



# London Borough of Redbridge Gypsy and Traveller Accommodation Assessment



Update  
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# 1. Update Summary

## Introduction

- 1.1 The primary objective of the Redbridge Gypsy and Traveller Accommodation Assessment (GTAA) Update is to provide a robust assessment of current and future need for Gypsy, Traveller and Travelling Showpeople accommodation in Redbridge. The primary reason for completing the Update was the publication of a revised version of Planning Policy for Traveller Sites (PPTS) in August 2015. This included a change to the definition of Travellers for planning purposes.
- 1.2 The GTAA Update provides a robust and credible evidence base which can be used to aid the implementation of development plan policies and the provision of new Gypsy and Traveller pitches and Travelling Showpeople plots for the period 2016-2031. The outcomes of this Update supersede the outcomes in the previous Redbridge GTAA that was published in November 2012 and covered the period 2013-2028. This identified a need for just 1 additional pitch for Gypsies and Travellers, no provision for Travelling Showpeople, and no identified need for a transit site or emergency stopping places.

## Methodology

- 1.3 Over the past 10 years, ORS has continually refined a methodology for undertaking robust and defensible Gypsy, Traveller and Travelling Showpeople Accommodation Needs Assessments. This has been updated recently in light of changes to PPTS in August 2015, as well as responding to recent changes set out by Planning Ministers, with particular reference to new household formation rates. This is an evolving methodology that has been adaptive to changes in planning policy as well as the outcomes of Local Plan Examinations and Planning Appeals.
- 1.4 The revised PPTS that was published in August 2015 contains a number of requirements for local authorities which must be addressed in any methodology. This includes the need to pay particular attention to early and effective community engagement with both settled and traveller communities (including discussing travellers' accommodation needs with travellers themselves); identification of permanent and transit site accommodation needs separately; working collaboratively with neighbouring local planning authorities; and establishing whether households fall within the new definition for Gypsies, Travellers and Travelling Showpeople.

## Survey of Travelling Communities

- 1.5 ORS sought to identify all pitches on the authorised public site in Redbridge and worked closely with the Council to ensure that the Site Record Form would collect all the necessary information to support the study. This form has been updated to take account recent changes to PPTS to collect the information ORS feel is necessary to apply the new household definition.
- 1.6 ORS sought to undertake a full demographic study of all occupied pitches as our experience suggests that a sample based approach very often leads to an under-estimate of current and future need

which can be the subject of challenge at subsequent appeals and examinations. All occupied pitches were visited by experienced ORS researchers who conducted interviews with as many residents as possible to determine their current demographic characteristics, whether they have any current or likely future accommodation needs and how these may be addressed, whether there are any concealed households or doubling-up, and their travelling characteristics (to meet the new requirements in PPTS). Staff also sought to identify contacts living in bricks and mortar to interview. The Site Record Form can be found in **Appendix B**.

- 1.7 Fieldwork was undertaken during March 2016 and a total of 14 new interviews were completed with Gypsy and Traveller households living at the Northview Caravan Site. No households refused to take part in an interview, and it was not possible to make contact with households on 2 pitches. There were no vacant pitches.

## Engagement with Bricks and Mortar Households

- 1.8 In our experience many Planning Inspectors and Appellants question the accuracy of GTAA assessments in relation to those Gypsies and Travellers living in bricks and mortar accommodation who may wish to move on to a site. ORS feel that the only practical approach is to take all possible measures to identify as many households in bricks and mortar who may want to take part in an interview to determine their future accommodation needs, including a wish to move to a permanent pitch in the study area.
- 1.9 Contacts in bricks and mortar were sought through a wide range of sources including speaking with people living on the existing site to identify any friends or family living in bricks and mortar who may wish to move to a site and intelligence from the Council.
- 1.10 Through this approach we endeavoured to do everything within our means to publicise that a local study was being undertaken in order to give all households living in bricks and mortar who may wish to move on to a site the opportunity to make their views known to us.
- 1.11 As a rule we do not extrapolate the findings from our fieldwork with Gypsies and Travellers living in bricks and mortar households up to the estimated Gypsy and Traveller bricks and mortar population as a whole, and work on the assumption that those wishing to move will make their views known to us based on the wide range of publicity that we put in place.
- 1.12 As a result of this no households living in bricks and mortar were identified to interview. It was however confirmed that one household on the site was seeking to move to bricks and mortar in another local authority to be closer to other family members.

## Calculating Current and Future Need

- 1.15 The revised version of PPTS now requires a GTAA to determine whether households living on sites, yards, encampments and in bricks and mortar fall within the new 'planning' definition of a Gypsy, Traveller or Travelling Showperson. Only if households fall within the new definition will their housing requirements need to be assessed separately from the wider population in the GTAA. The new definition now excludes those who have ceased to travel *permanently*. A Briefing Note has been prepared by ORS that sets out the implications of the revised PPTS on GTAA studies and a copy of this can be found in **Appendix A**.

## Current and Future Pitch/Plot Needs

- 1.16 The primary change to the 2015 PPTS in relation to the assessment of need is the change in the definition of a Gypsy, Traveller or Travelling Showperson for planning purposes. Through the site interviews ORS sought to collect information necessary to assess each household against the new definition. As the new PPTS has only recently been issued decisions are still being awaited from the Planning Inspectorate on how the new definition should be applied, and also it is understood that there have been a number of legal challenges made to the change in definition that have yet to be determined.
- 1.17 To identify need, PPTS requires an assessment for current and future pitch requirements, but does not provide a methodology for this. However, as with any housing assessment, the underlying calculation can be broken down into a relatively small number of factors. In this case, the key issue is to compare the supply of pitches available for occupation with the current and future needs of the population. The key factors in each of these elements are set out below.
- 1.18 Whilst households who do not travel fall outside the new definition of a Traveller, Romany households and Irish and Scottish Travellers continue to have a cultural need and right to culturally appropriate accommodation under the Equalities Act 2010. Provisions set out in the new Housing and Planning Bill are also seeking to include a requirement to assess the needs of people living on sites on which caravans can be stationed, or on places on inland waterways where houseboats can be moored, under S8 of the 1985 Housing Act that covers the requirement for a periodical review of housing needs. The implication is therefore that the housing needs of any Gypsy and Traveller households who do not meet the new definition of a Traveller will need to be assessed as part of the wider housing needs of the area through the SHMA process.

## Applying the New Definition

- 1.19 The outcomes from the questions in the household survey on travelling were used to determine the status of each household against the new definition in PPTS. Only those households that meet the new definition will form the components of need to be assessed in the GTAA, as well as those where it was not possible to assess against the new definition due to households that refused to be interviewed or those not present at the time of the fieldwork:
- » Households that travel under the new definition.
  - » Households that have ceased to travel temporarily under the new definition.
  - » Gypsy and Traveller households who's travelling status is unknown.
- 1.20 In addition – for illustrative purposes only – an estimate of need for those households that do not meet the new definition is also set out.

## New Definition of Gypsies and Travellers

- 1.21 Information that was collected during the household interviews allowed each household to be assessed against the new definition of a Traveller. This included information on whether households have ever travelled; why they have stopped travelling; the reasons that they travel; and whether they plan to travel again in the future. The table below sets out the travelling status of households that were interviewed on the public site. This shows that for Gypsies and Travellers 2 households meet the new planning definition of a Traveller in that they were able to provide information

demonstrating that they travel for work purposes and stay away from their usual place of residence. A further 12 households who were interviewed did not demonstrate that they travel away from their usual place of residence for the purpose of work, or that they have ceased to travel temporarily due to children in education, ill health or old age. Some did travel for cultural reason to visit fairs, relatives or friends, and others had ceased to travel permanently. In addition the travelling status of the remaining 2 households living on the site was unable to be determined.

**Figure 1 - Travelling Status of Households Interviewed in Redbridge**

Site	Status	Meet New Definition	Do Not Meet New Definition	Unknown
Northview, Redbridge	Public	2	12	2
<b>TOTAL</b>		<b>2</b>	<b>12</b>	<b>2</b>

## Key Demographic Findings

- 1.22 Ethnicity data that was captured from the 2 Gypsy and Traveller households that meet the new definition indicated that one is Romany Gypsy and the other is an English Traveller. The households were both single adults with no children.
- 1.23 Ethnicity data that was captured from the 12 Gypsy and Traveller households that do not meet the new definition indicated that they are a mixture of Romany Gypsies and English Travellers. The households comprised 27 residents – 15 adults and 12 children and teenagers aged under 18. This equates to 56% adults and 44% children and teenagers.
- 1.24 Although not a direct comparison, data from the 2011 Census for Redbridge as a whole (the settled community and the Gypsy or Irish Traveller community) has been compared to the demographics recorded in the household interviews. This shows a significantly higher proportion of those aged under 18 living on the public site.

## Revised Pitch Needs – Gypsies and Travellers

- 1.25 There were 2 households that were interviewed who were able to provide evidence that they meet the new planning definition of a Gypsy or Traveller. However both were single adult households with no children and no current or future accommodation needs. Therefore there is not a need for any additional pitches.

**Figure 2 – Addition Need for ‘Travelling’ Households**

Local Authority	2016-21	2021-26	2026-31	Total
Redbridge	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

## Revised Pitch Needs – ‘Unknown’ Gypsies and Travellers

- 1.26 Whilst it was not possible to determine the travelling status of a total of 2 households as they were not on site at the time of the fieldwork, the needs of these households still need to be recognised as they are ethnic Gypsies and Travellers.
- 1.27 Should further information be made available to the Council that will allow for the new definition to be applied the overall level of need could rise by **1 additional pitch from new household formation**

using the demographics of the households that were provided by the site manager. Numbers were too small to apply a rate of household formation. Therefore total additional need **could increase by a further 1 pitch**.

**Figure 3 – Additional Need for ‘Unknown’ Households**

Local Authority	2016-21	2021-26	2026-31	Total
Redbridge	0	0	1	<b>1</b>
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>

- 1.28 Legal advice that has been sought by ORS suggests that it would not be appropriate when producing a robust assessment of need to apply a proportional approach to those who meet the new definition to those households where it was not possible to conduct an interview.
- 1.29 However data that has been collected from over 1,100 households interviews that have been completed by ORS since the changes to PPTS in 2015 suggests that overall between 10%-20% of households who have been interviewed meet the new definition – and in some local authorities 100% of households do not meet the new definition. The figure from interviews completed in Redbridge indicated than only 2 households meet the new definition.
- 1.30 This would suggest that it is highly likely that none of the potential need identified from these households will need to be included in the GTAA.

### Revised Pitch Needs – Non-Travelling Gypsies and Travellers

- 1.31 Whilst households who do not travel fall outside the new definition, Romany Gypsies and Irish and Scottish Travellers continue to have a cultural need and right to culturally appropriate accommodation under the Equalities Act 2010. Provisions set out in the new Housing and Planning Bill are seeking to include a requirement to assess the needs of people living on sites on which caravans can be stationed, or on places on inland waterways where houseboats can be moored, under Section 8 of the 1985 Housing Act that covers the requirement for a periodical review of housing needs. The implication is therefore that the housing needs of the Gypsy and Traveller households who do not meet the new definition of a Traveller will need to be assessed as part of the wider housing needs of an area. On this basis, it is evident that whilst the needs of the 12 households who do not meet the new definition will represent only a very small proportion of the overall housing need, the Councils will still need to ensure that arrangements are in place to properly address these needs.
- 1.32 Analysis of the household interviews for those who do not meet the new definition indicated that there is a need **for 6 additional pitches** over the 15 year GTAA period. Current need of 2 is made up of 1 adult living in over-crowded conditions on one of the pitches on the site who is in need of a pitch of their own and one older teenage child in need of a pitch of their own in the next 5 years. Future need is made up of 5 from new household formation using the demographics of the households that were interviewed. Numbers were too small to apply a rate of household formation. In addition there is supply of 1 pitch due to become vacant due to movement to bricks and mortar in another local authority outside of London.

**Figure 4 – Addition Need for ‘Non-Travelling’ Households**

Local Authority	2016-21	2021-26	2026-31	Total
Redbridge	2	2	2	6
<b>TOTAL</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>4</b>

1.33 As things currently stand<sup>1</sup> there are a number of additional points to consider when seeking to address the needs of those Gypsy and Traveller households who do not meet the new planning definition.

1.34 An April 2015 High Court Judgement, ‘*Wenman v SCLG and Waverley Borough Council*’, has clarified the relationship between Gypsy and Traveller and Travelling Showpeople Needs Assessments and OAN. At paragraphs 42 and 43, the Judgement notes:

*“42. However, under the PPTS, there is specific provision for local planning authorities to assess the need for gypsy pitches, and to provide sites to meet that need, which includes the requirement to “identify, and update annually, a supply of specific deliverable sites sufficient to provide five years’ worth of sites against their local set targets” (paragraph 9(a)). These provisions have a direct parallel in paragraph 47 NPPF which requires local planning authorities to use their evidence base to ensure that the policies in their Local Plan meet the full objectively assessed needs for housing in their area, and requires, inter alia, that they “identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of housing”.*

*“43. The rationale behind the specific requirement for a five year supply figure under paragraph 9 PPTS must have been to ensure that attention was given to meeting the special needs of travellers. Housing provision for this sub-group was not just to be subsumed within the general housing supply figures for the area”*

1.35 Along with retaining the requirement for local authorities to assess their own needs for Gypsies and Travellers, PPTS, August 2015, paragraph 10(a) retains the requirement to: “identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years’ worth of sites against their locally set targets”.

1.36 ORS agree that the position proposed by the judgement is correct in that Gypsy and Traveller and Travelling Showpeople households will form part of the household projections, concealed households and market signals which would underwrite an OAN calculation. The needs of these households need to be counted as part of an overall OAN; therefore any needs identified as part of the GTAA would be a component of, and not additional to, an OAN figure that would be identified in a SHMA. This includes both Gypsies and Travellers who meet the new planning definition and also those who no longer travel. This also means that any land supply for pitches and plots should be counted towards the general 5-year land supply as the needs the Council will need to address would be included within an overall housing OAN.

## Waiting Lists

1.37 The Council have confirmed that there may be a small waiting list for pitches on the site but that this is held by one of the residents. An Officer from the Council was however able to confirm that none

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<sup>1</sup> Draft guidance to local housing authorities on the periodical review of housing needs (Caravans and Houseboats) was published by the Government in March 2016. This is not yet in place but will have further impacts on the assessment of those who do not meet the new definition.

of the households on the waiting list currently live on the site. Given that there does appear to have been some turnover in recent years, it is recommended at this point that there is no additional need from these households other than met through natural turnover of pitches.

## Overall Comparison with Previous GTAA

- 1.38 The previous GTAA identified a need for only 1 additional pitch in Redbridge. By means of comparison by adding up the need from households that meet the new definition, those who do not meet the new definition and those that are 'unknown' the 2016 Update has found a potential overall need for a total of 7 additional pitches for the period 2016-2031. The main reasons for the increase is that there are now more and older children living on the site.

**Figure 5 – Potential Overall Need for Additional Pitches**

Status	2016-21	2021-26	2026-31	Total
Meet new definition	0	0	0	0
Do not meet new definition	2	2	2	6
Unknown	0	0	1	1
<b>TOTAL</b>	<b>2</b>	<b>2</b>	<b>3</b>	<b>7</b>

## Travelling Showpeople Needs

- 1.39 The assessment did not find any Travelling Showpeople yards in Redbridge so no additional need has been identified. This is consistent with the 2012 GTAA findings.

## Transit Sites / Temporary Stopping Places

- 1.40 There is no public or private transit provision in Redbridge. The site visits and discussions with Council staff did not find any evidence of need for transit provision and the DCLG Caravan Count has not recorded any unauthorised caravans in recent years. In addition a review of the stakeholder interviews that were completed as part of the 2012 GTAA indicated that there had only been 10 unauthorised encampments in Redbridge since 2002.
- 1.41 As such there is no need for the Council to consider any new transit provision but it is recommended that the Council should continue to monitor any unauthorised encampments and consider the use of short-term toleration or Negotiated Stopping Arrangements to deal with any short-term transient stops.

# Appendix A – PPTS 2015 Briefing Note

## **Gypsy and Traveller Accommodation Assessments**

### **ORS Briefing on the Implications of Changes to Planning Policy for Traveller Sites**

**September 2015**

*Please note that these are the current views of ORS on the implications of the changes to PPTS and clarification has not yet been sought from DCLG on our interpretation of the potential changes to the definition of Gypsies, Travellers and Travelling Showpeople in relation to undertaking GTAA's.*

#### **Background**

The recent changes to PPTS that were published on 31<sup>st</sup> August will now require a GTAA to determine whether households living on sites, encampments and in bricks and mortar fall within the new definition of a Gypsy, Traveller or Travelling Showperson. Only if they fall within the new definition will their housing needs need to be assessed separately from the wider population, as required by the Housing Act (2004).

There are a number of issues that will need to be considered when seeking to apply the new definition and this short briefing covers the views of ORS on these in relation to completing a GTAA.

#### **Conflicting Definitions of a Traveller**

It is our understanding there are now 3 definitions for a Gypsy, Traveller or Travelling Showperson. The PPTS (2015) definition, the Housing Act (2004) definition, and the Equality Act (2010) definition (which only applies only to Romany and Irish Travellers as an ethnic group).

- <sup>1</sup> In their response to the consultation on Planning and Travellers DCLG stated that *the Government will, when parliamentary time allows, seek to amend primary legislation to clarify the duties of local authorities to plan for the housing needs of their residents.* This should bring the Housing Act definition in line with the PPTS definition.

The key issue is that there will be Romany and Irish Travellers who no longer travel so will not fall under the Planning or Housing definition, but Councils may still need to meet their needs through the provision of *culturally suitable* housing under the requirements of the Equality Act.

We believe that this will now create a new category of Gypsy, Traveller or Travelling Showperson - *a Non-Travelling Romany or Irish Traveller* - that Councils will need to consider in terms of housing provision. The needs of households that fall within this category *will not necessarily* be assessed in a GTAA and will need to be assessed separately under the NPPF.

#### ***The 'Planning Definition' in PPTS:***

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

*In determining whether persons are "gypsies and travellers" for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:*

- a) *Whether they previously led a nomadic habit of life*
- b) *The reasons for ceasing their nomadic habit of life*
- c) *Whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.*

### **The 'Housing Definition' in the Housing Act 2004**

Section 225: *Every local housing authority must, when undertaking a review of housing needs in their district under section 8 of the Housing Act 1985 (c. 68), carry out an assessment of the accommodation needs of gypsies and travellers residing in or resorting to their district...gypsies and travellers has the meaning given by regulations made by the appropriate national authority.*

The definition of Gypsies and Travellers as referred to at Section 225 of the Act is that set out for the purposes of planning by the Secretary of State for Communities and Local Government.

Therefore the definition of 'gypsies and travellers' for this purpose is specified in 'The Housing (Assessment of Accommodation Needs) (Meaning of Gypsies and Travellers) (England) Regulations 2006' (Statutory Instrument: 2006 No. 3190).

*The following definition of "gypsies and travellers" should now be used:*

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

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

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

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

### **The 'Equality Act' 2010 Definition**

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

### **Definition of Travelling**

One of the most questions that GTAA's will need to address in terms of applying the new definition is *what constitutes travelling?* This has been determined through case law that has tested the meaning of the term 'nomadic'.

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

In *Maidstone BC v Secretary of State for the Environment and Dunn (2006)*, it was held that a Romany Gypsy who bred horses and travelled to horse fairs at Appleby, Stow-in-the-Wold and the

New Forest, where he bought and sold horses, and who remained away from his permanent site for up to two months of the year, at least partly in connection with this traditional Gypsy activity, was entitled to be accorded Gypsy status.

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

The definition was widened further by the decision in *R v Shropshire CC ex p Bungay* (1990). The case concerned a Gypsy family that had not travelled for some 15 years in order to care for its elderly and infirm parents. An aggrieved resident living in the area of the family's recently approved Gypsy site sought judicial review of the local authority's decision to accept that the family had retained their Gypsy status even though they had not travelled for some considerable time. Dismissing the claim, the judge held that a person could remain a Gypsy even if he or she did not travel, provided that their nomadism was held in abeyance and not abandoned.

That point was revisited in the case of *Hearne v National Assembly for Wales* (1999), where a traditional Gypsy was held not to be a Gypsy for the purposes of planning law as he had stated that he intended to abandon his nomadic habit of life, lived in a permanent dwelling and was taking a course that led to permanent employment.

It is our understanding that the implication of these rulings in terms of applying the new definition is that it will include those who travel but also have a permanent site or place of residence, but that it will not include those who travel for purposes other than work – such as visiting horse fairs and visiting friends or relatives. It will in our view not cover those who commute to work daily from a permanent place of residence.

It will also be the case in our view that a household where some family members travel for nomadic purposes on a regular basis, but where other family members stay at home to look after children in education, or other dependents with health problems etc. the household unit would be defined as travelling under the new definition.

Households will also fall under the new definition if they can demonstrate that they have ceased to travel temporarily as a result of their own or their family's or dependants' educational or health needs or old age. In order to have ceased to travel temporarily these households will need to demonstrate that they have travelled in the past. In addition households may also have to demonstrate that they plan to travel again in the future. These issues are covered later in this briefing.

### **Changes to Fieldwork Requirements**

In determining whether households fall within the new definition it is important that GTAA fieldwork is undertaken in a robust and inclusive manner, with efforts made to speak with households living on *all pitches and plots* in any given local authority area. Attempts to speak with every household is likely to increase the costs of site fieldwork but it is felt that robust and defensible evidence on household travelling characteristics can only be obtained by speaking with a member from each family directly. If this does not happen the determination of whether a household falls within the new definition is likely to be challenged.

Interviewers will need to follow an approach similar to what is being advocated by Welsh Government in their recent GTAA Guidance which requires interviewers to make a minimum of 3 attempts to complete a successful household interview before seeking information from a third party. The keeping of an Interview Log to record dates and times of unsuccessful visits, and reasons for a refusal to be interviewed is also recommended.

### **Qualifying Questions and Evidence to Support Travelling Status**

A series of *qualifying questions* will need to be asked during the more intensive household interviews to determine whether each household will fall under the new definition. There will be a need to ask questions to determine for example:

- » The ethnicity of households;
- » Whether they travel for nomadic purposes as defined by case law;
- » If they do not travel, whether they have travelled for nomadic purposes in the past;
- » Whether they have ceased to travel permanently or temporarily;
- » The reasons why they have ceased to travel temporarily; and
- » Whether and when they plan to resume travelling for nomadic purposes.

The responses to these questions should enable the new planning/housing and ethnicity definitions of Gypsies, Travellers and Travelling Showpeople to be applied to each household in the first instance.

One of the most difficult issues to address will be to evidence households that claim to have *ceased travelling temporarily* as a result of their own or their family's or dependants' educational or health needs or old age. This will need to include evidence that households have travelled in the past.

Example of evidence to support the new definition and households that claim to have ceased to travel temporarily could include:

- » Details of previous travelling by the applicant or by family members for the purpose of work could include originals or copies of family photographs.
- » Evidence to support household members ceasing to travel temporarily could include letters or reports from GPs or consultants; and Letters from head teachers and/or Traveller Education Officers.
- » Evidence to support not being able to travel due to a lack of sites or transit provision could include details of attempts to find alternative sites, including, for example, letters to local estate agents and evidence of enquiries to local authorities.
- » Evidence to support a nomadic way of life for work purposes could include records of work undertaken such as quotes and invoices; receipts for stays on transit sites; and details of enforcement of unauthorised encampments; and details of schools attended and GP registrations whilst away travelling.

The practical implications of this in relation to the fieldwork element of a GTAA will be whether

this evidence actually needs to be produced or whether households will simply need to be asked if they would be able to provide evidence if requested at a later date.

### **Applying the Definition**

When the household survey is complete the outcomes from the qualifying questions will need to be used to determine the status of each household on each site. Decisions will need to be made whether it will be for a local authority, a third party undertaking the GTAA, or a combination of both, to make the final determination of whether households fall within the new definition.

It is highly likely that this will result in sites with a mixture of household statuses – even on smaller private family sites. We think that households will fall under one of 4 classifications that will determine whether their housing needs will need to be assessed in the GTAA.

- » Households that travel under the new definition – *Yes*
- » Households that have ceased to travel temporarily under the new definition - *Yes*
- » Households that do not travel under the new definition - *No*
- » Romany or Irish Travellers who do not travel under the new definition - *No*

In practical terms, a current GTAA may have a need for 100 pitches from new household formation over its local plan period. If 50% of these households do not meet the new definition of being a Traveller then it could be argued that the need from new household formation should fall from 100 to 50. However, this assumes that the children of current non-Travelling households will also not travel themselves in the future and will not have their needs from new household formation met. This is going to be very difficult to evidence in practice.

This also raises the question of who is responsible for assessing the needs of the 50 households who have been removed from the assessment of need in the GTAA. The Equalities Act requires that *Romany and Irish Travellers* are provided with *culturally sensitive* accommodation. It may therefore be that the GTAA will exclude 50 households on the grounds that they no longer meet the planning/housing definition of being Travellers, but the requirements of the Equalities Act mean that these households' ethnic status will still lead to the need to provide caravan pitches. These may be on park home sites rather than Gypsy and Traveller sites.

In practice it may be that the new definition has a very large impact on a small number of planning applications where households who no longer travel will not be deemed Travellers. However, for the existing population and sites it is unlikely the effect will be as dramatic as being envisaged. Given that the majority of Councils do not have 5 year land supplies for either housing or Gypsy and Traveller sites, it may simply be that planning applications are moved from being for Gypsy and Traveller sites to being for park home sites – using case law established by *Wenman v Secretary of State* and subsequent changes made to Paragraphs 49 and 159 in the NPPF in July 2015.

### **Paragraph 49**

*From today, those persons who fall within the definition of 'traveller' under the Planning Policy for Traveller Sites, cannot rely on the lack of a five year supply of deliverable housing sites under the National Planning Policy Framework to show that relevant policies for the supply of housing are not*

*up to date. Such persons should have the lack of a five year supply of deliverable traveller sites considered in accordance with Planning Policy for Traveller Sites.*

#### **Paragraph 159**

*Planning Policy for Traveller Sites sets out how ‘travellers’ (as defined in Annex A of that document) accommodation needs should also be assessed. Those who do not fall under that definition should have their accommodation needs addressed under the provisions of the National Planning Policy Framework.*

#### **Conclusions**

As a result of the changes to PPTS ORS have identified that there are a number of key points that local authorities need to be aware of in relation to their GTAA:

- » It is unclear at the present time whether the changes will be applied retrospectively to GTAAs that have already been published and have been through a Local Plan Examination – however they will need to be taken into consideration when dealing with new planning applications and appeals. This will impact on the identification of a 5 year supply of deliverable Traveller sites as the level of need will be unknown without applying the definition to all households.
- » In the majority of cases it may be necessary to undertake new site fieldwork to gather up-to-date and robust information from each household on their travelling characteristics in order for the new definition to be properly applied for the purpose of assessing household need.
- » The definition of a *Traveller* and what constitutes *Travelling* appear to be clearly set out in case law. What local authorities will need to consider how to robustly apply the outcomes of the qualifying questions when determining whether a household has ceased to travel temporarily?
- » It is difficult at this stage to consider the future needs (new household formation) of the children of current non-travelling households as it will be very hard to evidence whether or not they will travel themselves in the future.
- » In short this will not reduce the number of households seeking to live on sites in caravans. Local authorities will still need to consider how to address the housing needs of Romany and Irish Travellers who do not travel but fall under the requirements of the Equality Act. For the remainder of those households who do not fall under the new definition local authorities will still need to consider how they should have their accommodation needs addressed under the provisions of the National Planning Policy Framework. These will most likely need to be met on park home sites as opposed to Traveller sites.
- » It is also important to note that the definition will need to be applied in a consistent manner to households living in caravans on sites and encampments, and for those living in bricks and mortar, as there is nothing in the definition that states that a household needs to live in a caravan or other mobile structure.
- » There are also likely to be practical implications in the reporting of GTAAs as the assessment will now need to be on a pitch-by-pitch basis, and may involve the publication of sensitive and personal information that may lead to issues with data protection requirements.



## Appendix B – Redbridge Site Record Form

# London Borough of Redbridge GTAA Questionnaire 2016



**INTERVIEWER: Good Morning/afternoon/evening. My name is < > from Opinion Research Services, working on behalf of the London Borough of Redbridge.**

The Council are undertaking a study of Gypsy, Traveller and Travelling Showpeople accommodation needs assessment in this area. This is needed to make sure that accommodation needs are properly assessed and to get a better understanding of the needs of the Travelling Community.

The Council need to try and speak with every Gypsy, Traveller and Travelling Showpeople household in the area to make sure that the assessment of need is accurate.

Your household will not be identified and all the information collected will be anonymous and will only be used to help understand the needs of Gypsy, Traveller and Travelling Showpeople households.

ORS is registered under the Data Protection Act 1998. Your responses will be stored and processed electronically and securely. This paper form will be securely destroyed after processing. Your household will not be identified to the council and only anonymous data and results will be submitted, though verbatim comments may be reported in full, and the data from this survey will only be used to help understand the needs of Gypsy, Traveller and Travelling Showpeople households

## A General Information

<b>A1</b>	<b>Name of planning authority:</b> <i>INTERVIEWER please write in</i>			
<b>A2</b>	<b>Date/time of site visit(s):</b> <i>INTERVIEWER please write in</i>	DD/MM/YY	TIME	
<b>A3</b>	<b>Name of interviewer:</b> <i>INTERVIEWER please write in</i>			
<b>A4</b>	<b>Address and pitch number:</b> <i>INTERVIEWER please write in</i>			
<b>A5</b>	<b>Type of accommodation:</b> <i>INTERVIEWER please cross one box only</i>			
	Council <input type="checkbox"/>	Private rented <input type="checkbox"/>	Private owned <input type="checkbox"/>	Unauthorised <input type="checkbox"/>
			Bricks and Mortar <input type="checkbox"/>	
<b>A6</b>	<b>Name of Family:</b> <i>INTERVIEWER please write in</i>			
<b>A7</b>	<b>Ethnicity of Family:</b> <i>INTERVIEWER please cross one box only</i>			
	Romany Gypsy <input type="checkbox"/>	Irish Traveller <input type="checkbox"/>	Scots Gypsy or Traveller <input type="checkbox"/>	Show Person <input type="checkbox"/>
	New Traveller <input type="checkbox"/>	English Traveller <input type="checkbox"/>	Welsh Gypsy <input type="checkbox"/>	Non-Traveller <input type="checkbox"/>
		Other <i>(please specify)</i>		
<b>A8</b>	<b>Number of units on the pitch:</b> <i>INTERVIEWER please write in</i>			
	Mobile homes	Touring Caravans	Day Rooms	Other <i>(please specify)</i>

**A9 Is this site your main place of residence? If not where is?**

*INTERVIEWER: Please cross one box only*

Yes

No

If not main place of residence where is (please specify)

**A10 How long have you lived here? If you have moved in the past 5 years, where did you move from?** *INTERVIEWER: Please write in below*

Years	Months	If you have moved in the past 5 years, where did you move from? Include ALL moves
-------	--------	---

**A11 Did you live here out of your own choice or because there was no other option? If there was no other option, why?** *INTERVIEWER: Please cross one box only*

Choice

No option

If no option, why?

**A12 Is this site suitable for your household? If so why and if not why not? (For example close to schools, work, healthcare, family and friends etc.)**

*INTERVIEWER: Please cross one box only*

Yes

No

Reasons (please specify)

**A13 How many separate families or unmarried adults live on this pitch?**

*INTERVIEWER: Please cross one box only*

1

2

3

4

5

6

7

8

9

10

**B**

**Demographics**

**B1 Demographics — Household 1** *INTERVIEWER: Please write-in*

Person 1		Person 2		Person 3	
Sex	Age	Sex	Age	Sex	Age

**Complete additional forms for each household on pitch** *INTERVIEWER: Please write-in*

Person 4		Person 5		Person 6		Person 7		Person 8	
Sex	Age								

**C**

**Accommodation Needs**

**C1 How many families or unmarried adults living on this pitch are in need of a pitch of their own in the next 5 years?** *INTERVIEWER: Please cross one box only*

*INTERVIEWER: AN ADULT IS DEFINED AS 16+*

1

2

3

4

5

6

7

8

9

10

Other Please specify

**C2** How many of your children will need a home of their own in the next 5 years? If they live here now, will they want to stay on this site? If not, where would they wish to move? (e.g. other site, in bricks and mortar etc.) If they do not live on this site, where do they currently live and would they want to move on to this site or another local site if they could get a pitch? *INTERVIEWER: Please cross one box only*

1	2	3	4	5	6	7	8	9	10
<input type="checkbox"/>									

Other *Please specify*

Details (Please specify)

**D**

**Waiting List**

**D1** Is anyone living here on the waiting list for a pitch in this area?

*INTERVIEWER: Please cross one box only*

Yes	<input type="checkbox"/>	—————>	Continue to D2
No	<input type="checkbox"/>	—————>	Go to D4

**D2** How many people living here are on the waiting list for a pitch in this area?

*INTERVIEWER: Please cross one box only*

1	2	3	4	5	6	7	8	9	10
<input type="checkbox"/>									

Other (Please specify)

Details (Please specify)

**D3** How long have they been on the waiting list? *INTERVIEWER: Please cross one box only*

0-3 months	3-6 months	6-12 months	1-2 years	2+ years
<input type="checkbox"/>				

Other (Please specify)

Details (Please specify)

**D4** If they are not on the waiting list, do any of the people living here want to be on the waiting list? (INTERVIEWER if they do - please take their contact details)

*INTERVIEWER: Please cross one box only*

1	2	3	4	5	6	7	8	9	10
<input type="checkbox"/>									

No

Other (Please specify)

Details (Please specify) and take contact details

**E1 Do you plan to move from this site in the next 5 years? If so, why?***INTERVIEWER: Please cross one box only*Yes  If yes → Continue to E2No  If no → Go to F1

If so, why? (please specify)

**E2 Where would you move to?** *INTERVIEWER: Please cross one box only*

Another site in this area (specify where)	A site in another council area (specify where)	Bricks and mortar in this area (specify where)	Bricks and mortar in another council area (specify where)	Other (Please specify)
---	--	--	--	---------------------------

Please specify where they would move to

**E3 If you want to move would you prefer to buy a private pitch or site, or rent a pitch on a public or private site?** *INTERVIEWER: Please cross one box only*

Public pitch

Private pitch

**E4 Can you afford to buy a private pitch or site?** *INTERVIEWER: Please cross one box only*

Yes

No

**E5 Are you aware of, or do you own any land that could have potential for new pitches?** *INTERVIEWER: Please cross one box only*

Yes

No

Please ask for details on where land/site is located and who owns the land/site?



**F9 Do you or other family members plan to travel in the future?**

*INTERVIEWER: Please cross one box only*

- Yes  → Continue to F10  
No  → Go to G1

**F10 When, and for what purpose do you/they plan to travel?**

Details

**G**

**Any other information**

**G1 Any other information about this site or your accommodation needs?**

*INTERVIEWER: Please write in*

Details (e.g. can current and future needs be met  
by expanding or intensifying the existing site?)

**G2 Site/Pitch plan? Any concerns?** *INTERVIEWER: Please sketch & write in*

Sketch of Site/Pitch — any concerns?

Are any adaptations needed?

Why does the current accommodation not meet the household's needs; and could their needs could be addressed in situ e.g. extra caravans. This could cover people wanting to live with that household but who cannot currently

**H1** Contacts for Bricks and Mortar interviews? *INTERVIEWER: Please write in*

Details

**Quality control**

***INTERVIEWER: May I also take your name, telephone number and address? ORS may wish to contact you to confirm that this interview took place. These details will only be used for this purpose and will not be passed onto anyone else.***

Respondent's Name.....

Respondent's Telephone.....

Respondent's Email.....

***INTERVIEWER: Thank you for your time and help completing this questionnaire***

***INTERVIEWERS DECLARATION:***

***I certify that I have conducted this interview personally with the person named above in accordance with the Market Research Society Code of Conduct***

***Interviewers Signature:***