

Representation	Officer Response
<p data-bbox="188 316 651 344">P71: Homes for Gypsies and Travellers</p> <p data-bbox="188 357 416 421">Organisation: GLA NSPPSV66</p> <p data-bbox="188 466 645 494">P71 Homes for Travellers and Gypsies</p> <p data-bbox="188 536 1115 817">The proposed policy sets a criteria-based approach from which to assess proposals for new pitches and protects against the loss of existing provision. While this may go some way in addressing the accommodation needs of gypsies and travellers, the policy should actively plan to meet identified need over the plan period. Southwark should carry out a needs assessment in line with the definition set out in the draft new London Plan. Should Southwark identify any additional need, sufficient capacity should be identified through its site allocations or on a sub-regional basis.</p>	<p data-bbox="1151 466 2069 603">Noted. The council has commissioned a needs assessment that will establish the requirements for traveller and gypsy accommodation. The needs assessment will assess the current need and potential future requirements – the methodology will be set out in the needs assessment document.</p> <p data-bbox="1151 644 2047 746">We note that the Inspector’s Report to the Draft London Plan recommends that the Mayor should commit to instigating and leading a London-wide accommodation assessment for gypsies and travellers as soon as possible.</p> <p data-bbox="1151 788 2069 922">The Inspector’s Report also sets out that the definition set out in the Draft London Plan of gypsies and travellers is entirely different to the national definition. It concludes that the definition should be consistent with national definition.</p>
<p data-bbox="188 973 631 1037">Organisation: Southwark Law Centre NSPPSV167</p> <p data-bbox="188 1078 1106 1142">This representation is made in conjunction with Southwark Travellers Action Group</p> <p data-bbox="188 1152 1088 1216">I confirm that both Southwark Law Centre and Southwark Travellers Action Group wish to participate at the oral examination.</p> <p data-bbox="188 1225 1106 1401">Southwark Law Centre and Southwark Traveller’s Action Group welcome the addition of “Policy 71, Homes for Travellers and Gypsies” to the New Southwark Plan. We recognise and celebrate the policy’s inclusion as a positive effort to address the needs of one of England’s most disadvantaged groups.<sup>1</sup></p> <p data-bbox="188 1410 994 1436">However, we illustrate that the proposed policy still fails the test of</p>	<p data-bbox="1151 1043 2069 1181">Noted. The council has commissioned a needs assessment that will establish the requirements for traveller and gypsy accommodation. The needs assessment will assess the current need and potential future requirements – the methodology will be set out in the needs assessment document.</p> <p data-bbox="1151 1222 2047 1324">We note that the Inspector’s Report to the Draft London Plan recommends that the Mayor should commit to instigating and leading a London-wide accommodation assessment for gypsies and travellers as soon as possible.</p> <p data-bbox="1151 1366 1948 1430">The Policy has been amended to state ‘accommodation’ instead of ‘facilities’.</p>

soundness; it is not positively prepared, justified, effective and consistent with national policy and the policy requires significant changes to be made to it.

This representation concerns the failure to carry out an objective assessment of present and future Gypsy and Traveller accommodation needs in the New Southwark Plan (“the NSP”).

1 Equality and Human Rights Commission, *Is England Fairer? The state of equality and human rights*, (March 2016) p104.

We are aware that Southwark Council plan to carry out a Gypsy and Traveller needs assessment, however, no reference to this assessment is made within Policy 71 of the NSP, neither is methodology for the assessment of need provided within the policy.

As expressed in our previous representation, as a result of the absence of objectively assessed future Gypsy and Traveller accommodation needs, Southwark Council is in danger of having no developable land available to satisfy any need that is identified at that stage. This makes the entire NSP unsound by reason of its failure to comply with relevant national and London planning policy.

National Planning Policy Framework

The National Planning Policy Framework (“the NPPF”) states that the Planning Policy for Travellers Sites should be read in conjunction to the NPPF. It places a strong emphasis on the duty of local planning authorities (“LPAs”) to seek opportunities to meet the development needs of their area within the presumption in favour of sustainable development. It requires LPAs to make every effort to “provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas”.<sup>2</sup>

Paragraph 61 of the NPPF specifically states that Travellers’ accommodation needs should be reflected in planning policies according to “the context, the size, type and tenure of housing needed.” In terms of identifying new supply of homes, the NPPF states in footnote 36; “For the avoidance of doubt, a five year supply of deliverable sites for travellers – as defined in Annex 1 to Planning Policy for Traveller Sites – should be assessed separately, in line with

The Inspector’s Report also sets out that the definition set out in the Draft London Plan of gypsies and travellers is entirely different to the national definition. It concludes that the definition should be consistent with national definition.

the policy in that document.”

The NPPF could not be clearer; in preparing a local plan, LPAs are required to objectively assess the housing need for Travellers and Gypsies; these needs should reflect the context, the size, type and tenure of housing needed; and that a five year supply of deliverable sites for Travellers and Gypsies should be assessed separately to other housing need figures and included in the local plan.

#### Planning Policy for Travellers Sites

The policy document Planning Policy for Travellers Sites (“the PPTS”) states that it must be taken into account in the preparation of development plans. It notes in particular that one of the Government’s aims is for LPAs to ensure that their Local Plan includes fair, realistic and inclusive policies.<sup>3</sup> The policies within the document explain how this should be done.

Policy A states that when assembling the evidence base necessary to support their planning approach, LPAs should gather sufficient robust evidence to establish the accommodation needs to inform the preparation of Local Plans. Policy B confirms that Local Plans should be consistent with the policies in the PPTS and requires LPAs to set pitch targets for Gypsies and Travellers. In a similar way to footnote 36, NPPF, Policy B also states that in producing their Local Plan, LPAs should identify and update annually a supply of specific deliverable sites

<sup>2</sup> Ministry of Housing, Communities and Local Government, National Planning Policy Framework (Feb 2019) para 11.

<sup>3</sup> Department for Communities and Local Government, Planning Policy for Travellers Sites (August 2015), paras 3 and 4(g).

sufficient to provide 5 years’ worth of sites, and a supply of specific developable sites for years 6 to 10 and 11 to 15.

Contrary to its legal obligation to have regard to national policy and guidance issued by the Secretary of State,<sup>5</sup> confirmed in paragraph 2 PPTS, Southwark Council have failed to take into account the PPTS when preparing the NSP. There is still no Gypsy and Traveller Needs Assessment in the Council’s evidence base. The Strategic Housing Market Assessment has not considered

the housing needs of those living in caravans and mobile homes on Traveller sites in the Borough. In fact, no evidence at all has been gathered on the likely permanent and transit site accommodation needs of travellers within the Borough. The NSP makes no attempt to plan for future deliverable sites in accordance with need. There is no indication in the methodology for the 2009 Southwark Housing Requirements Study (which is any case is out of date) that the research conducted included interviews with those living on Gypsy and Traveller Sites.

#### London Plan

The current London Plan requires boroughs to work with the Mayor and local communities to ensure that “the accommodation requirements of Gypsies and Travellers (including travelling show people) are identified and addressed, with sites identified in line with national policy”. It emphasises that people from different communities should be free to lead their lives in different ways, and that the planning system should ensure fairness between the settled and traveller communities.<sup>7</sup> There is no definition of Gypsies and Travellers in the London Plan, but Gypsy and Travellers’ sites are defined in the glossary as “sites either for settled occupation, temporary stopping places, or transit sites for people of nomadic habit of life, such as Travellers and Gypsies”.

The NSP fails to comply with this policy as it does not seek to identify future accommodation requirements of Gypsies and Travellers in the borough. Southwark Council’s approach is also unfair: it effectively prioritises the settled community by allocated sites for development for homes that will be occupied by the settled community, without considering whether there is a need for further site capacity for the Gypsy and Traveller community.

#### Draft New London Plan

The Greater London Authority are mid-way through the examination in public of the new London Plan. While it is possible that the new London Plan will not be adopted until after the adoption of the NSP, as emerging policy it is an important material consideration in the assessment of the NSP. Once the new

London Plan is adopted, the NSP will have to comply with the policies in it. Similarly to the policy position in the current London Plan, draft Policy H16 requires boroughs to plan to meet the identified need for permanent Gypsy and Traveller pitches – that is, they

4 Department for Communities and Local Government, Planning Policy for Travellers Sites (August 2015), paras 7 to 10.

5 Planning and Compulsory Purchase Act 2004, s 19(2).

6 Opinion Research Services on behalf of Southwark Council, Southwark Housing Requirements Study 2008: Main Report of Study Findings (July 2009), Appendix A.

7 Greater London Authority, London Plan (2016), Policy 3.8B, paragraph 3.56.

8 Greater London Authority, London Plan (2016), Annex Six: Glossary.

should assess and meet need in the process of developing their Local Plans.

9 However, draft Policy H16 goes much further than the current London Plan.

First, it adopts a different definition of Gypsies and Travellers, namely:

People with a cultural tradition of nomadism, or living in a caravan, whatever their race or origin, including:

- 1) those who are currently travelling or living in a caravan
- 2) those who currently live in bricks and mortar dwelling households whose existing accommodation is unsuitable for them by virtue of their cultural preference not to live in bricks and mortar accommodation
- 3) those who, on grounds of their own or their family's or dependants' educational or health needs or old age, have ceased to travel temporarily or permanently.<sup>10</sup>

The draft policy presents a wider definition of Gypsies and Travellers to include those who face multiple and intersecting inequalities (for example older people, disabled people, women and single mothers).<sup>11</sup>

Second, the draft policy requires boroughs to audit existing pitches and sites, identifying areas of overcrowding, areas of potential extra capacity within existing sites, and pitches in need of refurbishment, and plan to address any issues identified in the audits. Boroughs are also instructed to actively plan to protect existing Gypsy and Traveller accommodation capacity, and take this into account when considering new residential developments to ensure

inclusive, balanced and cohesive communities are created.<sup>12</sup>

The NSP's Policy 71 does successfully commit to protecting the four named traveller and gypsy sites but only "where there is a need." The commitment to protecting sites is meaningless without inclusion of the methodology in which Southwark plan to use to identify need. There is no policy requirement to take Gypsy and Traveller accommodation capacity and needs into account when considering development proposals.

Equality Act 2010

The failure to include a methodology to calculate future Gypsy and Traveller accommodation needs in the Local Plan is a breach of the Public Sector Equality Duty, as it prevents Southwark Council and the Planning Inspector from having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.<sup>13</sup> As referred to in the section on London Plan, the settled community's future needs are prioritised due to omission in the NSP evidence base of a similarly objective assessment for Gypsy and Traveller accommodation needs in Southwark. Irish Travellers are a recognised ethnic group sharing the protected characteristic of race under the Equality Act

9 Greater London Authority, Draft London Plan (December 2017), Policy H16A.

10 Greater London Authority, Draft London Plan (December 2017), Policy H16B.

11 Greater London Authority, Draft London Plan (December 2017), paragraph 4.16.2.

12 Greater London Authority, Draft London Plan (December 2017), Policy H16E and F.

13 Equality Act 2010, s 149(1)(b).2010.

14 The Equality and Human Rights Commission has identified a number of different ways in which ethnic Gypsies and Travellers are disadvantaged in comparison to those who do not share that characteristic. Southwark Council should be seeking to minimise such disadvantages in its policy decisions which should be considered when Southwark Council undertakes its Gypsy and Traveller needs assessment.

For the reasons given above, the New Southwark Plan is unsound because it is inconsistent with the NPPF, PPTS and the current and future London Plan. It is also unlawful as it fails to comply with the Public Sector Equality Duty.

We reiterate that Policy 71 of the NSP is warmly received. However, the following amendments should be made to P71 to ensure the policy passes the test of soundness and is legal:

- Add the methodology that Southwark Council will employ to objectively assess accommodation need.
- Change the wording of point 2 from “additional facilities” to “additional accommodation”
- Include, according to the PPTS, that Southwark will identify and update annually a supply of specific deliverable sites sufficient to provide 5 years’ worth of sites, and a supply of specific developable sites for years 6 to 10 and 11 to 15.
- Include the draft London Plan’s broader definition of Gypsy and Travellers.

1. Southwark Law Centre wishes to attend the examination in public for all of the policies it has commented on.

2. Southwark Law Centre identified an important legal issue in Southwark Council's consultation process for the Amended Policies January 2019. The council not only changed consultation procedure mid-way through this round of consultation, but did so in a way that jeopardises its ability to carry out public sector equality duty.

Southwark Council has not engaged satisfactorily to positive engagement on the subject from Southwark Law Centre on this matter and we are concerned that such exclusionary practice will be replicated in future rounds of consultation. Please request evidence of this correspondence.

Individual  
NSPPSV357

Again, See Previous answers.

Noted.

Individual  
NSPPSV112

#### Representation

We welcome the new Policy P71 Homes for Travellers and Gypsies in the New Southwark Plan as an important step in recognising these communities and their accommodation needs. We wish to draw to the attention of the Planning Inspector our previous consultation responses on the NSP where we have raised similar concerns and made similar proposals to improve the Plan. We wish to attend the Examination in Public hearings on this issue.

We consider that P71 fails the tests of soundness and requirements under the Public Sector Equality Duty on a number of grounds as summarised below.

##### 1. Positively prepared and justified

The NSP is not positively prepared because the Council has not produced an assessment of the accommodation needs of Gypsies and Travellers, either as part of the SHMA or as a separate study. This has been a requirement in the PPTS since 2012 and has been raised as a key concern by LGT and other organisations ever since the early stages of consultation on this Plan. The best available evidence is the 2008 London Gypsy and Traveller Accommodation Needs Assessment which identifies a need of 17 additional pitches between 2007-2017. No new pitches have been provided in Southwark towards meeting this need. Therefore P71 is not based on robust and credible evidence.

We do not believe that the approach taken in P71 that the accommodation needs of Gypsies and Travellers will be identified and planned for at a later date is sustainable and compliant with the Public Sector Equality Duty. The Equality Impact Assessment is very weak in relation to Gypsies and Travellers and fails to acknowledge the inequalities arising from the significant delay in gathering evidence and considering the needs of this protected group.

##### 2. Effective

The accommodation needs of Gypsies and Travellers should be assessed and

Noted. The council has commissioned a needs assessment that will establish the requirements for traveller and gypsy accommodation. The needs assessment will assess the current need and potential future requirements.

We note that the Inspector's Report to the Draft London Plan recommends that the Mayor should commit to instigating and leading a London-wide accommodation assessment for gypsies and travellers as soon as possible.

The Inspector's Report also sets out that the definition set out in the Draft London Plan of gypsies and travellers is entirely different to the national definition. It concludes that the definition should be consistent with national definition.

The Policy has been amended to state 'accommodation' instead of 'facilities'.

planned for alongside all other communities, not as part of a separate exercise. The NSP sets targets and allocates sites for the delivery of general needs housing and other uses. None of the other Area Action Plans make provision for Gypsy and Traveller accommodation, despite the issue being raised as part of the relevant consultations by LGT and other organisations. This separate approach to considering Gypsy and Traveller accommodation needs is unlikely to be effective as demonstrated in many other London Boroughs which have not been able to identify a supply of land. Examples of good practice where site allocations for Gypsy and Traveller accommodation are made alongside those for housing and other uses include the Local Plans for Croydon and the London Legacy Development Corporation.

One of the key problems with a separate Gypsy and Traveller Plan approach is that all or most of the sites that would be available, suitable and deliverable are already allocated for other uses through the Local Plan and AAPs. This reinforces the unfair and discriminatory approach of leaving Gypsy and Traveller provision to sites that are undesirable or impossible to deliver and causing unnecessary delays through a further plan-making process.

We are concerned about the vague wording of P71 2 which states:

‘Identifying new sites for additional facilities to meet the needs of travellers and gypsies’. It is not clear what the council means by ‘facilities’. Instead, the policy should refer to new sites for additional accommodation.

Similarly, the wording in P71 that existing sites will be protected subject to need is of concern in the absence of criteria for assessing this. Given the multiple pressures to intensify development and viability concerns, P71 needs to make a much stronger commitment to ensure the safeguarding of this type of accommodation.

3. Consistent with national policy and the London Plan

The NSP is not consistent with the National Planning Policy Framework, Planning Policy for Traveller Sites and current London Plan which make clear requirements that local authorities should carry out assessments of need, set pitch targets and identify a 5-year supply of land to meet the accommodation needs of Gypsies and Travellers.

The Draft London Plan which is currently under examination and therefore an

important material consideration for the NSP introduces new requirements for local authorities such as using a more inclusive definition of Travellers for assessing need; carrying out an audit of existing sites to determine overcrowding, repair and refurbishment needs and capacity for additional pitches; actively planning to protect existing sites.

The Draft London Plan also requires local authorities that have not conducted an accommodation needs assessment to do so within 2 years of its adoption, or use the figure of need from the 2008 GTANA. For Southwark, this is 15 pitches. We would support the inclusion of this figure in P71 as an immediate target for new accommodation to avoid further delays in producing new evidence.

Proposed changes to make the Plan sound and compliant with Equality Duties  
To address these concerns, we suggest a number of changes to P71

- Include the Draft London Plan Policy H16 B definition of Travellers
- Use the Draft London Plan Table 4.4A figure of need as a target for pitches to be delivered in the first five years of the NSP. This should be reviewed subject to the new Gypsy and Traveller accommodation needs assessment to be undertaken by the council
- Allocate sites to meet this figure of need in the NSP
- Include additional text in the policy about identifying a supply of land for years 6-15 of the Plan, in line with national policy
- Clarify the wording in the policy and supporting text as suggested above in section 2
- Indicate how the council will implement Draft London Plan Policy H16 E regarding site audits

No more Gypsy sites , there are way too many as it is !

Gypsies are SUPPOSED to move on after a time , the ones we have seen to find land to steal and squat there until building permission for that illegally built houses are finally granted . stop inviting gypsies to come into London it is insane.

The NPPF requires all local authorities to assess the accommodation needs of travellers and gypsies and to identify sites for their future needs. We will assess our need for travellers and gypsies sites and look at how best to meet any additional need.

Organisation: Southwark Group of Tenant Organisations (SGTO)  
NSPPSV400

My name is X, I am writing from Southwark Group of Tenant Organisations (SGTO). We are an umbrella organisation of tenant and residents and the associations that represent them in Southwark. Based at Bells Gardens Community Centre, 19 Buller Close, SE15 6UJ – although we are a borough wide member federation.

We would like to speak at the examination in public on the below points. I am submitting our NSP response via email in the interest of transparency as a member organisation. I am objecting to the following points because I do not feel the below points to be legal or sound.

1. Language is vague and the wording of 'need' suggests no protection of traveller and gypsy way of life or how need will be accessed. There is no definition of Travellers and Gypsies in the NSP glossary and policy does not include pitch targets. Site allocation should be offered as available and there should be a clear definition of the term 'accommodation'.

Methodology for making needs assessments must be included within the policy.

The following definition should be included in the summary, in accordance

Noted. A needs assessment will be carried out to identify the existing and potential future need of traveller and gypsy accommodation. The methodology of the needs assessment will set out what is meant by need and will establish the necessity to identify new sites.

We note that the Inspector's Report to the Draft London Plan recommends that the Mayor should commit to instigating and leading a London-wide accommodation assessment for gypsies and travellers as soon as possible.

The Inspector's Report also sets out that the definition set out in the Draft London Plan of gypsies and travellers is entirely different to the national definition. It concludes that the definition should be consistent with national definition.

with H16 draft London Plan - boroughs should use the following definition of 'Gypsies and Travellers' as a basis for assessing need: People with a cultural tradition of nomadism, or living in a caravan, whatever their race or origin, including:

- those who are currently travelling or living in a caravan
- those who currently live in bricks and mortar dwelling households whose existing accommodation is unsuitable for them by virtue of their cultural preference not to live in bricks and mortar accommodation
- those who, on grounds of their own or their family's or dependants' educational or health needs or old age, have ceased to travel temporarily or permanently.

Individual  
NSPPSV148

The policy is unsound as it provides no definition of Gypsies and Travelers, identifies no needs (and even makes the protection of existing sites subject to need) and identifies no new sites.

At the moment many Gypsies and Travellers are not included in either GTANAs or general needs assessments such as the SHMA because of the national definition. The Mayor of London has introduced a different more inclusive definition for the city, to ensure all Gypsies and Travellers count as Londoners. This is not mentioned in the New Southwark Plan and should be. Gypsy and traveller communities are faced with prejudice, isolation and authorities neglecting their responsibilities to them. The way in which Southwark has discharged its duties under the Equality Act in the preparation of this Plan is not acceptable. The Council has delayed carrying out a GTANA until site allocations are completed. Now when the Plan is about to be submitted the Council is starting the needs assessment. At the time of writing, it is unknown what methodology the Council is using for the assessment, so we don't know whether it is using the Mayor of London's definition, but there have been complaints that the needs assessment is not

The Council has commissioned an independent needs assessment to review current and future accommodation requirements to meet the needs of travellers and gypsies. The Council is currently in communication with representatives from Southwark Law Centre and STAG regarding the needs assessment.

We note that the Inspector's Report to the Draft London Plan recommends that the Mayor should commit to instigating and leading a London-wide accommodation assessment for gypsies and travellers as soon as possible.

The Inspector's Report also sets out that the definition set out in the Draft London Plan of gypsies and travellers is entirely different to the national definition. It concludes that the definition should be consistent with national definition.

in collaboration with the support organisations for Gypsies and Travellers.

To be sound, the New Southwark Plan must set a pitch target at least for the first 5 years of the Plan and, to ensure the target is met, allocate a sufficient range and number of sites.

Individual  
NSPPSV136

I welcome the introduction of a new policy protecting traveller and gypsy sites and provision of new sites in the future to meet accommodation needs of travellers and gypsies. The absence of any policy on traveller and gypsy sites from the original submission version of the NSP in 2017 was a major omission and in contravention of the National Planning Policy Framework and the London Plan.

However, I object to the proposed policy which I believe has not followed the legal procedures under the terms of the Equalities Act, as well as failing the test of soundness as it is not positively prepared, justified, effective and consistent with national policy:

The steps for preparing the policy required under the Equalities Act do not appear to have been followed.

The policy is not positively prepared because it does not create a policy requirement to take Traveller and Gypsy capacity and needs into account when considering development proposals.

The NSP does not define Travellers and Gypsies in the glossary.

Policy 71 is not effective because it lacks the necessary detail to ensure the policy is implementable:

- Part 1 of the policy commits to safeguarding sites “where there is an

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The Policy has been amended to state ‘accommodation’ instead of ‘facilities’.

We note that the Inspector’s Report to the Draft London Plan recommends that the Mayor should commit to instigating and leading a London-wide accommodation assessment for gypsies and travellers as soon as possible.

The Inspector’s Report also sets out that the definition set out in the Draft London Plan of gypsies and travellers is entirely different to the national definition. It concludes that the definition should be consistent with national definition.

identified need” but it does not specify how “need” is defined or how it is measured. Similar ambiguous wording is provided in the reasons section of Policy 71, where the policy requirement is to “look at how best to meet additional need.”

- Part 2 of the policy commits to “identifying new sites for additional facilities to meet the needs of travellers and gypsies.” The wording is vague and only commits to identifying sites for additional facilities and not to identifying future deliverable accommodation locations in accordance with need.

The policy does not include pitch targets.

Policy 71 is also not effective because it does not link policy for the protection of Traveller and Gypsy sites and the provision of new sites in the future to other related policies such as SP2 Regeneration to meet the needs of all, P14 Tall Buildings and many other policies in the Submission Version of the NSP.

Policy 71 is not consistent with national and London policy because it does not use the same definitions as in the London Plan.

Please set out what change(s) you consider necessary to make the New Southwark Plan legally compliant or sound.

The policy must include a methodology for making needs assessments.

Pitch targets should be set and monitored annually.

The following definition should be included in the summary, in accordance with H16 draft London Plan - Boroughs should use the following definition of ‘Gypsies and Travellers’ as a basis for assessing need: People with a cultural tradition of nomadism, or living in a caravan, whatever their race or origin, including:

- those who are currently travelling or living in a caravan
- those who currently live in bricks and mortar dwelling households whose existing accommodation is unsuitable for them by virtue of their cultural

preference not to live in bricks and mortar accommodation  
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