



London Borough of Hammersmith and Fulham Submission
Local Plan

Gypsy and Traveller Background Paper

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1 Legislation

- 1.1 The Housing Act 2004/1985 and Housing and Planning Act 2016 contain the relevant legislation on Gypsy and Travellers. With the introduction of the Housing and Planning Act 2016, an amendment was made to the Housing Act 1985 whereby local housing authorities have a duty to consider the needs of people residing in caravans and/or houseboats.
- 1.2 With this amendment, this has removed sections 225 and 226 in the Housing Act 2004 which established that local housing authorities must undertake gypsy and traveller accommodation needs assessment. Regardless of this change, an accommodation needs assessment has been prepared to accord with the National Planning Policy Framework (NPPF).
- 1.3 Paragraph 149 of the Equality Act 2010 outlines the public sector equality duty that requires public authorities to have regard to eliminating discrimination, to advance equality of opportunity for all and fostering good relations. The Equality Act lists those that fall under the 'Protected characteristics', race comes under this. Case law has also proved that Gypsy and Travellers fall under race in the protected characteristics.

Policy

- 1.4 The NPPF identifies that local planning authorities (LPA) should use their evidence base to ensure their Local Plans meet the full, objectively assessed needs in the housing market area. The NPPF also goes on to state that a wide choice of homes should be delivered. The NPPF identifies that this should be read in conjunction with the 'Planning policy for traveller sites' (2015) guidance note.
- 1.5 The PPTS sets out the aims of Central Government, in respect of Gypsy and Traveller provision, including:
 - LPA's should make their own assessment of need for the purposes of planning;
 - Work collaboratively, develop fair and effective strategies to meet need through the identification of land for sites;
 - To encourage LPA's to plan for sites over a reasonable timescale.
- 1.6 The PPTS also set out several policies on how LPA's are expected to meet the above aims. The most relevant policies here are Policy A- For the purposes of the Local Plan: Using evidence to plan positively and manage development set out that LPA's should engage with both settled and traveller communities, cooperate with travellers, representative bodies and local support groups, use a robust evidence base to establish accommodation needs. And, Policy B: planning for traveller sites establishes that LPA's should set pitch targets for gypsies and travellers with set targets over the plan period. The GTANA and Local Plan policies have been developed in conformity with these.
- 1.7 The PPTS also defines a gypsy and traveller for planning purposes. In August 2015, the PPTS was updated and included the following definition:

Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

- 1.8 As a result of this amendment, for the purposes of planning, the definition of a traveller has changed. The GTANA was initially commenced prior to the 2015 update, therefore both authorities agreed to undertake further work to comply with the NPPF. The findings and approach is explained further in this report.

The London Plan

- 1.9 Policy 3.8 Housing Choice in the Further Alterations London Plan (2016) sets out the requirements for London boroughs. 'The accommodation requirements of gypsies and travellers (including travelling showpeople) are identified and addressed, with sites identified in line with national policy, in coordination with neighbouring boroughs and districts as appropriate.'

2 Duty to cooperate

- 2.1 The Duty to Cooperate is a legal test that requires cooperation between local planning authorities to maximise the effectiveness of policies for strategic matters in the Local Plan. London Borough of Hammersmith and Fulham (LBHF) and Royal Borough of Kensington and Chelsea (RBKC) jointly undertook a Gypsy and Travellers accommodation needs assessment (GTANA). The traveller site, Stable Way, is a joint/shared site by both authorities, managed directly by the Kensington and Chelsea Tenant Management Organisation (K&C TMO).
- 2.2 The site is located in RBKC although it was previously in LBHF until a boundary change in 1995. The site accommodates 19 authorised pitches and one un-authorised pitch referred to as the 'Triangle' site.
- 2.3 In preparation of both borough's Local Plans, the councils commenced work on the GTANA in 2014/15 to assess the accommodation needs arising from Stable Way. The GTANA was undertaken 'in-house' by LBHF's Insight and Analytics teams. In preparing the GTANA, both authorities agreed that the survey should be undertaken by an independent person from the authority and any work would involve the residents of Stable Way.

3 LBHF Context

- 3.1 Some of the key findings from the 2011 Census found that:
- 217 people self-identified as either Gypsy or Irish Traveller ethnic group in LBHF and 119 in RBKC, totalling 336 across both councils making up 0.15% of the total population;

- Those residing in caravans or other mobile or temporary structure in the area, accounted for 14% of all Gypsy or Irish Traveller accommodation. The remaining majority live in either a flat, maisonette or apartment;
- Gypsy or Irish Travellers were more than twice as likely to live in social housing than the overall population (58% compared to 28%) and less likely to own their accommodation outright (7% compared to 18%);
- The percentage of Gypsy or Irish Traveller households that have one fewer bedroom than required was 20.5% - this compares to 10.3% across the overall population of both Councils;
- Within a Gypsy or Irish Traveller family household in the two Council areas, the most common family type was those who were lone parents at 27.6% which is nearly three times that for the whole population in the area at 9.7%. 38% of Gypsy or Irish Traveller households had dependent children, which is above the average for the area at 21%;
- 53% of those who were economically active were employed and 13% were unemployed. The most common reason for Gypsy or Irish Travellers being economically inactive was long term sick or disabled at 36.4%. Gypsy or Irish Travellers were among one of the highest providers of unpaid care at 12.8% (two Councils average 6.8%) and were the highest proportion of people providing 50 hours or more unpaid care per week at 6% compared to 1.3% across all ethnic groups (5.3% in London and 4.9% in England).

3.2 Stable Way is the main traveller site with 19 authorised pitches. There is one unauthorised pitch located on Stable Way, referred to as ‘the Triangle.’ There are currently 80 residents on site. Stable Way is the only traveller site for either borough, the remaining population live in housing.

4 Future Accommodation Needs

4.1 In accordance with the NPPF, the accommodation needs have been worked out over the following time frames: years 1- 5, 6-10, 11- 15. The final findings from the accommodation needs assessment are outlined at Table 1.

Table 1 Future Accommodation Needs

Years	Future pitch needs
Years 1 to 5	3
Years 6 to 10	3
Years 11 to 15	3
2015 to 2030	9

Methodology and approach

4.2 To assess the future need, the councils collected data from a number of sources to feed into a demand and supply model. Both primary and secondary data was used. Primary data consisted of: Census information, caravan counts, the housing registers and any planning and enforcement cases. The secondary data consisted of discussions with the K&C TMO manager and surveys

undertaken by an independent person from both authorities of the Stable Way residents and others made aware the surveys were taking place. Consultation was also undertaken throughout the process with the residents of Stable Way.

- 4.3 **The demand and supply model:** the methodology calculates the current supply of pitches at Stable Way against the demand for pitches taking account of:
- Overcrowding
 - People moving into and out of bricks and mortar housing
 - Caravans on existing long term tolerated sites and authorised pitches
 - Housing needs records
 - Numbers of young people of family forming age
 - Turnover of pitches.
- 4.4 The calculations therefore are based on the information collected from the primary and secondary data sources.
- 4.5 The supply and demand model has a number of assumptions: any need arising is based on the circumstances of the individual households, it is self identified, future need is based on the number of children in a household taking into account of males and females (as opposed to just the male children in a household) and any child over the age of 16 is assumed to need a pitch and as they grow up their need will be included in the later years of the plan period. The supply and demand model therefore is considered to be broad to ensure a fair approach is taken when considering future accommodation needs.
- 4.6 On some pitches, there are upto 4 households and others there are 2 households. When identifying demand, there is an assumption that new homes from different family units will not share pitches.
- 4.7 **Surveys:** Two surveys were undertaken, the first survey was completed in 2014 to assess the accommodation needs on site. The survey was prepared to be consistent with the guidance in the Gypsy and Traveller Accommodation Needs Assessment Guidance note 2007. At the time, there were 19 pitches (20 including the 'Triangle' site, an unauthorised pitch) at Stable Way and 17 people responded to the survey.
- 4.8 Of the total 19 pitches, there were 17 respondents, 1 pitch was vacant and one 'household/pitch' declined to participate. Those that declined to participate in the survey, their accommodation needs were not included in the accommodation needs assessment. As all need is self identified, it is not appropriate to make any assumptions as need is tailored to the specificities of each household.
- 4.9 The survey included a range of questions from satisfaction of living conditions, whether they were on housing registers, whether they were looking to move into bricks and mortar housing, whether they were looking to move in either borough, London, or elsewhere, as well as how many children living in each household and their ages.

- 4.10 **The second survey** was completed in Autumn 2016 following the change in PPTS definition. The purpose of the second survey was to confirm traveller status. Therefore, the findings from the second survey were not fed into the supply and demand model as this was not the purpose of the second survey.
- 4.11 There was a total of 18 respondents. Those that did not respond to the survey, their needs have been assessed during the first survey regardless and no assumptions have been made of their traveller status.
- 4.12 The second survey included questions focussed on the definition of a Traveller in the PPTS and therefore covered topics such as whether they lead a nomadic way of life or previously have, their reasons for ceasing, and whether there is an intention to live a nomadic life in the future.
- 4.13 The findings from the second survey were then compared to the first survey. This identified a number of factors: that many of the residents have not moved away, a number of the residents no longer wish to travel (or lead a nomadic lifestyle) in the future. Other participants that indicated they are interested in travelling again in the future.

5 Applying the definition

- 5.1 Both authorities agreed on a framework to establish those that meet or do not meet the definition. For the purposes of the study those that meet the planning definition are:
- those that travel but also have a permanent site or place of residence;
 - where some members of a unit travel on a regular basis but some members stay at home for children in education, or other dependents with health problems;
 - those have temporarily stopped travelling, indicate they will travel again. To apply this aspect, there must be evidence of having previously travelled, when travelling will take place again and the purposes for travelling.

Those that do not meet the definition are:

- those who travel for purposes other than work, for example, visiting friends or relatives;
- those that commute to work daily from a permanent residence;
- those that have indicated they have no intention of travelling again.

- 5.2 Based on this, Table 1 outlines the accommodation conclusions.

6 Future steps

- 6.1 The supplementary survey sought to identify any possible land for consideration known to the Traveller community. The Councils were made aware of two possible locations for consideration. The Councils are jointly preparing a Site Appraisal Study (SAS) to provide an evidence base on possible new sites and the reconfiguration or extension of the existing Stable Way site. Locations

suggested to the Councils through the supplementary survey are being considered through the study.

- 6.2 The SAS will apply criteria in the PPTS, Designing Gypsy and Traveller Sites Good Practice Guidance and local plan policies to assess the potential for additional pitches on land suggested to the Councils. LBHF are undertaking an assessment of locations suggested in their area. An initial assessment of the locations within RBKC has commenced.