

Planning for the future – White Paper consultation response

Introduction

London Gypsies and Travellers is an organisation which challenges social exclusion and discrimination, working for change in partnership with Gypsies and Travellers. We work with the community and a range of trusted partners to contribute to the development of local, regional and national policy.

We have been working with Gypsy and Traveller communities in London on accommodation issues for over 30 years and we have observed and documented the impact of the planning system failing to meet the needs and aspirations of the community.

The key problems with the current national planning policy framework and the way it is implemented are:

- The Planning Policy for Traveller Sites 2015 definition of Travellers creates an artificial division within the Gypsy and Traveller population by excluding those who are permanently settled. Their accommodation needs are slipping through the net. This causes further discrimination and marginalisation for these communities.
- The failure of many local authorities to identify land through their Local Plans results in severe under-provision of social rented sites, especially in London. This is often due to competing priorities over land, high land values, negative perceptions of Traveller sites, resulting in a lack of political leadership to deliver this type of accommodation alongside other housing. For individuals and families who buy their own land and apply for planning permission the process is similarly very difficult, and may result in years of uncertainty, stress, facing local opposition and in some cases hate crime.
- The current system fails to facilitate the nomadic way of life. There is a lack of sufficient sites and stopping places, which means that many nomadic communities have to resort to unauthorised encampments. The enforcement powers already available to authorities and the proposals to criminalise trespass are draconian and focus on penalising families for the lack of adequate provision caused by government at different levels.

Some of the evidence and observations we have compiled in recent years on these issues are included in the reports 'Planning for the Accommodation Needs of Gypsies and Travellers in London'¹ and 'The potential for a negotiated stopping approach in London'²

While a reform of the planning system might be a positive opportunity to address some of these problems and find equitable and innovative solutions, we are concerned about the fact that Gypsy and Traveller accommodation is not mentioned anywhere in the white paper. The only brief and worrying reference is under proposal 24 to strengthen enforcement powers and sanctions, which mentions the Government's response to the consultation on unauthorised developments and encampments. We consider this approach to the issue very discriminatory and we cannot see any evidence of due regard to meeting Public Sector Equality Duties in preparing this consultation document.

The following section responds to specific consultation questions that are particularly relevant to the issues raised by the Gypsy and Traveller accommodation crisis.

5. Do you agree that Local Plans should be simplified in line with our proposals?

Not sure

It is difficult to comment on the proposals that Local Plans should identify three types of areas, for growth, renewal and protection in the absence of more detail about how this would work in practice to ensure that such broad categorisation would actually include all the different types of land uses required to meet a variety of needs, as well as to achieve sustainable development. In the current system in London, existing Traveller sites are located in a wide range of locations, from Inner London neighbourhoods, to areas of more suburban and rural character. No new proposals for this type of accommodation have come forward within areas designated for substantial development in London such as Opportunity Areas or Housing Zones.

While theoretically new Traveller sites could fit within all the three proposed land categories, in reality it's very unlikely that they would fit a national definition of 'substantial development', therefore being automatically excluded from the growth category which benefits from outline planning permission. Similarly, it's very difficult to see how this land use would be accommodated in renewal areas in London, given the limited availability of suitable sites in the locations indicated for this category.

Paragraph 2.10 of the consultation document states that in order to achieve diverse and flourishing communities and meet a range of housing aspirations, growth areas should include specific sub-areas for self-build, custom build and community-led homes. We strongly recommend that in the next iteration of these proposals there is an explicit

¹ <http://www.londongypsiesandtravellers.org.uk/wp-content/uploads/2017/03/20160630-Planning-for-the-accommodation-needs-of-Gypsies-and-Travellers-....pdf>

² http://www.londongypsiesandtravellers.org.uk/wp-content/uploads/2019/11/LGT_report_28Nov_web.pdf

mention of Gypsy and Traveller caravan sites as sub-areas that must be identified as part of growth and renewal categories. The proposals should also explore the role of protected areas in safeguarding uses that are of strategic importance to communities – for example existing council run Gypsy and Traveller sites – in order to prevent their redevelopment into other uses.

6. Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally?

Not sure

There is a need for positive national policy to support the delivery of sufficient Gypsy and Traveller sites for current and future generations. This could include for example:

- Setting a statutory duty for local authorities to provide culturally suitable accommodation and supporting innovative models of delivery, ensuring that a wide range of needs and tenures are planned for, including social rented and private Gypsy and Traveller sites, Showmen yards etc.
- Reverting to a more inclusive definition of Gypsies and Travellers, such as the one in the Draft New London Plan
- Planning to meet the needs of nomadic communities, including the identification of land and infrastructure for stopping places and well-managed transit sites

However, the proposals going forward should also recognise and support the role of strategic regional planning, and the leadership and powers of the Greater London Authority and other regions in responding to the needs of diverse communities in their areas.

8(a). Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced?

Not sure

The government never finalised and published the guidance to support local authorities to assess the needs of people living in caravans and houseboats, following changes to the Housing Act in 2016, leaving a significant gap in the evidence produced currently to support Local Plans. The Equality and Human Rights Commission research report on the impacts of the 2015 Planning for Traveller Sites definition on local plans³ shows the discrepancies in assessing accommodation need between Gypsies and Travellers who fall within the definition and those who don't. There is a strong need to develop an inclusive methodology of assessing the accommodation needs of all Gypsies and Travellers, alongside the needs for conventional housing and other specialist accommodation and this should be part of establishing housing requirements for local authorities.

³ https://www.equalityhumanrights.com/sites/default/files/190909_gypsy_and_traveller_sites_-_impact_of_the_revised_definition_-_final.pdf

11. Do you agree with our proposals for accessible, web-based Local Plans?

In principle we agree with the proposals to make Local Plans more accessible, however they should not only be web-based. Other ways of publicising and making Local Plan documents available and accessible need to remain in place and be resourced properly.

Communities who face high digital exclusion, including many Gypsies and Travellers need to continue having the opportunity to be informed about Local Plans.

12. Do you agree with our proposals for a 30 month statutory timescale for the production of Local Plans?

Not sure

The existing requirements for different stages of consultation provide multiple opportunities for communities to find out and participate in local decision making that affects them. This can benefit communities that are regularly marginalised and not proactively engaged by local authorities to have their say. From our own work with Gypsy and Traveller communities in London we know that community members can bring in front of Planning Inspectors powerful evidence of their needs and aspirations as well as useful proposals for new site locations. We are concerned that the proposals to streamline the plan-making process at the expense of community participation would further reinforce inequalities and disenfranchisement.

26. Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010?

As stated in our introduction, we are concerned that in their current form the proposals put Gypsy and Traveller communities at further disadvantage, as they only refer to enforcement measures against unauthorised development and encampments, and do not propose any positive solutions to address the accommodation crisis that affects Gypsies and Travellers and causes multiple inequalities in terms of health and wellbeing, education, work, culture and identity etc.