

Representation	Officer Response
<p data-bbox="188 320 640 347">P11 Homes for Gypsies and Travellers</p> <p data-bbox="188 360 394 419">Steve Lancashire NSPPSV172.11</p> <p data-bbox="188 469 1308 564">It doesn't appear the Council is fulfilling its equality duties, including the public sector equality duty found at section 149 of the Equality Act 2010, to gypsy and traveller community in Southwark</p>	<p data-bbox="1364 464 1693 491">Public Sector Equality Duty</p> <p data-bbox="1364 499 2063 564">Section 149 of the Equality Act 2010 provides that a public authority must have due regard to the need to:</p> <ol data-bbox="1413 608 2056 884" style="list-style-type: none"> 1. eliminate discrimination, harassment, victimisation and any other prohibited conduct; 2. advance equality of opportunity between persons who share a relevant protected characteristic and those who do not; 3. foster good relations between those who share a relevant protected characteristic and those who do not. <p data-bbox="1364 932 2056 1246">The Public Sector Equality Duty (PSED) is not a duty to achieve a particular result, but rather to have due regard to the need to achieve the statutory goals. This means that in formulating the NSP, we must conscientiously consider the need to eliminate discrimination; advance equality of opportunity and foster good relations. In order to do so, we should consider how our policies are likely to affect those with protected characteristics (as defined in section 4 of the Equality Act).</p> <p data-bbox="1364 1294 2063 1426">We have prepared an Equalities Impact Assessment ("EqIA") to consider the potential impacts of its draft policies on different groups. The EqIA considers the impact of draft policy P11 on persons with relevant</p>

characteristics, and notes that the safeguarding of existing gypsy and traveller sites, subject to need, is expected to have a positive impact. It also recognises that the provision of policy criteria against which to assess potential new sites may have the effect of restricting the sites on which gypsy and travellers may be accommodated, which may result in some adverse effects, but considers that this is necessary in the interests of good planning.

The EqIA explains that the PPTS definition of gypsies and travellers does not include those who have ceased to travel permanently. Consistent with the PPTS, draft policy P11 does not seek to meet any wider need for pitches to meet the needs of settled gypsies and travellers, but the EqIA notes that the Council is committed to working to meet this wider need through other mechanisms outside of planning policy.

The EqIA demonstrates that we have considered the likely impact of draft policy P11 on gypsies and travellers. The EqIA is intended to be a 'live' document that is continually updated. We will consider further whether the decision to provide pitches to meet only those falling within the PPTS definition is likely to disproportionately affect particular groups of people with protected characteristics.

Traveller Movement NSPPSV427.2,
Kris Stewart NSPPSV248.1,
Sabina Mohideen NSPPSV480.2
Louisa Cath NSPPSV429.1
Geraldine O'Brien NSPPSV560.1,
Stacy Ryan NSPPSV505.1

Timmwity Coffey NSPPSV504.1

Seth Randall Goddard NSSPSV495

I am responding to the New Southwark Plan consultation, as I am concerned that Gypsy and Traveller families who have lived in Southwark for generations slip through the net in the submitted New Southwark Plan. This Local Plan fails to recognise and meet their needs, and to acknowledge the overcrowding that exists on Southwark Gypsy and Traveller sites.

"The New Southwark Plan submissions (particularly Planning Policy P11 and the Gypsy & Traveller Accommodation Assessment Report (EiP22)) are not legally compliant as:

- Southwark Council has not considered its Public Sector Equality Duty to many Gypsies and Travellers.

- Southwark Council has not considered its general duty to assess the accommodation needs of people who live in caravans.

and are unsound as they are not:

- Justified: the evidence is incomplete, did not involve enough Gypsies and Travellers and does not show the details of how it was analysed.

- Consistent with national policy and the London Plan: Southwark have adopted the national policy without properly considering the accommodation needs of Gypsies and Travellers included in London Plan policies.

- Positively Prepared: The Gypsy & Traveller Accommodation Assessment is not objective – it selects the evidence it uses, doesn't report its survey results and didn't involve enough Gypsies and Travellers who live in "bricks and mortar" accommodation.

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Public Sector Equality Duty

Section 149 of the Equality Act 2010 provides that a public authority must have due regard to the need to:

1. eliminate discrimination, harassment, victimisation and any other prohibited conduct;
2. advance equality of opportunity between persons who share a relevant protected characteristic and those who do not;
3. foster good relations between those who share a relevant protected characteristic and those who do not.

The Public Sector Equality Duty (PSED) is not a duty to achieve a particular result, but rather to have due regard to the need to achieve the statutory goals. This means that in formulating the NSP, we must conscientiously consider the need to eliminate discrimination; advance equality of opportunity and foster good relations. In order to do so, we should consider how our policies are likely to affect those with protected characteristics (as defined in section 4 of the Equality Act).

We have prepared an Equalities Impact Assessment ("EqIA") to consider the potential impacts of its draft policies on different groups. The EqIA considers the impact of draft policy P11 on persons with relevant characteristics, and notes that the safeguarding of existing gypsy and traveller sites, subject to need, is expected to have a positive impact. It also recognises that the

provision of policy criteria against which to assess potential new sites may have the effect of restricting the sites on which gypsy and travellers may be accommodated, which may result in some adverse effects, but considers that this is necessary in the interests of good planning.

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Gypsy and Traveller Accommodation Assessment (GTAA)

The GTAA was carried out by Opinion Research Services (ORS).

The most recent version of PPTS that was published in August 2015 contains a revised definition of a Gypsy, Traveller and Travelling Showperson for planning purposes. In addition, the previous Housing Definition set

out in the Housing Act (2004) was repealed by the Housing and Planning Act (2016) through the removal of sections 225 and 226 of the 2004 Act. As such the only current definition of Gypsies, Travellers and Travelling Showpeople for the purposes of the planning system and the assessment of housing need is that which is found in Annex 1 of PPTS (2015).

A GTAA now only needs to formally assess the needs of households that meet or may meet (undetermined households) the planning definition set out in PPTS (2015). However, ORS acknowledge that there are still current and future housing needs arising from those households that do not meet the planning definition. Their GTAA's do complete this assessment and include advice on how local authorities should seek to address these needs through alternative planning mechanisms and through separate Local Plan Policies. This approach is consistent with the revised NPPF that was published in February 2019.

A summary of the outcomes of the GTAA is below:

- There were 43 pitches identified on 4 public sites in Southwark.
- A total of 26 interviews were completed with residents living on these sites.
- There were 5 double-pitches and 6 vacant pitches at the time of the fieldwork so a robust household interview response rate of 82% was achieved.
- This is contrary to claims made by STAG that 57% of households they spoke with were not aware that the GTAA was being undertaken; that 78% of households they spoke with had not been contacted to take part in the household interviews; and that only 3 households they

spoke with had taken part in the household interviews.

- None of the households that were interviewed were found to meet the PPTS planning definition of a Traveller as none were able to provide any evidence that family members travel for work or for seeking work. Those that did travel stated that the reasons for travelling were to visit family; for holidays; or to visit fairs for cultural reasons and that these visits did not involve any work.
- None of the households that were interviewed were able to provide contacts for any family or friends living in bricks and mortar who may be in need of a pitch on a site in Southwark.

During the GTAA fieldwork ORS made repeated attempts to contact STAG to gain access to their contacts living in bricks and mortar. Despite these repeated efforts, STAG do not provide ORS with contact details on any households living in bricks and mortar to interview.

Due to Data Protection and GDPR ORS are unable to include full details of the outcomes of the household interviews in the GTAA Report as this would allow for individual households to be identified and could lead to ORS and the Council being liable for a significant fine from the Information Commissioners Office for breaching these regulations.

ORS were also informed by the Council that STAG would like to discuss the outcomes of the household interviews in more detail, but despite repeated attempts, STAG did not make contact with ORS.

ORS completed a robust assessment of future need for

pitches during the completion of the GTAA. As well as identifying need from teenagers in need of a pitch of their own in the next 5 years, ORS also completed a robust estimate of need for children aged 12 and under living on the public sites. This used a net compound formation rate of 2.20% for the period 2025-29 to 2030-34 and estimated future formation of 15 additional households.

The definition of “Gypsies and Travellers”

For the NPS to be sound, as required by section 20 of the Planning and Compulsory Purchase Act 2004, it must be consistent with national policy (NPPF Paragraph 35).

National policy in the PPTS requires local planning authorities to set pitch targets for gypsies and travellers, as defined in Annex 1 to the PPTS, which address the likely permanent and transit site accommodation needs of travellers in their area. The definition of “gypsies and travellers” in the PPTS excludes those who have permanently ceased to travel (Annex 1 PPTS). The equalities statement which accompanied the proposed change to the definition in the PPTS explained that “The Government is fundamentally of the view that where travellers have given up travelling permanently, they should be treated in the same way as other members of the settled community for planning purposes. Under the proposal, Gypsies and Travellers who had given up travelling permanently would not be considered ‘travellers’ in planning terms”.

To ensure consistency with national policy, we need to assess the need for accommodation for gypsies and

	<p>travellers falling within the PPTS definition and set pitch targets to meet those needs. This does not preclude us from going further and setting pitch targets for settled gypsy and travellers, but it is not obliged to do so in order to be consistent with national policy.</p> <p>Draft policy P11 is not unlawful in seeking to meet the needs of those falling within the PPTS definition. The draft policy is consistent with national policy.</p>
<p>Richard Lee NSPPSV148.5</p> <p>"P11 Homes for Travellers and Gypsies The long delayed Gypsy and Traveller Accommodation Needs Assessment report (EiP 22) is a new evidence base document which has led to changes to policy P11. The assessment is not sound; it has not considered the full needs of Gypsies and Travellers and lacks evidence to substantiate those who have been surveyed. The overcrowding on the existing 4 Traveller sites in Southwark is clear and obvious and on its own one would expect this to produce a need for more sites in the Borough. The Council should also have asked its consultants to obtain evidence on the number of residents from the 4 sites who have had to move into bricks and mortar in the last 5 years because of over-crowding. There is no evidence that the Council's consultants spoke to Travellers on the sites who are currently overcrowded or to those whose family members have had to move to bricks and mortar accommodation. The Council should have carried out a full assessment of need, in order to fulfil its duties under the Equality Act and enable the EqIA to be properly undertaken, and then gone on to assess the impact this would have on pitch targets in accordance with both national planning policy and policy in the New London Plan. I set out what was required in my comments on the Amended Policies. The policy changes to P11 do not make the Plan sound. The needs of boat dwellers would seem to fit best into Policy 11 – following the approach of the New London Plan. Though their needs could alternatively be included in P57, where a change adds "berths, residential, commercial and visitor moorings".</p>	<p>Public Sector Equality Duty Section 149 of the Equality Act 2010 provides that a public authority must have due regard to the need to:</p> <ol style="list-style-type: none"> 1. eliminate discrimination, harassment, victimisation and any other prohibited conduct; 2. advance equality of opportunity between persons who share a relevant protected characteristic and those who do not; 3. foster good relations between those who share a relevant protected characteristic and those who do not. <p>The Public Sector Equality Duty (PSED) is not a duty to achieve a particular result, but rather to have due regard to the need to achieve the statutory goals. This means that in formulating the NSP, we must conscientiously consider the need to eliminate discrimination; advance equality of opportunity and foster good relations. In order to do so, we should consider how our policies are likely to</p>

The failure of the Plan to consider their needs is in breach of Section 124 of the Housing and Planning Act 2016 which includes the duty to consider the needs of people residing in caravans and places on inland waterways where houseboats can be moored.

Policy should include access to services, security and affordability. Assessments (eg SHMA) should have considered evidence of need, including the reasons why people choose houseboats and their prevalence in Southwark.

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affect those with protected characteristics (as defined in section 4 of the Equality Act).

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A summary of the outcomes of the GTAA is below:

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- None of the households that were interviewed were found to meet the PPTS planning definition of a Traveller as none were able to provide any evidence that family members travel for work or for seeking work. Those that did travel stated that the reasons for travelling were to visit family; for holidays; or to visit fairs for cultural reasons and that these visits did not involve any work.
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ORS and the Council being liable for a significant fine from the Information Commissioners Office for breaching these regulations.

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For the NPS to be sound, as required by section 20 of the Planning and Compulsory Purchase Act 2004, it must be consistent with national policy (NPPF Paragraph 35).

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Government is fundamentally of the view that where travellers have given up travelling permanently, they should be treated in the same way as other members of the settled community for planning purposes. Under the proposal, Gypsies and Travellers who had given up travelling permanently would not be considered 'travellers' in planning terms".

To ensure consistency with national policy, we need to assess the need for accommodation for gypsies and travellers falling within the PPTS definition and set pitch targets to meet those needs. This does not preclude us from going further and setting pitch targets for settled gypsy and travellers, but it is not obliged to do so in order to be consistent with national policy.

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Boat dwellers

A Boat Dweller Accommodation Needs Assessment for people living permanently on boats in Southwark is being carried out.

Southwark Law Centre
NSPPSV167.9

"P11 Homes for Gypsies and Travellers

We submit that that this policy does not comply with legal requirements, described below:

1. We do not think the Gypsy and Traveller Needs Assessment has been lawfully carried out. A key concern is that the assessment did not interview known families and households of

Public Sector Equality Duty

Section 149 of the Equality Act 2010 provides that a public authority must have due regard to the need to:

gypsies and travellers living in bricks and mortar accommodation.

2. The policy discriminates against Gypsies and Travellers who are a recognised ethnic minority covered by the protected characteristic of race at section
3. This policy does not comply with section 149 of the Equality Act 2010.
4. This policy is unsound as it neither positively prepared, justified or effective.

We support the detailed submission of Southwark Traveller Action Group to this consultation.
"

1. eliminate discrimination, harassment, victimisation and any other prohibited conduct;
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<p>London Gypsies and Travellers NSPPSV 112.1</p> <p>"Do you consider the document to be legally compliant in accordance with the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2012? No Do you consider this policy is sound? No Do you consider this policy is sound? - why not sound - Justified Do you consider this policy is sound? - why not sound - Effective Consistent with national policy and the London Plan Do you consider this policy is sound? - why not sound - Positively Prepared The New Southwark Plan submissions (particularly Planning Policy P11 and the Gypsy & Traveller Accommodation Assessment Report (EiP22)) are not legally compliant as: The council fails to meet the Public Sector Equality Duty in regard to the need for ethnic Gypsies and Travellers who share a cultural tradition of living in caravans to access such culturally suitable accommodation i.e. caravan sites. The 2020 GTANA identifies a need for 42 pitches for households that do not meet the PPTS definition. Neither Policy P11 or other housing policies in the NSP address the needs of this category of Gypsies and Travellers. The council does not currently have a strategy to meet these needs. The following excerpt from an Equality and Human Rights Commission report regarding the impacts of the PPTS definition highlights the relevant law regarding culturally suitable accommodation: "In a decision by the European Court of Human Rights, the Court held that: [T]he applicant's occupation of her caravan is an integral part of her ethnic identity as a Gypsy [and] the vulnerable position of Gypsies as a minority means that some special consideration should be given to their needs and their different lifestyle both in the relevant regulatory planning framework and in arriving at the decisions in particular cases. To this extent there is thus a positive obligation imposed on the Contracting States by virtue of Article 8 to facilitate the Gypsy way of life. These considerations of law are relevant to an LPA's approach to the assessment of need for all</p>	<p>Public Sector Equality Duty Section 149 of the Equality Act 2010 provides that a public authority must have due regard to the need to:</p> <ol style="list-style-type: none"> 1. eliminate discrimination, harassment, victimisation and any other prohibited conduct; 2. advance equality of opportunity between persons who share a relevant protected characteristic and those who do not; 3. foster good relations between those who share a relevant protected characteristic and those who do not. <p>The Public Sector Equality Duty (PSED) is not a duty to achieve a particular result, but rather to have due regard to the need to achieve the statutory goals. This means that in formulating the NSP, we must conscientiously consider the need to eliminate discrimination; advance equality of opportunity and foster good relations. In order to do so, we should consider how our policies are likely to affect those with protected characteristics (as defined in section 4 of the Equality Act).</p> <p>We have prepared an Equalities Impact Assessment ("EqIA") to consider the potential impacts of its draft policies on different groups. The EqIA considers the impact</p>

ethnic Gypsies and Travellers, PPTS compliant or otherwise.”

The New Southwark Plan is not justified or positively prepared in relation to Gypsy and Traveller accommodation needs:

We are concerned about the robustness of the 2020 GTANA as the report doesn't present its survey results and didn't involve enough Gypsies and Travellers who live in bricks and mortar accommodation. The Equality and Human Rights Commission research report on the impacts of the PPTS definition highlights a number of concerns related to the methodology of the consultancy carrying out the GTANA and the interpretation they use to assess whether people meet the PPTS definition.

(https://www.equalityhumanrights.com/sites/default/files/190909_gypsy_and_traveller_sites_-_impact_of_the_revised_definition_-_final.pdf)

The evidence in the 2020 GTANA that there is a need for 42 new pitches arising from households that do not meet the PPTS definition has not been taken into consideration in any of the NSP policies.

The need for 42 pitches comprises an element of urgent need from families that are overcrowded, families living roadside or needing to move from bricks and mortar into culturally suitable accommodation; it also includes an element of future need to enable new families forming in the next 5 years and over the rest of the plan period to access culturally suitable accommodation.

There is no justification for the approach taken in the plan to disregard the accommodation needs of those who do not meet the PPTS definition. The NPPF sets out that Local Plans should “positively seek opportunities to meet the development needs of their area” and provide for the objectively assessed needs for housing and other uses. The New Southwark Plan does not present any assessment of alternative approaches that would explore how the needs of people falling outside the PPTS definition could be included and addressed alongside the accommodation needs of all other Southwark residents.

Other Local Plans around the country are including both PPTS and non-PPTS needs in their Gypsy and Traveller accommodation policies and site allocations, demonstrating that it is indeed possible to properly address the needs of Gypsies and Travellers who otherwise would slip through the net. Some examples include:

Islington Local Plan – Policy H12 Gypsy and Traveller accommodation states

‘The Council will seek to identify a site(s) to meet the identified need for 10 pitches identified in the 2019 assessment, which is based on the London Plan definition rather than the more

of draft policy P11 on persons with relevant characteristics, and notes that the safeguarding of existing gypsy and traveller sites, subject to need, is expected to have a positive impact. It also recognises that the provision of policy criteria against which to assess potential new sites may have the effect of restricting the sites on which gypsy and travellers may be accommodated, which may result in some adverse effects, but considers that this is necessary in the interests of good planning.

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restrictive PPTS definition. The need is for 8 pitches by 2025 with a further two pitches required by 2035 (based on newly forming families on existing sites on the assumption that the initial need by 2025 is met and sites are provided). In the first instance, the council will seek to identify a site through its ongoing housebuilding programme.'

Sevenoaks Local Plan – Policy H4 Provision for the Gypsy and Traveller community

'We must plan for the housing needs of the Gypsy and Traveller community in the District in the same way as for the settled community. The Gypsy and Traveller Accommodation Assessment (GTAA) identified the need for 51 additional pitches up to 2035 including those members of the community who do not meet the Planning Policy for Traveller Sites definition. This need has been reduced to 40 due to the granting of planning permission since the GTAA. To meet the remaining need sites have been identified where additional permanent pitches could be provided.'

South Gloucestershire – GTAA Explanatory note

'In terms of its role as the LPA, it is important that the Council plans to meet the needs of the Gypsy/ Traveller and Travelling Showpeople communities in South Gloucestershire. It is also important that the method in which it does so reflects the characteristics of the local 'travelling' community and their 'nomadic habit of life' whilst also providing 'culturally appropriate' accommodation. This will ensure that the Council is also meeting its responsibilities in relation to equalities and the PSED. For this reason, it is recommended that the Council plans for the overall level of need identified in the GTAA 2017, as set out at Figure 1. It is considered that this is a reasonable and pragmatic approach, which recognises both the economic and cultural determinants that need to be jointly considered as part of assessing the level of need for Gypsy and Traveller families who reside in South Gloucestershire'

Policy P11 Homes for Travellers and Gypsies should include a pitch target based on the whole figure of need identified in the 2020 GTANA, which includes the households who fall outside the PPTS definition. Site allocations in the NSP should be reviewed to incorporate an element of Gypsy and Traveller site accommodation. If not possible to meet full extent of need through proposed site allocations, the council should develop a strategy setting out specific actions to identify other possible locations for the pitches that are needed.

"

The most recent version of PPTS that was published in August 2015 contains a revised definition of a Gypsy, Traveller and Travelling Showperson for planning purposes. In addition, the previous Housing Definition set out in the Housing Act (2004) was repealed by the Housing and Planning Act (2016) through the removal of sections 225 and 226 of the 2004 Act. As such the only current definition of Gypsies, Travellers and Travelling Showpeople for the purposes of the planning system and the assessment of housing need is that which is found in Annex 1 of PPTS (2015).

A GTAA now only needs to formally assess the needs of households that meet or may meet (undetermined households) the planning definition set out in PPTS (2015). However, ORS acknowledge that there are still current and future housing needs arising from those households that do not meet the planning definition. Their GTAAs do complete this assessment and include advice on how local authorities should seek to address these needs through alternative planning mechanisms and through separate Local Plan Policies. This approach is consistent with the revised NPPF that was published in February 2019.

A summary of the outcomes of the GTAA is below:

- There were 43 pitches identified on 4 public sites in Southwark.
- A total of 26 interviews were completed with residents living on these sites.
- There were 5 double-pitches and 6 vacant pitches at the time of the fieldwork so a robust household interview response rate of 82% was achieved.
- This is contrary to claims made by STAG that 57% of

households they spoke with were not aware that the GTAA was being undertaken; that 78% of households they spoke with had not been contacted to take part in the household interviews; and that only 3 households they spoke with had taken part in the household interviews.

- None of the households that were interviewed were found to meet the PPTS planning definition of a Traveller as none were able to provide any evidence that family members travel for work or for seeking work. Those that did travel stated that the reasons for travelling were to visit family; for holidays; or to visit fairs for cultural reasons and that these visits did not involve any work.
- None of the households that were interviewed were able to provide contacts for any family or friends living in bricks and mortar who may be in need of a pitch on a site in Southwark.

During the GTAA fieldwork ORS made repeated attempts to contact STAG to gain access to their contacts living in bricks and mortar. Despite these repeated efforts, STAG do not provide ORS with contact details on any households living in bricks and mortar to interview.

Due to Data Protection and GDPR ORS are unable to include full details of the outcomes of the household interviews in the GTAA Report as this would allow for individual households to be identified and could lead to ORS and the Council being liable for a significant fine from the Information Commissioners Office for breaching these regulations.

ORS were also informed by the Council that STAG would like to discuss the outcomes of the household interviews

in more detail, but despite repeated attempts, STAG did not make contact with ORS.

ORS completed a robust assessment of future need for pitches during the completion of the GTAA. As well as identifying need from teenagers in need of a pitch of their own in the next 5 years, ORS also completed a robust estimate of need for children aged 12 and under living on the public sites. This used a net compound formation rate of 2.20% for the period 2025-29 to 2030-34 and estimated future formation of 15 additional households.

The definition of “Gypsies and Travellers”

For the NPS to be sound, as required by section 20 of the Planning and Compulsory Purchase Act 2004, it must be consistent with national policy (NPPF Paragraph 35).

National policy in the PPTS requires local planning authorities to set pitch targets for gypsies and travellers, as defined in Annex 1 to the PPTS, which address the likely permanent and transit site accommodation needs of travellers in their area. The definition of “gypsies and travellers” in the PPTS excludes those who have permanently ceased to travel (Annex 1 PPTS). The equalities statement which accompanied the proposed change to the definition in the PPTS explained that “The Government is fundamentally of the view that where travellers have given up travelling permanently, they should be treated in the same way as other members of the settled community for planning purposes. Under the proposal, Gypsies and Travellers who had given up travelling permanently would not be considered

	<p>‘travellers’ in planning terms”.</p> <p>To ensure consistency with national policy, we need to assess the need for accommodation for gypsies and travellers falling within the PPTS definition and set pitch targets to meet those needs. This does not preclude us from going further and setting pitch targets for settled gypsy and travellers, but it is not obliged to do so in order to be consistent with national policy.</p> <p>Draft policy P11 is not unlawful in seeking to meet the needs of those falling within the PPTS definition. The draft policy is consistent with national policy.</p>
<p>GLA NSPPSV 66.6</p> <p>The Mayor welcomes Southwark’s commitment to meeting the wider needs of Gypsies and Travellers within the borough and responded to Southwark’s Draft Housing Strategy 2020. The Mayor proposed a wider definition of Gypsy and Traveller’s in his draft new London Plan and ItP London Plan. On 13 March 2020 the Secretary of State set out directions to the ItP London Plan in the Annex to his response directing amendments to Policy H14 Gypsy and Traveller accommodation to align this policy with the Planning Policy for Traveller Sites (PPTS) August 2015.</p> <p>The final approach to Gypsy and Travellers will be set out in the Published London Plan, anticipated later this year. It is the GLA’s intention to commission a London-wide needs assessment for Gypsy and Travellers that employs the wider definition set out in the ItP London Plan to inform wider need.</p>	<p>Noted.</p> <p>The definition of “Gypsies and Travellers”</p> <p>For the NPS to be sound, as required by section 20 of the Planning and Compulsory Purchase Act 2004, it must be consistent with national policy (NPPF Paragraph 35).</p> <p>National policy in the PPTS requires local planning authorities to set pitch targets for gypsies and travellers, as defined in Annex 1 to the PPTS, which address the likely permanent and transit site accommodation needs of travellers in their area. The definition of “gypsies and travellers” in the PPTS excludes those who have permanently ceased to travel (Annex 1 PPTS).</p>

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<p>Southwark Travellers Action Group NSPPSV490.1</p> <p>1. Introduction</p> <p>1.1 Southwark Travellers Action Group (STAG) is a community organisation for Gypsies, Roma and Travellers based or connected with the London borough of Southwark. STAG supports the local Gypsy and Traveller community to overcome barriers to accessing services through one-to-one and group support.</p> <p>1.2 The 2011 census data produced a figure of 263 Gypsies and Travellers in Southwark, however, STAG estimate the Gypsy and Traveller population in the borough is currently much higher.¹ The census data also showed that a majority (61%) of those who identified as Gypsy or Irish Traveller in England & Wales lived in a house or bungalow (bricks and mortar accommodation), rather than a caravan or other mobile or temporary structure.² Last year at least 21% of STAG’s service users lived in bricks and mortar accommodation in the borough and 55% lived in the 49 socially rented caravans on 42 local authority pitches in Southwark. In 2019 the majority of our service users (96%) were Irish Travellers.</p> <p>2. Overview</p> <p>2.1 Overall, we are concerned that the proposed changes to the submitted New Southwark Plan (NSP) still have not properly considered or engaged the borough’s Gypsy and Traveller community. Evidence that this has been an on-going problem with the Plan’s development is provided in the Inspector’s initial correspondence regarding the Examination in Public (EIP).</p>	<p>Public Sector Equality Duty</p> <p>Section 149 of the Equality Act 2010 provides that a public authority must have due regard to the need to:</p> <ol style="list-style-type: none"> 1. eliminate discrimination, harassment, victimisation and any other prohibited conduct; 2. advance equality of opportunity between persons who share a relevant protected characteristic and those who do not; 3. foster good relations between those who share a relevant protected characteristic and those who do not. <p>The Public Sector Equality Duty (PSED) is not a duty to achieve a particular result, but rather to have due regard to the need to achieve the statutory goals. This means that in formulating the NSP, we must conscientiously consider the need to eliminate discrimination; advance equality of opportunity and foster good relations. In order to do so, we should consider how our policies are likely to</p>

2.2 The Southwark Gypsy and Traveller Accommodation Needs Assessment (GTAA) Report was conducted at a late stage of the process and the evidence it has provided has not been fully considered in the proposed changes to the submitted NSP. There is no over-arching policy, definition of need, or reference to all the evidence in the assessment in the NSP. This is despite this being a key request from the Inspectors in their later letter to the Council.

2.3 Southwark Council does not have a good record of responding to Gypsy and Traveller accommodation needs. For example, in 2014 the GTAA for additional pitches in the borough between 2007 and 2017 was 12-17, but the borough set its target as zero.⁶ An analysis of London councils' Planning Policy for Traveller Sites compliance conducted at the time noted that Southwark Council had not included any assessment of the accommodation needs of Gypsies and Travellers.⁷

2.4 The Southwark GTAA (EIP22) was conducted using a flawed methodology which has underestimated the accommodation needs of the Gypsy and Traveller community in Southwark. In addition, the evidence it has provided has not been effectively used to inform Planning Policy 11 and has not been considered within wider planning policies, such as Strategic Planning Policy 1, the Equality, Health and Integrated Impact assessments nor within the current Southwark Housing Strategy.

2.5 Southwark Council has not fulfilled its duties under the Equality Act 2010, by not considering the cultural accommodation needs of Romany Gypsies and Irish, Scottish and Welsh Travellers in the borough, all of whom are protected ethnic groups.⁸ It has also not considered its general duty under section 124 of the Housing & Planning Act 2016 to:

*“consider the needs of people residing in or resorting to their district with respect to the provision of—
sites on which caravans can be stationed, or
places on inland waterways where houseboats can be moored.”*

2.6 We conclude (with more detailed evidence discussed in the relevant sections below) that the NSP consultation document still does not include Gypsies and Travellers as part of the local community, does not effectively consider or assess their needs and does not address these needs with pitch targets. The Council has given no consideration to its duties to ethnic Gypsies and Travellers under the Equality Act 2010 nor its general duty to consider the needs of people residing on caravan sites. This is a long-term problem in the borough, and is not unique to Southwark, but the NSP should not be accepted until these issues are addressed:

affect those with protected characteristics (as defined in section 4 of the Equality Act).

We have prepared an Equalities Impact Assessment (“EqIA”) to consider the potential impacts of its draft policies on different groups. The EqIA considers the impact of draft policy P11 on persons with relevant characteristics, and notes that the safeguarding of existing gypsy and traveller sites, subject to need, is expected to have a positive impact. It also recognises that the provision of policy criteria against which to assess potential new sites may have the effect of restricting the sites on which gypsy and travellers may be accommodated, which may result in some adverse effects, but considers that this is necessary in the interests of good planning.

The EqIA explains that the PPTS definition of gypsies and travellers does not include those who have ceased to travel permanently. Consistent with the PPTS, draft policy P11 does not seek to meet any wider need for pitches to meet the needs of settled gypsies and travellers, but the EqIA notes that the Council is committed to working to meet this wider need through other mechanisms outside of planning policy.

The EqIA demonstrates that we have considered the likely impact of draft policy P11 on gypsies and travellers. The EqIA is intended to be a ‘live’ document that is continually updated. We will consider further whether the decision to provide pitches to meet only those falling within the PPTS definition is likely to disproportionately affect particular groups of people with protected characteristics.

“Gypsy and Traveller families are often invisible to services.....They were too often viewed by both councils and settled residents as not being part of local communities and consequently not entitled to many of the basic services that facilitate good health outcomes. Equally, they are often overlooked in the planning for better community services – through, for example joint strategic health needs assessment (JSNAs) – because their existence is not recorded in local data systems.”

Professor Steve Field CBE, FRCP, FFPH, FRCGP when Chair of the National Inclusion Health Board and Chief Inspector General Practice, Primary Medical Services and Integrated Care, Care Quality Commission

3. The Planning Policy for Traveller Sites (PPTS 2015) definition of “Gypsies and Travellers” and legal challenge

3.1 The current Planning Policy for Traveller Sites 2015 (PPTS 2015) definition only defines as “Gypsies and Travellers” those who have to travel for their work: case law has identified that this travelling needs to be for considerable periods of time. This definition does not cover the majority of clients STAG works with, although over 90% are Irish Travellers, a protected ethnic group under the Equality Act 2010 and “their needs should be considered beyond the planning definition”.

3.2 The focus of the PPTS 2015 is to provide a sufficient number of sites where Gypsies and Travellers can live in caravans. Local Planning Authorities should ensure their policies in respect of Gypsies and Travellers:

“provide a settled base that reduces...the need for long-distance travelling (par13(d)); ensure that children can attend school on a regular basis (para. 13(c)); wherever possible, [promote] traveller sites suitable for mixed residential and business uses (i.e. sites which limit the need for travelling) (para. 18).”

3.3 This is to provide a “settled base” in authorised, planned, sustainable locations and to enable Gypsies and Travellers to access resources such as health and education. The PPTS facilitates living in caravans. It does not promote an itinerant lifestyle and in many respects actually limits the need for travelling. However, those who are entitled to this “settled base” through the PPTS 2015 definition are those who have to show they are leading an itinerant lifestyle.

Gypsy and Traveller Accommodation Assessment (GTAA)

The GTAA was carried out by Opinion Research Services (ORS).

The most recent version of PPTS that was published in August 2015 contains a revised definition of a Gypsy, Traveller and Travelling Showperson for planning purposes. In addition, the previous Housing Definition set out in the Housing Act (2004) was repealed by the Housing and Planning Act (2016) through the removal of sections 225 and 226 of the 2004 Act. As such the only current definition of Gypsies, Travellers and Travelling Showpeople for the purposes of the planning system and the assessment of housing need is that which is found in Annex 1 of PPTS (2015).

A GTAA now only needs to formally assess the needs of households that meet or may meet (undetermined households) the planning definition set out in PPTS (2015). However, ORS acknowledge that there are still current and future housing needs arising from those households that do not meet the planning definition. Their GTAAs do complete this assessment and include advice on how local authorities should seek to address these needs through alternative planning mechanisms and through separate Local Plan Policies. This approach is consistent with the revised NPPF that was published in February 2019.

A summary of the outcomes of the GTAA is below:

- There were 43 pitches identified on 4 public sites in Southwark.

3.4 In their review of the impact of the PPTS 2015 definition on assessing accommodation needs of Gypsies and Travellers, the Equality & Human Rights Commission found: “The new definition of Gypsies and Travellers has reduced the accommodation need that is being provided for under PPTS. Existing legislation and the approach to housing provision in the [National Planning Policy Framework] NPPF appear to be inadequate in addressing the very specific needs of ethnic Gypsies and Travellers who are not covered by the definition.”

3.5 The PPTS 2015 definition, by requiring the demonstration that Gypsies and Travellers are travelling for work or will travel for work in the future, discriminates against older, female and disabled members of the community who are unlikely to commit to travelling now or in the future because of their health, caring or parenting responsibilities and being unable to seek work for these reasons.

3.6 The PPTS 2015 definition is, therefore, contradictory to the aims of the PPTS itself, and discriminates against ethnic Gypsies and Travellers who do not travel for work, as well as Gypsies and Travellers who are older, have a disability or caring responsibilities. As a result, there is currently a legal challenge to the definition which has been remitted to the Administrative Court for hearing.

3.7 STAG, Friends, Families & Travellers and London Gypsies & Travellers have jointly made a submission to intervene in this legal challenge. In STAG’s submission we have specifically highlighted the negative impact of the current definition on the GTAA and Planning Policy 11 in the NSP. Southwark Council should, therefore, at least consider the implications of this challenge being successful, and include consideration of changes to the PPTS 2015 definition to the GTAA and Planning Policy P11, as well as in relation to pitch targets for the borough.

3.8 The Mayor of London’s proposed definition of Gypsies and Travellers in the draft London Plan13 is much broader and would include all our clients. It does not suffer the contradictions within the PPTS 2015 definition nor force Local Planning Authorities to face contradictions between their planning policies and equalities duties or their general duty to those living in caravans.

3.9 The Mayor’s attempt to provide a broader definition highlights that the current national planning policy means that: “provision for non-PPTS Gypsies and Travellers is likely to be uneven across England, so the inequalities already faced by them with regard to access to accommodation will be compounded further.”

3.10 The current dispute between the Secretary of State and Mayor of London upon the planning definition of “Gypsies and Travellers” makes it difficult for Local Planning Authorities in

- A total of 26 interviews were completed with residents living on these sites.
- There were 5 double-pitches and 6 vacant pitches at the time of the fieldwork so a robust household interview response rate of 82% was achieved.
- This is contrary to claims made by STAG that 57% of households they spoke with were not aware that the GTAA was being undertaken; that 78% of households they spoke with had not been contacted to take part in the household interviews; and that only 3 households they spoke with had taken part in the household interviews.
- None of the households that were interviewed were found to meet the PPTS planning definition of a Traveller as none were able to provide any evidence that family members travel for work or for seeking work. Those that did travel stated that the reasons for travelling were to visit family; for holidays; or to visit fairs for cultural reasons and that these visits did not involve any work.
- None of the households that were interviewed were able to provide contacts for any family or friends living in bricks and mortar who may be in need of a pitch on a site in Southwark.

During the GTAA fieldwork ORS made repeated attempts to contact STAG to gain access to their contacts living in bricks and mortar. Despite these repeated efforts, STAG do not provide ORS with contact details on any households living in bricks and mortar to interview.

Due to Data Protection and GDPR ORS are unable to include full details of the outcomes of the household interviews in the GTAA Report as this would allow for individual households to be identified and could lead to

the capital to “be consistent with national policy and the London Plan” as required by the Inspectors for planning policies to be sound.

3.11 STAG recommends, therefore, that Southwark Council should take a different approach to its planning definitions and policies for Gypsies and Travellers. There is some precedent for this in other local plans. For example, in Islington the GTAA provided three figures for Ethnic, PPTS and Work definitions of Gypsies and Travellers, “in order to futureproof the study and ensure that the revised definition is applied in both a fair and objective manner.” The Ethnic definition was the London Plan definition and was based on accommodation needs of families ethnically identified as Gypsies and Travellers; the second definition was the PPTS definition based on the needs of families who had not permanently ceased to travel; and the third definition was the Work definition and considered the needs only of families who travel in a caravan for work purposes. The Local Plan adopted the Ethnic definition which provided the highest figure of need (10 vs 6 and 2 respectively) taking the approach that the figure derived from an ethnic definition best satisfied the council’s duty in line with the Equality Act 2010.

4. EIP22 Gypsy and Traveller Accommodation Needs Assessment

4.1 The main findings of the recent Southwark Council commissioned GTAA can be summarised as: no need for pitches for households that meet the PPTS planning definition, a need for between 0 and 1 pitches for undetermined households and a need for 42 pitches for households that did not meet the PPTS planning definition.

4.2 STAG has concerns that, even if the report’s numbers are accepted as correct (which we do not accept), the evidence of a need for 0-1 pitches for undetermined households, the need for 42 pitches for households that did not meet the PPTS 2015 planning definition and the need for a more strategic approach to transit provision across London have not been properly considered in any of the other evidence bases, reports or policies of the NSP.

4.3 The Council asserts that need for households which do not meet the planning definition, should not be included in the NSP and can be met through other local housing policies. This incomplete use of the evidence in the GTAA has therefore excluded these 43 households from the protections and provisions in P11 because they have been defined as having permanently ceased to travel through old age, ill health, caring responsibilities or other reasons. However, their ethnic identity requires that they live in culturally appropriate accommodation.

4.4 This means P11 and the NSP Equalities Impact Assessment are not justified as the choice has been made to ignore the full evidence in the GTAA in the assessment of identified need for

ORS and the Council being liable for a significant fine from the Information Commissioners Office for breaching these regulations.

ORS were also informed by the Council that STAG would like to discuss the outcomes of the household interviews in more detail, but despite repeated attempts, STAG did not make contact with ORS.

ORS completed a robust assessment of future need for pitches during the completion of the GTAA. As well as identifying need from teenagers in need of a pitch of their own in the next 5 years, ORS also completed a robust estimate of need for children aged 12 and under living on the public sites. This used a net compound formation rate of 2.20% for the period 2025-29 to 2030-34 and estimated future formation of 15 additional households.

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For the NPS to be sound, as required by section 20 of the Planning and Compulsory Purchase Act 2004, it must be consistent with national policy (NPPF Paragraph 35).

National policy in the PPTS requires local planning authorities to set pitch targets for gypsies and travellers, as defined in Annex 1 to the PPTS, which address the likely permanent and transit site accommodation needs of travellers in their area. The definition of “gypsies and travellers” in the PPTS excludes those who have permanently ceased to travel (Annex 1 PPTS). The equalities statement which accompanied the proposed change to the definition in the PPTS explained that “The

Gypsy and Traveller accommodation.

4.5 This decision will have a severe impact on the families we support in Southwark who are already living in conditions which are extremely detrimental to their health, with overcrowding severe across the sites. To date, Southwark Council has not identified areas of overcrowding or areas of potential extra capacity within existing sites as part of the NSP. However, the ORS GTAA report itself identifies 18 concealed or doubled-up households, and quotes London Fire Brigade as having identified overcrowding on the sites (section 5.6). In addition, the Tower Hamlets 2016 GTAA (also conducted by ORS) states: *“The [Southwark council] officer referred to four public sites in Southwark comprising of 42 pitches (6, 5, 15 and 16). All of the sites have recently been refurbished and are therefore popular. There is demand for pitches from the existing community and there are occasions when there is doubling up of pitches by extended families. The demand for new pitches derives from the natural growth on existing sites.”*. It seems unlikely that this demand for new pitches resulting from the natural growth on existing sites would have subsided so significantly within three years. However, in the GTAA report key stakeholders are concluded as finding: *“the current provision in the borough was thought to be meeting the accommodation need very well”*.

4.6 Beyond this STAG has concerns about the methodology and sampling used by ORS for the GTAA, which invalidates its figures and underestimates the accommodation need in the borough.

4.7 In particular, conclusions about the need amongst Gypsies and Travellers living in bricks and mortar accommodation in Southwark are based on an interview with a single household member. This interviewee expressed a need for a pitch in Southwark and the report states: *“This household did not meet the planning definition of Traveller; was a former resident on a site in Southwark but was forced to move to a house due to over-crowding and expressed a need to move back into a site in Southwark.”* ORS used this one interview to conclude there was a need for one extra pitch amongst non-PPTS Gypsies and Travellers living in bricks and mortar accommodation in Southwark.

4.8 However, the 2011 census suggests there are around 160 Travellers and Gypsies living in bricks and mortar in Southwark, and this is a likely underestimate, as many Gypsies and Travellers do not identify themselves as such in official surveys.¹⁸ From STAG data from July – December 2019, at least 16 of 76 clients we worked with directly over that period were living in bricks and mortar accommodation in the borough.

4.9 In order to investigate this further and to see how widely the Gypsy and Traveller

Government is fundamentally of the view that where travellers have given up travelling permanently, they should be treated in the same way as other members of the settled community for planning purposes. Under the proposal, Gypsies and Travellers who had given up travelling permanently would not be considered ‘travellers’ in planning terms”.

To ensure consistency with national policy, we need to assess the need for accommodation for gypsies and travellers falling within the PPTS definition and set pitch targets to meet those needs. This does not preclude us from going further and setting pitch targets for settled gypsy and travellers, but it is not obliged to do so in order to be consistent with national policy.

Draft policy P11 is not unlawful in seeking to meet the needs of those falling within the PPTS definition. The draft policy is consistent with national policy.

Consultation

In light of the COVID-19 pandemic, public consultation meetings were impracticable. The online consultation was indirectly discriminatory. It was a proportionate means of achieving a legitimate aim.

As to the nature of the information provided in the consultation, if STAG had any practical suggestions as to how this could be improved, it would have been helpful for the Council to receive those prior to the final day of the consultation. In any event, the GTNA contained an Executive Summary of 7 pages which would be suitable for

community in Southwark had been engaged in the GTAA, STAG conducted a short survey and interviews with Gypsies and Travellers in Southwark between 1st October and 26th October 2020 (Details of methodology and full responses are shown in Appendix 7)

4.10 Despite conducting the survey at a time when coronavirus restrictions were in place in Southwark, and having limited resources, 23 Gypsies and Travellers responded. The results are summarised below:

- 18 of those responding lived on a Gypsy and Traveller site in Southwark and 5 in bricks and mortar accommodation.
- 13 (57%) did not know there was a survey of Gypsy and Traveller Accommodation Needs in Southwark between October and December 2019. Of the five who lived in bricks and mortar accommodation only one knew about the survey.
- 18 (78%) said no one had contacted them to talk about the survey and the need for pitches in Southwark between October and December 2019. Of the five who lived in bricks and mortar accommodation, none had been contacted.
- Only three (13%) said they had taken part in the survey, although another five (22%) said members of their household had taken part in the survey. 15 (65%) said they had not taken part in the survey.
- Of the three who had taken part in the survey, only one answered the question about survey questions: they did not think the survey asked the right questions.

Comments about the way people were invited to take part in the survey and the way it was carried out included:

"I live in a flat in Southwark and was not aware that the Southwark Needs Assessment for Gypsies and Travellers was taking place. No one spoke to me about it or came to see me."

"The council did not contact me to tell me about it. They came to the site one day so I invited them in, it wasn't prearranged beforehand."

"We weren't made aware of when they would be coming which meant that I was unable to speak to them when they did come because I was at work. They did not leave any details to contact them to arrange a time to speak."

"I was told about the needs assessment taking place by other residents but I was not spoken to as I was not there when they came in to do it. No one contacted me. I have been on the council waiting list for at least five years."

"I knew about the needs assessment but I wasn't spoken to. I didn't know what to say so I let them talk to my daughter because my wife used to do that stuff. I don't know how to read or

communicating to the gypsy and traveller communities. A 2-page Gypsy and Traveller Update Paper was also provided as well as a 7-page summary of the EqIA. The nature of the information provided was not indirectly discriminatory or otherwise unlawful.

write and I don't know about these things."

4.11 In respect of need for accommodation and overcrowding:

- Of the 21 who answered this question, 17 (81%) said their home was currently overcrowded (one who lived in bricks and mortar accommodation and 16 who lived on sites). Two of those who said their home was not currently overcrowded lived in bricks and mortar accommodation; two on sites.
- Of the 14 who answered the question, seven (50%) said they were currently on the council waiting list for a new pitch. One who said they were not on the waiting list said their son was, and two (both of whom lived in bricks and mortar accommodation) said they weren't on the waiting list but wanted to have a pitch in Southwark.
- Four out of the five (80%) of respondents who lived in bricks and mortar specifically said they wanted to live on a pitch in Southwark in their response.

4.12 All 23 respondents answered the question: "Do you think there is a need for more Gypsy and Traveller pitches in Southwark?". All (100%) answered "Yes".

Comments about the need for accommodation and overcrowding included:

"We need so many more pitches we all have young children growing up who will all soon need their own space. We are cramped in like animals on these sites, the pitches we have are far too small as it is. We need more."

"I think that the needs assessment and the definition deliberately excludes people like me who have been born on these sites and haven't travelled anywhere. Their definition and understanding of Travellers is flawed and doesn't take into consideration the fact that there isn't anywhere else for people to travel to, so people aren't going to leave sites when their kids have grown up. The government has forced this stop and then almost penalises you for it."

"I was born on this site and have three young children who I want to grow up here. There is a need for pitches in Southwark. Lots are overcrowded because our parents moved here when it first opened in the early nineties and have had families who have grown up but there is nowhere for us to go."

4.13 In order to get an idea of how many Gypsies and Travellers living in bricks and mortar accommodation were known by our respondents, and so presumably relatively easy to contact as part of the GTAA, we asked "How many Gypsies, Roma or Travellers do you know who live in bricks and mortar in Southwark?" Of the 18 who answered this question, six said simply "a lot" or "lots". Of the 12 who provided an estimate of numbers the average estimate was 37 (ranging from 10 to 100). This suggests that there is a large population of Gypsies, Roma and Travellers

living in bricks and mortar accommodation in Southwark, who would have been relatively easy to engage in the survey through site contacts. However, they were completely excluded from the ORS GTAA, as were the five living in bricks and mortar accommodation who completed our survey. If 80% of these (as suggested by our survey) wanted to live on a pitch in Southwark, this implies the ORS GTAA underestimated non-PTS defined Gypsies and Traveller accommodation need from those living in bricks and mortar accommodation by, at the very least, 29. The likelihood is there are many more Gypsies and Travellers living in bricks and mortar accommodation in Southwark and this number should be even higher.

"We need more pitches in Southwark so that we aren't forced into houses like I have been which isn't good for mental health, I would like to be on a site."

"There is a lot of people living in flats around us because there isn't enough pitches."

"There is a lot of people who live in houses around Southwark or who are forced to move to different places or to move onto the road because there isn't enough pitches or they are overcrowded."

"There are lots of pitches that are overcrowded and people are being forced to move into houses or to try and find private yards or sites outside of Southwark even if they don't want to."

4.14 Our evidence suggests that Gypsies and Travellers living in bricks and mortar have been inadequately consulted in the GTAA and many of these would prefer to live in a caravan on a site, as that is part of their culture and traditional way of life. There is a significant negative impact for those Gypsies and Travellers who are forced into static housing which is isolated from their communities and way of living, as a result.¹⁹

4.15 There is a range of evidence of the negative impacts on the health of Gypsies and Travellers who are forced to live in bricks and mortar accommodation when they view living in caravans as a core element of their cultural identity.^{20,21} Social exclusion, problems of access to long term tenancies, lack of familiarity with housing bureaucracy, issues relating to housing allocation, discrimination and a pervading cultural aversion to bricks and mortar accommodation are among the many concerns housed Gypsies and Travellers face.²²

4.16 Members of STAG's Women's Group who live in bricks and mortar accommodation have told us of the negative impacts of the social isolation this caused on their mental health:

"I didn't have no friends until I start here [going to STAG Women's Group meetings]. I suffered panic attacks and Anxiety and this Group helped so much. I never went out for a meal or even cinema until I started coming to this Group."

"I suffer with serv[er]e Anxiety, stress. The woman's group has got me out of my home, which I

wasn't really leaving before to mix with other Traveller women."

And one explained more widely how living in bricks and mortar accommodation made them feel:

"Travellers need to be free to roam and live as lived by their culture. It does effect Travellers living in bricks and mortar. Travellers can feel sick being put into housing, they need more sites. The Travellers in bricks and mortar isn't in there by choice and would love to move onto a site. Some can find it very nerve-racking and feel sick all the time and miss their way of life on the move and being free."

4.17 This suggests that the one pitch need identified for those Gypsies and Travellers living in bricks and mortar accommodation in Southwark is a significant underestimate and is likely to cause psychological harm to those whose needs have not been assessed as a result of the faulty GTAA sampling methodology.

4.18 STAG has further concerns about the methodology used in the ORS GTAA as they have not analysed, nor reported upon, all the available data in their analysis so missing important evidence that could have provided a stronger foundation on which to base their figures and recommendations. Full data from the ORS questionnaire (the questionnaire, but not its results, is included as an appendix to their report), or analysis of this data would have provided useful information on accommodation need amongst Gypsies and Travellers in the borough. However, it has not been included or referred to in the report. This was a detailed survey, and answers (or an analysis of answers) to questions in sections A,B,C,D and E should provide important data to inform any assessment of need. However, no such analysis is included as evidence in the report – and this also makes it impossible to see if ORS' interpretation of the PPTS 2015 definition is correct. Southwark Law Centre, in partnership with STAG has used a Freedom of Information request to try and access the results of the questionnaire responses, but so far with no success. This suggests the report is unsound as it has not been positively prepared.

4.19 In addition, no use was made of the council waiting list for pitches to identify need in the ORS' assessment. Southwark Council has a waiting list for the pitches that it owns and an allocation policy to determine who is offered any empty pitches. The numbers on the council waiting list are an indication of the need for pitches in the borough. Despite ORS being commissioned by, and working with, Southwark Council to conduct the GTAA, no reference is made to this important evidence base: the numbers on the council waiting list for pitches.

4.20 The data on which ORS' projections are made beyond five years are based on an already flawed survey of need over the next five years. For example, the assessment only looked at the

accommodation needs of teenage children living on sites over the next five years, although the data collected should have provided an assessment of younger children's need in the next ten years and more.

4.21 The GTAA report recommendations are not based on, or even informed by, the evidence available (as already described in sections 4.17- 4.19), nor do they have due regard to fire regulations. Sections 8.6 and 8.7 suggest that pitch needs could be met through *“additional touring caravans on existing sites equivalent to provision of a pitch, as opposed to more formally set out pitches”* and *“sites [occupied by larger extended family groups] may be able to meet the accommodation needs through a combination of shared static caravans, tourers and dayrooms as opposed to more formally set out sites with separate pitches”*. However, we know that currently when this approach has been adopted by households living in overcrowded accommodation it has fallen foul of fire safety regulations for the sites.²³

“I moved into a pitch that was left vacant for at least two years because my mother in laws pitch was overcrowded and the council and fire brigade were complaining about overcrowding and fire safety.”

“I think there needs to be more sites and pitches because everyone is getting older but they can't go out travelling anymore so they need pitches to live on. It is dangerous if they are overcrowded because of fires.”

Respondents to STAG's survey (October, 2020)

4.22 Another flaw in ORS' methodology in conducting the GTAA is in their interpretation of the current PPTS planning definition and, again, this may have resulted in an underestimation of need. Concerns have previously been raised about ORS' methodology in conducting GTAAs. The Equality and Human Rights Commission's review of a number of GTAAs concluded that: *“The research team's view is that the approach taken [by ORS] in all but one of the GTAAs to the definition is erroneous and has disenfranchised a large number of Gypsies and Travellers.”*

4.23 The PPTS 2015 definition already discriminates against older people and those with disabilities and caring responsibilities, as they have to show that they “plan to travel again for work in the future” to be included. However, the ORS methodology assesses: “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 latter part of their assessment (in bold) is not included in the PPTS 2015 definition and suggests that they are using additional unwarranted criteria to assess who falls under the definition. It seems unlikely that a family with a dependent in education would know exactly how soon and for what purposes they would travel again for work in the future – but

they may well intend to do so. As the EHRC found with previous ORS GTAA methodology, this could disenfranchise many Gypsies and Travellers.

4.24 STAG concludes that EIP22 is unsound: as detailed above, it is not justified as the evidence is incomplete, did not involve enough Gypsies and Travellers, particularly those who live in bricks and mortar accommodation, and does not show its questionnaire results or an analysis of them. Nor is it positively prepared, as it selects the evidence it uses, does not produce recommendations that are consistent with the evidence it has collected, and is unclear on how the PPTS 2015 definition has been interpreted.

5. Planning Policy P11: Homes for Gypsies & Travellers

5.1 Planning Policy P11 is highly dependent on the GTAA [EIP22] and the council's use of the figures this provides because of the continued references throughout to identified accommodation need.

5.2 These are highly significant as is illustrated by their interpretation in other documents submitted as part of the NSP. For example, the Equalities Impact Assessment states:

“Draft Policy P11 seeks to protect existing Gypsy and Traveller sites and provide new sites in the future to meet needs. The Gypsy and Traveller Accommodation Assessment Report (May 2020) identifies that there is no need for pitches in Southwark to meet the needs of those falling within the definition of Gypsies and Travellers in the PPTS.”

This demonstrates that the Council's interpretation P11 will be assessed against the findings of the GTAA Report and they have chosen to ignore even that non-PPTS need identified in the report.

5.3 STAG considers that P11 is also a misinterpretation of the council's legal requirements. It ignores the rights of non-PPTS Gypsies and Travellers, including those who have ceased travelling permanently through old age, ill health or other reasons, but whose ethnic identity requires that they live in culturally appropriate accommodation under the Equality Act 2010. It also ignores the general duty to assess the needs of those living on caravan sites.

5.4 As detailed in section 4, STAG has provided a detailed breakdown of how the current GTAA:

- could be based on an erroneous interpretation of the PPTS planning definition
- uses flawed methodology, including poor sampling, and significant under-engagement of Travellers living in bricks and mortar accommodation.
- does not acknowledge existing evidence of overcrowding on Southwark Gypsy and Traveller sites

- omits important data sets, that were readily available, from the analysis
- does not effectively assess need beyond the next five years, nor set pitch targets
- does not base its recommendations on the evidence it has collected, nor existing Southwark Council policies on fire safety on sites, such as in Southwark's Housing Strategy.

It therefore means that P11 is unsound as the report on which its implementation depends is not justified in its findings or recommendations nor positively prepared.

5.5 Inspectors have previously raised concerns about local plans that do not properly consider the Public Sector Equality Duty and the Housing and Planning Act 2016 duty to assess the need for caravan site provision – which should include an assessment and plans to meet the needs of Gypsies and Travellers who do not meet the PPTS definition but currently live in, and because of their ethnicity will likely require future, caravan accommodation.. For example, in a letter prior to the examination of the South Cambridgeshire plan the Inspector stated:

“The new GTAA [...] identifies 70 households not meeting the new definition and 170 unknowns of which it suggests only 10 might meet the definition. Assuming for the moment that the GTAA is correct it [sic] its assumptions, it identifies a substantial base population of caravan dwelling households (up to 240) which is likely to give rise to additional needs in the future for additional pitches for caravan dwellers. The GTAA (e.g. paragraph 3.20) highlights, among other matters, that some of those who fall outside the new definition may be able to demonstrate a right to culturally appropriate accommodation, which is likely to be caravans. More generally the Council is now required by the Housing Act as amended, to assess the need for provision of sites on which caravans can be sited.”

5.6 STAG is concerned that P11 and its interpretation throughout the NSP documents does not address the council's legal duties nor requirements outlined in the Inspectors' previous letter (Appendix 1). It is therefore not legally compliant and its interpretation throughout the NSP submissions is not sound.

6 EIP 78 Addendum to Housing Background paper – Gypsy and Traveller update (July 2020) 6.1 The EIP 78 Addendum Paper also includes a statement on Gypsies and Travellers that is based solely on the flawed ORS GTAA report and excludes the needs identified for the non-PPTS Gypsies and Travellers living on sites in Southwark and the unassessed need of Gypsies and Travellers living in bricks and mortar in the borough.²⁷ It therefore ignores the Public Sector

Equality Duty of the Council and their general duty to assess the needs of caravan dwellers in their planning policies. As Scottish, Welsh, Irish and Romany Travellers are protected under the Equality Act 2010, their needs should be considered beyond the planning definition.

6.2 Previously Southwark Council's adopted Core Strategy 2011 committed to safeguarding the existing four Traveller sites and to provide more sites in the borough: *"Our approach is: We will continue to protect our existing Traveller and Gypsy sites. We will provide new sites in the future to meet the accommodation needs of Travellers and Gypsies"*. It is unclear why this commitment has changed, except that the flawed GTAA Report has taken an approach that, we believe is not objective, and so finds no additional needs for Gypsy and Traveller sites in the borough.

6.3 EIP 78 then continues *"Southwark Council is, however, committed to working to meet this wider need [that of non-PPTS Gypsies and Travellers] through other mechanisms outside of planning policy. Southwark Council Cabinet agreed Southwark's first long-term housing strategy in January 2015. In 2019, the council took the decision to update the housing strategy to reflect changes in national policy and to reflect other agreed changes such as commitments in the Council Plan 2018-22."* However, there has been no finalised Equality Impact Assessment of the Southwark Housing Strategy 2020 and there was no consideration of Gypsies & Travellers in the 2015 Equality Impact Assessment of the previous Housing Strategy. In addition, many of the proposed commitments in the Southwark Housing Strategy 2020 will affect Gypsies and Travellers housed in local authority, and other rented bricks and mortar accommodation, but their needs are not specifically referred to in the Strategy.

6.4 For those living on local authority pitches STAG's work provides evidence of a lack of pitch provision, overcrowding and problems with poor quality accommodation for Gypsies and Travellers in the borough. Accommodation was the most common casework issue for Gypsies and Travellers that we dealt with in the last six months of 2019. The Fordham Study of Gypsy and Traveller Accommodation Needs in London and the Tower Hamlets Gypsy & Traveller Accommodation Assessment²⁹ both identified that there was an undersupply of pitches in Southwark. The current Housing Strategy and the EIP78 addendum do not acknowledge or address this need.

6.5 EIP 78 is not legally compliant as it discriminates between PPTS and non-PPTS Gypsies and Travellers living on local authority sites as well as between those living on sites and those living

in bricks and mortar. It is unsound as it is based on a selective and flawed evidence base and assessment of need.

7 EIP77: Health, NSP07 & NSP07A: Equalities and NSP06 & NSP06A: Integrated Impact Assessments

7.1 There is no mention of Gypsies and Travellers in the Health Impact Assessment of the NSP. This is despite the document answering “Yes” to the following questions:

7.2 There is a substantial evidence base that Gypsies and Travellers face significantly worse health outcomes than the general population. Examples of research (dating as far back as 2004) show that:

“Does the plan include a range of housing types and sizes, including affordable housing responding to local housing needs?”

“Does the plan connect with existing communities, i.e. layout and movement which avoids physical barriers and severance and land uses and spaces which encourage social interaction?”

“Does the plan consider health inequalities by addressing local needs through community engagement?”

“Has engagement and consultation been carried out with the local community and voluntary sector?”

- The health status of Gypsies and Travellers is much poorer than that of the general population, even when controlling for other factors such as variable socio-economic status and/or ethnicity;
- Life expectancy is 10 to 12 years less than that of the non-Traveller population;
- 42 per cent of English Gypsies are affected by a long-term condition, as opposed to 18 per cent of the general population;
- One in five Gypsy Traveller mothers will experience the loss of a child, compared to one in a hundred in the non-Traveller community.

7.3 Not only are Gypsies and Travellers health outcomes worse, but they also suffer worse outcomes across a huge range of areas which are wider social determinants of health, such as education, employment, criminal justice and hate crime. Their health inequalities have been attributed to the consequences of living on Traveller sites or

- actively travelling, direct and indirect discrimination, problems with accessing healthcare

services, registering for services due to discrimination or language and literacy barriers, and/or problems associated with a lack of trust leading to a lack of engagement with public health campaigns. It is therefore a significant omission that they have not, so far, been considered in the Health Impact Assessment of the NSP.

7.4 In addition, it is acknowledged that those previously suffering the worst health outcomes, are likely to have been most negatively affected by Covid-19.³³ A rapid impact assessment of the impacts of Covid-19 on vulnerable groups, including Gypsies and Travellers, found that *“COVID-19, and the government and societal response to it have significantly impacted the health needs of these groups and widened the health inequalities they experience”*. There is no mention of this disproportionate impact on Gypsies and Travellers in Southwark’s Health Impact assessment, nor any measures recommended to mitigate its negative effects.

7.5 The Equalities Impact Assessment of the NSP only makes reference to Gypsies and Travellers in relation to P11, with the same proviso as in other submissions that this depends on the assessment of need and quoting selected, but not the full, findings from the ORS GTAA Report (EIP 22).

7.6 The Equalities Impact Assessment notes on P11 and its current interpretation: *“It is recognised that the criteria may serve to restrict the sites on which Gypsy and Traveller pitches may be accommodated, which may have some adverse effect. However, this is necessary in the interest of good planning and the Gypsy and Traveller Accommodation Assessment Report (May 2020) does not identify any need for additional Gypsy and Traveller pitches in Southwark.”* No further attempt has been made to quantify nor mitigate this negative impact, suggesting that the council has not considered its Public Sector Equality Duty in relation to ethnic Gypsies and Travellers who do not fulfil the PPTS 2015 definition, nor the current over-crowding issues on Southwark Gypsy & Traveller sites identified in the GTAA.

7.7 Although Gypsies and Travellers are mentioned in reference to Strategic Planning Policy 1 in the Integrated Impact Assessment – this merely repeats the statements made in the Health and Equality Impact Assessments in reference to P11. However, there is no data on Gypsies and Travellers included in Appendix 3 of the Assessment (Baseline data) and, hence, no indication

that their equalities and health needs have been considered beyond the provision of pitches on local authority sites to those who meet the PPTS 2015 definition.

7.8 This indicates that there has been no wider assessment of the needs of Gypsies and Travellers in the borough in the Health, Equalities or Integrated Impact Assessments of the NSP. These Assessments are therefore, unlawful and unsound as they do not have an evidence base on wider Gypsy and Traveller health or equality impacts relating to planning policies or, in the case of Gypsy and Traveller site provision and accommodation need, are based on selective and flawed evidence, as detailed in section 4.

8 O0001 Statement of Community Involvement (2008) (updated 7 February 2020) and O0001A Draft Statement of Community Involvement (2019) (public consultation scheduled in early 2020)

8.1 Under regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 as amended, Local Planning Authorities must review Statements of Community Involvement at least once every five years from their adoption date to ensure that policies remain relevant and effectively address the needs of the local community. Southwark Council's Statement of Community Involvement O0001 was last adopted in 2008. The Draft Statement of Community Involvement (O0001A) prepared in 2019 has not been adopted, nor fully consulted on because of the coronavirus pandemic. It is unclear whether Southwark Council currently has a valid Statement of Community Involvement upon which to conduct this consultation, therefore the consultation itself has been unlawful.

8.2 For STAG, the publication of two different Statements of Community Involvement on the Council's Examination in Public website means it is extremely unclear how the council intends to ensure the Gypsy & Traveller community is involved in this consultation and those in the future.

8.3 In the O0001 Statement of Community Involvement the council says that it can make consultations more inclusive by: *"trying to find out if there are any special needs that may be provided to help everyone take part in the meeting, workshop etc before the event;"* However,

the current NSP consultation has been conducted purely online – there has been no attempt by the council to hold meetings or workshops and all council meetings are currently held online. There has been no help provided to ensure Gypsies and Travellers could take part in such meetings.

8.4 Gypsies and Travellers are a community that is disproportionately digitally excluded. A survey by Friends, Families and Travellers found that:

- One in five Gypsy and Traveller participants had never used the internet, compared to one in ten members of the general population.
- Over half of Gypsy and Traveller participants said that they did not feel confident using digital technology by themselves.
- Only two in five Gypsies and Travellers surveyed said that they use the internet daily, compared to four out of five of the general population.

- Only 38% of Gypsies and Travellers (33% if housed) had a household internet connection, compared to 86% of the general population.

8.5 STAG has found that digital exclusion was a key barrier to our clients engaging with the NSP consultation. Their digital exclusion was present for four main reasons: lack of financial means to pay for access to broadband or mobile data; poor wifi on sites; lack of access to the right technology or equipment; and a lack of digital skills. *“We don’t have any computers, laptops or*

tablets and I don't have a smartphone. But my children need to go online for school and college work. I have an e-mail address but don't really use it and I don't know how to use computers. I have a severe health condition that means I don't often leave the house, and I am often unwell. I feel very isolated here and it is making my mental health problems worse." Respondent to STAG survey, October 2020

8.6 As well as limiting engagement in the consultation as they could not see the documents online or link into online meetings, this lack of inclusion has deepened actual and perceived exclusion amongst the Gypsy & Traveller communities:

"While this pandemic has highlighted opportunities for new ways of working, we need to enable digital inclusion and that is very difficult at this time". Deputy CEO of Leeds GATE (Gypsy & Traveller Exchange).

8.7 To overcome this digital exclusion STAG has used telephone calls, mailed out paper newsletters and template responses, and supported members of Gypsy and Traveller households in Southwark to conduct (socially distanced) interviews with other members of their communities, to try and engage them in a consultation that has a major impact on their future. However, the council has not provided short papers or easy-to-read information about the consultation in formats that were suitable for communicating to our communities in these ways. The Council has also not provided any support for members of the community to access online meetings or documents.

9. Breaches of the Equality Act 2010 9.1 STAG is of the view that the GTAA and subsequent inclusion of policy P11 amounts to direct discrimination contrary to section 13 of the Equality Act 2010. This policy and the underlying evidence base discriminates against Gypsy and

Traveller communities in Southwark and means they are not enabled to live according to their culture.

9.2 STAG believes that the lack of support to engage the Gypsy and Traveller communities in Southwark in this consultation is a further breach of section 19 of the Equality Act 2010 in terms of indirect discrimination – the online consultation process has disadvantaged some groups (including Gypsies and Travellers) more than others, but the council has put nothing in place to mitigate that disadvantage, which is also in breach of both versions of its Statement of Community Involvement.

9.3 Furthermore, STAG maintains that the operation of P11 would amount to a breach of the Public Sector Equality Duty at section 149 of the Equality Act 2010. The most relevant breach being that a public authority, in the exercise of its functions, must have due regard to the need to eliminate discrimination.

10. Conclusions

10.1 The New Southwark Plan policies and underlying evidence base (particularly P11 and the Gypsy & Traveller Accommodation Assessment Report (EiP22)) are not legally compliant as: Southwark Council has not considered its Public Sector Equality Duty to many Gypsies and Travellers living or wanting/needing (because of family connections) to live in the borough. Southwark Council has not considered its general duty to assess the accommodation needs of people who live in caravans.

This New Southwark Plan consultation with an amended homes for Gypsies and Travellers policy has not complied with 10A of the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2012 because Southwark Council's consultation is out of date and the

Gypsy and Traveller community have not been engaged at all.

10.2 The New Southwark Plan policies are unsound as they are 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.

Consistent with national policy and the London Plan: Southwark have adopted the national policy without considering the accommodation needs of Gypsies and Travellers included in London Plan policies.

Positively Prepared: The Gypsy & Traveller Accommodation Assessment 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. Furthermore, the full evidence available in the GTAA has not been used, but only selected sections, to inform the council's submissions for the Examination in Public.

[see appendix with full rep]

Representation	Officer Response
<p data-bbox="188 252 672 284">P11 – Homes for Travellers and Gypsies</p> <p data-bbox="188 293 560 357">London Gypsies and Travellers NSPPSV112.1</p> <p data-bbox="188 402 1232 466">Do you consider the document to be legally compliant in accordance with the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2012? No</p> <p data-bbox="188 475 672 507">Do you consider this policy is sound? No</p> <p data-bbox="188 517 940 549">Do you consider this policy is sound? - why not sound - Justified</p> <p data-bbox="188 555 940 587">Do you consider this policy is sound? - why not sound - Effective</p> <p data-bbox="188 593 806 625">Consistent with national policy and the London Plan</p> <p data-bbox="188 632 1075 663">Do you consider this policy is sound? - why not sound - Positively Prepared</p> <p data-bbox="188 670 1232 734">The New Southwark Plan submissions (particularly Planning Policy P11 and the Gypsy & Traveller Accommodation Assessment Report (EiP22)) are not legally compliant as:</p> <p data-bbox="188 740 1321 944">The council fails to meet the Public Sector Equality Duty in regard to the need for ethnic Gypsies and Travellers who share a cultural tradition of living in caravans to access such culturally suitable accommodation i.e. caravan sites. The 2020 GTANA identifies a need for 42 pitches for households that do not meet the PPTS definition. Neither Policy P11 or other housing policies in the NSP address the needs of this category of Gypsies and Travellers. The council does not currently have a strategy to meet these needs.</p> <p data-bbox="188 951 1276 1046">The following excerpt from an Equality and Human Rights Commission report regarding the impacts of the PPTS definition highlights the relevant law regarding culturally suitable accommodation:</p> <p data-bbox="188 1053 1299 1302">“In a decision by the European Court of Human Rights, the Court held that: [T]he applicant’s occupation of her caravan is an integral part of her ethnic identity as a Gypsy [and] the vulnerable position of Gypsies as a minority means that some special consideration should be given to their needs and their different lifestyle both in the relevant regulatory planning framework and in arriving at the decisions in particular cases. To this extent there is thus a positive obligation imposed on the Contracting States by virtue of Article 8 to facilitate the Gypsy way of life.</p> <p data-bbox="188 1308 1321 1372">These considerations of law are relevant to an LPA’s approach to the assessment of need for all ethnic Gypsies and Travellers, PPTS compliant or otherwise.”</p>	<p data-bbox="1361 402 1680 434">Public Sector Equality Duty</p> <p data-bbox="1361 440 2060 504">Section 149 of the Equality Act 2010 provides that a public authority must have due regard to the need to:</p> <ol data-bbox="1411 542 2060 823" style="list-style-type: none"> 4. eliminate discrimination, harassment, victimisation and any other prohibited conduct; 5. advance equality of opportunity between persons who share a relevant protected characteristic and those who do not; 6. foster good relations between those who share a relevant protected characteristic and those who do not. <p data-bbox="1361 868 2060 1187">The Public Sector Equality Duty (PSED) is not a duty to achieve a particular result, but rather to have due regard to the need to achieve the statutory goals. This means that in formulating the NSP, we must conscientiously consider the need to eliminate discrimination; advance equality of opportunity and foster good relations. In order to do so, we should consider how our policies are likely to affect those with protected characteristics (as defined in section 4 of the Equality Act).</p> <p data-bbox="1361 1232 2060 1366">We have prepared an Equalities Impact Assessment (“EqIA”) to consider the potential impacts of its draft policies on different groups. The EqIA considers the impact of draft policy P11 on persons with relevant</p>

The New Southwark Plan is not justified or positively prepared in relation to Gypsy and Traveller accommodation needs:

We are concerned about the robustness of the 2020 GTANA as the report doesn't present its survey results and didn't involve enough Gypsies and Travellers who live in bricks and mortar accommodation. The Equality and Human Rights Commission research report on the impacts of the PPTS definition highlights a number of concerns related to the methodology of the consultancy carrying out the GTANA and the interpretation they use to assess whether people meet the PPTS definition.

(https://www.equalityhumanrights.com/sites/default/files/190909_gypsy_and_traveller_sites_-_impact_of_the_revised_definition_-_final.pdf)

The evidence in the 2020 GTANA that there is a need for 42 new pitches arising from households that do not meet the PPTS definition has not been taken into consideration in any of the NSP policies.

The need for 42 pitches comprises an element of urgent need from families that are overcrowded, families living roadside or needing to move from bricks and mortar into culturally suitable accommodation; it also includes an element of future need to enable new families forming in the next 5 years and over the rest of the plan period to access culturally suitable accommodation.

There is no justification for the approach taken in the plan to disregard the accommodation needs of those who do not meet the PPTS definition. The NPPF sets out that Local Plans should "positively seek opportunities to meet the development needs of their area" and provide for the objectively assessed needs for housing and other uses. The New Southwark Plan does not present any assessment of alternative approaches that would explore how the needs of people falling outside the PPTS definition could be included and addressed alongside the accommodation needs of all other Southwark residents.

Other Local Plans around the country are including both PPTS and non-PPTS needs in their Gypsy and Traveller accommodation policies and site allocations, demonstrating that it is indeed possible to properly address the needs of Gypsies and Travellers who otherwise would slip through the net. Some examples include:

Islington Local Plan – Policy H12 Gypsy and Traveller accommodation states

'The Council will seek to identify a site(s) to meet the identified need for 10 pitches identified in the 2019 assessment, which is based on the London Plan definition rather than the more restrictive PPTS definition. The need is for 8 pitches by 2025 with a further two pitches required

characteristics, and notes that the safeguarding of existing gypsy and traveller sites, subject to need, is expected to have a positive impact. It also recognises that the provision of policy criteria against which to assess potential new sites may have the effect of restricting the sites on which gypsy and travellers may be accommodated, which may result in some adverse effects, but considers that this is necessary in the interests of good planning.

The EqIA explains that the PPTS definition of gypsies and travellers does not include those who have ceased to travel permanently. Consistent with the PPTS, draft policy P11 does not seek to meet any wider need for pitches to meet the needs of settled gypsies and travellers, but the EqIA notes that the Council is committed to working to meet this wider need through other mechanisms outside of planning policy.

The EqIA demonstrates that we have considered the likely impact of draft policy P11 on gypsies and travellers. The EqIA is intended to be a 'live' document that is continually updated. We will consider further whether the decision to provide pitches to meet only those falling within the PPTS definition is likely to disproportionately affect particular groups of people with protected characteristics.

Gypsy and Traveller Accommodation Assessment (GTAA)

The GTAA was carried out by Opinion Research Services (ORS).

The most recent version of PPTS that was published in

by 2035 (based on newly forming families on existing sites on the assumption that the initial need by 2025 is met and sites are provided). In the first instance, the council will seek to identify a site through its ongoing housebuilding programme.'

Sevenoaks Local Plan – Policy H4 Provision for the Gypsy and Traveller community

'We must plan for the housing needs of the Gypsy and Traveller community in the District in the same way as for the settled community. The Gypsy and Traveller Accommodation Assessment (GTAA) identified the need for 51 additional pitches up to 2035 including those members of the community who do not meet the Planning Policy for Traveller Sites definition. This need has been reduced to 40 due to the granting of planning permission since the GTAA. To meet the remaining need sites have been identified where additional permanent pitches could be provided.'

South Gloucestershire – GTAA Explanatory note

'In terms of its role as the LPA, it is important that the Council plans to meet the needs of the Gypsy/ Traveller and Travelling Showpeople communities in South Gloucestershire. It is also important that the method in which it does so reflects the characteristics of the local 'travelling' community and their 'nomadic habit of life' whilst also providing 'culturally appropriate' accommodation. This will ensure that the Council is also meeting its responsibilities in relation to equalities and the PSED. For this reason, it is recommended that the Council plans for the overall level of need identified in the GTAA 2017, as set out at Figure 1. It is considered that this is a reasonable and pragmatic approach, which recognises both the economic and cultural determinants that need to be jointly considered as part of assessing the level of need for Gypsy and Traveller families who reside in South Gloucestershire'

Policy P11 Homes for Travellers and Gypsies should include a pitch target based on the whole figure of need identified in the 2020 GTANA, which includes the households who fall outside the PPTS definition. Site allocations in the NSP should be reviewed to incorporate an element of Gypsy and Traveller site accommodation. If not possible to meet full extent of need through proposed site allocations, the council should develop a strategy setting out specific actions to identify other possible locations for the pitches that are needed.

August 2015 contains a revised definition of a Gypsy, Traveller and Travelling Showperson for planning purposes. In addition, the previous Housing Definition set out in the Housing Act (2004) was repealed by the Housing and Planning Act (2016) through the removal of sections 225 and 226 of the 2004 Act. As such the only current definition of Gypsies, Travellers and Travelling Showpeople for the purposes of the planning system and the assessment of housing need is that which is found in Annex 1 of PPTS (2015).

A GTAA now only needs to formally assess the needs of households that meet or may meet (undetermined households) the planning definition set out in PPTS (2015). However, ORS acknowledge that there are still current and future housing needs arising from those households that do not meet the planning definition. Their GTAAs do complete this assessment and include advice on how local authorities should seek to address these needs through alternative planning mechanisms and through separate Local Plan Policies. This approach is consistent with the revised NPPF that was published in February 2019.

A summary of the outcomes of the GTAA is below:

- There were 43 pitches identified on 4 public sites in Southwark.
- A total of 26 interviews were completed with residents living on these sites.
- There were 5 double-pitches and 6 vacant pitches at the time of the fieldwork so a robust household interview response rate of 82% was achieved.
- This is contrary to claims made by STAG that 57% of households they spoke with were not aware that the

GTAA was being undertaken; that 78% of households they spoke with had not been contacted to take part in the household interviews; and that only 3 households they spoke with had taken part in the household interviews.

- None of the households that were interviewed were found to meet the PPTS planning definition of a Traveller as none were able to provide any evidence that family members travel for work or for seeking work. Those that did travel stated that the reasons for travelling were to visit family; for holidays; or to visit fairs for cultural reasons and that these visits did not involve any work.
- None of the households that were interviewed were able to provide contacts for any family or friends living in bricks and mortar who may be in need of a pitch on a site in Southwark.

During the GTAA fieldwork ORS made repeated attempts to contact STAG to gain access to their contacts living in bricks and mortar. Despite these repeated efforts, STAG do not provide ORS with contact details on any households living in bricks and mortar to interview.

Due to Data Protection and GDPR ORS are unable to include full details of the outcomes of the household interviews in the GTAA Report as this would allow for individual households to be identified and could lead to ORS and the Council being liable for a significant fine from the Information Commissioners Office for breaching these regulations.

ORS were also informed by the Council that STAG would like to discuss the outcomes of the household interviews in more detail, but despite repeated attempts, STAG did

not make contact with ORS.

ORS completed a robust assessment of future need for pitches during the completion of the GTAA. As well as identifying need from teenagers in need of a pitch of their own in the next 5 years, ORS also completed a robust estimate of need for children aged 12 and under living on the public sites. This used a net compound formation rate of 2.20% for the period 2025-29 to 2030-34 and estimated future formation of 15 additional households.

The definition of “Gypsies and Travellers”

For the NPS to be sound, as required by section 20 of the Planning and Compulsory Purchase Act 2004, it must be consistent with national policy (NPPF Paragraph 35). National policy in the PPTS requires local planning authorities to set pitch targets for gypsies and travellers, as defined in Annex 1 to the PPTS, which address the likely permanent and transit site accommodation needs of travellers in their area. The definition of “gypsies and travellers” in the PPTS excludes those who have permanently ceased to travel (Annex 1 PPTS). The equalities statement which accompanied the proposed change to the definition in the PPTS explained that “The Government is fundamentally of the view that where travellers have given up travelling permanently, they should be treated in the same way as other members of the settled community for planning purposes. Under the proposal, Gypsies and Travellers who had given up travelling permanently would not be considered ‘travellers’ in planning terms”. To ensure consistency with national policy, we need to assess the need for accommodation for gypsies and

travellers falling within the PPTS definition and set pitch targets to meet those needs. This does not preclude us from going further and setting pitch targets for settled gypsy and travellers, but it is not obliged to do so in order to be consistent with national policy.

Draft policy P11 is not unlawful in seeking to meet the needs of those falling within the PPTS definition. The draft policy is consistent with national policy.