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Dear Richard

## **Tamworth Local Plan Review**

Following your recent enquiry in relation to the forthcoming Local Plan Review for Tamworth Borough Council I can provide the following update regarding need from Gypsy and Traveller households in response to changes made by the Government to the PPTS Annex 1 in December 2023. These changes were made in response to the Lisa Smith Court of Appeal Judgement that was handed down in October 2022.

Firstly, my views on the implications of the changes that were made to the PPTS in relation to GTAAs are as follows:

- As a result of the Lisa Smith Judgement the PPTS was updated in December 2023 to revert back to the 2012 PPTS planning definition of a Traveller by reintroducing those who have ceased to travel permanently due to education, ill health, or old age into the definition.
- When the 2012 definition was issued the alternative planning definition in the 2004 Housing Act was also in place (now revoked by the Housing and Planning Act in 2016). This included anyone of a nomadic habit of life or those living in a caravan. So if a household did not meet the 2012 PPTS definition it was highly likely that they would meet the 2004 Housing Act definition if they were living in a caravan on a site.
- Now that the Housing Act definition has been revoked, there will still be large numbers of households who will not meet the PPTS 2023 planning definition if they have never travelled or have never travelled for work – i.e. under case law you can only have ceased to travel (either temporarily or permanently) if you have previously travelled for work or for seeking work.
- Having reviewed several recent GTAAs that have been completed by ORS the vast majority of those who will now meet the planning definition who have previously travelled for work and have now ceased to travel permanently are old or sick, have no children now living with

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them, and (unless they are living on a temporary or unauthorised site) do not generate much, if any, need.

- Therefore, whilst a number of households may now move under the 2023 definition, they will bring no need over with them. The majority of need from remaining non-definition households is from teenagers and through new household formation is from families with children who do not travel, or do not travel for work.
- Therefore, in my professional view the changes to the PPTS in December will not change things as far as our GTAA's are concerned other than a little tweaking to very slightly increase need (if any is identified) from those who have legitimately ceased to travel permanently; that the target for 5-year supply should also not change very much, if at all; and that Para 63 in the revised NPPF should still be used to address need from those who do not meet the revised planning definition and that this 5-year need should continue to be considered alongside wider housing need.

In summary, households who have never travelled, or have never travelled for work do not meet the 2023 PPTS planning definition of a Traveller.

### **Review of the 2019 Tamworth GTAA**

In April 2024 the Council asked ORS to complete a review of the GTAA that was completed for Tamworth in 2019. The 2019 GTAA did not identify any Traveller sites or Travelling Showmen's yards in Tamworth and did not identify any need from households living in bricks and mortar. Therefore the 2019 GTAA concluded that there was no current or future need for pitches or plots for the GTAA period to 2040.

The GTAA also included recommendations that the Council should use a Criteria-Based Local Plan Policy to address any need that may arise during the Local Plan period.

The Council have confirmed that they are not aware of any Traveller sites or Showmen's yards in Tamworth, and that no planning applications have been submitted since the GTAA was published.

Therefore, I can confirm in my professional view that the outcomes of the 2019 GTAA are still robust.

Regards



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