



**Irish Traveller Movement in Britain
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Submission to consultation on proposed minor alterations to policy on Gypsies and Travellers in the Draft Replacement London Plan



Submission by the Irish Traveller Movement in Britain

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This submission is endorsed by:

- Federation of Irish Societies
- London Irish Councilors Network
- British Institute of Human Rights
- Race on the Agenda
- Irish Chaplaincy in Britain
- Minority Ethnic Network
- Friends, Families and Travellers
- Runnymede Trust
- Southwark Travellers Action Group
- Friends of the Earth
- Catholic Association for Racial Justice
- Gypsy Council

Irish Traveller Movement in Britain is funded by:



The Irish Traveller Movement in Britain (ITMB) welcomes the opportunity to participate in the consultation on the proposed minor alterations to policy on Gypsies and Travellers in the Draft Replacement London Plan. ITMB is proud to work in partnership with the Gypsy, Roma and Traveller communities in London, together with service providers and policy makers across London, to better promote social inclusion and community cohesion.

Key Points

- ITMB objects to the Mayor's decision to remove all pitch requirements for Gypsies, Travellers and Travelling Show People from the Draft Replacement London Plan and believes that such a decision constitutes a violation of London's Gypsies' and Travellers' Human Rights.
- A pan-London strategic approach to the provision of Gypsy and Traveller accommodation is essential to delivering sites and ensuring fairness between the settled and Traveller communities.
- Evidence that the nationwide abolition of regional spatial strategies (cited by the Mayor as justification for removing Gypsy and Traveller accommodation provision from the Draft Replacement London Plan) has already led to many local authorities instigating regressive policies on the provision of Gypsy and Traveller sites across the UK.
- London's Gypsy Traveller Accommodation Needs Assessment (GTANA) is a robust evidence base that was originally introduced and officially signed off by the Greater London Authority. ITMB recommends that the Greater London Authority should positively advocate use of the London GTANA as a sound evidence base.
- The Mayor has not properly considered London's Gypsies' and Travellers' Human Rights under Article 8 of the Human Rights Act 1998 which requires the GLA to respect their private and family life.
- 89% of respondents to the Mayor's previous consultation on Policy 3.9 (Minor Alteration, March 2010 (CD08)) agreed with a pan-London strategic approach to Gypsy and Traveller accommodation provision and the target of 538 pitches or more for London.

1. Introduction

1.1 In London and throughout the UK, many Gypsies and Travellers face discrimination on accommodation issues at the local level. This has led to a severe shortage of authorised Gypsy and Traveller sites which has been widely documented by Gypsy and Traveller organisations, the Department for Communities and Local Government (DCLG) and the Equality and Human Rights Commission (EHRC). In a 2009 research report on the lack of provision of Gypsy and Traveller sites, the EHRC concluded that ‘the lack of secure accommodation for nomadic groups remains the lynchpin of a plethora of other inequalities.’¹ DCLG’s 2009 *Progress Report on Gypsy and Traveller sites* stated:

‘The current position on site delivery remains unsatisfactory. It is clear that local authorities need to increase the pace at which suitable locations are identified that can be used as Gypsy and Traveller sites.’²

Unwilling local authorities, often unduly influenced by hostile local residents, are predominantly the reason why there has been a failure to deliver the required number of sites in London and throughout the UK regions. In a 2009 report, the EHRC highlighted the obstacle preventing site provision as being ‘resistance from the sedentary population to the idea of new sites for Gypsies and Travellers.’³

1.2 Considering the main barrier preventing Gypsy and Traveller sites being built occurs at the local rather than regional level, it is essential that a pan-London strategic approach to Gypsy and Traveller accommodation provision is retained in the Draft Replacement London Plan (DRLP). Evidence of the negative impact

¹ EHRC, 2009, *Gypsies and Traveller: Simple Solutions for living together*, p.11
http://www.equalityhumanrights.com/uploaded_files/gypsies_and_travellers.pdf

² CLG, 2009, *Progress Report on Gypsy and Traveller Policy*, p.5
<http://www.communities.gov.uk/documents/housing/pdf/1284500>

³ EHRC 2009, *Inequalities Experienced by Gypsy and Traveller Communities, Research Report*,
<http://www.equalityhumanrights.com/key-projects/good-relations/gypsies-and-travellers-simple-solutions-for-living-together/gypsies-and-travellers-research-reports/>

of a local rather than regional approach to Gypsy and Traveller accommodation provision can be seen in local authorities across England since the abolition of regional spatial strategies (RSSs) (see details under point 4, below). It is also essential that the London GTANA is actively promoted by the Greater London Authority (GLA) to ensure future Gypsy and Traveller accommodation provision is met and the communities' Human Right to 'private and family life' and a home are fully respected.

2. Importance of retaining a Pan-London strategic approach to Gypsy and Traveller accommodation provision

2.1 The Mayor has justified his decision to scrap a pan-London strategic approach to Gypsy and Traveller accommodation provision stating that *'assessing levels of genuine local need...is far more effectively done locally'* (para 3.47) (CD14) by the London boroughs.⁴ However, in May 2009, the GLA published a draft impact assessment of the Mayor's housing strategy.⁵ The assessment warned that some London boroughs:

'may not have the will or capacity to deal with issues about targeting attention to equality target groups' housing needs in the context of significant funding constraints. What stakeholders have described as 'unpopular' groups among the equality target groups (such as Gypsies and Travellers) may not be adequately assisted through estate and area regeneration efforts.'

The 2009 GLA impact assessment would appear to undermine the Mayor's argument that *'boroughs are best placed to assess the needs of, and make provision for these groups (Gypsies and Travellers)'*.⁶ On the contrary, the GLA's assessment reveals the Mayor's argument for a localised rather than regional approach to Gypsy and Traveller accommodation provision to be unsound and not formed on a solid and robust evidence base.

⁴ GLA, September 2010(CD14), *Minor Alterations to the consultation draft replacement London Plan, Gypsies and Travellers (including travelling show people) and aggregates*, para 1.15

⁵ London Housing Strategy, 2009, *Equalities Impact Assessment Report draft for public consultation*

⁶ GLA, September 2010, *Minor Alterations to the consultation draft replacement London Plan, Gypsies and Travellers (including travelling show people) and aggregates*, para 3.48

2.2 *'The scale of the issue (relative to London's other strategic housing needs)'*(para 3.47) (CD15) is cited by the Mayor as a reason why Gypsies and Travellers accommodation provision should not be included in the London Plan. However, in the GLA's own *Integrated Impact Assessment on minor alterations to the Draft Replacement London Plan* conducted in September 2010 it states:

*'The appraisal team considers that the **scale of the issue should not be a reason for excluding detailed policies on gypsies and travellers**. The issue affects a minority group that experiences significant levels of disadvantage and prejudice and if the most appropriate way of addressing this is through detailed policies then this should be pursued'*.⁷

The *Integrated Impact Assessment* (IIA) goes on to suggest ways by which the GLA's *'policy wording could be clarified or strengthened'* to try and guarantee the Mayor's policy does not increase the significant levels of disadvantage and prejudice experienced by Gypsies and Travellers. The IIA suggestions included:

'encouraging boroughs to seek opportunities through major developments; by encouraging boroughs to monitor supply and demand or by making reference to existing capacity being protected' ⁸

The suggestions made by the IIA are similar, if not in certain cases identical to a strategic pan-London approach to Gypsy and Traveller accommodation provision. Not surprisingly the GLA dismissed the suggestions leaving the IIA to conclude:

'Given the uncertainty as to how the policy will be implemented on the ground by the boroughs, the effects against this objective are considered to be uncertain'.⁹

⁷ GLA, September 2010, *Integrated Impact Assessment on minor alterations to the draft replacement London Plan*, p. 35

⁸ *Ibid*, p. 35

⁹ *Ibid*, p. 35

2.3 In paragraph 3.47, the Mayor states that *'in London as in the rest of the country, the impact of provision to meet these needs is essentially local and, as government now proposes nationally, should be properly addressed by local planning authorities in DPD's (Para 3.47) (CD14)*. The Mayor supports this decision by stating that it is in line with the Coalition Government's national policy on abolishing regional spatial strategies (RSSs).

2.4 In London, as in the rest of the UK, regional targets for the provision of Gypsy and Traveller accommodation are essential considering the extent to which Gypsies and Travellers face discrimination and inequality in accommodation provision at the local level. The London Plan, and at the national level RSSs, went some way towards implementing a process by which Gypsy and Traveller accommodation needs could be fairly dealt with by local authorities at the regional level. As described by the EHRC in its 2009 assessment of local authorities' progress on meeting the accommodation needs of the Gypsy and Traveller communities in England:

'The regional dimension to GTAA's is intended to ensure that all local authorities contribute to resolving the current shortage of authorised site accommodation in a strategic manner, which helps redress current imbalances in the pattern of provision, and enhances the sustainability of the Gypsy and Traveller site network'.¹⁰

2.5 The pan-London strategic approach and the wider UK regional system have also enabled local authorities to justify making provision for Gypsy and Traveller sites to local settled populations who are often hostile towards or skeptical of such plans. Evidence from the EHRC highlights that 'well-run authorised sites can be effectively integrated into local communities', consequently leading to greater community cohesion.¹¹ Considering such evidence, it is crucial that the Mayor's DRLP retains an obligation on local authorities to supply pitches for Gypsies and

¹⁰ EHRC, 2009, *Assessing local housing authorities progress in meeting the accommodation needs of the Gypsy and Traveller communities in England*

http://www.equalityhumanrights.com/uploaded_files/Scotland/13assessing_local_housing_authorities_progress.pdf

¹¹ EHRC, 2009, *Gypsies and Traveller: Simple Solutions for living together*, p.9
http://www.equalityhumanrights.com/uploaded_files/gypsies_and_travellers.pdf

Travellers in order to set in motion a trend of interaction and cohesion between these communities and the settled community.

3. Case Study: South East Regional Panel Report

3.1 The importance of a pan-London or regional approach is evident in the examination process in which local authorities' GTANAs were scrutinised and evaluated by a regional panel in the regional context. A recent freedom of information request by the Traveller Law Reform Project and Friends Families and Travellers (TLRP/FFT) revealed the South East Regional Panel Report to be 'severely critical of the approach of some of the local authorities'.¹² The South East RSS Draft Policy recommended a total of 1,064 pitches for the region. However, following its examination in public, the Panel recommended an increase to 2,119 pitches for the region. The Panel stated that:

*'Lessons will have to be learned from the first round and our criticisms of many of the GTAAs in this Report should be seen as guidance in formulating a methodology and analysis which provides a more focused, robust and consistent evidence base on which to identify the need for gypsy and traveller pitches across the region.'*¹³

3.2 In abolishing RSSs the Coalition Government has stated that it is for '*councils to decide for themselves how many traveller pitches are necessary in their area according to local need and historic demand*' (para 3.48) (CD14). Similarly, the Mayor has stated that '*boroughs are best placed to assess the needs of, and make provision for these groups*' (para 3.48) (CD14). However, considering the judgment of the South East Regional Panel Report it is evident that local authorities need to have their GTANA's scrutinised and evaluated by a regional or possibly a national panel to ensure credibility and consistency. The South East Regional Panel stated that:

¹² Traveller Law Reform Project/Friends Families and Travellers, Steve Stains, Gypsy and Traveller planning research, August/September 2010

¹³ South East Panel Report 2010

*'the three guiding principles should be transparency, simplicity and the close involvement of both the gypsy and traveller and settled communities so that the process is seen as legitimate and the assessment seen as credible.'*¹⁴

3.3 While London's GTANA has had its flaws and is seen by many to underestimate Gypsies' and Travellers' accommodation needs, it still represents a crucial evidence base from which those accommodation needs can be assessed. In removing Gypsy and Traveller pitch requirements from the London Plan, the Mayor has followed the Government's position on abolishing RSSs, stipulating that local authorities 'are not bound by the methodology adopted by the regional planning bodies in drawing up the GTANAs.'¹⁵ However, considering that the London boroughs and local authorities' based their targets in the abolished RSSs on their own GTANAs, it follows that in the majority of cases local authorities still have an obligation to make the provision for the need they themselves originally identified. However, as evidenced by the South East Regional Panel Report, it is essential that all local authorities' GTANAs and their progress on delivering Gypsy and Traveller pitch requirements are properly examined by a regional or (possibly in the future) a national planning panel.

4. Evidence that if left to the discretion of local authorities/London boroughs a large proportion will not identify and build Gypsy and Traveller sites

4.1 The Mayor has justified removing Gypsy and Traveller pitch requirements from the London Plan by stating that *'boroughs are best placed to assess the needs of, and make provision for these groups'* (para 3.48) (CD14). The Mayor refers to the Government's abolition of RSSs nationwide as support for this localised approach to Gypsy and Traveller pitch provision. However, since the abolition of RSSs, many local authorities in England have either scrapped or seriously reassessed their Gypsy and Traveller pitch requirements. Evidence of the implication of the abolition of RSSs on the provision of Gypsy and Traveller sites

¹⁴ South East Panel Report 2010

¹⁵ Eric Pickles, letter to George Osborne, *Revocation of Regional Strategies*, 25th June 2010, p. 5

is already noticeable in local authorities across England. Many local authorities have interpreted the abolition of RSSs as a green light for turning a blind eye to Gypsies' and Travellers' accommodation needs.

- In the last month Central Bedfordshire Council stated that it would cut provision of Gypsy and Traveller sites by half from 40 to 26 pitches as a direct result of the Government's decision.¹⁶
- Huntingdonshire District Council have stated that they no longer accept that there is a need for additional provision of Gypsy and Traveller sites resulting in plans for the provision for 46 pitches being scrapped.¹⁷
- Council leaders in Bournemouth and Poole have stated that they have 'no plans' or 'no wishes' to provide sites having taken into consideration the Government's decision on RSSs.¹⁸
- Epping Forest District Council has officially abandoned provision of Gypsy and Traveller sites after the 'requirement to find an extra 34 pitches in the district through formal consultation had been withdrawn.'¹⁹
- Other local authorities who are in the process of revising or significantly cutting pitch provision for Gypsies and Travellers as a result of the abolition of RSSs include: North Tyneside,²⁰ the local authorities that make up the Greater Norwich joint core strategy, Reigate and Banstead Borough Council²¹ and certain local authorities in Somerset.²²

4.2 What can be deduced from these national trends is that many local authorities have instigated regressive policies on the provision of Gypsy and Traveller accommodation as a direct result of the abolition of RSSs. Considering this evidence, the Mayor's argument that 'boroughs are best placed to assess the

¹⁶ *Traveller sites quota slashed in Mid Beds*, Bedford Today, 02 September 2010

<http://www.bedfordtoday.co.uk/bed-news/Traveller-sites-quota-slashed-in.6509728.jp>

¹⁷ Traveller Law Reform Project/Friends Families and Travellers, Steve Staines, Gypsy and Traveller planning research, August/September 2010

¹⁸ *Plan for Traveller sites in Dorset scrapped*, Daily Echo, 31 August 2010

http://www.bournemouthecho.co.uk/news/8361625.Plan_for_traveller_sites_in_Dorset_to_be_scrapped/

¹⁹ *EPPING FOREST: Gypsy and Traveller requirement lifted*, Epping Forest Guardian, 13th July 2010

http://www.guardianseries.co.uk/news/efnews/8269715.EPPING_FOREST_Gypsy_and_traveller_requirements_lifted/

²⁰ *Rethink on Gypsy sites*, New Guardian, 02 September 2010

<http://www.newsguardian.co.uk/latest-news/Rethink-on-gypsy-sites.6508867.jp>

²¹ Traveller Law Reform Project/Friends Families and Travellers, Steve Staines, Gypsy and Traveller planning research, August/September 2010

²² *Fears over traveller and gypsy sites in Somerset*, BBC Somerset, 03 September 2010

needs of, and make provision for these groups' does not appear to have a credible evidence base.

5. London's GTANA is a robust evidence base and should be retained

5.1 Research for the London GTANA was carried out in 2007 by Fordham Research with the support of the GLA and in consultation with Gypsies, Travellers and representative organisations. While there were weaknesses to the research; such as the reports acknowledgment that the estimate of Gypsies and Travellers living in London is a conservative number, it should be remembered that it was the first London GTANA and provides a valuable baseline for future work. It should also be remembered that the research was carried out by a reputable private research company, Fordham Research and was signed off by the GLA.

5.2 The London GTANA has been deemed 'fit-for-purpose' by Pat Niner from the Centre for Urban and Regional Studies at the University of Birmingham. Niner is widely acknowledged as the UK's foremost expert on Gypsy and Traveller accommodation and planning issues. She has carried out extensive research for the EHRC assessing local housing authorities' progress in meeting the accommodation needs of the Gypsy and Traveller communities in England.²³ In a letter to Lesley Mallet of the North London Sub region, Niner clearly endorses Fordham's research methods and the final London GTANA report:

'in response to my note on the benchmarking of the London GTANA. You ask about the assessment being fit-for-purpose.'

'I can confirm that the assessment complies with CLG Guidance and has incorporated sound survey methods. The model used for estimating pitch requirements includes the appropriate elements of need and supply. The assessment endeavours throughout to distinguish 'need' from 'demand' or

²³ EHRC, 2009, *Assessing local housing authorities progress in meeting the accommodation needs of the Gypsy and Traveller communities in England*
http://www.equalityhumanrights.com/uploaded_files/Scotland/13assessing_local_housing_authorities_progress.pdf

‘aspiration’. This influences the assumptions made in the calculations which are relatively stringent but appear justifiable. On this basis, the GTANA is fit-for-purpose.²⁴

6. GLA’s Integrated Impact Assessment and the Mayor’s Human Rights duties to London’s Gypsy and Traveller communities

6.1 In his September 2010 ‘Minor Alterations to the DRLP’ document (CD14) the Mayor claims to have ‘*consciously considered the requirements of the Race Relations and Human Rights legislation*’ in respect to removing Gypsy and Traveller pitch requirements from the DRLP.²⁵ ITMB would question the Mayor’s definition of having ‘consciously considered’ these requirements in the context of appropriately assessing the equality impacts of his decision and in relation to Human Rights legislation.

6.2 In the GLA’s *Integrated Impact Assessment* (IIA) on the removal of Gypsy and Traveller pitch requirements from DRLP (policy 3.8), 6 out of a total of 16 IIA indicators found the Mayor’s policy to have:

‘an uncertain relationship to the IIA objective or is dependent on the way in which the policy is implemented. Alternatively, insufficient information may be available to enable an assessment to be made.’

Crucially 3 of these indicators include *Health and Well-being, Equalities and Housing*; all areas which the EHRC, DCLG and numerous other organisations have evidenced that Gypsies and Travellers face high levels discrimination.

6.3 The Mayor has a specific duty under Article 8 of the Human Rights Act 1998 and the European Convention to respect Gypsies’ and Travellers’ right ‘to private and family life’ including the ‘home’ (Human Rights Act 1998). The Mayor states *‘that people from different communities should be free to lead their lives in different ways, subject to the need for mutual respect and responsibility’ (Para 3.47)*

²⁴ Pat Niner, 2008, Letter to Lesley Mallet, *London Boroughs’ Gypsy and Traveller Accommodation Needs Assessment*

²⁵ GLA, September 2010 (CD14), *Minor Alterations to the consultation draft replacement London Plan, Gypsies and Travellers (including travelling show people) and aggregates*, para 1.19

(CD14). If the Mayor sincerely believes this statement then he should respect Gypsies' and Travellers' right to live in culturally appropriate accommodation and the jurisprudence from both UK courts and the European Court of Human Rights (ECtHR) which support this right. In the case of *Chapman v UK*²⁶ the ECtHR highlighted the importance of respecting Gypsies' and Travellers' right to culturally appropriate accommodation and that special consideration should be given to support their lifestyles:

'The Court considers that the applicant's occupation of her caravan is an integral part of her ethnic identity as a Gypsy, reflecting the long tradition of that minority of following a travelling lifestyle' (Para 73, Judgment).

'As intimated in Buckley, the vulnerable position of Gypsies as a minority means that some special consideration should be given to their needs and their different lifestyle' (Para 96, Judgment).

In the case of *R (Price) v Carmarthenshire CC*²⁷, the judgement referred to the ECtHR case of *Chapman v UK*:

'...in order to meet the requirements and accord respect, something more than "taking account" of an applicant's gypsy culture is required. As the Court in Chapman stated, respect includes the positive obligation to act so as to facilitate the gypsy way of life' (Para 19, Judgment).

- 6.4** Evidence in points 2, 3 and 4 of this submission suggest that the removal of Gypsy and Traveller pitch requirements from the DRLP will lead to less pitches being built and consequently a continued reduction in the number of pitches for London's Gypsy and Traveller communities. In this context the Mayor's decision could have serious Human Rights implications for London's Gypsies and Travellers. It could also be deemed a violation of their Article 8 right considering the Mayor would be neglecting his *'positive obligation to act so as to facilitate the gypsy way of life'* (Para 19, Judgment).

²⁶ [2001] 33 EHRR 399 European Court of Human Rights

²⁷ [2003] EWHC 42 (admin)

7. Evidence of a majority consensus in support of a Pan-London strategic approach to Gypsy and Traveller accommodation provision

7.1 In his September 2010 'Minor Alterations to the DRLP' document (CD14) it states that based on the responses to earlier consultations *'the Mayor is satisfied that no target-based approach is likely to meet these objectives or, more importantly, actually result in additional provision.'*²⁸ ITMB contends that this statement by the Mayor is inaccurate and misleading. A statistical analysis of the responses to the first consultation (policy 3.9) (CDO8) revealed that 89 percent of individual respondents supported a pan-London strategic approach to Gypsy and Traveller accommodation provision. The information in Table 1 below summarises responses to the March 2010 alteration.

- ✓ In total 402 comments were received, 341 (85%) were from individuals, 21 (5%) were from local authorities and 40 (10%) were from other agencies, bodies or forums.
- ✓ There was an overwhelming individual response supporting the mid-point figure or an increased figure (89%). Of the 341 individual comments, 304 (89%) supported the mid-point figure or an increased amount, 27 (8%) were opposed and 10 (3%) undecided. Interestingly, of the 27 individual comments opposing, 16 referred specifically to Havering.
- ✓ Of the 21 Local Authority comments, 5 (24%) supported the mid-point figure or an increased amount; 10 were opposed (48%) and 6 (28%) undecided. In total more than half the Local Authorities commenting were in favour of, or undecided about the mid-point figure.
- ✓ Of the 40 other agency comments 28 (70%) supported the mid-point figure or an increased amount; 6 (15%) were opposed and 6 (15%) undecided. Other agencies supporting the mid-point or an increased amount include Planning Aid for London, Just Space and IBA Planning. All **non**-Gypsy and Traveller organisations with a specialisation in the planning process.
- ✓ Among the individual comments, there was a resounding statement supporting the mid-point figure or an increased amount (89%). These responses were presented in either standard postcard or letter form. 188 (62%) of the 304 individual responses were presented in standard postcard format. 116 (38%) were presented in non-standard, letter form.

Table 1. Summary of Responses to March 2010 Minor Alteration

²⁸ GLA, September 2010, *Minor Alterations to the consultation draft replacement London Plan, Gypsies and Travellers (including travelling show people) and aggregates*, para 1.17

8. Conclusion

- 8.1** In 2008, the GLA provided support for the London boroughs to conduct the London Gypsy and Traveller Accommodation Needs Assessment (GTANA). The GTANA found an overall maximum shortfall of 554 new residential pitches in the next five years, which would require doubling the present stock of pitches for the need to be met. The authors explained that this was less than remarkable considering that there had been no new socially rented sites provided to Gypsies and Travellers in the past decade (1998-2008), while there had been a net loss of pitches during the same period.
- 8.2** If the Mayor is serious about pro-actively tackling the net losses of pitches for Gypsies and Travellers then he should reassess his decision to remove Gypsy and Traveller pitch requirements from the Draft Replacement London Plan. As has been highlighted in this submission, there is little evidence to support the Mayor's argument that Gypsy and Traveller accommodation provision will be more effectively delivered if it is left to the discretion of individual London boroughs. It is crucial that the Mayor listens to the 89 percent of individual respondents who supported a pan-London strategic approach to Gypsy and Traveller accommodation provision. A majority of these respondents were Gypsies and Travellers who will experience first-hand the implications of the Mayor's policy decision.