

**Herefordshire**

**Gypsy and Traveller and Travelling Showperson**

**Accommodation Assessment**

**Update 2017**

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Herefordshire County Council

Final Report  
July 2017

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## Executive Summary

### Introduction

Herefordshire Gypsy and Traveller Accommodation Assessment (GTAA) Update 2017 analyses the latest available evidence to identify the accommodation needs of Gypsies, Travellers and Travelling Showpeople from across the area.

The Herefordshire GTAA Update 2017 has comprised the following evidence sources:

- A review of existing (secondary) data;
- Fieldwork survey and site census;
- Interviews with 69 Gypsy and Traveller households living within the study area (plus 20 interviews carried out on Yoke Farm in 2014);
- Interviews with 10 Travelling Showperson households from the 2014 study and discussions with members of the community.

This data has been analysed to provide a picture of current provision and activity across Herefordshire County 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 125 households in Herefordshire with a ‘White: Gypsy or Irish Traveller’ ethnicity. Of these, 100 households lived in a caravan or other mobile or temporary structure and 25 households lived in bricks and mortar (house, bungalow, flat, maisonette or apartment).

The bi-annual DCLG Traveller caravan count indicates an average of around 188 caravans over the last five counts. Of these, 45.1% have been on private authorised sites (with planning permission) and 41.9% have been on social rented authorised sites. 12.2% have been on tolerated unauthorised sites. In the four counts during 2015 and 2016, two caravans were recorded on unauthorised sites; however, none were recorded in January 2017.

There are six authorised permanent Council-owned Gypsy and Traveller sites in Herefordshire. In addition, there are 29 authorised permanent private sites and one tolerated private site. There are three Travelling Showperson’s yards.

The triangulation of secondary data, Council records and fieldwork survey has identified a total of 129 pitches, 119 households and 7 unoccupied pitches. There are three households occupying two pitches each which explains the difference between total pitches and unoccupied pitches. There are therefore 122 occupied pitches and 7 unoccupied pitches.

### Gypsy and Traveller pitch requirements

The calculation of pitch requirements in the GTAA is based on DCLG modelling as advocated in *Gypsy and Traveller Accommodation Assessment Guidance* (DCLG, 2007). Although this Guidance has been formally withdrawn (December 2016), it continues to provide a best

practice approach for needs modelling, as also confirmed by inspectors at several public inquiries.

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

The GTAA Update 2017 has found evidence of Gypsy and Traveller pitch need over the next five years (2017/18 to 2021/22) equating to 48 pitches under a cultural definition, and as a subset of this number, 17 pitches under the PPTS 2015 definition of Gypsy/Traveller (those who still travel and/or intend to travel).

For the full Local Plan Period (2011/12 to 2030/31) the GTAA has identified a cultural need for 91 pitches and, as a subset of this number a PPTS need for 33 pitches.

For the remaining local plan period (2017/18 to 2030/31), the GTAA has identified a cultural need for 74 pitches and, as a subset of this number a PPTS need for 27 pitches.

Taking into account an anticipated annual turnover of 6 pitches on local authority sites during the remainder of the plan period (2017/18 to 2030/31), this equates to 84 pitches becoming available. Therefore, both the cultural and PPTS shortfalls are likely to be addressed. Notwithstanding this, it is recommended that the Council should continue to consider applications for appropriate small sites to address the needs of local Gypsy and Traveller families should they be forthcoming over the plan period.

## Travelling Showperson plot requirements

The previous GTAA established a need for 9 plots over the plan period and this is the figure recommended in this GTAA update.

## Transit site requirements

The GTAA Update 2017 recommends the provision of 5 transit pitches which are sufficient to accommodate up to 10 caravans.

## 1. Introduction

1.1 In April 2017, arc<sup>4</sup> were commissioned by the Herefordshire County Council to undertake a Gypsy and Traveller Accommodation Assessment (GTAA) Update to identify the accommodation needs of Gypsies and Travellers and Travelling Showpeople from across Herefordshire County. The overall objective of the Gypsy and Traveller Accommodation Assessment is to form a clear, objective and fully updated evidence basis to inform the development of planning policies relating to Gypsy, Travellers and Travelling Showpeople.

1.2 The Herefordshire GTAA Update 2017 builds upon the findings of the GTAA that was previously prepared by arc<sup>4</sup> (Final Report, November 2015). Primary and secondary data collection and comprehensive fieldwork survey have been undertaken to fully update the assessment of accommodation needs, taking into account the refreshed evidence base and the policy changes that have taken place.

1.3 The study adopts the definition of ‘Gypsies and Travellers’ set out within *Planning policy for traveller sites* (PPTS) (August 2015), within which the following definition of ‘Gypsies and Travellers’ is adopted:

*‘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.’<sup>1</sup>*

1.4 In addition, PPTS 2015 adds 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:*

- 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.’<sup>2</sup>*

1.5 The following definition of ‘Travelling Showpeople’ is used, also taken from 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.’<sup>3</sup>*

1.6 In addition:

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<sup>1</sup> DCLG *Planning policy for traveller sites* August 2015 Annex 1, para 1

<sup>2</sup> DCLG *Planning policy for traveller sites* August 2015 Annex 1, para 2

<sup>3</sup> DCLG *Planning policy for traveller sites* August 2015 Annex 1, para 3

*‘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.’<sup>4</sup>*

- 1.7 For the purposes of this study, therefore, Gypsies and Travellers live on pitches on sites, whilst Travelling Showpeople live on plots on yards.
- 1.8 The overall purpose of a Gypsy and Traveller Accommodation Assessment (GTAA) is to support the development of clear and reasonable planning policies relating to Gypsies, Travellers and Travelling Showpeople. The study provides an evidence base to assist the Council in determining an appropriate level of pitch provision to be sought through the lifetime of the Local Plan and to identify the accommodation needs of Gypsies and Travellers to meet the Council’s obligations under section 8 of the Housing Act 1985 (as amended by section 124 of the Housing and Planning Act 2016).

## Study components

- 1.9 The study has comprised the following stages, which are set out below:
- **Stage 1:** Development of methodology;
  - **Stage 2:** Collation and review of existing information and literature;
  - **Stage 3:** Fieldwork survey and interviews with Gypsies and Travellers and Travelling Showpeople across the study area;
  - **Stage 4:** Data analysis, calculation of needs and report production; and
  - **Stage 5:** Dissemination.

## Report structure

- 1.10 The report structure is as follows:
- **Chapter 1 Introduction:** provides an overview of the study;
  - **Chapter 2 Legislative and policy context:** presents a review of the legislative and policy context;
  - **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 estimates of the Gypsy and Traveller and Travelling Showpeople population across Herefordshire County and the scale of existing site provision;
  - **Chapter 5 Pitch/plot/transit requirements:** focuses on current and future pitch/plot requirements. This chapter includes a detailed assessment

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<sup>4</sup> DCLG *Planning policy for traveller sites* August 2015 Annex 1, para 5



of drivers of demand, supply and current shortfalls across the study area; and

- **Chapter 6 Conclusion and strategic response:** concludes the report, identifying headline issues, and 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 Gypsies and Travellers;
- **Appendix B** Literature review of policy, guidance, reports and best practice notes;
- **Appendix C** Fieldwork questionnaire;
- **Appendix D** Glossary of terms.

## 2. Legislative and Policy Context

- 2.1 This research is grounded in an understanding of how the national legislative and policy context has affected Gypsy and Traveller and Travelling Showpeople communities to date.

### Legislative background

- 2.2 Since 1960, three Acts of Parliament have had a major impact on Gypsies and Travellers and Travelling Showpeople:
- Caravan Sites and Control of Development Act 1960;
  - Caravan Sites Act 1968 (Part II); and the
  - Criminal Justice and Public Order Act 1994.
- 2.3 The 1994 Criminal Justice and Public Order Act abolished all statutory obligations to provide accommodation, discontinued Government grants for sites and made it a criminal offence to camp on land without the owner's consent.
- 2.4 Since the 1994 Act, the only places where Gypsies and Travellers and Travelling Showpeople can legally park their trailers and vehicles are:
- Council and Registered [Social Housing] Providers' Gypsy caravan sites;
  - Privately owned land with appropriate planning permission; and
  - Land with established rights of use, other caravan sites or mobile home parks by agreement or licence along with land required for seasonal farm workers.
- 2.5 The 1994 Act resulted in increased pressure on available sites. Following further reviews or law and policy, the Housing Act 2004 was passed, which included placing a requirement (section 225) on local authorities to assess Gypsy and Traveller and Travelling Showpeople accommodation needs within their area.
- 2.6 The recent Housing and Planning Act 2016 (section 124) creates a new duty under section 8 of the Housing Act 1985 to consider the needs of people residing in or resorting to a local authority area with respect to sites for caravans and the mooring of houseboats as part of the periodical review of housing needs. It deletes sections 225 and 226 of the Housing Act 2004.
- 2.7 More detail on the legislation affecting Gypsies and Travellers and Travelling Showpeople can be found at Appendix A.

### Policy background

- 2.8 A considerable range of policy and guidance documents have been prepared by Central Government to assist local authorities in discharging their strategic housing and planning functions and numerous research and guidance documents have been published by other agencies. This review examines influential policy, guidance and

research which relates specifically to Gypsies and Travellers and Travelling Showpeople or makes reference to them; more information is provided within Appendix B.

- 2.9 Some of the key themes to emerge from the review of relevant literature include:
- Recognising the long-standing role Gypsies and Travellers and Travelling Showpeople have played in society and how prejudice, discrimination and legislative change have increasingly marginalised these distinctive ethnic groups;
  - A recognised shortage of provision for Gypsies and Travellers;
  - The importance of understanding Gypsy and Traveller issues in the context of recent housing and planning policy development;
  - Recognition that Gypsies and Travellers are one of the most socially excluded groups in society and are particularly susceptible to a range of inequalities relating to health, education, law enforcement and quality of accommodation; and
  - A need for better communication and improved understanding between, and within, Travelling communities themselves, and between Travelling communities and elected members, service providers and permanently settled communities.

## Planning policy

- 2.10 In March 2012 the Government published both the National Planning Policy Framework (NPPF)<sup>5</sup> and its accompanying National Planning Practice Guidance (NPPG) covering a range of topics, including *Planning policy for traveller sites*<sup>6</sup> (PPTS 2012). These documents replaced all previous national planning policy in respect of Gypsies and Travellers and Travelling Showpeople.
- 2.11 Previously, local planning authorities had been required to set aside enough land for Gypsy and Traveller sites, with targets set in regional plans. The Coalition Government abolished regional planning under the provisions of the Localism Act 2011 and local authorities no longer have targets set out in regional plans.
- 2.12 PPTS 2012 instead encouraged local planning authorities to form their own evidence base for needs in their area and use this to set their own pitch and plot targets for their Local Plan.
- 2.13 In a written statement to Parliament on 17<sup>th</sup> January 2014 the Coalition Government stated:

*‘Ministers are considering the case for further improvements to both planning policy and practice guidance to strengthen Green Belt protection in this regard. We also want to consider the case for changes to the planning definition of ‘travellers’ to reflect whether it should only refer to those who actually travel and have a mobile or transitory lifestyle.*

<sup>5</sup> DCLG National Planning Policy Framework March 2012

<sup>6</sup> DCLG *Planning policy for traveller sites* March 2012 (now superseded)

*We are open to representations on these matters and will be launching a consultation in due course.’<sup>7</sup>*

- 2.14 Between September and November 2014 the Government consulted on proposed changes to PPTS. An updated NPPG document, *Planning policy for traveller sites* (PPTS 2015) was subsequently published in August 2015<sup>8</sup>. Alongside the publication on 31<sup>st</sup> August 2015, a letter to Chief Planning Officers in England was issued by the DCLG Chief Planner (Steve Quartermain)<sup>9</sup>. The letter and accompanying planning policy statement dealt specifically with the issue of Green Belt protection and intentional unauthorised development. On 17<sup>th</sup> 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, that intentional unauthorised development is a material consideration in the determination of planning applications and appeals<sup>10</sup>
- 2.15 PPTS 2015 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’<sup>11</sup>*
- 2.16 The policy sets out the Government’s aims in respect of traveller sites, namely:
- ‘a. that local planning authorities should make their own assessment of need for the purposes of planning*
  - b. to ensure that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites*
  - c. to encourage local planning authorities to plan for sites over a reasonable timescale*
  - d. that plan-making and decision-taking should protect Green Belt from inappropriate development*
  - e. to promote more private traveller site provision while recognising that there will always be those travellers who cannot provide their own sites*
  - f. that plan-making and decision-taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more effective*
  - g. for local planning authorities to ensure that their Local Plan includes fair, realistic and inclusive policies*
  - h. to increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply*
  - i. to reduce tensions between settled and traveller communities in plan-making and planning decisions*
  - j. to enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure*

<sup>7</sup> House of Commons 17 January 2014, c35WS

<sup>8</sup> DCLG *Planning policy for traveller sites* August 2015

<sup>9</sup>[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/457632/Final\\_Chief\\_Planning\\_Officer\\_letter\\_and\\_written\\_statement.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/457632/Final_Chief_Planning_Officer_letter_and_written_statement.pdf)

<sup>10</sup><http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2015-12-17/HCWS423/>

<sup>11</sup> DCLG *Planning policy for traveller sites* August 2015, paragraph 3

- k. *for local planning authorities to have due regard to the protection of local amenity and local environment*<sup>12</sup>

2.17 It is within this policy context that local planning authorities will have to plan future provision for Gypsies and Travellers and Travelling Showpeople across their respective areas. 'Policy A' requires Councils to use evidence to plan positively and manage development. Paragraph 7 of PPTS 2015 states that:

*'In assembling the evidence base necessary to support their planning approach, local planning authorities should:*

- a) *pay particular attention to early and effective community engagement with both settled and traveller communities (including discussing travellers' accommodation needs with travellers themselves, their representative bodies and local support groups)*
- b) *cooperate with travellers, their representative bodies and local support groups; other local authorities and relevant interest groups to prepare and maintain an up-to-date understanding of the likely permanent and transit accommodation needs of their areas over the lifespan of their development plan, working collaboratively with neighbouring local planning authorities*
- c) *use a robust evidence base to establish accommodation needs to inform the preparation of local plans and make planning decisions.'*

2.18 'Policy B' of PPTS 2015 relates to plan-making and planning. It sets the context for Local Plan preparation, consistent with policies in the NPPF. Paragraph 9 sets out that local planning authorities should set pitch and plot targets which address the likely permanent and transit site accommodation needs of Travellers in their area, working collaboratively with neighbouring local planning authorities. Specifically, in producing their Local Plan, local planning authorities should:

- a) *'identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets*
- b) *identify a supply of specific, developable sites, or broad locations for growth, for years 6 to 10 and, where possible, for years 11-15*
- c) *consider production of joint development plans that set targets on a cross-authority basis, to provide more flexibility in identifying sites, particularly if a local planning authority has special or strict planning constraints across its area (local planning authorities have a duty to cooperate on planning issues that cross administrative boundaries)*
- d) *relate the number of pitches or plots to the circumstances of the specific size and location of the site and the surrounding population's size and density*
- e) *protect local amenity and environment.'*

2.19 PPTS 2015 explains that, to be considered 'deliverable', sites should be:

- available now,
- offer a suitable location for development,

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<sup>12</sup> DCLG Planning policy for traveller sites August 2015, paragraph 4

- be achievable with a realistic prospect that development will be delivered on the site within five years.
  - Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans.
- 2.20 In order to be considered ‘developable’, sites should be:
- in a suitable location for traveller site development and
  - there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged.

### Changes to planning policy

- 2.21 The updated PPTS (2015) has introduced some key changes to policy, including:

#### *Change of the definition of ‘traveller’*

- 2.22 The definition of Gypsies and Travellers adds the following ‘clarification’:

*‘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.’<sup>13</sup>*

- 2.23 This means that for planning-related purposes the definition of Gypsy and Traveller has been changed so that it excludes those who have permanently ceased from travelling.
- 2.24 The Government has also indicated that it will seek to amend primary legislation to clarify the duties of local authorities to plan for the housing needs of their residents.

#### *Protecting the Green Belt*

- 2.25 PPTS 2015 changes the weight that can be given to any absence of a five-year supply of permanent sites when deciding planning applications for temporary sites in land designated as Green Belt, sites protected under the Birds and Habitats Directives, sites designated as Sites of Special Scientific Interest, Local Green Space, Areas of Outstanding Natural Beauty or within a National Park or the Broads.
- 2.26 The Government has also changed planning policy so that unmet need and personal circumstances (subject to the best interests of the child) are unlikely to clearly outweigh

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<sup>13</sup> DCLG *Planning policy for traveller sites* August 2015 Annex 1, para 2

harm to the Green Belt. This change applies to both the settled and Traveller communities.

### *Unauthorised occupation*

- 2.27 The planning policy statement issued with PPTS 2015<sup>14</sup> (and confirmed by Ministerial Statement<sup>15</sup>) 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.
- 2.28 In addition, PPTS 2015 makes clear that in exceptional cases where a local authority is burdened by a large-scale unauthorised site that has significantly increased need and their area is subject to strict 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 deter large sites such as Dale Farm, a large unauthorised site in Essex, from being set up.

### *Gypsy and Traveller Accommodation Needs Assessments Guidance*

- 2.29 In October 2007, the DCLG published *Gypsy and Traveller Accommodation Needs Assessments* Guidance.
- 2.30 This Guidance sets out a detailed framework for designing, planning and carrying out Gypsy and Traveller accommodation needs assessments (GTAAs), including the needs of Showpeople as well as Gypsies and Travellers. 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.
- 2.31 The 2007 Guidance stresses the importance of understanding accommodation needs of the whole Gypsy and Traveller population and emphasises the importance of obtaining 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.
- 2.32 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.

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<sup>14</sup>[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/457632/Final\\_Chief\\_Planning\\_Officer\\_letter\\_and\\_written\\_statement.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/457632/Final_Chief_Planning_Officer_letter_and_written_statement.pdf)

<sup>15</sup><http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2015-12-17/HCWS423/>

- 2.33 The approach and methodology set out in the Guidance has formed the framework for this GTAA for Herefordshire County Council and this has not been changed by the recent changes to planning guidance.

### Draft guidance to local housing authorities on the periodical review of housing needs: caravans and houseboats

- 2.34 In March 2016, the DCLG published *Draft guidance on the periodical review of housing needs: Caravans and Houseboats*. The draft guidance relates 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).
- 2.35 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.
- 2.36 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.
- 2.37 The draft guidance has been taken into account in the planning, preparation and undertaking of this GTAA for Herefordshire County.
- 2.38 The publication of finalised guidance is awaited.

### Enforcement powers

- 2.39 In March 2015, the Government published *Dealing with illegal and unauthorised encampments: a summary of available powers*, which sets out ‘*the robust powers councils, the police and landowners now have to clamp down quickly on illegal and unauthorised encampments*’.<sup>16</sup> The powers are reiterated as part of the Government’s commitment to protecting the Green Belt. The summary advises authorities that they ‘*should not gold-plate human rights and equalities legislation*’ and that they have in fact strong powers available to them to deal with unauthorised encampments. When dealing with encampments authorities are advised to consider the following:
- *‘The harm that such developments can cause to local amenities and the local environment;*
  - *The potential interference with the peaceful enjoyment of neighbouring property;*
  - *The need to maintain public order and safety and protect health;*
  - *Any harm to good community relations; and*

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<sup>16</sup> CLG Home Office and Ministry of Justice Dealing with illegal and unauthorised encampments a summary of available powers March 2015 introduction



- *That the State may enforce laws to control the use of an individual's property where that is in accordance with the general public interest.'*<sup>17</sup>
- 2.40 Despite having a clear leadership role, the summary urges local authorities to work collaboratively with other agencies, such as the Police and/or the Highways Agency to utilise these enforcement powers.
- 2.41 On 31<sup>st</sup> August 2015, alongside the publication of updated PPTS the DCLG wrote to all local authority Chief Planning Officers in England attaching a planning policy statement on *Green Belt protection and intentional unauthorised development*<sup>18</sup> with immediate effect. The statement, which was confirmed as national planning policy in a Ministerial Statement on 17<sup>th</sup> December 2015<sup>19</sup>, 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.
- 2.42 In addition, the planning policy statement of 31<sup>st</sup> 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).

### Caravan Counts

- 2.43 Snapshot counts of the number of Gypsy and Traveller caravans were requested by the Government in 1979, and have since been undertaken bi-annually by local authorities on a voluntary basis every January and July<sup>20</sup>. Their accuracy varies between local authorities and according to how information is included in the process. A major criticism is the non-involvement of Gypsies and Travellers themselves in the counts. However, the counts, conducted on a single day twice a year, are the only systematic source of information on the numbers and distribution of Gypsy and Traveller trailers. The counts include caravans (or trailers) on and off authorised sites (i.e. those with planning permission) but do not relate necessarily to the actual number of pitches (i.e. capacity) on sites.
- 2.44 In addition, there is an annual snapshot count of the number of Travelling Showpeople caravans, which is undertaken alongside the January count of Gypsy and Traveller caravans (as above).

<sup>17</sup> CLG Home Office and Ministry of Justice Dealing with illegal and unauthorised encampments a summary of available powers March 2015 introduction

<sup>18</sup>[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/457632/Final\\_Chief\\_Planning\\_Officer\\_letter\\_and\\_written\\_statement.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/457632/Final_Chief_Planning_Officer_letter_and_written_statement.pdf)

<sup>19</sup><http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2015-12-17/HCWS423/>

<sup>20</sup> Historically caravan counts have not included Travelling Showpeople. Since 2010 the Government has requested that January counts include Travelling Showpeople, however, the figures relating to Travelling Showpeople are reported separately and not included in the overall count figures.

- 2.45 A major review<sup>21</sup> of the counting system was undertaken in 2003 by the then Office of the Deputy Prime Minister (ODPM), which made a number of recommendations and improvements to the process.

### Progress on tackling inequalities

- 2.46 In April 2012 the Coalition Government published a *Progress report by the ministerial working group on tackling inequalities experienced by Gypsies and Travellers*<sup>22</sup>, which summarised progress in terms of meeting ‘Government commitments to tackle inequalities and promote fairness for Gypsy and Traveller communities’<sup>23</sup>. The report covers 28 measures from across Government aimed at tackling inequalities, these cover:

- Improving education outcomes;
- Improving health outcomes;
- 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.

- 2.47 In respect of provision of appropriate accommodation, the report advises that financial incentives and other support measures have been put in place to help councils and elected members make the case for development of Traveller sites within their areas. Changing perceptions of sites is also identified as a priority, and to this end the Government made the following commitments:

- *‘The Department for Communities and Local Government will help Gypsy and Traveller representative groups showcase small private sites that are well presented and maintained...’*
- *‘Subject to site owners agreeing to have their homes included we will help produce a case study document which local authorities and councillors, potential site residents and the general public could use. It could also be adapted and used in connection with planning applications.’*<sup>24</sup>

- 2.48 Also aimed at improving provision of accommodation for Gypsies and Travellers, the Government committed to:

- The provision of support, training and advice for elected member services up to 2015; and

<sup>21</sup> Counting Gypsies and Travellers: A Review of the Caravan Count System, Pat Niner Feb 2004, ODPM

<sup>22</sup> The study only includes reference to Gypsies and Travellers and not Travelling Showpeople

<sup>23</sup> [www.communities.gov.uk/news/corporate/2124322](http://www.communities.gov.uk/news/corporate/2124322)

<sup>24</sup> CLG Progress report by the ministerial working group on tackling inequalities experienced by Gypsies and Travellers April 2012 commitment 12 page 18

- The promotion of improved health outcomes for Travellers through the planning system; the report states that *‘one of the Government’s aims in respect of traveller sites is to enable provision of suitable accommodation, which supports healthy lifestyles, and from which travellers can access education, health, welfare and employment infrastructure.’*<sup>25</sup>

## Previous Design Guidance

- 2.49 PPTS 2015 provides no guidance on design for Gypsy and Traveller sites, concentrating instead on the mechanics of the planning process, from using evidence to plan making and decision taking.
- 2.50 Previous design guidance<sup>26</sup> was set out in *Designing Gypsy and Traveller Sites – Good Practice Guide* (2008) which suggests that, among other things, there must be an amenity building on each site and that this must include, as a minimum:
- Hot and cold water supply;
  - Electricity supply;
  - A separate toilet;
  - A bath/shower room; and
  - A kitchen and dining area.
- 2.51 A Homes and Communities Agency (HCA) review (January 2012) of Non-Mainstream Housing Design Guidance found that the DCLG Design Guide *‘succinctly outlines the physical requirements for site provision for travellers’*. It also identified a number of ‘pointers’ for future guidance, and these are worth mentioning here:
- The family unit should be considered to be larger and more flexible than that of the settled community due to a communal approach to care for the elderly and for children;
  - A distinct permanent building is required on site to incorporate washing and cooking facilities, and provide a base for visiting health and education workers; and
  - Clearer diagrams setting out the parameters for design are called for, both in terms of the scale of the dwelling and the site. Incorporating requirements for maintenance, grazing, spacing, size provision, communal spaces, etc. *‘would ensure that a set of best practice principles can be established.’*<sup>27</sup>
- 2.52 The HCA Review suggested the following design considerations:
- Travelling Showpeople should be considered in the development of provision for temporary/transit sites;

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<sup>25</sup> CLG Progress report by the ministerial working group on tackling inequalities experienced by Gypsies and Travellers April 2012 para 4.13 page 19

<sup>26</sup> This guidance does not apply to the provision of new yards for Travelling Showpeople. Further information about good practice in the provision of yards can be obtained from the Showmens’ Guild of Great Britain.

<sup>27</sup> Non-Mainstream Housing Design Guidance Literature Review, HCA January 2012 page 63

- Vehicular access is a requirement and not an option;
  - Open space is essential for maintenance of vehicles and grazing of animals;
  - Open play space for children needs to be provided;
  - A warden’s office is required for permanent sites;
  - Communal rooms for use of private health/education consultations are required; and
  - An ideal ratio of facilities provision (stand pipes, parking area, recreation space) to the number of pitches.
- 2.53 On 31<sup>st</sup> August 2015, the DCLG letter to Chief Planning Officers (setting out the planning policy statement on *Green Belt protection and intentional unauthorised development*) set out that the Government thereby cancelled the document *Designing Gypsy and Traveller Sites – Good Practice Guide* (2008).

### Strategic policy

- 2.54 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 National Planning Policy Framework (NPPF) set out that public bodies have a duty to cooperate on planning issues that cross administrative boundaries (NPPF, paragraph 178).
- 2.55 National planning practice guidance (NPPG) includes a guidance document specific to the *Duty to cooperate* (March 2014). This states that duty to cooperate is not a duty to agree, but local planning authorities should make every effort to secure the necessary cooperation on strategic cross boundary matters before they submit their Local Plans for examination (paragraph 1). In addition, it states that the duty to cooperate seeks to ensure that local planning authorities lead strategic planning effectively through their Local Plans, addressing social, environmental and economic issues that can only be addressed effectively by working with other local planning authorities beyond their own administrative boundaries (paragraph 8).
- 2.56 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).

### 3. Methodology

3.1 In order to deliver the requirements of Government guidance<sup>28</sup> the methodology for this study has comprised:

- Desktop analysis of existing documents, including data on pitches/sites, plots/yards and unauthorised encampments;
- A review of existing provision of sites and yards; and
- The collection of primary data, including a fieldwork survey of sites/yards and household interviews with Gypsies and Travellers and Travelling Showpeople.

3.2 The information gathering has been carried out in three phases, as outlined below:

- Phase 1: Literature/desktop review and steering group discussions;
- Phase 2: Site survey (including census) and interviews with Gypsies and Travellers and Travelling Showpeople across the Herefordshire area; and
- Phase 3: Production of report.

#### Phase 1: Literature/desktop review and steering group discussions

3.3 This phase comprised a review of available literature, including legislative background and best practice information; and analysis of available secondary data relating to Gypsies and Travellers.

3.4 Relevant regional, sub-regional and local information has been collected, collated and reviewed, including information on:

- The national policy and legislative context;
- Current policies towards Gypsies and Travellers in the County (drawn from Local Authority policy documents, planning documents, housing strategies and homelessness strategies); and
- Analysis of existing data sources available from stakeholders<sup>29</sup>.

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 steering group was fully consulted regarding the most appropriate methodology for undertaking the assessment work, including site fieldwork and household survey.

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<sup>28</sup> CLG Gypsy and Traveller Accommodation Needs Assessments Guidance October 2007 [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/7838/accommneedsassessments.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7838/accommneedsassessments.pdf)

<sup>29</sup> This includes CLG caravan count data and information on unauthorised encampment data provided by the Council (see chapter 6 for more information on this data)

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

- 3.7 The primary fieldwork for this study comprised survey work with Gypsies and Travellers and Travelling Showpeople. The questionnaires (Appendix C) were designed by arc<sup>4</sup> in consultation with the project steering group and build upon our standard questionnaire.
- 3.8 The household survey was undertaken by arc<sup>4</sup>. The overarching aim of the fieldwork was to maximise the number of interviews secured from Gypsy and Traveller and Travelling Showpeople households living within the County. Consulting with stakeholders ensured that the fieldwork team had a good understanding of the local issues facing Gypsies and Travellers and Travelling Showpeople and helped to maximise the community's participation in the study.
- 3.9 The cultural needs of Gypsies and Travellers and Travelling Showpeople differ from those of the rest of the population and consideration of culturally specific requirements such as the need for additional permanent caravan sites and/or transit sites and/or stopping places (or improvements to existing sites) are key to this study. The research has therefore explicitly sought information from Gypsies and Travellers and Travelling Showpeople from across the County living in different types of accommodation.
- 3.10 Interviews with Gypsies and Travellers took place during April and May 2017. Responses achieved by tenure and type of site/accommodation are presented in Table 3.1.
- 3.11 For Gypsies and Travellers, there are a total of 129 pitches across Herefordshire County. It was found that 119 households were living across the pitches, with three households living across two pitches. There are therefore 122 occupied pitches and 7 unoccupied pitches.
- 3.12 The 2017 household survey was completed by 69 households out of a total of 89 households living on pitches. In addition, the 2017 update report uses information from the 20 households surveys from Yoke Farm which was collected in 2014 (it is understood there has been limited change in the households living on this site).
- 3.13 Therefore, the 2017 update draws upon data from 89 households living on pitches and based on a total of 119 households living on pitches, results in a response rate of 74.8%.
- 3.14 Views on the number of households living in bricks and mortar accommodation who would prefer to live on a pitch were obtained from the Council which has informed the pitch needs model.
- 3.15 For Travelling Showpeople, a total need for 9 plots was established in the previous GTAA and discussions with representatives from the community would suggest this remains an appropriate needs figure.

<b>Table 3.1 Responses achieved to the Household Survey 2017 by tenure and type of accommodation</b>						
<b>Gypsies and Travellers</b>						
<b>Tenure and type of site</b>	<b>Pitch numbers</b>		<b>Household numbers</b>			
	<b>Total pitches</b>	<b>Unoccupied pitches</b>	<b>Total households</b>	<b>Interviews achieved*</b>	<b>Non-response</b>	<b>Households living across two pitches</b>
Council (permanent) authorised	53	1	51	41	10	1
Private (permanent) authorised	66	6	58	38	13	2
Private Tolerated	10	0	10	10	0	0
Private Unauthorised	0	-	0	0	-	-
<b>Total Gypsy and Traveller pitches</b>	<b>129</b>	<b>7</b>	<b>119</b>	<b>89</b>	<b>23</b>	<b>3</b>

\*69 interviews in 2017 plus 20 interviews on Yoke Farm achieved in 2014

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

### Phase 3: Production of report

- 3.17 In conjunction with face-to-face interviews with members of the Travelling community, a range of complementary research methods have been used to permit the triangulation of results. These are brought together during the research process and inform the outputs of the work and include:
- Desktop analysis of existing documents and data;
  - Preparing a database of authorised and unauthorised sites; and
  - Conducting a fieldwork survey of sites and yards.
- 3.18 Good practice guidance and evidence from other studies emphasises that building trust with Travelling communities is a prerequisite of meaningful research. In this case it has been achieved by engaging with Gypsies and Travellers directly, by using local resources and workers to make links, and working with officers who have already established good relationships with local Travelling communities.
- 3.19 We have also used the following sources of information:
- The DCLG caravan counts (up to January 2017); and
  - Local Authority information on existing site provision and unauthorised developments.
- 3.20 The assessment of pitch requirements has been calculated by utilising information on the current supply of pitches and plots along with the results from the survey. The overall number of pitches has been calculated using Local Authority information, with likely capacity through turnover assessed through the survey. A detailed explanation of the analysis of pitch requirements is contained in Chapter 5 but briefly comprises analysis of the following elements:
- Current pitch provision, households living in bricks and mortar accommodation; households planning to move in the next FIVE years, and emerging households to give total demand for pitches; and
  - Turnover on existing pitches and total supply.
- 3.21 The approach used then reconciles the demand and supply data to identify overall pitch and plot requirements.
- 3.22 To identify any need for transit provision, findings from the household survey have been analysed alongside other contextual information including the incidence of unauthorised encampments in Herefordshire.



## Pitches and households

- 3.23 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.
- 3.24 PPTS (August 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).
- 3.25 Planning decision notices usually refer 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.
- 3.26 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

- 3.27 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'*.
- 3.28 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'*.
- 3.29 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'*.
- 3.30 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

- 3.31 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.

- 3.32 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.
- 3.33 Quality, size of pitch and proximity of caravans on pitches vary dramatically.

### Response

- 3.34 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 include a consideration of 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 and local knowledge of planning, enforcement and liaison officers.
- 3.35 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. The current picture: Gypsy and Traveller population and pitch provision

4.1 This chapter looks at the current picture in terms of the current population and demography of Gypsies and Travellers across the study area before going on to explore the extent and nature of provision across the area.

### 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 Census<sup>30</sup> identifies a total of 125 households in Herefordshire as having a ‘White: Gypsy or Irish Traveller’ (WGoIT) ethnicity (Table 4.1a). Of these, 80.0% (100 households) live in bricks and mortar accommodation (house or bungalow, or flat, maisonette or apartment) and 20.0% (25 households) live in a caravan or other mobile or temporary structure.

Total: Accommodation type	House or bungalow	A flat, maisonette or apartment	A caravan or other mobile or temporary structure
125	80	20	25

Source: 2011 Census

4.3 The 2011 Census provides further information on actual residents and Table 4.1b provides details of the breakdown of people.

Total: Accommodation type	House or bungalow	A flat, maisonette or apartment	A caravan or other mobile or temporary structure
357	241	39	77

2011 Census

4.4 Table 4.1c provides an analysis of people and households and shows that the average household size is 2.9 persons for Gypsies and Travellers in Herefordshire County. This compares with an average household size of 2.3 (down from 2.4 in 2001) for the UK as a whole and looking at all households. There is some variation in the average Gypsy and

<sup>30</sup> Tables 5.1a to 5.1e 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 21<sup>st</sup> January 2014. See Tables CT0127 and CT0128. Main article: <http://www.ons.gov.uk/ons/re/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>

Traveller household size between accommodation types, however, with an average of 3.0 persons per household in houses/bungalows compared with 2.0 persons per household in flats/maisonettes/apartments and 3.1 persons per household in caravans/mobiles.

Total: Accommodation type	House or bungalow	A flat, maisonette or apartment	A caravan or other mobile or temporary structure
2.86	3.01	1.95	3.08

Source: 2011 Census

## Caravan Count information

- 4.5 The Traveller caravan count (previously called the Gypsy and Traveller caravan count) is carried out bi-annually, every January and July.
- 4.6 The latest figures available are from the January 2017 Count of Traveller Caravans (England)<sup>31</sup>, which nationally found that:
- The total number of traveller caravans in England in January 2017 was 22,004. This is 698 more than the 21,306 reported in January 2016.
  - 6,807 caravans were on authorised socially rented sites. This is a decrease of 239 since the January 2016 count of 7,046.
  - The number of caravans on authorised privately funded sites was 12,276. This was 822 more than the 11,454 recorded in January 2016.
  - The number of caravans on unauthorised encampments on land owned by travellers was 2,141. This is 11 above the January 2016 figure of 2,130.
  - The number of caravans on unauthorised encampments on land not owned by travellers was 780. This was 104 caravans more than the January 2016 count of 676.
  - Overall, the January 2017 count indicated that 87 per cent of traveller caravans in England were on authorised land and that 13 per cent were on unauthorised land. This is the same as the previous year.
- 4.7 The figures for the last five Traveller caravan counts for Herefordshire are set out in Table 4.2. This shows that an average of 188 caravans have been recorded on sites in the County during the five-count period. Of these, 45.1% have been on private authorised sites (with planning permission) and 41.9% have been on social rented authorised sites. 12.2% have been on tolerated unauthorised sites. In the four counts during 2015 and 2016, two caravans were recorded on unauthorised sites; however, none were recorded in January 2017.

<sup>31</sup> DCLG Count of Traveller Caravans January 2017 England, Housing Statistical Release 25 May 2017

Table 4.2 Bi-annual Traveller caravan count figures January 2015 to January 2017					
Herefordshire Count	Authorised sites with planning permission		Unauthorised sites without planning permission		Total
	Social Rented	Total Private	Tolerated	Not Tolerated	
Jan 2015	80	78	24	2	184
Jul 2015	77	89	25	2	193
Jan 2016	76	90	20	2	188
Jul 2016	81	81	22	2	186
Jan 2017	80	86	24	0	190
<b>Five-Count Average</b>	<b>78.8</b>	<b>84.8</b>	<b>23</b>	<b>1.6</b>	<b>188.2</b>
<b>Five-Count % Average</b>	<b>41.9%</b>	<b>45.1%</b>	<b>12.2%</b>	<b>0.9%</b>	<b>100.0%</b>

Source: DCLG Traveller Caravan Count, Live Table 1 (January 2017)

4.8 An annual count of Travelling Showpeople caravans is undertaken every January, alongside the January Traveller caravan count. The most recent available data is therefore January 2017. Table 4.3 sets out the data from the last four Travelling Showpeople caravan counts, 2014-2017. This shows that no Travelling Showperson caravans have been recorded during the four-count period.

Table 4.3 Annual Travelling Showpeople caravan count figures January 2014 to January 2017				
Herefordshire Count	Authorised sites with planning permission		Unauthorised sites without planning permission	Total
	Social Rented	Total Private	Total Unauthorised	
2014	0	0	0	0
2015	0	0	0	0
2016	0	0	0	0
2017	0	0	0	0
<b>Four-Count Average</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Source: DCLG Travelling Showpeople Caravan Count, Live Table 3 (January 2017)

4.9 The DCLG caravan count data also records Traveller and Travelling Showpeople caravan sites provided by local authorities and private registered providers in England<sup>32</sup>. The most up-to-date data from January 2017 is set out in Table 4.4. This identifies six sites in Herefordshire County.

<sup>32</sup> DCLG Count of Traveller Caravans January 2017 England, Housing Statistical Release 25 May 2017, Live Table 2

**Table 4.4 Traveller and Travelling Showpeople caravan sites provided by local authorities and registered providers in Herefordshire, January 2017**

Site and address	Date site opened	Date of last site changes	Total no. of pitches	of which		Caravan capacity
				residential	transit	
Turnpike, Pembridge	1988	2009	6	6	0	12
Orchard Park, Watery Lane, Hereford	1992	2015	11	11	0	22
Springfield Close, Croft Lane	1995	2016	10	10	0	20
Open Fields, Bromyard	1997	2014	10	10	0	20
Romany Close, Grafton, Hereford	1991	2015	9	9	0	18
Tinkers Corner, Bosbury	1996	-	7	7	0	14

Source: DCLG Traveller Caravan Count, Live Table 2 (January 2017)

## Local information

- 4.10 Data on the provision of sites considers both authorised and unauthorised sites across Herefordshire.
- 4.11 Broadly speaking, authorised sites are those with planning permission and can be on either public or privately owned land. Unauthorised sites are made up of either longer term<sup>33</sup> unauthorised encampments<sup>34</sup>, that have been in existence for some considerable time and so can be considered to be indicative of a permanent need for accommodation (in some instances local authorities class these as tolerated sites and do not take enforcement action to remove them); and unauthorised developments, where Travellers are residing upon land that they own and that does not have planning permission (see Appendix D for more detailed definitions).
- 4.12 Table 4.5 sets out information relating to the Gypsy and Traveller sites located within Herefordshire County, including a comparison with the information set out in the previous GTAA (2015) in terms of previous site names and notes on changes that have taken place. Table 4.6 sets out information relating to Travelling Showperson yards. The locations of these sites and yards are shown in Map 4.1.
- 4.13 Gypsy and Traveller sites in the County include six authorised permanent Council sites (which correlates with the information in the DCLG Caravan Count as set out in Table 4.4, above). In addition, there are 29 authorised permanent private sites and one tolerated private site. The triangulation of secondary data, Council records and fieldwork survey has identified a total of 129 pitches, 119 households and 7 unoccupied

<sup>33</sup> Approximately three months or longer

<sup>34</sup> Please note that unauthorised encampments also encompass short-term illegal encampments, which are more indicative of transit need, see para 7.10 for more information on these encampments.

pitches (with three households living across two pitches, resulting in 122 occupied pitches).

- 4.14 There are three Travelling Showperson's yards located in Ross on Wye accommodating an estimated 10 households.

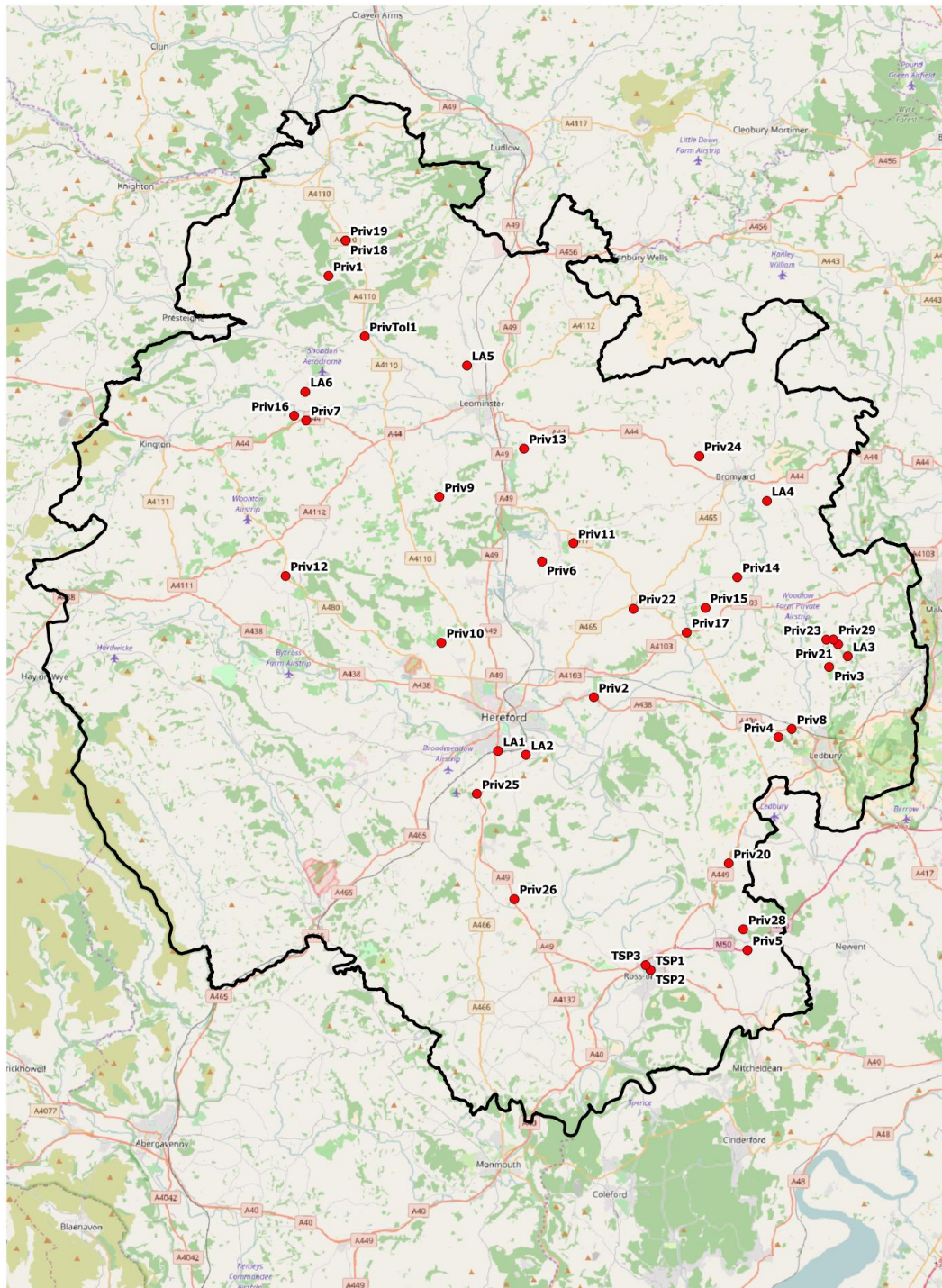
Table 4.5 Location of Gypsy and Traveller pitches in Herefordshire	
Location	No. Pitches
Aymestry	1
Bartestree	2
Bishop's Frome	2
Bodenham	2
Bosbury	11
Bromyard	11
Burghill	3
Callow	2
Grafton	9
Hereford	11
Ledbury	5
Linton	1
Lower Eggleton	3
Luston	10
Marden	1
Mortimer's Cross	10
Much Birch	3
Much Cowarne	2
Much Marcle	2
Norton Canon	1
Ocle Pychard	2
Pembridge	8
Pow Green	1
Stoke Prior	1
Upper Hill	22
Upton Bishop	1
Wigmore	2
<b>Total</b>	<b>129</b>

Source: Herefordshire County Council data 2017, site survey fieldwork 2017

Table 4.6 Location of Travelling Showperson plots in Herefordshire	
Location	No. Plots
Ross on Wye	10

Source: Herefordshire County Council data 2017, site survey fieldwork 2017

#### Map 4.1 Location of sites in Herefordshire County



Key

- Gypsy and Traveller Sites
- Showpersons' Yards



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

### Introduction

- 5.1 This section reviews the overall pitch requirements of Gypsies and Travellers and Travelling Showpeople across Herefordshire. It takes into account current supply and need, as well as future need, based on modelling of data, as advocated by the DCLG. This chapter also considers transit pitch requirements for Gypsies and Travellers. Finally, it presents planning policy recommendations.
- 5.2 The calculation of pitch requirements is based on DCLG modelling as advocated in *Gypsy and Traveller Accommodation Assessment Guidance* (DCLG, 2007). While the DCLG Guidance was revoked in July 2016 under the provisions of the Housing and Planning Act 2016, and officially withdrawn in December 2016, many aspects of the approach set out within it remain ‘best practice’ and have been ratified by inspectors at planning inquiry. The withdrawn DCLG Guidance 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.
- 5.3 The GTAA has modelled current and future demand and current and future supply separately for Gypsies and Travellers and Travelling Showpeople. For this study, the model has assumed a cultural definition of Gypsies and Travellers and Travelling Showpeople but also takes account of the new planning definition as an element of modelling output.

### Pitch requirement model overview

- 5.4 Pitch requirements are assessed over an initial five-year period (2017/18 to 2021/22) (the 5-year model) and then longer-term need is based on the expected number of households likely to form over the remainder of the plan period (2022/23 to 2031) based on the age profile of children under 13 living in Gypsy and Traveller households on pitches (the longer-term model). The modelling is based on the cultural need for pitches but the impact of the PPTS definition on need is also considered.
- 5.5 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 May 2017;
  - 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 study area on a pitch; to derive a figure for
  - Total pitch need.
- 5.6 In terms of **supply**, the model considers:

- Total supply of current pitches on authorised sites;
  - Vacant pitches on authorised sites.
- 5.7 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.
- 5.8 The longer-term element of the model then considers the cultural need over the remainder of the plan period (to 2031).

## Description of factors in the 5-year need model

- 5.9 Table 5.1 provides a summary of the 5-year pitch need calculation. Each component in the model is now discussed to ensure that the process is transparent and any assumptions clearly stated.

### Need

#### 5.10 **Current households living on pitches (1a to 1e)**

These figures are derived from local authority data, site observation and household survey information. Note that no household stated they were doubled up or included concealed households. Site observation and fieldwork suggests there are a total of 122 pitches that are occupied by 119 households (with 3 households occupying 2 pitches each).

#### 5.11 **Current households in bricks and mortar accommodation (2a)**

The 2011 Census suggested there were 100 households living in bricks and mortar accommodation. On the basis of 41 arc<sup>4</sup> studies, it is estimated that 5.3% of households living in bricks and mortar would prefer to live on a site. The model therefore assumes a minimum need from 5 pitches from households currently living in bricks and mortar housing. However, the housing register at May 2017 identifies a total of 20 households wanting to move onto a local authority site from brick and mortar housing and this figure is include in the model.

#### 5.12 **Existing Households planning to move in the next five years (3)**

This was derived from information from the household survey for respondents currently on authorised pitches. To account for non-response, the data in the model has been weighted by a factor of 1.34<sup>35</sup>.

Overall, there is a need from 5 households planning to move to another pitch within Herefordshire and 7 from a pitch to bricks and mortar. The model assumes 20 households planning to move from bricks and mortar to a pitch.

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<sup>35</sup> 89 responses from 119 G&T households on pitches results in a weighting factor of  $119/89 = 1.34$

### *Housing register information*

The housing waiting list for the local authority sites identifies a total of 20 households planning to move from bricks and mortar to a pitch. There are also 15 households currently on pitches wanting to move onto LA sites. This need has been included in the model

This results in an overall net requirement of +34 pitches from existing households planning to move in the next 5 years.

#### **5.13 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 24 (weighted).

If children old enough to form their own household were living with family and have not specified that they want to form a new household, this is assumed to be through choice and the model does not assume they want to form a new household.

#### **5.14 Total need for pitches (5)**

This is a total of current households on authorised pitches, households on pitches planning to move in the next five years and demand from emerging households currently living on pitches. This indicates a total need for 177 pitches.

### **Supply**

#### **5.15 Current supply of authorised pitches (6)**

This is a summary of the total number of authorised pitches and the number of vacant authorised pitches. This shows a total supply of 122 occupied authorised pitches (note that there are 3 households across the County who occupy 2 pitches each) plus 7 vacant authorised pitches resulting in a total supply of 129 authorised pitches.

### **Reconciling supply and demand**

5.16 There is a total need over the next five years (2017/18 to 2021/22) for 177 pitches in Herefordshire (Table 5.1) compared with a supply of 129 authorised pitches (including vacant pitches). The result is an overall cultural shortfall of 48 pitches.

<b>Table 5.1 Summary of demand and supply factors: Gypsies and Travellers – 2017/18 to 2021/22</b>			
<b>CULTURAL NEED</b>			<b>Herefordshire</b>
<b>1</b>	<b>Total households living on pitches</b>	1a. On LA Site	51
		1b. On Private Site – Authorised	58
		1c. On Private Site - Temporary Authorised	0
		1d. On Private Site – Tolerated	10
		1e. Unauthorised	0
		<b>1f. Total (1a to 1e)</b>	<b>119</b>
<b>2A</b>	<b>Estimate of households in bricks and mortar accommodation</b>	<b>2a. TOTAL (2011 Census)</b>	<b>100</b>
<b>Weighting applied to stages 3 and 4 = 1.34 to account for G&amp;T household no-response</b>			
<b>3</b>	<b>Existing households planning to move in next 5 years</b>	<b>Currently on sites</b>	
		3a. To another pitch/same site	4
		3b. To another site in County	1
		3c. From site to Bricks and Mortar	7
		3d. To a site/bricks and mortar outside County	0
		<b>Currently in Bricks and Mortar</b>	
		3e. Planning to move to a site in LA	20
		3f. Planning to move to another B&M property	0
		<b>Currently on housing register</b>	
		3g. Household currently on housing register	<b>15</b>
<b>3h. TOTAL Net impact (3a+3b-3c-3d+3e+3g)</b>	<b>34</b>		
<b>4d. 4</b>	<b>Emerging households (5 years)</b>	4a. Currently on site and planning to live on current site	21
		4b. Currently on sites and planning to live on another site in LA	3
		4c. Currently on site and planning to live on site outside the study area	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
		<b>4g. TOTAL Net impact (4a+4b-4c+4d)</b>	<b>24</b>
<b>5</b>	<b>Total Need</b>	<b>1f+3h+4g</b>	<b>177</b>
<b>SUPPLY</b>			
<b>6</b>	<b>Current supply of authorised pitches</b>	6a Current occupied authorised pitches	122
		6b Current vacancies on authorised pitches	7
		<b>6c. Total current authorised supply (6a+6b)</b>	<b>129</b>
<b>RECONCILING NEED AND SUPPLY</b>			
<b>7</b>	<b>Total need for pitches</b>	<b>5 years (from 5)</b>	<b>177</b>
<b>8</b>	<b>Total supply of authorised pitches</b>	<b>5 years (from 6c)</b>	<b>129</b>
<b>5 YEAR AUTHORISED PITCH SHORTFALL 2017/18 TO 2021/22</b>			<b>48</b>

Note: Figures in the table subject to rounding

## Longer-term pitch requirement modelling

- 5.17 Longer-term pitch need modelling has been carried out using known household structure information from the household survey of households living on pitches. On the basis of the age of children in households, it is possible to determine the extent of 'likely emergence', which assumes that a child is likely to form a new household at the age of 18.
- 5.18 The year when a child reaches 18 has been calculated and it is possible to assess how many newly forming households may emerge over the period 2022/3-2030/31. A reasonable assumption is that half of these children will form new households, bearing in mind culturally women tend to move away on marriage and men tend to stay in close proximity to their families on marriage. The model therefore assumes that 50% of children will form households when they reach 18 and that these households remain in Herefordshire<sup>36</sup>. Analysis would suggest a total cultural need for 26 additional pitches over the period 2022/23-2030/31 (Table 5.2).

**Table 5.2 Future pitch requirements based on the assumption that 50% of children form households on reaching 18**

Time period	No. children	Expected household formation
2022/23 – 2026/27	23	11
2027/28 – 2030/31	29	15
<b>Total (2022/23 to 2030/31)</b>	<b>52</b>	<b>26</b>

\*includes data from Yoke Farm survey of 2014

## Planning Policy for Traveller Site definition

- 5.19 Analysis of household survey data establishes that 36.5% of Gypsies and Travellers living on pitches across Herefordshire satisfy the PPTS definition of Gypsies and Travellers (this is based on the 52 responses from households living on Gypsy and Traveller pitches in the 2017 survey) and discussed at paragraph 3.15. This proportion is applied to the cultural need evidenced in the 5-year and longer-term modelling of pitch requirements to establish a PPTS need for pitches.

## Overall plan period pitch need

- 5.20 Table 5.3 summarises the overall need for pitches across Herefordshire over the plan period to 2031. It presents the overall cultural need based on households identifying as

<sup>36</sup> This approach has been tested at inquiry including Worcestershire and Shropshire.

Gypsy and Traveller and a PPTS need which is a subset of the cultural need and is based on those households who meet the PPTS definition of need.

- 5.21 Assuming a 14-year period (2017/18 to 2030/31), this result in an annualised cultural need for 5.3 pitches and an annualised PPTS need for 1.9 pitches.

	<b>Cultural need</b>	<b>Of which: PPTS need</b>
<b>Historic plan period pitch need 2011/12 to 2016/17*</b>	<b>17</b>	<b>6</b>
<b>5yr pitch need (2017/18 to 2021/22)</b>	<b>48</b>	<b>17</b>
<b>Sub-Total: Pitch need 2011/12 to 2021/11</b>	<b>65</b>	<b>23</b>
<b>Longer-term need to 2022/23 to 2030/31</b>	<b>26</b>	<b>10</b>
<b>TOTAL pitch need 2017/18 to 2030/31 (Local Plan Period)</b>	<b>91</b>	<b>33</b>

\*Based on 2015 GTAA there was an annual 2.8 pitch need and x 6 years results in 17 pitches.

- 5.22 It is recommended that the Local Plan recognises there is a cultural need for 91 pitches over the plan period and a need for 33 pitches under the PPTS definition before turnover on local authority pitches is considered.

## Turnover on sites

- 5.23 Turnover relates to the number of pitches that are expected to become available for occupancy. Analysis only includes expected turnover on public sites as this is referenced in (former) DCLG Guidance and more accurate data on changes in pitch occupancy is likely to be available. Although there is likely to be turnover on private sites, the ability of households to move onto private sites may be more restrictive (for instance the site may be restricted to a particular family) and less likely to be recorded.
- 5.24 Household survey data indicates that 19.5% of respondents living on local authority sites plan to move in the next 5 years or an annual rate of 3.9%. This analysis would suggest annual capacity of 1.8 which translates to a capacity of 27 pitches over the plan period through turnover.
- 5.25 Site management data indicates there is a turnover of 6 pitches on local authority sites each year. This results in a potential supply of 84 pitches over the remaining plan period to 2030/31.
- 5.26 Table 5.4 illustrates the impact of turnover on overall pitch need using site management data. The result of including expected turnover is to address both cultural and PPTS need.

<b>Table 5.4 Addressing Gypsy and Traveller pitch need</b>		
	<b>Cultural need</b>	<b>Of which: PPTS need</b>
<b>TOTAL pitch need 2017/18 to 2030/31 (remaining Plan Period)</b>	<b>74</b>	<b>27</b>
Pitches expected to become available through turnover on pitches on Council sites 2017/18 to 2030/31	84	84
Residual pitch requirement after factoring in expected turnover	Addressed	Addressed

## Potential capacity for Gypsy and Traveller pitches and tolerated sites

- 5.27 There is further potential capacity to help address pitch need over the plan period. The household survey asked respondents if there was opportunity to expand existing sites to accommodate more pitches. Responses suggested that there was potential for around 15 to 17 additional pitches across the following sites:
- Local authority 11 to 17 pitches;
  - Private authorised 9 pitches.
- 5.28 Note that the potential expansion of sites was based on the views of respondents and not a technical appraisal of sites. Further work would be necessary to confirm the potential for expansion.

## Comparison with previous GTAA

- 5.29 Table 5.5 sets out the comparison with the needs analysis carried out in the 2015 and 2017 GTAA. It indicates that the overall level of need (row 5 and 7) has reduced slightly since 2015. The current supply of authorised pitches has also reduced slightly (row 8). Overall, the total need excluding turnover in both studies was similar (row 14) despite the slightly differing time periods of the analysis. The 2017 GTAA also makes an allowance for need in the period 2011/12 to 2016/17 which results in the overall shortfall (excluding turnover) of 91 pitches based on the cultural definition of need.

Table 5.5 Comparison between 2015 and 2017 GTAAs				
Row	Component of needs model	2015 GTAA	2017 GTAA	Comments
1	Current households living on pitches	142	119	Baseline number of households reduced. Mainly due to loss of unauthorised pitches and also some households using more than one pitch
2	Current households in bricks and mortar	100	100	Based on 2011 census
3	Existing households planning to move in the next 5 years	0	34	includes allowance for bricks and mortar households and households on the housing waiting list
4	Emerging households over next 5 years	43	24	Based on latest evidence
5	Total need	185	177	Slight reduction in total need
6a	Current supply of authorised pitches	135	122	Updated evidence used in 2017 GTAA
6b	Current vacancies on authorised pitches		7	Updated evidence used in 2017 GTAA
6c	Total authorised supply	135	129	Updated evidence used in 2017 GTAA
7	Total need for pitches	185	177	Updated evidence used in 2017 GTAA
8	Total supply of authorised pitches	135	129	Updated evidence used in 2017 GTAA
9	5 year pitch shortfall (excluding turnover)	50	48	Updated evidence used in 2017 GTAA
10	Turnover assumptions	44 over 5 years or <b>8.8</b> each year	30 over 5 years or <b>6</b> each year	Updated evidence used in 2017 GTAA
11	5 year pitch shortfall (including turnover)	6	18	Updated evidence used in 2017 GTAA
12	Longer-term pitch need: time period	2019/20 to 2028/29	2022/23 to 2030/31	
13	Longer-term pitch need: no. of pitches	23	26	
14	TOTAL NEED (excluding turnover)	73	74	
15	Total additional need over whole plan period (including 6 years 2011/12 to 2016/17)	Not included in 2015 GTAA	17	Total plan period need considered in 2017 GTAA
16	TOTAL PLAN PERIOD NEED (excluding turnover)		91	



## Travelling Showpeople plot requirements

- 5.30 The 2015 GTAA established a need for 9 additional travelling showperson plots. Discussions with a local community member would suggest that this remains an appropriate number over the plan period to 2031.

## Transit site requirements

- 5.31 Unauthorised encampment data collected by the Council reports a varying level of activity:
- 52 encampments in 2014;
  - 21 encampments in 2015; and
  - 51 encampments in 2016.
- 5.32 The Council reports an average number of 4.5 caravans on encampment and a median of 3 caravans. A 5 pitch transit site could accommodate up to 10 caravans (assuming two per pitch) and this would accommodate around 92% of unauthorised encampments in the County. The provision of a transit site should be considered by the Council.

## 6. Conclusion and strategic response

- 6.1 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.

### Meeting permanent Gypsy and Traveller pitch requirements

- 6.2 There are currently 119 Gypsy and Traveller households living across 122 occupied pitches in Herefordshire (three households live across two pitches each). There are a total of 129 pitches, with 7 pitches unoccupied.
- 6.3 It is recommended that the Local Plan acknowledges the need (excluding turnover) for 91 additional pitches based on a cultural interpretation of need and, as a subset of this number, a need for 33 based on a PPTS interpretation of need over the plan period (2011/12 to 2030/31). The Local Plan should also acknowledge that turnover on local authority pitches is expected to address this need. Although there is no overall shortfall in pitches once turnover is considered, the Council should continue to consider applications for appropriate small sites to address the needs of local Gypsy and Traveller families should they be forthcoming over the plan period.

### Meeting permanent Travelling Showperson requirements

- 6.4 The 2015 GTAA established a need for 9 additional travelling showperson plots. Discussions with a local community member would suggest that this remains an appropriate number over the plan period to 2031.

### Meeting transit site/stop over requirements

- 6.5 Unauthorised encampment activity is reported in Herefordshire. Based on the number of caravans reported on encampments, a 5 pitch transit site, which could accommodate 10 caravans, would be sufficient to accommodate 92% of unauthorised encampment activity across the County. This should be considered by the Council.

### Good practice in planning for Gypsy and Traveller provision

- 6.6 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 members<sup>37</sup>.

- 6.7 Work undertaken by PAS<sup>38</sup> 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.

## Concluding comments

- 6.8 The overarching purpose of this study has been to update the evidence base of the previous GTAA and identify the accommodation requirements of Gypsies, Travellers and Travelling Showpeople across Herefordshire.
- 6.9 As set out in Table 6.1, it is recommended that the Local Plan recognises an overall cultural need for 91 pitches and, as a subset of this number, a PPTS need for 33 pitches. For the remainder of the plan period (2017/18 to 2030/31) there is a cultural need for 74 pitches and as a subset of this a need for 27 pitches under PPTS definitions. However, it is anticipated that turnover on Local Authority pitches is expected to address this need. Notwithstanding this, it is recommended that the Council should continue to consider applications for appropriate small sites to address the needs of local Gypsy and Traveller families should they be forthcoming over the plan period.

Table 6.1 Overall plan period Gypsy and Traveller pitch need		
	Cultural need	Of which: PPTS need

<sup>37</sup> I&DeA (now Local Government Agency) local leadership academy providing Gypsy and Traveller sites

<sup>38</sup> PAS spaces and places for gypsies and travellers how planning can help

Historic Pitch need 2011/12 to 2016/17	17	6
5yr Pitch need (2017/18 to 2021/22)	48	17
Longer-term Pitch need (2022/23 to 2030/31)	26	10
<b>TOTAL Pitch need for the whole Local Plan Period (2011/12 to 2030/31)</b>	<b>91</b>	<b>33</b>
TOTAL Pitch need for the remainder of the Local Plan Period (2017/18 to 2030/31)	74	27
Expected turnover on LA sites over the remainder of the Local Plan Period (2017/18 to 2030/31)	84	84
<b>RESIDUAL PITCH REQUIREMENT DURING THE REMAINDER OF THE PLAN PERIOD (2017/18 to 2030/31) including turnover</b>	<b>Addressed</b>	<b>Addressed</b>

Note that during the period 2011/12 to 2016/17, turnover on local authority sites, assuming 6 pitches each year, would have been sufficient to address the historic pitch need 2011/12 to 2016/17

- 6.10 The previous GTAA established a need for 9 additional Travelling Showperson plots over the plan period and this is recommended as the requirement to be presented in the local plan.
- 6.11 The study suggests the development of 5 transit pitches that would accommodate up to 10 caravans.
- 6.12 It is recommended that this evidence base is refreshed on a five-yearly basis to ensure that the level of pitch and pitch provision remains appropriate for the Gypsy, Traveller and Travelling Showpeople population across Herefordshire.

## Appendix A: Legislative background

- A.1 Between 1960 and 2003, three Acts of Parliament had a major impact upon the lives of Gypsies and Travellers. The main elements of these are summarised below.
- A.2 The **1960 Caravan Sites and Control of Development Act** enabled councils to ban the siting of caravans for human occupation on common land, and led to the closure of many sites.
- A.3 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 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.4 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.

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).

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.5 **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 area;
- 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.6 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 allow 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.7 **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.'*<sup>39</sup> 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.8 **Statutory Instrument 2013 No 830 Town and Country planning Act, England (Temporary Stop Notice) (England) (Revocation) Regulations 2013** came into force on 4<sup>th</sup> 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.9 **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 areas 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).

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<sup>39</sup> DCLG A plain English guide to the Localism Act Nov 2011

## Appendix B: Literature review

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. Strong powers are available to the police, local authorities and other landowners to deal with unauthorised encampments. It provided detailed step-by-step practical guidance to the use of these powers, and sets out advice on:

- Choosing the most appropriate power;
- Speeding up the process;
- Keeping costs down;
- The eviction process; and
- Preventing further unauthorised camping.



#### 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.*<sup>40</sup> Local planning authorities also need to revisit their approach to 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.’<sup>41</sup> 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’<sup>42</sup>. 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;

<sup>40</sup> PAS Spaces and places for gypsies and travellers how planning can help, page 8

<sup>41</sup> PAS spaces and places for gypsies and travellers how planning can help page 8 & 14

<sup>42</sup> 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.’<sup>43</sup>*
- **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.’<sup>44</sup>* 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:
  - A single point of contact with the local authority;

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<sup>43</sup> RTPI Planning for Gypsies and Travellers Good Practice Note 4 Part A page 8

<sup>44</sup> RTPI Planning for Gypsies and Travellers Good Practice Note 4 Part A page 13

- 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.'*<sup>45</sup>

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 not appropriate to rely solely on criteria as an alternative to site allocations where there is an identified need for the development.<sup>46</sup>

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<sup>45</sup> RTPI Planning for Gypsies and Travellers Good Practice Note 4 Part A page 18

<sup>46</sup> RTPI Planning for Gypsies and Travellers Good Practice Note 4 Part C page 11

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.'*<sup>47</sup>

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 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.

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.

The Guidance was revoked in July 2016 and withdrawn in December 2016.

#### **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:

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<sup>47</sup> RTPI Planning for Gypsies and Travellers Good Practice Note 4 Part C page 11

- 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 site has now been updated (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.'<sup>48</sup> The report covers 28 measures from across Government aimed at tackling inequalities, these cover:

- Improving education outcomes;
- Improving health outcomes;
- 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.

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<sup>48</sup> [www.communities.gov.uk/news/corporate/2124322](http://www.communities.gov.uk/news/corporate/2124322)

**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. Powers available to local authorities being:

- Injunctions to protect land from unauthorised encampments;
- Licensing of caravan sites;
- Tent site licences;
- Possession orders;
- Interim possession orders;
- Local byelaws;
- Power of local authorities to direct unauthorised campers to leave land;
- Addressing obstructions to the public highway;
- Planning contravention notice;
- Temporary stop notice;
- Enforcement notice and retrospective planning;
- Stop notice;
- Breach of condition notice; and
- Powers of entry onto land.

**B.13 Statutory Instrument 2013 No.830 Town and Country Planning (Temporary Stop Notice) (England) (Revocation) Regulations 2013:** Made on 11<sup>th</sup> April 2013 and laid before Parliament on 12<sup>th</sup> April 2013 this Instrument revoking the regulations applying to Temporary Stop Notices (TSNs) in England came into force on 4<sup>th</sup> 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 1<sup>st</sup> July 2013 by Brandon Lewis<sup>49</sup>** highlighted the issue of inappropriate development in the Green Belt and revised the appeals recovery criteria issued on 30<sup>th</sup> 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

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<sup>49</sup> <https://www.gov.uk/government/speeches/planning-and-travellers>



recovered. The Statement also revoked the practice guidance on ‘Diversity and equality in planning’<sup>50</sup>, 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 9<sup>th</sup> 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. The Guidance listed powers available to local authorities, including:

- More powerful temporary stop notices to stop and remove unauthorised caravans;
- Pre-emptive injunctions that protect vulnerable land in advance from unauthorised encampments;
- Possession orders to remove trespassers from land;
- Police powers to order unauthorised campers to leave land;
- Powers of entry onto land so authorised officers can obtain information for enforcement purposes;
- Demand further information on planning works to determine whether any breach of the rules has taken place;
- Enforcement notices to remedy any planning breaches; and
- Ensuring sites have valid caravan or tent site licences.

It sets out that councils should work closely with the police and other agencies to stop camps being set up when council offices are closed.

**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;
- 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:

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<sup>50</sup> ODPM Diversity and Equality in Planning: A good practice guide 2005

- 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 23<sup>rd</sup> November 2014.

B.17 **Dealing with illegal and unauthorised encampments: a summary of available powers, March 2015.** This Guidance sets out the robust powers councils, 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 of the same name (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.”<sup>51</sup>

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,
- 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 (31<sup>st</sup> 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

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<sup>51</sup> DCLG *Planning policy for traveller sites*, August 2015, paragraph 3

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 31<sup>st</sup> 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.

## Appendix C: Gypsy and Traveller Fieldwork Questionnaire

	Site Reference			
	Address			
1	Pitch/Property Type			
2	No. Statics/mobiles			
3	No. tourers			
4	Description of pitch occupancy			
5	No. households			
6	No. concealed households			
7	No. doubled up hhs			
8	Anyone else use this pitch as their home?			
<b>9 Household characteristics</b>				
		<b>Gender</b>	<b>Age</b>	<b>Relationship to respondent</b>
	Respondent			
	Person 2			
	Person 3			
	Person 4			
	Person 5			
	Person 6			
	Person 7			
	Person 8			
10	Ethnicity			
11	Overcrowding of pitch	Y / N		
<b>Travelling questions</b>				
12	In the last year have you or someone in your household travelled	Y / N		
13	Previous to the last year, did you or someone in your household travel?	Y / N		
14	Reason(s) for travelling			
15	Do you or a member of your household plan to travel next year?	Y / N		
16	Do you think you or a member of your household will travel each year for the next five years and/or beyond	Y / N		
17	What reasons do you have for not travelling now or in the future?			
<b>Future moving intentions</b>				
18	Are you planning to move in the next 5 years?	Y / N		
19	Where are you planning to move to? (Same Site, Other Site Herefordshire, Outside Herefordshire)			
20	What type of dwelling (caravan, trailer, house)			
21	<b>Emerging households:</b> 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
22	Where are they planning to move to? (Same Site, Other Site Herefordshire, Outside Herefordshire)			
23	What type of dwelling (caravan, trailer, house)			
24	Have they travelled / plan to travel	Y/N	Y/N	Y/N
25	Scope to expand site	Y / N		
26	No. additional pitches			
27	Scope to intensify pitches	Y / N		
28	No. additional pitches			

## Appendix D: Glossary of terms

**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.).

**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).

**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.