

Local Development Plans - defining Gypsies and Travellers: consultation

**A consultation on the definition of ‘Gypsies
and Travellers’ for the purpose of section
16B of the Town and Country Planning
(Scotland) Act 1997**

Contents

Contents	2
Introduction	3
Background research.....	4
Census data	4
The importance of family.....	4
Existing definitions in the UK.....	6
Welsh housing legislation	6
English planning policy	6
Proposed definition for consultation	7
Justification.....	7
Implications.....	8
Consultation questions.....	9
Example Definitions of Gypsies and Travellers in the UK	11
Statutory requirements of the Town and Country Planning (Scotland) Act 1997 relating to the Evidence Report and Gypsies and Travellers.	13
Local development plan evidence report - defining Gypsies and Travellers: consultation	14

Introduction

The Scottish Government is committed to ensuring equality of opportunity for all of Scotland's Gypsies and Travellers, including Scottish Gypsy/Travellers, Romany Gypsies, Irish Travellers, Showpeople and New Age Travellers. This consultation seeks views on a definition of 'Gypsies and Travellers' for the specific purposes of section 16B of the Town and Country Planning (Scotland) Act 1997 ("the 1997 Act") as amended by the Planning (Scotland) Act 2019.

Local Development Plans (LDPs) set out how places should change into the future; where development should and should not happen. The Planning (Scotland) Act 2019 introduced a new stage in the preparation of LDPs - an evidence report. Under section 16B of the 1997 Act, planning authorities are required to produce an evidence report which, among other things, contains;

- a summary of action taken by planning authorities to meet accommodation needs of Gypsies and Travellers, and
- a statement on the steps taken by the planning authority in preparing the report to seek the views of Gypsies and Travellers.

The purpose of defining "Gypsies and Travellers" in regulations is to enable the Scottish Government and planning authorities to support Gypsy and Traveller communities better. The Scottish Ministers will make regulations to specify the meaning of Gypsies and Travellers for the purpose of evidence reports. This consultation will help shape the definition to go into regulations. This definition will only relate to the requirements of 16B of the Town and Country Planning (Scotland) Act 1997.

By having a strong national and local planning framework based on community participation, we can help to eliminate discrimination and encourage equality for all. The Scottish Government wants to ensure planning authorities properly involve Gypsy and Traveller communities in planning the future of their places. Participation in this consultation can enable a stronger working relationship between Gypsies and Travellers and the planning system, allowing their housing needs to be better fulfilled and uplifting the voice of their communities.

This paper presents a suggested definition for the purposes of consultation. To inform this consultation's audience, this paper also presents background research and existing definitions in the UK.

Background research

Census data

In the [2011 census](#), 4,200 people identified as “white: Gypsy/Traveller” – but organisations that work with the community believe the number for ethnic Gypsy/Travellers is closer to 15,000-20,000 people. For Travelling Showpeople, the estimate becomes harder as their social identity was historically defined by their occupation, and changes to the way census data was recorded may have impacted on counts of Travelling Showpeople. This means that provision of sites and yards could be based on artificially low numbers as it is difficult to determine the true population size.

Scottish Gypsy/Travellers were more likely to live in overcrowded accommodation and more likely to have no central heating than the overall population. Compared to 21% of the overall population, 40% of Scottish Gypsy/Travellers lived in social rented accommodation. The data show that current housing standards for many Scottish Gypsy/Travellers are inadequate, with 24% living in overcrowded accommodation compared to 9% of the whole population.

Previous census data does not accurately reflect the housing circumstances that Travelling Showpeople currently face however, the community are recognised as a distinct category in the recent 2021 Scottish Census survey. [Academic research on Showpeople in England](#) states that, “while Travelling Showpeople have previously emphasised self-sufficiency, contemporary Showpeople are increasingly aware that they require assistance – both in terms of identifying land and the planning process, but also in some cases financial assistance – in order to ensure that their accommodation needs are addressed.”

A definition of these communities for the Evidence Report would allow planning authorities to better identify Gypsies and Travellers in their area, to help inform and fulfil their housing needs. This is why we are proposing a definition that is inclusive. While the data used above is only reflective of 2011 demographics, it serves as our most up-to-date data on the community. It highlights the unique demographics of this community and the challenges they face within the housing system.

The importance of family

Some Scottish Gypsies and Travellers share many cultural features, such as an emphasis on family, preference for self-employment, and a nomadic or cultural lifestyle. Privacy is important in the Romany Gypsy and Scottish Traveller communities, which is why adult family members may need separate accommodation. They have many behavioural codes relating to eating,

laundry, family relations and much more. It is understood that certain families will not live with others.

Many Scottish Gypsies and Travellers of all communities still travel and/or live together as extended family units. This close-knit community provides support, companionship and protection for the Gypsy and Traveller population. This is not dependent on living a transient lifestyle. Their living environment usually accommodates extended family.

The author Martyn Bennett summarised the lifestyle of Scottish Gypsy/Travellers in his [article](#) as following:

“Today, the identity of Gypsy/Travellers can take many forms: some families are constantly on the road, some only travel for part of the year and others live in 'bricks and mortar' houses. Sadly, some were even taken away from their own families in an attempt to assimilate Gypsy/Travellers into mainstream culture and destroy their community. However, regardless of lifestyle and upbringing, members of the Gypsy/Traveller community share a strong sense of cultural identity - which continues to thrive through traditional crafts and fairs, and via the oral mediums of storytelling and music.”

Existing definitions in the UK

The definitions below show the definition of Gypsies and Travellers in Welsh housing legislation, and in English planning policy. The main differences between these two definitions are; the Welsh legislation includes members of the community who ceased to travel permanently, and the English definition explicitly excludes travelling Showpeople or circus people. There are numerous other [non-legislative definitions in the UK of 'Gypsies and Travellers'](#).

Welsh housing legislation

[Housing \(Wales\) Act 2014](#)

“Gypsies and Travellers” (“Sipsiwn a Theithwyr”) means—

- (a) persons of a nomadic habit of life, whatever their race or origin, including—
 - (i) persons who, on grounds only of their own or their family's or dependant's educational or health needs or old age, have ceased to travel temporarily or permanently, and
 - (ii) members of an organised group of travelling show people or circus people (whether or not travelling together as such), and
- (b) all other persons with a cultural tradition of nomadism or of living in a mobile home;

“mobile home” (“cartref symudol”) has the meaning given by section 60 of the Mobile Homes (Wales) Act 2013.

English planning policy

[English Planning Policy for Travellers Sites \(Aug 2015\)](#)

Glossary definition = Persons of nomadic habitat of life whatever their race or origin, including such persons who on grounds only of their own of their family's or dependents educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised groups of travelling Showpeople or circus people travelling together as such.

Proposed definition for consultation

Using the information gathered from research, a suggested definition is proposed as a starting point for discussion with Gypsy and Traveller communities and other relevant groups. It has been provided to enable feedback and all views and suggestions are welcome.

“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-

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).”

Justification

The definition is largely based on the one used in Welsh Housing Legislation (2014). There are some terminology changes to better reflect the characteristics of the Scottish Gypsy and Traveller communities.

The main differences between this definition and some others is the addition of travelling show people and circus people (who are two distinct and separate communities), and the addition of those who have ceased to travel permanently. While in [English planning policy for Travellers sites](#) the definition of Gypsies and Travellers exclude travelling Showpeople and circus people, many local authorities recognise these groups and communities.

This definition doesn’t include the aspect that was challenged in England (Gypsies and Travellers who have had to stop travelling permanently due to age or ill health being excluded from the ‘gypsy status’ and no longer allowed to develop Traveller sites). This is to ensure an inclusive approach is taken so that all needs are taken care of. Many Gypsies and Travellers only travel seasonally, or do not travel at all due to a range of reasons, or simply never have. It is important that they can still be able to voice their needs in the planning system.

Implications

Creating a justified, accurate and inclusive definition of ‘Gypsies and Travellers’ will help to ensure that these communities have stronger visibility in the planning system. It also allows local authorities to correctly identify these groups during the development planning process. Gypsies and Travellers usually interact with planning processes because of planning applications or enforcement or seeking to formalise sites/family yards for living and storing equipment. The definition will not guarantee the outcome of any individual planning decisions within the system, but will help planning authorities to recognise the importance of planning for Gypsy and Traveller accommodation.

The siting of chalet-style residential caravans, touring caravans and often an amenity building on a defined plot can provide accommodation for Gypsies and Travellers across Scotland for permanent and semi-permanent living. Accommodation for Scottish Gypsy/Travellers can also be ‘stopover’ and ‘transit’ sites – vacant serviced plots available with communal refuse, drinking water sites and a single amenity block. It is also not unusual for a single Gypsy or Traveller family to seek a self-contained and private site/yard for themselves and extended family. For this, dwellings, amenity blocks, and storage buildings can be sought for siting caravans.

Showpeople are usually based in a yard (a place where chalets are sited and where rides are located when not in use), though some families live in houses. For these communities, both residential and business accommodation needs must be addressed. Showmen’s Yards should usually have good transport links to public services such as schools and hospitals. It is essential for development planning to not just seek to ‘define’ the community but seek to also understand how and when they will seek to enter the planning system.

We previously set out a [10 point action plan published on gov.scot](#) that aims to improve the involvement of Gypsies and Travellers in the planning system. The National Planning Framework will be used to inform LDPs and local authority decisions on planning applications. The fourth National Planning Framework (NPF4) was laid in the Scottish Parliament on 8 November 2022 and is subject to Parliamentary consideration. NPF4 recognises Gypsy and Traveller sites within the Quality Homes policy. Early consultation and involvement of the Gypsy and Traveller communities at the Evidence Report stage of Local Development Plans would allow Local Authorities to accurately identify accommodation needs.

Consultation questions

The Scottish Government seeks to better understand who the Gypsy and Traveller communities are across Scotland. This is to understand their needs so that the Scottish planning system can be operated in a fairer way.

- 1) Scottish Government (Planning, Architecture and Regeneration Division) is considering the following statement to define the Gypsy and Traveller communities 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-

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).”

- a) Do you agree with this statement?

- Yes
- No

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

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

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

- Yes
- No

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

- Positive
- Negative

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

Example Definitions of Gypsies and Travellers in the UK

House of Commons Library – Gypsies and Travellers (2019)

“The term ‘Gypsies and Travellers’ is difficult to define as it does not constitute a single, homogenous group, but encompasses a range of groups with different histories, cultures and beliefs including: Romany Gypsies, Welsh Gypsies, Scottish Gypsy Travellers and Irish Travellers. There are also Traveller groups which are generally regarded as ‘cultural’ rather than ‘ethnic’ Travellers. These include ‘New’ (Age) Travellers and occupational travellers, such as showmen and waterway travellers.”

House of Commons, Women and Equalities Committee - Tackling inequalities faced by Gypsy, Roma and Traveller communities (2019)

“The term Gypsy, Roma and Traveller has been used by policy-makers and researchers to describe a range of ethnic groups or those with nomadic ways of life who are not from a specific ethnicity. In the UK, it is common to differentiate between Gypsies (including English Gypsies, Scottish Gypsy/Travellers, Welsh Gypsies and other Romany people), Irish Travellers, who have specific Irish roots, and Roma, understood to be more recent migrants from Central and Eastern Europe. In continental Europe, however, all groups with nomadic histories are categorised as “Roma”, a much broader term that, while it includes Gypsies and Irish Travellers, is not the way in which most British communities would identify themselves.”

“The term Traveller can also encompass groups that travel, including, but not limited to, New Travellers, Boaters, Bargees and Showpeople. While these communities share many of the barriers faced by people who are ethnically Gypsy, Roma and Irish Traveller, covering all these groups in a single inquiry would not do justice to their needs. Our hope is that the recommendations in this report will benefit not only those that are in the three groups we have focussed on but everyone who travels or is not a part of the settled community.

We asked many members of the Gypsy, Roma and Traveller communities how they preferred to describe themselves. While some find the term “Gypsy” to be offensive, many stakeholders and witnesses were proud to associate themselves with this term and so we have decided that it is right and proper to use it, where appropriate, throughout the report. We also heard many other terms used to refer to the Communities that are completely unacceptable and hate speech will be explored in Chapter 6 of this report.

Gypsies and some Traveller ethnicities have been recognised in law as being ethnic groups protected against discrimination by the Equality Act 2010.¹ Others, such as New Travellers, have either been deemed not to be protected or have not tested their rights in court. Migrant Roma are protected both by virtue of their ethnicities and their national identities.”

Aberdeenshire Gypsy/Traveller Site Provision Strategy 2021-2026 –

“Gypsy/Travellers have been in Scotland for many centuries and still retain their own cultures and customs. The term 'Gypsy/Traveller' refers to distinct groups - such as Romany Gypsies, Scottish and Irish Travellers - who regard the travelling lifestyle as being part of their ethnic identity. There are also other types of Traveller, such as Occupational Travellers, Show-people and New Age Travellers: distinct groups who do not regard themselves as Gypsy/Travellers and do not receive protection under equalities legislation.”

Using the Place Standard tool to assess the quality of Gypsy/Traveller sites – November 2019

“Gypsy/Traveller communities are recognised as having a long and proud history and have made, and continue to make, a significant contribution to Scotland. Unfortunately, Gypsy/Travellers also face many challenges and barriers to accessing services, and participating in society, in ways that most people take for granted. Gypsy/Travellers are ethnic groups protected against discrimination by the Equality Act 2010 and that Act also imposes a duty on listed public authorities, including local authorities, to have due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations. The Scottish Government has noted however that Gypsy/Traveller communities continue to be among the most disenfranchised and discriminated against in Scotland. They have nevertheless made efforts to prescribe interim guidance on how design considerations and placemaking can be realistically achieved on Gypsy/Traveller sites.”

Educational Institute of Scotland– Gypsy and Travellers (2020)

“There is no one simple definition of Gypsy/Traveller. There are minority ethnic, professional, trade, craft and business communities which travel, each with a rich history, culture, religion, dialect or language.”

Gov.scot

The gov.scot website sets out in its [policy actions](#) ‘The term ‘Gypsy/Travellers’ refers to distinct groups – such as Roma, Romany Gypsies, Scottish and Irish Travellers – who consider the travelling lifestyle part of their ethnic identity.’

Statutory requirements of the Town and Country Planning (Scotland) Act 1997 relating to the Evidence Report and Gypsies and Travellers.

16BEvidence report for preparation of local development plan

(3) The evidence report is to—

(c) set out—

- (i) a summary of the action taken by the planning authority to meet the accommodation needs of Gypsies and Travellers in the authority's area,
- (ii) an analysis of the extent to which the action has helped to meet those needs,

(4) The evidence report is also to include a statement on—

- (a) the steps taken by the planning authority in preparing the report to seek the views of the public at large, including in particular the views of—
 - (ii) Gypsies and Travellers, and

(14)In this section—

“Gypsies and Travellers” has the meaning specified in regulations made by the Scottish Ministers.

(15)Before making regulations under subsection (14) specifying the meaning of “Gypsies and Travellers”, the Scottish Ministers must consult such persons as they consider appropriate.



Local development plan evidence report - defining Gypsies and Travellers: consultation

Respondent Information Form

Please Note this form **must** be completed and returned with your response.

To find out how we handle your personal data, please see our privacy policy:
<https://www.gov.scot/privacy/>

Are you responding as an individual or an organisation?

- Individual
 Organisation

Full name or organisation's name

Phone number

Address

Postcode

Email Address

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name
 Publish response only (without name)

Do not publish response

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Yes

No

Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

Questionnaire

Question 1

Do you consider yourself to be a Gypsy/Traveller?

- Yes
- No
- Not relevant (for organisations)

Question 2

If no, is there another grouping or term you would associate yourself with?

Question 3

If yes, are there any specific reasons why you consider yourself a Gypsy/Traveller?

Question 4

Please provide any further comments on the proposals set out in this consultation in the box below.

A large, empty rectangular box with a thin black border, intended for providing comments on the proposals.

Responding to this Consultation

We are inviting responses to this consultation by 20/01/2023.

Please respond to this consultation using the Scottish Government's consultation hub, Citizen Space (<http://consult.gov.scot>). Access and respond to this consultation online at <https://consult.gov.scot/planning-architecture/local-development-plan-evidence-report/>. You can save and return to your responses while the consultation is still open. Please ensure that consultation responses are submitted before the closing date of 20/01/2023.

If you are unable to respond using our consultation hub, please complete the Respondent Information Form to:

Planning, Architecture and Regeneration Division
Scottish Government
Area 2-F (South)
Victoria Quay
Edinburgh
EH6 6QQ

Handling your response

If you respond using the consultation hub, you will be directed to the About You page before submitting your response. Please indicate how you wish your response to be handled and, in particular, whether you are content for your response to be published. If you ask for your response not to be published, we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

If you are unable to respond via Citizen Space, please complete and return the Respondent Information Form included in this document.

To find out how we handle your personal data, please see our privacy policy: <https://www.gov.scot/privacy/>

Next steps in the process

Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material, responses will be made available to the public at <http://consult.gov.scot>. If you use the consultation hub to respond, you will receive a copy of your response via email.

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us. Responses will be published where we have been given permission to do so. An analysis report will also be made available.

Comments and complaints

If you have any comments about how this consultation exercise has been conducted,

please send them to the contact address above or at chief.planner@gov.scot.

Scottish Government consultation process

Consultation is an essential part of the policymaking process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work.

You can find all our consultations online: <http://consult.gov.scot>. Each consultation details the issues under consideration, as well as a way for you to give us your views, either online, by email or by post.

Responses will be analysed and used as part of the decision making process, along with a range of other available information and evidence. We will publish a report of this analysis for every consultation. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.



© Crown copyright 2022



This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3 or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: psi@nationalarchives.gsi.gov.uk.

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at www.gov.scot

Any enquiries regarding this publication should be sent to us at

The Scottish Government
St Andrew's House
Edinburgh
EH1 3DG

ISBN: 978-1-80525-263-4 (web only)

Published by The Scottish Government, December 2022

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA
PPDAS1200802 (12/22)

W W W . g o v . s c o t