

# Newham

## Gypsy and Traveller Accommodation Assessment



Final Report  
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### **Important Note**

The Government issued a revised Planning Policy for Traveller Sites (PPTS) in August 2015. This included a change in the definition of Gypsies, Traveller and Travelling Showpeople for planning purposes.

As the new guidance has only recently been released it is unclear at this point what all of the practical implications are, or whether the change in definition will be the subject of any legal challenges.

Key issues set out in the Housing and Planning Bill may also impact on the assessment of accommodation needs for members of the Travelling Community.

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# 1. Executive Summary

## Introduction and Methodology

- 1.1 The primary objective of the 2016 Gypsy and Traveller Accommodation Assessment (GTAA) is to provide a robust assessment of current and future need for Gypsy, Traveller and Travelling Showpeople accommodation in the London Borough of Newham. The GTAA provides a robust and credible evidence base which can be used to inform the preparation of local plans and make planning decisions for the period to 2027 (with an additional 5 years to 2032).
- 1.2 The GTAA has sought to understand the accommodation needs of the Gypsy, Traveller and Travelling Showpeople population in Newham through a combination of desk-based research, stakeholder interviews and engagement with members of the Travelling Community. A total of 15 interviews were completed with Gypsies and Travellers living on the authorised public site. No Travelling Showpeople were identified living in Newham. Following work undertaken with the London Gypsy and Traveller Unit it was possible to complete an interview with 1 Traveller household living in bricks and mortar. A total of 13 telephone interviews were completed with Officers from the Newham, Officers from neighbouring Boroughs, housing associations, and organisations representing members of the Travelling Community.
- 1.3 The fieldwork for the study was completed in October and November 2015, which was after the publication of the new Planning Policy for Traveller Sites (PPTS). This included a change to the definition of a Traveller for planning purposes. As a result of this change questions to enable the determination of the travelling status of households were included in the household interviews.

## Gypsy and Traveller Future Pitch Provision

- 1.4 Based upon the evidence presented in this study the estimated additional pitch provision needed to 2027 for Gypsies and Travellers in Newham who meet the new definition of a Traveller is for **no additional pitches**. There is also no additional need for pitches for the period 2027-2032.
- 1.5 However it was clear from the fieldwork that there are current and future accommodation needs associated with the households who do not meet the new definition of a Traveller and these needs will still need to be considered by the Council through its overall assessment of housing need undertaken through the Strategic Housing Market Assessment. In addition given that there were Romany and Irish Gypsy households identified as living on the sites and in bricks and mortar – the Council will also need to consider how to meet the needs of these households as they are covered by equality legislation through their ethnic group being a protected characteristic.

## Transit Sites

- 1.6 Given the limited levels of unauthorised encampments over recent years that have been identified in Newham, it is recommended that there is **not a need for the Council to deliver any new transit provision at this time**. However the situation should be closely monitored with neighbouring Boroughs during the GTAA plan period.

## Travelling Showpeople Requirements

- 1.7 As there were no Travelling Showpeople identified as living or requiring accommodation in Newham there is not a need for the Council to make any provision to meet need, other than managing any Showpeople who may visit the Borough to run fairs.

## 2. Introduction

### The Study

- 2.1 Opinion Research Services (ORS) were appointed by the London Borough of Newham (the Council) in September 2015 to complete a robust and up-to-date needs assessment of accommodation for Gypsies, Travellers and Travelling Showpeople for the remainder of the local plan period to 2027, and for a further 5 years to 2032.
- 2.2 The study provides an evidence base to enable the Council to comply with their requirements towards Gypsies, Travellers and Travelling Showpeople under the Housing Act 2004, the National Planning Policy Framework (NPPF) 2012, Planning Practice Guidance (PPG), and Planning Policy for Traveller Sites (PPTS) 2015.
- 2.3 The GTAA provides a robust assessment of potential need for Gypsy, Traveller and Travelling Showpeople accommodation in Newham. It is a robust and credible evidence base which can be used to aid the preparation of local plans and to make planning decisions for the period to 2027 (with an addition 5 years to 2032). As well as seeking to identify whether there are any current and future permanent accommodation needs, it will also seek to identify whether or not the Council needs to plan for the provision of transit sites or emergency stopping places.
- 2.4 We would note at the outset that the study covers the needs of Gypsies (including English, Scottish, Welsh and Romany Gypsies), Irish Travellers, New (Age) Travellers, and Travelling Showpeople, but for ease of reference we have referred to the study as a Gypsy and Traveller (and Travelling Showpeople) Accommodation Assessment (GTAA).
- 2.5 The baseline date for the study is **November 2015**.

### Local Development Framework in Newham

- 2.6 The Local Plan Core Strategy is a key document in the Local Plan for Newham. This will replace the Unitary Development Plan. The Local Plan Core Strategy which sets out the strategic objectives for Newham was adopted in January 2012. This does not contain a specific policy addressing the needs of Gypsies and Travellers but *Policy H3 Specialist Accommodation Needs* does state that:

*Site provision for Gypsies and Travellers to meet the required number of pitches identified in the Gypsy and Traveller Needs Assessment (GTNA), will be progressed through the Detailed Sites and Policies DPD.*
- 2.7 The Detailed Sites and Policies DPD (DSPDPD) Proposed Submission Draft was submitted to the Planning Inspectorate in December 2015 and an examination is expected to be held sometime in spring 2016. This does not include any policies addressing the needs of Gypsies and Travellers.

- 2.8 Following the examination of Newham's Local Plan Core Strategy, the Planning Inspectorate required a specific reference in that document to the need to meet national policy in relation to Gypsies and Travellers in order for the document to be found sound, and proceed to adoption. The reference was to inclusion within the Detailed Sites and Policies DPD, but as an alternative the Council is in the process of preparing a separate Gypsy and Traveller Accommodation DPD following the completion of this GTAA study.

## Definitions

- 2.9 As things currently stand it is understood that there are 3 definitions for a Gypsy, Traveller or Travelling Showperson. The PPTS (2015) 'planning' definition, the Housing Act (2004) 'housing' definition, and the Equality Act (2010) 'equalities' definition (which only applies only to Romany, Irish and Scottish Travellers as an ethnic group).
- 2.10 In their response to the consultation on Planning and Travellers DCLG stated that the Government will, when parliamentary time allows, seek to amend primary legislation to clarify the duties of local authorities to plan for the housing needs of their residents. This is set out in the current Housing and Planning Bill which is seeking to omit sections 225 and 226 of the 2004 Housing Act and this should bring the Housing Act definition in line with the PPTS definition.
- 2.11 Provisions set out in the Housing and Planning Bill are also seeking to include a requirement to assess the needs of people living on sites on which caravans can be stationed, or on places on inland waterways where houseboats can be moored, under S8 of the 1985 Housing Act that covers the requirement for a periodical review of housing needs – through the wider Strategic Housing Market Assessment (SHMA).
- 2.12 Another key issue is that there may also be Romany, Irish and Scottish Travellers who no longer travel so will not fall under the Planning or Housing definition, but Council's may still need to meet their needs through the provision of culturally suitable housing under the requirements of the Equality Act.

## The 'Planning Definition' in PPTS

- 2.13 For the purposes of the planning system, the definition was changed in the revised Planning Policy for Traveller Sites (PPTS) that was issued by the Government in August 2015. The new definition is set out in Annex 1 of the Guidance and states that:

*For the purposes of this planning policy "gypsies and travellers" means:*

*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.*

*In determining whether persons are "gypsies and travellers" for the purposes of this planning 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.*

*For the purposes of this planning policy, “travelling showpeople” means:*

*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.*

(Planning Policy for Traveller Sites, Department for Communities and Local Government (DCLG), August 2015)

- <sup>2.14</sup> The key change that was made to both definitions was the removal of the term *persons...who have ceased to travel permanently*. Meaning that those who have ceased to travel permanently will not now fall under the planning definition of a Traveller for the purposes of assessing accommodation need in a GTAA.

### **The ‘Housing Definition’ in the Housing Act 2004**

- <sup>2.15</sup> Section 225 of the 2004 Housing Act states that

*Every local housing authority must, when undertaking a review of housing needs in their district under section 8 of the Housing Act 1985 (c. 68), carry out an assessment of the accommodation needs of gypsies and travellers residing in or resorting to their district...gypsies and travellers has the meaning given by regulations made by the appropriate national authority.*

- <sup>2.16</sup> The definition of Gypsies and Travellers as referred to at Section 225 of the Act is that set out for the purposes of planning by the Secretary of State for Communities and Local Government. Therefore the definition of ‘gypsies and travellers’ for this purpose is specified in ‘The Housing (Assessment of Accommodation Needs) (Meaning of Gypsies and Travellers) (England) Regulations 2006’ (Statutory Instrument: 2006 No. 3190).

*The following definition of “gypsies and travellers” should now be used:*

*(a) persons with a cultural tradition of nomadism or living in a caravan; and*

*(b) all other persons of a nomadic habit of life, whatever their race or origin, including:*

*(i) such 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 showpeople or circus people (whether or not travelling together as such).*

## The 'Equality Act' 2010 Definition

- 2.17 The courts have determined that Romany Gypsies and Irish and Scottish Travellers are protected against race discrimination because they are included under the Protected Characteristics as an ethnic group. Culturally suitable housing should be provided for this group.

## Definition of Travelling

- 2.18 One of the most important questions that GTAAAs will need to address in terms of applying the new definition is *what constitutes travelling?* This has been determined through case law that has tested the meaning of the term '*nomadic*'.
- 2.19 *R v South Hams District Council (1994)* – defined Gypsies as “*persons who wander or travel for the purpose of making or seeking their livelihood (not persons who travel from place to place without any connection between their movements and their means of livelihood.)*” This includes ‘born’ Gypsies and Travellers as well as ‘elective’ Travellers such as New Age Travellers.
- 2.20 In *Maidstone BC v Secretary of State for the Environment and Dunn (2006)*, it was held that a Romany Gypsy who bred horses and travelled to horse fairs at Appleby, Stow-in-the-Wold and the New Forest, where he bought and sold horses, and who remained away from his permanent site for up to two months of the year, at least partly in connection with this traditional Gypsy activity, was entitled to be accorded Gypsy status.
- 2.21 In *Greenwich LBC v Powell (1989)*, Lord Bridge of Harwich stated that a person could be a statutory Gypsy if he led a nomadic way of life *only seasonally*.
- 2.22 The definition was widened further by the decision in *R v Shropshire CC ex p Bungay (1990)*. The case concerned a Gypsy family that had not travelled for some 15 years in order to care for its elderly and infirm parents. An aggrieved resident living in the area of the family’s recently approved Gypsy site sought judicial review of the local authority’s decision to accept that the family had retained their Gypsy status even though they had not travelled for some considerable time. Dismissing the claim, the judge held that a person could remain a Gypsy even if he or she did not travel, provided that their nomadism was held in abeyance and not abandoned.
- 2.23 That point was revisited in the case of *Hearne v National Assembly for Wales (1999)*, where a traditional Gypsy was held not to be a Gypsy for the purposes of planning law as he had stated that he intended to abandon his nomadic habit of life, lived in a permanent dwelling and was taking a course that led to permanent employment.
- 2.24 It is ORS’ understanding that the implication of these rulings in terms of applying the new definition is that it will include those who travel but also have a permanent site or place of residence, but that it will not include those who travel for purposes other than work – such as visiting horse fairs and visiting friends or relatives. It will in the view of ORS also not cover those who commute to work daily from a permanent place of residence.
- 2.25 It will also be the case in our view that a household where some family members travel for nomadic purposes on a regular basis, but where other family members stay at home to look after children in

education, or other dependents with health problems etc. the household unit would be defined as travelling under the new definition.

- <sup>2.26</sup> Households will also fall under the new definition if they can demonstrate that they have ceased to travel temporarily as a result of their own or their family's or dependants' educational or health needs or old age. In order to have ceased to travel temporarily these households will need to demonstrate that they have travelled in the past. In addition households may also have to demonstrate that they plan to travel again in the future.

## Legislation and Guidance for Gypsies and Travellers

- <sup>2.27</sup> Decision-making for policy concerning Gypsies, Travellers and Travelling Showpeople sits within a complex legislative and national policy framework and this study must be viewed in the context of this legislation and guidance. For example, the following pieces of legislation and guidance are relevant when developing policies relating to Gypsies, Travellers and Travelling Showpeople:

- » Planning Policy for Traveller Sites (PPTS), 2015
- » National Planning Policy Framework (NPPF), 2012
- » Planning Practice Guidance (PPG), 2014
- » Gypsy and Traveller Accommodation Needs Assessments Guidance, 2007
- » The Human Rights Act 1998 (when making decisions and welfare assessments)
- » The Town and Country Planning Act, 1990
- » Criminal Justice and Public Order Act, 1994
- » Anti-social Behaviour Act, 2003
- » Planning and Compulsory Purchase Act, 2004
- » Housing Act, 2004
- » Housing Act, 1996 (in respect of homelessness).

- <sup>2.28</sup> To focus on Gypsies and Travellers, the Criminal Justice and Public Order Act 1994 is particularly important with regard to the issue of planning for Gypsy and Traveller site provision. This repealed the duty of Local Authorities from the Caravans Act 1968 to provide appropriate accommodation for Gypsies and Travellers. However, at this time Circular 1/94 did support maintaining existing sites and stated that appropriate future site provision should be considered.

- <sup>2.29</sup> For site provision, the previous Government guidance focused on increasing site provision for Gypsies and Travellers and Travelling Showpeople and encouraged Local Authorities to have a more inclusive approach within their Housing Needs Assessment. The Housing Act 2004 Section 225 requires Local Authorities to identify the need for Gypsy and Traveller sites, alongside the need for other types of housing, when conducting Housing Needs Surveys. Therefore, all Local Authorities were required to undertake accommodation assessments for Gypsies and Travellers and Travelling Showpeople either as a separate study such as this one, or as part of their main Housing Needs Assessment.

<sup>2.30</sup> The primary guidance for undertaking the assessment of housing need for Gypsies, Travellers and Travelling Showpeople is set out in the revised Planning Policy for Traveller Sites (PPTS) that was published in August 2015. It should be read in conjunction with the National Planning Policy Framework (NPPF).

### **Planning Policy for Traveller Sites (PPTS) 2015**

<sup>2.31</sup> The revised PPTS, which came into force in August 2015, sets out the direction of Government policy. As well as introducing the new definition of a Traveller, PPTS is closely linked to the NPPF. Among other objectives, the aims of the policy in respect of Traveller sites are (PPTS Paragraph 4):

- » *Local planning authorities should make their own assessment of need for the purposes of planning.*
- » *To ensure that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites.*
- » *To encourage local planning authorities to plan for sites over a reasonable timescale.*
- » *That plan-making and decision-taking should protect Green Belt from inappropriate development.*
- » *To promote more private Traveller site provision while recognising that there will always be those Travellers who cannot provide their own sites.*
- » *That plan-making and decision-taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more effective.*
- » *For local planning authorities to ensure that their Local Plan includes fair, realistic and inclusive policies.*
- » *To increase the number of Traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply.*
- » *To reduce tensions between settled and Traveller communities in plan-making and planning decisions.*
- » *To enable provision of suitable accommodation from which Travellers can access education, health, welfare and employment infrastructure.*
- » *For local planning authorities to have due regard to the protection of local amenity and local environment.*

<sup>2.32</sup> In practice, the document states that (PPTS Paragraph 9):

- » *Local planning authorities should set pitch targets for Gypsies and Travellers and plot targets for Travelling Showpeople, which address the likely permanent and transit site accommodation needs of Travellers in their area, working collaboratively with neighbouring local planning authorities.*

<sup>2.33</sup> PPTS goes on to state (Paragraph 10) that in producing their Local Plan local planning authorities should:

- » *Identify and annually update a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set targets.*

- » *Identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15.*
- » *Consider production of joint development plans that set targets on a cross-authority basis, to provide more flexibility in identifying sites, particularly if a local planning authority has special or strict planning constraints across its area (local planning authorities have a duty to cooperate on strategic planning issues that cross administrative boundaries).*
- » *Relate the number of pitches or plots to the circumstances of the specific size and location of the site and the surrounding population's size and density.*
- » *Protect local amenity and environment.*

<sup>2.34</sup> Local Authorities now have a duty to ensure a 5 year land supply to meet the identified needs for Traveller sites. However, 'Planning Policy for Traveller Sites' also notes in Paragraph 11 that:

- » *Where there is no identified need, criteria-based policies should be included to provide a basis for decisions in case applications nevertheless come forward. Criteria-based policies should be fair and should facilitate the traditional and nomadic life of Travellers, while respecting the interests of the settled community.*

## **Tackling Inequalities for Gypsy and Traveller Communities**

<sup>2.35</sup> In April 2012 the Government issued a document relating to Gypsies and Travellers titled 'Progress report by the ministerial working group on tackling inequalities experienced by Gypsies and Travellers' (DCLG April 2012).

<sup>2.36</sup> The aforementioned report contains 28 commitments to help improve the circumstances and outcomes for Gypsies and Travellers across a range of areas including:

- » *Identifying ways of raising educational aspirations and attainment of Gypsy, Roma and Traveller children.*
- » *Identifying ways to improve health outcomes for Gypsies and Travellers within the proposed new structures of the NHS.*
- » *Encouraging appropriate site provision; building on £60 million Traveller Pitch Funding and New Homes Bonus incentives.*
- » *Tackling hate crime against Gypsies and Travellers and improving their interaction with the criminal justice system.*
- » *Improving knowledge of how Gypsies and Travellers engage with services that provide a gateway to work opportunities, and working with the financial services industry to improve access to financial products and services.*
- » *Sharing good practice in engagement between Gypsies and Travellers and public service providers.*

## 3. Methodology

- 3.1 This section sets out the methodology that has been followed to deliver the outputs for this study. Over the past 10 years ORS has developed a methodology which provides the required outputs from a Gypsy and Traveller (and Travelling Showpeople) Accommodation Assessment and this has been updated in light of the revised PPTS, as well as a number of Ministerial Statements, including particular references to new household formation rates. This is an evolving methodology that has been adaptive to recent changes in planning policy and guidance, as well as the outcomes of Local Plan Examinations and Planning Appeals. More recently ORS were approached by the Welsh Government to provide advice to support the development of new Gypsy and Traveller Policy for Wales on the basis of our detailed work to identify an evidence base for household formation for the Gypsy and Traveller population in the UK. ORS also have considerable experience in undertaking GTAA studies across the UK having completed studies for over 120 local authorities since the first PPTS was published in 2012. These have involved over 2,500 household interviews across over 1,000 sites and yards.
- 3.2 The revised PPTS contains a number of requirements for local authorities which must be addressed in any methodology. This includes the need to pay particular attention to early and effective community engagement with both settled and traveller communities (including discussing travellers' accommodation needs with travellers themselves); identification of permanent and transit site accommodation needs separately; working collaboratively with neighbouring local planning authorities; and establishing whether households fall within the new definition for Gypsies, Travellers and Travelling Showpeople.
- 3.3 The stages below provide a summary of the methodology that was used to complete this study. More information on each stage is provided in the appropriate sections of this report.

### Glossary of Terms

- 3.4 A Glossary of Terms can be found in **Appendix A**.

### Stage 1: Desk-Based Research

- 3.5 At the outset of the project ORS researched the background to the Gypsy, Traveller and Travelling Showpeople population in Newham. This comprised the collation of a range of important secondary data from the following available sources:
- » Census data.
  - » Details of all authorised sites and yards.
  - » Traveller Caravan Counts.
  - » Records of any unauthorised sites and encampments.

- » Relevant information from planning, housing, education, community safety, environmental health and health services.
- » Information on planning applications and appeals.
- » Information on any other current enforcement actions.
- » Existing GTAAs and other relevant local studies.
- » Existing policy, guidance and best practice.

3.6 This data was used to inform the stakeholder interviews and fieldwork and has also been analysed in conjunction with the outcomes of the other elements of the study to allow ORS to complete a thorough review of the needs of Travelling Communities in Newham.

## Stage 2: Stakeholder Engagement

3.7 This study included extensive local stakeholder engagement. This involved a series of in-depth telephone interviews with council officers from the following departments: Planning Policy and enforcement; housing and parks and open spaces, three with representatives of the following housing associations: Notting Hill Housing Group, Peabody and Pinnacle PSG Limited and two with representatives of the London Gypsy and Traveller Unit and Showmen's Guild (London Section). In addition an interview was completed with the Councils Lead Member for Regeneration and Planning.

3.8 The stakeholder interviews covered the following key topics:

- » What dealings or relationships people have with Gypsies, Travellers and Travelling Showpeople.
- » Experiences of any particular issues in relation to Gypsies, Travellers and Travelling Showpeople.
- » Awareness of any Gypsy and Traveller sites and Travelling Showpeople yards either with or without planning permission and whether this varies over the course of a year.
- » Any trends people may be experiencing with regard to Gypsies, Travellers and Travelling Showpeople (e.g. increase in privately owned sites or temporary sites).
- » What attracts Gypsies, Travellers and Travelling Showpeople to an area.
- » Identification of any seasonal fluctuations that may occur.
- » Awareness of any occurrences of temporary stopping by Travellers.
- » Identifying the relationship between the settled and travelling communities.
- » Awareness of any Travellers currently residing in bricks and mortar accommodation.
- » Awareness of any cross boundary issues.
- » Any other comments on the Gypsy, Traveller and Travelling Showpeople community in the study area.

### Stage 3: Working Collaboratively with Neighbouring Planning Authorities

<sup>3.9</sup> Interviews were also conducted with officers from neighbouring planning authorities. The interviews ensure that the GTAA addresses wider issues that may impact on the outcomes of the study. These stakeholders were identified as part of the desk-based review and in conjunction with officers from the Council. Interviews were conducted with officers from the following neighbouring Boroughs and covered the same broad issues as the local stakeholder interviews. It was not possible to conduct an interview with officers from Redbridge, however it is understood that Newham Council is engaged in ongoing Duty to Co-operate discussions with them in any case.

- |                        |                  |
|------------------------|------------------|
| » Barking and Dagenham | » Waltham Forest |
| » Hackney              | » LLDC           |
| » Tower Hamlets        | » Greenwich      |

### Stage 4: Survey of Travelling Communities

<sup>3.10</sup> Through the desk-based research and stakeholder interviews ORS sought to identify all authorised and unauthorised sites and encampments in Newham. This work identified 1 public site, no private sites, and no unauthorised sites. In addition no Travelling Showpeople yards were identified. Full details of the sites can be found in **Appendix B**.

<sup>3.11</sup> ORS worked closely with the Council to ensure that the Site Record Form would collect all the necessary information to support the study. This form has been updated to take account recent changes to PPTS to collect the information ORS feel is necessary to apply the new household definition.

<sup>3.12</sup> ORS sought to undertake a full demographic study of all occupied pitches as our experience suggests that a sample based approach very often leads to an under-estimate of current and future needs which can be the subject of challenge at subsequent appeals and examinations. All occupied pitches were visited by experienced ORS researchers who conducted interviews with as many residents as possible to determine their current demographic characteristics, whether they have any current or likely future accommodation needs and how these may be addressed, whether there are any concealed households or doubling-up, and their travelling characteristics (to meet the new requirements in PPTS). Staff also sought to identify contacts living in bricks and mortar to interview. The Site Record Form can be found in **Appendix C**.

<sup>3.13</sup> All of the site fieldwork was undertaken during October and November 2015.

### Stage 5: Bricks and Mortar Households

<sup>3.14</sup> In our experience many Planning Inspectors and Appellants question the accuracy of GTAA assessments in relation to those Gypsies and Travellers living in bricks and mortar accommodation who may wish to move on to a site. ORS feel that the only practical approach is to take all possible measures to identify as many households in bricks and mortar who may want to take part in an interview to determine their future accommodation needs, including a wish to move to a permanent pitch in the study area.

<sup>3.15</sup> Contacts in bricks and mortar were sought through a wide range of sources including speaking with people living on existing sites to identify any friends or family living in bricks and mortar who may wish to move to



a site, intelligence from the Council and other local stakeholders including the London Gypsy and Traveller Unit. In addition a drop-in session was held in Newham in conjunction with the LGTU.

- 3.16 Through this approach we endeavoured to do everything within our means to publicise that a local study was being undertaken in order to give all households living in bricks and mortar who may wish to move on to a site the opportunity to make their views known to us.
- 3.17 As a rule we do not extrapolate the findings from our fieldwork with Gypsies and Travellers living in bricks and mortar households up to the estimated Gypsy and Traveller bricks and mortar population as a whole, and work on the assumption that those wishing to move will make their views known to us based on the wide range of publicity that we put in place.

### Stage 6: Current and Future Pitch/Plot Needs

- 3.18 The primary change to the 2015 PPTS in relation to the assessment of need is the change in the definition of a Gypsy, Traveller or Travelling Showperson for planning purposes. ORS have prepared a detailed Briefing Note that sets out our views on how these changes may impact on needs assessments and this can be found in **Appendix D**. Through the site interviews ORS sought to collect information necessary to assess each household against the new definition. As the new PPTS has only recently been issued decisions are still being awaited from the Planning Inspectorate on how the new definition should be applied, and also it is understood that there have been a number of any legal challenges made to the change in definition that have yet to be determined.
- 3.19 To identify need, PPTS requires an assessment for current and future pitch requirements, but does not provide a methodology for this. However, as with any housing assessment, the underlying calculation can be broken down into a relatively small number of factors. In this case, the key issue is to compare the supply of pitches available for occupation with the current and future needs of the population. The key factors in each of these elements are set out below. This approach will only be applied to those households that fall under the new definition of a Traveller.
- 3.20 Whilst households who do not travel fall outside the new definition of a Traveller, Romany households and Irish and Scottish Travellers continue to have a cultural need and right to a caravan site under the Equalities Act 2010. Provisions set out in the new Housing and Planning Bill are also seeking to include a requirement to assess the needs of people living on sites on which caravans can be stationed, or on places on inland waterways where houseboats can be moored, under S8 of the 1985 Housing Act that covers the requirement for a periodical review of housing needs. The implication is therefore that the housing needs of any Gypsy and Traveller households who do not meet the new definition of a Traveller will need to be assessed as part of the wider housing needs of the area through the SHMA process. As ORS are also completing the SHMA for Newham in parallel with the GTAA work will be undertaken to ensure that arrangements are in place to properly address the needs of these households.
- 3.21 There are a number of additional points to consider when seeking to address the needs of those Gypsy and Traveller households who do not meet the new definition.

- 3.22 An April 2015 High Court Judgement, *Wenman v SSCLG and Waverley Borough Council*, has clarified the relationship between Gypsy and Traveller and Travelling Showpeople Needs Assessments and OAN. At paragraphs 42 and 43, the Judgement notes:

*“42. However, under the PPTS, there is specific provision for local planning authorities to assess the need for gypsy pitches, and to provide sites to meet that need, which includes the requirement to “identify, and update annually, a supply of specific deliverable sites sufficient to provide five years’ worth of sites against their local set targets” (paragraph 9(a)). These provisions have a direct parallel in paragraph 47 NPPF which requires local planning authorities to use their evidence base to ensure that the policies in their Local Plan meet the full objectively assessed needs for housing in their area, and requires, inter alia, that they “identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of housing”.*

*“43. The rationale behind the specific requirement for a five year supply figure under paragraph 9 PPTS must have been to ensure that attention was given to meeting the special needs of travellers. Housing provision for this sub-group was not just to be subsumed within the general housing supply figures for the area. Therefore it seems to me most unlikely that the housing needs and supply figures for travellers assessed under the PPTS are to be included in the housing needs and supply figures under paragraph 47 NPPF, as this would amount to double counting.”*

- 3.23 Along with retaining the requirement for local authorities to assess their own needs for Gypsies and travellers, PPTS, August 2015, paragraph 10(a) retains the requirement to: *“identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years’ worth of sites against their locally set targets”*.
- 3.24 ORS agreed that the position proposed by the judgement is correct in that Gypsy and Traveller and Travelling Showpeople households will form part of the household projections, concealed households and market signals which underwrite the OAN calculation. The needs of these households will be counted as part of the overall OAN; therefore any needs identified as part of the GTAA will be a component of, and not additional to, the OAN figure that will be identified in the SHMA. This includes both Gypsies and Travellers who meet the new planning definition and also those who no longer travel. This also means that any land supply for pitches and plots should be counted towards the general 5-year land supply as the needs the Council will need to address are included within the housing OAN.

### Applying the New Definition

- 3.25 The outcomes from the questions in the household survey on travelling were used to determine the status of each household against the new definition in PPTS. Only those households that meet the new definition will form the components of need to be assessed in the GTAA:
- » Households that travel under the new definition.
  - » Households that have ceased to travel temporarily under the new definition.

### Supply of Pitches

- 3.26 Supply of pitches is made up of the following components:

- » Current vacant pitches.
- » Pitches currently with planning consent due to be developed within the study period (unimplemented sites).
- » Pitches to be vacated by households moving to bricks and mortar.
- » Pitches to be vacated by households moving from the study area (out-migration).

## Current Need

<sup>3.27</sup> Total current need, which is not necessarily the need for additional pitches because they may be able to be addressed by space available in the study area, is made up of the following. It is important to address issues of double counting:

- » Households on unauthorised sites or encampments for which planning permission is not expected.
- » Concealed households/doubling-up/over-crowding.
- » Households in bricks and mortar wishing to move to sites or yards.
- » Households on waiting lists for public sites.

## Future Need

<sup>3.28</sup> Total future need is the sum of the following three components:

- » Households living on sites with temporary planning permissions.
- » Population and household growth.
- » Movement to sites (in-migration).

<sup>3.29</sup> All of these components of supply and need are presented in easy to understand tables which identify the overall net need for current and future accommodation for Gypsies and Travellers. This has proven to be a robust model for identifying needs. The residential and transit pitch needs for Gypsies and Travellers are identified separately.

## Stage 7: Conclusions

<sup>3.30</sup> This stage of the study will draw together the evidence from Stages 1 to 6 to provide an overall summary of the accommodation needs for Gypsies and Travellers in Newham.

## 4. Gypsy, Traveller and Travelling Showpeople Sites and Population

### Introduction

- 4.1 One of the main considerations of this study is provide evidence to support the provision of pitches and plots to meet the current and future accommodation needs of Gypsies and Travellers and Travelling Showpeople. A pitch is an area which is large enough for one household to occupy and typically contains enough space for one or two caravans, but can vary in size. A site is a collection of pitches which form a development exclusively for Gypsies and Travellers. For Travelling Showpeople, the most common descriptions used are a plot for the space occupied by one household and a yard for a collection of plots which are typically exclusively occupied by Travelling Showpeople. Throughout this study the main focus is upon how many extra pitches for Gypsies and Travellers and plots for Travelling Showpeople are required in Newham.
- 4.2 The public and private provision of mainstream housing is also largely mirrored when considering Gypsy and Traveller accommodation. One common form of a Gypsy and Traveller site is the publicly-provided residential site, which is provided by a Local Authority or by a Registered Provider (usually a Housing Association). Pitches on public sites can be obtained through signing up to a waiting list, and the costs of running the sites are met from the rent paid by the licensees (similar to social housing).
- 4.3 The alternative to public residential sites are private residential sites and yards for Gypsies, Travellers and Travelling Showpeople. These result from individuals or families buying areas of land and then obtaining planning permission to live on them. Households can also rent pitches on existing private sites. Therefore, these two forms of accommodation are the equivalent to private ownership and renting for those who live in bricks and mortar housing. Generally the majority of Travelling Showpeople yards are privately owned and managed.
- 4.4 The Gypsy, Traveller and Travelling Showpeople population also has other forms of sites due to its mobile nature. Transit sites tend to contain many of the same facilities as a residential site, except that there is a maximum period of residence which can vary from a few days or weeks to a period of months. An alternative to a transit site is an emergency or negotiated stopping place. This type of site also has restrictions on the length of time someone can stay on it, but has much more limited facilities. Both of these two types of site are designed to accommodate, for a temporary period, Gypsies, Travellers and Travelling Showpeople whilst they travel. A number of authorities also operate an accepted encampments policy where short-term stopovers are tolerated without enforcement action.
- 4.5 Further considerations for the Gypsy and Traveller population are unauthorised developments and encampments. Unauthorised developments occur on land which is owned by the Gypsies and Travellers or

with the approval of the land owner, but for which they do not have planning permission to use for residential purposes. Unauthorised encampments occur on land which is not owned by the Gypsies and Travellers.

## Sites and Yards in Newham

- 4.6 In Newham there is 1 public site with 15 pitches, no private sites with permanent planning permission, no sites with temporary planning permission and no transit provision. There are also no unauthorised sites or Travelling Showpeople yards.

**Figure 1 - Total amount of authorised provision in Newham (November 2015)**

Category	Sites/Yards	Pitches/Plots
Private with permanent planning permission	0	0
Private sites with temporary planning permission	0	0
Public Sites (Council and Registered Providers)	1	15
Public Transit Provision	0	0
Private Transit Provision	0	0
Travelling Showpeople Provision	0	0

## Caravan Count

- 4.7 Another source of information available on the Gypsy, Traveller and Travelling Showpeople population is the bi-annual Traveller Caravan Count which is conducted by each Local Authority in England on a specific date in January and July of each year, and reported to DCLG. This is a statistical count of the number of *caravans* on both authorised and unauthorised sites across England. With effect from July 2013, DCLG has renamed the 'Gypsy and Traveller Caravan Count' as the 'Traveller Caravan Count.'
- 4.8 As this count is of caravans and not households, it makes it more difficult to interpret for a study such as this because it does not count pitches or resident households. The count is merely a 'snapshot in time' conducted by the Local Authority on a specific day, and that any unauthorised sites or encampments which occur on other dates will not be recorded. Likewise any caravans that are away from sites on the day of the count will not be included. As such it is not considered appropriate to use the outcomes from the Traveller Caravan Count in the calculation of current and future need as the information collected during the site visits is seen as more robust and fit-for-purpose. However the Caravan Count data has been used to *support* the identification of any need to provide for transit provision.

# 5. Stakeholder Engagement

## Introduction

- 5.1 To be consistent with the guidance set out in Planning Policy for Traveller Sites and the methodology used in other GTAA studies that ORS have undertaken, a stakeholder engagement programme was completed to complement the information gathered through the desk-based review and interviews with members of the Travelling Community.
- 5.2 Fourteen interviews were completed in total and includes eight interviews with council officers from the following departments: planning policy and enforcement; housing and parks and open spaces, one with a Councillor, three with representatives of the following housing associations: Notting Hill Housing Group, Peabody and Pinnacle PSG Limited and two with representatives of the London Gypsy and Traveller Unit and Showmen's Guild (London Section). The number of interviews undertaken is viewed to be satisfactory and consistent with similar GTAAs that ORS have completed.
- 5.3 Themes covered in the interviews included: the need for additional accommodation provision and facilities; travelling patterns; the availability of land; accessing services; and work being done to meet the needs of Gypsies, Travellers and Travelling Showpeople.
- 5.4 Importantly, this element of the study provided an opportunity for the research team to speak to stakeholders who are likely to be in contact with housed Gypsy, Travellers and Travelling Showpeople with the aim of identifying accommodation needs resulting from this group.
- 5.5 Due to issues surrounding data protection, and in order to protect the anonymity of those who took part, this section presents a summary of the views expressed by interviewees and verbatim comments have not been used.
- 5.6 The first section provides the response from key stakeholders and Council Officers. The views expressed in this section of the report represent a balanced summary of the views expressed by stakeholders and reflect the views of the individual concerned, rather than the official policy of their Council. Following this section, the response from community and representative organisations are presented.

## Views of Key Stakeholders (Council Officers and RSLs)

### Accommodation for Gypsies and Travellers

- 5.7 There is one public site in the Borough which contains 15 pitches. There are no vacant pitches and there is little turnover of pitches. Stakeholders were not aware of any overcrowding issues on the site and residents are said to be happy and no complaints are forthcoming.
- 5.8 A site manager visits the site approximately once a week to ensure that there are no problems on the site and to provide tenancy support. Mostly, tenants are said to comply with site regulations, although there

can be issues concerning rubbish, storage and cars on the site and there have been instances of damage to the gates onto the site. That said, residents are described as being respectful, welcoming and open minded.

- 5.9 It is acknowledged that the site was in disrepair and a recent refurbishment of the site has now been completed and as a result the utility blocks have been improved to resolve issues of damp and to bring them up to standard. Residents were consulted about what they would like to see and they are said to be happy with the finished works.

### Travellers living in Bricks and Mortar

- 5.10 Stakeholders had not been approached by members of the Travelling Community living in bricks and mortar accommodation and assumed that this suggests that the community is settled and accepting of this type of accommodation because they understand the difficulties of developing a site in such a tightly constrained Borough.
- 5.11 ORS also spoke with three RSLs (Notting Hill Housing Group, Pinnacle PSG Limited and Peabody) all reportedly collect data on ethnicity and were not aware of any Gypsies and Travellers living in their properties.

### Short-term Roadside Encampments and Transit Provision

- 5.12 The Borough deals with around 5-10 roadside encampments per year. Generally, they are short-term because of the Borough's proactive response to managing encampments to ensure they are moved on quickly. The Borough works in partnership with the police and will use Section 77 of Criminal Justice and Public Order Act to remove unauthorised encampments. Generally, once the team is informed about an encampment they will meet with the Traveller and conduct a needs assessment and find out where they from, how long they intend to stay and whether there are any health needs. If there isn't then the Borough will serve a notice on them to move usually within a few hours, depending on what time of day it is served. The Borough will also assist in removing encampments which occur on private land.

### Cross - border Issues and the Duty to Cooperate

- 5.13 The site manager works with other local authorities to gather information relating to site management and best practice.
- 5.14 No cross border issues were identified by stakeholders representing planning who explained they work with the LLDC and have direct links with the neighbouring Boroughs through the Strategic Market Housing Assessment work. The Borough has also been in touch with neighbours concerning Local Plan developments.

### Policies and Strategies

- 5.15 Stakeholders felt that the needs assessment will help them understand the needs of Gypsy and Traveller communities within the Borough in relation to planning need. Indeed, the results of the study will feed into a Gypsy and Traveller Accommodation policy/Development Plan Document programmed as per the Local Development Scheme.

5.16 However, stakeholders felt that meeting the accommodation needs of Travellers will be particularly difficult given there is no free land within Newham; primarily because the Borough is intensely developed and the only free land is situated in the docklands and is mostly owned by the GLA and the big corporations. Stakeholders were of the view that most London Boroughs face this issue.

## Neighbouring Authorities

5.17 As stated in the Planning Policy for Traveller Sites, Local Authorities have a duty to cooperate (S.110 Localism Act 2011) on strategic planning issues that cross administrative boundaries. In order to explore issues relating to cross boundary working, ORS interviewed a planning officer from six of the seven local authorities that neighbour the Borough.

- » Barking and Dagenham
- » London Borough of Hackney
- » London Borough of Tower Hamlets
- » London Borough of Waltham Forest
- » The London Legacy Development Corporation
- » Royal Borough of Greenwich.

5.18 Redbridge Council were invited to take part in the study via email but did not respond to the request.

## Barking and Dagenham

5.19 Barking and Dagenham is currently reviewing its Local Plan and will be looking to carry out the Pre Submission Local Plan Consultation (Regulation 19) later in the year. In order to produce the required evidence base the borough will commission a Gypsy Traveller and Travelling Showpeople Accommodation Assessment to provide an up-to-date assessment of need.

5.20 Due to the lack of an up to date evidence base, the representative was unable to provide information around the extent to which the borough is meeting the needs of Gypsies and Traveller but was aware that there is one public site in the borough with eleven pitches which is fully occupied and there is no capacity to expand this site. Similarly the officer was unable to provide information about transit movements but was aware that short-term encampments do occur in the borough.

5.21 The representative was not aware of any cross border issues, but explained that the borough may become aware of issues when they embark on undertaking their own Gypsy and Traveller and Travelling Showpeople Accommodation Needs Assessment.

5.22 In terms of cross – border working the borough has frequent duty to cooperate meetings with neighbouring boroughs including Newham particularly as, in terms of the general population, there is movement between Newham, with people leaving that area and moving into Barking and Dagenham. The borough has also recently held a duty to cooperate event as part of the issues and options consultation and invited neighbouring boroughs and as a result a representative of Newham attended.



## London Borough of Hackney

- 5.23 Hackney has 5 public sites (27 pitches); two sites fall in the LLDC area and all are managed by Hackney Homes. The standard of the facilities on the sites and management is said to be good and meet the decent homes standard, however there are overcrowding issues and the recent GTAA (2014) identified that all the public sites have concealed households. There are currently 21 Gypsies or Travellers on the waiting list for the sites. The waiting list is managed by Hackney Homes.
- 5.24 There are no private sites in the area and the Borough has not been approached by anyone interested in developing a site. There are known there are no Travelling Showpeople yards in the Borough.
- 5.25 There is a high number of Irish Travellers living in bricks and mortar accommodation in this part of London and 26 interviews were completed with Travellers living in bricks and mortar in Hackney during the GTAA consultation.
- 5.26 A relatively small number of unauthorised encampments occur and the GTAA did not identify any need for transit provision.
- 5.27 A GTAA study was undertaken by ORS and completed in 2015. The study identified a need for 78 additional pitches to 2030, a proportion of the additional need was from households living in bricks and mortar accommodation. Since the study was completed the Borough is proceeding with a Local Plan and has been involved in discussions about a possible site for new pitches, outside the London Borough of Hackney planning area with appropriate parties. There has also been recent detailed investigations into the possibility of physically expanding one of the five Council managed sites. Furthermore, the Council has applied and obtained planning permission to make the temporary site(s) in the LLDC area permanent.
- 5.28 The Borough has a Spatial Policy and Site Allocation and Development Management Local Plan and is working with the London Gypsy Traveller Unit who has made representations to both documents and attended the Examination Hearings. A representative from the local community and the LGTU also sat with officers on the working group overseeing the Council's GTAA.

## Cross-border Issues

- 5.29 The Borough convened a meeting at the beginning of 2015 with planning officers representing Tower Hamlets, the City of London and Haringey to discuss the approach to cross-Borough working. The issue of demand has been discussed at recent Association of London Borough Planning Officer meetings.

## London Borough of Tower Hamlets

### Accommodation for Gypsies and Travellers

- 5.30 There is one publically managed site for Gypsy and Travellers with 19 pitches. There were overcrowding issues on the site and there have been five expressions of interest for a pitch on the site. There are no known Travelling Showpeople sites in the area.

- 5.31 In terms of short-term encampments infrequently people are known to park by the side of roads for an extended period of time and are moved on quickly. Based on the small number of encampments the officer did not feel there is a need to provide any transit provision.
- 5.32 At the time of interview, the Borough was in the process of commissioning an updated GTAA study. Previously, the Local Plan Core Strategy (2010) set out how the Borough will look for more sites and the Development Management Document (2013) contained a site allocation plan – the targets in the London Plan had gone and at that point had not allocated any further sites

### Cross-border Issues

- 5.33 The officer was not aware of any cross-border issues with Newham or Greenwich and felt that cross-border issues with LLDC are more likely. The officer explained that until recently the Gypsy and Traveller issue has not been given much attention by London Boroughs, however based on neighbour's experiences at Local Plan examination, it was felt that this situation had changed and the issue now requires more attention and greater understanding.
- 5.34 Tower Hamlets are yet to establish duty to cooperate meetings but will meet with neighbours once they have established their evidence base, although the public engagement doesn't begin until December, and neighbours have completed theirs and it is felt that these meeting will inform the development of the Local Plan.

## The London Borough of Waltham Forest

### Accommodation Need

- 5.35 As noted in the London Borough of Waltham Forest's adopted Local Plan Core Strategy (2012) there is one public Gypsy and Traveller site (17 pitches with a capacity for up to 34 caravans) which is managed by Ascham Homes. There is also one private site (4 pitches and two touring caravans). No issues were reported. As far as it is known there are no Travelling Showpeople yards, sites with temporary planning permission or unauthorised developments in Waltham Forest. In terms of housed Travellers the 2008 Accommodation Assessment estimated 94 Gypsy and Traveller families living in bricks and mortar housing.
- 5.36 Waltham Forest relies on the London Boroughs' Gypsy and Traveller Accommodation Assessment 2008. The findings were used to inform the Local Plan Core Strategy in 2012; which identified a minimum need of three pitches up until 2017 and set out a criteria-based policy which outlines how, in the event that any proposals for new sites should come forward, they can be assessed.
- 5.37 The Development Management Policy (October 2013), sets out meeting that need through the intensification of the existing site, although to date no additional pitches have been provided. That said there are no unauthorised encampments which suggest a need for new pitches.
- 5.38 The officer considered the evidence base to be old and acknowledged the need to commission an updated assessment in the near future when they are reviewing Local Plans.

## Cross-border Issues

- 5.39 The officer was not aware of any issues relating to Newham as both sites are situated in the north of Waltham Forest and are not situated near the Newham border. In terms of meetings with neighbouring Boroughs these are said to be ad hoc and dependent on when neighbouring Boroughs are bringing forward plans and policies, for instance a planning officer had a recent telephone discussion with Newham officers concerning plans and policies and this was an opportunity to discuss any cross border issues. The officer was of the view that neighbouring Boroughs were meeting the duty to cooperate and suggested that the joint work on the Strategic Market Housing Assessment is a good example of the Boroughs working together.
- 5.40 When asked whether cross-border working could be improved the officer felt that there were opportunities for engagement and referred to the Association of London Borough Planning Officers (ALBPO) which enables officers to meet with other authorities; to discuss issues they may have and exchange ideas about best practice.

## The London Legacy Development Corporation

### Accommodation for Gypsies and Travellers

- 5.41 There are five Gypsy and Traveller pitches which are contained within 2 small sites in the Hackney Wick part of the area and managed by Hackney Homes who also maintain the waiting list for those wishing to acquire a pitch on the site. There are no sites within the LLDC part of other Boroughs (Tower Hamlets, Waltham Forest and Newham). There are no unauthorised or short-term roadside encampments.
- 5.42 There are no Travelling Showpeople residing in the area.
- 5.43 The GTAA undertaken by ORS in 2014 identified a need for an additional ten pitches during the lifetime of the plan and five of those to be delivered in the first five years
- 5.44 Since completion of the 2014 GTAA and the Local Plan in March 2015 the LLDC has allocated a site for up to 9 pitches. This is expected to meet the lower end of the five year need identified in the study. The site is within the Hackney part of the LLDC. The Borough is currently working with the site owner around the delivery of the site and, in the event the site is developed, it would possibly be managed by Hackney Homes.

## Cross-border Issues

- 5.45 The Parkway site in Newham is located on the border of the LLDC and those currently residing on at the site are former residents of the Queen Elizabeth Site which was located within the LLDC area –it has been suggested that those residents should be given the opportunity to move back into the LLDC area, however, the site identification work which took place in 2014 found no opportunities for delivering a site for these residents within such a constrained boundary; as a result the London Borough of Newham is responsible for meeting the residents' accommodation need.
- 5.46 No issues around the duty to cooperate were identified by the inspector during the LLDC Local Plan examination. In addition, the officer referred to communication with the surrounding Boroughs on meeting

the accommodation needs of Gypsy and Travellers and, although this has not led to any joined-up working, it has resulted in an understanding and awareness of the issues facing neighbours. The officer also reflected positively about the practice of involving neighbouring authorities in the production of Accommodation Needs Assessments and felt that it had been very useful as an information gathering exercise as well as demonstrating the duty to cooperate.

- 5.47 The idea of undertaking a joint GTAA with the surrounding Boroughs was felt to be problematic primarily because Boroughs are at different stages of their plan making process; however, the officer felt that this could be something the LLDC looks at in the future.

## Royal Borough of Greenwich

### Accommodation for Gypsies and Travellers

- 5.48 The current dedicated public site for travellers at Thistlebrook provides 40 pitches (20 large and 20 medium) meaning Royal Greenwich already has one of the higher capacities in London. The site is said to be well maintained, well managed and meets the needs of the travellers on the site. There is one tolerated site at Horn Link way. The five families have lived on the site for 13 years. The authority provides them with a Portaloo toilet facility.
- 5.49 The Royal Borough has not received any expressions of interest from Gypsy, Travellers or Travelling Showpeople, which they feel suggests that there is no demand for further site provision in the area.
- 5.50 There is a waiting list of 21 applicants for the Thistlebrook site, however turnover is infrequent and it is thought that the Thistlebrook site residents do not wish to be considered for bricks and mortar.
- 5.51 Royal Greenwich does not currently have any transit pitches or agreed stopping places although there is a caravan club in Abbey Wood that gypsy and travellers are signposted to. Unauthorised encampments are dealt with by the housing service. A few encampments occur per year, for instance, between June and August 2015 ten were moved on from parks and open spaces across Royal Greenwich.
- 5.52 Travelling Showpeople visit the area to conduct fairs and will camp on common land during their stay – this happens frequently. The Royal Borough makes no provision outside of the agreements for fairgrounds.
- 5.53 Within the Royal Greenwich Local Plan Core Strategy is a policy that seeks to protect current traveller provision. The Royal Borough is undertaking a needs assessment to determine whether there is any further need in Royal Greenwich that could be addressed through future Local Plans. In line with the London Plan and Government policy, any targets for additional pitches will be set by the Royal Borough based on identified need, working in collaboration with neighbouring London Boroughs. Any additional sites will be included in the emerging site allocations Local Plan or in a separate local plan dealing specifically with provision of gypsy and traveller sites.
- 5.54 In the future, the Royal Borough will ensure planning policies reflect the needs of gypsy and travellers within Royal Greenwich and if necessary identify sites for future accommodation.

## Cross-border Issues

- 5.55 Planning Officers hold regular duty to cooperate meetings with adjoining south east local authorities, where planning policy issues including gypsy and traveller needs are discussed and where it was agreed that Boroughs would share a consultant tender brief to ensure consistency. Officers also attend quarterly London wide Association of London Borough of Planning Officers (ALBPO) meetings.
- 5.56 The Royal Borough has also been liaising with Newham and Tower Hamlets as well as adjoining south east London Boroughs regarding local plan preparation and will continue to do so. Officers have also liaised with officers representing Southwark and Bromley Councils to discuss and share best practice and managing traveller sites.

## Views from Community Representatives

### Response from the London Gypsy and Traveller Unit (LGTU)

- 5.57 ORS interviewed a representative of the LGTU, who supports Travellers and Gypsies in London to:
- » Influence decisions affecting their lives.
  - » Improve their quality of life and the opportunities available to them.
  - » Challenge the discrimination they routinely experience.
- 5.58 The representative of the LGTU felt that while the Borough is meeting the needs of some of the Travellers living on the site, there are a number of families living on doubled-up pitches – so there are issues of overcrowding on the site. Furthermore, the representative expressed concern that the site will not be able to meet the family growth and it was feared that residents would be forced into bricks and mortar accommodation.
- 5.59 Thinking about meeting the needs of housed Travellers, the representative estimated that there are around 90 families living in bricks and mortar accommodation (a figure which is said to be backed-up by the Census data). The LGTU had attempted to engage these families but were unable to encourage people to take part and it was suggested that the community does not see the point of taking part as in the past their participation has not led to the development of additional accommodation. The representative suggested the Borough builds a relationship with the housed Travellers and attempts to deal with some of the many issues they face (education, health, employment and housing).
- 5.60 The representative was of the view that considering that the site was developed on the basis that it was temporary and very quickly, the residents have had to live in poor conditions and had to live in a lower standard of accommodation than the former site and have had to deal with problems with the plumbing and amenity blocks in disrepair. Concerned about the quality of the site the LGTU gathered the support of an Assembly Member who talked to Newham Borough to refurbish the site. However, it was felt that tenants have not been fully informed about the refurbishments and therefore they have taken place without the engagement and support of the community. Ideally, it was suggested that the site should have been redeveloped to remove some of the open space, which is frequently used to fly tip, and develop some additional pitches. The LGTU continue to support this proposal.

<sup>5.61</sup> When asked about the extent to which neighbours are working together the representative felt that more could be done to address this issue and disagreed with the lack of reference to the Parkway site within the LLDC study and its Local Plan. The information given by Newham Council during the LLDC study was alleged to be inaccurate. Ultimately, it was suggested that the GTAA study misses Travellers as they move between Boroughs and used the example of a Traveller who moved out of Newham to Hackney just after the GTAA study was completed and now they cannot be included in the Newham study; so they would have to wait five years to be counted in another study to illustrate this point.

## 6. Survey of Travelling Communities

### Interviews with Gypsies and Travellers

- 6.1 One of the major components of this study was a detailed survey of the Gypsy and Traveller population living on sites in Newham. This aimed to identify current households with housing needs and to assess likely future housing need from within existing households, to help judge the need for any future site provision.
- 6.2 Through the desk-based research and stakeholder interviews ORS sought to identify all authorised and unauthorised sites and yards and encampments in the study area. This identified just 1 public site. The table below identifies the sites that ORS staff visited during the course of the fieldwork.

**Figure 2 - Sites Visited in Newham**

Public Sites
Parkway Crescent

- 6.3 ORS sought to undertake a full demographic study of all pitches as part of our approach to undertaking the GTAA as our experience suggests that a sample based approach very often leads to an under-estimate of current and future needs which can be the subject of challenge at subsequent appeals and examinations. A summary of the findings from each site can be found below.
- 6.4 Through the site surveys data was collected for households living on all 15 pitches on the public site.

### Public Site at Parkway Crescent

- 6.5 Staff from ORS visited the Parkway Crescent site on 1 occasion during October 2015. The site has planning permission for 15 pitches and was fully occupied at the time of the study.
- 6.6 A total of 15 interviews were completed with households living on the site and these covered 41 persons, 21 adults and 20 children and teenagers aged under 18. This equates to 59% adults and 41% children and teenagers. All of the households were Romany Gypsies. The majority were long-term residents and have lived on the site since it was opened 9 years ago, and most were tenants on the previous site that had to be relocated as a result of the development of the Olympic Park.
- 6.7 There were no obvious signs of over-crowding on the pitches, and whilst the majority said that they lived on the site because there was no other option, rather than through choice, all of the households were satisfied with the site due to its location in relation to work, family, friends, schools and other local facilities.
- 6.8 There were no families or unmarried adults in need of a pitch of their any of their own, and a total of 4 children were identified as potentially being in need of a pitch of the own in the next 5 years.

- 6.9 None of the residents were on the waiting list for a pitch in Newham or any other area, and none stated that they were planning to move from the site in the next 5 years.
- 6.10 When asked about their travelling circumstances the vast majority stated that they had not travelled in the past 12 months and that they now live a settled lifestyle on the site. Only 2 households stated that they travelled and the reasons for this were for holidays during the summer months. Whilst most of the households who had not travelled in the past 12 months had travelled in the past, for most this was 20-30 years ago and none stated that they planned to travel again in the future.
- 6.11 No additional households for family members or friends living in bricks and mortar were identified.

### **Bricks and Mortar Interviews**

- 6.12 Following engagement with the London Gypsy and Traveller Unit a drop-in session was held on 12<sup>th</sup> November 2015. This resulted in one successful interview with a representative from an Irish Gypsy family. There were short-medium term housing needs for up to 3 teenage children, and the family travel for cultural reasons during the summer months.



## 7. Current and Future Pitch Provision

### Pitch Provision

- 7.1 The primary change to the 2015 PPTS in relation to the assessment of current and future need for additional pitches is the change in the definition of a Gypsy, Traveller or Travelling Showperson for planning purposes. Through the site interviews ORS sought to collect information necessary to assess each household against the new definition.
- 7.2 To identify need, PPTS requires an assessment for current and future pitch requirements, but does not provide a methodology for this. However, as with any housing assessment, the underlying calculation can be broken down into a relatively small number of factors. In this case, the key issue is to compare the supply of pitches available for occupation with the current and future needs of the population. The key factors in each of these elements are set out below. This approach will only be applied to those households that fall under the new definition of a Traveller.
- 7.3 Whilst households who do not travel fall outside the new definition of a Traveller, Romany households and Irish and Scottish Travellers continue to have a cultural need and right to a caravan site under the Equalities Act 2010. Provisions set out in the new Housing and Planning Bill are also seeking to include a requirement to assess the needs of people living on sites on which caravans can be stationed, or on places on inland waterways where houseboats can be moored, under S8 of the 1985 Housing Act that covers the requirement for a periodical review of housing needs. The implication is therefore when the Housing and Planning Bill receives Royal Assent (expected later in 2016) the housing needs of any Gypsy and Traveller households who do not meet the new definition of a Traveller will need to be assessed as part of the wider housing needs of the area – through the SHMA – and the Council will need to ensure that arrangements are in place to properly address the needs of these households.

### Applying the New Definition

- 7.4 The outcomes from the questions in the household survey on travelling were used to determine the status of each household against the new definition in PPTS. Only those households that meet the new definition will form the components of need to be assessed in the GTAA:
- » Households that travel under the new definition.
  - » Households that have ceased to travel temporarily under the new definition.
- 7.5 The vast majority of households living on the public site stated that they do not travel and live a settled lifestyle in Newham with children attending local schools and local work connections. The 2 households who stated that they do travel said that this was for holidays and none were able to demonstrate that they travel for work purposes. Whilst many households had travelled in the past they stated that they now live a

settled lifestyle and have done for as long as 30 years, and that they do not plan to travel again in the future, so none have ceased to travel temporarily.

- 7.6 Therefore it can be argued that none of the Gypsy and Traveller households living on the public site in Newham meet the new planning definition of a Gypsy or Traveller as they do not travel for work purposes or have not ceased to travel temporarily. Therefore the current and future accommodation needs of these households should not be considered as part of the requirements for this GTAA.
- 7.7 However it was clear from the fieldwork that there are current and future accommodation needs associated with these households that will need to be considered by the Council through its overall assessment of housing need undertaken through the Strategic Housing Market Assessment. In addition given that there Romany and Irish households identified as living on the sites or in bricks and mortar – the Council will also need to consider how to meet the needs of these households as they are covered by equality legislation through their ethnic group being a protected characteristic.

### **Need from Bricks and Mortar Households**

- 7.8 Identifying households in bricks and mortar has been frequently highlighted as an issue with Gypsy and Traveller Accommodation Assessments. The 2011 UK Census of Population identified a total of just 141 Gypsy or Irish Traveller households in Newham. It is unknown what proportion of these were living on sites and what proportion were living in bricks and mortar as the data from the 2011 Census does not break down accommodation type to this level.
- 7.9 As noted earlier, ORS went to all possible lengths to identify Gypsies and Travellers living in bricks and mortar and worked with stakeholders, Council officers, and on-site interviewees to identify households to interview, and a drop-in session This resulted in 1 contact to interview. Whilst there were short-medium term housing needs for up to 3 teenage children, and the family only travel for cultural reasons during the summer months.
- 7.10 Therefore it can be argued that the Gypsy and Traveller household interviewed living in bricks and mortar in Newham do not meet the new planning definition of a Gypsy or Traveller as they do not travel for work purposes or have not ceased to travel temporarily. Therefore the current and future accommodation needs of this household should also not be considered as part of the requirements for this GTAA.

### **Need from In-Migration**

- 7.11 Evidence drawn from stakeholder and site interviews in Newham has been carefully considered and has not identified any specific sources of movement due to in-migration, other than natural pitch turnover. Beyond this, the Council will need to assess any in-migrant households seeking to develop new sites in the area or wishing to move to the public site against the new definition set out in PPTS as part of any criteria-based planning policies for any new potential sites which do arise.

## Overall GTAA Need for Newham

- 7.12 Based upon the evidence presented in this study the estimated additional pitch provision needed to 2027 for Gypsies and Travellers in Newham who meet the new definition of a Traveller is for **no additional pitches**. There is also no additional need for pitches for the period 2027-2032

## Transit/Emergency Stopping Site Provision

- 7.13 PPTS also includes a requirement to assess the need for transit provision. Transit sites serve a specific function of meeting the needs of Gypsy and Traveller households who are visiting an area or who are passing through. A transit site typically has a restriction on the length of stay of around 13 weeks and has a range of facilities such as water supply, electricity and amenity blocks. An alternative to a transit site is an emergency stopping place. This type of site also has restrictions on the length of time for which a Traveller can stay on it, but has much more limited facilities with typically only a source of water and chemical toilets provided. Some authorities also operate an accepted encampment policy where households are provided with access to lighting, drinking water, refuse collection and hiring of portable toilets at a cost to the Travellers.
- 7.14 The Criminal Justice and Public Order Act 1994 is particularly important with regard to the issue of Gypsy and Traveller transit site provision. Section 62A of the Act allows the Police to direct trespassers to remove themselves, their vehicles and their property from any land where a suitable pitch on a relevant caravan site is available within the same Local Authority area (or within the county in two-tier Local Authority areas). A suitable pitch on a relevant caravan site is one which is situated in the same Local Authority area as the land on which the trespass has occurred, and which is managed by a Local Authority, a Registered Provider or other person or body as specified by order by the Secretary of State. Case law has confirmed that a suitable pitch must be somewhere where the household can occupy their caravan. Bricks and mortar housing is not a suitable alternative to a pitch.
- 7.15 Therefore, a transit site both provides a place for households in transit to an area and also a mechanism for greater enforcement action against inappropriate unauthorised encampments or developments.
- 7.16 There are no public or private transit sites in Newham; there are only a small number of short-term roadside encampments; and no unauthorised caravans have been recorded in the Caravan Count since 2006.
- 7.17 Given the limited levels of unauthorised encampments over recent years that have been identified in Newham, it is recommended that there is **not a need for the Council to deliver any new transit provision at this time**. However the situation should be closely monitored with neighbouring Boroughs during the GTAA plan period.

## Need for Travelling Showpeople Plots

- 7.18 As there were no Travelling Showpeople identified as living or requiring accommodation in Newham there is not a need for the Council to make any provision to meet need, other than managing any Showpeople who may visit the Borough to run fairs.

## 8. Conclusions

### Gypsy and Traveller Future Pitch Provision

- 8.1 Based upon the evidence presented in this study the estimated additional pitch provision needed to 2027 for Gypsies and Travellers in Newham who meet the new definition of a Traveller is for **no additional pitches**. There is also no additional need for pitches for the period 2027-2032
- 8.2 However it was clear from the fieldwork that there are current and future accommodation needs associated with these households that will need to be considered by the Council through its overall assessment of housing need undertaken through the Strategic Housing Market Assessment. In addition given that there were Romany and Irish Gypsy households identified as living on the site and in bricks and mortar – the Council will also need to consider how to meet the needs of these households as they are covered by equality legislation through their ethnic group being a protected characteristic.

### Transit Sites

- 8.3 Given the limited levels of unauthorised encampments over recent years that have been identified in Newham, it is recommended that there is **not a need for the Council to deliver any new transit provision at this time**. However the situation should be closely monitored with neighbouring Boroughs during the GTAA plan period.

### Travelling Showpeople Requirements

- 8.4 As there were no Travelling Showpeople identified as living or requiring accommodation in Newham there is not a need for the Council to make any provision to meet need, other than managing any Showpeople who may visit the Borough to run fairs.

## Appendix A: Glossary of Terms

<b>Amenity block/shed</b>	A building where basic plumbing amenities (bath/shower, WC, sink) are provided.
<b>Bricks and mortar</b>	Mainstream housing.
<b>Caravan</b>	Mobile living vehicle used by Gypsies and Travellers. Also referred to as trailers.
<b>Chalet</b>	A single storey residential unit which can be dismantled. Sometimes referred to as mobile homes.
<b>Concealed household</b>	Households, living within other households, who are unable to set up separate family units.
<b>Doubling-Up</b>	Where there are more than the permitted number of caravans on a pitch or plot.
<b>Emergency Stopping Place</b>	A temporary site with limited facilities to be occupied by Gypsies and Travellers while they travel.
<b>Green Belt</b>	A land use designation used to check the unrestricted sprawl of large built-up areas; prevent neighbouring towns from merging into one another; assist in safeguarding the countryside from encroachment; preserve the setting and special character of historic towns; and assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
<b>Household formation</b>	The process where individuals form separate households. This is normally through adult children setting up their own household.
<b>In-migration</b>	Movement into or come to live in a region or community
<b>Local Plans</b>	Local Authority spatial planning documents that can include specific policies and/or site allocations for Gypsies, Travellers and Travelling Showpeople.
<b>Out-migration</b>	Movement from one region or community in order to settle in another.
<b>Personal planning permission</b>	A private site where the planning permission specifies who can occupy the site and doesn't allow transfer of ownership.
<b>Pitch/plot</b>	Area of land on a site/development generally home to one household. Can be varying sizes and have varying caravan numbers. Pitches refer to Gypsy and Traveller sites and Plots to Travelling Showpeople yards.
<b>Private site</b>	An authorised site owned privately. Can be owner-occupied, rented or a mixture of owner-occupied

	and rented pitches.
<b>Site</b>	An area of land on which Gypsies, Travellers and Travelling Showpeople are accommodated in caravans/chalets/vehicles. Can contain one or multiple pitches/plots.
<b>Social/Public/Council Site</b>	An authorised site owned by either the local authority or a Registered Housing Provider.
<b>Temporary planning permission</b>	A private site with planning permission for a fixed period of time.
<b>Tolerated site/yard</b>	Long-term tolerated sites or yards where enforcement action is not expedient and a certificate of lawful use would be granted if sought.
<b>Transit provision</b>	Site intended for short stays and containing a range of facilities. There is normally a limit on the length of time residents can stay.
<b>Unauthorised Development</b>	Caravans on land owned by Gypsies and Travellers and without planning permission.
<b>Unauthorised Encampment</b>	Caravans on land not owned by Gypsies and Travellers and without planning permission.
<b>Waiting list</b>	Record held by the local authority or site managers of applications to live on a site.
<b>Yard</b>	A name often used by Travelling Showpeople to refer to a site.

## Appendix B: Sites and Yards in Newham (November 2015)

Site/Yard	Authorised Pitches/Plots	Unauthorised Pitches/Plots
<b>Public Sites</b>		
Parkway Crescent	15	-
<b>Private Sites with Permanent Permission</b>		
None	-	-
<b>Private Sites with Temporary Permission</b>		
None	-	-
<b>Tolerated Sites – Long-term without Planning Permission</b>		
None	-	-
<b>Unauthorised Sites</b>		
None	-	-
<b>TOTAL PITCHES</b>	<b>15</b>	<b>0</b>
<b>Private Transit Sites</b>		
None	-	-
<b>Private Travelling Showpeople Yards</b>		
None	-	-

# Appendix C: Site Record Form

Gypsy & Traveller Accommodation Assessment – Site/Pitch Record															
<b>General Information</b>															
Name of Local Authority															
Date of Site Visit															
Time of Site Visit															
Name of Interviewer(s)															
Address and Pitch Number															
Type of Accommodation															
Council / Private / Unauthorised / Bricks and Mortar															
Name of Family															
Ethnicity of Family															
Romany Gypsy / Irish Traveller / Scots Gypsy or Traveller / Show Person / New Traveller / English Traveller / Welsh Gypsy / Other (specify) / Non-Traveller															
How many units on the pitch?															
How long have you lived here? And if you have moved in the past 5 years where did you move from?															
Do you live here out of your own choice or because there was no other option? If no option why?															
Is this site suitable for your household? If so why and if not why not?															
<i>(For example close to schools, work, healthcare, family and friends etc.)</i>															
How many separate families or unmarried adults live on this pitch?															
<b>Demographics – Household 1</b>				<b>Complete addition forms for each household on pitch</b>											
Person 1		Person 2		Person 3		Person 4		Person 5		Person 6		Person 7		Person 8	
Sex	Age	Sex	Age	Sex	Age	Sex	Age	Sex	Age	Sex	Age	Sex	Age	Sex	Age
<b>Accommodation Needs</b>															
How many families or unmarried adults living on this pitch are in need of a pitch of their own?															
How many of your children will need a home of their own in the next 5 years as a result of getting married or leaving home? If they live here now, will they want to stay on this site?															



<p>If not, where would they wish to move? (e.g. other site, in bricks and mortar etc.)</p> <p>If they do not live on this site, would they want to move on this site or another local site if they could get a pitch?</p>	
<b>Waiting List</b>	
<p>How many people living here are on the waiting list for a pitch in this area?</p> <p>How long have they been on the waiting list?</p> <p>If there are not on the waiting list do any of the people living here want to be on the waiting list?</p>	
<b>Future Accommodation Needs</b>	
<p>Do you plan to move from this site in the next 5 years? And if so why?</p>	
<p>Where would you move to? (another site in this area, another site away from this area, bricks and mortar etc.)</p> <p>Why do you want to move?</p>	
<p>If you want to move would you prefer a buy a private pitch or site, or rent a pitch on a public or private site?</p> <p>Can you afford to buy a private pitch or site?</p>	
<b>Travelling</b>	
<p>How many trips, living in a caravan or trailer, have members of your family made away from your permanent base in the last 12 months?</p>	
<b>If yes</b> - which family members travel?	
<p>What was the main reason for travelling?</p>	<i>Get details on travelling for work if stated</i>
<p>At what time of the year do family members usually travel? And for how long?</p>	
<p>Where do family members usually stay when they are travelling?</p>	
<b>If no</b> - have they ever travelled?	

If family members have travelled in the past when did they stop travelling?	
If family members have travelled in the past why do they not travel anymore?	<i>Prompt and try and get details about children in school, types of ill health or looking after relative with poor health, and specific problems/issues related to old age</i>
If they don't currently travel do family members plan to travel again in the future and if so when, and for what purpose?	
<b>Bricks and Mortar Contacts</b>	
Contacts for Bricks & Mortar Interviews	
<b>Other Issues</b>	
Any other information about this site or your accommodation needs?	<i>e.g. can current and future needs be met by expanding or intensifying the existing site?</i>
<b>Site/Pitch Plan</b>	
<i>Sketch of Site/Pitch – any concerns?</i>	

# Appendix D: PPTS Briefing Note

## **Gypsy and Traveller Accommodation Assessments**

### **ORS Briefing on the Implications of Changes to Planning Policy for Traveller Sites**

#### **August 2015**

*Please note that these are the current views of ORS on the implications of the changes to PPTS and clarification has not yet been sought from DCLG on our interpretation of the potential changes to the definition of Gypsies, Travellers and Travelling Showpeople in relation to undertaking GTAA's.*

#### **Background**

The recent changes to PPTS that were published on 31<sup>st</sup> August will now require a GTAA to determine whether households living on sites, encampments and in bricks and mortar fall within the new definition of a Gypsy, Traveller or Travelling Showperson. Only if they fall within the new definition will their housing needs need to be assessed separately from the wider population, as required by the Housing Act (2004).

There are a number of issues that will need to be considered when seeking to apply the new definition and this short briefing covers the views of ORS on these in relation to completing a GTAA.

#### **Conflicting Definitions of a Traveller**

It is our understanding there are now 3 definitions for a Gypsy, Traveller or Travelling Showperson. The PPTS (2015) definition, the Housing Act (2004) definition, and the Equality Act (2010) definition (which only applies only to Romany, Irish and Scottish Travellers as an ethnic group).

In their response to the consultation on Planning and Travellers DCLG stated that *the Government will, when parliamentary time allows, seek to amend primary legislation to clarify the duties of local authorities to plan for the housing needs of their residents.* This is set out in the current Housing and Planning Bill which is seeking to omit sections 225 and 226 of the 2004 Housing act and this should bring the Housing Act definition in line with the PPTS definition.

Another key issue is that there will be Romany, Irish and Scottish Travellers who no longer travel so will not fall under the Planning or Housing definition, but Council's may still need to meet their needs through the provision of *culturally suitable* housing under the requirements of the Equality Act.

We believe that this will now create a new category of Gypsy, Traveller or Travelling Showperson - *a Non-Travelling Romany or Irish Traveller* - that Council's will need to consider in terms of housing provision. The needs of households that fall within this category *will not necessarily* be assessed in a GTAA and will need to be assessed separately under the NPPF.

***The 'Planning Definition' in PPTS:***

*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.*

*In determining whether persons are "gypsies and travellers" for the purposes of this planning 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 'Housing Definition' in the Housing Act 2004***

*Section 225: Every local housing authority must, when undertaking a review of housing needs in their district under section 8 of the Housing Act 1985 (c. 68), carry out an assessment of the accommodation needs of gypsies and travellers residing in or resorting to their district...gypsies and travellers has the meaning given by regulations made by the appropriate national authority.*

The definition of Gypsies and Travellers as referred to at Section 225 of the Act is that set out for the purposes of planning by the Secretary of State for Communities and Local Government.

Therefore the definition of 'gypsies and travellers' for this purpose is specified in 'The Housing (Assessment of Accommodation Needs) (Meaning of Gypsies and Travellers) (England) Regulations 2006 ' (Statutory Instrument: 2006 No. 3190).

*The following definition of "gypsies and travellers" should now be used:*

- (a) persons with a cultural tradition of nomadism or living in a caravan; and*
- (b) all other persons of a nomadic habit of life, whatever their race or origin, including:*
  - (i) such 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 showpeople or circus people (whether or not travelling together as such).*

***The 'Equality Act' 2010 Definition***

*The courts have determined that Romany Gypsies and Irish and Scottish Travellers are protected against race discrimination because they are included under the Protected Characteristics as an ethnic group. Culturally suitable housing should be provided for this group.*

### **Definition of Travelling**

One of the most questions that GTAAAs will need to address in terms of applying the new definition is *what constitutes travelling?* This has been determined through case law that has tested the meaning of the term ‘nomadic’.

*R v South Hams District Council (1994)* – defined Gypsies as “persons who wander or travel for the purpose of making or seeking their livelihood (not persons who travel from place to place without any connection between their movements and their means of livelihood.)” This includes ‘born’ Gypsies and Travellers as well as ‘elective’ Travellers such as New Age Travellers.

In *Maidstone BC v Secretary of State for the Environment and Dunn (2006)*, it was held that a Romany Gypsy who bred horses and travelled to horse fairs at Appleby, Stow-in-the-Wold and the New Forest, where he bought and sold horses, and who remained away from his permanent site for up to two months of the year, at least partly in connection with this traditional Gypsy activity, was entitled to be accorded Gypsy status.

In *Greenwich LBC v Powell (1989)*, Lord Bridge of Harwich stated that a person could be a statutory Gypsy if he led a nomadic way of life *only seasonally*.

The definition was widened further by the decision in *R v Shropshire CC ex p Bungay (1990)*. The case concerned a Gypsy family that had not travelled for some 15 years in order to care for its elderly and infirm parents. An aggrieved resident living in the area of the family’s recently approved Gypsy site sought judicial review of the local authority’s decision to accept that the family had retained their Gypsy status even though they had not travelled for some considerable time. Dismissing the claim, the judge held that a person could remain a Gypsy even if he or she did not travel, provided that their nomadism was held in abeyance and not abandoned.

That point was revisited in the case of *Hearne v National Assembly for Wales (1999)*, where a traditional Gypsy was held not to be a Gypsy for the purposes of planning law as he had stated that he intended to abandon his nomadic habit of life, lived in a permanent dwelling and was taking a course that led to permanent employment.

It is our understanding that the implication of these rulings in terms of applying the new definition is that it will include those who travel but also have a permanent site or place of residence, but that it will not include those who travel for purposes other than work – such as visiting horse fairs and visiting friends or relatives. It will in our view not cover those who commute to work daily from a permanent place of residence.

It will also be the case in our view that a household where some family members travel for nomadic purposes on a regular basis, but where other family members stay at home to look after children in education, or other dependents with health problems etc. the household unit would be defined as travelling under the new definition.

Households will also fall under the new definition if they can demonstrate that they have ceased to travel temporarily as a result of their own or their family's or dependants' educational or health needs or old age. In order to have ceased to travel temporarily these households will need to demonstrate that they have travelled in the past. In addition households may also have to demonstrate that they plan to travel again in the future. These issues are covered later in this briefing.

### **Changes to Fieldwork Requirements**

In determining whether households fall within the new definition it is important that GTAA fieldwork is undertaken in a robust and inclusive manner, with efforts made to speak with households living on *all pitches and plots* in any given local authority area. Attempts to speak with every household is likely to increase the costs of site fieldwork but it is felt that robust and defensible evidence on household travelling characteristics can only be obtained by speaking with a member from each family directly. If this does not happen the determination of whether a household falls within the new definition is likely to be challenged.

Interviewers will need to follow an approach similar to what is being advocated by Welsh Government in their recent GTAA Guidance which requires interviewers to make a minimum of 3 attempts to complete a successful household interview before seeking information from a third party. The keeping of an Interview Log to record dates and times of unsuccessful visits, and reasons for a refusal to be interviewed is also recommended.

### **Qualifying Questions and Evidence to Support Travelling Status**

A series of *qualifying questions* will need to be asked during the more intensive household interviews to determine whether each household will fall under the new definition. There will be a need to ask questions to determine for example:

- » The ethnicity of households;
- » Whether they travel for nomadic purposes as defined by case law;
- » If they do not travel, whether they have travelled for nomadic purposes in the past;
- » Whether they have ceased to travel permanently or temporarily;
- » The reasons why they have ceased to travel temporarily; and
- » Whether and when they plan to resume travelling for nomadic purposes.

The responses to these questions should enable the new planning/housing and ethnicity definitions of Gypsies, Travellers and Travelling Showpeople to be applied to each household in the first instance.

One of the most difficult issues to address will be to evidence households that claim to have *ceased travelling temporarily* as a result of their own or their family's or dependants' educational or health needs or old age. This will need to include evidence that households have travelled in the past.

Example of evidence to support the new definition and households that claim to have ceased to travel temporarily could include:

- » Details of previous travelling by the applicant or by family members for the purpose of work could include originals or copies of family photographs.

- » Evidence to support household members ceasing to travel temporarily could include letters or reports from GPs or consultants; and Letters from head teachers and/or Traveller Education Officers.
- » Evidence to support not being able to travel due to a lack of sites or transit provision could include details of attempts to find alternative sites, including, for example, letters to local estate agents and evidence of enquiries to local authorities.
- » Evidence to support a nomadic way of life for work purposes could include records of work undertaken such as quotes and invoices; receipts for stays on transit sites; and details of enforcement of unauthorised encampments; and details of schools attended and GP registrations whilst away travelling.

The practical implications of this in relation to the fieldwork element of a GTAA will be whether this evidence actually needs to be produced or whether households will simply need to be asked if they would be able to provide evidence if requested at a later date.

### **Applying the Definition**

When the household survey is complete the outcomes from the qualifying questions will need to be used to determine the status of each household on each site. Decisions will need to be made whether it will be for a local authority, a third party undertaking the GTAA, or a combination of both, to make the final determination of whether households fall within the new definition.

It is highly likely that this will result in sites with a mixture of household statuses – even on smaller private family sites. We think that households will fall under one of 4 classifications that will determine whether their housing needs will need to be assessed in the GTAA.

- » Households that travel under the new definition – *Yes*
- » Households that have ceased to travel temporarily under the new definition - *Yes*
- » Households that do not travel under the new definition - *No*
- » Romany or Irish Travellers who do not travel under the new definition - *No*

In practical terms, a current GTAA may have a need for 100 pitches from new household formation over its local plan period. If 50% of these households do not meet the new definition of being a Traveller then it could be argued that the need from new household formation should fall from 100 to 50. However, this assumes that the children of current non-Travelling households will also not travel themselves in the future and will not have their needs from new household formation met. This is going to be very difficult to evidence in practice.

This also raises the question of who is responsible for assessing the needs of the 50 households who have been removed from the assessment of need in the GTAA. The Equalities Act requires that *Romany and Irish Travellers* are provided with *culturally sensitive* accommodation. It may therefore be that the GTAA will exclude 50 households on the grounds that they no longer meet the planning/housing definition of being Travellers, but the requirements of the Equalities Act mean that these households' ethnic status will still

lead to the need to provide caravan pitches. These may be on park home sites rather than Gypsy and Traveller sites.

In practice it may be that the new definition has a very large impact on a small number of planning applications where households who no longer travel will not be deemed Travellers. However, for the existing population and sites it is unlikely the effect will be as dramatic as being envisaged. Given that the majority of Councils do not have 5 year land supplies for either housing or Gypsy and Traveller sites, it may simply be that planning applications are moved from being for Gypsy and Traveller sites to being for park home sites – using case law established by *Wenman v Secretary of State* Judgement and subsequent changes made to Paragraphs 49 and 159 in the NPPF in July 2015.

#### **Paragraph 49**

*From today, those persons who fall within the definition of ‘traveller’ under the Planning Policy for Traveller Sites, cannot rely on the lack of a five year supply of deliverable housing sites under the National Planning Policy Framework to show that relevant policies for the supply of housing are not up to date. Such persons should have the lack of a five year supply of deliverable traveller sites considered in accordance with Planning Policy for Traveller Sites.*

#### **Paragraph 159**

*Planning Policy for Traveller Sites sets out how ‘travellers’ (as defined in Annex A of that document) accommodation needs should also be assessed. Those who do not fall under that definition should have their accommodation needs addressed under the provisions of the National Planning Policy Framework.*

#### **Conclusions**

As a result of the changes to PPTS ORS have identified that there are a number of key points that local authorities need to be aware of in relation to their GTAA:

- » It is unclear at the present time whether the changes will be applied retrospectively to GTAAs that have already been published and have been through a Local Plan Examination – however they will need to be taken into consideration when dealing with new planning applications and appeals. This will impact on the identification of a 5 year supply of deliverable Traveller sites as the level of need will be unknown without applying the definition to all households.
- » In the majority of cases it may be necessary to undertake new site fieldwork to gather up-to-date and robust information from each household on their travelling characteristics in order for the new definition to be properly applied for the purpose of assessing household need.
- » The definition of a *Traveller* and what constitutes *Travelling* appear to be clearly set out in case law. What local authorities will need to consider how to robustly apply the outcomes of the qualifying questions when determining whether a household has ceased to travel temporarily?
- » It is difficult at this stage to consider the future needs (new household formation) of the children of current non-travelling households as it will be very hard to evidence whether or not they will travel themselves in the future.



- » In short this will not reduce the number of households seeking to live on sites in caravans. Local authorities will still need to consider how to address the housing needs of Romany and Irish Travellers who do not travel but fall under the requirements of the Equality Act. For the remainder of those households who do not fall under the new definition local authorities will still need to consider how they should have their accommodation needs addressed under the provisions of the National Planning Policy Framework. These will most likely need to be met on park home sites as opposed to Traveller sites.
- » It is also important to note that the definition will need to be applied in a consistent manner to households living in caravans on sites and encampments, and for those living in bricks and mortar, as there is nothing in the definition that states that a household needs to live in a caravan or other mobile structure.
- » There are also likely to be practical implications in the reporting of GTAAs as the assessment will now need to be on a pitch-by-pitch basis, and may involve the publication of sensitive and personal information that may lead to issues with data protection requirements.