

Merton Sites and Policies and Policies Plan (the plan) Public Examination

MAIN MATTERS AND ISSUES 1: Duty to Cooperate

Q1 Has the Council discharged its duty to cooperate particularly in respect of Gypsies, Travellers and Travelling Showpeople?

- 1.1 Yes, the council has discharged its Duty to co-operate, particularly in respect of Gypsies, Travellers and Travelling Showpeople.
- 1.2 The Localism Act 2011 places a legal duty on local planning authorities, county councils in England and public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local Plan preparation relating to strategic cross boundary matters.
- 1.3 Council Statement **SP4.11** *Duty to co-operate* sets out how the council has discharged its Duty to Co-operate in regard to Merton's *Sites and Policies Plan and Policies Map*.
- 1.4 Merton is part of Greater London, along with 32 other boroughs. Since at least 2004, all London boroughs have engaged constructively and actively with each other and with the Greater London Authority on an on-going basis on cross boundary matters to prepare and implement the Spatial Development Strategy (known as the London Plan).
- 1.5 Since 2004, the Local Plans of all London boroughs, including Merton, have to be in general conformity with the London Plan. In addition to topographical and geographical attributes, historic development patterns, funding allocation, pan London authorities (e.g. Transport for London) strategic cross boundary actions and projects all help to maximise the effectiveness of the Local and Strategic plan making process.
- 1.6 **SP4.11** sets out strategic cross-boundary actions that are either part of Merton's Local Plan or key evidence to support Merton's Local Plan, such as:
 - The South London Waste Plan 2012 (**SP5.38**): a jointly prepared Development Plan Document, with shared resources and governance, which is part of the Local Plans of Croydon, Kingston-upon-Thames, Merton and Sutton. It sets out the planning policies and site to deliver the London Plan's waste management apportionment for these boroughs.
 - The Strategic Flood Risk Assessment 2009 (**SP5.37**): a jointly resourced and managed project between the river's catchment boroughs of Croydon, Kingston-upon-Thames, Merton and Sutton, and the Environment Agency. It acts as evidence for plan making, planning decisions and

- the Wandle Valley Regional Park
 - Merton's Local Implementation Plan (**SP5.49**), which helps deliver Merton's share of the Mayor's pan-London Transport Strategy and which is co-ordinated across the 33 boroughs by Transport for London.
 - The Strategic Housing Land Availability Assessment (**SP2.7**), co-ordinated across all 33 London boroughs by the Greater London Authority through a shared methodology and joint working. The SHLAA helps London to identify its housing needs and capacity to deliver new homes. The outcome of the SHLAA are the London Plan targets for each borough's share of new homes over the next 10 years, which each borough must plan for in their Local Plans.
- 1.7 At the examination the Inspector will consider whether the local planning authority has fulfilled its duty under section 33A so as to maximise the effectiveness of the plan making process when planning for strategic cross boundary matters.
- 1.8 Government guidance "*Planning for traveller sites*" (SP1.2) Policy A also refers to co-operation between boroughs, stating that robust evidence should be prepared and kept up to date by "*working collaboratively with neighbouring local planning authorities*". In addressing duty to cooperate issues, **SP4.11** also addresses this.
- 1.9 **SP4.11** paragraphs 4.1 to 4.12 sets out how Merton fulfilled its duty to co-operate and met so as to maximise the effectiveness of the plan making process when planning for traveller sites for gypsies, travellers and travelling showpeople.
- 1.10 As mentioned in **SP4.11** paragraph 4.1, the Mayor of London determined that gypsy and traveller accommodation needs should be assessed and managed locally, quite distinct from the pan-London approach to assessing and delivering other forms of residential accommodation. The background to this can be summarised as follows:
- 1.11 **2008, March:** the GLA published London's Gypsy and Traveller Accommodation Needs Assessment on behalf of the 33 London boroughs. Between March 2007 and 2008, Fordham's consultancy interviewed 18 members of the gypsy and traveller community in Merton as part of this assessment. The study assessed the need for gypsy and traveller pitches in Merton as being between 4 and 16 pitches between 2007 and 2017 (the higher target takes account of the view that some travellers have a psychological aversion to bricks and mortar), with zero pitches for travelling showpeople and zero for other forms of accommodation (e.g. bricks and mortar).
- 1.12 **2009, October:** the GLA published the draft London Plan for consultation. Policy 3.9 *gypsies and travellers (including travelling showpeople)* recommended caravan pitch targets 2007-17 for all boroughs, allocating

Merton a target of 9 pitches. Paragraphs 3.48-3.50 set out how the Mayor came to this view, considering:

- the identified needs of those already living in caravans as a priority,
- the role that bricks and mortar housing can play in meeting gypsy and traveller accommodation needs,
- the limited land supply and high land values in London,
- the balance which has to be struck between meeting the requirements of delivering pitches averaging 50 dwellings per hectare and bricks and mortar accommodation averaging 140 dph

<http://www.london.gov.uk/shaping-london/london-plan/docs/london-plan.pdf>

- 1.13 **2010, September:** the GLA published *London Plan Minor alterations: gypsies and travellers (including travelling showpeople) and aggregates*. Between paragraphs 113 and 1.23 of this consultation document the Mayor criticises the previous guidance under which the pan-London Fordhams study was prepared as:

“excessively complex and prescriptive, sought spurious levels of accuracy in target setting and required a blanket, nationwide approach ill suited to the unique circumstances of London (particularly its unique governance arrangements and the pressures on its scarce resources of developable land”.

- 1.14 The Mayor revokes the London Plan targets and states that boroughs should assess needs and set targets locally:

“The Mayor agrees with the Government that people from different communities should be free to lead their lives in different ways, subject to the need for mutual respect and responsibility. He is clear that the planning system should ensure fairness between the settled and traveller communities. It is his view that assessing levels of genuine local need, deciding on the level and location of suitable provision to meet that need and carrying out the necessary consultation with relevant communities and stakeholders is far more effectively done locally.”

<http://www.london.gov.uk/shaping-london/london-plan/docs/G&Ts%20&%20aggs%20Minor%20Alt%20AGREED%20FOR%20PUBLIC%20ATION.pdf>

- 1.15 **2011, July** – Merton adopted Core Planning Strategy (**SP3.2**): CS10: *Accommodation for Gypsies and Travellers* which protects the existing established traveller site and sets out criteria for new traveller sites to be assessed against. Justification paragraph 18.51 states:
- Paragraph 18.51 *We will conduct a local assessment in collaboration with local Gypsies and Travellers communities to identify accommodation needs. Whatever the level of need that it identified either via a local or sub-regional needs assessment for Merton, it is considered that there are robust and clear criteria to help deliver additional places.*
 - Paragraph 18.53 *Additional pitches for gypsies and travellers accommodation in Merton will be delivered through the Local Development Framework (Site Allocations DPD or an Area Action Plan) or the Council’s asset management or private windfall sites”.*

- 1.16 The above extracts from the draft London Plan 2009 and the London Plan Minor Alterations 2010 and Merton's Core Planning Strategy 2011 sets out the Mayor's clear reasons for not taking forward the Fordhams work and his clear justification that London councils should assess needs and delivering against these local needs for gypsy and traveller accommodation, unlike with all other types of residential accommodation. The extract from Merton's Core Planning Strategy paragraph 18.51 demonstrates Merton's view that, although the Mayor has made his opinion clear, this does not preclude a sub-regional needs assessment and ongoing co-operation between neighbouring boroughs.
- 1.17 **2011, July-September: Call for Sites (SP4.20)**
- 1.18 **2011, August:** Publication of the London Plan 2011. Policy 3.8 *Housing Choice* states that boroughs should ensure that "*the accommodation requirements of gypsies and travellers (including travelling show people) are identified and addressed in line with national policy, in co-ordination with neighbouring boroughs and districts as appropriate.*" Justification paragraph 3.56 explains *The Mayor is clear that the planning system should ensure fairness between the settled and traveller communities. It is his view that assessing levels of genuine local need, deciding on the level and location of suitable provision to meet that need and carrying out the necessary consultation with relevant communities and stakeholders is far more effectively done locally. Both because of the level of locally-specific detail involved, and the scale of the issue (relative to London's other strategic housing needs), the Mayor does not consider that it would be appropriate to include detailed policies regarding provision for gypsies and travellers and travelling show people in the London Plan.*
- 1.19 **2011, October** – As part of evidence gathering to inform local gypsy, traveller and travelling showpeople accommodation needs in Merton, Merton organises a dedicated event, led by Ambition Group, to assist with primary data collection for local accommodation needs. 19 members of the traveller community in Merton were interviewed as part of this research. The details of this event and the research results, described in **SP5.61** Merton's Gypsy and Traveller Accommodation Needs Assessment
- 1.20 **2012, March:** government publishes the National Planning Policy Framework and Planning for Traveller Sites, superseding previous national policy.
- 1.21 **2012 January to June** (Sites and Policies Plan stages 2 and 2a consultation): As set out in **SP4.11** (including paragraph 4.11) Merton contacts South London Irish Welfare Society; The Gypsy Council; Merton Traveller Education Service and each neighbouring borough (Croydon, Kingston, Lambeth, Sutton and Wandsworth to try and encourage dialogue and responses on planning for gypsy and travellers. **SP4.11** section 6 sets out the issues discussed and outcomes of the meetings with neighbouring boroughs.
- 1.22 **2012, July- August:** after receiving the results from Stages 2 and 2a consultations on the *Sites and Policies Plan*, the council considered that that

assessing the needs of and planning for the travelling community could benefit from further cross-boundary discussion to see whether or not there would be benefit to cross-boundary action on evidence gathering or plan-making. This decision was made in consideration of:

- the outcomes of the Ambition Group / LBM research event in 2011
- the Mayor's London Plan 2011 and earlier 2009 and 2010 draft London Plan statements on planning for traveller sites and the validity of previous government approaches to evidence gathering
- the NPPF and CLG guidance "Planning for Traveller Sites"
- the results of Stage2 and 2a engagement: including the responses from neighbouring boroughs and the lack of responses from traveller representatives

1.23 Therefore, in August 2012 Merton organised and hosted a workshop with the seven south London boroughs: Croydon, Kingston, Lambeth, Richmond, Sutton and Wandsworth with the principles of (a) seeing if cross boundary issues (e.g. cross boundary DPDs, cross boundary research, cross boundary approach to research methodology) could maximise the effectiveness of plan-making (b) identifying where each is in the plan-making process in relating to planning for new homes and specifically traveller sites, (c) sharing best practice in evidence gathering and plan-making for traveller sites and (d) sharing the results of evidence gathered or research already undertaken.

1.24 There was consensus from all the boroughs at the workshop that identification and addressing of needs would be met individually within borough boundaries rather than jointly or sub-regionally. The workshop and subsequent continuous engagement with boroughs has clarified that other boroughs were not all at the same stages of evidence gathering or plan-making as Merton as the following examples indicate:

- Croydon: There are English and Irish Travellers located separately on two sites within the borough. The adopted (formerly Core Strategy) Local Plan (April 2013), contains a criteria based policy that also proposes 10 additional pitches by 2021, which will be addressed by allocations in the emerging Development Management and Site Allocations Plan which is proposed for Submission in Spring 2015.
- Kingston upon Thames: There are English and Irish Travellers located separately on two sites within the borough. The Adopted Core Strategy (2010) contains a criteria based policy which aims to protect the existing authorised site, which houses 15 pitches and expand this site to include 3 additional pitches. As part of the preparation for a dedicated Gypsies and Travellers Development Plan Document for Kingston, evidence gathering to assess accommodation needs was undertaken in 2012
- Richmond: There is one council owned site which contains 12 pitches, which are occupied by two extended families from the Irish Gypsies and Travellers community. The Adopted Core Strategy (2009) includes a criteria based policy concerning Gypsies and Travellers and states that identifying and addressing Gypsies and Travellers will be via preparation of a Site Allocations DPD. Submission of this forthcoming DPD is proposed for summer 2014. As part of this DPD preparation, an assessment of housing needs, including that of Gypsies and Travellers in the borough is currently being undertaken. Initial results of this research indicates that future needs can be met through the existing pitch but

further research work is required before any definitive conclusions can be drawn.

- Sutton: There are two adjacent sites. One is council owned and has 15 pitches in total (12 Irish & 3 English Travellers) and one privately owned site which has 12 pitches in total all occupied by Irish Travellers. The Adopted Core Planning Strategy & Proposals Map DPD (2009) & Site Development Policies DPD (2012) both contains criteria based accommodation policies.
- Wandsworth: There is one council owned Gypsies and Travellers site containing 11 households. The Core Strategy Local Plan (review version 2012/13), which is proposed for submission in February 2014, and is informed by local housing needs research, proposes a pitch target of zero.

1.25 Where boroughs had undertaken some evidence gathering, emerging published results indicate that identified needs can be addressed within each borough's boundaries. To date and throughout all consultation stages and duty to co-operation work undertaken in preparing Merton's Sites and Policies Plan, no responses have been received from other boroughs or other sources indicating that there are unmet needs for gypsy and traveller accommodation that Merton should be addressing.

1.26 The actions from the workshop and from ongoing co-operation with neighbouring boroughs throughout 2012 and 2013 included:

- Agreement that councils will continue to share information on best practice for engaging this hard-to-reach community, recognising that each borough seems to have different levels of engagement with existing groups and different characteristics, so one size won't fit all;
- Accommodation needs be assessed and managed by each council, within their borough boundaries;
- Clear identification of whether and how each borough in south London
- meets Travelling Showpeople accommodation needs including patterns of working movement across south London and adjoining south eastern areas (see results in **SP5.61** appendix 3)
- Strategic identification and mapping of permanent authorised south London traveller sites (see map Appendix C of **SP4.11**)
- Continued exploration of cross boundary issues and movements have not indicated any implications for Merton.

1.27 **2012, December:** housing officers and Merton Priory Homes continue engagement with residents from Merton's authorised traveller site at Brickfield Road. The results of this engagement are contained in SP5.61 *Merton's Gypsies and travellers accommodation needs assessment*.

1.28 **2012 autumn and 2013, January-February: Stage 3 public consultation:** following the engagement with other boroughs and having received limited feedback from other consultees on Merton's *Sites and Policies Plan* relating to planning for traveller sites, officers proactively searched out and sought engagement with a wider range of stakeholders that might have any contact with the travelling community. Officers contacted these groups by a mixture of telephone, e-mail and letter (all groups received an e-mail or letter). These included:

- Azadeh Community Network, Orpington, Kent;
 - the London Gypsy and Traveller Unit, London;
 - the National Federation of Gypsies Liaison Groups, Derbyshire;
 - the Showmans Guild of Great Britain, Staines, Middlesex;
 - Travellers Liaison Group;
 - as well as the groups contacted at Stages 1, 2 and 2a
- 1.29 Aside from neighbouring boroughs, only the London Gypsy and Traveller Unit responded on the issue.
- 1.30 **2013 June:** Merton officers met the LGTU on planning for traveller sites.
- 1.31 **2013 Oct:** Sub Regional Housing Strategy Group meeting – Gypsy and Traveller accommodation needs discussed.
- 1.32 **2013 November:** the South London Partnership discusses planning for traveller sites with East Surrey Local Planning Authorities.
- 1.33 In conclusion, the council believes that Merton's plans are effective and positively prepared: that the council has led on issues within the duty to co-operate and taken a proactive approach to planning for traveller sites in close consultation with other boroughs and by engaging with community representatives.