

Briefing note: Planning and Infrastructure Bill and its implications for Gypsies and Travellers

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Introduction

Gypsies and Travellers are an important part of Britain's population, heritage and social fabric. Providing well-designed and managed sites for Gypsies and Travellers supports happy and healthy communities and addresses wider determinants of health, education and employment.

The Planning and Infrastructure Bill presents an opportunity to improve and increase site provision. In order to do so, the Bill should be amended to:

- ensure that the strategic planning provisions ([Part 2, Chapter 2](#)) include a level of regional oversight to the assessment of need for Gypsy and Traveller accommodation;
- reintroduce the statutory duty for local authorities to provide Gypsy and Traveller sites (as exists in Wales and formerly in England);
- include provisions relating to the development and publication of Guidance on Gypsy and Traveller accommodation needs assessments.

Strategic planning provisions

At present, the only oversight of figures for Gypsy and Traveller pitch requirements is through the examination in public (EIP) of local plans. Unlike conventional housing, there is generally very little representation on Gypsy and Traveller sites at EIPs, which means that problems with need figures can often get overlooked. Without proper scrutiny, the undercounting of the need for Gypsy and Traveller pitches leads to insufficient provision.

[Research](#) shows that the regional approach that existed between 2006-2011 was able to offer benchmarking of Gypsy and Traveller Accommodation Assessments which then positively impacted on the levels of assessed need. Since this time, there have been very limited examples of successful regional approaches to this issue.

The Planning and Infrastructure Bill places a duty on Strategic Planning Authorities (SPA) to prepare a Spatial Development Strategy (SDS). SDS will have to specify the amount and distribution of housing and affordable housing across its area. The issue is that at present, Gypsy and Traveller pitches/sites do not explicitly fall within the scope of the strategic planning provisions within the Bill.

For private pitches/sites, there is no explicit mention, with socially provided pitches also set to be excluded because they are not consistently considered as part of the local authorities' affordable housing supply. Despite local authority Gypsy and Traveller sites providing 'low-cost rental accommodation' (as defined in the [Housing and Regeneration Act sections 68/69](#)), the Housing Ombudsman does not accept complaints from Gypsy and Traveller site residents as they do not consider sites to be part of the local authorities' housing supply. Equally, the [Regulator for Social Housing states](#) that *'In the main, homes which are mobile do not meet the definition of social housing set out in the Housing and Regeneration Act 2008'*. This is a gap in the policy and legislative framework which (if unamended) will continue through the Planning and Infrastructure Bill, with sites being left out of the strategic planning provisions.

Therefore, it is crucial that the Bill is amended to ensure that Gypsy and Traveller accommodation needs assessment figures are included and explicitly referenced within the requirements of Spatial Development Strategies. This would help to create an important level of scrutiny on accommodation needs assessments and subsequent provision for Gypsy and Traveller communities.

Furthermore, the definition of social housing should be amended to include local authority Gypsy and Traveller sites (inclusive of all essential parts of the home, i.e. the mobile home/caravan, the pitch itself and dayroom)¹, as well as broadening the definition of a 'dwelling' in the Housing Act 2004 section 1, to include all those essential parts of the home on a Gypsy/Traveller site.

The reintroduction of the statutory duty to provide sites

The statutory duty to provide sites contained in the Caravan Sites Act 1968 was revoked in 1994 by the Criminal Justice and Public Order Act. [Our research](#) looking at 100 local authorities, found that of 149 socially-provided sites, 119 were built before 1994, and only 30 since then (after the statutory duty to provide sites had been revoked).

The Bill provides an opportunity to address the national shortage of Gypsy and Traveller sites by including an amendment to reintroduce the statutory duty. Particular attention should be paid to social provision, in line with the Government's commitments on affordable housing.

¹ This also has implications for addressing disparities in recourse mechanisms for Gypsies and Travellers needing to challenge poor site conditions and disrepair.

The assessment of need of accommodation for Gypsies and Travellers

Specific guidance on Gypsy and Traveller Accommodation Assessments was withdrawn in 2016 following the revocation of sections 225 and 226 of the Housing Act 2004². Since then, there has been policy vacuum for the assessment of need save for some draft guidance issued in 2016 which was not as prescriptive. This has allowed the private companies who are contracted to conduct most of the assessments in England, to develop their own methodologies, which are often subject to significant criticism and mean that there are disparities in need levels across the country.

The Government should include within the Bill, provisions for new Guidance to be issued to ensure that Gypsy and Traveller accommodation needs assessments meet the same standards across the country.

² These provisions required local housing authorities to assess the need for pitches for Gypsies and Travellers and have specific regard to national guidance which was to be laid before Parliament