



16th November 2022

Dear Mrs Mulloy

Copeland Borough Council Response to question regarding implications of Lisa Smith v SSLUHC [2022] EWCA Civ 1391

In response to your question regarding the above Court of Appeal decision, the Cumbrian authorities have received the following update from ORS, the consultants who undertook the Cumbria Gypsy and Traveller Accommodation Assessment:

“Having considered the outcomes of the judgement with a number of legal representatives of local authorities, the current views of ORS are:

- *As things currently stand PPTS (2015) and NPPF (2021) are still the statutory guidance that are in place – including the PPTS Annex 1 planning definition.*
- *That the DLUHC are likely to challenge the judgement.*
- *That GTAAs completed by ORS do consider the needs of all Travellers so it is unlikely that they will need to be revisited.*
- *That the likely outcomes moving forward are going to impact more on Local Plan Policies and Development Management for local authorities.*

As such, please rest assured that your GTAA is still a robust assessment of need for all Travellers and is able to deal with any changes to the planning definition of a Traveller that may be introduced as a result of the recent judgement.

We will continue to monitor the situation.”

Following this advice from our consultants we do not believe there is a need to review the assessment of Traveller site needs for the Local Plan.

Yours sincerely

Chris Hoban

Strategic Planning Manager