding household type, 51.9% were single parent families, 29.6% were single adults, 14.8% were couples with child(ren) and 3.7% were couples only.
- 5.4 Regarding ethnicity, 59.3% were Irish Travellers, 33.3% were Romany/English Gypsy and 7.4 were other ethnicities including British Traveller.

6. Gypsy and Traveller pitch, Travelling Showperson plot and transit site requirements

Introduction

- 6.1 This section reviews the overall pitch and plot requirements of Gypsies and Travellers and Travelling Showpeople across Bradford district. It takes into account current supply and need, as well as future need, based on modelling of data. This chapter also considers transit pitch requirements for Gypsies and Travellers. Finally, it presents planning policy recommendations.
- 6.2 The calculation of pitch requirements is based on modelling as advocated in *Gypsy and Traveller Accommodation Assessment Guidance* (DCLG, 2007). Although now formally withdrawn, the former DCLG Guidance still provides the best-practice approach towards the assessment of pitch and plot needs (see chapter 2 for further discussion).
- 6.3 This approach requires an assessment of the current needs of Gypsies and Travellers and a projection of future needs. It advocates the use of a survey to supplement secondary source information and derive key supply and demand information.

- 6.4 The GTAA has modelled current and future need and current and future supply separately for Gypsies and Travellers and Travelling Showpeople. For both groups, the modelling shows an overall ‘cultural’ need and then a ‘policy-on’ ‘PPTS need which takes into account those households who met the PPTS planning definition.

Pitch need model overview

- 6.5 Pitch need is assessed for two time periods. A short-term 5-year model looks a need over the next 5 years (2019/20 to 2023/24). A longer-term model looks at need over the remainder of the plan period (to 2035/36) arising from children likely to need a pitch.
- 6.6 In terms of **cultural need**, the 5-year model considers:
- The baseline number of households on all types of site (authorised, unauthorised and temporary authorised sites) as at April 2019;
 - Existing households planning to move in the next five years (currently on sites and also from bricks and mortar and where they are planning to move to); and
 - Emerging households currently on sites and planning to emerge in the next five years and stay within the district on a pitch; to derive a figure for
 - Total pitch need.
- 6.7 In terms of **supply**, the model considers:
- Total supply of current pitches on authorised sites; and
 - Vacant pitches on authorised sites
- 6.8 The model then reconciles total need and existing authorised supply over the next 5 years by summarising:
- Total need for pitches; and
 - Total supply of authorised pitches.
- 6.9 The longer-term model considers the likely pitch requirements resulting from new household formation.

Bradford district: 5-year cultural need model output

- 6.10 Table 6.1 provides a summary of the 5-year pitch need calculation. Further detail on each component in the model is presented to ensure that the analysis is transparent and any assumptions clearly stated.

Table 6.1 Summary of need and supply factors: Gypsies and Travellers – 2019/20 to 2023/24

CULTURAL NEED			Bradford
1	Total households living on pitches	1a. On LA Site	33
		1b. On Private Site – Authorised	4
		1c. On Private Site - Temporary Authorised	0
		1d. Unauthorised	0
		1e. Total (1a to 1e)	37
		WEIGHTING	1.37
2	Estimate of households in bricks and mortar accommodation	TOTAL (2011 Census)	168
3	Existing households planning to move in next 5 years	Currently on sites	
		3a. To another pitch/same site (no net impact)	0
		3b. To another site in District (no net impact)	5.5
		3c. From site to Bricks and Mortar (-)	0
		3d. To a site/bricks and mortar outside District (-)	2.7
		Currently in Bricks and Mortar	
		3e. Planning to move to a site in LA (+)	5.0
		3f. Planning to move to another B&M property (no net impact)	0
		In-migrant households	
		3g. Allowance for in-migration (+)	4.1
		3h. TOTAL Net impact (-3c-3d+3e+3g)	6.4
4	Emerging households (5 years)	4a. Currently on site and planning to live on current site (+)	1.4
		4b. Currently on sites and planning to live on another site in LA (+)	0
		4c. Currently on site and planning to live on site outside the study area (no net impact)	0
		4d. Currently in B&M planning to move to a site in LA (+)	0
		4e. Currently in B&M and moving to B&M (no net impact)	0
		4f. Currently on Site and moving to B&M (no net impact)	0
		4g. TOTAL (4a+4b+4c+4d)	1.4
5	Total Need	1e+3h+4g	45
SUPPLY			
6	Current supply of authorised pitches	6a Current occupied authorised pitches	37
		6b Current unoccupied authorised pitches	14
		6c. Total current authorised supply (6a+6b)	51
RECONCILING NEED AND SUPPLY			
7	Total need for pitches	5 years (from 5)	45
8	Total supply of authorised pitches	5 years (from 6c)	51
5 YEAR AUTHORISED PITCH SHORTFALL 2019/20 TO 2023/24			-6

Need

6.11 Current households living on pitches (1a to 1e)

These figures are derived from local authority data, site observation and household survey information. A total of 37 households were identified living across 37 pitches.

6.12 Current households in bricks and mortar accommodation (2)

The 2011 Census suggested there were 168 households living in bricks and mortar accommodation.

6.13 Existing households planning to move in the next five years (3)

6 (rounded) existing households on pitches were planning to move in the next 5 years within the district to another site – therefore there is no change in overall pitch need or availability.

3 (rounded) existing households wanted to move out of the district which would result in an increase in pitch supply

An allowance for households living in Bricks and Mortar accommodation is normally included in modelling. None of the respondents from the household survey stated that they had moved from bricks and mortar onto a site. However, the council estimate that 4-5 households have moved onto pitches from bricks and mortar accommodation. The modelling therefore includes an allowance for 5 households moving from bricks and mortar accommodation on the basis of this information.

6.14 Emerging households (4)

This is the number of households expected to emerge in the next 5 years based on household survey information. The total number is +1 pitches. However, the household survey also identified 5 people (unweighted and 7 weighted) aged 18 or over currently living as part of a household but did not state they wanted to form their own household and move to their own pitch. The model therefore does not assume that they want to form their own household.

6.15 Total need for pitches (5)

This is a total of current households on pitches, net need from existing households planning to move and need from emerging households. This results in a total need for 51 pitches.

Supply

6.16 Current supply of authorised pitches (6)

This is a summary of the total number of authorised pitches and the number of vacant authorised pitches. There are 37 occupied authorised pitches and 14 vacant pitches (3 at Mary Street and 11 at Esholt Lane). The total supply of authorised pitches is therefore 51.

Reconciling supply and demand

- 6.17 There is a total need over the next five years (2019/20 to 2023/24) for 45 pitches and a total supply of 51 pitches. This results in an overall net need for -6 pitches. If vacant pitches were not included, there would be a shortfall of 8 pitches.

Bradford district: longer-term cultural need model output

- 6.18 The longer-term model considers the need for pitches over the period 2024/25 to the end of the local plan period in 2036/37. It takes account of the number of children living in households on pitches and when they are likely to reach the age of 18. It is reasonable to assume that this is a likely age at which a household will form. It is also assumed that half of children will form new households as culturally women tend to move away on marriage and men tend to stay in close proximity to their families. The longer-term model assesses need over five-year periods starting 2024/35 to 2028/29 through to the end of the plan period in 2036/7.
- 6.19 This method of calculation has been successfully defended at planning inquiries and hearings as a reasonable way of calculating longer-term need. The number of children likely to meet the PPTS definition is also considered in modelling.
- 6.20 Analysis would suggest a total cultural need for 23 additional pitches over the period 2024/25-2036/37 (Table 6.2).

Table 6.2 Future pitch requirements based on the assumption that 50% of children form households on reaching 18

Time period*	No. children	Expected household formation
2024/25 – 2028/29	9	4
2029/30 to 2033/34	21	10
2034/35 to 2036/37	18	9
Total (2024/26 to 2036/37)	47	23

Note data are usually presented for 5-year periods but as the Local Plan period is to 2036/37 the final time period in this table relates to a 3-year period.

Pitch need under the Planning Policy for Traveller Site definition

- 6.21 Analysis of household survey data establishes that 59.3% of Gypsies and Travellers living on pitches across Bradford district meet the PPTS definition of Gypsies and Travellers. This translates to a PPTS need for -4 pitches or if vacant pitches are excluded a PPTS need for 5 pitches.
- 6.22 Over the longer-term, the PPTS need is 14 pitches.

Plan Period pitch need

- 6.23 Table 6.3 summarises the overall need for pitches across Bradford district over the plan period to 2036/37. It presents the overall cultural need based on households identifying as Gypsy and Traveller and a ‘policy on’ PPTS need which is a subset of the cultural need from those households who meet the PPTS definition of need. Assuming an 18-year period (2019/20 to 2036/37), this results in an overall need 17 pitches (cultural) and 10 (PPTS). This gives an annualised cultural need for 0.9 pitches and an annualised PPTS need for 0.6 pitches. It is recommended that the local plan recognises this need.
- 6.24 The main drivers for this need are:
- in the short-term, existing households moving into the district and moves from bricks and mortar housing; and
 - in the longer-term and households expected to emerge over the plan period.

	Cultural need	PPTS NEED
5yr Authorised Pitch Shortfall (2019/20 to 2023/24)	-6	-4
Longer-term need		
<i>Over period 2024 to 2028</i>	4	3
<i>Over period 2029 to 2033</i>	10	6
<i>Over period 2034 to 2037</i>	9	5
<i>Longer-term need TOTAL</i>	23	14
TOTAL NET SHORTFALL 2019/20 to 2036/37	17	10

Addressing the need: potential capacity for Gypsy and Traveller pitches on existing sites

- 6.25 Having established the scale of pitch need, potential capacity on existing sites and pitches is now considered with reference to turnover, regularisation of sites and the expansion and intensification of sites.

Turnover on sites

- 6.26 The number of pitches likely to become vacant due to the occupant moving or dying needs to be considered as this frees up pitches to be occupied by those in need. According to household survey data, 4 pitches on Council sites have become vacant in the past 5 years (based on 23 household interviews). This translates to a 3.5% annual turnover rate or an annual supply of 1 pitch.

Regularisation of sites

- 6.27 This means turning unauthorised or temporary authorised sites into permanent authorised sites. As there are no such sites in the district this is not an option.

Expansion and intensification of sites

- 6.28 The household survey asked respondents if there was opportunity to expand or intensify existing sites to accommodate more pitches. Some of the households on Council sites suggested they could be extended. However, based on the size and layout of the sites there is no scope to expand the sites and the pitches are not a suitable size to be sub-divided.

Conclusion on future capacity

- 6.29 The only additional source of pitches is through turnover. A turnover rate of 1 pitch each year has been established. This means 5 pitches coming available over the first five years and a further 12 pitches over the longer-term to 2036/37.
- 6.30 The impact on future capacity is show in Table 6.4. This shows that after turnover is considered, the cultural and PPTS needs identified are fully addressed.
- 6.31 However, it remains a recommendation that the Council acknowledge an overall need for 10 pitches over the plan period to 2036/37 under the PPTS definition and regularly monitor the turnover of sites on Council pitches which will help to address this need.

Table 6.4 Bradford District pitch requirement taking into account turnover/ vacancy		
Bradford District	Cultural need	PPTS NEED
Need over the next 5 years (2019/20 to 2023/24)		
5yr Authorised Pitch Shortfall (2019/20 to 2023/24)	-6	-4
Anticipated turnover	5	5
Residual need 2019/20 to 2023/24	-11	-9
Plan period need (2019/20 to 2036/37)		
Plan period Authorised Pitch Shortfall (2019/20 to 2035/36)	17	10
Turnover	17	17
Residual need 2019/20 to 2035/36	0	-7

Housing register evidence

- 6.32 There is currently (June 2019) no waiting list for pitches.

Transit site requirements

- 6.33 A transit pitch normally has a hard standing, electric hook up and amenity shed. A good indicator of transit need is unauthorised encampment activity.

- 6.34 The final report will consider incidences of unauthorised encampment activity over the recent past and recommendations for transit provision will be made. This will include the option for a negotiated stopping¹⁷ policy.

Meeting permanent Travelling Showperson requirements across Bradford district

- 6.35 There is one Showpersons yard in the district located at Paley Road. This is a long-standing yard and has capacity for 36 plots. According to the owner there are now 18 households living on the yard. This is a marked reduction to the 42 households identified in the previous GTAA.
- 6.36 The latest evidence would therefore suggest there is sufficient residential capacity on the yard and no additional plots are required. It is accepted that this is major change to the evidence from the 2015 GTAA but reflects the significant reduction of households living on the yard.

¹⁷ Negotiating stopping means *using dialogue and negotiation to enable travelling families to stay, for limited periods of time, on ground where it isn't causing great inconvenience to anyone. The families make an agreement with the authority about acceptable behavior, use of waste disposal, when the camp will leave and the authority more or less leaves them alone.* <https://leedsgate.co.uk/negotiated-stopping-wins-accolade>

7. Conclusion and strategic response

- 7.1 This concluding chapter provides a brief summary of key issues emerging from the research; advice on the strategic responses available, including examples of good practice; and recommendations and next steps.

Gypsy and Traveller: current pitch supply and future need

- 7.2 In summary, across the district there are 52 Gypsy and Traveller pitches and 37 households. There are currently 14 vacant pitches on Council sites.
- 7.3 Over the next five years 2019/20 to 2023/24, there is an overall cultural need for 45 pitches, mainly due to in-migration trends and households moving from bricks and mortar housing. If the vacant pitches are not included as supply, the shortfall is 8 pitches. However, because there are vacant pitches, the actual net need is -6 and therefore there is no need for additional pitches over the period 2019/20 to 2023/24.
- 7.4 Over the longer-term, there is need from emerging households. Over the period 2024/25 to 2036/37, an additional 23 households are expected to form. This means an overall plan period cultural need to 2036/37 for 17 pitches (-6 over the first five years plus 23 over the period to 2036/37). The PPTS need over the plan period is 10 pitches
- 7.5 Turnover is expected to release some pitches for households in need. An estimated 1 pitch is expected to come available each year and this level of supply would address both the cultural and PPTS need. However, it remains a recommendation that the Council acknowledge an overall need for 10 pitches over the plan period to 2036/37 under the PPTS definition and regularly monitor the turnover of sites on Council pitches which will help to address this need.

Meeting permanent Travelling Showperson requirements

- 7.6 There is no additional need for Travelling Showpersons plots. This is a major change from the conclusion of the 2015 GTAA but the number of households living on the Showperson's site has reduced and the site manager has commented that there is sufficient space for the needs of the Travelling Showperson community in the district.

Meeting transit site/stop over requirements

- 7.7 Conclusion to be reached based on unauthorised encampment data

Good practice in planning for Gypsy and Traveller provision

- 7.8 There are a number of resources available to local planning authorities to assist them in planning for Gypsy and Traveller provision, including resources from the Planning Advisory Service (PAS) and the Royal Town Planning Institute (RTPI), which are presented in Appendix B. In addition, the Local Government Agency and Local Government Association have resources available for local authorities working with Traveller communities to identify sites for new provision, these include dedicated learning aids for elected members¹⁸.
- 7.9 Work undertaken by PAS¹⁹ identified ways in which the planning process can increase the supply of authorised Gypsy and Traveller pitches. The RTPI has developed a series of Good Practice Notes for local planning authorities. Both are summarised at Appendix B.

¹⁸ I&De (now Local Government Agency) local leadership academy providing Gypsy and Traveller sites

¹⁹ PAS spaces and places for gypsies and travellers how planning can help

Appendix A: Legislative background

- A.1 The **1960 Caravan Sites and Control of Development Act** enabled councils to ban the siting of caravans for human occupation on common land, which led to the closure of many sites.
- A.2 The **Caravan Sites Act 1968 (Part II)** required local authorities '*so far as may be necessary to provide adequate accommodation for Gypsies residing in or resorting to their area*'. It empowered the Secretary of State to make designation orders for areas where he / she was satisfied that there was adequate accommodation, or on grounds of expediency. Following the recommendations of the Cripps Commission in 1980, provision began to grow rapidly only after the allocation of 100% grants from central government. By 1994 a third of local authorities had achieved designation, which meant that they were not required to make further provision and were given additional powers to act against unauthorised encampments. The repeal of most of the Caravan Sites Act under the Criminal Justice and Public Order Act in 1994 led to a reduction in provision, with some sites being closed over a period in which the Gypsy and Traveller population was increasing.
- A.3 The **1994 Criminal Justice and Public Order Act (CJ&POA)**:
- Repealed most of the 1968 Caravan Sites Act;
 - Abolished all statutory obligation to provide accommodation;
 - Discontinued government grants for sites; and
 - Under Section 61 made it a criminal offence to camp on land without the owner's consent.
- A.4 Since the CJ&POA the only places where Gypsies and Travellers can legally park their trailers and vehicles are:
- Council Gypsy caravan sites; by 2000 nearly half of Gypsy caravans were accommodated on council sites, despite the fact that new council site provision stopped following the end of the statutory duty;
 - Privately owned land with appropriate planning permission; usually owned by Gypsies or Travellers. Such provision now accommodates approximately a third of Gypsy caravans in England; and
 - Land with established rights of use, other caravan sites or mobile home parks by agreement or licence, and land required for seasonal farm workers (under site licensing exemptions).
- A.5 By the late 1990s the impact of the 1994 Act was generating pressure for change on both local and national government. There was a major review of law and policy, which included:
- A Parliamentary Committee report (House of Commons 2004).

- The replacement of Circular 1/94 by Circular 1/2006 (which has since been cancelled and replaced by the *Planning policy for traveller sites* 2012 and updated in 2015).
- Guidance on accommodation assessments (ODPM 2006).
- The Housing Act 2004 which placed a requirement (s.225) on local authorities to assess Gypsy and Traveller accommodation needs.

A.6 **Section 225: Housing Act 2004** imposed duties on local authorities in relation to the accommodation needs of Gypsies and Travellers:

- Every local housing authority was required as part of the general review of housing needs in their areas under section 8 of the Housing Act 1985 assess the accommodation needs of Gypsies and Travellers residing in or resorting to their borough;
- Where a local housing authority was required under section 87 of the Local Government Act 2003 to prepare a strategy to meet such accommodation needs, they had to take the strategy into account in exercising their functions;
- A local housing authority was required to have regard to section 226 ('Guidance in relation to section 225') in:
 - carrying out such an assessment, and
 - preparing any strategy that they are required to prepare.
- Section 124 of the Housing and Planning Act 2016 deletes sections 225 and 226 of the Housing Act 2004 (see below). Additional requirements have been inserted into Section 8 of the Housing Act 1985 to include an assessment of the need for sites for caravans and moorings for houseboats within the periodical review of housing needs.

A.7 The **Planning and Compulsory Purchase Act 2004** set out to introduce a simpler and more flexible planning system at regional and local levels. It also introduced new provisions which change the duration of planning permissions and consents, and allows local planning authorities to introduce local permitted development rights using 'local development orders'. It made the compulsory purchase regime simpler, fairer and quicker, to support major infrastructure and regeneration initiatives.

The Act introduced major changes to the way in which the planning system operates. Local planning authorities are required to prepare a Local Development Framework; however, the term Local Plan was reintroduced following the National Planning Policy Framework in March 2012.

Part 8 of the Act contains a series of measures to reform the compulsory purchase regime and make it easier for local planning authorities to make a case for compulsory purchase orders where it will be of economic, social or environmental benefit to the area. This Act was subsequently amended to a Local Plan document with the introduction of the NPPF in March 2012. This section also brings in amended procedures for carrying out compulsory purchase orders, including a widening of the category of person with an interest in the land who can object, and deals with ownership issues and compensation.

- A.8 **The Localism Act 2011** introduced a number of reforms, including changes to planning enforcement rules, which strengthen the power of local planning authorities to tackle abuses of the planning system. The changes give local planning authorities the ability to take actions against people who deliberately conceal unauthorised development, and tackle abuses of retrospective planning applications. The Act also introduced the Duty to Co-operate (see Section 3) on all local planning authorities planning sustainable development. The Duty requires *‘neighbouring local authorities, or groups of authorities, to work together on planning issues in the interests of all their local residents. ... the Government thinks that local authorities and other public bodies should work together on planning issues in ways that reflect genuine shared interests and opportunities to make common cause. The duty requires local authorities and other public bodies to work together on planning issues.’*²⁰ The provision of Gypsy and Traveller sites falls within the Duty to Co-operate; which aims to ensure that neighbouring authorities work together to address issues such as provision of sites for Gypsies and Travellers in a planned and strategic way.
- A.9 **Statutory Instrument 2013 No 830 Town and Country planning Act, England (Temporary Stop Notice) (England) (Revocation) Regulations 2013** came into force on 4th May 2013. This Instrument revoked the regulations governing Temporary Stop Notices, which were in place to mitigate against the disproportionate impact of Temporary Stop Notices on Gypsies and Travellers in areas where there was a lack of sufficient pitches to meet the needs of the Travelling community.
- A.10 **Section 124: Housing and Planning Act 2016** has two parts:
- 124(1) amends section 8 of the Housing Act 1985, inserting an additional reference to include a duty to consider the needs of people residing in or resorting to local authority boroughs with respect to the provision of sites for caravans and moorings for houseboats when undertaking housing needs assessments.
 - 124(2) deletes sections 225 and 226 of the Housing Act 2004 (as set out above).

²⁰ DCLG A plain English guide to the Localism Act Nov 2011

Appendix B: Review of policy, guidance and best practice

B.1 As part of this research, we have carried out a review of literature, which is presented in this Appendix. A considerable range of guidance documents has been prepared by Central Government to assist local authorities discharge their strategic housing and planning functions. In addition, there is considerable independent and academic research and guidance on these issues; some of the key documents are summarised here. The documents are reviewed in order of publication date.

B.2 **A Decent Home: Definition and Guidance for Implementation Update, DCLG, June 2006**

Although not primarily about the provision of caravan sites, facilities or pitches, the June 2006 updated DCLG guidance for social landlords provides a standard for such provision. The guidance is set out under a number of key headings:

- Community-based and tenant-led ownership and management;
- Delivering Decent Homes Beyond 2010;
- Delivering mixed communities;
- Procurement value for money; and
- Housing Health and Safety.

The guidance defines four criteria against which to measure the standard of a home:

- It meets the current statutory minimum standard for housing;
- It is in a reasonable state of repair;
- It has reasonably modern facilities and services; and
- It provides a reasonable degree of thermal comfort.

B.3 **Guide to Effective Use of Enforcement Powers - Parts 1 (Unauthorised Encampments, ODPM, 2006) and 2 (Unauthorised Development of Caravan Sites, DCLG, 2007)**

The Guide (now cancelled) was the Government's response to unauthorised encampments which cause local disruption and conflict.

B.4 **Common Ground: Equality, good race relations and sites for Gypsies and Irish Travellers, Commission for Racial Equality, May 2006**

This report was written four years after the introduction of the statutory duty on public authorities under the Race Relations (Amendment) Act to promote equality of opportunity and good race relations and to eliminate unlawful racial discrimination. The CRE expressed concerns about relations between Gypsies and Irish Travellers and other members of the public, with widespread public hostility and, in many places, Gypsies and Irish Travellers leading separate, parallel lives. A dual concern about race relations and inequality led the Commission in October 2004 to launch the inquiry on which this report was based.

The Report's recommendations include measures relating to Central Government, local authorities, police forces and the voluntary sector. Among those relating to Central Government are:

- developing a realistic but ambitious timetable to identify land for sites, where necessary establishing them, and making sure it is met;
- developing key performance indicators for public sites which set standards for quality and management that are comparable to those for conventional accommodation;
- requiring local authorities to monitor and provide data on planning applications, outcomes and enforcement, and on housing and homelessness by racial group, using two separate categories for Gypsies and Irish Travellers; and
- requiring police forces to collect information on Gypsies and Irish Travellers as two separate ethnic categories.

Strategic recommendations affecting local authorities include:

- developing a holistic corporate vision for all work on Gypsies and Irish Travellers,
- reviewing all policies on accommodation for Gypsies and Irish Travellers,
- designating a councillor at cabinet (or equivalent) level, and an officer at no less than assistant director level, to coordinate the authority's work on all sites;
- emphasising that the code of conduct for councillors applies to their work in relation to all racial groups, including Gypsies and Irish Travellers;
- giving specific advice to Gypsies and Irish Travellers on the most suitable land for residential use, how to prepare applications, and help them to find the information they need to support their application;
- identifying and reporting on actions by local groups or individuals in response to plans for Gypsy sites that may constitute unlawful pressure on the authority to discriminate against Gypsies and Irish Travellers; and
- monitoring all planning applications and instances of enforcement action at every stage, by type and racial group, including Gypsies and Irish Travellers, in order to assess the effects of policies and practices on different racial groups.

Among other recommendations, the Report states that police forces should:

- include Gypsies and Irish Travellers in mainstream neighbourhood policing strategies, to promote race equality and good race relations;
- target individual Gypsies and Irish Travellers suspected of anti-social behaviour and crime on public, private and unauthorised sites, and not whole communities;
- treat Gypsies and Irish Travellers as members of the local community, and in ways that strengthen their trust and confidence in the police;
- provide training for all relevant officers on Gypsies' and Irish Travellers' service needs, so that officers are able to do their jobs more effectively;

- review formal and informal procedures for policing unauthorised encampments, to identify and eliminate potentially discriminatory practices, and ensure that the procedures promote race equality and good race relations; and
- review the way policy is put into practice, to make sure organisations and individuals take a consistent approach, resources are used effectively and strategically, all procedures are formalised, and training needs are identified.

Other recommendations relate to Parish and Community councils the Local Government Association, the Association of Chief Police Officers and the voluntary sector.

B.5 **Planning Advisory Service (PAS) *Spaces and places for Gypsies and Travellers: how planning can help* (2006)**

PAS list the following as key to successful delivery of new provision:

- **Involve Gypsy and Traveller communities:** this needs to happen at an early stage, innovative methods of consultation need to be adopted due to low levels of literacy and high levels of social exclusion within Gypsy and Traveller communities and members of the Gypsy and Traveller community should be trained as interviewers on Accommodation Assessments (Cambridgeshire, Surrey, Dorset and Leicestershire). Other good practice examples include distribution of material via CD, so that information can be ‘listened to’ as opposed to read. The development of a dedicated Gypsy and Traveller Strategy is also seen to be good practice, helping agencies develop a co-ordinated approach and so prioritise the issue. The report also recommends the use of existing Gypsy and Traveller resources such as the planning guide published in Traveller’s Times, which aims to explain the planning process in an accessible way to members of the Gypsy and Traveller community. As well as consulting early, PAS also flags the need to consult often with communities;
- **Work collaboratively** with neighbouring authorities to address the issues and avoid just ‘moving it on’ to a neighbouring local authority area. With the new Duty to Co-operate established within the NPPF, working collaboratively with neighbouring local authorities has never been more important. Adopting a collaborative approach recognises that local authorities cannot work in isolation to tackle this issue;
- **Be transparent:** trust is highly valued within Gypsy and Traveller communities and can take a long time to develop. The planning system needs to be transparent, so that members of the Gypsy and Traveller community can understand the decisions that have been taken and the reasoning behind them. PAS states that *‘ideally council work in this area should be led by an officer who is respected both within the Council and also within Gypsy and Traveller communities: trust is vital and can be broken easily.’*²¹ Local planning authorities also need to revisit their approach to

²¹ PAS *Spaces and places for gypsies and travellers how planning can help*, page 8

development management criteria for applications for Gypsy and Traveller sites ‘to ensure that criteria make it clear what applications are likely to be accepted by the council. Authorities need to ensure that these are reasonable and realistic. Transparent and criteria-based policies help everyone to understand what decisions have been made and why.’²² Kent and Hertsmere councils are listed as examples of good practice in this regard.

- **Integration:** accommodation needs assessments need to be integrated into the Local Plan evidence base, with site locations and requirements set out within specific Development Plan Documents (DPDs); dedicated Gypsy and Traveller DPDs are advocated as a means of ensuring that the accommodation needs of Gypsies and Travellers are fully considered and addressed within the local planning process; and
- **Educate and work with councillors:** members need to be aware of their responsibilities in terms of equality and diversity and ‘understand that there must be sound planning reasons for rejecting applications for Gypsy and Traveller sites’²³. It is helpful for members to understand the wider benefits of providing suitable accommodation to meet the requirements of the Gypsy and Traveller community, such as:
 - An increase in site provision;
 - Reduced costs of enforcement; and
 - Greater community engagement and understanding of community need.

B.6 RTPI Good Practice Note 4, *Planning for Gypsies and Travellers (2007)*

The RTPI has developed a series of Good Practice notes for local planning authorities ‘Planning for Gypsies and Travellers’; the notes cover four key areas:

- Communication, consultation and participation;
- Needs assessment;
- Accommodation and site delivery; and
- Enforcement.

Whilst the notes were developed prior to the NPPF and the introduction of PPTS 2012 and 2015, some of the key principles remain relevant. and it is worth considering some of the papers’ key recommendations.

In terms of **communication, consultation and participation** the RTPI highlight the following good practice:

- **Define potentially confusing terminology** used by professionals working in the area;

²² PAS spaces and places for gypsies and travellers how planning can help page 8 & 14

²³ PAS spaces and places for gypsies and travellers how planning can help page 10

- **Use appropriate methods of consultation:** oral exchanges and face-to-face dealings are essential to effectively engage with Gypsy and Traveller communities, whilst service providers tend to use written exchanges;
- **Consultees and participants need to be involved in the entire plan making process;** this includes in-house participants, external organisations, Gypsy and Traveller communities, and settled communities. The RTPI concludes that:
 - *‘Local authorities should encourage Gypsy and Traveller communities to engage with the planning system at an early stage. However, they may request other agencies that have well-established relationships with members of Gypsy and Traveller communities to undertake this role.’* and
 - *‘In the past, settled communities have often only become aware of the intention to develop Gypsy and Traveller accommodation when the local authority issues a notice or consultation. ... cultivating the support of the settled community for the development of sites should start as soon as possible. ... There is a sound case for front-loading and sharing information with small groups in the [settled] community, rather than trying to manage large public gatherings at the start of the process. Again, it may be beneficial for the local authority to work in partnership with organisations with established links in the community. The settled community is not a homogeneous whole. There will be separate groups with different perceptions and concerns, which the local authority must take account of.’²⁴*
- **Dialogue methods:** the RTPI correctly identify that the experience of many Gypsies and Travellers of liaising with both public sector agencies and the settled community is both frightening and negative. As a result, *‘there should be no expectation that Gypsies and Travellers will participate in open meetings. Stakeholders should investigate suitable methods of bringing together individuals from the respective communities in an environment that will facilitate a constructive exchange of information and smooth the process of breaking down animosity and hostility.’²⁵* The use of public meetings is discouraged, and the use of organisations with experience of working within both Gypsy and Traveller, and settled communities encouraged – advice and support groups, assisted by the latter, holding regular local meetings can be an effective means of engaging constructively with both communities. Representatives from these groups can also be included on appropriate forums and advisory groups. The location and timing of meetings needs to be carefully considered to maximise participation, with a neutral venue being preferable.
- **The media** has an important role to play in facilitating the delivery of sites locally, with past reporting being extremely damaging. Positive media liaison is important and requires:

²⁴ RTPI Planning for Gypsies and Travellers Good Practice Note 4 Part A page 8

²⁵ RTPI Planning for Gypsies and Travellers Good Practice Note 4 Part A page 13

- A single point of contact with the local authority;
 - A liaison officer responsible for compilation and release of briefings, and for building positive relationships with editors, journalists, radio and television presenters;
 - All stakeholders to provide accurate and timely briefings for the liaison officer;
 - Provision of media briefings on future activities;
 - Officers to anticipate when and where the most sensitive and contentious issues will arise and use of a risk assessment to mitigate any negative impact;
 - Use of the media to facilitate engagement with both settled and Gypsy and Traveller communities; and
 - Stakeholders to provide politicians with clear, accurate and comprehensive briefings.
- **On-going communication, participation and consultation** are important. The continued use of the most effective methods of engagement once an initiative is completed ensures the maximum use of resources:
 - *'The delivery of some services, such as the identification of sites in development plan documents, is the end of one process and the start of another. The various committees and advisory groups established to participate in the process of site identification and the accommodation needs assessment will have considerable background information and expertise embedded in their membership. This will prove useful in the management and monitoring of subsequent work. ... Whilst on-going engagement with all service users is important, it is especially important with regard to Gypsies and Travellers, given their long history of marginalisation.'*²⁶

Whilst the RTPI's Good Practice Note Planning for Gypsies and Travellers predates the NPPF, the principles that it establishes at Part C remain largely relevant in terms of the role of local plan making. The Note advises that whilst the use of the site specific DPDs to identify sites for Gypsy and Traveller accommodation may seem less divisive, subsequent to identification of sufficient sites to meet identified need, local planning authorities should seek to integrate provision for Gypsies and Travellers within their general housing strategies and policies. Early involvement of stakeholders, the community and special interest groups will help achieve a consensus.

However, the RTPI point out that, due to the contentious nature of Gypsy and Traveller provision, the use of a criteria-based approach to the selection of development sites is unlikely to be *successful 'in instances where considerable public opposition to the development might be anticipated.'* The paper concludes that it is

²⁶ RTPI Planning for Gypsies and Travellers Good Practice Note 4 Part A page 18

not appropriate to rely solely on criteria as an alternative to site allocations where there is an identified need for the development.²⁷

The RTPI advocate adopting a pragmatic approach, whereby local planning authorities work with the Gypsy and Traveller communities within their areas to identify a range of potentially suitable sites:

*'The local authority and Gypsy and Traveller communities are both able to bring forward their suggested sites during this process, and the distribution and location of transit as well as permanent sites can be covered. The practicable options would then go forward for discussion with the local community, interest groups, and other stakeholders before the selection of preferred sites is finalised. The advantages of this approach are its transparency and the certainty it provides both for Gypsies and Travellers and for settled communities.'*²⁸

The RTPI also advocates the use of supplementary planning guidance to provide additional detail on policies contained within a Local Plan; in terms of Gypsies and Travellers this could include:

- Needs assessment evidence base;
- Design principles; and
- A design brief for the layout of sites.

B.7 Guidance on Gypsy and Traveller Accommodation Needs Assessments, DCLG, October 2007

This Guidance (formally cancelled in December 2016) sets out a detailed framework for designing, planning and carrying out Gypsy and Traveller accommodation needs assessments. It includes the needs of Showpeople. It acknowledges that the housing needs of Gypsies and Travellers are likely to differ from those of the settled community, and that they have hitherto been excluded from accommodation needs assessments.

The guidance stresses the importance of understanding accommodation needs of the whole Gypsy and Traveller population; and that studies obtain robust data. It recognises the difficulty of surveying this population and recommends the use of:

- Qualitative methods such as focus groups and group interviews;
- Specialist surveys of those living on authorised sites that are willing to respond; and
- Existing information, including local authority site records and the twice-yearly caravan counts.

²⁷ RTPI Planning for Gypsies and Travellers Good Practice Note 4 Part C page 11

²⁸ RTPI Planning for Gypsies and Travellers Good Practice Note 4 Part C page 11

The Guidance recognises that there are challenges in carrying out these assessments and accepts that while the approach should be as robust as possible it is very difficult to exactly quantify unmet need.

B.8 Designing Gypsy and Traveller Sites Good Practice Guide, DCLG, May 2008

The Guide (now cancelled) attempted to establish and summarise the key elements needed to design a successful site. In particular, the guidance intended to assist:

- Local authorities or Registered Providers looking to develop new sites or refurbish existing sites;
- Architects or developers looking to develop sites or refurbish existing sites; and
- Site residents looking to participate in the design/refurbishment process.

B.9 The National Planning Policy Framework, March 2012

The National Planning Policy Framework (NPPF) came into effect in March 2012 and sets out the Government's planning policies for England. It condenses previous guidance and places a strong emphasis on 'sustainable development'. It provides more focussed guidance on plan-making and refers to 'Local Plans' rather than Local Development Frameworks or Development Plan Documents. Despite the difference in terminology it does not affect the provisions of the 2004 Act which remains the legal basis for plan-making.

B.10 DCLG Planning policy for traveller sites, March 2012 (subsequently updated August 2015)

In March 2012 the Government also published *Planning policy for traveller sites*, which together with the NPPF replaced all previous planning policy guidance in respect of Gypsies and Travellers. The policy approach encouraged provision of sites for Gypsies and Travellers where there is an identified need, to help maintain an appropriate level of supply. The policy also encouraged the use of plan making and decision taking to reduce unauthorised developments and encampments. This policy document was replaced by updated PPTS in August 2015 (see below).

B.11 Progress report by the ministerial working group on tackling inequalities experienced by Gypsies and Travellers, April 2012

In April 2012 the Government published a Progress Report by the ministerial working group on tackling inequalities experienced by Gypsies and Travellers, which summarised progress in terms of meeting 'Government commitments to tackle inequalities and promote fairness for Gypsy and Traveller communities.'²⁹ The report covers 28 measures from across Government aimed at tackling inequalities, these cover:

- Improving education outcomes;
- Improving health outcomes;

²⁹ www.communities.gov.uk/news/corporate/2124322

- Providing appropriate accommodation;
- Tackling hate crime;
- Improving interaction with the National Offender Management Service;
- Improving access to employment and financial services; and
- Improving engagement with service providers.

B.12 Dealing with illegal and unauthorised encampments: a summary of available powers, DCLG August 2012

This guidance note (now superseded, March 2015) summarised the powers available to local authorities and landowners to remove encampments from both public and private land.

B.13 Statutory Instrument 2013 No.830 Town and Country Planning (Temporary Stop Notice) (England) (Revocation) Regulations 2013: Made on 11th April 2013 and laid before Parliament on 12th April 2013 this Instrument revoking the regulations applying to Temporary Stop Notices (TSNs) in England came into force on 4th May 2013. The regulations were originally introduced to mitigate against the likely disproportionate impact of TSNs on Gypsies and Travellers in areas where there is a lack of sites to meet the needs of the Travelling community. Under the regulations, TSNs were prohibited where a caravan was a person's main residence, unless there was a risk of harm to a serious public interest significant enough to outweigh any benefit to the occupier of the caravan. Under the new arrangements local planning authorities are to determine whether the use of a TSN is a proportionate and necessary response.

B.14 Ministerial Statement 1st July 2013 by Brandon Lewis³⁰ highlighted the issue of inappropriate development in the Green Belt and revised the appeals recovery criteria issued on 30th June 2008 to enable an initial six-month period of scrutiny of Traveller site appeals in the Green Belt. This was so that the Secretary of State could assess the extent to which the national policy, *Planning policy for traveller sites*, was meeting the Government's stated policy intentions. A number of appeals have subsequently been recovered. The Statement also revoked the practice guidance on 'Diversity and equality in planning'³¹, deeming it to be outdated; the Government does not intend to replace this guidance.

B.15 Dealing with illegal and unauthorised encampments: a summary of available powers 9th August 2013. This guidance (now superseded, March 2015) replaced that published in August 2012, and updated it in respect of changes to Temporary Stop Notices.

B.16 DCLG Consultation: Planning and Travellers, September 2014. This consultation document sought to:

- Amend the Planning policy for Traveller sites' definition of Travellers and Travelling Showpeople to exclude those who have ceased to travel permanently;

³⁰ <https://www.gov.uk/government/speeches/planning-and-travellers>

³¹ ODPM Diversity and Equality in Planning: A good practice guide 2005

- Amend secondary legislation to bring the definition of Gypsies and Travellers, set out in the Housing (Assessment of Accommodation Needs) (Meaning of Gypsies and Travellers) (England) Regulations 2006 in line with the proposed changed definition set out above for the Planning policy for Traveller sites;
- Make the intentional unauthorised occupation of land be regarded by decision takers as a material consideration that weighs against the granting of planning permission. In other words, failure to seek permission in advance of occupation of land would count against the grant of planning permission;
- Protect ‘sensitive areas’ including the Green Belt;
- Update guidance on how local authorities should assess future Traveller accommodation requirements, including sources of information that authorities should use. In terms of future needs assessments, the consultation suggests that authorities should look at:
 - The change in the number of Traveller households that have or are likely to have accommodation needs to be addressed over the Plan period;
 - Broad locations where there is a demand for additional pitches;
 - The level, quality and types of accommodation and facilities needed (e.g. sites and housing);
 - The demographic profile of the Traveller community obtained from working directly with them;
 - Caravan count data at a local level; and
 - Whether there are needs at different times of the year.
- The consultation closed on 23rd November 2014.

B.17 Dealing with illegal and unauthorised encampments: a summary of available powers, March 2015. This Guidance also states that to plan and respond effectively, the police and landowners have to deal quickly with illegal and unauthorised encampments. The Guidance lists a series of questions that local authorities will want to consider including:

- Is the land particularly vulnerable to unlawful occupation/trespass?
- What is the status of that land? Who is the landowner?
- Do any special rules apply to that land (e.g. byelaws, statutory schemes of management, etc.) and, if so, are any of those rules relevant to the occupation/trespass activity?
- Has a process been established for the local authority to be notified about any unauthorised encampments?
- If the police are notified of unauthorised encampments on local authority land, do they know who in the local authority should be notified?
- If the power of persuasion by local authority officers (wardens/park officers/enforcement officers) does not result in people leaving the land/taking down tents, is there a clear decision-making process, including liaison between

councils and local police forces, on how to approach unauthorised encampments? At what level of the organisation will that decision be made? How will that decision-maker be notified?

The Guidance also states that to plan and respond effectively local agencies should work together to consider:

- Identifying vulnerable sites;
- Working with landowners to physically secure vulnerable sites where possible;
- Preparing any necessary paperwork, such as applications for possession orders or injunctions, in advance;
- Working with private landowners to inform them of their powers in relation to unauthorised encampments, including advance preparation of any necessary paperwork;
- Developing a clear notification and decision-making process to respond to instances of unauthorised encampments;
- The prudence of applying for injunctions where intelligence suggests there may be a planned encampment and the site of the encampment might cause disruption to others;
- Working to ensure that local wardens, park officers or enforcement officers are aware of who they should notify in the event of unauthorised encampments;
- Working to ensure that local wardens or park officers are aware of the locations of authorised campsites or other alternatives; and
- Identifying sites where protests could be directed / permitted.

B.18 **DCLG Planning policy for traveller sites, August 2015**

To be read alongside the NPPF (March 2012), this national planning policy document replaces the original document (published in March 2012). *Planning policy for traveller sites* sets out that, “the Government’s overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.”³²

The document sets out a series of nine policies (Policy A to Policy I), which address different issues associated with traveller sites:

- Policy A: Using evidence to plan positively and manage development,
- Policy B: Planning for traveller sites,
- Policy C: Sites in rural areas and the countryside,
- Policy D: Rural exception sites,

³² DCLG *Planning policy for traveller sites*, August 2015, paragraph 3

- Policy E: Travellers sites in Green Belt,
- Policy F: Mixed planning use traveller sites,
- Policy G: Major development projects,
- Policy H: Determining planning applications for traveller sites, and
- Policy I: Implementation.

B.19 DCLG Planning policy statement on Green Belt protection and intentional unauthorised development (31st August 2015)

Issued as a letter to all Chief Planning Officers in England, this planning policy statement sets out changes to make intentional unauthorised development a material consideration in the determination of planning applications, and also to provide stronger protection for the Green Belt. The statement explains that the Planning Inspectorate will monitor all appeal decisions involving unauthorised development in the Green Belt, and additionally the DCLG will consider the recovery of a proportion of relevant appeals for the Secretary of State's decision "*to enable him to illustrate how he would like his policy to apply in practice*", under the criteria set out in 2008.

In addition, the planning policy statement of 31st August 2015 announced that the Government has cancelled the documents *Guide to the effective use of enforcement powers, Part 1* (2006) and *Part 2* (2007) and *Designing Gypsy and Traveller Sites – Good Practice Guide* (2008).

B.20 DCLG Draft guidance to local housing authorities on the periodical review of housing needs: Caravans and Houseboats, March 2016

This draft guidance was published to explain how the Government wants local housing authorities to interpret changes to accommodation needs assessments (as required by Section 8 of the Housing Act 1985), specifically in relation to caravans and houseboats. It makes reference to Clause 115 of the Housing and Planning Bill, which has subsequently received royal assent and became legislation on 12 May 2016. The relevant clause has become Section 124 of the Housing and Planning Act 2016.

The draft guidance explains how Government wants local housing authorities to interpret changes to accommodation needs assessments (as required by Section 8 of the Housing Act 1985), specifically in relation to caravans and houseboats.

In the carrying out of accommodation needs assessments, the draft guidance stresses the importance of close engagement with the community. The use of existing data along with conducting a specialist survey is recommended.

B.21 The National Planning Policy Framework July 2018

This updates the 2012 NPPF and provides a framework within which locally prepared plans for housing and other development can be produced. Chapter 5 considers the delivery of a sufficient supply of homes and the size, type and tenure of housing need for different groups in the community should be assessed and reflected in planning policies. This includes travellers who meet the definition set out in the PPTS.

Appendix C: Gypsy and Traveller Fieldwork Questionnaire

	Date and Time			
	Site Reference			
	Address			
1	Pitch/Property Type			
2	No. Statics/mobiles/bricks and mortar			
3	No. tourers			
4	Description of pitch occupancy			
5	No. households			
6	No. concealed households			
7	No. doubled up households			
8	Does anyone else use this pitch as their home?			
9	Household characteristics			
		Gender	Age	Relationship to respondent
	Respondent			
	Person 2			
	Person 3			
	Person 4			
	Person 5			
	Person 6			
	Person 7			
	Person 8			

10	Ethnicity	
11	How many bed spaces are there on your pitch?	
12	Overcrowding of home	Y / N
13	Overcrowding of pitch	Y / N

Travelling questions

14	In the last year have you or someone in your household travelled	Y / N
15	Previous to the last year, did you or someone in your household travel?	Y / N
16	Reason(s) for travelling	
17	Do you or a member of your household plan to travel next year?	Y / N
18	Do you think you or a member of your household will travel each year for the next five years and/or beyond	Y / N
19	What reasons do you have for not travelling now or in the future?	

Future moving intentions

20	Are you planning to move in the next 5 years?	Y / N
21	Where are you planning to move to? (Same Site, Other Site in District, Outside District (if so where))	
22	What type of dwelling (caravan, trailer, house, flat, bungalow)	

23	Emerging households: Are there any people in your household who want to move to their own pitch in the next 5 yrs?	Y / N			
		HH1	HH2	HH3	HH4
24	Where are you planning to move to? (Same Site, Other Site in District, Outside District (if so where))				
25	What type of dwelling (caravan, trailer, house, flat, bungalow)				
26	Have they travelled / plan to travel	Y/N	Y/N	Y/N	Y/N
27	Scope to expand site	Y / N			
28	No. additional pitches				
29	Scope to intensify pitches	Y / N			
30	No. additional pitches				
31	Is there a need for transit pitches (for people stopping over temporarily) in the district?	Y / N			
32	If so, now many are needed?				
33	Who should manage them (Council, Traveller Community)				
34	Is there a need for more authorised pitches (for people to live on all the time?)	Y / N			
35	If so, now many are needed?				
36	How many years have you lived here?				

If less than 6 years, please ask supplementary questions

Supplementary questions if relevant

37	Where did you move from? (District)	
38	When you moved here, was the pitch vacant, a new pitch or was the pitch sub-divided	
39	What were the reasons for moving here?	
40	Did you already have a connection with the area (e.g. family or friends living here; or you used to live here?)	
41	Do you know anyone in bricks and mortar housing looking to live on a site? If so, can you provide contact details	
42	Are there any vacant pitches on the site which could be used by another family? If so how many pitches	

Appendix D: Glossary of terms

B&M: Bricks and Mortar Households are those living in houses, flats and bungalows

Caravans: Mobile living vehicles used by Gypsies and Travellers; also referred to as trailers.

CJ&POA: Criminal Justice and Public Order Act 1994; includes powers for local authorities and police to act against unauthorised encampments.

CRE: Commission for Racial Equality.

DCLG: Department for Communities and Local Government; created in May 2006. Responsible for the remit on Gypsies and Travellers, which was previously held by the Office of the Deputy Prime Minister (O.D.P.M.).

GM: Greater Manchester – comprising 10 local authorities: Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Stockport, Tameside, Trafford and Wigan.

GRT: Gypsies, Roma and Travellers – an addition term used by some to describe Gypsies and Travellers.

Gypsies and Travellers: Defined by DCLG *Planning policy for traveller sites* (August 2015) 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 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 planning policy goes on to state that, “In determining whether persons are “gypsies and travellers” for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters: a) whether they previously led a nomadic habit of life b) the reasons for ceasing their nomadic habit of life c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances”.

Irish Traveller: Member of one of the main groups of Gypsies and Travellers in England. Irish Travellers have a distinct indigenous origin in Ireland and have been in England since the mid nineteenth century. They have been recognised as an ethnic group since August 2000 in England and Wales (O’Leary v Allied Domecq).

Mobile home: Legally a ‘caravan’ but not usually capable of being moved by towing.

Pitch: Area of land on a Gypsy/Traveller site occupied by one resident family; sometimes referred to as a plot, especially when referring to Travelling Showpeople. DCLG *Planning policy for traveller sites* (August 2015) states that “For the purposes of this planning policy, “pitch” means a pitch on a “gypsy and traveller” site and “plot” means a pitch on a “travelling showpeople” site (often called a “yard”). This terminology differentiates between residential pitches for “gypsies and travellers” and mixed-use plots for “travelling showpeople”, which may / will need to incorporate space or to be split to allow for the storage of equipment”.

Plot: see pitch

PPTS: Planning Policy for Traveller Sites (DCLG, 2012 and 2015 editions)

Roadside: Term used here to indicate families on unauthorised encampments, whether literally on the roadside or on other locations such as fields, car parks or other open spaces.

Romany: Member of one of the main groups of Gypsies and Travellers in England. Romany Gypsies trace their ethnic origin back to migrations, probably from India, taking place at intervals since before 1500. Gypsies have been a recognised ethnic group for the purposes of British race relations legislation since 1988 (CRE V Dutton).

RTPI: Royal Town Planning Institute

Sheds: On most residential Gypsy/Traveller sites 'shed' refers to a small basic building with plumbing amenities (bath/shower, WC, sink), which are provided at the rate of one per pitch/pitch. Some contain a cooker and basic kitchen facilities.

Showpeople: Defined by DCLG *Planning policy for traveller sites* (August 2015) 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”.

Site: An area of land laid out and used for Gypsy/Traveller caravans; often though not always comprising slabs and amenity blocks or ‘sheds’. An authorised site will have planning permission. An unauthorised development lacks planning permission.

Slab: An area of concrete or tarmac on sites allocated to a household for the parking of trailers (caravans)

Stopping places: A term used to denote an unauthorised temporary camping area tolerated by local authorities, used by Gypsies and Travellers for short-term encampments, and sometimes with the provision of temporary toilet facilities, water supplies and refuse collection services.

Tolerated site: An unauthorised encampment/site where a local authority has decided not to take enforcement action to seek its removal.

Trailers: Term used for mobile living vehicles used by Gypsies and Travellers; also referred to as caravans.

Transit site: A site intended for short-term use while in transit. The site is usually permanent and authorised, but there is a limit on the length of time residents can stay.

Unauthorised development: Establishment of Gypsy and Traveller sites without planning permission, usually on land owned by those establishing the site. Unauthorised development may involve ground works for roadways and hard standings. People parking caravans on their own land without planning permission are not Unauthorised Encampments in that they cannot trespass on their own land – they are therefore Unauthorised Developments and enforcement is always dealt with by Local Planning Authorities enforcing planning legislation.

Unauthorised encampment: Land where Gypsies or Travellers reside in vehicles or tents without permission. Unauthorised encampments can occur in a variety of locations (roadside, car parks, parks, fields, etc.) and constitute trespass. The 1994 Criminal Justice and Public Order Act made it a criminal offence to camp on land without the owner’s consent. Unauthorised encampments fall into two main categories: those on land owned by local authorities and those on privately owned land. It is up to the land owner to take enforcement action in conjunction with the Police.

Wagons: This is the preferred term for the vehicles used for accommodation by Showpeople.

Yards: Showpeople travel in connection with their work and therefore live, almost universally, in wagons. During the winter months these are parked up in what was traditionally known as ‘winter quarters’. These ‘yards’ are now often occupied all year around by some family members.