

## **London Gypsies and Travellers – Reference ID 255**

### **London Plan Examination in Public**

#### **Written Statement on M2 Equality of Opportunity**

**6th December 2018**

Does the Integrated Impact Assessment and Addendum Report (NLP/CD/04 & 05) indicate that the Plan will help to advance equality of opportunity between people who share a “protected characteristic” as defined in the Equality Act 2010 and those that do not share it and further the other two aims of the Act? In particular, which policies of the Plan will achieve this?

#### **Overall Comments on the IIA in relation to Equality Duties**

The IIA and Addendum report are deficient in terms of the Equality Impact Assessment element, as they do not show detailed information on how the groups sharing the nine protected characteristics are affected by the London Plan. Overall it is not possible to establish from the IIA if the Plan will meet the Equality Duties as there is no distinct evidence base and appraisal of policies against the protected characteristics. The approach to IIAs is not consistent across the different statutory GLA strategies. For example a separate Equality Impact Assessment has been undertaken as part of the IIA for the Mayor’s Environment Strategy which takes a more adequate and robust approach.

The evidence included in Chapter 5 Baseline Information and Appendix B Extended Baseline Information of the IIA is not sufficiently robust in ensuring all protected groups are included and that the most adequate data is used across the different headings of the Scoping Report. Taking the example of Gypsy and Traveller groups, they are referred to in terms of discrimination (5.3.14) and poverty (5.3.21), but no information is included for example in terms of demographics, education, health and well-being, areas in which there is extensive evidence of the inequalities faced by these communities. The other reference in the Scoping report in paragraph 5.6.33 in terms of accommodation does not give any information in terms of existing provision, identified needs, rate of delivery and other issues which are addressed in the evidence and analysis on general housing.

Throughout the IIA it is not apparent how the Stage 1 Screening *of the impacts of the proposed new policies (...) against a defined set of protected characteristics* has been conducted and what the outcomes are. In a robust EqIA that demonstrates meeting the Equality Duties we would expect to see an assessment of equality impacts for each policy and for each of the alternative options presented under the Good Growth policies. As it stands, the IIA simply assumes positive impacts for all Equality groups against the IIA objectives, without justification or substantial reference to evidence. We analyse below the implications of this deficient approach in the case of Gypsy and Traveller communities.

Finally, another significant concern relates to the extent to which consultation responses were taken into account in producing the IIA Addendum Report. Both the London Gypsy and Traveller Forum and London Gypsies and Travellers consultation responses, as well as other individual submissions, flagged up the implications of having inferior policy provisions for Gypsy and Traveller

accommodation compared with general housing. These concerns were not mentioned in the IIA Addendum report or reflected in the revised policies.

### **Assessment of Equality Duties in relation to Gypsies and Travellers**

The IIA in relation to Gypsy and Traveller communities is largely one-dimensional, as it focuses primarily on accommodation issues. The only mention of Gypsy and Traveller communities on a different topic in the IIA is under the assessment of Policy SE3 Education and childcare facilities, where *a greater choice of schools and educational opportunities for all* is seen as particularly important. The evidence referred to in the baseline does not seem to flag up any particular issues around education for Gypsies and Travellers, although of course there is extensive evidence on this topic. It is therefore difficult to justify why for other relevant policies in the Plan, for example those related to health, economic opportunity or housing, there is no specific assessment in the IIA related to Gypsies and Travellers.

The main references to Gypsies and Travellers in the IIA and Addendum Report relate to Policy H16 Gypsy and Traveller Accommodation. This is a particular case where a London Plan policy directly addresses a group sharing a protected characteristic.

The IIA and Addendum Report suggest that the protection of existing Gypsy and Traveller accommodation addresses requirements of the Equality Act. The section on social, economic and environmental effects summarises the effects of ‘appropriately planning for Gypsy and Traveller communities’ and ‘seeking to improve living conditions’ for these communities, in terms of reducing barriers, improving health and wellbeing and helping to overcome discrimination and marginalisation.

Table 24 presents an assessment of how the policy scores against the IIA objectives. In terms of the EqIA it is assumed that Policy H16 will have positive short, medium and long term effects on a number of issues, including

*5. To provide a quantum, type, quality and tenure of housing (including specialist and affordable provision) to better meet demographic change and household demand*

We consider this assessment to be deficient as it fails to consider two significant issues:

- The inferior provisions of Policy H16 in terms of delivering Gypsy and Traveller accommodation compared to Policy H1; and
- The subsequent cumulative impacts of other housing policies in the London Plan on restricting the delivery of Gypsy and Traveller accommodation

Policy H16 consists of a range of provisions which have different effects in terms of the Equality Duty:

- Definition of Gypsies and Travellers

Policy H16 B provides a definition of Gypsies and Travellers to be used by Boroughs as a basis of assessing need. We consider this definition is a positive demonstration of meeting the requirements

of the Equality Act, as it is inclusive of all members of the Gypsy and Traveller community. This approach seeks to redress the deficiencies of the current PPTS definition of Travellers which are acknowledged in the Equalities statement supporting the 2014 DCLG consultation<sup>1</sup>. The scope of the Mayor's policy H16 avoids the adverse impact on those Gypsies and Travellers who have given up travelling permanently for whatever reason, but in particular on the elderly who no longer travel due to reasons related to ill-health or disability. Similarly, the wider definition in H16 avoids adverse impact on children and young people including those with disabilities or special educational needs who use a settled base in order to access education; as well as women who have ceased to travel in order to care for dependents.

The Mayor's proposed definition avoids the indirectly discriminatory impact of judging suitability of land for use as a caravan site, against the requirements of a policy aimed to provide bricks and mortar accommodation.

One of the most striking features of the equalities legislation is to assess if a proposed policy would have an adverse impact and if so, examine if that adverse impact can be substantially reduced, if not altogether avoided. The Mayor's proposed definition avoids the adverse impact of splitting planning policy for caravan sites and having separate policies depending on whether the person is too old or disabled to ever travel again. It is mixed and inclusive communities that are required. Here positive steps of a wider definition as proposed by the Mayor is fully justified under section 149(6) of the Equality Act 2010.

- Delivery of Gypsy and Traveller accommodation

The IIA and Addendum Report state that Policy H16: 'supports boroughs in identifying permanent Gypsy and Traveller pitches'. This is not a fair interpretation of the policy, as there is only a weak mention in the policy that 'Boroughs should plan to meet the identified need for permanent Gypsy and Traveller pitches.' There are no other provisions in the policy related to the identification of land for sites and the delivery of this type of accommodation.

In contrast, other housing policies in the London Plan provide a range of support and stronger requirements to boroughs to increase the supply of housing, for example:

- Mandatory language and targets: Policy H1 A sets out the ten-year targets that Boroughs must include in their local plans. Policy H1B and C set out a range of provisions supporting Boroughs to identify land for housing and ensure delivery against targets.
- Monitoring: Policy H1 D and H3 set out the requirements for Boroughs to annually update housing trajectories and to monitor housing targets, including for small sites and for non-self contained accommodation for students and older people.

The approach to identifying housing need, land capacity for meeting this need and establishing mechanisms to deliver is supported by evidence such as the SHMA and SHLAA. There is no

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<sup>1</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/354062/Equalities\\_Statement\\_publication\\_format\\_140905.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/354062/Equalities_Statement_publication_format_140905.pdf)

equivalent process for identifying needs and capacity for delivery of Gypsy and Traveller accommodation.

### **Cumulative impacts**

Given the persisting underprovision of Gypsy and Traveller accommodation, the loss of social rented caravan site stock and the impacts on the community across London there is a need for a strategic policy which takes the necessary steps to address this inequality. Overall Policy H16 is unlikely to achieve this, as it carries on the current approach of leaving it down to Boroughs to assess Gypsy and Traveller accommodation need and plan to meet this. Evidence presented in the GLA Gypsy and Traveller Accommodation Topic Paper clearly shows that the level of provision under the current policy approach at local, London-wide and national level has been far from sufficient to meet identified needs. Compared to the provision of housing to meet general needs this is evidently inferior.

The IIA is deficient as it does not take into account the projected impact of housing policies setting higher targets based on calculating land capacity for residential development across London combined with a weaker policy in terms of delivering Gypsy and Traveller accommodation. Other policies that encourage intensification and increased density as the best use of land have a similar impact on Gypsy and Traveller site provision. Many of the Local Authority responses to Policy H16 use the argument of the low density of sites and high pressure to build more housing as a justification to oppose a more inclusive definition of Gypsies and Travellers.

As there is no distinct Equality Impact Assessment for protected groups in the appraisal of the different options for the Good Growth Policies, it is not possible to see which of these might allow for better outcomes for Gypsy and Traveller accommodation and inform a policy approach that is more equitable. For example this might include a spatial development approach and housing policies that focus primarily on meeting need for the types of accommodation that have been persistently marginalised, allow for truly inclusive neighbourhoods where there is an impetus to deliver Gypsy and Traveller pitches alongside other types of homes and a recognition that intensification does not benefit all Londoners equally.