



Assessing Gypsy and Traveller Needs Policy and Methodological Issues

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Opinion Research Services

Introducing ORS

Gypsies and Travellers

History of Gypsy and Traveller Planning

Definition of who is a Traveller

Calculation of need

Previous figures for England

Methodological issues

Outcomes

Founded in Swansea University in 1988

University Spin-out company 1998

UK-wide practice

Housing, health, local government, transport, emergency services (fire and police), leisure, equality and diversity

55 full-time research staff

Own fieldwork

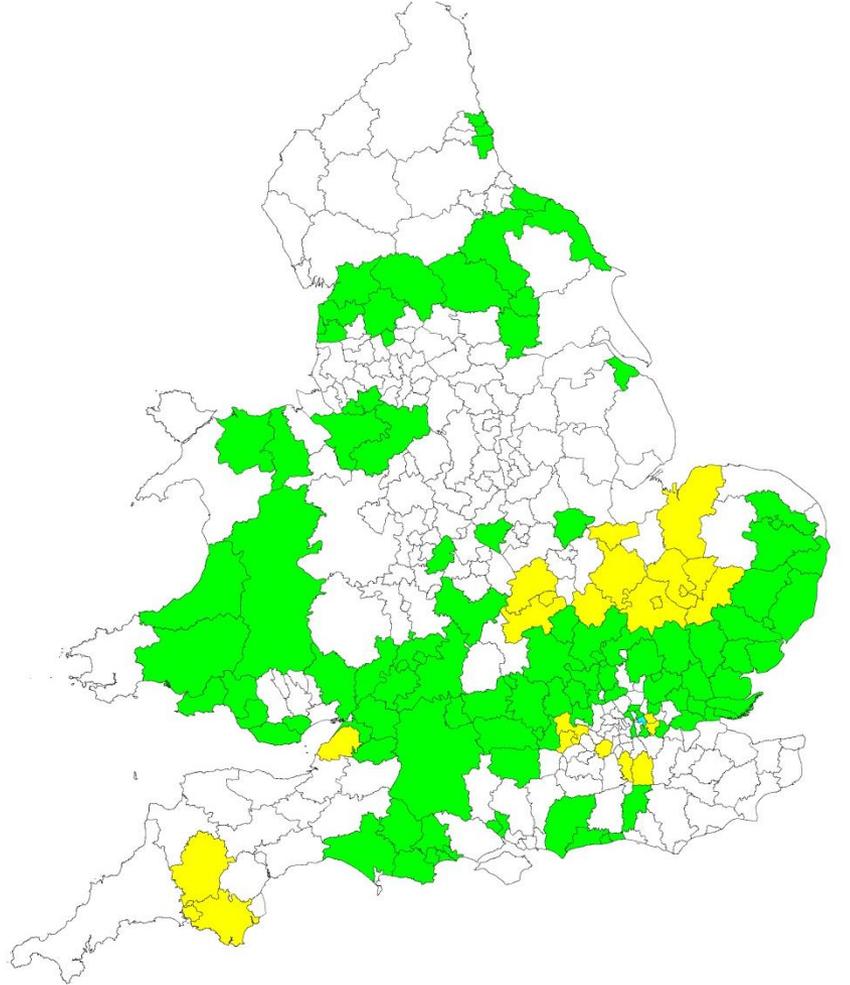
Fieldworkers IQCS trained and managed in-house
30-unit social research call centre

Extensive experience with Gypsies and Travellers

Assessments

Earliest assessments in 1990s

Around 150 local authorities since 2012





Trained as economist

Taught at Warwick and Swansea Universities

Research post at Swansea University

Joined ORS in 2004

Specialised in housing market modelling

UK-wide research projects

Extended into Gypsy and Traveller assessments in 2005

Work involves

Needs assessment questionnaires

Fieldwork methodology and implementation

Independent analysis and reports

Presentations to members

Appearances at Examinations in Public and Planning

Appeals

Also includes...

Steve Jarman

Ex-Cardiff City Council

Now leads on all ORS GTAAs

Dr Claire Thomas

Leads on the stakeholder consultation

Ciara Small, Imogen Statham, Chris Doel and Kara Stedman

Provide support on stakeholder engagement and report writing



GYPSIES AND TRAVELLERS

Romany Gypsies and Irish Travellers are recognised ethnic minorities

Included in the Race Relations Act 1976

In the Equalities Act 2010

Scottish Travellers are also a protected group

Estimates have ranged from 150k to 300k people

Both groups are also none by associated names

Welsh Traveller, English Traveller, Irish Gypsy etc.

Other groups such as Bargees, New Travellers and Travelling Showpeople are recognised in planning law.

2011 Census included the combined ethnic group category of Gypsy or Irish Traveller

2,800 people in Wales and 54,800 in England

74% in bricks and mortar and 26% in caravans

ORS estimate that the response rate to the ethnic group was around 30%, so the total population is circa 200k .



HISTORY OF GYPSY AND TRAVELLER PLANNING



1968 Caravan Sites Act

- Included a statutory duty on Councils to provide sites

1994 Circular 1/94 Gypsy Sites and Planning

- Removed the statutory duty on Councils to provide sites

Housing Act 2004 in England Paragraph 225 and 226

- Requirement to assess the need for Gypsy and Traveller pitches alongside other housing needs
- Give consideration to any guidance which exists

2006 CLG Planning for Gypsy and Traveller Caravan Sites

2007 CLG Gypsy and Traveller Accommodation Needs Assessments: Guidance

2006 WAG published guidance on conducting accommodation assessments for Gypsies and Travellers in the Local Housing Market Assessment Guide Annex F

December 2007 WAG guidance on Planning for Gypsy and Traveller Caravan Sites was published in the form of WAG Circular 30/2007

- Extensive planning policy
- New pitch provision was part of the Regional Spatial Strategy process in England
- Pitch provision was not a statutory duty on planning authorities.
- Guidance was designed to be helpful rather than prescriptive.

WALES

- » **2014 - Housing Act**
- » **2015 Undertaking Gypsy and Traveller Accommodation Assessments Guidance**

ENGLAND

- » **2012 – Planning Policy for Traveller Sites (Updated 2015)**
 - » To be read alongside the National Planning Policy Framework
 - » Councils must demonstrate a 5-year supply of pitches for Gypsies and Travellers
- » **2015 - Announced that the 2007 Guidance for assessing needs to be withdrawn and not replaced**
- » **2016 – Draft Guidance from CLG for Housing Needs for Caravan and Houseboats**



Wales

- » Placed a statutory duty on authorities to assess needs and provide sites
- » Guidance is highly prescriptive and seeks to ensure consistency between assessments

England

- » Significantly altered the definition of who is Traveller for planning purposes
- » Removed any guidance so the responsibility for assessing needs robustly rests with the planning authority
- » Introduced an additional tier of evidence for Caravan and Houseboat dwellers



TRAVELLERS A CONTESTED CONCEPT

Welsh Definition

Persons of a nomadic habit of life, whatever their race or origin, including:

- » *(1) Persons who, on grounds only of their own or their family's or dependant's educational or health needs or old age, have ceased to travel temporarily or permanently, and*
- » *(2) Members of an organized group of travelling show people or circus people (whether or not travelling together as such); and*
- » *(b) All other persons with a cultural tradition of nomadism or of living in a mobile home.*

Source: Section 108, Housing (Wales) Act 2014

English Definition

For the purposes of this planning policy "gypsies and travellers" means:

- » *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.*

Source, Planning Policy for Traveller Sites Annex 1 Glossary

2006

For the purposes of this Circular “gypsies and travellers” means

- » *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 or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such.*

Source: Circular 01/06

2015

For the purposes of this planning policy “gypsies and travellers” means:

- » *Persons of nomadic habit of life whatever their race or origin, including such*
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- » *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.*

Source, Planning Policy for Traveller Sites Annex 1 Glossary

Travelling has been defined in a series of High Court judgments:

- » R v South Hams District Council (1994)
- » Maidstone BC v Secretary of State for the Environment and Dunn (2006)
- » Greenwich LBC v Powell (1989)
- » Hearne v National Assembly for Wales (1999)

Travellers defined as:

- » *“persons who wander or travel for the purpose of making or seeking their livelihood (not persons who travel from place to place without any connection between their movements and their means of livelihood.)”* This includes ‘born’ Gypsies and Travellers as well as ‘elective’ Travellers such as New Age Travellers.
- Traveling can be seasonal and is not lost unless travelling ceases permanently
- It does not cover those who travel for social purposes
- It does not cover those commute to work daily from a permanent place of residence.

However

- » *The ‘Equality Act’ 2010 Definition*
- » *The courts have determined that Romany Gypsies, Scottish Travellers and Irish Travellers are protected against race discrimination because they are included under the Protected Characteristics as an ethnic group. Culturally suitable housing should be provided for this group.*



MODELLING NEEDS FOR GYPSY AND TRAVELLER PITCHES

In assembling the evidence base necessary to support their planning approach, local planning authorities should:

- » a) pay particular attention to early and effective community engagement with both settled and traveller communities (including discussing travellers' accommodation needs with travellers themselves, their representative bodies and local support groups)
- » b) co-operate with travellers, their representative bodies and local support groups; other local authorities and relevant interest groups to prepare and maintain an up to-date understanding of the likely permanent and transit accommodation needs of their areas over the lifespan of their development plan, working collaboratively with neighbouring local planning authorities
- » c) use a robust evidence-base to establish accommodation needs to inform the preparation of local plans and make planning decisions.

Current Needs

- » Households on unauthorised developments for which planning permission is not expected
- » Concealed households
- » Net households in brick and mortar wishing to move to sites

Future Needs

- » Households living on sites with temporary planning permissions
- » Net new household formation expected during the study period
- » Net migration to sites from outside the study area

Supply of pitches

- » Currently vacant pitches
- » Any pitches and/or plots currently programmed to be developed within the study period, already have planning permission or due to come back into use

Non Travellers on sites

- Caravan sites can offer cheap accommodation so sub-letting does occur

Travellers on non designated or conditioned sites

- Many Travellers live on sites with no restricted occupancy – park home sites

Non declared occupants

- Particular issues around breaching planning conditions
- Also an issue around registration for Council Tax

Bricks and mortar households

- Evidence points to 75% of Travellers households living in bricks and mortar
- Claims are made for many households wishing to move on to sites
- 10 years' research has found little evidence to support this with few households coming forward

Advice from representative groups and planning agents

- The change in definition in England has made groups defensive about protecting Traveller status
- Travellers are being advised not to discuss travelling

The heart of any housing needs assessment is how quickly household growth will occur:

- » In a study for the Office of the Deputy Prime Minister it was concluded that net growth rates as high as 2%-3% per annum should be assumed.
- » The Regional Spatial Strategies (RSS) used net growth rates of 3% per annum
- » GTANA: Guidance 2007 used 3% formation rate in its example
- This could be net or gross because the model also allows for pitches to be vacated
- » In a recover planning inquiry decision in August 2013 the Secretary of State stated that 3% net formation was the norm

Data from the 2011 Census and ORS' own fieldwork indicate conclusively that the figure should be around 1.5%. Subsequently supported by academic demographic work

- » ORS requested CLG's evidence on household formation and found that they had none
- » The Planning Minister Brandon Lewis in April 2014 stated:

I can confirm that the annual growth rate figure of 3% does not represent national planning policy.

ORS considers that the issue of formation rates for Gypsies and Travellers is effectively over with no contrary evidence coming forward

- It has taken 13 years for a firm conclusion to be reached on this issue

Between 2012 and 2014 ORS undertook studies for 110 authorities in England

- 20,000 caravans in the bi-annual caravan count
- 5 year need was 2,000 pitches over 5 years and 3,500 over 15 years.
- 324 local authorities in England so that implies 6,000 pitches over 5 years and 10,000 over 15 years.

The impact of the new definitions will significantly reduce these figures

- The results of over 2,000 on-site interviews between 2012 and 2014 indicated that less than 10% of household travel for work
- This figure doesn't count those who have temporarily stopped travelling
- ORS have undertaken site interviews in the last 6 months on larger public sites where no one claims to travel for work
- Applying a rate of 10% would give a 15 year need of 1,000 pitches

BUT the new requirement to assess the needs for caravan and houseboats will move all of the reduction in need to an alternative location

- The need will be consider in the Strategic Housing Market Assessment, not the Gypsy and Traveller Accommodation Assessment
- Planning decision will be considered against the NPPF, not PPTS and against the 5 year housing land supply.

1,000 caravans in the bi-annual caravan count

- 5% of the English figure

2015 Guidance is a 64 page document

- Extremely prescriptive guidance seeking consistency between the 22 local authorities in Wales
- Three levels of sign off – the local council, then the Welsh Government and then the Planning Inspectorate
- The questionnaire is set out in the guidance

Very high levels of effort to be made to contact all Gypsy and Traveller households, particular in bricks and mortar

- All site and property visits must be logged
- The approach contrasts with Local Housing Market Assessment guidance in Wales which is entirely undertaken from secondary data

Model used to assess need is highly prescriptive

- Data drawn predominantly from the household survey is to be entered in a specific format



18 Stage model

3 key stages relating to formations

- D. Pitches expected to become vacant in near future (as identified through site turnover records)
- K, Current households occupying authorised pitches plus the current residential demand, minus the expected vacancies from authorised pitches
- K Future households (at year 5) (current residential supply + current residential demand – pitches expecting to become vacant) @ 2.25% year on year for 5 years – illustrative gross formation rate

1st Issue Turnover is not Supply

- Supply comes from dissolution, out-migration and moves to bricks and mortar
- Turnover can also come from movements within an area
- Site records typically only exists for public sites

2nd issue is how is formation measured?



151. To identify the number of authorised pitches which are expected to become vacant in the near future, Local Authorities should review their site management records to assess the annual pitch turnover over a 5 year period. The **average turnover rate of pitches for one year should be inserted into row D**

203. Anticipated future household growth should be identifiable by the answers provided by participants under section D of the questionnaire. This will **provide an estimate of additional households over the coming 5 year period**. As a guide, it is likely household growth in Gypsy and Traveller communities is greater than in the wider settled community. However, data compiled by those undertaking previous Gypsy and Traveller accommodation assessments suggests this growth rate is usually within the range of 1.5 – 3% per annum.

208. Inevitably, there should also be dissolution of some households over time. The calculation found through Table 3 – An estimate of need for residential site pitches should take account of this dissolution through Local Authorities considering their **pitch turnover rate in row D**. Where households on pitches have been dissolved the pitch would have been reallocated as part of this turnover.

What do you enter in row D?

- If it is 1 year's turnover, then this may overstate supply by conflating turnover with supply
- If it is 1 year's turnover plus future dissolutions, how are you calculating these?

What do you enter in row K Current Households?

- If it is all households minus 1 year's turnover on sites then this is assuming that all household in the turnover dissolve, migrate or move to bricks and mortar.
- If it is all households minus 1 year's turnover on sites and 5 years projected dissolutions then the dissolutions are being counted as supply, but also as a means of reducing future household formations

How are local authorities meant to know what to do?

- Does the model sum correctly?
- Welsh officers will undertake one assessment 5 every years
- Process will inevitably be inconsistent

Wales

Centralised and structured process

- ORS recommends moving from using “gross needs” to “net needs” for formations

Consistency might still be difficult for LAs

- Would be simpler to commission a Wales-wide study

England

All powers and responsibilities rest with the local authority

- Process has allowed for the methodological advance over time as local authorities seek to better understand their needs
- By 2015 something close to a consensus was being reached

The change in definition of Travellers has raised many issues

- Several years of uncertainty and judicial reviews can be anticipated.



THANK YOU FOR LISTENING
Any Comments or Questions?