

OPDC
OLD OAK AND
PARK ROYAL
DEVELOPMENT
CORPORATION

Gypsy and Travellers Accommodation Needs Assessment (GTANA)

LOCAL PLAN SUPPORTING STUDY

Draft for Regulation 18 Consultation
4 February 2016



MAYOR OF LONDON

Role of this study

This study has been produced to inform the draft Local Plan and should be read alongside other relevant studies, the draft Local Plan and the London Plan.

Study overview

Document title	Gypsy and Travellers Accommodation Needs Assessment (GTANA)
Lead author	Opinion Research Services
Purpose of the study	Identifies the specific housing needs of the Gypsy and Travellers community.
Stage of production	Interim report produced for Regulation 18 consultation. Final report to be developed to inform the Regulation 19 version of the Local Plan.
Key outputs	Gypsy and Travellers Accommodation Needs Assessment Report setting out: <ul style="list-style-type: none">■ fair and effective strategies to meet the need through identified land for sites.■ existing site's capacity and if necessary to provide evidence of the need to increase the number of traveller sites.■ approach to working with neighbouring authorities in the housing market area.
Key recommendations	No recommendations have been provided to date.
Relations to other studies	There is an interface with the Strategic Housing Market Assessment and the Development Capacity Study.
Next steps	The document will be used to inform the Regulation 19 consultation on the Local Plan.

Consultation questions

1. Do you agree with the recommendations of this supporting study? If not, please explain why.
2. Do you agree with the methods used in delivering the recommendations? If not, please set out alternative approaches and why these should be used.
3. Are there any other elements which the supporting study should address? If yes, please define these.

You can provide comments directly through:

opdc.commonplace.is

Old Oak and Park Royal Development Corporation (OPDC) Gypsy and Traveller Accommodation Assessment



Draft Report
February 2016



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Important Note

This is a Draft Report and should not be used at this stage to inform the Local Plan process or to support planning application decisions or planning appeals.

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

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

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

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1. Executive Summary

Introduction and Methodology

- 1.1 The primary objective of the 2016 Gypsy and Traveller Accommodation Assessment (GTAA) is to provide a robust assessment of current and future need for Gypsy, Traveller and Travelling Showpeople accommodation in the Old Oak and Park Royal Development Corporation (OPDC) area. This covers parts of the boroughs of Brent, Ealing and Hammersmith and Fulham. The GTAA provides a robust and credible evidence base which can be used to aid the preparation of Local Plan policies 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 the OPDC area through a combination of desk-based research, stakeholder interviews and engagement with members of the Travelling Community. A total of 16 interviews were completed with Gypsies and Travellers living on the 1 authorised public site in the OPDC area. No Travelling Showpeople were identified living in the OPDC area. 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 an Officer from OPDC, Officers from the Boroughs that make up the OPDC area, an Officer from the neighbouring Borough of Kensington and Chelsea, and an Officer from Oxfordshire County Council who manage the public site in Ealing.
- 1.3 The fieldwork for the study was completed in December 2015, which was after the publication of the new PPTS that introduced changes to the definition of Gypsies, Travellers and Travelling Showpeople. This included a change to the definition of a Traveller for planning purposes and questions to enable the determination of the travelling status of households were included in the household interviews.

Gypsy and Traveller Future Pitch Provision

- 1.4 Based upon the evidence presented in this study the estimated additional pitch provision needed to 2031 for Gypsies and Travellers in the OPDC area who meet the new definition of a Traveller is for **no additional pitches**.
- 1.5 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 Traveller households identified as living on the public site – the Council will also need to consider how to meet the needs of these households as they are covered by equality legislation through their ethnic group being a protected characteristic.

Transit Sites

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

Travelling Showpeople Requirements

- ^{1.7} As there were no Travelling Showpeople identified as living or requiring accommodation in the OPDC area there is not a need for any provision to meet need, other than managing Showpeople who may visit the OPDC area to run fairs.

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2. Introduction

The Study

- 2.1 Opinion Research Services (ORS) were appointed by Old Oak and Park Royal Development Corporation (OPDC) in October 2015 to complete a robust and up-to-date needs assessment of accommodation for Gypsies and Travellers to 2031. This was a joint commission with ORS also appointed to complete a Strategic Housing Market Assessment (SHMA) for OPDC.
- 2.2 The study provides an evidence base to enable OPDC 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 the OPDC area. It is a robust and credible evidence base which can be used to aid the preparation of development plan policies 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 OPDC 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 **December 2015**.

Local Development Framework in OPDC

- 2.6 OPDC was established in April 2015 to develop a whole new centre and community for west London based on the investment in rail infrastructure projects HS2 and Crossrail to create new opportunities for people in the area. As a Local Planning Authority OPDC has a duty to prepare a Local Plan. The Local Plan will set out OPDC's strategy for development within its area and contains the policies that will be used to direct development and determine applications across the entire OPDC area. As OPDC is a newly established Local Planning Authority there is no existing Local Plan in place. However there are Local Plans for the 3 Boroughs that make up the OPDC area – Brent, Ealing and Hammersmith and Fulham.

Brent

- 2.7 The Brent Core Strategy was adopted in 2010 and covers the period to 2026. Policy CP22 addresses Gypsy and Traveller Needs.

CP 22 - Sites For Nomadic Peoples

A). The existing Lynton Close Travellers Site will be protected for its current use

B). Proposals for sites to accommodate the specific needs of Travellers (Irish and Scottish), Gypsies, Roma, Sinti and Travelling Show people should:

Meet a need for such accommodation which is not being met in the Borough or elsewhere in London, whilst avoiding an over-concentration of such facilities in Brent in comparison to other boroughs.

Be located on a site and in an area both environmentally acceptable for residential occupation and - where the prospective occupiers require – suitable for the undertaking of employment and entrepreneurial activities without detriment to adjacent occupiers' amenities.

Have acceptable road and pedestrian access and be accessible to local services and public transport.

Be suitably landscaped, with appropriate boundary treatment.

Ealing

- 2.8 The Ealing Development Strategy 2026 (also known as the Core Strategy DPD) was adopted in April 2012 and sets out a vision for the future development of the borough and covers a 15-year plan period up to 2026. Policy 1.2 (n) addresses Gypsy and Traveller needs.

Policy 1.2 (n)

To protect the existing Gypsy and Traveller site at Bashley Road, Park Royal, and to consider additional provision subject to local evidence of need.

The Council's reputation as a local and regional support hub for gypsies and travellers facing accommodation related issues is based on the high quality of service provision in supporting gypsies and travellers looking for accommodation suited to their needs. Historical trends show that there is sufficient churn at the Bashley Road site to cope with the current waiting list as of 2011, with no identified need for provision of an additional site in the short to medium term. The Council will therefore only contribute towards the provision of additional pitches in Ealing based on strong evidence of need, balanced against general housing priorities, availability of funding and the feasibility of identifying an appropriate site. Planning applications for the provision of additional Gypsy and Traveller sites will be determined against the criteria based policy included in the Development Management DPD.

- 2.9 The Development Management DPD which was adopted in December 2013. Policy 3B addresses issues relating to Gypsies and Travellers.

POLICY 3B - EALING LOCAL POLICY - SPECIAL RESIDENTIAL ACCOMMODATION**Planning Decisions**

The development of special residential accommodation will be supported where it meets the identified needs of a specific local group and satisfies the amenity objectives of the plan.

E3.B.1 Special residential accommodation is any type of dwelling that differs in form or occupation from normal housing and includes, but is not limited to; student hostels and Gypsy and Traveller sites.

Development of special residential accommodation should have particular regard to any impacts on amenity that may result from an over-concentration of uses in a particular area.

E3.B.2 Identified needs will be determined by the local planning authority and set out in published evidence base documents according to local needs and statutory requirements. As the permission of this type of use is related to identified demand it may be appropriate to grant temporary permissions where the future of this need is limited or uncertain.

Hammersmith and Fulham

- ^{2.10} The Local Development Framework (LDF) for Hammersmith and Fulham includes the Core Strategy which was adopted in 2011, the Development Management Local Plan which was adopted in 2013, and supplementary planning guidance on development management issues and major regeneration areas in the borough. In January 2015 the Council consulted on a draft Local Plan which outlines the Council's vision and preferred options for development in the borough for the next 20 years.
- ^{2.11} The Core Strategy includes Policy H5 which addresses the needs of Gypsies and Travellers.

Borough Wide Strategic Policy - H5 Gypsies and Traveller Accommodation

The council will work closely with RBKC to protect and improve the existing gypsy and traveller site at Westway which is located in Kensington & Chelsea. Any additional site to accommodate the specific needs of Gypsies and Travellers in this borough should:

Meet local need;

Take account of suitable vehicular access and satisfactory parking, turning and servicing; be within close proximity of local facilities and services such as a primary school, local shops and a GP; and

Be designed in such a way that it is compatible with existing and planned uses, fit for the occupants and at the same time does not impact on residential amenity.

- ^{2.12} The Draft Local Plan includes Policy HO10 which addresses the needs of Gypsies and Travellers.

Borough-wide Policy HO10 - Gypsy and Traveller Accommodation

The council will work closely with the Royal Borough of Kensington and Chelsea to protect, improve and, if necessary, increase the capacity of the existing gypsy and traveller site at Westway.

Justification

7.57 The council and the Royal Borough of Kensington and Chelsea (RBKC) jointly provide a site for 19 travellers' pitches on land in RBKC to the east of the White City Opportunity Area. Following engagement with the local traveller community an assessment of the need for traveller pitches will be carried out in accordance with the Gypsy and Traveller Accommodation Needs Assessments (DCLG 2007). When this assessment is completed the council will work with RBKC and the local traveller community to determine how best to meet any identified needs.

Alternative Options - Policy HO10 - Gypsy and Traveller Accommodation

Identify alternative sites in the borough to meet the need for additional pitches.

Definitions

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

The 'Planning Definition' in PPTS

- 2.17 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)

- ^{2.18} 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

- ^{2.19} 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.

- ^{2.20} The definition of Gypsies and Travellers as referred to at Section 225 of the Act is that set out for the purposes of planning by the Secretary of State for Communities and Local Government. Therefore the definition of ‘gypsies and travellers’ for this purpose is specified in ‘The Housing (Assessment of Accommodation Needs) (Meaning of Gypsies and Travellers) (England) Regulations 2006’ (Statutory Instrument: 2006 No. 3190).

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

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

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

(i) such persons who, on grounds only of their own or their family's or dependant's educational or health needs or old age, have ceased to travel temporarily or permanently; and

(ii) members of an organised group of travelling showpeople or circus people (whether or not travelling together as such).

The 'Equality Act' 2010 Definition

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

Definition of Travelling

2.22 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'.

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

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

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

2.26 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.

2.27 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.

- 2.28 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.
- 2.29 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.
- 2.30 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

- 2.31 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).
- 2.32 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.

- 2.33 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.
- 2.34 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

- 2.35 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.*

^{2.36} 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.*

^{2.37} 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.*

^{2.38} 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

^{2.39} 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).

^{2.40} 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.*

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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 Planning Policy for Traveller Sites, 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 the OPDC area. 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 GTAA's 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 the OPDC area.

Stage 2: Stakeholder Engagement

3.7 This study included local stakeholder engagement. This involved a series of in-depth telephone interviews Officers from OPDC, Officers from the 3 Boroughs that make up OPDC, an Officer from the neighbouring Borough of Kensington and Chelsea (who provide joint site with Hammersmith and Fulham, and with an Officer from Oxfordshire County Council who manage the public site in Ealing.

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.
- » Newham
- » Tower Hamlets

Stage 3: Survey of Travelling Communities

- 3.9 Through the desk-based research and stakeholder interviews ORS sought to identify all authorised and unauthorised sites and encampments in the OPDC area. This work identified 1 large public site in Ealing, no private sites, and no tolerated or unauthorised sites. In addition no Travelling Showpeople yards were identified. Full details of the sites can be found in **Appendix B**.
- 3.10 ORS worked closely with OPDC 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 recent changes to PPTS to collect the information ORS feel is necessary to apply the new household definition.
- 3.11 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 D**.
- 3.12 All of the site fieldwork was undertaken during December 2015.

Stage 4: Bricks and Mortar Households

- 3.13 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.
- 3.14 Contacts in bricks and mortar were sought through a wide range of sources including speaking with people living on the existing site to identify any friends or family living in bricks and mortar who may wish to move to a site, and intelligence from the Council.
- 3.15 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.
- 3.16 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 5: Current and Future Pitch/Plot Needs

- 3.17 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 C**. 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.
- 3.18 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.
- 3.19 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.

Applying the New Definition

- 3.20 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

- 3.21 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

^{3.22} 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

^{3.23} 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).

^{3.24} 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 6: Conclusions

^{3.25} 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 the OPDC area.

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 the OPDC area.
- 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 the OPDC Area

- 4.6 In the OPDC there is 1 public site with 24 pitches, no private sites with permanent planning permission, no sites with temporary planning permission and no transit provision. There are no tolerated or unauthorised sites, or Travelling Showpeople yards.

Figure 1 - Total amount of authorised provision in OPDC (December 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	24
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, OPDC asked ORS to undertake a stakeholder engagement programme to complement the information gathered through interviews with members of the Travelling Community. Ten interviews were completed in total and the number of interviews undertaken is viewed to be satisfactory and consistent with similar GTANAs that ORS have completed.
- 5.2 Themes covered in the interviews included: current GTAAs; 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.
- 5.3 Importantly, this element of the study also 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.
- 5.4 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.

Current GTAAs

Brent

- 5.5 The Council has not undertaken a recent GTAA study since the 2008 London assessment. A new Brent SHMA was commissioned last year and captures some elements of need relating to Gypsy and Traveller sites, but this does not fulfil the full requirements of a GTAA; the SHMA undertaken by ORS has yet to be published. The benefits of undertaking a study are said to be clarity on the number of pitches needed to inform updated site allocations and meet requirements of NPPF and Equality Duty.

Ealing

- 5.6 The Council has not carried out a GTAA since the London wide Assessment undertaken by Fordham's in 2008 and have no plans to undertake anything further. However the Council undertook a SHMA in 2013 (DCA) and Gypsy and Traveller accommodation needs were included. The report states that no further need for pitches/plots were required.

Hammersmith and Fulham:

- 5.7 The Council have not carried out a GTAA since the London wide Assessment undertaken by Fordham's in 2008 and have no plans to undertake anything further. The Officer that was interviewed was unaware of any need for Gypsies or Travellers being included within any recent SHMAs.

Kensington and Chelsea

- 5.8 The London-wide GTAA identified a need to provide between 6 and 12 pitches in the Borough for the period 2007-2017. The shortage and high cost of land is said to limit opportunities to provide new pitches. Interviewees were unable to provide any further information and the SHMA undertaken in 2013 does not mention Gypsies and Travellers.

Current Accommodation Provision

Brent

- 5.9 The Council has one public site at Lynton Close – which is outside of the OPDC area. This provides 34 pitches and is currently managed by Oxfordshire County Council. There are some issues relating to the site which the Council are looking to address including ongoing maintenance. The Council has set up a working group to address these issues and the group is also looking at land adjacent to the site. Oxfordshire CC said that overcrowding is an issue on the majority of the sites they manage and this is mainly as a result of newly forming households from existing residents. The current site is in need of redesigning due to a poor existing layout. There are no tolerated sites, unauthorised sites or sites with temporary permissions in Brent. There are also no yards for Showpeople and little evidence to suggest there is a need.

Ealing

- 5.10 The Council has one public site at Bashley Road, which is within the OPDC area, and provides 24 pitches. The site is said to be in an unsuitable location as it is in a middle of an industrial area, there is poor access and the site is in need of modernisation (including improved drainage). There is a small waiting list and the site is also managed by Oxfordshire County Council. There are few known overcrowding issues. There are no unauthorised sites, tolerated sites or sites with temporary planning permission in Ealing, and now Showperson yards.

Hammersmith and Fulham

- 5.11 There are no sites which are authorised, tolerated or with temporary planning permission in Hammersmith and Fulham, and also no known Showperson yards. There is a site in Kensington and Chelsea called Westway at Stable Way, Latimer Road which has 20 pitches and this is used to house any Traveller need identified in Hammersmith and Fulham.

Bricks and Mortar Community

- 5.12 Very little information was provided by those who were interviewed about Traveller households living in bricks and mortar in the OPDC area. Some of those interviewed were aware of a small number of households living across their whole Borough but no further information was provided. The Officer from Ealing confirmed there had been a specific floating support service for housed Gypsies or Travellers but due to budget cuts and restructuring this was now included as part of a wider generic floating housing support service.

Short-term Roadside Encampments and Transit Provision

- 5.13 Unauthorised encampments are not said to regularly occur and overall it was felt that there has been a decrease in recent years. In Ealing where the site that is in the OPDC area is located it was confirmed that whilst there has been a general decrease over the last 10 years, there have been a number of short-term encampments in the past 18 months, but that these were households who were passing through.
- 5.14 There are not known to be any transit sites and/or short stay/emergency stopping places in any of the boroughs, and it is not thought that there is need for any specific transit provision.

Cross-Boundary Issues

- 5.15 There are not known to be any cross-border issues between those Boroughs interviewed and the OPDC area. There are some examples of cross-border/joint working e.g. planning groups, involvement in neighbouring authorities SHMA stakeholder consultations, and Brent's Education and Welfare Service works with other Council areas and schools regarding the educational needs of Gypsy, Traveller and Travelling Showpeople children. The OPDC has been in existence for 7 months and say they are working closely with the Boroughs at various levels and specifically in relation to Gypsies and Travellers as part of developing their Local Plan and sharing draft policies.

Future Priorities and Any Further Issues

- 5.16 Future priorities were related to the area of responsibility of those who were interviewed. The priority for Brent's Education and Welfare Service is to ensure that appropriate education is accessible and achievable to all children regardless of their background. Ealing would like to modernise their site but there is a need to relocate it and they would like to work with OPDC because the location of their current site is in an industrial location and they would like to relocate it in consultation with current residents and OPDC. The OPDC priority is finalise their Local Plan and associated policies; in addition to this if a need for additional Gypsy and Traveller pitches is evidenced in the OPDC area they will work with the 3 Boroughs to bring forward land that would be suitable to meet such need.

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 the OPDC area. 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 in the OPDC area – the site at Bashley Road in Ealing that is managed by Oxfordshire County Council. The table below identifies the sites that ORS staff visited during the course of the fieldwork.

Figure 2 - Sites Visited in OPDC

Public Sites
Bashley Road

- 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 16 of the 24 pitches on the public site. There were no refusals to be interviewed and repeated attempts were made to complete interviews with the remaining 8 pitches.

Public Site at Bashley Road

- 6.5 Staff from ORS visited the Bashley Road during December 2015. The site has planning permission for 24 pitches and the majority were occupied at the time of the study. The latest Caravan Count data from July 2015 identified a total of 38 caravans on the site.
- 6.6 A total of 16 interviews were completed with households living on the site and these covered 49 persons, 22 adults and 27 children and teenagers aged under 18. This equates to 45% adults and 55% children and teenagers. All of the households on the site were Irish Travellers. The majority were long-term residents with all but 5 of the households having lived on the site for 20 years or more.
- 6.7 Whilst none of the pitches were thought to be severely over-crowded there were a total of 4 adults identified as being in need of a pitch of their own in the next 5 years.

6.8 The majority of residents stated that the site was not suitable for them and gave the following reasons for their dissatisfaction:

- » *Two disabled sons - need a wood cabin.*
- » *Toilet needs fixing and have been waiting over a year.*
- » *Shed and grounds need updating.*
- » *Site needs updating.*
- » *There is a drainage problem.*
- » *Not safe for my son.*
- » *Need a site manager, cameras and cleaning.*
- » *Needs improving.*
- » *Needs improvement.*
- » *Bad location.*

6.9 When asked about their travelling circumstances only one household that was interviewed stated that they have travelled in the past 12 months and that was for cultural reasons and visiting friends or family. A total of 11 of the remaining households had travelled in the past and 4 had never travelled. None of these 15 households stated that they plan to travel in the future.

6.10 No additional households for family members or friends living in bricks and mortar were identified.

7. Current and Future Pitch Provision

Pitch Provision

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

Applying the New Definition

- 7.4 The outcomes from the questions in the household survey on travelling were used to determine the status of each household against the new definition in PPTS. Only those households that meet the new definition will form the components of need to be assessed in the GTAA:
- » Households that travel under the new definition.
 - » Households that have ceased to travel temporarily under the new definition.
- 7.5 The vast majority of households living on the public site stated that they have not travelled in the past 12 months. A number stated that they have travelled in the past but all stated that they do not plan to travel again in the future. Just one household stated that they do travel but that this was for cultural visits and visiting friends and family. Therefore none of those who were interviewed 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 Therefore it can be argued that none of the Gypsy and Traveller households living on the public site in the OPDC area 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.
- 7.8 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 all of the households that were interviewed were Irish Travellers – the Council will also need to consider how to meet the needs of these households as they are covered by equality legislation through their ethnic group being a protected characteristic.

Need from Bricks and Mortar Households

- 7.9 Identifying households in bricks and mortar has been frequently highlighted as an issue with Gypsy and Traveller Accommodation Assessments. As noted earlier, ORS went to all possible lengths to identify Gypsies and Travellers living in bricks and mortar and worked with stakeholders and on-site interviewees to identify households to interview. This process resulted in **no contacts to interview**.

Need from In-Migration

- 7.10 Evidence drawn from stakeholder and site interviews in the OPDC area 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 OPDC

- 7.11 The estimated additional provision identified as part of the GTAA for the OPDC area 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

- 7.12 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.

- ^{7.13} 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.
- ^{7.14} 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.
- ^{7.15} There are no public or private transit sites in the OPDC area and evidence from the stakeholder interviews has identified only small numbers of transient roadside encampments.
- ^{7.16} Given the limited levels of unauthorised encampments over recent years that have been identified in the OPDC area, 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

- ^{7.17} As there were no Travelling Showpeople identified as living or requiring accommodation in the OPDC area there is not a need for the Council to make any provision to meet need, other than managing Showpeople who may visit the area 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 the OPDC area who meet the new definition of a Traveller is for **no additional pitches**.
- 8.2 However it was clear from the fieldwork that there are current and future accommodation needs associated with the households living on the public site in Ealing and they 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 Traveller households identified as living on the site – the Council will also need to consider how to meet the needs of these households as they are covered by equality legislation through their ethnic group being a protected characteristic.

Transit Sites

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

Travelling Showpeople Requirements

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

Appendix A: Glossary of Terms

Amenity block/shed	A building where basic plumbing amenities (bath/shower, WC, sink) are provided.
Bricks and mortar	Mainstream housing.
Caravan	Mobile living vehicle used by Gypsies and Travellers. Also referred to as trailers.
Chalet	A single storey residential unit which can be dismantled. Sometimes referred to as mobile homes.
Concealed household	Households, living within other households, who are unable to set up separate family units.
Doubling-Up	Where there are more than the permitted number of caravans on a pitch or plot.
Emergency Stopping Place	A temporary site with limited facilities to be occupied by Gypsies and Travellers while they travel.
Green Belt	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.
Household formation	The process where individuals form separate households. This is normally through adult children setting up their own household.
In-migration	Movement into or come to live in a region or community
Local Plans	Local Authority spatial planning documents that can include specific policies and/or site allocations for Gypsies, Travellers and Travelling Showpeople.
Out-migration	Movement from one region or community in order to settle in another.
Personal planning permission	A private site where the planning permission specifies who can occupy the site and doesn't allow transfer of ownership.
Pitch/plot	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.
Private site	An authorised site owned privately. Can be owner-occupied, rented or a mixture of owner-occupied

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

Appendix B: Sites and Yards in OPDC (August 2015)

Site/Yard	Authorised Pitches/Plots	Unauthorised Pitches/Plots
Public Sites		
Bashley Road, Ealing	24	-
Private Sites with Permanent Permission		
None	-	-
Private Sites with Temporary Permission		
None	-	-
Tolerated Sites – Long-term without Planning Permission		
Horn Link Way	-	-
Unauthorised Sites		
None	-	-
TOTAL PITCHES	24	0
Private Transit Sites		
None	-	-
Private Travelling Showpeople Yards		
None	-	-

Appendix C: 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 31st 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.

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Appendix D: Site Record Form

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