

James Scantlebury

From: Nancy Hawker <[REDACTED]>
Sent: 25 July 2024 15:41
To: Local Plan
Subject: Response for Regulation 19 Consultation - Newham
Attachments: NewhamLP_Response_form_London_Gypsies_Travellers.docx

Dear Planners at Newham Council,

Please find attached a response from London Gypsies and Travellers to your Reg 19 consultation.

Yours,

Dr Nancy Hawker
Policy and Research Officer

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

www.londongypsiesandtravellers.org.uk




Challenging perceptions, changing lives



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Response Form for Regulation 19 Consultation.

| | | |
|---|--|--|
|  | <p>Local Plan Publication Stage Response Form</p> | <p>Ref:</p> <p>(For official use only)</p> |
|---|--|--|

**Name of the Local Plan to which this representation
relates:**

Newham Draft Submission
Local Plan

Privacy Notice

Who we are

London Borough of Newham (LBN) is registered with the Information Commissioner's Office (ICO) as a 'Data Controller' This privacy notice applies to you ('the service user') and LBN ('the Council'). The Council takes the privacy of your information very seriously.

This privacy notice relates to our functions relating to the Newham Local Plan Review Consultation (Regulation 19). It also provides additional information that specifically relates to this particular consultation, and should be read together with our [general privacy notice](#), which provides further detail.

What data do we collect and process

We collect your name, contact details, email address, job title and organisation if applicable and demographic equalities data if you choose to share it.

Why we collect your data

The consultation is a requirement of the Town and Country Planning (Local Planning) (England) Regulations 2012. We collect your data so that we can get your views on the legal compliance or soundness of the Local Plan, as well as its compliance with the duty to co-operate.

The lawful basis for processing your data

The lawful basis we use to process your data as set out in UK data protection legislation is:

Article 6 (a) Consent: the individual has given clear consent for us to process their personal data for a specific purpose.

Article 9 (a) Explicit Consent: the data subject has given explicit consent to the processing of those personal data for one or more specified purposes.

We will only process personal data where we have consent to do so, and you can withdraw your consent at any time. By submitting your personal data in the response form you are consenting for us to process your data and/or consenting to be added to the database. If added to the database, they can be removed upon request.

You can withdraw your consent at any time.

How we use your data

This data is collected, collated and then submitted to the Secretary of State, who will appoint an Inspector to conduct an independent examination of the Local Plan. Demographic data will be processed anonymously to assess the effectiveness of our consultation.

Where you have consented, your contact details will be added to our consultation database for future consultations and updates on the Examination in Public.

At submission representations will be made public on the council's website, including name of person and organisation if applicable making representation. Other personal information will remain confidential.

Representations, in full, submitted along with the Local Plan, evidence base and documents Submission Draft Newham required by legislation to the Planning Inspectorate and to the person the Secretary of State appoints as the Planning Inspector. Contact details will be made available to the Inspector and Programme Officer so they can contact individuals to participate in the Examination.

Consultation database is stored on Mailchimp and accessed by planning policy team only. Mailchimp stores names and email addresses of those on the consultation database in line with Mailchimp policies, particularly its [data processing addendum](#). Please be aware they may store personal data external to the UK specifically in the USA and/or EU.

Who we will share your data with

We will only share your data with the Planning Inspector appointed by the Secretary of State, the Programme Officer appointed by Newham, and within the planning policy team. Your name and organisation (if applicable) will be published on our website along with representations upon submission. Demographic data is not shared with the Planning Inspector or the Programme Officer.

We will not share your personal information with any other third parties unless you have specifically asked us to, or if we have a legal obligation to do so.

How long we will keep your data

We will keep your data safe and secure for a period of 15 year(s) in line with our retention Schedule. After this time, it will be securely destroyed.

How do we protect your data

We comply with all laws concerning the protection of personal information and have security measures in place to reduce the risk of theft, loss, destruction, misuse or inappropriate disclosure of information. Staff access to information is provided on a need-to-know basis and we have access controls in place to help with this.

See the [Planning Inspectorate Customer Privacy Notice](#) for details on how they keep your data safe and secure.

Know your rights

We process your data in accordance with the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018. Find out about your rights at [Your rights – Processing personal data privacy notice – Newham Council](#) or at <https://ico.org.uk/your-data-matters/> If you have any queries or concerns relating to data protection matters, please email: dpo@newham.gov.uk

Response Form

For guidance on how to complete this representation form please view the Regulation 19 Consultation Guidance <https://www.newham.gov.uk/planning-development-conservation/newham-local-plan-refresh>.

This form has two parts –

Part A – Personal Details: need only be completed once.

Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

Part A

1. Personal Details*

2. Agent's Details (if applicable)

**If an agent is appointed, please complete only the Title, Name and Organisation (if applicable) boxes below but complete the full contact details of the agent in 2.*

| | | |
|------------------------------------|--|----------------------|
| Title | <input type="text" value="Dr"/> | <input type="text"/> |
| First Name | <input type="text" value="Nancy"/> | <input type="text"/> |
| Last Name | <input type="text" value="Hawker"/> | <input type="text"/> |
| Job Title (where relevant) | <input type="text" value="Policy and Research Officer"/> | <input type="text"/> |
| Organisation (where relevant) | <input type="text" value="London Gypsies and Travellers"/> | <input type="text"/> |
| Address Line 1 | <input type="text" value="REDACTED"/> | <input type="text"/> |
| Line 2 | <input type="text" value="REDACTED"/> | <input type="text"/> |
| Line 3 | <input type="text" value="REDACTED"/> | <input type="text"/> |
| Line 4 | <input type="text"/> | <input type="text"/> |
| Post Code | <input type="text" value="REDACTED"/> | <input type="text"/> |
| Telephone Number | <input type="text" value="REDACTED"/> | <input type="text"/> |
| E-mail Address (where relevant) | <input type="text" value="REDACTED"/> | <input type="text"/> |

Part B – Please use a separate sheet for each representation

Name or Organisation:

3. To which part of the Local Plan does this representation relate? (Please be as specific as possible)

Policy

Implementation Text

Paragraph

Policies Map

4. Do you consider the Local Plan is :

| | | | | |
|---|-----|--------------------------------|----|--------------------------------|
| 4.(1) Legally compliant | Yes | <input type="text"/> | No | <input type="text" value="X"/> |
| 4.(2) Sound | Yes | <input type="text"/> | No | <input type="text" value="X"/> |
| 4 (3) Complies with the Duty to co-operate | Yes | <input type="text" value="X"/> | No | <input type="text"/> |

Please tick as appropriate

5. Please give details overleaf of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

1. First concern: Contradiction between the mention of the need for “23” additional Gypsy and Traveller pitches in Newham in the Local Plan Policies, H10, p.240, and the recommendation of “No target” in the Appendices, Monitoring Framework, Table 16, p. 620.

London Gypsies and Travellers recommends that the Policies and the Monitoring Framework documents are made consistent one with the other by **explicitly mentioning the target of at least 23 additional pitches on at least one new Gypsy and/or Traveller site, in addition to expanding the existing designated site.**

Additionally, to keep the Monitoring document alive to new developments including natural population growth, **London Gypsies and Travellers recommends including the following wording at Key Performance Indicator No. 33: “Monitor and update Gypsy and Traveller accommodation needs regularly, in line with general housing needs updates to Local Plans, including by considering any emerging evidence prepared by the Greater London Authority or other sources.”**

2. Second concern: The lack of timeframe for delivering new pitches and sites in the Monitoring Framework.

The construction of 23 additional pitches on at least one new site would correspond to the evidence presented in ORS’s 2022 Newham Council Gypsy and Traveller Accommodation Assessment (GTAA) for the period up to 2038. In relation to the timeframe for delivering these pitches, London Gypsies and Travellers notes that there is another robust source of evidence in the London-wide accommodation assessment of 2008, which identified the need for 19 new pitches in Newham by 2017 (Fordham Research, *London Boroughs’ Gypsy and Traveller Accommodation Needs Assessment*, 2008, https://www.london.gov.uk/sites/default/files/london_boroughs_gypsy_and_traveller_accommodation_needs_assessment_-_final_report_-_2008_-_fordham_research.pdf p.116). These 19 pitches were never built, therefore their delivery could be designated as urgent, in 2024, with a view to redressing decades of neglect. In this context it is worth noting that ORS’s Newham GTAA found three households who were homeless, whose situation is demonstrably critical, and this figure is likely to be an underestimate considering the poor reach of the assessment among Gypsies and Travellers living in standard “bricks and mortar” housing (see London Gypsies and Travellers’ interview with ORS for the Stakeholder Topics on 18 March 2022).

London Gypsies and Travellers recommends setting chronological targets that reflect this urgency and critical situation, such as 2026 for expanding the existing site, 2027 for delivering a new site with some 10 pitches, and 2030 for delivering a second new site, and then update these needs periodically as with all housing needs.

3. Third concern: The omission of specific provisions for specialist housing adjusted for nomadic ways of life in “Our Newham Local Plan: HOMES”, Policies H1 (Meeting housing needs), H3 (Affordable housing) and H4 (Housing mix).

This neglect in pitch and site provisions has forced Gypsies and Travellers, whose recognized ethnic identities are protected under the Race Equality Act, and whose protected characteristic is their culture and heritage of nomadism, to resign themselves

to living in standard “brick and mortar” accommodation. Their protected characteristic was legally recognized in 2020 in the Court of Appeal judgment that the “Gypsy and Traveller community have an enshrined freedom not to stay in one place but to move from one place to another”.

According to the 2021 UK census, approximately 390 people identifying as Gypsy or Traveller were residents of Newham. Fewer than a fifth of Newham’s Gypsies and Travellers lived on the designated site. The needs of the other four fifths, those who are living in standard “bricks and mortar” housing, are imperfectly known, due to the methodological limitations of ORS’s Newham GTAA, with the exception of one Irish Traveller family who have been campaigning for culturally appropriate housing with adjustments for nomadism for years, to no avail.

Nevertheless, all Gypsies and Travellers in Newham have the right to culturally appropriate housing, as a human right detailed in the UN Committee on Economic, Social and Cultural Rights, General Comment 4: The right to adequate housing (Article 11 (1) of the International Covenant on Economic Social and Cultural Rights), 13 December 1991, para 8(g); and also General Comment 21: Right of everyone to take part in cultural life (Article 15, para 1(a), of the International Covenant on Economic, Social and Cultural Rights), 21 December 2009, para 16(e), which are covered by Article 8 of the UK Human Rights Act.

London Gypsies and Travellers recommends that the right to culturally appropriate adequate housing, including with adjustments for nomadism, is mainstreamed in all housing policies by explicit mention in Policies H1 (Meeting housing needs), H3 (Affordable housing) and H4 (Housing mix), because Gypsies and Travellers live in a variety of tenures and situations.

4. Fourth concern: Absence of provisions for a transit site and for negotiated stopping arrangements

The Local Plan does not mention the need for accommodating Gypsy and Traveller caravans making stops in Newham as they pursue their nomadic way of life in any of its documents. The lack of accommodation for nomadic Gypsy and Traveller families making stops in Newham is particularly disappointing because the borough has adopted a hostile approach to the nomadic way of life, with an injunction against persons unknown issued on 31 May 2024. The injunction was aimed at evicting people making a stop with a caravan at Barrington Playing Fields, which is an abandoned and empty site at E12 6JH. Such injunctions against “persons unknown” (who could have been identified), has the potential of pushing Gypsies and Travellers into the criminal justice system as a result of being forced to make stops that are impossible to authorise because there are no authorised temporary stopping places and no negotiated stopping arrangements. Evictions that may render people homeless violate local authorities main duty of housing, and in 2020 the Court of Appeal found similar policies to be inadmissible because they failed to meet welfare and housing needs, and in 2023 the Supreme Court judged that overly broad injunctions violated Gypsies and Travellers’ rights when issued in the context of the absence of transit sites (The Court of Appeal, *Bromley LBC v Persons Unknown and others* [2020], para 104 (a-e); and The Supreme Court, *Wolverhampton City Council and others (Respondents) v London Gypsies and Travellers and others (Appellants)*, Judgment given on 29 November 2023).

London Gypsies and Travellers Recommends that Newham's Local Plan is amended to make provisions for a transit site and to identify suitable types of locations for negotiated stopping approaches, particularly in light of the rich history of Gypsy and Traveller presence in the area over centuries, which forms part of the diversity of London, and is documented in a collectively designed map with the communities' landmarks: <https://lgtheheritage.communitymaps.org.uk/project/london-from-the-19th-to-the-mid-20th-century-yards-commons-and-green-corridors/contribution/24946?center=51.5183:0.0429:14&tab=1> .

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

- 1) In the Appendix “Monitoring Framework”, Table 16, p. 620, Key Performance Indicator no. 33, in the second column (“Target and scope of monitoring”), insert the following wording:

Target construction of 23 additional pitches, spread over several sites including by expanding the existing designated Romany Gypsy site. Prioritize the delivery of new pitches in the next 5 years, by expanding the existing site by 2026, delivering a new site with some 10 pitches by 2027, and delivering a second new site by 2030.

Monitor and update Gypsy and Traveller accommodation needs regularly, in line with general housing needs updates to Local Plans, including by considering any emerging evidence prepared by the Greater London Authority and other sources.

- 2) Under Policies H1 (Meeting housing needs), H3 (Affordable housing) and H4 (Housing mix), add the wording in bold to the existing wording in regular font:

[at H1.1]: “Small sites will form a part of Newham’s housing delivery. Developments should seek to optimise housing delivery on small sites below 0.25 hectares in size, following the design-led approach and using the small sites typologies set out in the Newham Characterisation Study (2024). Over the course of the Plan period, Newham will aim to deliver 3,800 homes on sites of this scale, **including culturally appropriate housing for Gypsies and Travellers with nomadic heritage**, as set out in Policies H2 and H14 of the London Plan 2021.”

[at H3.180]: “In particular, Newham residents need access to more social rent homes. The Newham Strategic Housing Market Assessment (SHMA) sets out that 54 per cent of housing need across the plan period is for affordable homes, with 66 per cent of this need being for social rent homes. **Furthermore, the Gypsy and Traveller residents of Newham seek to rent social and affordable accommodation that is culturally appropriate for people with a heritage of nomadism, according to the Gypsy and Traveller Accommodation Assessment.**”

[at H4] “a. the need to secure mixed and inclusive communities; and b. evidence of housing need as set out in Newham’s latest Strategic Housing Market Assessment **and in the Gypsy and Traveller Accommodation Assessment;**”

- 3) Under Policy H10 (Gypsy and Traveller accommodation), add point 5:
Newham Local Authority will identify land suitable for transit sites and for negotiated stopping in order to accommodate nomadic families making stops in the borough.

Please note In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

☐

No, I do not wish to participate in hearing session(s)

☒

Yes, I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

London Gypsies and Travellers regularly supports Gypsy and Traveller residents and housing experts to make statements at Examinations in Public.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

9. Do you wish to be notified about:

- a. the submission of the local plan for independent examination

Yes ☒ No ☐

- b. the publication of the Inspector's report

Yes ☒ No ☐

c. the adoption of the Local Plan

Yes ☒ No ☐

10. Would you like to be added to our consultation database to be notified about future planning policy consultations?

Yes ☒ No ☐

Please return to London Borough of Newham by 5pm 6th September 2024