



**Southwark Traveller's Action Group (STAG)**

**Written Statement on Issue 3, Policy P11 Gypsies and Travellers**

**Examination in Public of the New Southwark Plan**

**2 February 2021**

The New Southwark Plan Planning Policy P11 based on the Gypsy & Traveller Accommodation Assessment (GTAA) Report (EiP22)) is not legally compliant as:

Southwark Council has not considered its Public Sector Equality Duty to many Gypsies and Travellers living or needing (because of family connections) to live in the borough (Equality Act 2010). The treatment of Gypsies and Travellers in the GTAA and the New Southwark Plan amounts to discrimination by reference to a group who have a protected characteristic defined by the Act, due to their cultural preference in terms of accommodation.

Southwark Council has not considered its general legal duty to assess the accommodation needs of people who live in caravans and houseboats (Section 124 of the Housing and Planning Act 2016).

The New Southwark Plan consultation has not complied with 10A of the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2012 in respect of updating their Statement of Community Involvement every 5 years.

Furthermore, Southwark Council have not complied with the Equality Act 2010 and the Public Sector Equality Duty in their 2020 consultation. They provided no outreach or information to the Gypsy and Traveller community who were most impacted by the GTAA and the influence it has on P11. The Gypsy and Traveller community have not been sufficiently engaged. These issues have been exacerbated by the pandemic because of the considerable digital exclusion issues faced by the Gypsy & Traveller community. In particular, the accommodation needs of Gypsies and Travellers living in “bricks and mortar” accommodation in the borough, and those living outside Southwark with a strong long-term family connection to the borough, have been totally excluded from the GTAA and so from consideration in P11.

Planning Policy P11 is unsound as it is not:

Justified: the evidence is incomplete, did not involve enough Gypsies and Travellers, does not show the details of how it was analysed, and recommendations are not based on the evidence collected. To date, we have not received the underlying evidence collated in order to prepare the GTAA report, despite requesting an overall analysis of survey results, rather than individual responses, so that there can be no breach of data protection legislation.

Consistent with national policy and the London Plan: Southwark have adopted the current national policy without considering their Public Sector Equality Duty, the accommodation needs of Gypsies and Travellers included in London Plan policies nor the current legal challenge to the national planning definition of Gypsies and Travellers.

Positively Prepared: The GTAA is not objective – it selects the evidence it uses, doesn't report its questionnaire results and didn't involve enough Gypsies and Travellers who live in “bricks and mortar”, nor those forced to move from Southwark pitches in recent years. The full evidence available in the GTAA has not been used, but only selected

sections that ignore the 43 pitch need assessment in the report, to inform Planning Policy 11.

STAG considers that issues with the plan on this matter are substantial and mean it is not sound or legal, and under no circumstances should it be adopted.

**Q3.53** The 2020 GTAA is not justified in concluding that against the national planning definition in Planning Policy for Traveller Sites 2015 (the PPTS) that no additional pitches are required in Southwark over the period 2020-2034.

Firstly, Southwark Council has not assembled the necessary evidence base to support their planning approach detailed in Planning Policy for Traveller Sites (2015) through early and effective community engagement with both settled and Traveller communities. Nor has the evidence been prepared in cooperation with Travellers, their representative bodies and local support groups. This has meant that the evidence base is not an up-to-date understanding of the likely permanent and accommodation needs of their areas over the lifespan of the NSP.

Secondly, P11 only commits the council to build new sites and maintain existing sites “subject to need” and only guarantees to safeguard the existing four sites “where there is an identified need”. The wording of P11 is that need is to be assessed by the council alone, and the Equalities Impact Assessment (EIP76B) states “the Gypsy and Traveller Accommodation Assessment Report (May 2020) does not identify any need for additional Gypsy and Traveller pitches in Southwark”, although this interpretation completely ignores the needs of those Gypsies and Travellers who do not meet the current planning definition.

This puts all those currently on the sites in a potentially dangerous position. Southwark has existing housing duties to these households under its Public Sector Equality Duty and the Housing & Planning Act 2016, which P11 ignores. We note that previous versions of the Southwark Plan included a commitment to keeping the four existing sites with no further proviso: it is unclear why this commitment has not been maintained in the NSP.

Thirdly, Southwark Council has not considered the consequences of the current legal challenge of the planning definition, nor the use of a wider definition by the GLA in their forthcoming pan-London GTAA on identified accommodation needs of Gypsies & Travellers in Southwark, despite mentioning regional needs assessments in P11. We refer to other London boroughs which have adopted wider definitions than that provided by the Planning Policy on Traveller Sites, such as Islington Council whose plan is currently in the examination stage. The Islington Policy currently says: *“The definition applied to Gypsies and Travellers makes a significant difference in terms of the assessment of accommodation needs. The definition set out in the Government’s Planning Policy for Traveller Sites (PPTS) excludes certain groups of Gypsies and Travellers, for example those who have ceased to travel permanently.”*<sup>1</sup>

---

<sup>1</sup>Islington Local Plan Strategic and development management policies, draft, paragraph 3.146, page 102

Finally, we are still concerned that the GTAA has not engaged a sufficient number of Gypsies and Travellers to be comprehensive (please refer to Southwark Travellers Action Group (STAG)'s survey results and comments in our original consultation response). We consider that this has resulted in the GTAA significantly under-estimating pitch needs in Southwark. Despite the council's most recent response about engagement with STAG, the organisation arranged for ORS to contact our Women's Group and some were included in the GTAA survey as a result. We have evidence that STAG's Chair asked to meet with ORS, to support them with the survey and to learn about progress, but they did not update or contact us, after we had provided this initial support.

**Q3.54** Southwark Council has ignored Gypsies and Travellers who fulfil the wider definition of those who aspire to culturally appropriate accommodation but have ceased permanently travelling, and do not provide any plans to meet their identified need of 42 pitches in the GTAA (plus one additional pitch for undetermined need). Under the additional council duties according to the Equality Act 2010 and section 124 of the Housing & Planning Act 2016, P11 should consider need against these duties and provide plans to address them.

Since our initial consultation response, we have identified more Gypsies and Travellers living in bricks and mortar accommodation in Southwark, and another sub-group who have been forced to leave Southwark sites but have strong family links to the borough and, so, a right to be considered in any GTAA. The accommodation needs of both these groups have been significantly under-estimated, or ignored, in the current GTAA.

In addition, the ORS GTAA reported that the number of roadside camps is low, despite evidence that there are regular unauthorised Gypsy and Traveller encampments in Southwark. There has been no assessment of the need of those who regularly stop in the borough.

We, therefore, conclude that Southwark Council's approach in relation to P11 and the GTAA that informs it, is not justified in terms of their Public Sector Equalities Duty.

**Q3.55** The plan cannot be found sound in the absence of a wider caravan/houseboat assessment, now that the latest LDS [document EIP66a] has removed the proposed Gypsy & Traveller DPD, as there have been none of the annual updates that were promised. There has also been no wider caravan or houseboat assessment meaning Southwark Council has not discharged its general duty under the section 124 Housing & Planning Act 2016 to produce this.

**Q3.56** The Springtide Close site currently remains empty, despite the council's waiting list for pitches, and specific requests from Travellers on other sites to move to Springtide Close, which were refused. STAG was not informed of any review of the Springtide Close site since its former residents vacated the site in March 2020 and none of our clients have told us of involvement in any such review. As a result, there are concerns and rumours circulating about the future of this site, which has only added to tensions and subsequent disengagement with the council from those living on the remaining sites. STAG notes that previous Southwark Plans have made a commitment to maintaining the four existing sites, but the NSP specifically qualifies this with a reference to the GTAA and then misinterprets this as showing no need for new pitches.

At the moment, the Springtide Close site does not provide supply for those seeking culturally appropriate accommodation who might not meet the planning definition of Gypsy, as Southwark Council has refused all requests, we know of, to move there.

**Q3.57** From speaking to Gypsies and Travellers nearby, the proposals in the NSP to facilitate the Old Kent Road Opportunity Area will have significantly negative consequences for existing Gypsy and Traveller accommodation in this part of the Borough. These include the construction impacts of increasing dust, air and noise pollution. These health impacts will have a disproportionately negative impact on a community well-evidenced to already be suffering significantly worse health outcomes, for example, with regard to long-term health conditions, respiratory problems and depression and anxiety.<sup>2</sup> The Plan's Health Impact Assessment (EIP77) makes no mention of Gypsies & Travellers – suggesting that these health impacts have not been considered in developing the NSP.

The Old Kent Road Opportunity Area does not recognise that this area currently accommodates the majority of the Gypsy & Traveller population living on sites in the borough, nor the opportunity for new site development within its residential usage plans.

STAG makes the following suggestions on how the NSP can be made sound:

A more detailed and wider GTAA needs to be conducted, that includes more Gypsies and Travellers living in bricks and mortar accommodation and those who, despite having long-standing connections and family ties to Southwark have moved out of the borough's sites because of many years neglect of their accommodation needs. It should also include an assessment of the need for transit sites.

The council needs to fulfil its duty of conducting an assessment of the needs of houseboat and caravan dwellers.

P11 should explicitly state how Southwark Council intends to meet the accommodation needs of those identified in a revised and more robust GTAA in order to meet its PSE and Housing & Planning Act duties

The council needs to provide a specific target and information on where it intends to provide sites to meet the existing GTAA identified 43 pitch need (over the capacity of the three current sites operating in Southwark) and any further need identified by a more robust and inclusive GTAA.

The council should commit to safeguarding existing Gypsy & Traveller site provision in the borough by deleting the "subject to need" provision in P11. These sites are already overcrowded, leading to tensions on sites and poor relations between the community and Southwark Council. Any potential threat to their continued existence can only make matters worse.

---

<sup>2</sup> Parry, G.D., Van Cleempert, P., Peters, J. & Walters, S. (2007) The Health Status of Gypsies and Travellers in England. *Journal of Epidemiology & Community Health* 61(3):198-204

The council needs to show how it has considered each residential development site identified in the NSP against the potential to meet the accommodation needs of Gypsies & Travellers. The council should aim to provide a range of site options that can cater for extended families wanting to live together, as well as other sites that are open to mixed families.

Residential use should include Gypsy & Traveller pitches as possible uses as stand-alone sites or as part of wider residential schemes. London Gypsies & Travellers have previously identified OKR11,12,20,21 and 22 to be considered as Gypsy & Traveller sites to meet current and future need.

We submit all of the above are needed to discharge the Public Sector Equality Duty.