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Newham London

Newham 2027

Newham's Local Plan

Gypsy and Traveller Accommodation DPD

Adopted Version • September 2017

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Introduction

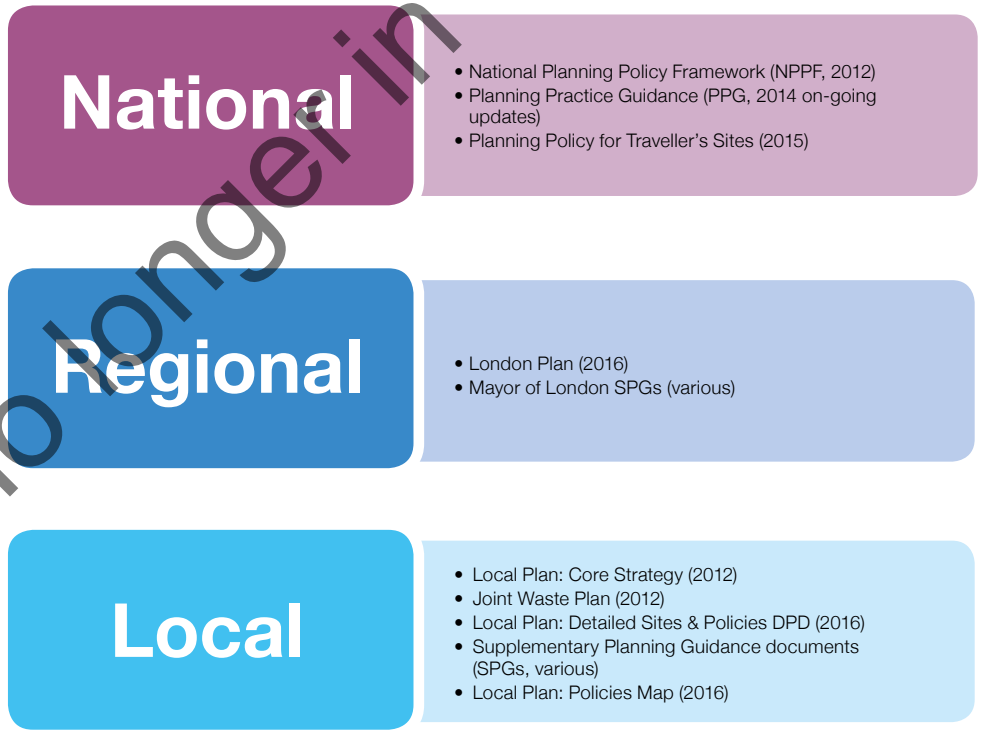
Policy Context

Planning Policy in Newham

The Council's Local Plan will shape the future of Newham. At present it comprises the Local Plan: Core Strategy (2012), the Local Plan: Detailed Sites and Policies Development Plan Document (2016), the Joint Waste Development Plan Document for the East London Waste Authority Boroughs (2012), the Local Plan: Policies Map (2016) as well as this document the Local Plan: Gypsy and Traveller Accommodation Development Plan Document (GTADPD, 2017).

The Local Plan must be consistent with a number of policy documents that will also have a hand in shaping Newham's future. These include national and regional policy documents and guidance as summarised in the diagram below, which shows the key elements of the planning context within which this document sits.

Reference should always be made to the Council's Local Plan page for the most up to date information.



Corporate policies

Newham's Local Plan is prepared with two key themes of corporate policy in mind, Convergence and Resilience, each summarised in the table below. All policies within the Local Plan seek to contribute to the achievement of the objectives set out by these agendas, particularly those which promote more and better jobs and homes in high quality environments, creating a more holistic approach to policy making and the delivery of the Council's vision.

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Convergence

What?

Convergence, established by the Olympic Host Boroughs Strategic Regeneration Framework (2009), is the objective of achieving socio-economic convergence between the host Boroughs and the London average for key indicators of deprivation within a 20-year timeframe.

Newham and the other five 'Growth Boroughs' (Greenwich, Tower Hamlets, Hackney, Barking & Dagenham, Waltham Forest), the communities who hosted the 2012 Olympic Games will have the same opportunities and quality of life as their neighbours across London.

How?

The Convergence Framework is organised across three themes, each with its own objectives and action plans:

- creating wealth and reducing poverty;
- supporting healthier lifestyles;
- developing successful neighbourhoods

More info

More information on the concept can be found in the document Newham's Legacy Story, available on the Council's website at:

http://www.newham.gov.uk/Documents/Business/NewhamLegacyStory.pdf

Resilience

What?

Resilience encapsulates the Mayor of Newham's approach to addressing the multiple challenges of being the second most deprived borough in the UK. It is defined as:

'much more than an ability to bounce back from a single damaging event. It is about possessing a set of skills and having access to the resources that allow us to negotiate the challenges that we all experience and that allow people to overcome the more difficult circumstances many of Newham and other boroughs' residents experience'

How?

The Resilience Agenda incorporates many aspects, including those addressed by Local Plan Policy:

- maintaining a strong local economy to get people into work;
- providing genuine housing options;
- improving the quality of the physical environment;
- improving people's health.

More info

More information can be found by searching 'resilience' on the Council's website, or at the page below:

http://www.newham.gov.uk/Pages/Services/Resilience.aspx

Introduction

Newham's Local Plan and Spatial Vision

Newham's Local Plan is guided by the Spatial Vision for the Borough up to 2027, set out within the Local Plan Core Strategy, adopted January 2012. The vision is for the Borough to become a place where people are more likely to choose to live, work and stay, with the Local Plan ensuring an ambitious regeneration programme is realised and that the benefits of development and growth are fully harnessed, leading to improvements to health and a reduction in deprivation and inequalities, bringing Newham more in line with the rest of London.

To achieve this, the Local Plan: Core Strategy comprises a number of spatial and core policies set across five major themes which are then continued by the policies of the Local Plan: Detailed Sites and Policies DPD (DSPDPD). Under the theme of 'homes' policies seek to deliver high quality housing and neighbourhoods to meet the needs of a growing population, ensuring delivery and protection of an appropriate mix of sizes, tenures and types of housing in the right locations, to achieve sustainable mixed and balanced communities.

Gypsy and Traveller Accommodation DPD

Following Independent Examination by the Planning Inspectorate on behalf of the Secretary of State, which took place between September 2016 and June 2017, this document is the final version of the Local Plan: Gypsy and Traveller Accommodation Development Plan Document (GTADPD) as found 'sound' by the Inspector. The DPD and Inspector's Report is available to view on the Council's website. https://www.newham.gov.uk/Pages/Services/Local- plan.aspx This GTADPD adds further policy to the 'homes' theme in relation to Gypsy and Traveller accommodation, in order to provide a clear policy framework for making decisions on applications regarding the provision of Gypsy and Traveller sites in the borough.

This policy is positively prepared in that it is based on a strategy that seeks to meet objectively assessed need, including unmet need from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development. The document is to be read and used in conjunction with the other documents of the Local Plan.

Romany Gypsies and Irish Travellers are recognised as having a protected characteristic under the Equality Act 2010. The Council has had due regard to the needs of these protected groups in formulating this policy. Public authorities are also under a duty through the Human Rights Act 1998 to facilitate the Gypsy way of life in relation to ethnic Gypsies.

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H8 Gypsy and Traveller Accommodation

Objective

Seek to ensure that the needs of Gypsies, Travellers and Travelling Showpersons are considered and that appropriate forms of accommodation are provided where the need for such accommodation has clearly been demonstrated and this aligns with the Spatial Vision

Policy

The Council will seek to ensure that the needs of Gypsies, Travellers and Travelling Showpersons are considered and that appropriate forms of accommodation are provided where the need for such accommodation has been clearly demonstrated and this aligns with the Spatial Vision.

To this end, provision to meet these needs of Gypsies, Travellers and Travelling Showpersons, including those for new sites and pitches will be supported where:

1. **Need is adequately demonstrated through either:**

   - **An up to date, robust needs assessment; or**
   - **verifiable evidence about personal circumstances relating to the definitions in national policy**

   in both cases taking into account how existing provision cannot meet the identified need.

2. **The site is not located in the Green Belt or Metropolitan Open Land, unless there are very special circumstances.**

3. **The site is located in flood zone 1 or exceptionally in flood zone 2 and is otherwise suitable for residential development and the associated necessary (primarily physical) infrastructure requirements will be made available as part of the development proposal as per the relevant paragraphs of policies S1, SP2, SP3, H1, SC3, SC5, INF8 and INF3.**

4. **The site will have safe access to the highway and will not result in any unacceptable impact on the capacity and environment of the highway network as per INF2: 6 & 8.**

5. **The site is in a sustainable location and in reasonable proximity to relevant services and facilities, including transport, education, healthcare and other community infrastructure provision as per INF2 and INF8: 1 and H1: 6.**

6. **The ability to achieve neighbourliness can be demonstrated in relation to the living conditions of current or future residents of the site and its interaction with its neighbours and neighbourhood, in accordance with Policy SP8.**

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7. **Proposals demonstrate high quality design, sensitive to local character in accordance with Policy SP1, SP2, SP3, SP5 and H1 and the relevant spatial policy for the area (S1 plus S2, S3, S4, S5 or S6).**

8. **Arrangements are put in place and included in an appropriately detailed management plan, to ensure the proper management of the site in line with the above policy requirements, in accordance with policy H6.**

Policy Links

S1 – S6, SP1, SP2, SP3, SP5, SP8, H1, H3, H5, H6, SC3, SC5, INF3, INF2, INF8

Reasoned Justification

In planning policy terms the travelling community comprises Gypsies, Travellers and Travelling Showpersons as defined by Planning Policy for Traveller Sites (PPTS 2015). Gypsies and Travellers are defined in the PPTS as 'Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such'. Travelling Showpersons are defined in the PPTS as 'Members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or their family's or dependants' more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily, but excludes Gypsies and Travellers as defined above'.

In determining whether persons are 'Gypsies and Travellers' for the purposes of this policy, consideration should be given to the following issues amongst other relevant matters:

a) Whether they previously led a nomadic habit of life;
b) The reasons for ceasing their nomadic habit of life;
c) Whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.

The PPTS requires Local Planning Authorities to identify and update annually a supply of specific deliverable sites sufficient to provide 5 years' worth of Gypsy and Traveller sites against their locally set targets and to identify a supply of specific, deliverable sites or broad locations for growth for years 6 – 10 and, where possible, for years 11 – 15. In order to inform the preparation of local plans, local planning authorities should use a robust evidence base to establish accommodation needs and should set pitch targets which address the likely permanent and transit site accommodation needs of gypsies and travellers in their area, working collaboratively with neighbouring local planning authorities. As such, the borough carried out the Gypsy and Traveller Accommodation Assessment 2016 (GTAA). This indicates that there is no identified need for the allocation of sites to meet the accommodation needs of Gypsies, Travellers and Travelling Showpersons within Newham

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during the plan period up until 2032. This is mainly because Gypsies and Travellers residing locally no longer lead a nomadic lifestyle and neighbouring boroughs have adequate provision to meet their needs.

In respect of those Gypsies and Travellers who do not lead a nomadic lifestyle, Newham will continue to assess and plan to meet their needs as part of its wider responsibilities to plan to meet the accommodation needs of its settled community.

In the absence of identified need for additional Gypsy and Traveller sites, in accordance with the PPTS[1], Policy H8 is a criteria-based policy which will provide the basis for decisions in the event that planning applications do come forward during the Plan period.

Policy H8, requires development proposals to satisfy a series of criteria that determine the site's capacity and suitability to provide Gypsy and Traveller accommodation in the configuration proposed.

First, proposals must be accompanied by robust up to date evidence to establish local need, seeking to ensure, in the context of a shortage of development sites and extensive mainstream housing need and in line with equivalent policies H5 and H3, that specialist accommodation for gypsies and travellers is only provided to meet identified needs that cannot otherwise be met by existing lawful (in Newham, protected by Policy H4) or planned (consented or Local Plan-allocated) provision in Newham or the neighbouring boroughs (the sub-region). The Council will ensure that an up to date evidence base in relation to gypsy and traveller need is maintained in line with Government guidance. Currently this comprises the GTAA, undertaken using a methodology developed by consultants in accordance with national planning policy and guidance, and evolving case law and Local Plan examination reports, with recognised quality assurance processes. In demonstrating need, should applicants seek to provide further evidence, where a new site incorporating multiple pitches is proposed, robust and verifiable documentation should be prepared in a manner that similarly responds to National planning policy, case law and guidance, taking into account requirements net of existing lawful or planned (consented or Local Plan allocated) provision in the sub-region. Where applicants seek an individual pitch or pitches to meet a single family group's need, a credible demonstration of personal circumstances relating to national policy definitions and the adequacy of existing lawful provision (including that with consent and allocated in a plan) in the sub-region should be provided

Secondly, the suitability of the site for use as a gypsy and traveller site is an important consideration. Green Belt and Metropolitan Open Land locations will not be acceptable unless very special circumstances exist, as per national and London Plan policy. Moreover caravans are regarded as a 'highly vulnerable use' in national flood risk policy and guidance, meaning they should not be stationed in flood zone 3 and should only be exceptionally located in flood zone 2. In addition, gypsy/traveller accommodation as with mainstream housing, requires sites of suitable quality in terms of other things, exposure to noise and other environmental pollutants and availability of supporting on site infrastructure. On site, [primarily physical] infrastructure requirements will range from conventional servicing such as waste management, to (potentially) specialist utility and communal spaces,

[1] PPTS paragraph 11

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and accommodation and access for large vehicles. All such needs should be set out and met on site through the proposed design and necessary management plans, demonstrating that they will deliver appropriate housing quality and highway safety, capacity and environmental quality and containing a level of detail proportionate to the scale of development proposed.

Thirdly, the site should be in a sustainable location and should be in reasonable proximity to local services and facilities. As with other residential development, in order to be considered 'accessible', such services and facilities should generally be within a 5 to 10 minute walk (400-800m taking into account barriers). The availability of services and facilities within this distance will be particularly relevant for larger proposals of 5 or more pitches. Community infrastructure needs will include health, education and transport links, but any proposal should set out specific consideration on this point, including any specialist needs.

Finally, to aid the delivery of sustainable communities, and quality place-making, 3 criteria require proposals (as with any development proposals) to consider the amenity of new residents and impacts on surrounding communities or other neighbours/neighbouring land uses such as businesses and open space in line with relevant spatial and design policies. In doing so, regard will be had to community cohesion and good design principles such as integration, ensuring no adverse impacts arise from new development. As with all types of development, Gypsy-Traveller accommodation is expected to contribute to the spatial vision for the area.

Implementation & Monitoring

Policy will be implemented via the development management process. Applicants will be encouraged to engage with the Pre-application service where advice can be given, amongst other things, on the suitability of any proposed needs assessment methodology. Proposals should be accompanied by statements that set out how quality design and place-making considerations have been addressed, together with access requirements within the site and to facilities outside it. A management plan will set out how features such as communal infrastructure are managed on an ongoing basis so as to maintain neighbourliness within and beyond the site and ensure housing quality and amenity for residents; this should be proportionate to the scale of the development proposed.

Where appropriate, financial and non-financial planning obligations will be sought in accordance with the Planning Obligations and Development Viability SPD to secure the provision, operation of, and maintenance/ management of site specific infrastructure and the mitigation of any environmental impacts arising from development necessary to make the development acceptable in planning terms.

Given that the need for Gypsy-Traveller accommodation is not always confined to particular local authority boundaries, the Council will continue to engage with neighbouring Local Planning Authorities to ensure that sub-regional need is appropriately addressed and provided for. Delivery of specialist housing, including traveller accommodation, will be monitored through the annual Authority Monitoring Report Housing Bulletin.

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Monitoring and continuing engagement with internal and external stakeholders including representatives of the local gypsy, traveller and travelling showpeople community will inform the review of the evidence base and assessment of whether that evidence base and associated policy remain up to date.

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Abbreviations & Glossary

Abbreviations

AMR: Authority Monitoring Report
DPD: Development Plan Document
GTAA: Gypsy and Traveller Accommodation Assessment
IIA: Integrated Impact Assessment
LBN: London Borough of Newham
LDS: Local Development Scheme
LPA: Local Planning Authority
NPPF: National Planning Policy Framework
SCI: Statement of Community Involvement
SPD/G: Supplementary Planning Document/Guidance
SoS: Secretary of State

Glossary

The following definitions have been taken from Planning Policy for Travellers Sites (DCLG, 2015) and are specifically for the purposes of planning policy.

Gypsies and Travellers are persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

Travelling Showpeople are members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or their family's or dependants' more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily, but excludes Gypsies and Travellers as defined above.

Pitch means a residential pitch on a "Gypsy and Traveller" site.

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