

## **HOPS Response to Local Development Plans – defining Gypsies and Travellers: consultation (15th February 2023)**

### **Information Note**

Heads of Planning Scotland (HOPS) is the representative organisation for senior planning officers from Scotland’s local authorities, national park authorities and strategic development planning authorities.

The purpose of HOPS is to:

- Promote the profile of public sector land use planning
- Support and promote excellence in planning leadership
- Ensure the delivery of a culture of continuous improvement in planning authorities
- Provide advocacy and coordination to ensure that planning authorities are properly resourced to deliver quality outcomes.

HOPS would like to thank all planning authorities for their contribution to this consultation response.

**1) Scottish Government (Planning, Architecture and Regeneration Division) is considering the following statement to define the Gypsy and Traveller community for planning purposes:**

"For the purposes of section 16B(14) of the Town and Country Planning (Scotland) Act 1997 (evidence report for preparation of local development plan), "Gypsies and Travellers" means-

- a) persons of or from a nomadic cultural tradition whatever their race or origin, including -
- (i) persons who have ceased to travel temporarily or permanently as a result of their own or their family's (including dependants) educational needs, health needs, or old age,
  - (ii) members of an organised group of travelling show people or circus people (whether or not travelling together as such),
  - (iii) persons who require the provision of land for temporary or permanent living (including the use of caravans as defined in section 16 of the Caravan Sites Act 1968),
- b) persons with a cultural tradition of nomadism."

**a) Do you agree with this statement?**

- Yes  
 No

**b) If no, what changes would you seek?**

In principle HOPS welcome this new definition and the Scottish Government’s move to align with others in defining ‘Gypsies and Travellers’. It is noted that the proposed definition is

broadly similar to those quoted for Wales and England, going slightly further than the Welsh definition and also appearing to be more inclusive than the definition in England which contains explicit omissions.

However, some councils raised concerns around the unilateral inclusion of the concept of ‘need for land’, which could perhaps be used as an argument to secure a house in the Green Belt, for example. It may be of benefit to add a specific reference that this would be ‘in accordance with the provision of National Planning Policy 16 d)’<sup>1</sup>

Furthermore, it was felt that the proposed definition under point (i): “persons who have ceased to travel temporarily or permanently as a result of their own or their family’s (including dependents) educational needs, health needs, or old age”, may be too narrow. There can be other factors which have a legitimate impact on the decision to cease travel, either temporarily or permanently – e.g. a lack of suitable sites, or to take up employment. A wider catch-all phrase such as ‘other factors’ could be added to encompass these.

It was also noted by some authorities that even where Gypsies and/or Travellers decide to settle in bricks-and-mortar-style accommodation, they still define as part of a travelling community and sometimes select this housing due to a lack of alternative provision, and would opt to reside in well-managed sites if these were available.

## **2) What do you think councils should do to better involve the Gypsy and Traveller communities in planning consultations and processes?**

Consultation and involvement processes should be made more accessible. Gypsies and Travellers are among the most disadvantaged communities and their voices are often missing from planning processes. It should be recognised that the Gypsy/Traveller community has unique cultural needs, which should be considered when planning and conducting consultations to ensure those needs are met.

Whilst online and paper-based consultation methods are important, other methods should be used when consulting within the community – most importantly, face-to-face consultations on an individual basis and through local groups. Collaboration with Gypsy and Traveller representative organisations, to build trusted relationships and insights, should be considered across different council areas to share learning and improve practice. Any adopted approach should be flexible and provide feedback, with efforts made to go where the people

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<sup>1</sup> National Planning Framework 4 – National Policy 16d – “Development proposals for public or private, permanent or temporary, Gypsy/Travellers sites and family yards and Travelling Showpeople yards, including on land not specifically allocated for this use in the LDP, should be supported where a need is identified and the proposal is otherwise consistent with the plan spatial strategy and other relevant policies, including human rights and equality.”- page 63: <https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2022/11/national-planning-framework-4-revised-draft/documents/national-planning-framework-4-revised-draft/national-planning-framework-4-revised-draft/govscot%3Adocument/national-planning-framework-4-revised-draft.pdf>

are, whilst being aware of potential barriers. Efforts should be made to design proposed consultations in partnership with representatives from the community to ensure they are culturally suitable.

The Redburn Grove travellers' site in North Ayrshire benefits from a dedicated Gypsy/Traveller Co-ordinator based on site. The Co-ordinator provides support, advice and assistance for the tenants and visitors on this site – this is a positive example which could be replicated elsewhere (with the caveat that this may require appropriate resourcing of local authorities).

It is noted that the 10-point action plan issued in 2019 by the Scottish Government to involve Gypsy/Travellers in planning processes continues to be used by planning staff.

The Housing (Scotland) Act 2001 introduced a legal requirement for landlords to actively develop and support tenant participation. As part of this, planning authorities must have a strategy to enable continuous improvement in performance to support and empower tenants to participate. The Housing (Scotland) Act 2001 also introduced responsibilities for landlords relating to equal opportunities and tenant participation/ customer involvement. Councils continue to work in partnership with tenants and customers to ensure the delivery of high-quality housing services to local communities.

**3) a) Do you believe that this (or any) definition will have an impact on businesses?**

- Yes  
 No

**b) If so, do you imagine this to be positive or negative and why?**

The response to question 3a) is recorded as 'No' as this is not felt to be of particular significance – however, impact is very subjective and could be seen to be positive or negative by different parties. In this instance, though, it may be more appropriate to consider impacts on inequalities and health, rather than impact on businesses.

**4) a) Do you believe that this (or any) definition will have an impact on certain groups of protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex/gender, sexual orientation)?**

- Yes  
 No

**b) If so, do you consider this to be positive or negative and why?**

- Positive  
 Negative