

Swale

**Gypsy and Traveller and Travelling Showperson  
Accommodation Assessment 2018**

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Swale Borough Council

Final Draft Report

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## Executive Summary

### Introduction

The Swale Gypsy and Traveller Accommodation Assessment (GTAA) analyses the latest available evidence to identify the accommodation needs of Gypsies and Travellers, Travelling Showpeople and houseboat dwellers from across the Borough.

The Swale GTAA (2018) has comprised the following evidence sources:

- A review of existing (secondary) data,
- An online survey of key stakeholders yielding 49 responses, and
- A total of 84 interviews with Gypsy and Traveller households.

This data has been analysed to provide a picture of current provision and activity across Swale Borough and an assessment of future need. The findings of the study provide an up-to-date, robust and defensible evidence base for policy development.

### Current provision and activity

The 2011 Census identified a total of 208 households in Swale with a ‘White: Gypsy or Irish Traveller’ ethnicity. Of these, 59 households lived in a caravan or other mobile or temporary structure and 149 households lived in bricks and mortar (house, bungalow, flat, maisonette or apartment).

The bi-annual Traveller Caravan Count indicates an average of around 250 caravans over the last six counts. Of these, around 85% are on authorised private sites, 6% on social rented sites and 9% on unauthorised sites. This represents an average of around 23 caravans on unauthorised sites. The annual Travelling Showperson Caravan Count (undertaken each January) indicates an average of around five Travelling Showpersons in the past four counts (2014-2017), all on unauthorised sites.

Across Swale there are two authorised permanent Council sites (with a total of 15 pitches); 59 private authorised sites (with a total of 158 pitches which includes Brotherhood Woodyard); 4 temporary private sites (with a total of 12 pitches), 13 unauthorised sites (with a total of 19 pitches) plus one unauthorised Travelling Showperson yard (with 1 plot).

The triangulation of secondary data, Council records and fieldwork survey has identified a total of 163 households living on Gypsy and Traveller sites (including 40 living on Brotherhood Woodyard).

### Planning policy requirements for needs assessments

Planning policy for traveller sites (PPTS) (first published in March 2012 and updated in August 2015) requires an assessment of the current needs of Gypsies and Travellers and Travelling Showpeople and a projection of future needs. The calculation of pitch/plot requirements in the GTAA 2018 is based on established DCLG modelling methodology, as advocated in *Gypsy and Traveller Accommodation Needs Assessment Guidance* (DCLG, 2007). Although this Guidance was formally withdrawn in December 2016, in the absence of any updated guidance

on the subject it continues to provide a standard approach for needs modelling employed by most local planning authorities and also confirmed by inspectors at public inquiries.

This approach comprises an assessment of the current needs of Gypsies and Travellers and Travelling Showpeople and a projection of future needs. The Guidance advocates the use of a fieldwork survey to supplement secondary source information and derive key supply and demand information.

A major change in planning policy, introduced by PPTS 2015, was the amended definition of the group to which the policy applies. The definitions of both ‘Gypsy and Traveller’ and ‘Travelling Showperson’ have been amended to exclude, for planning purposes, anyone who has stopped travelling on a permanent basis. It continues to include those who have ceased to travel temporarily. Essentially, this created a more restricted ‘PPTS 2015’ definition which applies to those who follow a nomadic habit of life.

The Revised National Planning Policy Framework (NPPF) (July 2018) requires local planning authorities to identify the size, type and tenure of homes required for different groups in the community, expressly including Travellers who meet the PPTS 2015 definition.

As this study is based on comprehensive interviews with members of the Travelling community living within Swale, it is possible for arc<sup>4</sup> to determine through analysis which households meet the PPTS 2015 definition (on the basis of the travelling practices) and those who do not, but still identify as gypsies and travellers.. The study includes this wider group in the needs analysis under a ‘cultural’ definition.

## Gypsy and Traveller pitch requirements

The GTAA 2018 has found evidence of Gypsy and Traveller pitch need over the next five years (2017/18 to 2021/22) equating to 39 pitches under the cultural definition, or 30 pitches under the PPTS 2015 definition of Gypsy and Traveller (which takes account of travelling behaviour). For the overall Plan Period to 2037/38 the GTAA has identified a cultural need for 76 pitches and a PPTS need for 59 pitches (after considering the households who met the definitions of travelling set out in the PPTS). The Local Plan should acknowledge this level of need. However, taking into account turnover on local authority sites and the potential expansion/intensification of existing sites during the Plan Period, the cultural need could be reduced to 14 pitches and PPTS need addressed (however this would be dependent on a turnover of 8 pitches on Council sites over the plan period and an additional 54 pitches becoming available on existing authorised sites).

## Travelling Showperson plot requirements

There is one unauthorised site in the Borough that is used as a Travelling Showpersons’ yard. The need for one yard was identified in the study. In addition, it is recommended that the Council continues to monitor activity and engage with the Showman’s Guild and other representative bodies should local needs arise during the Plan Period.

## Transit site requirements

On the basis of evidence of unauthorised encampment activity, the GTAA 2018 is not recommending transit site provision. However, the Council are recommended to explore temporary stop-over options to help manage unauthorised encampment activity when it arises.

# 1. Introduction

## GTAA 2018 aims

- 1.1 In 2017, arc<sup>4</sup> was commissioned by Swale Borough Council to undertake a Gypsy and Traveller Accommodation Assessment (GTAA) to identify the accommodation needs of Gypsies and Travellers, Travelling Showpeople and houseboat dwellers from across Swale.
- 1.2 The overall objective of the Gypsy and Traveller Accommodation Assessment is to form a clear evidence basis to inform the development of planning policies relating to Gypsy and Travellers, Travelling Showpeople and houseboat dwellers.
- 1.3 The aims of the GTAA 2018 are:
  - To identify the current accommodation provision for members of the Travelling community within Swale;
  - To identify current levels of need for accommodation arising from within the community, including from concealed households and those living in bricks and mortar;
  - To project future accommodation needs for pitches, plots and moorings using a clear and transparent methodology in order to create a robust evidence base for the next five years and the full Plan Period to 2037/38; and
  - To inform the development of housing and planning policies for the Council and its strategic partners.

## Who the study covers

### *National Planning Policy Framework*

- 1.4 The revised National Planning Policy Framework (NPPF)(July 2018) states in paragraph 61 that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies including Travellers, as identified in Annex 1 of Planning Policy for Traveller Sites (August 2015).

### *Planning Policy For Traveller Sites*

- 1.5 The GTAA 2018 adopts the definition of ‘Gypsies and Travellers’ set out within *Planning policy for traveller sites* (PPTS), which was published by the Government in August 2015. This sets out the following definition of ‘Gypsies and Travellers’:

*‘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.*<sup>1</sup>

- 1.6 In addition, PPTS 2015 provides the following ‘clarification’ for determining whether someone is a Gypsy or Traveller:

*‘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.*<sup>2</sup>

- 1.7 The following definition of ‘Travelling Showpeople’ is set out in PPTS 2015:

*‘Members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or their family’s or dependants’ more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily, but excludes Gypsies and Travellers as defined above.’*<sup>3</sup>

- 1.8 In addition:

*‘For the purposes of this planning policy, “pitch” means a pitch on a “gypsy and traveller” site and “plot” means a pitch on a “travelling showpeople” site (often called a “yard”). This terminology differentiates between residential pitches for “gypsies and travellers” and mixed-use pitches for “travelling showpeople”, which may/will need to incorporate space or to be split to allow for the storage of equipment.’*<sup>4</sup>

- 1.9 For the purposes of this study, therefore, Gypsies and Travellers live on pitches on sites, whilst Travelling Showpeople live on plots on yards.

## Report structure

- 1.10 The GTAA 2018 report structure is as follows:

- **Chapter 1 Introduction:** provides an overview of the study;
- **Chapter 2 Policy and local context:** presents a review of the policy context which guides the study, including a consideration of the specific local context of Swale;
- **Chapter 3 Methodology:** provides details of the study’s research methodology;

<sup>1</sup> DCLG *Planning policy for traveller sites* August 2015 Annex 1, para 1

<sup>2</sup> DCLG *Planning policy for traveller sites* August 2015 Annex 1, para 2

<sup>3</sup> DCLG *Planning policy for traveller sites* August 2015 Annex 1, para 3

<sup>4</sup> DCLG *Planning policy for traveller sites* August 2015 Annex 1, para 5

- **Chapter 4** **Review of current Gypsy and Traveller population and provision of pitches/plots:** reviews estimates of the Gypsy and Traveller and Travelling Showpeople population across Swale and existing site provision;
- **Chapter 5** **Household survey findings:** presents relevant data obtained from the household survey research;
- **Chapter 6** **Stakeholder consultation:** summarises views of stakeholders expressed through the online survey;
- **Chapter 7** **Pitch/plot/transit requirements:** focuses on current and future pitch/plot requirements. This chapter includes a detailed assessment of drivers of demand, supply and current shortfalls across the study area; and
- **Chapter 8** **Conclusion and strategic response:** concludes the report, bringing together the different strands of the research and identifying headline issues, including recommending ways in which these could be addressed.

1.11 The report is supplemented by the following appendices:

- **Appendix A** which provides details of the legislative background underpinning accommodation issues for the Travelling community;
- **Appendix B** Review of policy, guidance, reports and best practice notes;
- **Appendix C** Fieldwork questionnaire;
- **Appendix D** Glossary of terms.

1.12 Please note that most Government documentation in this report was authored by the then Department of Housing, Communities and Local Government (DCLG) although this has now become the Ministry of Housing, Communities and Local Government (MHCLG).

## 2. Policy and local context

- 2.1 This study is grounded in an understanding of how the national legislative and planning policy context underpins the assessment and provision of accommodation for Gypsies and Travellers, Travelling Showpeople and houseboat dwellers.
- 2.2 Appendix A sets out the legislative background that is relevant to accommodation issues and Appendix B provides a review of Government policy and guidance that has been published in recent years, alongside other key reports and best practice advice.
- 2.3 This chapter sets out the policy context within which this GTAA has been prepared, including a consideration of the local context in Swale Borough.

### Government policy and guidance

#### Gypsy and Traveller Accommodation Needs Assessments Guidance 2007 (withdrawn)

- 2.4 The calculation of pitch/plot requirements in the GTAA 2018 is based on established DCLG modelling methodology, as advocated in *Gypsy and Traveller Accommodation Needs Assessment Guidance* (DCLG, 2007). Although this Guidance was formally withdrawn in December 2016, in the absence of any updated guidance on the subject it continues to provide a best practice approach for needs modelling and has been employed by neighbouring local planning authorities in Kent where Swale Borough Council has a Duty to Cooperate under Subsection C of Policy B of PPTS 2015. This methodology therefore provides a convenient and consistent approach to assessing need across the administrative boundaries of the strategic area.
- 2.5 This approach comprises an assessment of the current needs of Gypsies and Travellers and Travelling Showpeople and a projection of future needs. The Guidance advocates the use of a fieldwork survey to supplement secondary source information and derive key supply and demand information.

### Planning policy for traveller sites, PPTS 2012

- 2.6 In 2012, the Government published both the National Planning Policy Framework (NPPF)<sup>5</sup> and its accompanying National Planning Practice Guidance (NPPG) documents covering a range of topics. They also published some separate planning policy documents, including *Planning policy for traveller sites*<sup>6</sup> (PPTS 2012). These documents replaced all previous national planning policy in respect of Gypsies and Travellers and Travelling Showpeople.
- 2.7 Previously, local planning authorities had been required to set aside enough land for Gypsy and Traveller sites, with their targets set in regional plans. However, the

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<sup>5</sup> DCLG National Planning Policy Framework March 2012

<sup>6</sup> DCLG *Planning policy for traveller sites* March 2012 (now superseded)

Coalition Government abolished regional planning under the provisions of the Localism Act 2011. The approach set out in PPTS 2012 instead encouraged local planning authorities to form their own evidence base for accommodation needs in their area and use this to set their own pitch and plot targets for their Local Plan.

### Written Ministerial Statement, July 2015

- 2.8 Technical adjustments were made to paragraphs 49 and 159 of the NPPF by a Written Ministerial Statement (WMS) on 22<sup>nd</sup> July 2015<sup>7</sup>, following a High Court judgement (Wenman v Secretary of State).
- 2.9 In relation to paragraph 49, the WMS stated that those persons who fall within the definition of ‘traveller’ under the PPTS, cannot rely on the lack of a five-year supply of deliverable housing sites under the NPPF 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.
- 2.10 Regarding paragraph 159, the WMS clarified that the PPTS sets out how ‘travellers’ accommodation needs should be assessed. However, those who do not fall under that definition should have their accommodation needs addressed under the provisions of the NPPF.

### PPTS 2015

- 2.11 An updated *Planning policy for traveller sites* (PPTS 2015) was published in August 2015<sup>8</sup>. PPTS 2015 introduced some key changes to policy, including by changing the definitions of ‘Gypsy and Traveller’ and ‘Travelling Showperson’ by deleting the word ‘permanently’ in relation to their travelling habits, so that for planning-related purposes the definitions of Gypsies and Travellers and Travelling Showpeople have been changed to exclude those who have permanently stopped travelling. In addition, the following ‘clarification’ was added:

*‘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.*<sup>9</sup>

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<sup>7</sup> <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Lords/2015-07-22/HLWS167/>

<sup>8</sup> DCLG *Planning policy for traveller sites* August 2015

<sup>9</sup> DCLG *Planning policy for traveller sites* August 2015 Annex 1, para 2

## Planning policy statement, August 2015

- 2.12 Alongside the publication of the revised policy document on 31<sup>st</sup> August 2015, a letter and accompanying planning policy statement were issued by the DCLG Chief Planner (Steve Quartermain)<sup>10</sup> to Chief Planning Officers in England. The letter and planning policy statement dealt specifically with the issue of *Green Belt protection and intentional unauthorised development*. On 17<sup>th</sup> December 2015, the Minister of State for Housing and Planning (Brandon Lewis) made a Written Statement confirming the changes to national policy set out in the letter and statement.<sup>11</sup>

### *Green Belt and Other Designations*

- 2.13 PPTS 2015 (paragraph 10) states that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally-set targets. In relation to the determination of planning applications, PPTS 2015 (paragraph 27) states that if a LPA cannot demonstrate an up-to-date five-year supply of deliverable sites then this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission. However, it also sets out that the exception to this is where the proposal is on land designated as Green Belt, sites protected under the Birds and Habitats Directives, sites designated as Sites of Special Scientific Interest, Local Green Space, Areas of Outstanding Natural Beauty or within a National Park or the Broads.
- 2.14 PPTS 2015 (paragraph 16) and the accompanying planning policy statement on *Green Belt protection and intentional unauthorised development* clearly set out that unmet need and personal circumstances (subject to the best interests of the child) are unlikely to clearly outweigh harm to the Green Belt so as to establish 'very special circumstances' and allow development to be permitted.

### *Intentional unauthorised development*

- 2.15 The planning policy statement issued with PPTS 2015<sup>12</sup> (and confirmed by Ministerial Statement<sup>13</sup>) makes clear that if a site is intentionally occupied without planning permission this would be a material consideration in any retrospective planning application for that site. Whilst this does not mean that retrospective applications will be automatically refused, it does mean that failure to seek permission in advance of occupation will count against the application.

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<sup>10</sup>[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/457632/Final\\_Chief\\_Planning\\_Officer\\_letter\\_and\\_written\\_statement.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/457632/Final_Chief_Planning_Officer_letter_and_written_statement.pdf)

<sup>11</sup><http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2015-12-17/HCWS423/>

<sup>12</sup>[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/457632/Final\\_Chief\\_Planning\\_Officer\\_letter\\_and\\_written\\_statement.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/457632/Final_Chief_Planning_Officer_letter_and_written_statement.pdf)

<sup>13</sup><http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2015-12-17/HCWS423/>

- 2.16 In addition, PPTS 2015 (paragraph 12) makes clear that in exceptional cases where a local authority is burdened by a large-scale unauthorised site that has significantly increased their need, and their area is subject to strict and special planning constraints, then there is no assumption that the local authority will be required to meet their Gypsy and Traveller site needs in full. This is intended to protect local planning authorities with significant land constraints from being required to provide for additional needs arising directly from large sites such as Dale Farm (a large unauthorised site in Essex).

### Draft Guidance to local housing authorities on the periodical review of housing needs: caravans and houseboats, March 2016

- 2.17 In March 2016, the DCLG published *Draft guidance on the periodical review of housing needs: Caravans and Houseboats*. The draft Guidance related to Clause 115 of the Housing and Planning Bill, which has become Section 124 of the Housing and Planning Act 2016 (passed in May 2016).
- 2.18 The draft Guidance explains how Government wants local housing authorities to interpret changes to accommodation needs assessments (as required by Section 8 of the Housing Act 1985), specifically in relation to caravans and houseboats.
- 2.19 In the carrying out of accommodation needs assessments, the draft Guidance stresses the importance of close engagement with the community. The use of existing data along with conducting a specialist survey is recommended.
- 2.20 The draft guidance has been taken into account in the planning, preparation and undertaking of this GTAA for Swale Borough.

### Revised National Planning Policy Framework (NPPF), July 2018

- 2.21 In July 2018, the Ministry of Housing, Communities and Local Government published the Revised National Planning Policy Framework (NPPF). Updating the original NPPF which was published in 2012, the Revised NPPF sets out 17 topic-based chapters which reflect the Government's development priorities. As was anticipated, there is a particular focus on delivering solutions to the housing crisis through the plan-led system.
- 2.22 Chapter 5, *'Delivering a sufficient supply of homes'*, sets out the Government's objective of significantly boosting the supply of homes including meeting the needs of groups with specific housing requirements (paragraph 60). It states that in determining the minimum number of homes needed, strategic plans should be based upon a local housing need assessment. This should be conducted using the standard method unless there are exceptional circumstances and also taking into account any needs that cannot be met within neighbouring areas (paragraph 60).
- 2.23 It is then set out in paragraph 61 that:
- 'Within this context, policies should identify the size, type and tenure of homes required for different groups in the community (including, but not limited to, those who require affordable housing, families with children, older people, students, people with*

*disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes.'*

- 2.24 An additional footnote to the word 'travellers' provides further definition:  
*'Planning Policy for Traveller Sites sets out how travellers' accommodation needs should be assessed for those covered by the definition in Annex 1 of that document.'*
- 2.25 In other words, the Revised NPPF requires local planning authorities to consider the needs of those Gypsy, Traveller and Travelling Showpeople households who meet the PPTS 2015 definition of traveller.

## Planning policy context and methodological implications

- 2.26 Further to the publication of updated PPTS in August 2015, the 2007 GTAA Guidance was withdrawn and there was considerable confusion regarding what accommodation needs should be assessed and the best methodological approach.
- 2.27 The Housing and Planning Act 2016 deleted Sections 225 and 226 of the Housing Act 2004, effectively removing some of local planning authorities' duties in relation to the accommodation needs assessments of Gypsies and Travellers. However, the Housing and Planning Act inserted some additional requirements into Section 8 of the Housing Act 1985, including the duty to consider the provision of sites for caravans and moorings for houseboats when undertaking housing needs assessments. As referred to above, draft Guidance was published in March 2016 to explain the interpretation of these legislative changes. However, this remains in draft form at the present time.
- 2.28 As discussed, the PPTS 2015 definitions of 'Gypsy and Traveller' and 'Travelling Showperson' now exclude those that have stopped travelling on a permanent basis. The 'clarification' in Annex 1 (paragraph 2) of PPTS 2015 refers to a '*nomadic habit of life*' and whether the person in question previously led a nomadic habit of life; the reasons for ceasing their nomadic habit of life; and whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances. This suggests that persons (or households) should be assessed on an individual basis, to determine whether they meet the PPTS 2015 planning definition.
- 2.29 However, in order to satisfy the requirements of the Housing and Planning Act and PPTS-need, arc4 GTAA studies have adopted an approach which begins with an assessment of the overall 'cultural' need of pitches (pitches to meet the needs of all Gypsies, Travellers and Travelling Showpeople who are identifiable within the relevant study area) and then considers, as a 'policy on' position, the PPTS-defined need (pitch numbers to meet the needs of those who travel)
- 2.30 The accommodation needs of the Travelling community forms a strategic issue, which is a consideration under the Duty to Cooperate. It is therefore considered important that the Swale GTAA 2018 provides a robust and transparent approach regarding the methodology for determining which members of the Travelling community are 'travelling' and which members should be considered 'non-travelling' as well as the subsequent assessment of current and future needs.

- 2.31 Our assessment methodology is set out in Chapter 3 and the outworking of this approach for Swale Borough is set out in Chapter 7.

## Strategic context

- 2.32 Despite the revocation of regional spatial strategies, the need for strategic planning remains, especially to ensure coherent planning beyond local authority boundaries. To this end the Localism Act 2011 and the National Planning Policy Framework (NPPF) sets out that public bodies have a duty to cooperate on planning issues that cross administrative boundaries (NPPF, paragraph 178) (Draft Revised NPPF, paragraph 26).
- 2.33 National planning practice guidance (NPPG) includes a guidance document specific to the *Duty to cooperate* (March 2014). This states that duty to cooperate is not a duty to agree, but local planning authorities should make every effort to secure the necessary cooperation on strategic cross boundary matters before they submit their Local Plans for examination (paragraph 1). In addition, it states that the duty to cooperate seeks to ensure that local planning authorities lead strategic planning effectively through their Local Plans, addressing social, environmental and economic issues that can only be addressed effectively by working with other local planning authorities beyond their own administrative boundaries (paragraph 8).
- 2.34 PPTS 2015 sets out that the preparation of Local Plans and setting of pitch and plot targets should be undertaken by local planning authorities working collaboratively with neighbouring planning authorities (paragraphs 8 and 9). It reiterates that local planning authorities have a duty to cooperate on planning issues that cross administrative boundaries (paragraph 10).
- 2.35 The Kent Joint Strategic Needs Assessment (JSNA) for the area is led by the Kent Public Health Observatory<sup>14</sup> within Kent County Council. The Kent JSNA is made up of a set of products updated at agreed intervals, led by the Kent public health team. The ‘Gypsy, Roma and Traveller’ chapter of the JSNA reports on national-level research which identifies Gypsies and Travellers as the most disadvantaged ethnic group in the United Kingdom. It states that health and educational outcomes are poor even when compared with other marginalised groups. The JSNA reports on qualitative research carried out in Kent which demonstrates a high level of chronic illness, including high levels of alcohol and drug misuse. It highlights the role of health trainers as a key resource to improve health knowledge and utilisation within this community. It also recommends training for healthcare staff to increase cultural awareness.

## Local context

- 2.36 Swale Borough Council adopted a new Local Plan, *Bearing Fruits 2031*, in July 2017. This sets out the Council’s policies for development within the Borough during the period up to 2031.

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<sup>14</sup> <http://www.kpho.org.uk/>

- 2.37 The GTAA that was published in 2013 formed part of the evidence base for Bearing Fruits. The Council was at Examination stage when the revised PPTS was published in August 2015. This resulted in the Council reviewing the evidence base and revising its position on allocating Gypsy and Traveller sites. As a result of this work the Council did not allocate sites in Bearing Fruits 2031: The Swale Borough Local Plan 2017 and has revised the overall need from the Gypsy and Traveller Accommodation Assessment. This was formally agreed by the Local Plan Inspector. The remaining need was small and the Council's position is that this can be comfortably provided from planning applications during the plan period on suitable 'windfall' sites.
- 2.38 This GTAA 2018 has been prepared by arc<sup>4</sup> to help inform future planning and housing policy decisions relating to Traveller issues for the period from 2022/23 up to 2037/38.

### 3. Methodology

- 3.1 In order to achieve a clear and transparent evidence base and deliver the objectives of the study, the following methodology was developed based on the requirements of current Government policy<sup>15</sup> and following an established and approved approach<sup>16</sup>.
- 3.2 Fundamental to the methodological approach adopted by arc<sup>4</sup> is the priority of collecting up-to-date primary data to inform all aspects of the research base. In particular in relation to GTAA surveys, this includes meaningful engagement with members of the local Gypsy and Traveller and Travelling Showpeople community. Through our links with Traveller representatives and the sensitive approach of our experienced field team, we have a track-record of obtaining a high degree of participation from local households living on pitches and plots within the relevant study area. In addition, we engage with local and strategic stakeholders who have an understanding and experience of Traveller issues, which assists in informing the findings of the study.
- 3.3 The methodology for this study has therefore comprised:
- Desktop analysis of existing documents, including data on pitches/sites, plots/yards and unauthorised encampments;
  - The collection of primary data, including a fieldwork survey and household interviews with Gypsies and Travellers and Travelling Showpeople on sites/yards and living in bricks and mortar accommodation;
  - An online stakeholder survey; and
  - An assessment of accommodation needs taking into account all available data and information.
- 3.4 The information gathering has been carried out in three phases, as outlined below:
- Phase 1: Literature/desktop review and steering group discussions;
  - Phase 2: Fieldwork survey (including census) and interviews with Gypsies and Travellers and Travelling Showpeople across the Swale area;
  - Phase 3: Online survey of stakeholders; and
  - Phase 4: Needs assessment and production of the GTAA 2018 report.

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<sup>15</sup> DCLG Planning policy for traveller sites (PPTS), August 2015 and planning policy statement of 31<sup>st</sup> August 2015, as reviewed in Chapter 2.

<sup>16</sup> DCLG Gypsy and Traveller Accommodation Needs Assessments Guidance, October 2007, cancelled in December 2016, but providing a standard and approved approach, as reviewed in Chapter 2.

## Phase 1: Literature/desktop review and steering group discussions

- 3.5 This phase comprised a review of available literature, including legislative background and best practice information; and analysis of available secondary data relating to Gypsies and Travellers and Travelling Showpeople in the Swale area.
- 3.6 Relevant regional, sub-regional and local information has been collected, collated and reviewed, including information on:
- The national policy and legislative context;
  - Current policies towards Gypsies and Travellers in Swale (drawn from Local Authority policy documents, planning documents, housing strategies and homelessness strategies); and
  - Analysis of existing data sources available from the Council.
- 3.7 This information has helped to shape the development of this report, and in particular the review of the legislative and policy context set out in Chapter 2.
- 3.8 The project steering group was fully consulted regarding the most appropriate methodology for undertaking the assessment work, including site fieldwork, and provided stakeholder contact information for undertaking the stakeholder survey.

## Phase 2: Fieldwork survey and interviews with Gypsies and Travellers and Travelling Showpeople

- 3.9 The primary fieldwork for this study comprised survey work with Gypsies and Travellers. The questionnaire (Appendix C) was designed by arc<sup>4</sup> in consultation with the project steering group and build upon our standard questionnaire.
- 3.10 The household survey was undertaken by arc<sup>4</sup>. The overarching aim of the fieldwork was to maximise the number of interviews secured from Gypsy and Traveller, Travelling Showpeople and houseboat households living within the Borough. Consulting with the project steering group prior to the fieldwork survey ensured that the fieldwork team had a good understanding of the local issues facing Gypsies and Travellers and Travelling Showpeople and helped to maximise the community's participation in the study.
- 3.11 The cultural needs of Gypsies and Travellers and Travelling Showpeople differ from those of the rest of the population and consideration of culturally specific requirements such as the need for additional permanent caravan sites and/or transit sites and/or stopping places (or improvements to existing sites) are key to this study. The research has therefore explicitly sought information from Gypsies and Travellers and Travelling Showpeople from across the Borough living in different types of accommodation.
- 3.12 Interviews took place during January to March 2018. Responses achieved by tenure and type of site are presented in Table 3.1.

- 3.13 Site observation data indicates there are 123 households (which includes 1 travelling showperson household) of whom 79 live on authorised pitches, 11 on temporary authorised pitches and 22 on unauthorised pitches. In addition, there are 40 households living on Brotherhood Woodyard and despite attempts to obtain information on households living on this site no successful interviews were achieved. Excluding Brotherhood Woodyard, there are a total of 123 Gypsy and Traveller/Travelling Showperson households and 84 responded to the interview questionnaire which represents a response rate of 68.3%.
- 3.14 The 2011 Census estimates there are 208 Gypsies and Traveller households currently living across Swale, of whom 149 households live in bricks and mortar accommodation. Despite a number of different approaches (including liaison with Education Teams, engagement with community support groups), no interviews were achieved with Gypsies and Travellers and Travelling Showpeople living in bricks and mortar accommodation. Instead, the 2011 Census data has been used along with some statistical assumptions regarding the typical proportion of need arising from bricks and mortar households (based on other arc<sup>4</sup> studies) (see Chapter 7).

**Table 3.1 Responses achieved to the Household Survey 2018 by tenure and type of accommodation**

Tenure and type of site	Total Pitches	Household numbers	
		Total households	Interviews achieved
Council (permanent) authorised	15	11	5
Private (permanent) authorised	158	119	53
Private temporary authorised	12	11	11
Unauthorised*	20	22	15
<b>Total</b>	<b>205</b>	<b>163</b>	<b>84</b>

\*Includes Travelling Showperson household

- 3.15 arc<sup>4</sup>'s methodology includes analysing the household survey findings to determine the self-defined travelling practices of each interviewed household. This includes answers to questions of travelling history (current and year preceding); reasons for travel; travel plans (current year and the next five years); annual duration of travel (recent and planned); destinations and reasons for travel; and reasons for not travelling (now and in the future). By translating this assessment of each household's 'PPTS-compliance' into a proportion of the population in question, it can be determined what percentage of households fall within the 'PPTS 2015' definition. By contrast, all households identifying as part of the Gypsy and Traveller or Travelling Showpeople community are contained within a broader 'cultural' definition, an approach which is supported by the Draft Revised NPPF (March 2018).
- 3.16 Analysis of household survey data establishes that overall 77.1% of Gypsies and Travellers living on pitches across Swale Borough satisfy the PPTS definition of Gypsies and Travellers. These households meet the definition by either travelling in the

preceding year or within the past 5 years and/or intend to travel in the next year or in any year in the next five years.

- 3.17 The analysis of which households meet the travelling requirements of the PPTS definition has been further broken down by looking separately at different types of site, with 77.6% of households on permanent authorised sites meeting the definition, 72.7% of those on temporary authorised sites and 78.6% on unauthorised sites.

### Phase 3: Stakeholder survey

- 3.18 The survey of stakeholders was conducted during January and February 2018, by means of an online questionnaire. The survey was undertaken jointly in partnership with Ashford, Canterbury, Dover, Shepway and Thanet Councils as part of their GTAA processes. Contact information for key stakeholders was provided by the six local authorities. Stakeholders were contacted and asked to participate in the online questionnaire, answering whichever questions they felt were relevant to their knowledge and experience. The questionnaire was initially made available from 30<sup>th</sup> January to 16<sup>th</sup> February 2018. Reminder emails were sent out to encourage as many responses as possible, with two further extensions up to 2<sup>nd</sup> March 2018 to maximise participation. A total of 49 responses to the stakeholder survey were obtained and these have been analysed quantitatively and qualitatively, as appropriate to the relevant data.
- 3.19 The stakeholder consultation invited representatives from all of the neighbouring borough and district local authorities, who were requested to provide information regarding their local situation and provision, including issues such as unauthorised encampment activity. This approach assists the Council in meeting their requirements under the Duty to Cooperate.
- 3.20 The findings of the online stakeholder survey are set out in Chapter 6 of this report.

### Phase 4: Needs assessment and production of report

- 3.21 The assessment of pitch requirements has been calculated by utilising information on current supply of pitches and the results from the survey. The overall number of pitches has been calculated using local authority and fieldwork survey information, with likely capacity through turnover assessed through the household survey and discussions with those who manage the council-owned sites.
- 3.22 A detailed explanation of the analysis of pitch requirements is contained in Chapter 7 but briefly comprises analysis of the following elements:
- Current pitch provision, households living in bricks and mortar accommodation; households planning to move in the next five years, and emerging households to give total demand for pitches; and
  - Turnover on existing pitches and total supply.
- 3.23 The approach used then reconciles the demand and supply data to identify overall pitch requirements.

- 3.24 To identify any need for transit provision, findings from the household survey have been analysed alongside other contextual information including records of unauthorised encampments.

### Pitches and households

- 3.25 One of the key challenges faced when assessing Gypsy and Traveller pitch requirements is the actual nature of pitches and how this relates to the number of households they can support.
- 3.26 PPTS 2015 refers to the need for Local Planning Authorities to *'identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets'* and *'relate the number of pitches/plots to the circumstances of the specific size and location of the site and the surrounding population's size and density'* (PPTS 2015, paragraph 10).
- 3.27 Planning decision notices usually refer the number of pitches on a site or the specifics of what can be on a pitch e.g. statics, tourers; or specific individuals and/or households.
- 3.28 As part of the GTAA, it is essential that the characteristics of sites, the number of pitches and how many households these can support is carefully considered. There are a range of issues which need to be considered when reviewing site and pitch characteristics and their potential implications for future pitch and site requirements which are now summarised.

### Site and pitch size

- 3.29 There are no definitive parameters for site or pitch sizes. Previous Design Guidance (DCLG, 2008) states in paragraph 4.4 that *'Gypsy and Traveller sites are designed to provide land per household which is suitable for a mobile home, touring caravan and a utility building, together with space for parking. Sites of various sizes, layouts and pitch numbers operate successfully today and work best when they take into account the size of the site and the needs and demographics of the families resident on them'*.
- 3.30 Paragraph 4.47 states that *'to ensure fire safety it is essential that every trailer, caravan or park home must be not less than 6 metres from any other trailer, caravan or park home that is occupied separately'*.
- 3.31 Paragraph 7.12 states that *'as a general guide, it is possible to specify that an average family pitch must be capable of accommodating an amenity building, a large trailer and touring caravan (or two trailers, drying space for clothes, a lockable shed (for bicycles, wheelchair storage etc.), parking space for two vehicles and a small garden area'*.
- 3.32 Paragraph 4.13 states that *'smaller pitches must be able to accommodate at least an amenity building, a large trailer, drying space for clothes and parking for at least one vehicle'*.

## Occupancy

- 3.33 A pitch may accommodate more than one family unit, for instance it could include a family, older children who have formed their own household and other family members. This could lead to potential overcrowding and this is considered as part of the GTAA household survey.
- 3.34 Private sites may restrict occupancy to close family/friends. This limits opportunity for others to move onto the site but this restrictive occupancy may provide for emerging needs within a household, for example as grown-up children (previously living within a parent(s) or grandparent(s) home) form independent households of their own.
- 3.35 Quality, size of pitch and proximity of caravans on pitches vary dramatically.

## Response

- 3.36 For each site, a pragmatic and reasonable judgement should be made as part of the GTAA regarding the number of pitches or sub-divisions on sites. This may relate to the number of families living on sites and could include a consideration of the potential intensification of sites (for instance through further sub-division, extension or use of vacant areas within the site). Capacity and layout of sites should be identified through site observation (directly or indirectly through Google maps or similar), planning history and local knowledge of planning, enforcement and liaison officers.
- 3.37 Pitches can become intensified or sub-divided once planning applications have been approved. These sub-divisions tend to be tolerated by councils. Often pitches become subdivided to provide space for newly-forming households, particularly from family members.

## 4. Review of the Gypsy and Traveller population and existing pitch/plot provision

4.1 This chapter looks at the current picture in terms of the current population and demography of Gypsies and Travellers across the study area before going on to explore the extent and nature of provision across the area.

### 2011 Census population estimates

4.2 Whilst it is recognised that some families may not identify themselves as Gypsies or Travellers in research, the 2011 Census<sup>17</sup> identifies a total of 208 households in Swale Borough as having a ‘White: Gypsy or Irish Traveller’ (WGoIT) ethnicity (Table 4.1a). Of these, 71.6% (149 households) lived in bricks and mortar accommodation (house or bungalow, or flat, maisonette or apartment) and 28.4% (59 households) lived in a caravan or other mobile or temporary structure.

Total: Accommodation type	House or bungalow	A flat, maisonette or apartment	A caravan or other mobile or temporary structure
208	133	16	59

Source: 2011 Census

4.3 The 2011 Census provides further information on actual residents and Table 4.1b provides details of the breakdown of people.

Total: Accommodation type	House or bungalow	A flat, maisonette or apartment	A caravan or other mobile or temporary structure
668	437	39	192

Source: 2011 Census

4.4 Table 4.1c provides an analysis of people and households and shows that the average household size is 3.2 persons for Gypsies and Travellers in Swale Borough. This compares with an average household size of 2.3 (down from 2.4 in 2001) for the UK as

<sup>17</sup> Tables 5.1a to 5.1e are taken from the Census 2011. Special tables were commissioned by ONS to cover the ethnicity and several data sets were produced and made available on the ONS website on the 21<sup>st</sup> January 2014. See Tables CT0127 and CT0128. Main article: <http://www.ons.gov.uk/ons/rel/census/2011-census-analysis/what-does-the-2011-census-tell-us-about-the-characteristics-of-gypsy-or-irish-travellers-in-england-and-wales-/index.html>

a whole and looking at all households. There is some variation in the average Gypsy and Traveller household size between accommodation types however, with an average of 3.3 persons per household in houses/bungalows compared with 2.4 persons per household in flats/maisonettes/apartments and 3.3 persons per household in caravans/mobiles.

<b>Total: Accommodation type</b>	<b>House or bungalow</b>	<b>A flat, maisonette or apartment</b>	<b>A caravan or other mobile or temporary structure</b>
3.2	3.3	2.4	3.3

Source: 2011 Census

## Caravan Count information

- 4.5 Snapshot counts of the number of Gypsy and Traveller caravans were requested by the Government in 1979 and have since been undertaken bi-annually by local authorities on a voluntary basis?? Is it voluntary or compulsory? every January and July<sup>18</sup>. Their accuracy varies between local authorities and according to how information is included in the process. A major criticism is the non-involvement of Gypsies and Travellers themselves in the counts. However, the counts, conducted on a single day twice a year, are the only systematic source of information on the numbers and distribution of Gypsy and Traveller caravans and trailers. The counts include caravans (or trailers) on and off authorised sites (i.e. those with planning permission) but do not relate necessarily to the actual number of pitches on sites.
- 4.6 The latest Traveller caravan count figures available are from the July 2017 Count of Traveller Caravans (England)<sup>19</sup>, which nationally found that:
- The total number of traveller caravans in England in July 2017 was 22,792. This is 1,422 more than the 21,370 reported in July 2016.
  - 6,701 caravans were on authorised socially rented sites. This is an increase of 429 since the July 2016 count, which recorded 6,272.
  - The number of caravans on authorised privately funded sites was 12,370. This was 753 more than the 11,617 recorded in July 2016. The number of caravans on authorised private sites has increased each year since 2007.
  - The number of caravans on unauthorised encampments on land owned by travellers was 2,197. This is a decrease of 19 compared to the July 2016 figure of 2,216.

<sup>18</sup> Historically caravan counts have not included Travelling Showpeople. Since 2010 the Government has requested that January counts include Travelling Showpeople, however, the figures relating to Travelling Showpeople are reported separately and not included in the overall count figures.

<sup>19</sup> DCLG Count of Traveller Caravans July 2017 England, Housing Statistical Release 16 November 2017

- The number of caravans on unauthorised encampments on land not owned by travellers was 1,524. This was 259 caravans more than the July 2016 count of 1,265.
- Overall, the July 2017 count indicated that 84 per cent of traveller caravans in England were on authorised land and that 16 per cent were on unauthorised land. This is the same as the 2016 count.

4.7 At the county level, the count found that<sup>20</sup>:

- In July 2017 there were 1,831 traveller caravans in Kent. This is 10% more than one year ago when there were 1,665 caravans. There were an additional 45 caravans in Medway Unitary Authority.
- Of the 1,831: 300 (16%) were socially rented on authorised sites. 1,148 (63%) were private caravans on authorised sites. 383 (21%) were on ‘unauthorised’ sites.
- The 21% on ‘unauthorised’ sites is above the national (England) average of 16%.

4.8 The figures for the last six Traveller caravan counts for Swale are set out in Table 4.2. This shows that an average of around 249 caravans have been recorded on sites across the Swale Borough area during the six-count period. Of these, around 226 (90.8%) are on authorised sites with planning permission. Of these, around 211 are on private sites (84.8%) and 15 are on social-rented sites (6.0%). An average of around 23 (9.1%) of recorded caravans are on unauthorised sites, without planning permission.

Swale Count	Authorised sites with planning permission		Unauthorised sites without planning permission	Total
	Social Rented	Total Private	Total Unauthorised	
Jan 2015	23	198	18	<b>239</b>
Jul 2015	0	177	9	<b>186</b>
Jan 2016	23	204	13	<b>240</b>
Jul 2016	3	222	17	<b>242</b>
Jan 2017	23	240	16	<b>279</b>
Jul 2017	18	224	63	<b>305</b>
<b>Six-Count Average</b>	<b>15.0</b>	<b>210.8</b>	<b>22.7</b>	<b>248.5</b>
<b>Six-Count % Average</b>	<b>6.0%</b>	<b>84.8%</b>	<b>9.1%</b>	<b>100.0%</b>

Source: DCLG Traveller Caravan Count, Live Table 1 (July 2017)

<sup>20</sup> Kent County Council, *Strategic Intelligence Statistical Bulletin*, November 2017

- 4.9 In addition to the bi-annual Traveller Caravan Count, there is an annual snapshot count of the number of Travelling Showpeople caravans, which is undertaken alongside the January count of Gypsy and Traveller caravans (as above). The most recently-available published data is therefore January 2017. Overall findings include<sup>21</sup>:
- In England the number of Travelling Showpeople caravans totalled 2,701; down from 2,487 the previous year. Of which: 60 were socially rented 2,432 were private caravans 209 were on 'unauthorised' sites (ie. without a planning permission); and
  - The number of Travelling Showpeople caravans in Kent in the January 2017 return was 19 vans; down from 27 in the previous year. These were recorded in three local authorities: Dartford (6), Swale (6) and Tonbridge & Malling (7). In addition, Medway also recorded 19 vans.
- 4.10 Table 4.3 sets out the data from the last four Travelling Showpeople caravan counts, 2014-2017, for Swale Borough. This shows that no Travelling Showperson caravans were recorded on authorised yards. However, an average of around 5 Travelling Showperson caravans were recorded on unauthorised sites during the annual count.

Swale Count	Authorised sites with planning permission		Unauthorised sites without planning permission	Total
	Social Rented	Total Private	Total Unauthorised	
2014	0	0	4	<b>4</b>
2015	0	0	0	<b>0</b>
2016	0	0	8	<b>8</b>
2017	0	0	6	<b>6</b>
<b>Four-Count Average</b>	<b>0</b>	<b>0</b>	<b>4.5</b>	<b>4.5</b>
<b>Four-Count % Average</b>	<b>0%</b>	<b>0%</b>	<b>100%</b>	<b>100%</b>

Source: DCLG Travelling Showpeople Caravan Count, Live Table 3 (July 2017)

## Local information

- 4.11 Data on the provision of sites considers both authorised and unauthorised sites across Swale Borough.
- 4.12 Broadly speaking, authorised sites are those with planning permission and can be on either public or privately-owned land. Unauthorised sites are made up of either longer

<sup>21</sup> Kent County Council, *Strategic Intelligence Statistical Bulletin*, November 2017

term<sup>22</sup> unauthorised encampments<sup>23</sup>, that have been in existence for some considerable time and so can be considered to be indicative of a permanent need for accommodation (in some instances local authorities class these as tolerated sites and do not take enforcement action to remove them); and unauthorised developments, where Travellers are residing upon land that they own and that does not have planning permission (see Appendix D for more detailed definitions).

- 4.13 Table 4.4 sets out information relating to the Gypsy and Traveller sites / Travelling Showperson yards located within Swale Borough, and the locations of these sites are shown on Map 4.1. Overall there are: two authorised permanent Council sites (with a total of 15 pitches); 59 private authorised sites (with a total of 158 pitches which includes Brotherhood Woodyard); 4 temporary private sites (with a total of 12 pitches), 12 unauthorised sites (with a total of 19 pitches) plus one unauthorised Travelling Showperson yard (with 1 plot).

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<sup>22</sup> Approximately three months or longer

<sup>23</sup> Please note that unauthorised encampments also encompass short-term illegal encampments, which are more indicative of transit need, see para 7.10 for more information on these encampments.

Table 4.4 List of Gypsy &amp; Traveller sites and Travelling Showperson yards (as at September 2018)

Site/Yard Code	Postcode	Address	Location	Ownership	Total Pitches	Households*	Achieved Interviews
Council1	ME12 8SP	Silver Spot, Old Ferry Road	Iwade	Social	1	0	0
Council2	ME12 3SP	Three Lakes Park	Murston	Social	14	11	5
PrivAuth1	ME12 3SP	The Barn Yard, Greyhound Road	Minster	Private Authorised	2	1	0
PrivAuth2	ME12 3SP	Ivygate, Greyhound Road	Minster	Private Authorised	1	1	0
PrivAuth3	ME12 3SP	Rambling Rose, Greyhound Road	Minster	Private Authorised	2	1	1
PrivAuth4	ME12 3SP	The Peartree, Greyhound Road	Minster	Private Authorised	1	1	1
PrivAuth5	ME12 3SP	Blackthorn Lodge, Greyhound Road	Minster	Private Authorised	2	1	2
PrivAuth6	ME12 3SP	The Three Palms, Greyhound Road	Minster	Private Authorised	1	1	1
PrivAuth7	ME12 3SP	Woodlands Lodge, Greyhound Road	Minster	Private Authorised	1	1	1
PrivAuth8	ME12 3SP	The Hawthorns, Greyhound Road	Minster	Private Authorised	1	1	1
PrivAuth9	ME12 3SP	The Goldfinch, Greyhound Road	Minster	Private Authorised	1	2	1
PrivAuth10	ME9 7HN	Orchard View, Otterham Quay Lane	Upchurch	Private Authorised	3	1	0
PrivAuth11	ME9 7HN	The Orchard, Holywell Lane	Upchurch	Private Authorised	3	1	1
PrivAuth12	ME12 3SS	The Farmyard, Elmley Road	Minster	Private Authorised	1	1	0
PrivAuth13	ME9 7XE	Windmill Farm, Yaugher Lane	Hartlip	Private Authorised	2	1	1
PrivAuth14	ME12 4HD	Shannon's Place, Ivy Dene, Warden Road	Eastchurch	Private Authorised	2	2	2
PrivAuth15	ME12 4HF	Thornfield, Thornhill Road	Eastchurch	Private Authorised	2	2	2
PrivAuth16	ME12 4JA	Patch of Heaven, Bell Farm Lane	Minster	Private Authorised	1	1	1
PrivAuth17	ME12 4JB	Happy Days, Bell Farm Lane	Minster	Private Authorised	1	1	0
PrivAuth18	ME12 4JB	Seaview, Bell Farm Lane	Minster	Private Authorised	1	0	0
PrivAuth19	ME12 4JB	The Retreat, Bell Farm Lane	Minster	Private Authorised	1	1	0
PrivAuth20	ME12 4JL	The Barn, Garretts Farm, Plough Road	Eastchurch	Private Authorised	1	0	0
PrivAuth21	ME13 4AG	Tillies, Ocean Drive	Leysdown	Private Authorised	1	1	1

Site/Yard Code	Postcode	Address	Location	Ownership	Total Pitches	Households*	Achieved Interviews
PrivAuth22	ME13 0TN	Stone Crossing, Lower Road	Norton	Private Authorised	2	1	1
PrivAuth23	ME13 9LF	Little Purchase Farm, Scoggers Hill	Dunkirk	Private Authorised	5	0	0
PrivAuth24	ME13 9LF	One Oak, London Road	Dunkirk	Private Authorised	1	1	1
PrivAuth25	ME13 9LN	Brotherhood Wood, Gate Hill	Dunkirk	Private Authorised	40	40	0
PrivAuth26	ME8 8QR	The Three Sisters, Otterham Quay Lane	Upchurch	Private Authorised	2	1	1
PrivAuth27	ME9 0NA	The Courtyard, 18 Seed Road	Newnham	Private Authorised	1	1	1
PrivAuth28	ME9 5QH	Summer Cottages, School Lane	Iwade	Private Authorised	3	2	1
PrivAuth29	ME9 5QH	Highview, School Lane	Iwade	Private Authorised	2	1	1
PrivAuth30	ME9 7AB	Jack Russell Place, Halstow Lane	Upchurch	Private Authorised	5	1	1
PrivAuth31	ME9 7AT	Orchard Park, Oak Lane, Upchurch	Upchurch	Private Authorised	9	9	0
PrivAuth32	ME9 7BE	Oast Field Stud, Gore Farm track, Holywell Lane	Upchurch	Private Authorised	1	1	1
PrivAuth33	ME9 7BG	Hursell Farm, Chaffes Lane	Upchurch	Private Authorised	3	1	1
PrivAuth34	ME9 7BX	Mattsfield, Boxted Lane	Lower Halstow	Private Authorised	4	5	3
PrivAuth35	ME9 7DD	Westfield Dairy, The Street	Bredgar	Private Authorised	1	2	2
PrivAuth36	ME9 7ER	Halstow Cross, Wardwell Lane	Lower Halstow	Private Authorised	1	1	1
PrivAuth37	ME9 7ER	Little Acres, Wardwell Lane	Lower Halstow	Private Authorised	4	2	2
PrivAuth38	ME9 7ER	The Cobbs, Wardwell Lane	Lower Halstow	Private Authorised	1	1	2
PrivAuth39	ME9 7HP	Green Acres, Holywell Lane	Upchurch	Private Authorised	2	1	1
PrivAuth40	ME9 7HP	The Paddock, Holywell Lane	Upchurch	Private Authorised	4	2	2
PrivAuth41	ME9 7HP	Land adjacent The Paddock, Holywell Lane	Upchurch	Private Authorised	2	1	1
PrivAuth42	ME9 7HP	Hedgerows, Holywell Lane	Upchurch	Private Authorised	1	1	1
PrivAuth43	ME9 7HR	Fir View, 111 London Road	Newington	Private Authorised	1	1	2

PrivAuth44	ME9 7PX	Wormdale Farm	Newington	Private Authorised	1	1	1
PrivAuth45	ME9 7QA	Cookham-Shaw, Maidstone Road	Borden	Private Authorised	3	1	1
PrivAuth46	ME9 7QB	Oakdene, Woodgate Lane	Borden	Private Authorised	1	1	1
PrivAuth47	ME9 7RH	Stonefield, Oad Street	Borden	Private Authorised	1	1	1
PrivAuth48	ME9 8JU	The Willows, Munsgore Lane	Borden	Private Authorised	3	1	1
PrivAuth49	ME9 8NA	Keycol Farm, Keycol Hill	Newington	Private Authorised	1	3	0
PrivAuth50	ME9 8QE	Tiptree Farm, School Lane	Iwade	Private Authorised	5	1	1
PrivAuth51	ME9 8QE	Land Adjacent to Tiptree Bungalow, School Lane	Iwade	Private Authorised	2	2	2
PrivAuth52	ME9 8QH	Land Far East of Plantation Lodge, School Lane	Iwade	Private Authorised	1	0	0
PrivAuth53	ME9 8QP	Eden Top, Sheppey Way	Bobbing	Private Authorised	1	0	0
PrivAuth54	ME9 8RA	Horsford Orchard, Featherbed Lane	Sittingbourne	Private Authorised	1	2	1
PrivAuth55	ME9 8SP	Cricket Meadow, Old Ferry Road	Iwade	Private Authorised	5	1	1
PrivAuth56	ME9 9BB	Bakers Place, Lomas Road	Tonge	Private Authorised	1	1	1
PrivAuth57	ME9 9LD	Mockbeggar Farm, Lower Road	Norton	Private Authorised	1	1	0
PrivAuth58	ME12 4JJ	Brambles, Old Billet Lane, Minster	Eastchurch	Private Authorised	2	2	0
PrivAuth59	ME13 8AP	Orchard Place, Ashford Road	Leaveland	Private Authorised	3	3	0
Temp Auth1	ME12 4JB	Salvation Place, Bell Farm Lane	Minster	Private Temp Auth	2	1	1
Temp Auth2	ME13 OSP	The Meads Farm, Everland Lane	Ospringe	Private Temp Auth	1	1	1
Temp Auth3	ME9 0HF	Graces Place, Homestall lane	Doddington	Private Temp Auth	1	1	1
Temp Auth4	ME9 7TT	Land at Spade Lane	Hartlip	Private Temp Auth	8	8	8
TSPUnauth1	ME9 8SL	Circus Wintering Ground	Iwade	Private Unauthorised	1	1	1
Unauth1	ME10 OSP	Hill Top Farm, Everland Lane	Ospringe	Private Unauthorised	1	1	0
Unauth2	ME12 4JS	Dinky Cot, Sunset Avenue	Eastchurch	Private Unauthorised	1	1	1

Unauth3	ME13 0PJ	The Old Bindery, Almshouses Road	Throwley	Private Unauthorised	1	1	1
Unauth4	ME13 OSP	Horseshoe Farm, Everland Lane	Ospringe	Private Unauthorised	1	1	2
Unauth5	ME9 7AB	Ridgedale Riding School, Lower Halstow	Upchurch	Private Unauthorised	3	5	5
Unauth6	ME12 3SP	Land adjacent of The Goldfinch	Minster	Private Unauthorised	0	0	0
Unauth7	ME9 7HN	St Thomas Yard, Holywell Lane	Upchurch	Private Unauthorised	3	1	1
Unauth8	ME9 8AR	One Acre, Blind Marys Lane	Bredgar	Private Unauthorised	1	2	1
Site/Yard Code	Postcode	Address	Location	Ownership	Total Pitches	Households*	Achieved Interviews
Unauth9	ME9 0LH	Romany Rest, Newnham Lane	Eastling	Private Unauthorised	1	1	0
Unauth10	ME9 7DT	Chapel Orchard, Land off The Street	Lower Halstow	Private Unauthorised	1	1	1
Unauth12	ME13 OSP	The Retreat, Elverland Lane	Ospringe	Private Unauthorised	1	2	2
Unauth14	ME9 8SL	Raspberry Hill Park, Raspberry Hill	Iwade	Private Unauthorised	5	5	0
<b>Total</b>					<b>205</b>	<b>163</b>	<b>84</b>

Source: Swale Borough Council data 2018, site survey fieldwork 2018

\*Number of households present at site observation or understood to be living on the site/yard

### Note on Brotherhood Woodyard

Brotherhood Woodyard is defined as a Gypsy and Traveller Site. It was most recently granted planning permission to intensify to a total of 40 permanent pitches (plus 7 transit pitches) on 02/05/2018 (17/502338/FULL). However, there are issues around the occupancy and layout of the site and enforcement action is underway. Given that these issues are not yet resolved, the 40 pitches in this location cannot be included as part of the met need or supply at this time. The situation will be monitored and considered as appropriate in future updates to this report.

## 5. Household survey findings

- 5.1 This chapter presents the findings of the household survey, which was carried out to provide primary data to inform this GTAA. The survey aimed to reach as many Gypsy, Traveller, Travelling Showpeople and houseboat dweller households living within Swale as possible. It was conducted using the questionnaire which is set out in Appendix C.
- 5.2 The methodology is set out in Chapter 3.
- 5.3 There was a total of 84 responses to the household survey. Of these, 83 were Gypsies and Travellers living on pitches:
- 49 households were living on permanent authorised private sites;
  - 5 households were living on the local authority site (permanent authorised);
  - 17 households were living on temporary authorised private sites; and
  - 12 households were living on unauthorised sites.
- 5.4 In addition, one Travelling Showperson was living on an unauthorised yard.
- 5.5 The data collected has been used to establish the extent to which additional pitches and plots are required. This assessment is set out in Chapter 7.
- 5.6 It would not be appropriate to provide a detailed analysis of the survey information broken down by type of site, as this has the potential to identify individual responses. Broad summaries of household survey data are presented below in order to maintain respondent confidentiality.

### Gypsy and Traveller and Travelling Showpeople households living in Swale

- 5.7 A total of 84 households were interviewed living on pitches across the Council area. Of these households, 40.5% identified themselves as English Gypsy; 25.0% identified as English Traveller; 19.0% as Romany Gypsy; 12.1% as Irish Traveller; 1.2% as Circus Traveller and 1.2% as 'other' ethnicity.
- 5.8 Asked to identify their household form, 69.0% of respondents stated '*family*' or '*extended family*'. A further 7.1% identified as single parents, indicating that over three-quarters of households (around 76.2%) include children overall (although some of these may be adult children living at home). 15.5% of responding households identified as comprising a single adult and 4.8% identified as couples.
- 5.9 Of the 84 households interviewed, one-fifth (21.4%) identified as including one person; 23.8% comprised of two people; 23.8% were three people; 16.7% were four people and 14.3% included five or more people (of whom 7.1% comprised of five people, 4.8% six people, 1.2% eight people and 1.2% eleven people).
- 5.10 The household survey identified a total of 247 people living within the 84 households, indicating an average (mean) of 2.94 persons per household across all pitches.

- 5.11 Ages were provided for 225 people. A total of 47 children under the age of 13 years were identified. In addition, there were a further 33 young people aged 13-19 years and therefore likely to form households in the next 5 years (2017/18 to 2021/22).
- 5.12 Of the population for whom ages were supplied (225 persons), 20.9% were aged under 13 years, 14.7% were aged 13-19 years, 26.7% were aged 20-39 years, 29.8% were aged 40-59 years and 8.0% were aged 60 years or older.
- 5.13 Regarding bedspaces, from a base of 82 responding households, the majority of Gypsies, Travellers and Travelling Showpeople (42.7%) reported that they have three bedspaces available. A further 23.2% stated four bedspaces, 18.3% stated two bedspaces and 2.4% stated one bedspace. In terms of larger provision, 13.4% stated that they have five or more bedspaces.
- 5.14 In terms of duration of residence, from a base of 70 responses, 21.4% of respondents said 2 years or less; 12.9% stated 3-5 years; and 25.7% stated 6-10 years. 40.0% of households stated that they have lived on their current pitch for over ten years. The main reason for moving to the area was family.
- 5.15 When asked about overcrowding, 6 respondents said that their home is overcrowded, which represents 7.1% of households (base of 84). However, only one of the respondents felt that their pitch is overcrowded (1.3% from a base of 79).
- 5.16 65 respondents (or members of their household) stated that they had travelled in the preceding year, representing 77.4% of responding households (from a base of 84). 19 respondents (or members of their household) (22.6%) reported that they had not travelled in the preceding year.
- 5.17 66 respondents (or members of their household) stated that they had travelled previous to the past year. From a base of 84 respondents, this represents 78.6% of households. 18 respondents (or members of their household) (21.4%) said that they had not travelled previous to the past year.
- 5.18 62 households are planning to travel in the next year (76.5% from a base of 81 respondents), and 61 expect to travel each year for the next five years and beyond (74.4% from a base of 82).
- 5.19 The household survey asked about accommodation plans for the future. Eight respondents (from the total of 84) stated that they are planning to move within the next five years. One stated that they intend to move to another site within Swale. Two stated that they intend to live in a trailer.
- 5.20 11 respondents to the household survey said that there are people in their household who want to move to their own pitch in the next five years (i.e. emerging households). This represents 13.1% of households (from a base of 84). Of these 11 emerging households, nine intend to live on the same site as the HRP, one intends to live in the same area, and one did not specify. In terms of type of dwelling, six stated trailer and five stated static.
- 5.21 In terms of scope to expand provision at their current site, 25 respondents (34.3% from a base of 73) expressed the view that this is possible. A range of between one and six additional pitches was suggested as possible.

- 5.22 20 respondents felt that there was potential to intensify existing pitches, representing 25.3% of respondents (base of 79). Between one and four/five additional pitches were suggested as possible through intensification.
- 5.23 Gypsies and Travellers were asked whether they feel there is a need for transit pitches in Swale (for people stopping over temporarily). 68.6% of those responding to the question (base of 70) said yes and 31.4% said no. A range of between one and 12 transit pitches was suggested. A variety of views were expressed regarding preferred management; 14 respondents stated Council and 20 stated Gypsy, Traveller or 'Us'.
- 5.24 Two-thirds (66.7%) of respondents considered that there is a need for additional permanent pitch provision in the Swale Borough area (from a base of 69), compared with one-third (33.3%) who did not see a need for more permanent pitches in the area. A range of between one and four pitches was mentioned by respondents.

## 6. Stakeholder consultation

### Overview

- 6.1 A joint stakeholder consultation was undertaken in partnership with Ashford, Canterbury, Dover, Shepway and Thanet Councils as part of the GTAA process.
- 6.2 Key stakeholders were identified by each of the participating six local authorities. These individuals were invited by arc<sup>4</sup> to participate in an online survey to provide their views on a range of issues relating to Gypsy and Traveller and Travelling Showpeople community within the five council areas and the surrounding area.
- 6.3 A total of 49 separate responses (some only partial) to the stakeholder consultation were obtained from representatives from the county, district, borough and parish councils, utility and healthcare providers, natural and historic environment organisations, planning consultants and Gypsy, Traveller, Travelling Showpeople and Bargee Traveller representative organisations. Respondents were asked to answer only the questions that they felt were relevant to their knowledge and experience. This is a qualitative summary of the views expressed by stakeholders responding to the online survey.

### General support for Gypsies and Travellers

- 6.4 Respondents were asked if they think that there is sufficient understanding and monitoring of the education, employment, health, accommodation and support needs of Gypsies, Travellers and Travelling Showpeople within the study area. There was a range of feedback. Some respondents felt that there was sufficient understanding and monitoring; the strategic role of Kent County Council was highlighted. However, there were several respondents who did not feel that there was adequate understanding and support for Gypsies, Travellers and Travelling Showpeople. One stakeholder felt that these groups are *'very misunderstood'* generally, and another that *'there has never been sufficient understanding'*. Another commented that *'there is a total lack of support in the areas of education, training and employment, through the lack of knowledge of the GRT community'*. They felt that there is a lack of consultation with NGOs who have full knowledge of the people involved, with local authorities failing to reach the communities themselves.
- 6.5 One respondent expressed their opinion that the community's needs are not considered except within the *'whole population perspective'*. Another noted that the needs of Gypsies and Travellers living in social rented bricks and mortar stock or on public sites are better understood than those in private housing; with those living on private Gypsy and Traveller sites it depends on the family ownership, with some being nervous of Council involvement. It was also noted that understanding of employment can be challenging.
- 6.6 In terms of additional support to assist Gypsy, Traveller and Travelling Showpeople families, the following were mentioned by stakeholders: more training, raising awareness, building better links between communities (particularly in villages and rural areas), helping the community engage with parish and town councils, making

information more available (in a variety of formats), employing liaison officers and providing education support such as Virtual Schools. A need for direct support to the Gypsy, Traveller and Travelling Showpeople community was emphasised by several respondents. The provision of more sites to meet accommodation needs was also mentioned, and the suggestion that there could be more information and assistance regarding site availability. One stakeholder emphasised the need for community trust and partnerships, with a need for change and commitment at the local level. However, another stakeholder highlighted that local services (particularly rural services) are already under pressure, with limited support from the Government and local authorities, so meeting all needs is a challenge.

- 6.7 Several respondents were concerned that there is not adequate awareness of the cultural, support and accommodation needs of Gypsies, Travellers and Travelling Showpeople. Some respondents mentioned concerns about racism and conflict with the settled community. It was noted by one stakeholder that most knowledge and awareness among settled communities have been formed via the media, and personal experience is often in the context of conflict over either transient encampments or unauthorised development. Suggestions to raise awareness included more training, including training officers to better understand the ways and traditions of Gypsies, Travellers and Travelling Showpeople; *'myth busting'*; establishing better links with existing Gypsy, Traveller and Travelling Showpeople community groups and seeking proactive solutions; engaging with the settled community and improving the attitudes and awareness of the general public through websites, public meetings and events.
- 6.8 In terms of specific actions that organisations have taken to raise awareness of the cultural, support and accommodation requirements of Gypsies, Travellers, Travelling Showpeople and Bargee Travellers, the following were mentioned: training for officers and members; arranging specific events to aid understanding of Gypsy and Traveller, Travelling Showpeople and Roma people; and showing respect and understanding for the traditions and cultures of these communities in dealing with and working with them. A lack of funding was highlighted as a problem in restricting opportunities at the present time.
- 6.9 Gypsy, Traveller and Travelling Showpeople organisations reported on a range of activities: fund raising; providing education support, training, employment, youth clubs and sports; putting on shows at the County Showground; building community centres; providing accommodation and a transit site; and providing advice to Government through a DCLG working group and Traveller Law Reform Unit.
- 6.10 Additional comments regarding these issues predominantly focused on concerns regarding stigma, bias and barriers that exist in some cases. The need for equality and inclusivity was highlighted, with organisations and communities working in partnership and consultation. In terms of support for the community, there was a suggestion of creating alternative educational facilities to give children practical skills.

## Provision of accommodation

- 6.11 Stakeholders were asked to respond to a series of questions relating to the need for new pitch provision (both permanent and transit), existing pitch provision, households

living in bricks and mortar accommodation, and unauthorised encampment activity. Their responses are summarised below.

### New Permanent sites

- 6.12 Stakeholders were asked whether or not they felt that there is sufficient provision of permanent pitches and plots for Gypsies, Travellers and Travelling Showpeople in the study area. One stakeholder made the general comment that national assessment suggests that there are insufficient permanent pitches/plots available. At the strategic level, across east Kent, several stakeholders raised concerns about a general lack of provision. Two mentioned an awareness of many applications and appeals on small site proposals, indicating a demand for more pitches. One stakeholder felt that there is an issue with being able to find suitable locations for sites in most of the local authority areas involved. Likewise, another noted that the community's birth rate is twice the average, meaning that there is a growing demand and an ongoing shortfall in supply. It was also mentioned that, whilst many existing sites are shown to have the potential to accommodate further pitches/plots, such plots will often be only filled by family members (when children or future children form their own household).
- 6.13 In relation to Swale, two stakeholders expressed the view that the provision of sites has met the level of need identified in previous research. They noted that there is a five-year supply of sites, no overcrowding, no unauthorised activity and few new applications, hence limited indication of further unmet need. One respondent expressed the view that there is not sufficient provision of permanent pitches. Another respondent commented that it is very difficult to make provision as many of the community don't want to settle permanently, and they often have complex needs in terms of families and cultural differences between families.
- 6.14 In terms of locations for new provision, the following points were made by respondents:
- New sites/yards should be located within reasonable reach of services such as schools, shops, health, training and employment;
  - One respondent felt that sites should not too close to residential properties, however another emphasised that they should not be '*pushed out on the periphery of society*';
  - New sites/yards need adequate transport links, with good quality access to the primary road network. More rural parts of the County were mentioned as being unsuitable for the types of vehicle that are used on a regular basis;
  - Brownfield sites in urban areas were suggested;
  - The challenge of Green Belt was also noted;
  - New sites/yards should not be placed in areas of Flood Zones 2/3 due to the risk to life and property. It was recommended that local planning authorities should carry out a Sequential Test (ST) for any proposed site, even for change of use. It must also pass the Exception Test (ET) at the planning application stage;

- A partnership working party was proposed, made up of local NGOs and local authorities, this working party could look at areas and consult with the community;
  - One stakeholder noted that Gypsies and Travellers seem to be moving further into east Kent, as it is harder to find sites closer to London. Along with a need arising from families already living in east Kent, new provision in Swale, Ashford and Dover was suggested.
  - With respect to Swale, one stakeholder suggested that if any new sites are needed then they should be located north of the M2 and close to urban areas where services are available without incurring long journeys. Another stakeholder noted that the settlement strategy directs development towards Sittingbourne, Sheerness and Faversham in the first instance. One respondent suggested that a piece of land should be made available for transit provision. The need for more consultation was also noted.
- 6.15 Stakeholders were asked if there are areas that should be avoided for new permanent pitch/plot provision, and the following suggestions were received as locations to avoid:
- Areas of Outstanding Natural Beauty (AONB) and Areas of High Landscape Value;
  - Locations within or immediately adjacent to Biodiversity Opportunity Areas (BOAs), designated wildlife sites, Sites of Special Scientific Interest (SSSI)/RAMSAR;
  - Sites adjacent to wastewater treatment works;
  - Other high risk areas, including rubbish dumps;
  - Town centres, village centres and hamlets;
  - Sites that have or require access to the high speed road network;
  - Rural areas served by narrow country roads;
  - Locations near to vulnerable people;
  - Affluent areas; and
  - With specific reference to Swale, the Kent Downs AONB was noted as a location that should be avoided. One stakeholder noted that these areas are remote from settlements and site development would compromise the objectives of the AONB designation and impact upon the remoteness and tranquillity of the area.
- 6.16 It was noted by one stakeholder that site locations should be sensitive to the historic environment and should be assessed for impacts on heritage assets. This does not mean that sites should not be located close to listed buildings, scheduled monuments, conservations areas, etc, but that if they are then their design and layout should take into account potential effects on the significance of the historic environment. Another respondent suggested that site selection should *'just follow good planning'*, whilst two expressed the view that locations unfit for general needs housing are equally poor for Gypsies, Travellers and Travelling Showpeople.
- 6.17 Respondents identified the following barriers to new site provision:

- Public opposition and an antipathy towards Travelling communities, partly due to a lack of understanding of the culture and partly due to negative experiences. This public pressure against development (NIMBYism) was mentioned by several respondents, although one respondent also noted that *'this works both ways'* in terms of seeking mutual understanding between different community groups;
- Two stakeholders considered that the main barriers are political, with an unwillingness of local authorities to address the issue and allocate sites. Constantly moving goalposts through policy change was noted as an issue;
- The availability of suitable sites and land ownership issues;
- The cost of land and a lack of funding for public/Council-run sites (including maintenance and management, as well as site development);
- Impacts of new sites on the road network, through traffic generation, were noted. This is particularly relevant where direct access to a trunk road is required;
- One stakeholder noted that many Gypsy families do not want to go onto larger sites and prefer family-related sites – so more small sites are likely to be required;
- Difficulties in assessing need, especially in terms of Government policy and definitions of 'Traveller', local connections etc; and
- With reference to Swale, one stakeholder noted a lack of engagement in the planning process by Gypsies and Travellers before starting development. However, another respondent noted that most Gypsy site applications are called-in and go to Planning Committee for determination, with many subsequently being refused permission.

### Transit sites

- 6.18 When asked whether transit sites are needed, there was a variety of responses. Some stakeholders were unsure, some said no, and others said yes. The change in PPTS definition and the nearness to Channel ports and the Channel Tunnel were given by one stakeholder as reasons for making additional transit provision in the wider east Kent area. Another stakeholder mentioned major transport routes along the A2, M2 and A299, linking the coast with London. They suggested that further work should be done to assist in identifying any work migration patterns linked to agricultural and seasonal work.
- 6.19 One respondent expressed the view that this form of provision should be addressed *'in a strategic manner across Kent'*. Another raised the possibility of a *'mid Kent'* transit pitch to help with unauthorised encampments, although they acknowledged that this could be difficult to manage. A further stakeholder suggested that there should be transit site provision in every area, otherwise the principle behind transit sites won't work.
- 6.20 The importance of consulting with the Travelling communities themselves in planning for transit provision was emphasised by two respondents. They felt that it is important that transit sites are created by the community themselves, and not used to allow Sections 62a to e (Direction Orders) to be implemented against Travellers.

- 6.21 In relation to Swale, one stakeholder suggested that transit provision should be made somewhere along the A2, between Rainham and Faversham. Another stakeholder suggested the possibility of a mid-Kent transit pitch to help with unauthorised encampments; although they suggested that this could be difficult to manage.
- 6.22 Several respondents identified that barriers to transit provision were similar to those relating to new permanent site provision. In addition, the following barriers were specifically mentioned regarding transit provision:
- Public opposition and lack of political will;
  - The challenge of making strategic transit provision without a strategic planning body;
  - Site maintenance and management;
  - Costs; and
  - Site access issues.
- 6.23 In terms of additional comments, one respondent suggested that transit provision could be encouraged on part of small sites.

### Public, affordable and social rented provision

- 6.24 The questionnaire asked stakeholders whether they thought that there is a need for public, affordable or social rented pitches within the study area.
- 6.25 At the general, strategic level, a number of respondents felt that this form of provision is required within Kent. One stated that there will always be a need for public provision, to meet the needs of those who will never be able to provide for themselves. Another commented that there needs to be a range of all types of provision, and that targets should not be so tight that they make extra provision difficult to achieve.
- 6.26 Two stakeholders reported that the County Council has a long waiting list for pitches on the publicly-run sites in east Kent. Another reported that the existing public sites in the wider east Kent area are all old, under-developed and overcrowded and as a result the community is being forced into housing (bricks and mortar) away from their community and support, with a negative impact on lifestyle and wellbeing.
- 6.27 With reference to Swale, one stakeholder felt that there is a need for public, affordable or social rented pitches in the area, in order to meet the needs of those who cannot afford to buy their own sites. Another stakeholder agreed, noting that the County Council has a long waiting list for affordable pitches. However, one respondent did not consider this to be particularly necessary, noting that there is an adequate homeless service provided jointly with a local housing provider.
- 6.28 In terms of additional comments, one stakeholder suggested that a public forum should be set up, including local NGOs who work within the community.

## Existing permanent sites

- 6.29 There was limited response from stakeholders in relation to survey questions regarding existing sites and their facilities. One stakeholder stated that most sites throughout Kent are under-managed and out-of-date. Another respondent expressed the view that private sites are generally OK, but Council sites are poor.
- 6.30 In terms of the management of existing public sites, three stakeholders made general (strategic-level) comments indicating that public sites are poorly, badly and under-managed. One stakeholder said that few people want to go to the public pitches, but some have no choice. Another was concerned that the sites managers operate '*more like enforcement officers*' with limited knowledge of the community and their real needs. Lack of public funds was highlighted as an issue, although the Gypsy Council/Gypsy Cooperative stated that they are willing to talk to local authorities to create privately-funded pitches.
- 6.31 With reference to Swale, one of the responding stakeholders commented that there are only two public sites in the area, one managed by the Borough and one managed by Kent County Council. They noted that both are well managed.
- 6.32 Regarding the management of existing private sites, one stakeholder noted that there are variable management styles and quality. Another stakeholder expressed the view that private sites are well laid out with more space and amenities, and seem to cater for the future needs of family. They said that local authorities put restrictions on commercial use which can impact employment prospects.
- 6.33 Stakeholders were asked if they were aware of issues or tensions between Gypsies, Travellers and Travelling Showpeople and the settled community. There was some awareness of tensions. Gypsy and Traveller representatives expressed concern that there is inadequate support for the community, especially in terms of education and employment. One stakeholder felt that local councillors need to be more engaged in integrating the local Gypsy and Traveller communities, rather than encouraging negativity within local communities and the local press. Another stakeholder commented on the need for the whole community to understand what behaviour is acceptable.
- 6.34 Stakeholders in Swale reported on tensions between the settled and Travelling communities. It was noted that there remains considerable objections to planning applications, as well as enforcement queries from members of the public. The need for accurate accommodation assessments so that the most appropriate sites can be planned for was mentioned. In addition, better awareness to reduce prejudice on both sides was recommended. Another respondent stated that they have tried to address this by supporting small site provision in suitable locations.
- 6.35 Additional comments from stakeholders on these issues included reiterating the need for more positive aspirations, rather than negative actions from the authorities and service providers. The Gypsy Council/Gypsy Cooperative reported that they have created a forum of local GRTS business men and women who are willing to invest but stated that this requires the cooperation and support of county and local authorities.

## Bricks and mortar

- 6.36 Two strategic-level stakeholders confirmed that they are aware of members of the Gypsy, Traveller and Travelling Showpeople community living in bricks and mortar accommodation across Kent. One respondent stated that there are '*many GRTS*' living in bricks and mortar, but living there because of the lack of alternative provision. The other respondent stated that '*massive dwelling occupation*' has resulted from the lack of [pitch] provision since the 1970s, with significant negative impacts as people have been separated from their community. Problems specified include anti-social problems, bullying, depression, drug and alcohol dependency. Both of these stakeholders felt that there is a need for additional pitch provision to cater for members of the community living in bricks and mortar who would prefer to live on a site. They also noted that this would free-up bricks and mortar accommodation to help in meeting wider housing needs within the local community. Two further respondents acknowledged that it is '*likely*' that some of those currently living in bricks and mortar would prefer to live on a pitch, but they were uncertain as to the proportion. Another respondent stated that '*consultation is needed*'.
- 6.37 One stakeholder in Swale reported an awareness of Gypsies, Travellers and Travelling Showpeople living in bricks and mortar accommodation within the Borough. They stated that many are living in social housing.
- 6.38 Asked if there is sufficient support available to Gypsies, Travellers and Travelling Showpeople living in settled accommodation in the study area to help them manage their housing effectively, there was limited feedback from stakeholders. One representative noted that '*there are those who manage, but a great number who cannot*', with evictions resulting from a lack of knowledge of how to cope. The Gypsy Council/Gypsy Cooperative commented that they are constantly signposting people to organisations who deal with rents, health, training and employment but it is difficult to measure success; this is why the organisation is investing in its own community centre. Another stakeholder noted that some Gypsies and Travellers living in houses prefer not to identify their ethnicity due to fears of discrimination.
- 6.39 Stakeholders were asked if they were aware of whether Gypsies, Travellers and Travelling Showpeople feel safe in bricks and mortar accommodation in the study area, and if they have specific cultural needs. One strategic stakeholder expressed the view that those in owner-occupied bricks and mortar accommodation are usually happy, having chosen to live in their home. However, many in 'public' accommodation have been '*forced into it*' and are unhappy. With limited choices, they may end up on troubled estates, with negative consequences.
- 6.40 The only additional comment received was that there is a need for a greater understanding of community needs and the suggestion of a county working group to include local NGOs.

## Unauthorised encampments

- 6.41 Several of the local authority respondents provided information on unauthorised encampments in their relevant area.

- 6.42 At the strategic level, one stakeholder noted that there are a large number of unauthorised incursions across the County, and the number increases each year.
- 6.43 Another stakeholder stated that *'unauthorised encampments are symptomatic of a lack of provision'* and suggested that the situation could be managed if there was a functioning Transit Site Network, as recommended by the previous SEERA Study.
- 6.44 Several respondents were aware of negative impacts arising from unauthorised encampment activity. This includes litter problems, social nuisance, officer time, police time and upset for local residents. In addition, road safety concerns were raised, particularly in relation to encampments adjacent to the strategic road network or on highway verges.
- 6.45 With specific reference to Swale, one stakeholder reported that they are not aware of any unauthorised encampments. However, two respondents reported on low levels of unauthorised activity within the Borough. These were identified as follows:
- 2013 – 3
  - 2014 – 5
  - 2015 – 1
  - 2016 – 8
  - 2017 – 9
- 6.46 In terms of problems associated with unauthorised encampment activity within Swale, one respondent stated that there are no problems at the present time; another expressed concern that unauthorised encampments cost time and money. One stakeholder noted that the figures indicate an increase in unauthorised activity during the five-year period. Another suggested that unauthorised encampments could be managed if there was a functioning Transit Site Network, as proposed in the previous SEERA study. They commented further that unauthorised encampments are symptomatic of a lack of provision.

## Planning policy

- 6.47 The survey asked stakeholders whether they felt that there were any areas within planning policy that have restricted the provision of new pitches/plots for the Travelling community. Uncertainty and issues over the definition of 'Traveller' was mentioned, including a lack of understanding within the community themselves and the need to prove regular travel, which isn't possible for older or sick people. In addition, a lack of clarity in the NPPF was noted, leading to *'planning policy by appeal'* (please note this consultation was undertaken prior to the publication of Draft Revised NPPF<sup>24</sup>). One strategic-level stakeholder expressed the view that current policy is not as positively drafted as previous policy under Circular 1/2006 and does not challenge the failures of local planning authorities. There were also concerns raised regarding

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<sup>24</sup> Ministry of Housing, Communities and Local Government, *National Planning Policy Framework, Draft text for consultation*, March 2018

- pitch numbers, under-counting in the assessment of need and whether or not supply could be demonstrated (for five years or the relevant plan period).
- 6.48 Some representatives mentioned restrictions such as Green Belt, environmental designations and considerations such as transport sustainability. However, they noted that these planning policies are necessary to protect the environment and to ensure that sites are suitable.
- 6.49 One stakeholder made the following comment:  
*'The Gypsy status description/definition is seldom understood by members of the Gypsy Traveller community in Swale. Sometimes if people travel a lot that then held against them for not being on site.'*
- 6.50 The online survey asked stakeholders if they feel that more could be done through planning policies and site allocations in Local Plans to identify and bring forward new sites for the provision of pitches/plots. Of those who responded to this question, the overall feeling was that land is not usually identified, or allocated, for Gypsy and Traveller sites or Travelling Showpeople yards. Instead, provision is made through policies and planning applications/appeals, although one stakeholder stated:  
*'It's getting harder to gain planning permissions within Kent and the South East, through policy and political will. Along with the media.'*
- 6.51 Several stakeholders felt that Local Plans should seek to identify sites to meet local need, rather than putting this off. One stakeholder suggested that *'sites allocations should include details on how the sites would be delivered and highlight any gaps in funding or delivery'*. The use of local authority land for new sites was proposed, along with intensification on existing private sites.
- 6.52 When asked what impact they think the August 2015 changes to PPTS are having on provision, views expressed include:
- Lack of clarity, uncertainty and a variety of interpretations, particularly regarding how to apply changes in definitions;
  - Concern that PPTS 2015 has *'eroded some of the previous rights or status of the Gypsy Traveller community'*;
  - Concern that PPTS 2015 has *'reduced the need for sites'* and that *'some authorities are now producing two sets of figures – for the old and new definitions, with a political decision being made as to which to use'*;
  - Criticism that the *'main impact is to give LPAs excuses for doing nothing'*;
  - Understanding that it should ease the pressure on designated areas such as AONB, for social and environmental long-term benefit and sustainability, but concern that a reduced area of search for sites means competing for housing land.
- 6.53 In terms of additional comments on these issues, the need for partnership working was again stressed by one strategic stakeholder, including the involvement of local representatives within the community. With respect to the Swale area, one stakeholder stressed that there are potential sites outside of the AONB area that are accessible and more appropriate than land within the designated AONB.

## Cross-boundary issues

- 6.54 In terms of the movement of Gypsies, Travellers and Travelling Showpeople within East Kent and to/from neighbouring areas, the vast majority of stakeholders were not aware of any regular movements. One stakeholder said that *'there is no clear pattern, it's wherever you can get a stop'*.
- 6.55 Stakeholders were also asked if they are aware of any sites or locations close to the boundary of the study area where difficulties have or may arise. Only one respondent said yes; this relates to a concern that the Gypsy Site at Abbey Wood may be closed, which would result in a loss of 40+ pitches. The stakeholder expressed concern about this possible change and the need for this impact to be considered in assessing need. This respondent stated that *'there is already significant inward migration from Greater London'* and *'there has been, and will continue to be inward migration from Ireland'*. By contrast, *'there is zero chance of outward migration to London'*.
- 6.56 In terms of cross-boundary issues, one strategic stakeholder expressed concern regarding repeated applications for planning permission for Gypsy, Traveller and Travelling Showpeople developments within flood zones and adjacent to watercourses, both in terms of the potential risk to life and property and the potential impact on watercourses and biodiversity. As there are a lack of alternative sites, there is concern that Inspectors allow temporary planning permission but, in the meantime, these are inappropriate locations according to national policy.
- 6.57 Another stakeholder felt that the main cross-boundary issue is 'the forced movement across boundaries', as 'local authorities and police push people back and forth between them'.
- 6.58 Overall, stakeholders considered that the key outcomes of the study should be:
- An accurate and detailed needs assessment, providing objective evidence of the need for provision;
  - More emphasis on provision, public and private;
  - Guidance on what type of locations should be considered for site allocations;
  - The identification of appropriate areas, suitable land and potential locations (either permanent or temporary) for provision;
  - A consideration for how the provision of sites relates to the historic environment, including both the impact of development on heritage assets and an understanding of the cultural heritage and customs of Romany Gypsies and Irish Travellers, for example recognising the location of traditional stopping sites where they continue to exist;
  - Constant monitoring of existing facilities;
  - A more informed understanding of the challenges and the development of an inclusive action plan better reflecting community needs;

- Community involvement in local and county decisions, with joined-up problem solving and cross-party and NGO partnership in seeking solutions;
  - Raising public awareness; and
  - With specific reference to Swale, one stakeholder stated that there should be a more realistic unmet need figure for the Borough.
- 6.59 Stakeholders were asked if they agree that the stakeholder survey contributes to the requirement under the Duty to Cooperate with neighbouring authorities. There was limited response to this question, but the vast majority of responses were positive agreement that the consultation contributes in the Duty to Cooperate. Additionally, one stakeholder stressed the important of better working partnerships to contribute to better outcomes

## 7. Gypsy and Traveller pitch, Travelling Showperson plot and transit site requirements

### Introduction

- 7.1 This section reviews the overall pitch and plot requirements of Gypsies and Travellers and Travelling Showpeople across the Swale Borough. It takes into account current supply and need, as well as future need, based on modelling of data, as advocated by the DCLG. This chapter also considers transit pitch requirements for Gypsies and Travellers. Finally, it presents planning policy recommendations.
- 7.2 The calculation of pitch requirements is based on DCLG modelling as advocated in *Gypsy and Traveller Accommodation Assessment Guidance* (DCLG, 2007). Although now formally withdrawn, the DCLG Guidance still provides the best-practice approach towards the assessment of pitch and plot needs (see chapter 2 for further discussion).
- 7.3 This approach requires an assessment of the current needs of Gypsies and Travellers and a projection of future needs. It advocates the use of a survey to supplement secondary source information and derive key supply and demand information.
- 7.4 The GTAA has modelled current and future demand and current and future supply separately for Gypsies and Travellers and Travelling Showpeople. For this study, the model has assumed a cultural definition of Gypsies and Travellers and Travelling Showpeople but also takes account of the PPTS planning definition as an element of the modelling.

### Pitch requirement model overview

- 7.5 Pitch requirements are assessed over an initial five-year period (2017/18 to 2021/22) (the 5-year model) and then longer-term need is based on the expected number of households likely to form over the period to 2037/38 based on the age profile of children under 13 living in Gypsy and Traveller households on pitches (the longer-term model). The modelling is based on the cultural need for pitches but the impact of the PPTS definition on need is also considered.
- 7.6 In terms of **cultural need**, the 5-year model considers:
- The baseline number of households on all types of site (authorised, unauthorised and temporary authorised sites) as at February 2018;
  - Existing households planning to move in the next five years (currently on sites and also from bricks and mortar and where they are planning to move to; and
  - Emerging households currently on sites and planning to emerge in the next five years and stay within the study area on a pitch; to derive a figure for
  - Total pitch need.
- 7.7 In terms of **supply**, the model considers:
- Total supply of current pitches on authorised sites; and

- Vacant pitches on authorised sites
- 7.8 The model then reconciles total need and existing authorised supply over the next 5 years by summarising:
- Total need for pitches; and
  - Total supply of authorised pitches.
- 7.9 The longer-term element of the model then considers the cultural need over the period to 2037/38.
- 7.10 Note that this GTAA excludes Brotherhood Woodyard from any calculations of future need or authorised supply.

## Description of factors in the 5-year need model

- 7.11 Table 7.1 provides a summary of the 5-year pitch need calculation. Each component in the model is now discussed to ensure that the process is transparent and any assumptions clearly stated.

### Need

7.12 **Current households living on pitches (1a to 1e)**

These figures are derived from local authority data, site observation and household survey information. Note that no households stated they were doubled up or included concealed households. Site observation data indicates there are 123 households of whom 90 live on authorised pitches, 11 on temporary authorised pitches and 22 on unauthorised pitches. None of the authorised pitches were vacant.

7.13 **Current households in bricks and mortar accommodation (2)**

The 2011 Census suggested there were 149 households living in bricks and mortar accommodation. On the basis of 41 arc<sup>4</sup> studies, it is estimated that 5.3% of households living in bricks and mortar would prefer to live on a site which would equate to 8 pitches. A need for 8 pitches is therefore included within the modelling at 3e.

7.14 **Existing households planning to move in the next five years (3)**

This was derived from information from the household survey for respondents currently on authorised pitches. To account for non-response, the data in the model has been weighted by a factor of 1.46<sup>25</sup>.

Overall, there is a need from 6 household planning to move to another pitch within Swale Borough.

An allowance for in-migration has been within the model based on household survey evidence. This indicates that 9 households had moved into Swale in the preceding 5

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<sup>25</sup> 84 responses from 123 households on pitches results in a weighting factor of  $123/84 = 1.4642$

years from out of the area and when weighted up results in a need from 13 households.

This results in an overall net requirement of +27 pitches (weighted) from existing households planning to move in the next 5 years.

#### 7.15 **Emerging households (4)**

This is the number of households expected to emerge in the next 5 years based on household survey information. The total number is +22 (weighted).

If children old enough to form their own household were living with family and have not specified that they want to form a new household, this is assumed to be through choice and the model does not assume they want to form a new household.

#### 7.16 **Total need for pitches (5)**

This is a total of current households on authorised pitches, households on pitches planning to move in the next five years and demand from emerging households currently living on pitches. This indicates a total need for 172 pitches.

## Supply

#### 7.17 **Current supply of authorised pitches (6)**

This is a summary of the total number of authorised pitches and the number of vacant authorised pitches. This shows a total supply of 133 authorised pitches (excluding 40 pitches on Brotherhood Woodyard) and zero vacant pitches resulting in a total supply of 133 authorised pitches.

## Reconciling supply and demand

7.18 There is a total need over the next five years (2017/18 to 2021/22) for 172 pitches in Swale Borough (Table 7.1) compared with a supply of 133 authorised pitches. The result is an overall cultural shortfall of 39 pitches.

<b>Table 7.1 Summary of demand and supply factors: Gypsies and Travellers – 2017/18 to 2021/22</b>				
<b>CULTURAL NEED</b>			<b>Swale Borough</b>	
<b>1</b>	<b>Total households living on pitches</b>	1a. On LA Site	11	
		1b. On Private Site – Authorised	79	
		1c. On Private Site - Temporary Authorised	11	
		1d. On Private Site – Tolerated	0	
		1e. Unauthorised	22	
		<b>1f. Total (1a to 1e)</b>	<b>123</b>	
<b>2A</b>	<b>Estimate of households in bricks and mortar accommodation</b>	<b>2a. TOTAL (2011 Census)</b>	149	
<b>Weighting applied to stages 3 and 4 = 1.46 to account for G&amp;T household no-response</b>				
<b>3</b>	<b>Existing households planning to move in next 5 years</b>	<b>Currently on sites</b>		
		3a. To another pitch/same site	0	
		3b. To another site in Swale	6	
		3c. From site to Bricks and Mortar	0	
		3d. To a site/bricks and mortar outside Swale	0	
		<b>Currently in Bricks and Mortar</b>		
		3e. Planning to move to a site in LA	8	
		3f. Planning to move to another B&M property	0	
		<b>In-migrant households</b>		
		3g. Allowance for in-migration	13	
<b>3h. TOTAL Net impact (3a+3b-3c-3d+3e+3g)</b>		<b>27</b>		
<b>4d. 4</b>	<b>Emerging households (5 years)</b>	4a. Currently on site and planning to live on current site	16	
		4b. Currently on sites and planning to live on another site in LA	6	
		4c. Currently on site and planning to live on site outside the study area	0	
		4d. Currently in B&M planning to move to a site in LA	0	
		4e. Currently in B&M and moving to B&M (no net impact)	0	
		4f. Currently on Site and moving to B&M (no net impact)	0	
		<b>4g. TOTAL Net impact (4a+4b-4c+4d)</b>		<b>22</b>
		<b>5</b>	<b>Total Need</b>	<b>1f+3h+4g</b>
<b>SUPPLY</b>				
<b>6</b>	<b>Current supply of authorised pitches</b>	6a Current authorised pitches	133	
		6b Current unoccupied authorised pitches	0	
		<b>6c. Total current authorised supply (6a+6b)</b>	<b>133</b>	
<b>RECONCILING NEED AND SUPPLY</b>				
<b>7</b>	<b>Total need for pitches</b>	<b>5 years (from 5)</b>	<b>172</b>	
<b>8</b>	<b>Total supply of authorised pitches</b>	<b>5 years (from 6c)</b>	<b>133</b>	
<b>5 YEAR AUTHORISED PITCH SHORTFALL 2017/18 TO 2021/22</b>			<b>39</b>	

## Longer-term pitch requirement modelling

- 7.19 Longer-term pitch need modelling has been carried out using known household structure information from the household survey of households living on pitches. On the basis of the age of children in households, it is possible to determine the extent of 'likely emergence', which assumes that a child is likely to form a new household at the age of 18.
- 7.20 The year when a child reaches 18 has been calculated and it is possible to assess how many newly forming households may emerge over the period 2022/23 to 2037/38. A reasonable assumption is that half of these children will form new households, bearing in mind culturally women tend to move away on marriage and men tend to stay in close proximity to their families on marriage. The model therefore assumes that 50% of children will form households when they reach 18 and that these households remain in Swale Borough<sup>26</sup>. Analysis would suggest a total cultural need for 37 additional pitches over the period 2022/23 to 2037/38 (Table 7.2).

**Table 7.2 Future pitch requirements based on the assumption that 50% of children form households on reaching 18**

Time period	No. children (unweighted figure in brackets)	Expected household formation (unweighted figure in brackets)
2022/23 – 2026/27	37 (25)	18 (13)
2027/28 to 2031/32	15 (10)	7(5)
2032/33 to 2037/38	24 (16)	12 (8)
<b>Total (2022/23 to 2037/38)</b>	<b>76 (51)</b>	<b>37(26)</b>

## Planning Policy for Traveller Site definition

- 7.21 Analysis of household survey data establishes that 77.1% of Gypsies and Travellers living on pitches across Swale Borough satisfy the PPTS definition of Gypsies and Travellers. The figure varies by type of site, with 77.6% of households on permanent authorised sites meeting the definition, 72.7% of those on temporary authorised sites and 78.6% on unauthorised sites.
- 7.22 When interpreting PPTS need, modelling is generally used to translate the cultural need to a PPTS need. However, it has been considered appropriate to identify those households living on unauthorised and temporary authorised and tolerated sites as an immediate need to be addressed over the next 5 years where they meet the PPTS definition. Table 7.3 summarises this data and indicates there is an immediate need

<sup>26</sup> This approach has been tested at inquiry including Worcestershire and Shropshire.

from 26 households living on unauthorised sites. The overall PPTS need for the first five years is 30 pitches.

Current location	Meet definition	Do not meet definition	Total
Live on unauthorised sites	20	6	26
Live on authorised sites	45	13	58
Total	65	19	84

## Plan Period pitch need

7.23 Table 7.4 summarises the overall need for pitches across Swale Borough over the Plan Period to 2037/38. It presents the overall cultural need based on households identifying as Gypsy and Traveller and a PPTS need which is a subset of the cultural need and is based on those households who meet the PPTS definition of need. Assuming a 20-year period (2017/18 to 2037/38), this results in an overall need for the Plan Period for 76 pitches (cultural) and 59 (PPTS). This gives an annualised cultural need for 3.8 pitches and an annualised PPTS need for 2.9 pitches.

	Cultural need	Of which: PPTS need
5-year pitch need (2017/18 to 2021/22)	39	30
Longer-term need (2022/23 to 2037/38)	37	29
TOTAL pitch need to 2037/38	76	59

7.24 It is recommended that the Borough Local Plan recognises there is a cultural need for 76 pitches over the plan period to 2037/38 and of this number a need for 59 pitches under the PPTS definition.

## Turnover on sites

7.25 Turnover relates to the number of pitches that are expected to become available for occupancy. Analysis only includes expected turnover on public sites as this is referenced in (former) CLG guidance and more accurate data on changes in pitch occupancy is likely to be available. Although there is likely to be turnover on private sites, the ability of households to move onto private sites may be more restrictive (for instance the site may be restricted to a particular family) and less likely to be recorded.

7.26 Household survey data indicates that 4 out of 5 respondents had lived on their pitch on the local authority site for less than 5 years but only one stated that they moved

onto a vacant pitch. An analysis of households planning to move would suggest that only a small number of households plan to move in the next 5 years. Therefore, it is suggested that turnover on local authority sites is expected to be low and an estimated 2 pitches will become available for occupancy in the next 5 years, resulting in a 3.6% annual turnover of pitches. This translates to a 0.4 pitch annual turnover which in turn translates to a turnover of 8 pitches over the remainder of the Plan Period.

- 7.27 Table 7.5 illustrates the impact of an 8-pitch turnover over the Plan Period on overall pitch need. The result of including expected turnover is a reduction in cultural need to 68 pitches and PPTS need is reduced to 51 pitches.

Table 7.5 Addressing Gypsy and Traveller pitch need		
	Cultural need	Of which: PPTS need
<b>TOTAL pitch need for plan period 2017/18 to 2037/38</b>	<b>76</b>	<b>59</b>
Pitches expected to become available through turnover on pitches on Council sites 2017/18 to 2037/38	8	8
Residual pitch requirement after factoring in expected turnover	68	51

## Potential capacity for Gypsy and Traveller pitches and tolerated sites

- 7.28 The household survey asked respondents if there was opportunity to expand or intensify existing sites to accommodate more pitches. Responses suggested that there was potential for a considerable increase in pitches from expansion and intensification of existing sites as summarised in Table 7.6.

Table 7.6 Scope to expand and intensify sites			
	Expand	Intensify	Total
On Authorised Sites	34	20	54
On Temporary Authorised sites	2	1	3
On Unauthorised sites	7	13	20
Total	43	34	77

- 7.29 Note that the potential expansion of sites was based on the views of respondents and not a technical appraisal of sites. Further work would be necessary to confirm the potential for expansion.

## Addressing need

- 7.30 Although a considerable need for additional pitches has been evidenced for Swale Borough, there is also significant potential to address need through the expansion and intensification of existing sites. The Council should also consider regularising temporary authorised and unauthorised sites to increase authorised site provision.

## Travelling Showperson need

- 7.31 There is one Travelling Showperson's yard in Swale (Circus Wintering Ground) which accommodates one family. This yard is currently rented and the owner is very keen to develop a yard elsewhere in the Borough for the use of his immediate family, with scope to accommodate wider family during peak travelling periods. The GTAA therefore recognises a need for one permanent Travelling Showperson plot on the basis of the interview with this household.

## Comparison with previous GTAA

- 7.32 The previous 2013 GTAA identified a plan period need for 61 pitches based on the PPTS definition of need over the period 2013/14 to 2030/31. The current GTAA establishes a PPTS need for 80 pitches over the period 2017/18 to 2037/38. The Council currently have a local plan in place and pitch need was informed by the previous study. The 2018 GTAA indicates that the level of need has increased from an annualised need of 3.4 (2013 GTAA) to 4.4 (2018 GTAA) over respective plan periods.

## Transit site requirements

- 7.33 The household survey found that 68.6% of Gypsies, Travellers and Travelling Showpeople felt that transit provision should be made in Swale although there were a range of views regarding who should manage this form of provision. A transit pitch normally has a hard standing, electric hook up and amenity shed. A good indicator of transit need is unauthorised encampment activity.
- 7.34 The Council report a total of 23 incidences of unauthorised encampment activity over the five-year period 2013 to 2017. In 2016 and 2017, the number of incidences had increased to around 9.
- 7.35 Given that the scale of unauthorised encampment is limited, it is not recommended that Council considers the development of transit pitches within the Swale Borough. That said, temporary stop-over locations should be considered for short-term use.

## 8. Conclusion and strategic response

- 8.1 This concluding chapter provides a brief summary of key issues emerging from the research; advice on the strategic responses available, including examples of good practice; and recommendations and next steps.

### Meeting permanent Gypsy and Traveller pitch requirements

- 8.2 There are currently 124 Gypsy and Traveller households (including Showpeople) living on pitches across the Swale Borough area.
- 8.3 The GTAA 2018 has evidenced a cultural need for 76 pitches, and of this number a PPTS-defined need for 59 pitches, within Swale over the period to 2037/38.
- 8.4 In considering how this need can be addressed, the report has considered potential turnover on Local Authority sites and the potential expansion/intensification of existing authorised sites. Regarding turnover, the GTAA modelling anticipates a 3.6% annual turnover on the local authority sites during the Plan Period. This translates into a 0.4 pitch annual turnover, which in turn translates to a turnover of 8 pitches over the Plan Period. This would result in a reduction in the cultural need to 68 pitches and PPTS need to 51 pitches. Potential expansion/intensification of existing sites could result in a further supply of up to 54 pitches on authorised sites.
- 8.5 It is recommended that the Local Plan acknowledges this range of need. It is also recommended that the Council considers further technical work to confirm the potential for the expansion of existing sites in the Borough area. In addition, the Council should consider future applications for the expansion of existing sites to help address the needs identified. Furthermore, the Council should consider applications for small sites to meet the needs of families who may emerge over the Plan Period.

### Meeting permanent Travelling Showperson requirements

- 8.6 There is currently one Travelling Showperson households living in the Swale Borough area. A need for one Travelling Showperson's yard was identified through the GTAA.

### Meeting transit site/stop over requirements

- 8.7 Given the level of unauthorised encampment, the development of a transit site is not recommended. However, the Council may consider tolerated stop-over locations to help manage unauthorised encampment activity

### Good practice in planning for Gypsy and Traveller provision

- 8.8 There are a number of resources available to local planning authorities to assist them in planning for Gypsy and Traveller provision, including resources from the Planning Advisory Service (PAS) and the Royal Town Planning Institute (RTPI), which are presented in Appendix B. In addition, the Local Government Agency and Local

Government Association have resources available for local authorities working with Traveller communities to identify sites for new provision, these include dedicated learning aids for elected members<sup>27</sup>.

- 8.9 Work undertaken by PAS<sup>28</sup> identified ways in which the planning process can increase the supply of authorised Gypsy and Traveller pitches. The RTPi has developed a series of Good Practice Notes for local planning authorities. Both are summarised at Appendix B.

## Concluding comments

- 8.10 The overarching purpose of this study has been to identify the accommodation requirements of Gypsies, Travellers and Travelling Showpeople across Swale Borough area. The overall pitch need is 76 over the plan period to 2037/38 (of which the PPTS need is 59 as 77.1% of households meet the definitions set out in PPTS). As set out in Table 8.1, the residual need which factors in potential turnover on public sites would reduce that need to 68 (cultural) and 51 (PPTS). The Council should also consider the expansion and intensification of existing private authorised sites to help deliver additional pitches over the plan period.

	<b>Cultural need</b>	<b>Of which, PPTS need</b>
5-year pitch need (2017/18 to 2021/22)	39	30
Longer-term need (2022/23 to 2037/38)	37	29
<b>TOTAL pitch need to 2037/38</b>	<b>76</b>	<b>59</b>
Pitches expected to become available through turnover on pitches on Council sites 2017/18 to 2037/38	8	8
<b>Residual pitch requirement to 2037/38 after factoring in expected turnover</b>	<b>68</b>	<b>51</b>

- 8.11 It is recommended that this evidence base is refreshed on a five-yearly basis to ensure that the level of pitch and pitch provision remains appropriate for the Gypsy, Traveller and Travelling Showpeople population across Swale Borough.

<sup>27</sup> I&DeA (now Local Government Agency) local leadership academy providing Gypsy and Traveller sites

<sup>28</sup> PAS spaces and places for gypsies and travellers how planning can help

## Appendix A: Legislative background

- A.1 The **1960 Caravan Sites and Control of Development Act** enabled councils to ban the siting of caravans for human occupation on common land, and led to the closure of many sites.
- A.2 The **Caravan Sites Act 1968 (Part II)** required local authorities '*so far as may be necessary to provide adequate accommodation for Gypsies residing in or resorting to their area*'. It empowered the Secretary of State to make designation orders for areas where he was satisfied that there was adequate accommodation, or on grounds of expediency. Following the recommendations of the Cripps Commission in 1980, provision began to grow rapidly only after the allocation of 100% grants from central government. By 1994 a third of local authorities had achieved designation, which meant that they were not required to make further provision and were given additional powers to act against unauthorised encampments. The repeal of most of the Caravan Sites Act under the Criminal Justice and Public Order Act in 1994 led to a reduction in provision, with some sites being closed over a period in which the Gypsy and Traveller population was increasing.
- A.3 The **1994 Criminal Justice and Public Order Act (CJ&POA)**:
- Repealed most of the 1968 Caravan Sites Act;
  - Abolished all statutory obligation to provide accommodation;
  - Discontinued government grants for sites; and
  - Under Section 61 made it a criminal offence to camp on land without the owner's consent.
- A.4 Since the CJ&POA the only places where Gypsies and Travellers can legally park their trailers and vehicles are:
- Council Gypsy caravan sites; by 2000 nearly half of Gypsy caravans were accommodated on council sites, despite the fact that new council site provision stopped following the end of the statutory duty;
  - Privately owned land with appropriate planning permission; usually owned by Gypsies or Travellers. Such provision now accommodates approximately a third of Gypsy caravans in England; and
  - Land with established rights of use, other caravan sites or mobile home parks by agreement or licence, and land required for seasonal farm workers (under site licensing exemptions).
- A.5 By the late 1990s the impact of the 1994 Act was generating pressure for change on both local and national government. There was a major review of law and policy, which included:
- A Parliamentary Committee report (House of Commons 2004).
  - The replacement of Circular 1/94 by Circular 1/2006 (which has since been cancelled and replaced by the *Planning policy for traveller sites* 2012 and updated in 2015).

- Guidance on accommodation assessments (ODPM 2006).
- The Housing Act 2004 which placed a requirement (s.225) on local authorities to assess Gypsy and Traveller accommodation needs.

A.6 **Section 225: Housing Act 2004** imposed duties on local authorities in relation to the accommodation needs of Gypsies and Travellers:

- Every local housing authority was required as part of the general review of housing needs in their areas under section 8 of the Housing Act 1985 assess the accommodation needs of Gypsies and Travellers residing in or resorting to their City;
- Where a local housing authority was required under section 87 of the Local Government Act 2003 to prepare a strategy to meet such accommodation needs, they had to take the strategy into account in exercising their functions;
- A local housing authority was required to have regard to section 226 ('Guidance in relation to section 225') in:
  - carrying out such an assessment, and
  - preparing any strategy that they are required to prepare.
- Section 124 of the Housing and Planning Act 2016 deletes sections 225 and 226 of the Housing Act 2004 (see below). Additional requirements have been inserted into Section 8 of the Housing Act 1985 to include an assessment of the need for sites for caravans and moorings for houseboats within the periodical review of housing needs.

A.7 The **Planning and Compulsory Purchase Act 2004** set out to introduce a simpler and more flexible planning system at regional and local levels. It also introduced new provisions which change the duration of planning permissions and consents, and allow local planning authorities to introduce local permitted development rights using 'local development orders'. It made the compulsory purchase regime simpler, fairer and quicker, to support major infrastructure and regeneration initiatives.

The Act introduced major changes to the way in which the planning system operates. Local planning authorities are required to prepare a Local Development Framework; however, the term Local Plan was reintroduced following the National Planning Policy Framework in March 2012.

Part 8 of the Act contains a series of measures to reform the compulsory purchase regime and make it easier for local planning authorities to make a case for compulsory purchase orders where it will be of economic, social or environmental benefit to the area. This Act was subsequently amended to a Local Plan document with the introduction of the NPPF in March 2012. This section also brings in amended procedures for carrying out compulsory purchase orders, including a widening of the category of person with an interest in the land who can object, and deals with ownership issues and compensation.

A.8 **The Localism Act 2011** introduced a number of reforms, including changes to planning enforcement rules, which strengthen the power of local planning authorities to tackle abuses of the planning system. The changes give local planning authorities the ability

to take actions against people who deliberately conceal unauthorised development, and tackle abuses of retrospective planning applications. The Act also introduced the Duty to Co-operate (see Section 3) on all local planning authorities planning sustainable development. The Duty requires *'neighbouring local authorities, or groups of authorities, to work together on planning issues in the interests of all their local residents. ... the Government thinks that local authorities and other public bodies should work together on planning issues in ways that reflect genuine shared interests and opportunities to make common cause. The duty requires local authorities and other public bodies to work together on planning issues.'*<sup>29</sup> The provision of Gypsy and Traveller sites falls within the Duty to Co-operate; which aims to ensure that neighbouring authorities work together to address issues such as provision of sites for Gypsies and Travellers in a planned and strategic way.

A.9 **Statutory Instrument 2013 No 830 Town and Country planning Act, England (Temporary Stop Notice) (England) (Revocation) Regulations 2013** came into force on 4<sup>th</sup> May 2013. This Instrument revoked the regulations governing Temporary Stop Notices, which were in place to mitigate against the disproportionate impact of Temporary Stop Notices on Gypsies and Travellers in areas where there was a lack of sufficient pitches to meet the needs of the Travelling community.

A.10 **Section 124: Housing and Planning Act 2016** has two parts:

- 124(1) amends section 8 of the Housing Act 1985, inserting an additional reference to include a duty to consider the needs of people residing in or resorting to local authority Sites with respect to the provision of sites for caravans and moorings for houseboats when undertaking housing needs assessments.
- 124(2) deletes sections 225 and 226 of the Housing Act 2004 (as set out above).

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<sup>29</sup> DCLG A plain English guide to the Localism Act Nov 2011

## Appendix B: Review of policy, guidance and best practice

B.1 As part of this research, we have carried out a review of literature, which is presented in this Appendix. A considerable range of guidance documents has been prepared by Central Government to assist local authorities discharge their strategic housing and planning functions. In addition, there is considerable independent and academic research and guidance on these issues; some of the key documents are summarised here. The documents are reviewed in order of publication date.

B.2 **A Decent Home: Definition and Guidance for Implementation Update, DCLG, June 2006**

Although not primarily about the provision of caravan sites, facilities or pitches, the June 2006 updated DCLG guidance for social landlords provides a standard for such provision. The guidance is set out under a number of key headings:

- Community-based and tenant-led ownership and management;
- Delivering Decent Homes Beyond 2010;
- Delivering mixed communities;
- Procurement value for money; and
- Housing Health and Safety.

The guidance defines four criteria against which to measure the standard of a home:

- It meets the current statutory minimum standard for housing;
- It is in a reasonable state of repair;
- It has reasonably modern facilities and services; and
- It provides a reasonable degree of thermal comfort.

B.3 **Guide to Effective Use of Enforcement Powers - Parts 1 (Unauthorised Encampments, ODPM, 2006) and 2 (Unauthorised Development of Caravan Sites, DCLG, 2007)**

The Guide (now cancelled) was the Government's response to unauthorised encampments which cause local disruption and conflict.

B.4 **Common Ground: Equality, good race relations and sites for Gypsies and Irish Travellers, Commission for Racial Equality, May 2006**

This report was written four years after the introduction of the statutory duty on public authorities under the Race Relations (Amendment) Act to promote equality of opportunity and good race relations and to eliminate unlawful racial discrimination. The CRE expressed concerns about relations between Gypsies and Irish Travellers and other members of the public, with widespread public hostility and, in many places, Gypsies and Irish Travellers leading separate, parallel lives. A dual concern about race relations and inequality led the Commission in October 2004 to launch the inquiry on which this report was based.

The Report's recommendations include measures relating to Central Government, local authorities, police forces and the voluntary sector. Among those relating to Central Government are:

- developing a realistic but ambitious timetable to identify land for sites, where necessary establishing them, and making sure it is met;
- developing key performance indicators for public sites which set standards for quality and management that are comparable to those for conventional accommodation;
- requiring local authorities to monitor and provide data on planning applications, outcomes and enforcement, and on housing and homelessness by racial group, using two separate categories for Gypsies and Irish Travellers; and
- requiring police forces to collect information on Gypsies and Irish Travellers as two separate ethnic categories.

Strategic recommendations affecting local authorities include:

- developing a holistic corporate vision for all work on Gypsies and Irish Travellers,
- reviewing all policies on accommodation for Gypsies and Irish Travellers,
- designating a councillor at cabinet (or equivalent) level, and an officer at no less than assistant director level, to coordinate the authority's work on all sites;
- emphasising that the code of conduct for councillors applies to their work in relation to all racial groups, including Gypsies and Irish Travellers;
- giving specific advice to Gypsies and Irish Travellers on the most suitable land for residential use, how to prepare applications, and help them to find the information they need to support their application;
- identifying and reporting on actions by local groups or individuals in response to plans for Gypsy sites that may constitute unlawful pressure on the authority to discriminate against Gypsies and Irish Travellers; and
- monitoring all planning applications and instances of enforcement action at every stage, by type and racial group, including Gypsies and Irish Travellers, in order to assess the effects of policies and practices on different racial groups.

Among other recommendations, the Report states that police forces should:

- include Gypsies and Irish Travellers in mainstream neighbourhood policing strategies, to promote race equality and good race relations;
- target individual Gypsies and Irish Travellers suspected of anti-social behaviour and crime on public, private and unauthorised sites, and not whole communities;
- treat Gypsies and Irish Travellers as members of the local community, and in ways that strengthen their trust and confidence in the police;
- provide training for all relevant officers on Gypsies' and Irish Travellers' service needs, so that officers are able to do their jobs more effectively;

- review formal and informal procedures for policing unauthorised encampments, to identify and eliminate potentially discriminatory practices, and ensure that the procedures promote race equality and good race relations; and
- review the way policy is put into practice, to make sure organisations and individuals take a consistent approach, resources are used effectively and strategically, all procedures are formalised, and training needs are identified.

Other recommendations relate to Parish and Community councils the Local Government Association, the Association of Chief Police Officers and the voluntary sector.

#### B.5 **Planning Advisory Service (PAS) *Spaces and places for Gypsies and Travellers: how planning can help* (2006)**

PAS list the following as key to successful delivery of new provision:

- **Involve Gypsy and Traveller communities:** this needs to happen at an early stage, innovative methods of consultation need to be adopted due to low levels of literacy and high levels of social exclusion within Gypsy and Traveller communities and members of the Gypsy and Traveller community should be trained as interviewers on Accommodation Assessments (Cambridgeshire, Surrey, Dorset and Leicestershire). Other good practice examples include distribution of material via CD, so that information can be ‘listened to’ as opposed to read. The development of a dedicated Gypsy and Traveller Strategy is also seen to be good practice, helping agencies develop a co-ordinated approach and so prioritise the issue. The report also recommends the use of existing Gypsy and Traveller resources such as the planning guide published in Traveller’s Times, which aims to explain the planning process in an accessible way to members of the Gypsy and Traveller community. As well as consulting early, PAS also flags the need to consult often with communities;
- **Work collaboratively** with neighbouring authorities to address the issues and avoid just ‘moving it on’ to a neighbouring local authority area. With the new Duty to Co-operate established within the NPPF, working collaboratively with neighbouring local authorities has never been more important. Adopting a collaborative approach recognises that local authorities cannot work in isolation to tackle this issue;
- **Be transparent:** trust is highly valued within Gypsy and Traveller communities, and can take a long time to develop. The planning system needs to be transparent, so that members of the Gypsy and Traveller community can understand the decisions that have been taken and the reasoning behind them. PAS states that *‘ideally council work in this area should be led by an officer who is respected both within the Council and also within Gypsy and Traveller communities: trust is vital and can be broken easily.’*<sup>30</sup> Local planning authorities also need to revisit their approach to development management criteria for applications for Gypsy and Traveller sites *‘to ensure that criteria make it clear what applications are likely to be accepted by the*

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<sup>30</sup> PAS *Spaces and places for gypsies and travellers how planning can help*, page 8

*council. Authorities need to ensure that these are reasonable and realistic. Transparent and criteria-based policies help everyone to understand what decisions have been made and why.*<sup>31</sup> Kent and Hertsmere councils are listed as examples of good practice in this regard.

- **Integration:** accommodation needs assessments need to be integrated into the Local Plan evidence base, with site locations and requirements set out within specific Development Plan Documents (DPDs); dedicated Gypsy and Traveller DPDs are advocated as a means of ensuring that the accommodation needs of Gypsies and Travellers are fully considered and addressed within the local planning process; and
- **Educate and work with councillors:** members need to be aware of their responsibilities in terms of equality and diversity and *'understand that there must be sound planning reasons for rejecting applications for Gypsy and Traveller sites'*<sup>32</sup>. It is helpful for members to understand the wider benefits of providing suitable accommodation to meet the requirements of the Gypsy and Traveller community, such as:
  - An increase in site provision;
  - Reduced costs of enforcement; and
  - Greater community engagement and understanding of community need.

#### B.6 RTPI Good Practice Note 4, *Planning for Gypsies and Travellers (2007)*

The RTPI has developed a series of Good Practice notes for local planning authorities 'Planning for Gypsies and Travellers'; the notes cover four key areas:

- Communication, consultation and participation;
- Needs assessment;
- Accommodation and site delivery; and
- Enforcement.

Whilst the notes were developed prior to the NPPF and the introduction of PPTS 2012 and 2015, some of the key principles remain relevant. and it is worth considering some of the papers' key recommendations.

In terms of **communication, consultation and participation** the RTPI highlight the following good practice:

- **Define potentially confusing terminology** used by professionals working in the area;
- **Use appropriate methods of consultation:** oral exchanges and face-to-face dealings are essential to effectively engage with Gypsy and Traveller communities, whilst service providers tend to use written exchanges;

<sup>31</sup> PAS spaces and places for gypsies and travellers how planning can help page 8 & 14

<sup>32</sup> PAS spaces and places for gypsies and travellers how planning can help page 10

- **Consultees and participants need to be involved in the entire plan making process;** this includes in-house participants, external organisations, Gypsy and Traveller communities, and settled communities. The RTPI concludes that:
  - *‘Local authorities should encourage Gypsy and Traveller communities to engage with the planning system at an early stage. However, they may request other agencies that have well-established relationships with members of Gypsy and Traveller communities to undertake this role.’* and
  - *‘In the past, settled communities have often only become aware of the intention to develop Gypsy and Traveller accommodation when the local authority issues a notice or consultation. ... cultivating the support of the settled community for the development of sites should start as soon as possible. ... There is a sound case for front-loading and sharing information with small groups in the [settled] community, rather than trying to manage large public gatherings at the start of the process. Again, it may be beneficial for the local authority to work in partnership with organisations with established links in the community. The settled community is not a homogeneous whole. There will be separate groups with different perceptions and concerns, which the local authority must take account of.’<sup>33</sup>*
- **Dialogue methods:** the RTPI correctly identify that the experience of many Gypsies and Travellers of liaising with both public sector agencies and the settled community is both frightening and negative. As a result *‘there should be no expectation that Gypsies and Travellers will participate in open meetings. Stakeholders should investigate suitable methods of bringing together individuals from the respective communities in an environment that will facilitate a constructive exchange of information and smooth the process of breaking down animosity and hostility.’<sup>34</sup>* The use of public meetings is discouraged, and the use of organisations with experience of working within both Gypsy and Traveller, and settled communities encouraged – advice and support groups, assisted by the latter, holding regular local meetings can be an effective means of engaging constructively with both communities. Representatives from these groups can also be included on appropriate forums and advisory groups. The location and timing of meetings needs to be carefully considered to maximise participation, with a neutral venue being preferable.
- **The media** has an important role to play in facilitating the delivery of sites locally, with past reporting being extremely damaging. Positive media liaison is important and requires:
  - A single point of contact with the local authority;
  - A liaison officer responsible for compilation and release of briefings, and for building positive relationships with editors, journalists, radio and television presenters;

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<sup>33</sup> RTPI Planning for Gypsies and Travellers Good Practice Note 4 Part A page 8

<sup>34</sup> RTPI Planning for Gypsies and Travellers Good Practice Note 4 Part A page 13

- All stakeholders to provide accurate and timely briefings for the liaison officer;
  - Provision of media briefings on future activities;
  - Officers to anticipate when and where the most sensitive and contentious issues will arise and use of a risk assessment to mitigate any negative impact;
  - Use of the media to facilitate engagement with both settled and Gypsy and Traveller communities; and
  - Stakeholders to provide politicians with clear, accurate and comprehensive briefings.
- **On-going communication, participation and consultation** are important. The continued use of the most effective methods of engagement once an initiative is completed ensures the maximum use of resources:
    - *‘The delivery of some services, such as the identification of sites in development plan documents, is the end of one process and the start of another. The various committees and advisory groups established to participate in the process of site identification and the accommodation needs assessment will have considerable background information and expertise embedded in their membership. This will prove useful in the management and monitoring of subsequent work. ... Whilst on-going engagement with all service users is important, it is especially important with regard to Gypsies and Travellers, given their long history of marginalisation.’<sup>35</sup>*

Whilst the RTPI’s Good Practice Note Planning for Gypsies and Travellers predates the NPPF, the principles that it establishes at Part C remain largely relevant in terms of the role of local plan making. The Note advises that whilst the use of the site specific DPDs to identify sites for Gypsy and Traveller accommodation may seem less divisive, subsequent to identification of sufficient sites to meet identified need, local planning authorities should seek to integrate provision for Gypsies and Travellers within their general housing strategies and policies. Early involvement of stakeholders, the community and special interest groups will help achieve a consensus.

However, the RTPI point out that, due to the contentious nature of Gypsy and Traveller provision, the use of a criteria based approach to the selection of development sites is unlikely to be *successful ‘in instances where considerable public opposition to the development might be anticipated.’* The paper concludes that it is not appropriate to rely solely on criteria as an alternative to site allocations where there is an identified need for the development.<sup>36</sup>

The RTPI advocate adopting a pragmatic approach, whereby local planning authorities work with the Gypsy and Traveller communities within their areas to identify a range of potentially suitable sites:

*‘The local authority and Gypsy and Traveller communities are both able to bring forward their suggested sites during this process, and the distribution and location*

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<sup>35</sup> RTPI Planning for Gypsies and Travellers Good Practice Note 4 Part A page 18

<sup>36</sup> RTPI Planning for Gypsies and Travellers Good Practice Note 4 Part C page 11

*of transit as well as permanent sites can be covered. The practicable options would then go forward for discussion with the local community, interest groups, and other stakeholders before the selection of preferred sites is finalised. The advantages of this approach are its transparency and the certainty it provides both for Gypsies and Travellers and for settled communities.<sup>37</sup>*

The RTPI also advocates the use of supplementary planning guidance to provide additional detail on policies contained within a Local Plan; in terms of Gypsies and Travellers this could include:

- Needs assessment evidence base;
- Design principles; and
- A design brief for the layout of sites.

#### **B.7 Guidance on Gypsy and Traveller Accommodation Needs Assessments, DCLG, October 2007**

This Guidance (formally cancelled in December 2016) sets out a detailed framework for designing, planning and carrying out Gypsy and Traveller accommodation needs assessments. It includes the needs of Showpeople. It acknowledges that the housing needs of Gypsies and Travellers are likely to differ from those of the settled community, and that they have hitherto been excluded from accommodation needs assessments.

The guidance stresses the importance of understanding accommodation needs of the whole Gypsy and Traveller population; and that studies obtain robust data. It recognises the difficulty of surveying this population and recommends the use of:

- Qualitative methods such as focus groups and group interviews;
- Specialist surveys of those living on authorised sites that are willing to respond; and
- Existing information, including local authority site records and the twice yearly caravan counts.

The Guidance recognises that there are challenges in carrying out these assessments, and accepts that while the approach should be as robust as possible it is very difficult to exactly quantify unmet need.

#### **B.8 Designing Gypsy and Traveller Sites Good Practice Guide, DCLG, May 2008**

The Guide (now cancelled) attempted to establish and summarise the key elements needed to design a successful site. In particular, the guidance intended to assist:

- Local authorities or Registered Providers looking to develop new sites or refurbish existing sites;
- Architects or developers looking to develop sites or refurbish existing sites; and
- Site residents looking to participate in the design/refurbishment process.

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<sup>37</sup> RTPI Planning for Gypsies and Travellers Good Practice Note 4 Part C page 11

**B.9 The National Planning Policy Framework, March 2012**

The National Planning Policy Framework (NPPF) came into effect in March 2012 and sets out the Government's planning policies for England. It condenses previous guidance and places a strong emphasis on 'sustainable development'. It provides more focussed guidance on plan-making and refers to 'Local Plans' rather than Local Development Frameworks or Development Plan Documents. Despite the difference in terminology it does not affect the provisions of the 2004 Act which remains the legal basis for plan-making.

**B.10 DCLG Planning policy for traveller sites, March 2012 (subsequently updated August 2015)**

In March 2012 the Government also published *Planning policy for traveller sites*, which together with the NPPF replaced all previous planning policy guidance in respect of Gypsies and Travellers. The policy approach encouraged provision of sites for Gypsies and Travellers where there is an identified need, to help maintain an appropriate level of supply. The policy also encouraged the use of plan making and decision taking to reduce unauthorised developments and encampments. This policy document was replaced by updated PPTS in August 2015 (see below).

**B.11 Progress report by the ministerial working group on tackling inequalities experienced by Gypsies and Travellers, April 2012**

In April 2012 the Government published a Progress Report by the ministerial working group on tackling inequalities experienced by Gypsies and Travellers, which summarised progress in terms of meeting 'Government commitments to tackle inequalities and promote fairness for Gypsy and Traveller communities.'<sup>38</sup> The report covers 28 measures from across Government aimed at tackling inequalities, these cover:

- Improving education outcomes;
- Improving health outcomes;
- Providing appropriate accommodation;
- Tackling hate crime;
- Improving interaction with the National Offender Management Service;
- Improving access to employment and financial services; and
- Improving engagement with service providers.

**B.12 Dealing with illegal and unauthorised encampments: a summary of available powers, DCLG August 2012**

This guidance note (now superseded, March 2015) summarised the powers available to local authorities and landowners to remove encampments from both public and private land.

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<sup>38</sup> [www.communities.gov.uk/news/corporate/2124322](http://www.communities.gov.uk/news/corporate/2124322)

- B.13 **Statutory Instrument 2013 No.830 Town and Country Planning (Temporary Stop Notice) (England) (Revocation) Regulations 2013:** Made on 11<sup>th</sup> April 2013 and laid before Parliament on 12<sup>th</sup> April 2013 this Instrument revoking the regulations applying to Temporary Stop Notices (TSNs) in England came into force on 4<sup>th</sup> May 2013. The regulations were originally introduced to mitigate against the likely disproportionate impact of TSNs on Gypsies and Travellers in areas where there is a lack of sites to meet the needs of the Travelling community. Under the regulations, TSNs were prohibited where a caravan was a person's main residence, unless there was a risk of harm to a serious public interest significant enough to outweigh any benefit to the occupier of the caravan. Under the new arrangements local planning authorities are to determine whether the use of a TSN is a proportionate and necessary response.
- B.14 **Ministerial Statement 1<sup>st</sup> July 2013 by Brandon Lewis**<sup>39</sup> highlighted the issue of inappropriate development in the Green Belt and revised the appeals recovery criteria issued on 30<sup>th</sup> June 2008 to enable an initial six-month period of scrutiny of Traveller site appeals in the Green Belt. This was so that the Secretary of State could assess the extent to which the national policy, *Planning policy for traveller sites*, was meeting the Government's stated policy intentions. A number of appeals have subsequently been recovered. The Statement also revoked the practice guidance on 'Diversity and equality in planning'<sup>40</sup>, deeming it to be outdated; the Government does not intend to replace this guidance.
- B.15 **Dealing with illegal and unauthorised encampments: a summary of available powers 9<sup>th</sup> August 2013.** This guidance (now superseded, March 2015) replaced that published in August 2012, and updated it in respect of changes to Temporary Stop Notices.
- B.16 **DCLG Consultation: Planning and Travellers, September 2014.** This consultation document sought to:
- Amend the Planning policy for Traveller sites' definition of Travellers and Travelling Showpeople to exclude those who have ceased to travel permanently;
  - Amend secondary legislation to bring the definition of Gypsies and Travellers, set out in the Housing (Assessment of Accommodation Needs)(Meaning of Gypsies and Travellers)(England) Regulations 2006 in line with the proposed changed definition set out above for the Planning policy for Traveller sites;
  - Make the intentional unauthorised occupation of land be regarded by decision takers as a material consideration that weighs against the granting of planning permission. In other words, failure to seek permission in advance of occupation of land would count against the grant of planning permission;
  - Protect 'sensitive areas' including the Green Belt;
  - Update guidance on how local authorities should assess future Traveller accommodation requirements, including sources of information that authorities

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<sup>39</sup> <https://www.gov.uk/government/speeches/planning-and-travellers>

<sup>40</sup> ODPM Diversity and Equality in Planning: A good practice guide 2005

should use. In terms of future needs assessments the consultation suggests that authorities should look at:

- The change in the number of Traveller households that have or are likely to have accommodation needs to be addressed over the Plan period;
  - Broad locations where there is a demand for additional pitches;
  - The level, quality and types of accommodation and facilities needed (e.g. sites and housing);
  - The demographic profile of the Traveller community obtained from working directly with them;
  - Caravan count data at a local level; and
  - Whether there are needs at different times of the year.
- The consultation closed on 23<sup>rd</sup> November 2014.

**B.17 Dealing with illegal and unauthorised encampments: a summary of available powers, March 2015.** This Guidance sets out the robust powers councils, the police and landowners have to deal quickly with illegal and unauthorised encampments. The Guidance lists a series of questions that local authorities will want to consider including:

- Is the land particularly vulnerable to unlawful occupation/trespass?
- What is the status of that land? Who is the landowner?
- Do any special rules apply to that land (e.g. byelaws, statutory schemes of management, etc.) and, if so, are any of those rules relevant to the occupation/trespass activity?
- Has a process been established for the local authority to be notified about any unauthorised encampments?
- If the police are notified of unauthorised encampments on local authority land, do they know who in the local authority should be notified?
- If the power of persuasion by local authority officers (wardens/park officers/enforcement officers) does not result in people leaving the land/taking down tents, is there a clear decision making process, including liaison between councils and local police forces, on how to approach unauthorised encampments? At what level of the organisation will that decision be made? How will that decision-maker be notified?

The Guidance also states that to plan and respond effectively local agencies should work together to consider:

- Identifying vulnerable sites;
- Working with landowners to physically secure vulnerable sites where possible;
- Preparing any necessary paperwork, such as applications for possession orders or injunctions, in advance;

- Working with private landowners to inform them of their powers in relation to unauthorised encampments, including advance preparation of any necessary paperwork;
- Developing a clear notification and decision-making process to respond to instances of unauthorised encampments;
- The prudence of applying for injunctions where intelligence suggests there may be a planned encampment and the site of the encampment might cause disruption to others;
- Working to ensure that local wardens, park officers or enforcement officers are aware of who they should notify in the event of unauthorised encampments;
- Working to ensure that local wardens or park officers are aware of the locations of authorised campsites or other alternatives; and
- Identifying sites where protests could be directed / permitted.

#### B.18 **DCLG Planning policy for traveller sites, August 2015**

To be read alongside the NPPF (March 2012), this national planning policy document replaces the original document of the same Swale (published in March 2012). *Planning policy for traveller sites* sets out that, “the Government’s overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.”<sup>41</sup>

The document sets out a series of nine policies (Policy A to Policy I), which address different issues associated with traveller sites:

- Policy A: Using evidence to plan positively and manage development,
- Policy B: Planning for traveller sites,
- Policy C: Sites in rural areas and the countryside,
- Policy D: Rural exception sites,
- Policy E: Travellers sites in Green Belt,
- Policy F: Mixed planning use traveller sites,
- Policy G: Major development projects,
- Policy H: Determining planning applications for traveller sites, and
- Policy I: Implementation.

#### B.19 **DCLG Planning policy statement on Green Belt protection and intentional unauthorised development (31<sup>st</sup> August 2015)**

Issued as a letter to all Chief Planning Officers in England, this planning policy statement sets out changes to make intentional unauthorised development a material

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<sup>41</sup> DCLG *Planning policy for traveller sites*, August 2015, paragraph 3

consideration in the determination of planning applications, and also to provide stronger protection for the Green Belt. The statement explains that the Planning Inspectorate will monitor all appeal decisions involving unauthorised development in the Green Belt, and additionally the DCLG will consider the recovery of a proportion of relevant appeals for the Secretary of State's decision *"to enable him to illustrate how he would like his policy to apply in practice"*, under the criteria set out in 2008.

In addition, the planning policy statement of 31<sup>st</sup> August 2015 announced that the Government has cancelled the documents *Guide to the effective use of enforcement powers, Part 1* (2006) and *Part 2* (2007) and *Designing Gypsy and Traveller Sites – Good Practice Guide* (2008).

**B.20 DCLG Draft guidance to local housing authorities on the periodical review of housing needs: Caravans and Houseboats, March 2016**

This draft guidance was published to explain how the Government wants local housing authorities to interpret changes to accommodation needs assessments (as required by Section 8 of the Housing Act 1985), specifically in relation to caravans and houseboats. It makes reference to Clause 115 of the Housing and Planning Bill, which has subsequently received royal assent and became legislation on 12 May 2016. The relevant clause has become Section 124 of the Housing and Planning Act 2016.

The draft guidance explains how Government wants local housing authorities to interpret changes to accommodation needs assessments (as required by Section 8 of the Housing Act 1985), specifically in relation to caravans and houseboats.

In the carrying out of accommodation needs assessments, the draft guidance stresses the importance of close engagement with the community. The use of existing data along with conducting a specialist survey is recommended.

**B.21 Ministry of Housing, Communities & Local Government Draft Revised National Planning Policy Framework, March 2018**

Draft Revised NPPF was published for public consultation in March 2018. Chapter 5 deals with *'Delivering a sufficient supply of homes'*. Paragraph 62 states:

*'Within this context, policies should identify the size, type and tenure of homes required for different groups in the community (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers\*, people who rent their homes and people wishing to commission or build their own homes).'*

The footnote states as follows:

*'Travellers who do not fall under the definition of 'traveller' in Annex 1 of the Planning Policy for Traveller Sites. The latter sets out how travellers' accommodation needs should be assessed for those covered by the definition in Annex 1 of that document.'*

## Appendix C: Fieldwork questionnaire for household survey

	Date and Time			
	Site Reference			
	Address			
1	Pitch/Property Type			
2	No. Statics/mobiles/bricks and mortar			
3	No. tourers			
4	Description of pitch occupancy			
5	No. households			
6	No. concealed households			
7	No. doubled up households			
8	Does anyone else use this pitch as their home?			
9	Household characteristics			
		Gender	Age	Relationship to respondent
	Respondent			
	Person 2			
	Person 3			
	Person 4			
	Person 5			
	Person 6			
	Person 7			
	Person 8			

10	Ethnicity	
11	How many bedspaces are there on your pitch?	
12	Overcrowding of home	Y / N
13	Overcrowding of pitch	Y / N

### Travelling questions

14	In the last year have you or someone in your household travelled	Y / N
15	Previous to the last year, did you or someone in your household travel?	Y / N
16	Reason(s) for travelling	
17	Do you or a member of your household plan to travel next year?	Y / N
18	Do you think you or a member of your household will travel each year for the next five years and/or beyond	Y / N
19	What reasons do you have for not travelling now or in the future?	

### Future moving intentions

20	Are you planning to move in the next 5 years?	Y / N
21	Where are you planning to move to? ( <b>Same Site</b> , <b>Other Site</b> in District, <b>Outside</b> District (if so where))	
22	What type of dwelling (caravan, trailer, house, flat, bungalow)	

23	<b>Emerging households:</b> Are there any people in your household who want to move to their own pitch in the next 5 yrs?	Y / N			
		HH1	HH2	HH3	HH4
24	Where are you planning to move to? ( <b>Same Site, Other Site</b> in District, <b>Outside</b> District (if so where))				
25	What type of dwelling (caravan, trailer, house, flat, bungalow)				
26	Have they travelled / plan to travel	Y/N	Y/N	Y/N	Y/N
27	Scope to expand site	Y / N			
28	No. additional pitches				
29	Scope to intensify pitches	Y / N			
30	No. additional pitches				
31	Is there a need for transit pitches (for people stopping over temporarily) in the district?	Y / N			
32	If so, now many are needed?				
33	Who should manage them (Council, Traveller Community)				
34	Is there a need for more authorised pitches (for people to live on all the time?)	Y / N			
35	If so, now many are needed?				
36	How many years have you lived here?				

**If less than 6 years, please ask supplementary questions**

**Supplementary questions if relevant**

37	Where did you move from? <b>(District)</b>	
38	When you moved here, was the pitch vacant, a new pitch or was the pitch sub-divided	
39	What were the reasons for moving here?	
40	Did you already have a connection with the area (e.g. family or friends living here; or you used to live here?)	
41	Do you know anyone in bricks and mortar housing looking to live on a site? If so, can you provide contact details	
42	Are there any vacant pitches on the site which could be used by another family? If so how many pitches	

## Appendix D: Glossary of terms

**Caravans:** Mobile living vehicles used by Gypsies and Travellers; also referred to as trailers.

**CJ&POA:** Criminal Justice and Public Order Act 1994; includes powers for local authorities and police to act against unauthorised encampments.

**CRE:** Commission for Racial Equality.

**DCLG:** Department for Communities and Local Government; created in May 2006. Responsible for the remit on Gypsies and Travellers, which was previously held by the Office of the Deputy Prime Minister (O.D.P.M.).

**Gypsies and Travellers:** Defined by DCLG *Planning policy for traveller sites* (August 2015) as “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”. The planning policy goes on to state that, “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”.

**Irish Traveller:** Member of one of the main groups of Gypsies and Travellers in England. Irish Travellers have a distinct indigenous origin in Ireland and have been in England since the mid nineteenth century. They have been recognised as an ethnic group since August 2000 in England and Wales (O’Leary v Allied Domecq).

**Mobile home:** Legally a ‘caravan’ but not usually capable of being moved by towing.

**Pitch:** Area of land on a Gypsy/Traveller site occupied by one resident family; sometimes referred to as a plot, especially when referring to Travelling Showpeople. DCLG *Planning policy for traveller sites* (August 2015) states that “For the purposes of this planning policy, “pitch” means a pitch on a “gypsy and traveller” site and “plot” means a pitch on a “travelling showpeople” site (often called a “yard”). This terminology differentiates between residential pitches for “gypsies and travellers” and mixed-use plots for “travelling showpeople”, which may / will need to incorporate space or to be split to allow for the storage of equipment”.

**Plot:** see pitch

**PPTS:** Planning Policy for Traveller Sites (DCLG, 2012 and 2015 editions)

**Roadside:** Term used here to indicate families on unauthorised encampments, whether literally on the roadside or on other locations such as fields, car parks or other open spaces.

**Romany:** Member of one of the main groups of Gypsies and Travellers in England. Romany Gypsies trace their ethnic origin back to migrations, probably from India, taking place at intervals since before 1500. Gypsies have been a recognised ethnic group for the purposes of British race relations legislation since 1988 (CRE V Dutton).

**Sheds:** On most residential Gypsy/Traveller sites 'shed' refers to a small basic building with plumbing amenities (bath/shower, WC, sink), which are provided at the rate of one per pitch/pitch. Some contain a cooker and basic kitchen facilities.

**Showpeople:** Defined by DCLG *Planning policy for traveller sites* (August 2015) as “Members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or their family’s or dependants’ more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily, but excludes Gypsies and Travellers as defined above”.

**Site:** An area of land laid out and used for Gypsy/Traveller caravans; often though not always comprising slabs and amenity blocks or ‘sheds’. An authorised site will have planning permission. An unauthorised development lacks planning permission.

**Slab:** An area of concrete or tarmac on sites allocated to a household for the parking of trailers (caravans)

**Stopping places:** A term used to denote an unauthorised temporary camping area tolerated by local authorities, used by Gypsies and Travellers for short-term encampments, and sometimes with the provision of temporary toilet facilities, water supplies and refuse collection services.

**Tolerated site:** An unauthorised encampment/site where a local authority has decided not to take enforcement action to seek its removal.

**Trailers:** Term used for mobile living vehicles used by Gypsies and Travellers; also referred to as caravans.

**Transit site:** A site intended for short-term use while in transit. The site is usually permanent and authorised, but there is a limit on the length of time residents can stay.

**Unauthorised development:** Establishment of Gypsy and Traveller sites without planning permission, usually on land owned by those establishing the site. Unauthorised development may involve ground works for roadways and hard standings. People parking caravans on their own land without planning permission are not Unauthorised Encampments in that they cannot trespass on their own land – they are therefore Unauthorised Developments and enforcement is always dealt with by Local Planning Authorities enforcing planning legislation.

**Unauthorised encampment:** Land where Gypsies or Travellers reside in vehicles or tents without permission. Unauthorised encampments can occur in a variety of locations (roadside, car parks, parks, fields, etc.) and constitute trespass. The 1994 Criminal Justice and Public Order Act made it a criminal offence to camp on land without the owner’s consent. Unauthorised encampments fall into two main categories: those on land owned by local authorities and those on privately owned land. It is up to the land owner to take enforcement action in conjunction with the Police.

**Wagons:** This is the preferred term for the vehicles used for accommodation by Showpeople.

**Yards:** Showpeople travel in connection with their work and therefore live, almost universally, in wagons. During the winter months these are parked up in what was traditionally known as ‘winter quarters’. These ‘yards’ are now often occupied all year around by some family members.