

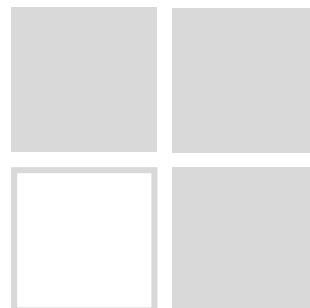
MH Planning

5 High Street
Swaffham Prior
Cambridge
CB25 0LD

michael@mhplanning.org

01638 744113

0775 966 6991

**St Albans Local Plan Examination**

**14 October 2025: Stage 2, Matter 1 - Legal Compliance, Issue 3
– Public Sector Equality Duty v.2**

Hearing Statement

On behalf of:

**Gate Herts (Gypsy & Traveller Empowerment, Hertfordshire),
Representation 372; and**

Myles Green, Representation 158

**MH Planning
26 September 2025**

1.0 Introduction

- 1.1 In responding to the Inspectors' questions this statement refers to the evidence in the representations we submitted to the Regulation 19 Draft Local Plan Consultation and to the Additional Documents Consultation relating to SADC/ED79, Meeting the identified needs for Gypsies and Travellers and Travelling Showpeople – Additional Clarification.
- 1.2 In addition to answering the Inspectors' questions this statement provides updates to the examination on two issues of relevance to our clients' cases.

2.0 **Q1 Is the minimum requirement figure based on a robust, objectively assessed analysis of needs over the plan period? Is the Plan effective in identifying the pitch requirement and stating how those needs will be met?**

- 2.1 Contrary to the requirements of Planning Policy for Traveller Sites (PPfTS, 2023) para 8 for the local planning authority (LPA) to set pitch targets for Gypsies and Travellers, which address the likely permanent and transit accommodation needs of Travellers in their area working collaboratively with neighbouring LPAs, the Regulation 19 Draft Local Plan does not indicate the minimum requirement for additional pitches.
- 2.2 Para 28 and table 1 of SADC/ED79 indicates a need for 95 pitches 2024 -2041. At para 2.1 of our response to SADC/ED79 we stated:
'Subject to rounding and to the inclusion of the family living roadside in St Albans, the minimum Pitch Target of 98 pitches we suggested in the table at para 4.18 of our Reg 19 Representation corresponds with the 95 pitches to 2041, SADC/ED79 Table 1.'
- 2.3 At para 2.2 of our response to SADC/ED79 we stated: *'In the text below the table at para 4.18 of our Reg 19 Representation we stressed that 98*

was a minimum requirement, which should be met, rather than a ceiling which should not be exceeded, and we summarised the reasons for believing 98 was an under-estimate.'

- 2.4 At paras 2.3 - 2.15 of our response to SADC/ED79 we provided evidence that the accommodation needs assessment (GTAA) on which the Council is depending is particularly deficient in regard to at least two significant issues, need for pitch accommodation from Travellers in bricks and mortar housing, and over-crowding on existing sites.
- 2.5 At paras 2.4 – 2. 10 of our response to SADC/ED79 we explained why need from Gypsies and Travellers in housing should not be ignored. In my years working with individual Traveller families, I have represented a number of people seeking to move from housing. Four examples are: a family who bought and modernised a bungalow, and were then subject to racist abuse, graffiti, and damage to their cars, which forced them to leave; a family who bought a house and lived in caravans in the garden, which the LPA enforced against; a lady who slept on sofas in her two daughters Council houses; and a family who rented a house with the wife and daughters sleeping in the house, but the husband sleeping in a caravan on the drive. We won planning permission for all of them, but it is unlikely that any of their needs were identified in the GTAAs.
- 2.6 At paras 2.11 – 2.15 we argued that the GTAA may have underestimated overcrowding. This was based on comparing the numbers of households concealed / doubled up / overcrowded at Figures 8, 13 & 17 of the GTAA with the findings by our colleague, Pedro Rodriguez-Parets Maleras of Harvard University of the extent of over-crowding on the local authority sites. His work (the part of which, relating to private sites we have not submitted at this stage, but would be willing to share with the Council) shows that over-crowding is not restricted to the local authority sites, but also exists on many of the private sites.

- 2.7 At para 2.16 of our response to SADC/ED79, we concluded: *‘The 95 pitch need to 2041 acknowledged by the Local Planning Authority is a significant underestimate and does not provide a robust evidence base to inform preparation of the Local Plan, as required by PPfTS para 7 c). We would ask the Local Plan Examination Inspectors to require St Albans to carry out an additional needs assessment focussing on the needs of housed Travellers, and on the level of overcrowding on existing sites.’*
- 2.8 At para 2.17 we made the point that the review of over-crowding does not necessarily require additional interviewing, and, that by comparing ORS’s data with our figures from aerial photographs, it might be possible for the LPA and ourselves to identify areas of agreement and areas of non-agreement. This would potentially allow the Examination to agree an appropriate allowance for needs from over-crowding.
- 2.9 At para 4.1 of GATE’s Reg 19 Representation we stated that Policy HOU6 is profoundly inadequate and unsound. Apart from possibly the proposals for two 15 -20 pitch sites in East Hemel Hempstead, which may be equated with broad locations for growth, it ignores the para 10 a) and b) PPfTS requirement to identify a 5 years’ supply of specific deliverable sites, and a supply of specific developable sites or broad locations for growth for years 6 to 10, and where possible for years 11 to 15. The East Hemel proposals cannot currently meet the definition of specific deliverable sites. Whether they might by the time the Plan is adopted will depend on how quickly any planning applications for the land come forward and are determined.
- 2.10 Not only does the Plan fail to identify the required specific deliverable sites, and specific developable sites, for the reasons at paras 4.4 to 4.12 of GATE’s Reg 19 Representations, it fails to indicate how those needs will be met. At paras 3.5 – 3.19 of our response to SADC/ED79, we identified why the assessment of potential sites at paras 3.10 – 3.27

and Appendix of SADC/ED79 was inadequate and did not represent an adequate analysis of the suitability of those sites for allocation.

- 2.11 At para 3.20 of our response to SADC/ED79 we concluded: *'The Draft Local Plan does not comply with the requirements of PPfTS paras 10 a) and b). We would ask the Local Plan Examination Inspectors to require St Albans to carry out a study to identify a supply of Gypsy and Traveller residential allocations. The potential allocations would need to be subject to public consultation and sustainability appraisal, and brought forward as modifications to the Draft Plan. This work should include an appraisal of the Broad Locations for Development to identify which of them should include site allocations and / or broad locations for growth.'*
- 2.12 We cannot see how the Plan can be found sound without adequate allocations for Travellers. We are aware that the examination should not be paused for more than six months. While we have strong reservations about how it approached site appraisal, see paras 3.5 to 3.19 of our Representation on the SADC/ED79, the sites it appraised provide a good starting point for identifying and appraising an adequate supply of sites quickly.
- 2.13 As indicated at para 4.19 of GATE's Reg 19 Representations, an important part of our suggestions for appropriate policy are that the site allocations should be removed from the Green Belt in accordance with PPfTS para 17. This will help to reduce future conflict over individual planning applications.
- 2.14 At paras 4.4 to 4.12 of GATE's Reg 19 Representation, we provided evidence that Gypsies and Travellers are among the most prejudiced against and deprived communities in Britain, and that the treatment of Gypsies and Travellers is contrary to various international conventions and the UK Government's commitment to them.

- 2.15 The failures to make adequate provision for the accommodation needs of Travellers is central to perpetuating that deprivation. Some of the reasons for under-provision are related to limitations on public expenditure, but much of it is due to the unwillingness by local authorities to allow appropriate and needed development by Gypsies and Travellers themselves.
- 2.16 In the case of St Albans, the Council's failures to set pitch targets which address likely accommodation needs and to identify an adequate supply of, or indeed any specific deliverable or developable sites are not only contrary to Government policy in PPfTS, as we indicated at para 4.10 of GATE's Reg 19 Representation, they are contrary to the social objective of sustainable development at para 8 b) NPPF, they ignore the NPPF objectives towards the supply of homes, and for different groups in the community at paras 60 and 63, NPPF, and they are contrary to the objectives at paras 4 b., 4 e, 4 h, and 4 j. PPfTS, and to the sustainability objectives for Gypsy sites at paras 13. b, 13. c., 13. d, and 13. h PPfTS.
- 2.17 At para 4.11 of GATE's Reg 19 Representation we made the point that the Council's failures in regard to provision for Gypsies and Travellers is not recent, and goes back many years.
- 2.18 The Council's failures are contrary to the Public Sector Equality Duty at section 149 of the Equality Act, 2010, which requires the Council *in the exercise of its functions, to have due regard to the need to*
(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
(b) advance equality of opportunity between persons who share a relevant protected characteristic [which includes Romany Gypsies and Irish Travellers] and persons who do not share it;
(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

2.19 We would also suggest that the Council's approach in making appropriate accommodation provision for non-Gypsies and Travellers, but not for Gypsies and Travellers, and in removing land from the Green Belt for non-Gypsies and Travellers, but not for Gypsies and Travellers, represents Indirect Discrimination, contrary to section 19 of the Equality Act, which states that:

(1) A person (A) discriminates against another (B) if A applies to B a provision, criterion or practice which is discriminatory in relation to a relevant protected characteristic of B's.

(2) For the purposes of subsection (1), a provision, criterion or practice is discriminatory in relation to a relevant protected characteristic of B's if—

(a) A applies, or would apply, it to persons with whom B does not share the characteristic,

(b) it puts, or would put, persons with whom B shares the characteristic at a particular disadvantage when compared with persons with whom B does not share it,

(c) it puts, or would put, B at that disadvantage, and

(d) A cannot show it to be a proportionate means of achieving a legitimate aim.

3.0 Q2 What process did the Council follow in seeking to meet the identified needs referred to above? How were potential sites identified and was this process robust?

3.1 In identifying (as far as it did) the above needs, the Council commissioned Opinion Research Services (ORS) to identify accommodation needs. As well as the failures in regard to the scale of need identified at paras 2.4 to 2.6 above, for the reasons at paras 3.2 to 3.5 of GATE's Reg 19 Representation, the GTAA was carried out in a way that substantially ignored the requirements to engage with Travellers as required by PPfTS para 7.

3.2 As explained at paras 2.9 to 2.11 above the Council failed to identify a supply of sites.

4.0 Q3 If the accommodation needs of 23 households (who were found in the GTAA not to meet the PPTS 2023 definition of gypsies and travellers) are intended to be met through 'bricks and mortar' accommodation, is that expressly accounted for in the Plan's housing requirement?

4.1 The Inspectors raise an important issue in this question. The Local Plan is being examined against the national policy framework, as it was at the time the Plan was submitted to the Secretary of State, including the definition of Gypsies and Travellers as it was in PPfTS, December 2023. However, for the following reasons the actual level of need will be significantly higher than the minimum suggested by the GTAA:

- Future planning applications will be determined against the wider definition of Gypsies and Travellers in PPfTS, December 2024, rather than PPfTS, December 2023;
- Pitches on social rented sites will be allocated on the basis of need, not the planning definition;
- Pitches on private rented sites will be let on the basis of family and friendship links and ability to pay, not the planning definition.

These factors mean that defining the pitch target based on PPfTS, December 2023, and making allocations on that basis will lead to under-provision.

4.2 The December 2024 change in definition of Gypsy and Traveller is particularly important in this context. The need in the GTAA was almost exclusively identified based on interviewing people living in caravans. Since the definition now includes: *'all other persons with a cultural tradition of nomadism or of living in a caravan'*, it would be difficult to argue that the assessment need should not include those in need, whose Gypsy status was undetermined, and those in need, who did not meet the 2023 definition. ORS make a related point at para 3.33 of the

GTAA that Romany Gypsies, Irish and Scottish Travellers may be able to clam a right to culturally appropriate accommodation under the Equality Act.

- 4.3 On that basis we have updated the table at para 4.18 of GATE's Regulation 19 Representation. It suggests a minimum need for 124 pitches to 2041. We would emphasise that this is before the inclusion of additional need from Travellers in housing and from revisiting over-crowding on sites.

Figure – : Minimum need for additional Gypsy and Traveller pitches by time period and source of need

	<i>Meet Planning Definition</i>	<i>Undetermined</i>	<i>Do not meet the Defintion</i>	<i>Family living roadside</i>	
2024 - 28	44	13	13	2	72
2029 - 33	12	2	4		18
2034 – 38	14	2	4		20
2039 - 41	10	2	2		14
<i>Total</i>	80	19	23	2	124

5.0 Overcrowding and the Ver Meadows Fire

- 5.1 The attached Annex (Herts G&T Letter 1 & 2) is a letter from Hertfordshire Gypsy & Traveller Service, which has been sent to one of our clients. Our understanding is that the letter has been sent following the Ver Meadows fire. It confirms the importance of making adequate provision to take account of overcrowding on the existing sites.

6.0 Availability of Public Funding

6.1 One of our underlying concerns in our evidence to the examinations is the lack of clarity about how the accommodation for Gypsies and Travellers will be delivered.

6.2 Of relevance to finding solutions to this issue is the information I received in an email of 19 September from Abbie Kirkby of Friends, Families and Travellers:

‘This week, the Housing and Planning Minister confirmed that the forthcoming Social and Affordable Homes Programme will include sites in the eligibility criteria. The news follows recent advocacy on this issue, including a joint letter (from FFT/TM/GATE Herts/Leeds GATE/Kushti Bok/York Travellers Trust/Gypsy Traveller Roma Friendly Churches) and a parliamentary question from an APPG member, to continue to press the point. Parliamentary Question [here](#), where the Housing and Planning Minister states: “Traveller sites fall within the scope of the new Social and Affordable Homes Programme, and we welcome bids to deliver new sites.”