

# Greenwich

## Gypsy and Traveller Accommodation Assessment



Final Report

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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 Royal Borough of Greenwich. The GTAA provides a robust and credible evidence base which can be used to aid the implementation of Development Plan policies and to inform the Site Allocations Local Plan for the period to 2031.
- 1.2 The GTAA has sought to understand the accommodation needs of the Gypsy, Traveller and Travelling Showpeople population in Greenwich through a combination of desk-based research, stakeholder interviews and engagement with members of the Travelling Community. A total of 32 interviews were completed with Gypsies and Travellers living on the authorised public site, and interviews were also completed with 11 families living on a tolerated unauthorised site. No Travelling Showpeople were identified living in Greenwich. Despite efforts to identify them no interviews were completed with Travellers living in bricks and mortar. A total of 10 telephone interviews were completed with Officers from the Royal Borough of Greenwich, Officers from neighbouring Boroughs, and an organisation representing members of the Travelling Community.
- 1.3 The fieldwork for the study was completed in July and August 2015, which was before the publication of the new Planning Policy for Traveller Sites (PPTS) that introduced changes to the definition of Gypsies, Travellers and Travelling Showpeople. However ORS were aware that the changes to the definition were being considered by the Government and questions to enable the determination of travelling status 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 2031 for Gypsies and Travellers in Greenwich who meet the new definition of a Traveller is for **no additional pitches**.
- 1.1 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 Irish and Romany households identified as living on the sites – 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. Further details can be found in Paragraphs 3.21-3.24. The site interviews identified 7 Romany Gypsy households living on the public site in Thistlebrook and 7 Irish Traveller families living on the unauthorised site at Horn Link Way.

## Transit Sites

- <sup>1.5</sup> Given the limited levels of unauthorised encampments over recent years that have been identified in Greenwich, 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

- <sup>1.6</sup> As there were no Travelling Showpeople identified as living or requiring accommodation in Greenwich there is not a need for the Council to make any provision to meet need, other than managing any Showpeople who visit the Borough to run fairs.

## 2. Introduction

### The Study

- 2.1 Opinion Research Services (ORS) were appointed by the Royal Borough of Greenwich (the Council) in July 2015 to complete a robust and up-to-date needs assessment of accommodation for Gypsies, Travellers and Travelling Showpeople to 2031.
- 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 Greenwich. It is a robust and credible evidence base which can be used to aid the implementation of Development Plan policies and to inform the Site Allocations Local Plan for the period to 2031. 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 **August 2015**.

### Local Development Framework in Greenwich

- 2.6 The Core Strategy with Development Management Policies sets out the strategic objectives for Royal Greenwich as well as the more detailed development management policies and the implementation framework required to deliver the Strategy. The Strategy was adopted on 30 July 2014.
- 2.7 Policy H4 addresses Gypsy and Traveller Needs and acknowledges that Greenwich has one of the higher capacities in London, but does not include specific allowances for any new provision. Instead it sets out that any targets for new pitches will be set by the Borough based on the need identified by working in collaboration with neighbouring boroughs, and that any additional sites will be included in the emerging Site Allocations Local Plan which this GTAA will inform.



**Policy H4 Gypsy and Traveller Needs**

The Royal Borough will seek to retain existing provision for Gypsies and Travellers. The need for additional provision will be assessed in collaboration with neighbouring boroughs and any new sites will be allocated through a site allocations local plan or other appropriate cross-boundary DPD. Any increase in provision should include basic amenities and services and would be assessed against the following criteria:

- i. Sufficient access to local shops, services and facilities
- ii. The development of the site will not adversely affect the character or amenity of the area
- iii. The site should promote peaceful and integrated existence between travellers and the existing community
- iv. Compatibility with other relevant policies of the Plan including environmental policies and the need to retain open spaces

**Definitions**

- <sup>2.8</sup> 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 to Romany, Irish and Scottish Travellers as an ethnic group).
- <sup>2.9</sup> 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.
- <sup>2.10</sup> 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).
- <sup>2.11</sup> 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**

- <sup>2.12</sup> 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>2.13</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>2.14</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>2.15</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**

<sup>2.16</sup> 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**

<sup>2.17</sup> 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’.

<sup>2.18</sup> 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.

<sup>2.19</sup> 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.

<sup>2.20</sup> 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*.

<sup>2.21</sup> 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.

- 2.22 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.
- 2.23 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.
- 2.24 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.
- 2.25 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

- 2.26 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).
- 2.27 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.

- 2.28 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.
- 2.29 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

- 2.30 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>2.31</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>2.32</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>2.33</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>2.34</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>2.35</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 Greenwich. 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 Greenwich.

## **Stage 2: Stakeholder Engagement**

3.7 This study included extensive local stakeholder engagement. This involved a series of in-depth telephone interviews and requests for written responses with Planning, Housing and Enforcement Officers from the Council. Contact was made with the London Gypsy and Traveller Unit who participated in a telephone interview.

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**

3.9 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:

- » Bexley
- » Bromley
- » Lewisham
- » Newham
- » Tower Hamlets

#### 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 Greenwich. This work identified 1 large public site, no private sites, and 1 tolerated unauthorised site. 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 Councils to ensure that our Site Record Form would collect all the necessary information to support the study. This form has been updated to take account of 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 Visit Record Form can be found in **Appendix C**.
- <sup>3.13</sup> All of the site fieldwork was undertaken during July and August 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. Adverts were also placed on the Travellers Times website.<sup>1</sup>

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<sup>1</sup>Details can be found in **Appendix D**

- 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 E**. 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 – and the Council will need 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 agree that the position proposed by the judgement is correct in that Gypsy and Traveller and Travelling Showpeople households will need to form part of the household projections, concealed households and market signals which underwrite the OAN calculation in the SHMA. The needs of these households will need to 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 need to 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 will need to be 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 and the needs are identified in 5 year periods to 2031.

### **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 Greenwich.

## 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 Greenwich.
- 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 Greenwich

- 4.6 In Greenwich there is 1 public site with 40 pitches, no private sites with permanent planning permission, no sites with temporary planning permission and no transit provision. There is also one long-standing unauthorised site. There are no Travelling Showpeople yards.

**Figure 4 - Total amount of authorised provision in Greenwich (August 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           | 40            |
| 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 GTANA studies that ORS have undertaken, the Royal Borough of Greenwich commissioned ORS to undertake a stakeholder engagement programme to complement the information gathered through interviews with members of the Travelling Community.
- 5.2 Thirteen interviews were completed in total. Ten interviews with council officers from the following departments: Planning Policy and enforcement; housing and parks and open spaces, two with representatives of the London Gypsy and Traveller Unit and Showmen's Guild (London Section) and one with a representative of Peabody Group (Housing Association). The number of interviews undertaken is viewed to be satisfactory and consistent with similar GTANAs 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 and Council Officers

### Accommodation for Gypsies and Travellers

- 5.7 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 its residents. One stakeholder was aware of overcrowding on the site caused primarily by family growth. There is thought to be no capacity to expand the existing site to meet this growth.



- 5.8 One stakeholder, however, revealed that the majority of residents would like to develop a site in Kent because they have family connections in the area, and if they found available and affordable land they would move to Kent.
- 5.9 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.
- 5.10 Stakeholders explained that the Royal Borough has not received any expressions of interest from Gypsy, Travellers or Travelling Showpeople, which they feel suggests there is no demand for further site provision in the area.

### **Travellers living in Bricks and Mortar**

- 5.11 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 at all.
- 5.12 The representative of Peabody Housing attempted to make contact with those living in bricks and mortar accommodation but none came forward during the study.

### **Short-term Roadside Encampments and Transit Provision**

- 5.13 Royal Greenwich does not currently have any transit pitches or agreed stopping places although there is a Caravan Club in Abbey Wood that Gypsies and Travellers are signposted to. Unauthorised encampments are dealt with by the Housing Service, and few encampments occur per year. Between June and August 2015 ten were moved on from parks and open spaces across Royal Greenwich by the Housing Service. They often occur at the Greenwich Millennium and arrive via the A2 or the A20.

### **Accommodation for Travelling Showpeople**

- 5.14 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.

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

- 5.15 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. As part of this meeting it was agreed that boroughs would share our consultant tender brief to ensure consistency. Officers also attend quarterly London wide Association of London Borough of Planning Officers (ALBPO) meeting.
- 5.16 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.

## Policies and Strategies

- 5.17 Within the Royal Greenwich 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 borough 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.

## Neighbouring Authorities

- 5.18 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 local authorities that neighbour the Borough:
- » London Borough of Barking and Dagenham
  - » London Borough of Bexley
  - » London Borough of Bromley
  - » London Borough of Lewisham
  - » The London Borough of Newham
  - » London Borough of Tower Hamlets.
- 5.19 The London Borough of Barking and Dagenham were invited to take part in the study via email but the officer failed to keep the telephone appointment.

## London Borough of Barking and Dagenham

- 5.20 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.
- 5.21 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.
- 5.22 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.

- 5.23 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 Bexley**

### **Accommodation for Gypsies and Travellers and Travelling Showpeople**

- 5.24 The London Borough of Bexley has one public site Powerscroft Road (10 pitches) and four private sites which include Jenningtree Way, Belvedere and Bunkers Hill which was granted on appeal and Willow Walk in Crayford.
- 5.25 Unauthorised encampments are rare and average around four per year.
- 5.26 The Council confirmed that as far as they know there are no Gypsies, Travellers or Travelling Showpeople living in bricks and mortar housing that wish to move to a site in Bexley or in Greenwich.
- 5.27 There are not known to be any Travelling Showpeople yards in the Borough.
- 5.28 Bexley's last GTANA in 2008 showed no need for further pitches at the time. Bexley has recently embarked on work to become a 'growth' borough and this will have an impact on the timing of the forthcoming Local Plan, which is now due to be adopted in 2019. One of the consequences of this will be a need to ensure the evidence base remains up-to-date – therefore, there will be associated changes and information requirements regarding the ongoing Gypsy and Traveller Accommodation Assessment.

### **Cross – border Issues**

- 5.29 The officer representing the area referred to regular contact and meetings with officers in Greenwich as well as Bromley and Dartford. Regular Duty to Cooperate meetings with the other South East London Boroughs also occurs regularly because of the proposals that are going on in the South Thamesmead area.
- 5.30 It is felt that both Greenwich and Bexley are meeting the duty to cooperate and work together – as and when required.

## **London Borough of Bromley**

### **Accommodation for Gypsies and Travellers and Travelling Showpeople**

- 5.31 Bromley is 60% Green Belt and the remaining 40% is built up or is developed, or looking at being developed or protected by open space policy. All of Bromley's Traveller sites are located within the Green Belt and the officer explained that a line would be drawn around the sites to take them out of the Green Belt for planning purposes.

- 5.32 There is one Travelling Showpeople site at Keston which contains 29 plots and an additional two plots which have temporary planning permission. The site is said to be intensively occupied, however there is the possibility for designating the additional two plots as a Traveller Site through the draft Local Plan, therefore enabling them to seek permanent planning permission and the Borough would try to meet future family growth within the existing site.
- 5.33 There are two publically managed sites for Gypsy and Travellers which are fully occupied (14 and 22 pitches). The former has no capacity to increase the number of pitches, the latter has had previous planning permission for an additional three pitches and this option could potentially be revisited. There are eight private sites, of which two have permanent permission and one has established use, the others have temporary or expired permission. The families resident on these sites have occupied them for around ten years and the officer explained that, in the event that the borough cannot find them anywhere else through the Local Plan, the families will reapply for planning and whilst they are Green Belt sites, it is assumed they will be granted permission, on appeal, whether that be temporary or permanent. Going forward, it is proposed to designate these sites as traveller sites inset within the Green Belt in line with the Planning Policy for Traveller Sites and it is assumed that the existing sites can meet the needs of any family growth.
- 5.34 There is said to be a large housed travelling community of upward of 1000 households.
- 5.35 In terms of short-term encampments the officer explained that the numbers can fluctuate greatly; 21 occurred in 2014 compared to just three in 2013. The officer couldn't explain reasons for the differences but suggested that the same family could be moving between sites within Bromley and each move could be counted as another encampment. The officer was aware that some of the encampments are caused by Travellers who are moving through the area en route to fairs and other destinations around the country, although some were caused as a direct result of the undersupply of pitches in Croydon which results in Travellers moving across the border into Bromley. The officer felt that this could soon be resolved as Croydon has recently proposed three new Traveller sites. The officer advised that Bromley did not propose specific provision of a transit site within the Borough, but that it would support the provision of a site elsewhere in the sub - region and referred to previous discussions around this issue.
- 5.36 The London - wide GTNA (2008) concluded a pitch target of 79 which stemmed from psychological aversion to housing, the number was considered to be high and was never accepted by the Council. Moreover, this need was not reflected in the site waiting list which fluctuates between one and four. The Council has conducted site searches and has conducted its own assessment which looked at the accommodation needs of Travellers. The officer explained that the Borough has a good understanding of the needs of the community and has been working directly with them. The borough has updated this evidence base frequently and is currently on the third version. The document currently sets out an unmet need for 11 pitches which is on five temporary sites with a possible need for one pitch to meet the need from the waiting list and the additional two plots for Travelling Showpeople.
- 5.37 The borough has used 3% to project future growth which has resulted in a total need of additional 45 pitches (including the 11 pitches) over the Local Plan period up to 2030. In terms of Travelling Showpeople the borough has used 1.5% (in line with CLG guidance) which has resulted in a total need of additional 10 plots (including the two plots).

## Cross - border Issues

- 5.38 Some of the sites including the Travelling Showpeople site are located near to the Croydon border and as a result there are cross-border issues relating to service provision, the officer explained that this does not create additional pressure on services because those families have been there for many years. In terms of Greenwich, it is located to the north of Bromley along the most developed part of the borough and not by the sites so no such issues exist.
- 5.39 The officer explained that it was important to understand neighbouring boroughs pressures and in terms of working with the other neighbouring authorities, there was said to be a flurry of activity in 2013 amongst the Gypsy Traveller London Partnership group (Lewisham, Bexley and Lambeth), when there was an understanding that some discussion was needed around the commissioning of GTAA studies. The progress on the Local Plan was different for each of the boroughs and a joint study was not possible, nevertheless the officer considered it a useful exercise to understand the needs of the surrounding boroughs. Bromley has also participated in duty to cooperate meetings with Sevenoaks, Tunbridge Wells and Gravesham.

## London Borough of Lewisham

### Accommodation for Gypsies and Travellers and Travelling Showpeople

- 5.40 There is currently no site provision, either public or private, in Lewisham. The site at Thurston Road, was closed in 2009 and the 5 households who lived at Thurston Road surrendered their licence and moved. The Council had proposed to relocate them to a proposed site at Church Grove. This site was subsequently withdrawn by the Council because of concerns by local residents and issues around access. It is not known where the residents went onto be housed.
- 5.41 In terms of Travelling Showpeople, there is no current provision and the report did not identify any future need.
- 5.42 A relatively small number of unauthorised encampments occur and the GTAA did not identify any need for transit provision.
- 5.43 A GTAA study was undertaken by ORS and completed in July 2015. The study identified a need for six additional pitches over the next 15 years for those Travellers living in bricks and mortar accommodation, four of which would need to be provided in the next five years. Since the study was completed the Borough have established a corporate working group which is made up of property, legal, housing, community services and planning, and are currently working together to identify possible sites. They will shortly be producing a new timetable for a site consultation.

## Cross - border issues

- 5.44 Although a small number of encampments occur each year, this is not thought to be a consequence of pressure on neighbouring boroughs, although there is pressure resulting from the fact that Lewisham does not have a site and neighbouring boroughs do. The officer explained that surrounding boroughs are all at different stages of the Local Plan process, but felt that it could have been beneficial to have undertaken an

accommodation needs assessment at a sub-regional level as this could have been a better way to bring officers together. Although the officer felt that it is helpful that neighbouring authorities are being contacted as part of the GTAA work – as it provides some information about what is happening at a sub-regional level.

- 5.45 In order to meet the duty to cooperate on housing more generally, planning officers meet quarterly. The officer felt that these meetings should be formalised in terms of the Local Plan process and, although it is good that officers meet, directors should also meet.

## **The London Borough of Newham**

### **Accommodation for Gypsies and Travellers and Travelling Showpeople**

- 5.46 Within the borough, there is one public site with 15 pitches. There are no vacant pitches and there is little turnover of pitches. The site has recently been refurbishment to improve the quality of accommodation.
- 5.47 The officer was not aware of anyone who had applied for site accommodation and felt that this possibly indicated that the housed traveller community in Newham is more settled and accepting of that accommodation.
- 5.48 Up to ten short – term encampments occur per year and the borough, in partnership with the police, will use Section 77 of the Criminal Justice and Public Order Act to remove unauthorised encampments as quickly as possible.
- 5.49 When asked to what extent the accommodation is meeting the need currently, the officer explained that the borough has commissioned ORS to carry out its accommodation needs assessment, and this will inform the borough of the future need, although the officer explained that the planning department have received no expressions of interest from the Gypsy, Travellers or Travelling Showpeople, which suggests that there is no demand for further site provision.
- 5.50 The officer expressed concern that in the event that the study does identify additional need, the borough will find it difficult to respond to positively because there is no free land in Newham. Urban Newham is highly developed and the only free land is in the docklands area which has its limitations because it is mostly owned by the GLA and the big corporations.
- 5.51 The GTAA will feed into the Development Plan Document in early spring next year and go onto deliver part of the Local Plan Review in 2017.

### **Cross - border issues**

- 5.52 The officer was not aware of any cross – border issues, and explained the borough works with the LLDC and has direct links with the neighbouring boroughs through the Strategic Market Housing Assessment work. The officer has also been in touch with neighbouring boroughs to discuss progress on their Local Plans and although the conversations were not specific to Gypsy and Travellers, the issue was discussed and the officer suggested that the issue around the lack of land is a problem shared by all its neighbours.

- 5.53 The officer explained that there little contact with Greenwich because of the barrier of water which separate the two areas and they have very different issues particularly because Greenwich is considered to be a settled affluent borough with a very different population. Hackney and Tower Hamlets are thought to have similar issues and therefore the relationship with these boroughs are considered to be more important

## **The London Borough of Tower Hamlets**

### **Accommodation for Gypsies and Travellers**

- 5.54 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.
- 5.55 Short-term encampments are said to occur infrequently, people are known to parking by the side of roads for an extended period of time and are moved on quickly and as a result the officer did not know if there is a need to provide any transit provision.
- 5.56 At the time of interview, Tower Hamlets were in the process of commissioning an updated GTAA study. The Core Strategy (2010) set out how the borough will look for more sites The Development Management Document with a site allocation in it 2013 – the targets in the London Plan had gone and at that point had not allocated any further sites.

### **Cross - border issues**

- 5.57 The officer was not aware of any cross-border issues with Greenwich and felt that cross-border issues with LLDC is 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 neighbouring Boroughs Local Plan experiences, it was felt that this situation had changed and the issue now requires more attention and greater understanding.
- 5.58 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. They have met with officers representing Newham to discuss the Local Plan. Once the borough has established its evidence base and neighbouring boroughs have also done so, duty to cooperate conversations on Gypsy and Travellers can be productive and inform the development of the borough's Local Plan.

## **Views from Community Representatives**

### **Response from the LGTU**

- 5.59 ORS interviewed a representative of the London Gypsy and Traveller Unit, 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.

<sup>5.60</sup> 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 and a lack of space. 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.

<sup>5.61</sup> When asked about the quality of the site, the representative is aware that many pitches are in a state of disrepair and is not aware of any planned refurbishments to improve the quality of the site.

<sup>5.62</sup> The representative also expressed concern over the needs of the ten families living on the tolerated encampment in the Greenwich Peninsula and it was suggested that the site is currently located between two large development sites which creates a heavily polluted atmosphere for residents who are alleged to be suffering health issues as a result. Again it was feared that if the Borough does not provide a suitable alternative, they too will be forced into bricks and mortar accommodation. The representative felt that alternatively the Borough could grant permanent planning permission to remain on the site and allow them to stay in the community where they have established roots and continue to access healthcare and schools; however the representative feared that this would mean that they would stay on a potentially dangerous site.

<sup>5.63</sup> In terms of housed Travellers, the LGTU have little contact with this community in Greenwich and was unable to facilitate a drop in session similar to those they held in neighbouring boroughs (Hackney, Haringey and Newham).

When asked about the extent to which neighbours are working together, the representative felt that more could be done to address this issue and referred to the investigation into Gypsy and Traveller accommodation by the London Assembly Housing Committee which visited the Greenwich site as part of their research and felt that, while this raised some awareness of the issue, it wasn't followed up by development of sites to meet the unmet demand.



## 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 Greenwich. 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 and 1 long-standing unauthorised development. The table below identifies the sites that ORS staff visited during the course of the fieldwork.

**Figure 10 - Sites Visited in Greenwich**

|                                     |
|-------------------------------------|
| <b>Public Sites</b>                 |
| Thistlebrook                        |
| <b>Long-Term Unauthorised Sites</b> |
| Horn Link Way                       |

- 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 under the headings below.
- 6.4 Through the site surveys data was collected for households living on 32 of the 40 pitches on the public site, and with all households living on the unauthorised site.

### Public Site at Thistlebrook

- 6.5 Staff from ORS visited the Thistlebrook site on 3 occasions during July and August 2015. The site has planning permission for 40 pitches and the majority were occupied at the time of the study.
- 6.6 A total of 32 interviews were completed with households living on the site and these covered 122 persons, 69 adults and 53 children and teenagers aged under 18. This equates to 57% adults and 43% children and teenagers. Three quarters of the households were English Travellers with the remaining household being of Romany origin. The majority were long-term residents with all but 6 of the households having lived on the site for 20 years or more, 8 of which have lived on the site for 50 years or more.

- 6.7 Some of the pitches were very over-crowded and as many as 11 concealed or doubled-up households or individuals were identified. In addition a number of residents said that their living space was over-crowded due to large number of children.
- 6.8 When asked if any of their children would be in need of a pitch of the own in the next 5 years the need for as many as 19 additional pitches was identified – although this could include some double counting with the concealed or doubled-up households or individuals.
- 6.9 All of the residents live on the site out of choice and the majority were satisfied with the site as a place to live – with only a small number citing over-crowding and the lack of play areas for children as a problem. A few residents also expressed concerns about the long-term future of the site
- 6.10 When asked about their travelling circumstances the vast majority stated that they do not travel and live a settled lifestyle on the site. Only 3 households stated that they travelled and the reasons for this were for holidays or to visit fairs.
- 6.11 No additional households for family members or friends living in bricks and mortar were identified.

### **Unauthorised Site at Horn Link Way**

- 6.12 Staff from ORS visited the site adjacent to Horn Link Way in August 2015. The site is occupied by an extended family group all of whom were Irish Travellers. At the time of the fieldwork there were 11 touring caravans on the site, together with a variety of cars and other vehicles. In total there were 5 adult men, 8 adult women and 26 children and teenagers living on the site, comprising 7 family groups. This equates to 33% adults and 67% children and teenagers. They claim to have lived in Greenwich for approximately 30 years and on the site at Horn Link Way for approximately 14 years. It understood that most of the children attend local schools in Greenwich and that the families also access health and other services within the Borough. The residents claim to have made repeated requests to the Council to be relocated onto a more suitable site.
- 6.13 The residents accept that they have occupied the site at Horn Link Way through their own choice, but claim that they have no other options in terms of alternative sites to live on. Given that they have lived in Greenwich for approximately 30 years they would ideally like to continue living in Greenwich but are unwilling to consider moving to the Council's Thistlebrook Site as it is occupied mainly by English Travellers.
- 6.14 The understanding from the interviews with the residents is that they are not on any waiting lists for a public site; they do not travel and are settled in the area; and that they have no alternative accommodation outside of Greenwich, including in Ireland.

# 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. Further details can be found in Paragraphs 3.21-3.24.

## 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 Greenwich with children attending local schools and local work connections. The 3 households who stated that they do travel said that this was for holidays and visiting fair and none were able to demonstrate that they travel for work purposes, or have ceased to travel temporarily.

- 7.6 Discussions with residents on the site also suggested strongly that those households for which an interview was not possible are also long-term settled residents of the site and do not travel for work purposes.
- 7.7 The understanding from the interviews with the residents living on the unauthorised development on Horn Link Way was also that they do not travel and are settled in the area, with most of the children attending local schools in Greenwich and with the families accessing health and other services within the Borough.
- 7.8 Therefore it can be argued that none of the Gypsy and Traveller households living on the public and authorised sites in Greenwich meet the new 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.
- 7.9 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 Irish and Romany households identified as living on the sites – 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. Further details can be found in Paragraphs 3.21-3.24.

### Need from Bricks and Mortar Households

- 7.10 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 27 Gypsy or Irish Traveller households in Greenwich. 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.
- 7.11 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. This process resulted in **no contacts to interview**.

### Need from In-Migration

- 7.12 Evidence drawn from stakeholder and site interviews in Greenwich 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 Greenwich

- 7.13 The estimated additional provision identified as part of the GTAA for Greenwich that is needed over the period to 2031 will be **for no additional pitches** to address the needs of all identifiable Gypsy and Traveller households who meet the new definition of a Traveller as set out in the revised PPTS.

## Transit/Emergency Stopping Site Provision

- 7.14 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.
- 7.15 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.
- 7.16 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.
- 7.17 There are no public or private transit sites in Greenwich and, other than the caravans already identified on the unauthorised development at Horn Link Way, there are only a small number of roadside encampments.
- 7.18 Given the limited levels of unauthorised encampments over recent years that have been identified in Greenwich, 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

- 7.19 As there were no Travelling Showpeople identified as living or requiring accommodation in Greenwich there is not a need for the Council to make any provision to meet need, other than managing 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 2031 for Gypsies and Travellers in Greenwich who meet the new definition of a Traveller is for **no additional pitches**.
- 7.20 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 Irish and Romany households identified as living on the sites – 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. Further details can be found in Paragraphs 3.21-3.24.

### Transit Sites

- 8.2 Given the limited levels of unauthorised encampments over recent years that have been identified in Greenwich, 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

- 8.3 As there were no Travelling Showpeople identified as living or requiring accommodation in Greenwich there is not a need for the Council to make any provision to meet need, other than managing Showpeople who 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 Greenwich (August 2015)

| Site/Yard  | Authorised Pitches/Plots | Unauthorised Pitches/Plots |
|--|--------------------------|----------------------------|
| <b>Public Sites</b>  |                          |                            |
| Thistlebrook   | 40                       | -                          |
| <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> |                          |                            |
| Horn Link Way  | -                        | 7                          |
| <b>Unauthorised Sites</b>                                      |                          |                            |
| None   | -                        | -                          |
| <b>TOTAL PITCHES</b>   | <b>40</b>                | <b>7</b>                   |
| <b>Private Transit Sites</b>                                   |                          |                            |
| None   | -                        | -                          |
| <b>Private Travelling Showpeople Yards</b>                     |                          |                            |
| None   | -                        | -                          |

## Appendix C: Site Record Form

**INTERVIEWER READ OUT:** *Good Morning/afternoon/evening. My name is < > from Opinion Research Services, working on behalf of Royal Borough of Greenwich Council. The council are undertaking a study of Gypsy & Travellers and Travelling Showpeople accommodation needs in this area. We would like you to take part because it is important that we interview a wide cross-section of people. Your family will not be identified and all the Information collected will be anonymous and only used to help understand the needs of Gypsy and Traveller and Travelling Showpeople households.*

| <b>Gypsy &amp; Traveller Accommodation Assessment – Site/Pitch Record</b>                        |     |  |          |     |  |          |     |  |          |   |          |     |          |     |          |     |          |     |
|--|-----|--|----------|-----|--|----------|-----|--|----------|---|----------|-----|----------|-----|----------|-----|----------|-----|
| <b>General Information</b>   |     |  |          |     |  |          |     |  |          |   |          |     |          |     |          |     |          |     |
| Name of Local Authority  |     |  |          |     |  |          |     |  |          | Royal Borough of Greenwich  |          |     |          |     |          |     |          |     |
| Date of Site Visit   |     |  |          |     |  |          |     |  |          |   |          |     |          |     |          |     |          |     |
| Time of Site Visit   |     |  |          |     |  |          |     |  |          |   |          |     |          |     |          |     |          |     |
| Name of Interviewer(s)   |     |  |          |     |  |          |     |  |          |   |          |     |          |     |          |     |          |     |
| Address and Pitch Number   |     |  |          |     |  |          |     |  |          |   |          |     |          |     |          |     |          |     |
| Type of Site   |     |  |          |     |  |          |     |  |          | Council / Housing Association / Private/Unauthorised  |          |     |          |     |          |     |          |     |
| 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 long have you lived here? And if you have moved in the past 5 years where did you move from? |     |  |          |     |  |          |     |  |          |   |          |     |          |     |          |     |          |     |
| How many accommodation units are on the 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 |
| How many separate families or unmarried adults live on this pitch?                               |     |  |          |     |  |          |     |  |          |   |          |     |          |     |          |     |          |     |
| Is the pitch over-crowded /housing families which may require additional pitches elsewhere?      |     |  |          |     |  |          |     |  |          |   |          |     |          |     |          |     |          |     |
| How many of your children that live on site will need a home of                                  |     |  |          |     |  |          |     |  |          |   |          |     |          |     |          |     |          |     |

|  |   |
|--|---|
| <p>their own in the next 5 years?<br/> Will they want to stay on this site?<br/> If not, where would they wish to move? (e.g. other Greenwich site/London site/ other type of accommodation (including bricks and mortar) in Greenwich/out of London)</p>      |   |
| <p>How many people living here are on the waiting list for a pitch in Greenwich?<br/> How long have they been on the waiting list?<br/> Do any of the people living here want to be on the Waiting List for either a pitch or Bricks &amp; mortar Housing?</p> |   |
| <p>Do you live here out of your own choice or because there was no other option? If no option why?</p>   |   |
| <p>Is this site suitable for your household? If so why and if not why not?</p>   | <p><i>(For example close to schools, work, healthcare, family and friends etc.)</i></p> |
| <p>Do you plan to move from this site in the next 5 years? And why?</p>  |   |
| <p>Where would you move to?<br/> (Greenwich site, out of Greenwich site, other type of accommodation (including bricks and mortar) in Greenwich, other type of accommodation outside of London etc.)<br/> Why?</p>   |   |
| <p>If you want to move would you prefer a buy a private pitch or site, or rent a pitch on a public site?<br/> Can you afford to buy a private pitch or site?<br/> Would you consider renting a pitch</p>   |   |

|   |  |
|---|--|
| on a managed private site?  |  |
| Does your Household travel? Who, where, why and how often in the past 12 months?<br>If not travelling, why not? |  |
| Contacts for Bricks & Mortar Interviews   | <i>Details of any friends or family living in bricks and mortar who want to move to a site</i> |
| Any other information about this site or your accommodation needs?  |  |
| <b>Site/Pitch Plan</b>  | <i>Sketch of Site/Pitch – any concerns? Opportunities for expansion/intensification?</i>       |
|   |  |

# Appendix D: Bricks and Mortar Advert

## Gypsy, Traveller & Travelling Showpeople Accommodation Assessments

Opinion Research Services (ORS) is an independent research company who carry out Gypsy, Traveller and Travelling Showpeople Accommodation Assessments across the country.

These assessments must be carried out by every council to inform them how many new pitches and plots will need to be provided in the future.

ORS would like to speak to Gypsies, Travellers and Travelling Showpeople who are looking to develop a site or yard or who live in bricks and mortar and would prefer to live on a site or yard in any of the following areas:

**Basingstoke and Deane, Bedford, Carmarthenshire, Conwy, Denbighshire, Luton, North Somerset, Powys, the Royal Borough of Greenwich and the Royal Borough of Windsor and Maidenhead.**

Your views are very important to us.

If you would like to speak to ORS about your needs please contact **Claire Thomas** on **01792 535337** or email [claire.thomas@ors.org.uk](mailto:claire.thomas@ors.org.uk)

# Appendix E: 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.