

IN THE HIGH COURT OF JUSTICE

Claim No. QB-2020-002112

KING'S BENCH DIVISION

B E T W E E N : -

**(1) TEST VALLEY BOROUGH COUNCIL
(2) HAMPSHIRE COUNTY COUNCIL**

Claimant

-and-

**(1) ALBERT BOWERS
(2)-(89) OTHER NAMED DEFENDANTS
(90) PERSONS UNKNOWN FORMING UNAUTHORISED ENCAMPMENTS
WITHIN THE BOROUGH OF TEST VALLEY
(91)-(137) OTHER NAMED DEFENDANTS**

Defendants

EXHIBIT

KD1

**REFERRED TO IN THE FOURTEENTH WITNESS STATEMENT
OF KAREN DUNN**

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION

Claim No. QB-2020-002112

Before Her Honour Judge Sarah Richardson (sitting as a Judge of the High Court)
9 May 2025

B E T W E E N :

(1) TEST VALLEY BOROUGH COUNCIL
(2) HAMPSHIRE COUNTY COUNCIL



-and-

(90) PERSONS UNKNOWN FORMING UNAUTHORISED ENCAMPMENTS
WITHIN THE BOROUGH OF TEST VALLEY

Defendants

ORDER

IF YOU, ANY OF THE ABOVE 90th DEFENDANTS, DISOBEY THIS ORDER OR INSTRUCT OR ENCOURAGE OTHERS TO BREACH THIS ORDER YOU MAY BE HELD IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED.

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS THE DEFENDANTS TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED

UPON the Application of the Claimants dated 22 April 2025 (the 'Application') seeking to continue the injunction Order of His Honour Judge Dight CBE (sitting as a Judge of the High Court) dated 17 May 2024 for a period of one year as against the 90th Defendant (Persons Unknown) only

AND UPON the Court being satisfied that the Application has been served on the 90th Defendant (Persons Unknown) in accordance with the Order of His Honour Judge Dight CBE (sitting as a Judge of the High Court) dated 17 May 2024

AND UPON hearing counsel for the Claimants and the Defendants neither appearing or being represented

POWER OF ARREST

THIS ORDER CONTAINS A POWER OF ARREST FOR BREACH OF PARAGRAPHS 1(a) to 1(e) INCLUSIVE OF THIS ORDER PURSUANT TO SECTION 27 OF THE POLICE AND JUSTICE ACT 2006. ANY PERSON FOUND TO HAVE BREACHED PARAGRAPHS 1(a) to 1(e) INCLUSIVE OF THIS ORDER MAY BE ARRESTED AND BROUGHT BEFORE A JUDGE OF THE HIGH COURT

Note to Arresting Officer: where the defendant is arrested under the power given by section 27 of the Police and Justice Act 2006:

- **The defendant shall be brought before the High Court Judge within a period of 24 hours beginning at the time of their arrest**
- **A constable shall inform the person on whose application the injunction was granted forthwith where the defendant is arrested under these powers**

Nothing in sections 27 of the Police and Justice Act 2006 shall authorise the detention of the defendant after the expiry of the period of 24 hours beginning at the time of their arrest.

In calculating any period of 24 hours no account shall be taken of Christmas Day, Good Friday or any Sunday.

IT IS ORDERED THAT:

A. INJUNCTION ORDER

1. Until and including **17 May 2026**, the 90th Defendant (Persons Unknown) are **forbidden** from:
 - a) Entering and/or occupying any part of the Land (as defined below) for residential purposes (temporary or otherwise) including the occupation of caravans/mobile homes, storage of vehicles, caravans and residential paraphernalia, save for where the Land is occupied in accordance with a lawful planning permission from the Local Planning Authority or the Secretary of State, or with Written Permission from the Local Planning Authority or in accordance with statutory permitted development rights.
 - b) Setting-up an Encampment (as defined below) on any part of the Land (as defined below) unless authorised to do so by the owner of the Land and provided the encampment does not breach planning control.
 - c) Setting-up an Encampment (as defined below) on any part of the Land (as defined below) without Written Permission from the Local Planning Authority, or planning permission granted by the Secretary of State or in accordance with statutory permitted development rights.

- d) Bringing on to any part of the Land (as defined below) or stationing on any part of the Land any caravans/mobile homes other than when driving through the highways on the Land or in compliance with the parking orders regulating the use of car parks or with the express permission from the owner of that part of the Land, save for where that part of the Land is occupied in accordance with a lawful planning permission from the Local Planning Authority or the Secretary of State, or with Written Permission from the Local Planning Authority or in accordance with statutory permitted development rights.
 - e) Depositing or causing to be deposited, controlled waste in or on any part of the Land (as defined below) unless a waste management licence or environmental permit is in force and the deposit is in accordance with the licence or permit.
2. There shall be a power of arrest attached to prohibitions 1(a) to 1(e) (inclusive) of this Order.
 3. In this Order, the following definitions shall apply:
 - a) The ‘**Land**’ means all land within the area marked red on the attached maps at plans 1-8 (inclusive) to this Order and which is within the administrative boundaries of Test Valley Borough Council.
 - b) ‘**Encampment**’ means the entering and/or occupying any part of land for residential purposes (temporary or otherwise) with caravans/mobile homes.
 - c) ‘**Controlled waste**’ has the same meaning as within s.75(4) of the Environmental Protection Act 1990.
 - d) ‘**Written Permission from the Local Planning Authority**’ includes, but is not limited to, written permission granted pursuant to any negotiated stopping agreement, policy or procedure.

B. SERVICE

4. This Order shall be deemed served on the 90th Defendant (Persons Unknown) pursuant to CPR 6.26 and 6.27 on the date when the following steps are completed:
 - a) affixing copies (as opposed to originals) of this Order in a transparent envelope in a prominent position on or close to all adopted highway entry points within the area marked with a red line and marked on plans 1 to 5 (inclusive) of this Order with a notice to “Persons Unknown forming encampments within the Borough of Test Valley” that a copy of the supporting evidence can be obtained or inspected at Test Valley Borough Council, Beech Hurst, Weyhill Road, Andover, Hampshire SP10 3AJ;
 - b) for the additional areas of land marked on plans 6 to 8 (inclusive) of this Order, by affixing copies (as opposed to originals) of this Order in a transparent envelope in a prominent position on that land with notice to “Persons Unknown forming encampments within the Borough of Test Valley” that a copy of the

supporting evidence can be obtained or inspected at Test Valley Borough Council, Beech Hurst, Weyhill Road, Andover, Hampshire SP10 3AJ.

C. LIBERTY TO APPLY

5. The Defendants or anyone notified of this Order may each of them apply to the Court on 72 hours prior written notice (without prejudice to the right of that person to apply to shorten the time for written notice) to both the Court and the Claimants to vary or discharge this Order (or so much of it as affects that person). The contact details for both the Court and the Claimants can be found in paragraphs 12 and 13 below.

D. REVIEW OF THE ORDER AGAINST THE 90th DEFENDANT (PERSONS UNKNOWN)

6. The Order against Persons Unknown shall be reviewed at a hearing on **1 May 2026**, with a time estimate of one day, unless the Claimants indicate to the Court that they do not seek an extension of the Order, upon which the Order will expire by effluxion of time. The Claimants must file and serve in accordance with paragraph 4 above any evidence upon which they intend to rely at the review hearing by 4pm on 17 April 2026. Any other person who would like to participate in the review hearing must also file and serve on the Claimants any evidence upon which they intend to rely at the review hearing by 4pm on 17 April 2026.

E. COSTS

7. No order as to costs against Persons Unknown.

GUIDANCE NOTES

EFFECT OF THIS ORDER

8. A Defendant who is an individual who is ordered not to do something must not do it either themselves or in any other way. A Defendant must not do it through others acting on his, her or their behalf or his, her or their instructions or with his, her or their encouragement.
9. A Defendant which is a corporation and which is ordered not to do something must not do it itself or by its directors, officers, employees or agents or in any other way.

PARTIES OTHER THAN THE CLAIMANT AND DEFENDANTS

EFFECT OF THIS ORDER

10. It is a contempt of court for any person notified of this Order knowingly to assist in or permit a breach of this Order. Any person doing so may be sent to prison, fined, or have their assets seized.

INTERPRETATION OF THIS ORDER

11. In this Order, where there is more than one Defendant, unless otherwise stated, references to “the Defendants” means each or all of them.

COMMUNICATIONS WITH THE COURT

12. All communication to the Court about this order should be sent to Room E03 Royal Courts of Justice, Strand, London, WC2A 2LL. The telephone number is 020 3938957. The offices are open between 10am and 4pm Monday to Friday.
13. All communication to the Claimants about this Order should be sent to Legal and Democratic Services, Test Valley Borough Council, Beech Hurst, Weyhill Road, Andover SP10 3AJ (legal@testvalley.gov.uk).

Dated this 9 day of May 2025

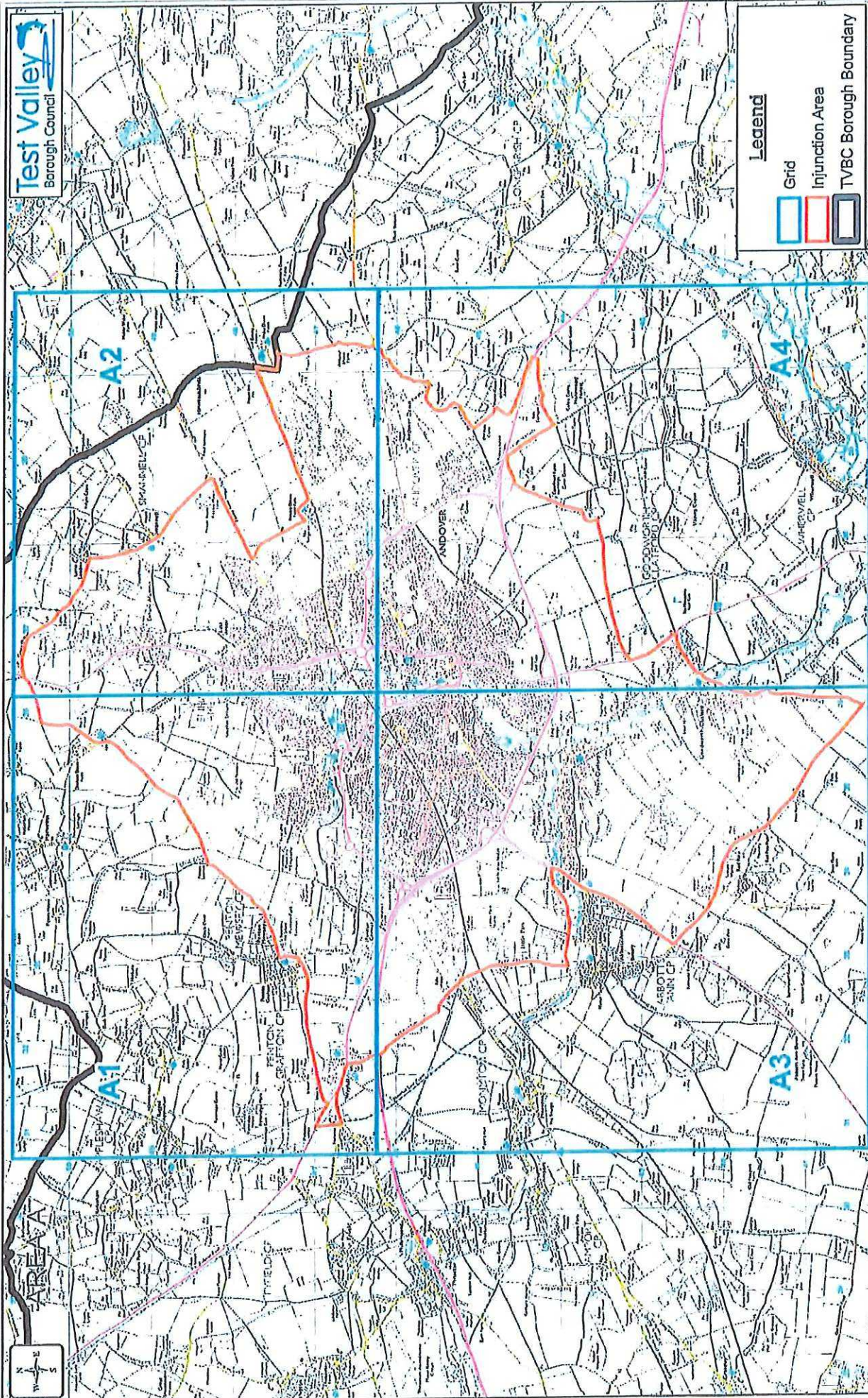
SCHEDULE OF NAMED DEFENDANTS

- (1) Albert Bowers
- ~~(2) Ann McDonagh~~
- (3) Annie McDonagh
- (4) Anthony Jones
- (5) Anthony McDonagh
- (6) Barbara Mcdonagh
- (7) Billy Harbour
- (8) Brian Davis
- ~~(9) Cathal Mckenna~~
- ~~(10) Charlie McDonagh~~
- (11) Christopher McDonagh
- (12) Crimea McDonald
- (13) Darren Lee
- (14) Darren Smith
- (15) Dennis Booth
- ~~(16) Dennis Sheridan~~
- (17) Denny Quilligan
- (18) Donna Marie Smith
- (19) Dylan McDonagh
- (20) Edward McDonagh
- (21) Frank Loveridge
- (22) Frankie Loveridge
- (23) Frederick Bowers
- ~~(24) Gouri Shanker Asposa~~
- (25) Henry Loveridge
- ~~(26) Isabell Lee~~
- ~~(27) Jabus Smith~~
- (28) Jacob Smith
- (29) Jade Loveridge
- (30) James Bowers
- (31) James Dean Evans
- (32) James Smith
- (33) Janey Jones
- (34) Jason Lee
- ~~(35) Jason Lee~~
- ~~(36) Jim Stevens~~
- (37) Jimmy Loveridge
- (38) Joey Bowers
- ~~(39) John Crawt~~
- (40) John McDonagh
- (41) John McDonagh
- (42) Jonathan Smith
- (43) Joseph Booth
- (44) Joseph R Ball Jnr

- (45) Julie Lee
- (46) Kathleen McDonagh
- (47) Kenny Rogers
- (48) Leanne Baggett
- ~~(49) Lisa Loveridge~~
- (50) Louis Ayres
- ~~(51) Lorna Murphy~~
- (52) Lorraine Loveridge
- (53) Luke Clee
- (54) Luke John Daniels
- (55) Margaret Bowers
- (56) Margaret McDonagh
- (57) Mary McDonagh
- (58) Mary McDonagh
- (59) Michael Bowers
- (60) Michael McDonagh
- (61) Michael McDonagh
- (62) Michael O'Driscoll
- ~~(63) Natasha Cuparie~~
- (64) Nathan Cawt
- ~~(65) Niamh Rainey~~
- ~~(66) Paddy Price~~
- (67) Pat McDonagh
- ~~(68) Patrick Collins~~
- (69) Patrick Connors
- ~~(70) Patrick McDonagh~~
- ~~(71) Paul Cookson~~
- ~~(72) Priscilla Garside~~
- (73) Saily Rogers
- ~~(74) Simon Flynn~~
- (75) Sophie Loveridge
- (76) Steven McDonagh
- ~~(77) Thomas Grant~~
- (78) Thomas McDonagh
- (79) Thomas Stokes
- ~~(80) Tim Walder~~
- (81) Tina Marie Bridges
- ~~(82) Tom Kealy~~
- (83) Tom McDonagh
- (84) Thomas McDonagh
- ~~(85) Tristan Beaumont~~
- (86) William Williams
- (87) Willie McDonagh
- ~~(88) Winnie McDonagh~~
- (89) Winnie McDonagh
- (90) Persons Unknown

- (91) Simon McGinley
- ~~(92) Martina Quilligan~~
- ~~(93) Bridget Quilligan~~
- ~~(94) Linda Barnett~~
- (95) James Galbraith
- ~~(96) Steven Jackson~~
- (97) Martin Doherty
- ~~(98) Paul Kranjiewski~~
- (99) Paddy Mohan
- (100) Jayson Stanley
- (101) Savanah Carter
- (102) John Mufhy
- ~~(103) Martin McDonagh~~
- (104) Patrick Collins
- (105) Charlie McDonagh
- (106) Willie McDonagh
- (107) Tony Murphy
- ~~(108) Sarah Crawley~~
- (109) Charles Ward
- (110) Mary McDonagh
- ~~(111) Sally Ann O'Connor~~
- (112) David Moors
- (113) Nathan Stewart
- (114) James McDonagh
- (115) Bridget Quilligan
- (116) John Mohan
- ~~(117) Matthew Watts~~
- ~~(118) Vanessa Sweeney~~
- (119) Eddie Lee
- ~~(120) Richard John Smith~~
- (121) Jake Howard
- (122) Jake Howard
- (123) Michael Finney
- (124) Martin Quilligan
- (125) James Cooper
- (126) James Lee
- (127) Sophie Hay
- (128) Tim McDonald
- (129) Joseph McDonagh
- (130) John Ward
- (131) Charlotte Nevin
- (132) Simon McDonagh
- (133) Harry Moore
- (134) Kathleen Hanrahan
- (135) Patrick Oliver McDonagh
- (136) John McDonagh
- (137) Martin McDonagh

PLAN 1



Legend

- Grid
- Injunction Area
- TVBC Borough Boundary




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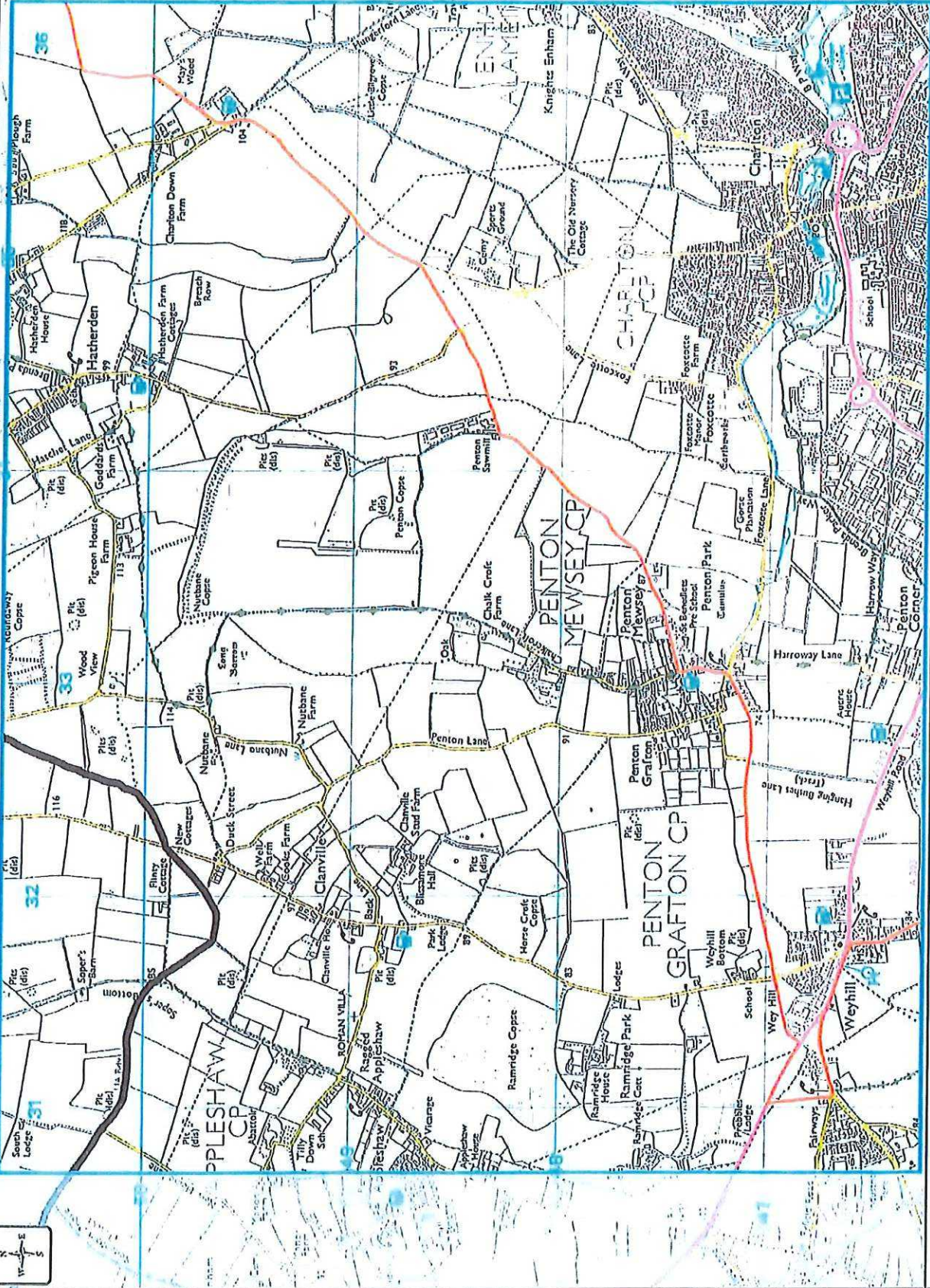
Injunction Application Plan - North/Andover

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Date: 11/06/2020
Drawn: AMurray
Dept: IMT/GIS

PLAN 2

Legend

-  Grid
-  Injunction Area
-  TVBC Boundary



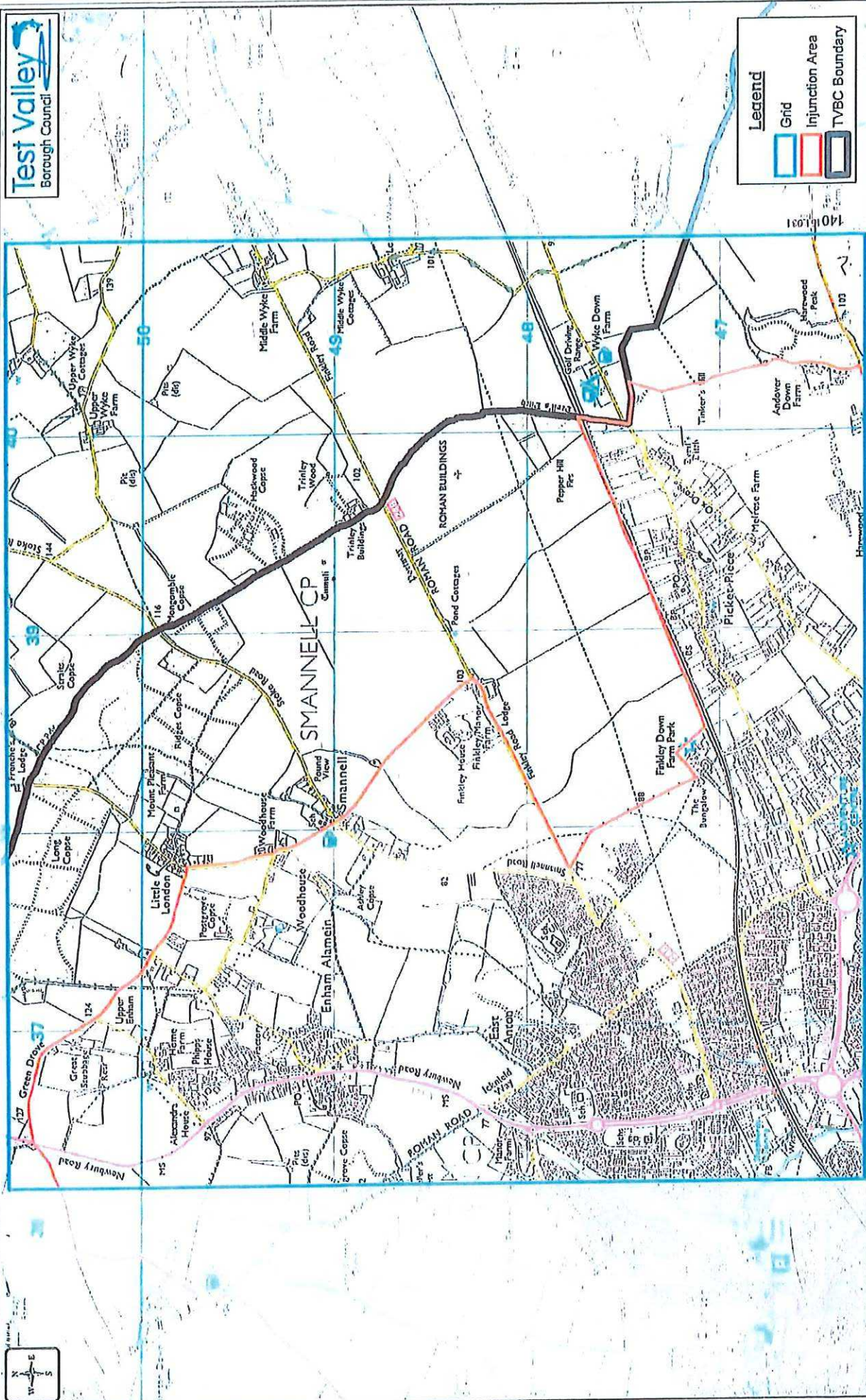
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**Injunction Application Plan - North/Andover
A1 Grid Section**

Scale: 1:24,250@A4L
Date: 11/06/2020
Drawn: AMurray
Dept: IMT/GIS



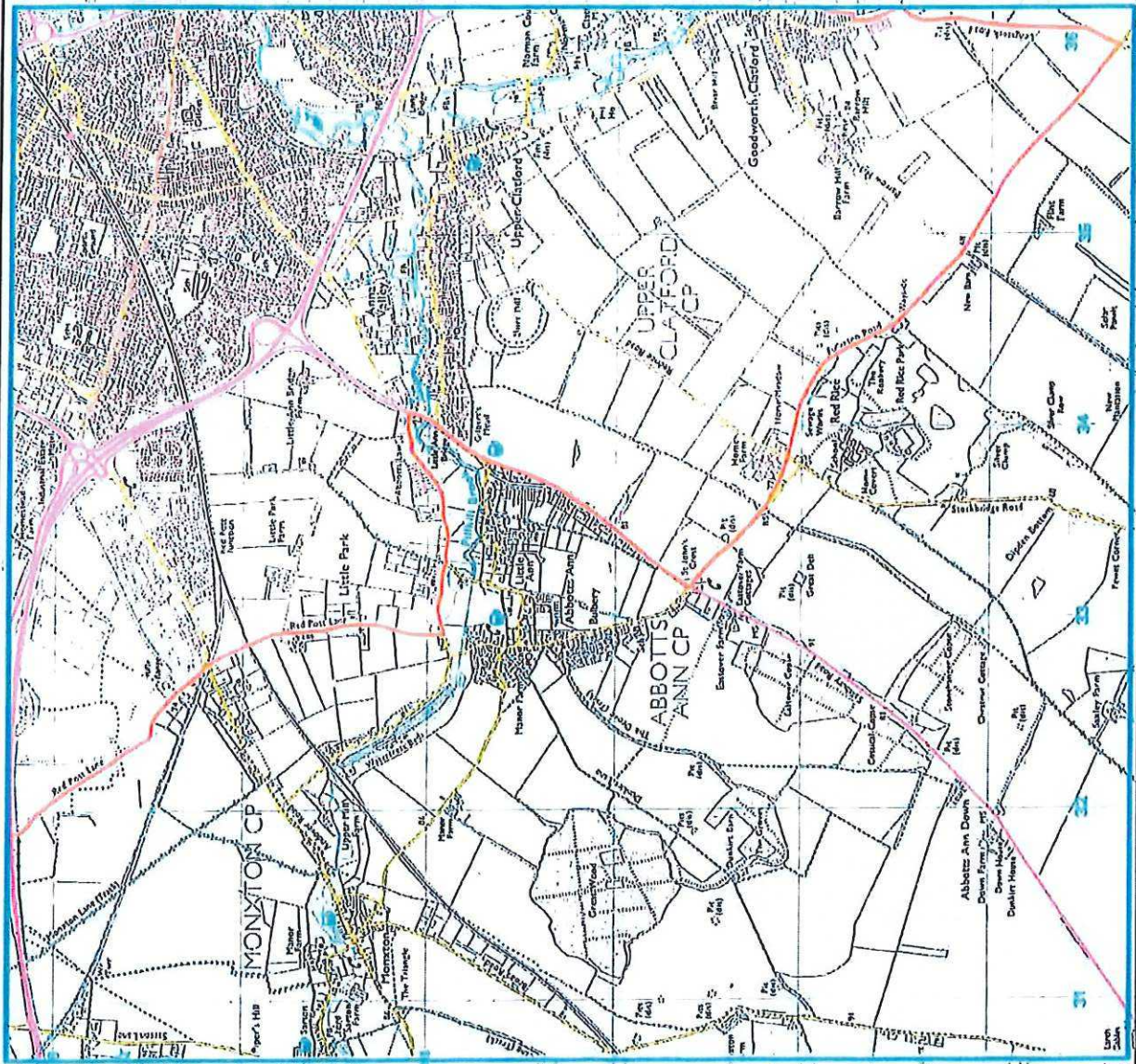
PLAN 3



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Injunction Application Plan - North/Andover A2 Grid Section

PLAN 4



Legend

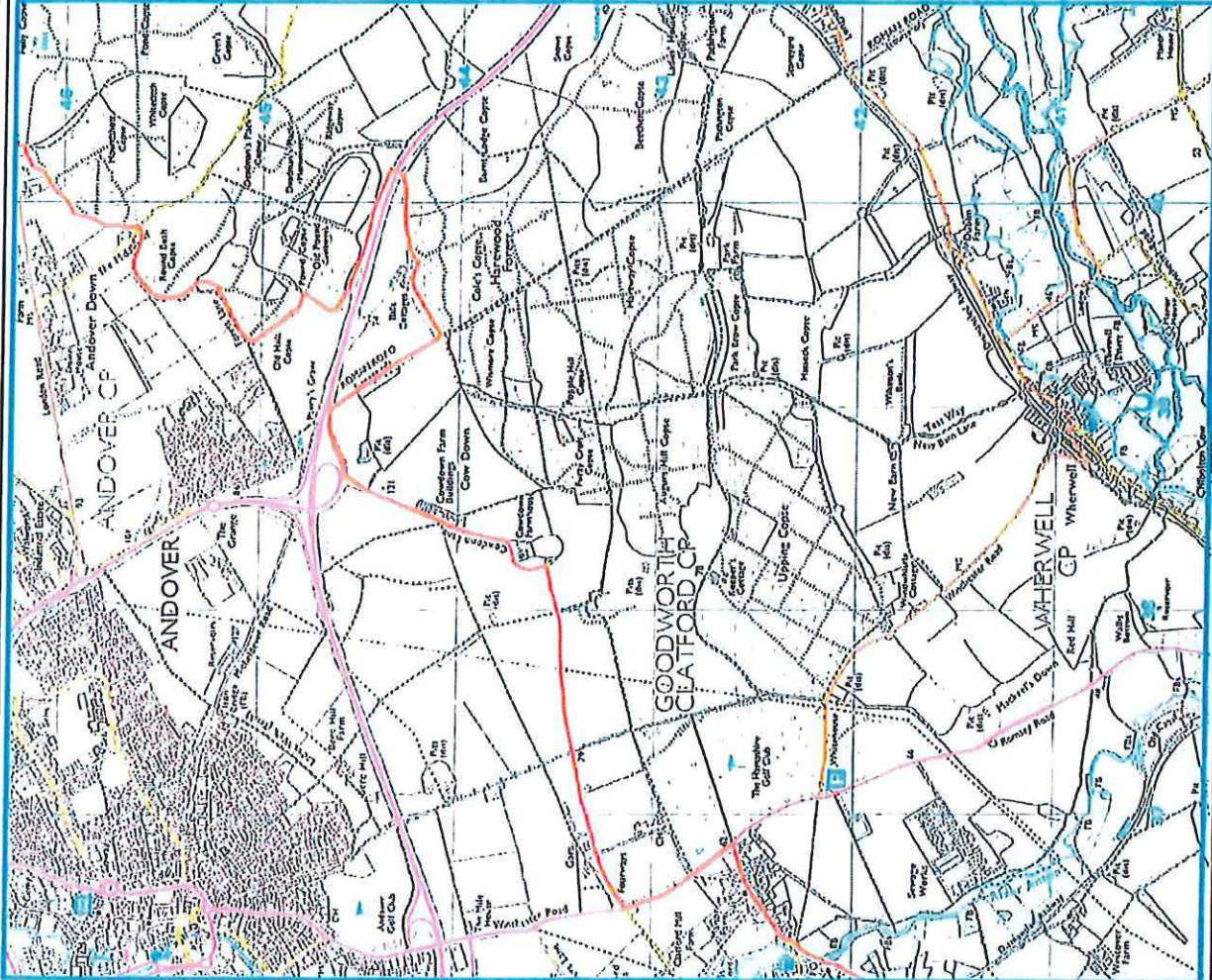
- Grid
- Injunction Area
- TVBC Boundary

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**Injunction Application Plan - North/Andover
A3 Grid Section**

Scale: 1:32,750@A4L
Date: 11/06/2020
Drawn: A Murray
Dept IMT/GIS

PLAN 5



Legend

- Grid
- Injunction Area
- TVBC Boundary

140101.031

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**Injunction Application Plan - North/Andover
A4 Grid Section**

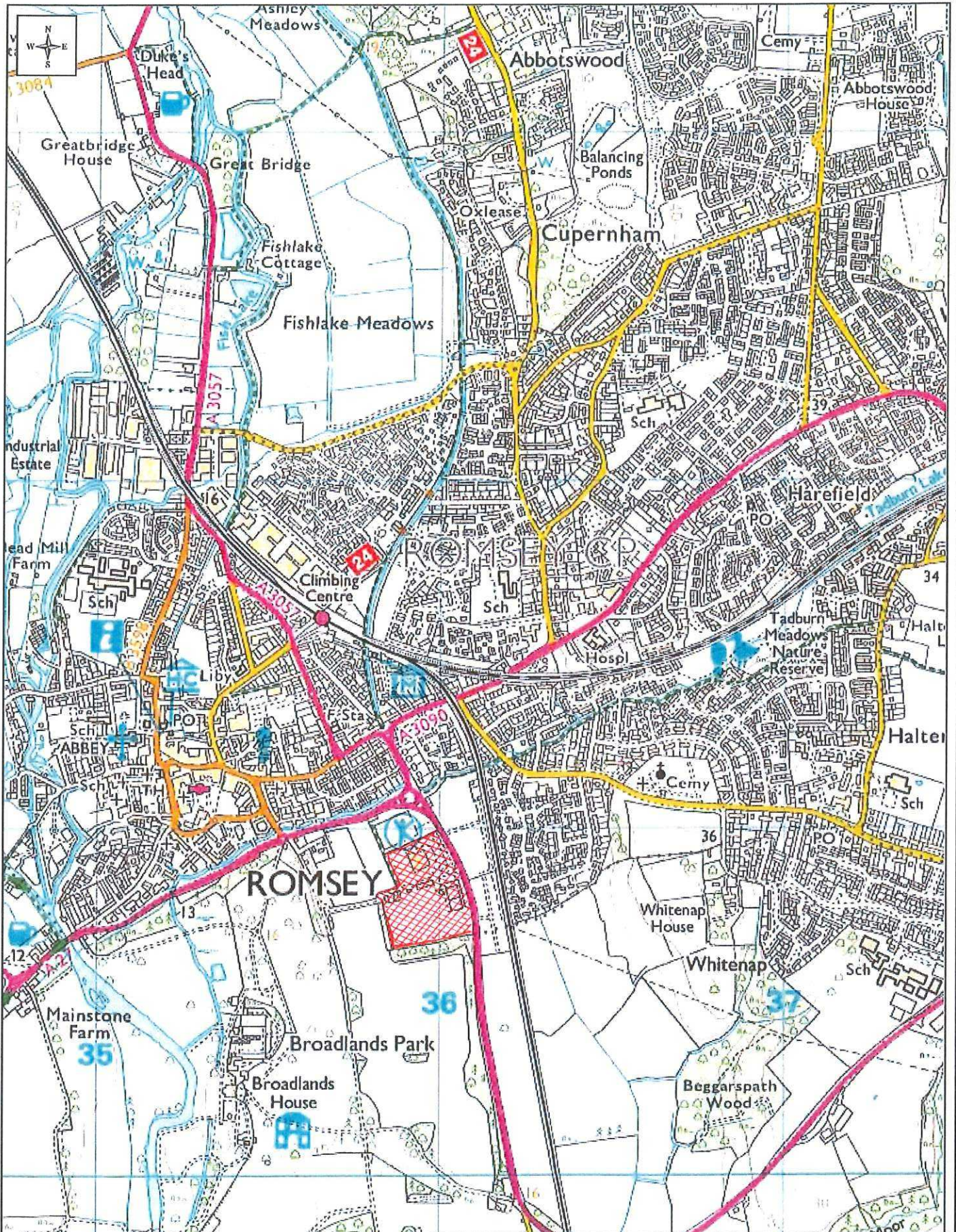
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Drawn: AM/Murray
Dept: IMT/GIS



PLAN 6

PLAN 7

ArcGIS Web Map



Date: 28/11/2022

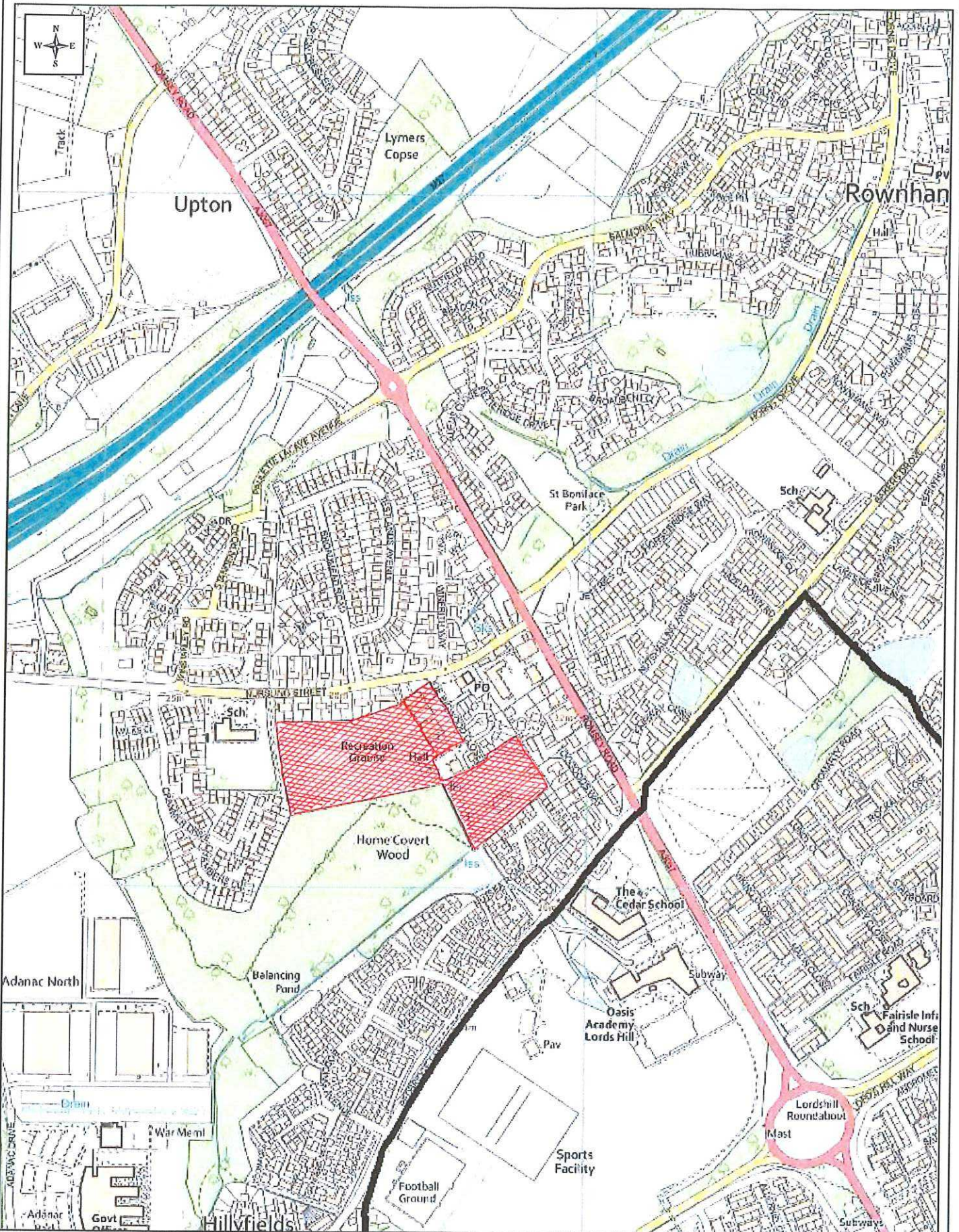
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Author: Test Valley Borough Council

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PLAN 8

ArcGIS Web Map



Date: 28/11/2022

Scale: 1:7,096

Author: Test Valley Borough Council

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(91)-(137) OTHER NAMED DEFENDANTS**

Defendants

EXHIBIT


KD2

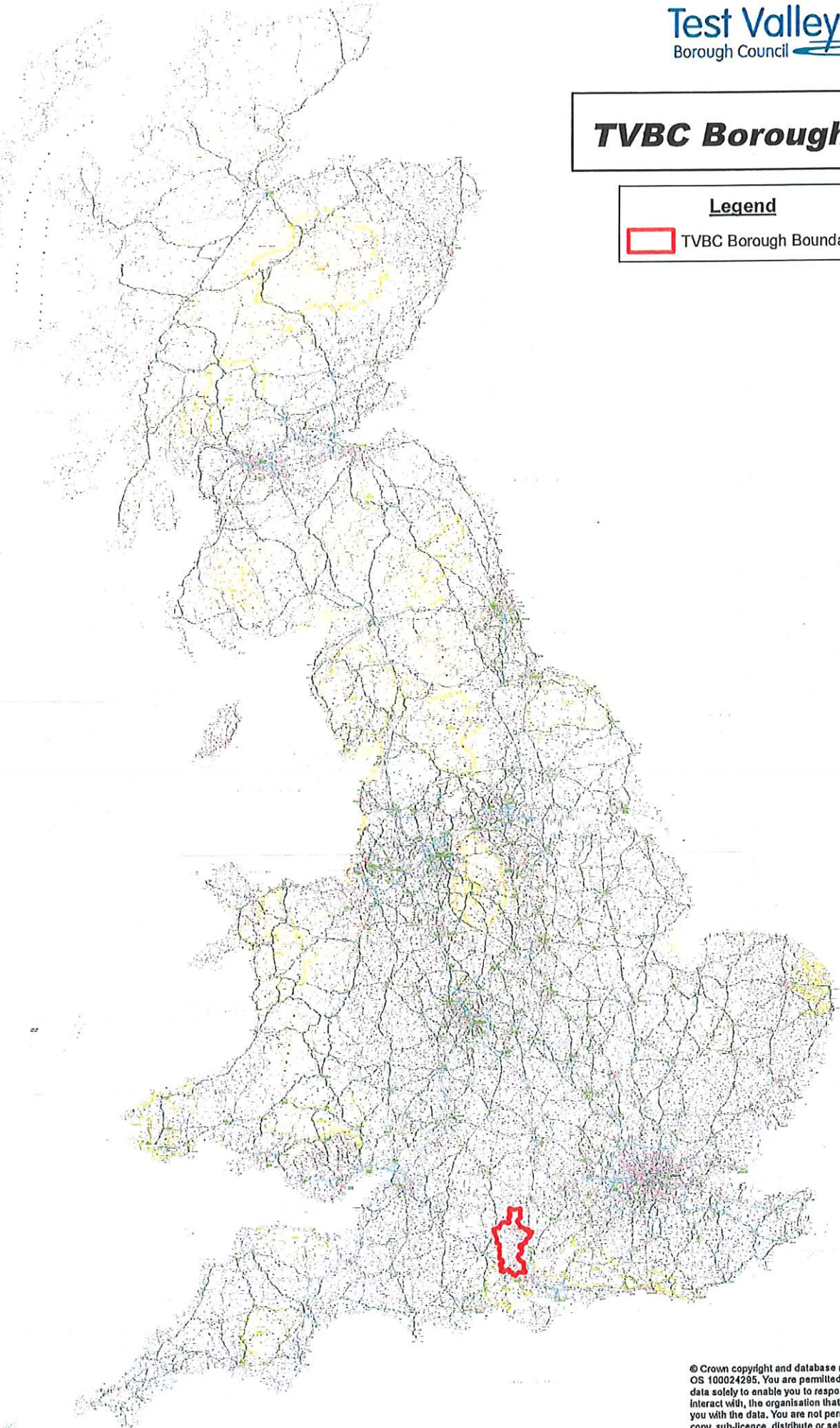
**REFERRED TO IN THE FOURTEENTH WITNESS STATEMENT
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TVBC Borough

Legend

 TVBC Borough Boundary



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(91)-(137) OTHER NAMED DEFENDANTS**

Defendants

EXHIBIT

KD3

**REFERRED TO IN THE FOURTEENTH WITNESS STATEMENT
OF KAREN DUNN**



Legend

TVBC Borough Boundary

Scale: 1:178,232@A4P
 Date: 27/05/2020
 Drawn: AMurray
 Dept: IMT/GIS
 Doc:

Test Valley Borough Council

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Defendants

EXHIBIT

KD4

**REFERRED TO IN THE FOURTEENTH WITNESS STATEMENT
OF KAREN DUNN**

5.129 The impact of a replacement dwelling is likely to increase with its size especially in relation to its impact on surroundings. For this reason any planning applications for replacement dwellings which would be more than 50% greater in volume (measured externally) than the original dwelling⁵⁶ will normally be resisted. Exceptionally, where the replacement dwelling would not be more visually intrusive in the landscape than the original dwelling, permission may be granted for applications which exceed a 50% increase.

5.130 The proposal should not have a significant detrimental impact on its surroundings. Insensitive design or siting can have an adverse impact on the character of the countryside. In considering the design of a replacement dwelling, proposals should follow the principles of Policy E1 in achieving high quality development in the Borough. A replacement dwelling should be replaced on its original site or as close as possible unless relocating it elsewhere would result in a positive environmental benefit, including to the local landscape or amenity.

Policy COM13: Gypsies, Travellers and Travelling Showpeople

Development to accommodate gypsies, travellers and travelling showpeople will be permitted provided that:-

- a) it is located where services and facilities are accessible; and
- b) the potential occupants are recognised⁵⁷ as gypsies, travellers or travelling showpeople; and
- c) the proposal helps meet the identified need; and
- d) evidence is provided to justify the reason for the proposal to be located in the Borough; and
- e) the site is of sufficient size to provide for accommodation; parking; turning and, where relevant, the servicing and storage of vehicles and equipment.

Existing permanent authorised gypsy, traveller and travelling showpeople sites should be retained for the use of these groups unless it has been established that the sites are no longer required.

5.131 The Gypsy, Traveller and Travelling Showpeople community should have access to appropriate accommodation to meet their needs and sufficient sites are identified. These sites can be either in the defined settlement boundary or within the countryside provided that they are in locations where facilities and services, such as schools and local shops, are accessible.

⁵⁶ An original dwelling is defined as the dwelling as it stood on 1 July 1948 or as first built

⁵⁷ Meeting the definition as contained in Annex 1 of Planning Policy for Traveller Sites, DCLG, 2015

- 5.132** Following government guidance⁵⁸ emphasising the need for local authorities to cooperate the Council jointly commissioned with ten other authorities in Hampshire a Gypsy & Traveller Accommodation Assessment (GTAA)⁵⁹ in order to quantify the level of need for traveller sites in the area. This replaces the previous study undertaken for Gypsy and Travellers in 2006 and Travelling Showpeople in 2008.
- 5.133** The GTAA identifies a current provision of 13 permanent gypsy pitches in the Borough with an estimated current need for 1.5 further pitches (rounded to 2 pitches). The GTAA calculates the cumulative future need (including the existing need for 2 pitches) as:
- Total by 2017 = 4 pitches
 - Total by 2022 = 7 pitches
 - Total by 2027 = 10 pitches
- 5.134** It is likely that the majority of the need will be met through planning applications. The Council intends to produce a separate Gypsy and Traveller DPD which will identify permanent sites to meet the unmet need.
- 5.135** The GTAA also identifies a figure for the provision of transit sites for Gypsy and Travellers and sites for Travelling Showpeople but recommends that further work is required between authorities. This further joint work is underway. The outcome of this work will be included within the Gypsy and Traveller DPD or a separate Gypsy & Traveller – Transit Provision DPD depending on when the joint work is completed.
- 5.136** For any application, the Council will need to be satisfied that the potential occupants are bona fide and that there is a case for the proposal to be located within the Borough. This includes both in terms of need and that there is a reason for wanting to live within the Borough.
- 5.137** In considering applications it will need to be demonstrated that there is a specific reason to locate within the Borough. This could include the lack of availability of alternative accommodation, a local connection or their employment requires them to be at that location. This would help justify a countryside location where there is generally a restriction on development.
- 5.138** The site would also need to be able to accommodate the storage and maintenance of vehicles and equipment without causing detriment to the potential occupiers or neighbouring residents or uses.
- 5.139** The Council consider it important to retain authorised sites in order to maintain supply and not result in future shortfall of sites. The change of use of sites is acceptable but only if it can be demonstrated that the site is no longer required to meet the accommodation needs of the Borough's Gypsy, Traveller and Travelling Showperson community.

58 Planning Policy for Traveller Sites, DCLG, 2015

59 Gypsy & Traveller Accommodation Assessment. Forest Bus, 2013

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Defendants

EXHIBIT

KD5

**REFERRED TO IN THE FOURTEENTH WITNESS STATEMENT
OF KAREN DUNN**

Gypsy & Traveller pitch and Travelling Showpeople plot supply statement (September 2023)

Introduction

The Planning Policy for Traveller Sites (PPTS) 2015, in conjunction with the National Planning Policy Framework (NPPF) 2023, requires local planning authorities to identify and annually update specific deliverable sites suitable for Gypsies and Traveller pitches and Travelling Showpeople plots.

Paragraph 10 of PPTS states that local planning authorities (LPAs) should identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set targets. PPTS defines a Traveller for planning purposes (PPTS, Annex 1: Glossary), which should be read alongside the Court of Appeal judgement: 'Lisa Smith -v- The Secretary of State for Levelling Up, Housing and Communities and Others' 2022.

The need for new Gypsy and Traveller pitches in the borough is based on the evidence from the Gypsy and Traveller Accommodation Assessment (GTAA) 2021, which also provides the basis for determining pitch requirements to be met through the emerging Local Plan.

This Statement provides a summary of the current level of need for new pitches and the five-year supply position of deliverable Gypsy and Traveller sites and Travelling Showpeople within the Borough for the period from 1 April 2023 to 31 March 2028. It will be used to inform the consideration of planning decisions relating to Gypsy and Traveller sites/pitches. The supply figure will be kept up to date should circumstances change.

The 5 year supply

Tables 1 and 2 represent the Borough's gypsy, traveller and travelling showpeople need that meets the planning definition.

Table 1 indicates the pitch numbers required in order to meet Gypsy and Traveller needs in five year periods. The total need is 44 pitches over the period 2020-2036 with 34 pitches needed within the first five-year period of the GTAA.

Table 2 indicates the plot numbers required for meeting the need of Travelling Showpeople in five year periods. The total need is 25 plots over the period 2020-2036 with 20 plots needed within the first five-year period of the GTAA.

For the purposes of the five year calculation a site is included within the supply when it has planning permission and there is a reasonable expectation that the site will be delivered in that five year period. This approach is consistent with PPTS (para 10 and footnote 4) and with how the Council calculates its housing (bricks and mortar) land supply.

No account of need from outside Test Valley is included in the calculations. Whether the Council decides to accommodate any need arising from outside of the Borough will be a matter for the local plan.

Table 1: Pitches for Gypsy & Traveller

Years	0-5	6-10	11-15	16	total
	2020-24	2025-29	2030-34	2035-36	
	34	4	5	1	44*

*in addition to the 44 pitches there are 3 pitches that are needed to meet undetermined need i.e. those unable to interview through the GTAA so an allowance is provided for in the total need figures.

Table 2: Plots for Travelling Showpeople

Years	0-5	6-10	11-15	16	total
	2020-24	2025-29	2030-34	2035-36	
	20	2	2	1	25

Table 3: Five Year Supply for Gypsy and Traveller (2023-2028)

Gypsy and Travellers	Number of pitches	Notes	Year	Permissions No Pitches (annual total)
GTAA Known Need 2020 - 2024	34	The Council did not meet any need between 2020 and 2023 and therefore the need for 2020 to 2023 is carried forward to next 5 years	22/23	6
GTAA Known Need 2025 - 2029	4		21/22	2
GTAA Known Need for each year between 2025 to 2029	0.8	Known need of 4 pitches divided by five year period	20/21	0
	2.4	0.8 x 3 years (2025 - 2028)		
Total 5 Year Requirement 2023 – 2028	36.4	34 + 2.4		
Total Supply 2023-2028	8	See adjoining table and annex A		
Supply Position	1.1	36.4 (five year requirement) divided by 5 years = 7.28 8 pitches (supply) divided by 7.28 (requirement) = 1.1 years		

The list of planning permissions which form the supply are set out in annex A

Table 4: Five Year Supply for Travelling Showpeople (2023 – 2028)

Travelling Showpeople	Number of pitches	Notes	Year	Permissions No Plots
GTAA Known Need 2020 - 2024	20	The Council did not meet any need between 2020 and 2023 and therefore the need is carried forward to next 5 years	22/23	0
GTAA Known Need 2025 - 2029	2		21/22	0
GTAA Known Need for each year between 2025 to 2029	0.4		20/21	0
	1.2	0.4 x 3 years (2025-2028)		
Total 5 Year Requirement 2023 - 2028	21.2	20+1.2		
Total Supply 2023-2028	0			
Supply Position	0			

The PPTS states (para 24) that the existing level of local provision and need for sites and the availability (or lack) of alternative accommodation will be issues to be considered when determining applications amongst other matters. The GTAA recommends the application of the criteria based policy to determine applications to meet undetermined need.

Based on the evidence of need and monitoring of supply Table 3 and 4 both demonstrate that the Council does not have a five year supply respectively. This is a material consideration which will need to be afforded a corresponding and appropriate level of weight in the decision making process. Such weight will be balanced against all other material factors before a decision is reached.

Next steps

Whilst it is acknowledged that there is currently not a 5-year supply of pitches or plots, through the emerging Local Plan, and the options available to the Council, the Council will aim to meet its requirement.

Publishing the evidence at this stage and outlining the Council's approach provides both guidance for determining planning applications and a direction of travel of how the Council will meet its unmet need.

The GTAA recommends that needs could be met through a combination of ways including intensification of pitches within or expanding existing permitted sites. For future need (post 6 years) a natural turnover of pitches will help to address some need. The ability to meet the Borough's need (both in terms of approach and supply) is being investigated and is a matter which will be released in line with the review and consultation on the Local Plan.

The approaches that the Council will explore to meet this need includes:

- Capacity and site deliverability assessment of permanent sites. This method intends to identify whether there are any planning constraints on existing sites that would prevent intensification linked with the need arising from each site. This study engages with site owners, and site residents to understand the appetite and deliverability for intensification where there is sufficient space for the further pitches.
- Linked to the capacity and site deliverability assessment is the investigation of whether existing sites could have small scale extensions to the existing permission whilst balancing any pertinent planning constraints.
- To consider those sites that have been promoted through the Strategic Housing Land Availability Assessment for gypsy, traveller and travelling showpeople.
- To consider those sites with existing planning permission and review whether that permission has been implemented and whether that site is being used to its full extent for which that permission permits.
- Draft a criterion based policy for inclusion within the forthcoming Local Plan in order to assess relevant planning applications.

Annex A - List of planning permissions

Planning Application Reference	Location	Proposal	Parish	Date decision issued	No of caravans	No. pitches
2021/22						
18/02007/ FULLS	Land South Of Wellow Way, Scallows Lane, West Wellow	Change use of land to residential caravan site with four caravans, two ancillary utility buildings, hardstanding and sewage treatment plant	Wellow	15/10/2021	4	2
2022/23						
19/01765/ FULLS	Land to south of Hazelwood Farm, Flowers Lane, Plaitford, SO51 6HH	Change of use of land to single gypsy plot	Melchet Park & Plaitford	07/02/2023	2	1
20/02997/ FULLN	The Firs, Sarson Lane, Weyhill, Andover	Use of land for 6 gypsy traveller plots	Amport	05/08/2022	6	5 (net)

IN THE HIGH COURT OF JUSTICE

Claim No. QB-2020-002112

KING'S BENCH DIVISION

B E T W E E N : -

**(1) TEST VALLEY BOROUGH COUNCIL
(2) HAMPSHIRE COUNTY COUNCIL**

Claimant

-and-

**(1) ALBERT BOWERS
(2)-(89) OTHER NAMED DEFENDANTS
(90) PERSONS UNKNOWN FORMING UNAUTHORISED ENCAMPMENTS
WITHIN THE BOROUGH OF TEST VALLEY
(91)-(137) OTHER NAMED DEFENDANTS**

Defendants

EXHIBIT

KD6

**REFERRED TO IN THE FOURTEENTH WITNESS STATEMENT
OF KAREN DUNN**



Test Valley Borough Council

Gypsy and Traveller Accommodation Assessment

Final Report

February 2021



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1. Executive Summary

Introduction and Methodology

- 1.1 The primary objective of this Gypsy and Traveller Accommodation Assessment (GTAA) is to provide a robust assessment of current and future need for Gypsy, Traveller and Travelling Showpeople accommodation in Test Valley Borough Council (the Council).
- 1.2 As well as updating previous GTAAs, the assessment provides a credible evidence base which can be used to aid the implementation of Local Plan Policies and, where appropriate, the provision of new Gypsy and Traveller pitches and Travelling Showpeople plots for the period 2020 to 2036 to cover the Test Valley Local Plan Review period and the 15-year requirements set out in PPTS. The outcomes of this study supersede the outcomes of any previous GTAAs for Test Valley Borough Council.
- 1.3 The GTAA has sought to understand the accommodation needs of the Gypsy, Traveller and Travelling Showpeople population in Test Valley through a combination of desk-based research, stakeholder interviews and engagement with members of the travelling community living on all known sites, yards, and encampments. A total of 22 interviews or proxy interviews were completed with Gypsies and Travellers living on sites in Test Valley and a total of 10 interviews were completed with Travelling Showpeople. Despite the efforts that were made it was only possible to complete 1 interview with living in bricks and mortar, and a total of 2 interviews were completed with Officers from the Council.
- 1.4 The fieldwork for the study was completed in September 2020 and this is also the baseline date for the study.

Key Findings

Pitch Needs – Gypsies and Travellers

- 1.5 Overall, the pitch¹ needs for Gypsies and Travellers for the period 2020-2036 are set out below. Needs are set out for those households that met the planning definition of a Gypsy or Traveller; for any undetermined households² where an interview was not able to be completed due to households not being present despite up to three visits to each site who may meet the planning definition; and for those households that did not meet the planning definition – although this is no longer a requirement for a GTAA.
- 1.6 Only the need from those households who met the planning definition and from those of the undetermined households who subsequently demonstrate that they meet it should be formally considered as need arising from the GTAA. The need arising from households that met the planning definition should be addressed through site allocation/intensification/expansion in Local Plan Policies as appropriate.

¹ A pitch is an area normally occupied by one household, which typically contains enough space for one or two caravans but can vary in size – See Paragraph 4.1 for further details.

² See Paragraph 3.28 for further information on undetermined households.

- 1.7 The Council will need to carefully consider how to address any need associated with undetermined Travellers as it is unlikely that all this need will have to be addressed through the provision of conditioned Gypsy or Traveller pitches. In terms of Local Plan Policies, the Council should consider the use of the criteria-based policy in the Adopted Local Plan (Policy COM13: Gypsies, Travellers and Travelling Showpeople) for any undetermined households, as well as to deal with any windfall applications.
- 1.8 It is important to note that any future demand for new sites or additional pitches as a result of in-migration should be seen as windfall need and should be dealt with by a criteria-based development management policy. This additional need should not be assessed against levels of need identified in the GTAA or to contribute towards 5-year supply to meet this need.
- 1.9 In general terms, the need for those households who did not meet the planning definition will need to be addressed as part of general housing need and through separate Local Plan Policies. This approach is specifically referenced in the revised National Planning Policy Framework (February 2019). Paragraph 60 of the NPPF sets out that in determining the minimum number of homes needed, strategic plans should be based upon a local housing need assessment conducted using the standard method in national planning guidance. Paragraph 61 then states that [emphasis added] *'Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (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 to this section states that *'Planning Policy for Traveller Sites sets out how travellers' housing needs should be assessed for those covered by the definition in Annex 1 of that document.'*
- 1.10 It is recognised that the Council is in the process of reviewing their Local Plan. The findings of this report should be considered as part of future housing mix and type within the context of the assessment of overall housing need in relation to Gypsies, Travellers and Travelling Showpeople. Whilst the findings in this report are aggregated totals for the whole of Test Valley due to data protection issues, the Council have more detailed data to enable accurate Local Plan allocation to be made.
- 1.11 The majority of sites and yards are located in the south of Test Valley around Romsey. The majority of the other sites are located towards the north of Test Valley around Andover. This spatial distribution of sites will need to be taken into consideration when considering the allocation of pitches in the new Local Plan to meet need identified in the GTAA. The reason for this is that it is unlikely that allocations in the north of Test Valley will be considered suitable to meet needs identified from sites and yards in the south of Test Valley, and vice versa for need identified from sites and yards in the north of Test Valley.
- 1.12 There were 34 Gypsy or Traveller households identified in Test Valley that met the planning definition; 5 undetermined households that may meet the planning definition; and 3 households that did not meet the planning definition.
- 1.13 There is a need for **44 pitches for households that met the planning definition**. This is made up of 6 unauthorised pitches; 13 concealed or doubled-up households or single adults; 1 movement from bricks and mortar, 11 teenagers in need of a pitch of their own in the next 5 years; 1 pitch

with temporary planning permission; 2 from in-migration/roadside; and 10 from new household formation³, using a formation rate of 1.50% derived from the household demographics.

- 1.14 There is a need for **3 pitches for undetermined households**. This is made up from 1 unauthorised pitch and of new household formation of 2 from a maximum of 5 households (using the ORS national formation rate of 1.50%⁴). If the ORS national average⁵ of 30% were applied this could result in a need for 1 pitch. If the locally derived proportion of households that met the planning definition (92%) were applied this could result in a need for 3 pitches.
- 1.15 Whilst not now a requirement to include in a GTAA, there is no identified need for **pitches for households that did not meet the planning definition** as all of the need that was identified was from a household actively seeking to move to bricks and mortar in Test Valley⁶.
- 1.16 Figure 1 summarises the identified need and Figure 2 breaks this down by 5-year periods.

Figure 1 – Need for Gypsy and Traveller households in Test Valley (2020-36)

Status	2020-2036
Meet Planning Definition	44
Undetermined	0-3
Do not meet Planning Definition	0

Figure 2 – Need for Gypsy and Traveller households in Test Valley that met the Planning Definition by year periods

Years	0-5	6-10	11-15	16-17	Total
	2020-24	2025-29	2030-34	2035-36	
	34	4	5	1	44

Plot Needs - Travelling Showpeople

- 1.17 Overall, the plot⁷ needs for Travelling Showpeople from 2020-2036 are set out below. Needs are set out for those households that met the planning definition of a Travelling Showperson; for those undetermined households where an interview was not able to be completed who may meet the planning definition; and for those households that did not meet the planning definition (although this is no longer a requirement for a GTAA).
- 1.18 Only the need from those households who met the planning definition and from those of the undetermined households who may subsequently demonstrate that they meet it should be considered as need arising from the GTAA.
- 1.19 The need arising from households that met the planning definition should be addressed through yard allocation/intensification/expansion in Local Plan Policies.

³ See Chapter 7 for further information on new household formation.

⁴ See Chapter 3 for further information on the ORS national formation rate.

⁵ Based on over 4,100 interviews completed by ORS across England.

⁶ See Paragraph 7.38 for further details.

⁷ A plot is the space occupied by one household or extended household group and also usually includes land used for the storage of rides and other equipment. Travelling Showpeople plots tend to be larger than Gypsy and Traveller pitches.

- 1.20 The Council will need to carefully consider how to address any need associated with undetermined Travelling Showpeople as it is unlikely that all of this need will have to be addressed through the provision of conditioned Travelling Showpeople plots.
- 1.21 Any need for households who did not meet the planning definition will need to be considered as part of general housing need. See Paragraphs 1.10-1.13 for further details.
- 1.22 There are 5 Travelling Showperson’s yards with planning permission in Test Valley. A total of 20 interviews were completed and all households met the planning definition.
- 1.23 The GTAA identifies a need for **25 plots for households that met the planning definition**. This is made up of 10 concealed or doubled-up households or single adults; 10 teenagers in need of a pitch of their own in the next 5 years; and 5 from new household formation using a rate of 1.25% derived from the household demographics.

Figure 3 – Need for Travelling Showpeople households in Test Valley (2020-2036)

Status	2020-36
Meet Planning Definition	25
Undetermined	0
Do not meet Planning Definition	0

Figure 4 – Need for Travelling Showpeople households in Test Valley that meet the Planning Definition by year periods

Years	0-5	6-10	11-15	16-17	Total
	2020-24	2025-29	2030-34	2035-36	
	20	2	2	1	25

Transit Recommendations

- 1.24 Following the granting of the Interim Injunction by the High Court it is recommended that the situation relating to levels of unauthorised encampments should continue to be monitored. As well as information on the size and duration of the encampments, this monitoring should also seek to gather information from residents on the reasons for their stay in the local area; whether they have a permanent base or where they have travelled from; and whether they have any need or preference to settle permanently in the local area. This information could be collected as part of a Welfare Assessment (or similar). It is understood that these are currently completed by the HCC Gypsy Liaison Officer.
- 1.25 It is recommended that a review of the evidence base relating to unauthorised encampments, including the monitoring referred to above, should be undertaken on a Hampshire-wide basis. This will establish whether there is a need for investment in any new transit provision or emergency stopping places, or whether a managed approach is preferable.
- 1.26 In the short-term the Council should continue to use its current approach when dealing with unauthorised encampments and management-based approaches. Negotiated stopping agreements could also be considered.
- 1.27 The term ‘negotiated stopping’ is used to describe agreed short-term provision for Gypsy and Traveller caravans. It does not describe permanent ‘built’ transit sites but negotiated agreements which allow caravans to be sited on suitable specific pieces of ground for an agreed and limited period of time, with the provision of limited services such as water, waste disposal and toilets. Agreements are made between the Council and the (temporary) residents regarding expectations on both sides. See www.leedsgate.co.uk for further information.

- 1.28 Temporary stopping places can be made available at times of increased demand due to fairs or cultural celebrations that are attended by Gypsies and Travellers. A charge may be levied as determined by the local authority although they only need to provide basic facilities including: a cold-water supply; portaloos; sewerage disposal point and refuse disposal facilities.

2. Introduction

- 2.1 The primary objective of this Gypsy and Traveller Accommodation Assessment (GTAA) is to provide a robust assessment of current and future need for Gypsy, Traveller and Travelling Showpeople accommodation in Test Valley. The outcomes of the study will supersede the outcomes of the previous Traveller and Travelling Showpeople Accommodation Needs Assessments completed in Test Valley.
- 2.2 The study provides an evidence base to enable the Council to comply with their requirements towards Gypsies, Travellers and Travelling Showpeople under the Housing Act 1985, Planning Policy for Traveller Sites (PPTS) 2015, the Housing and Planning Act (2016), the revised National Planning Policy Framework (NPPF) 2019, and the revised Planning Practice Guidance (PPG) 2019.
- 2.3 The GTAA provides a robust assessment of need for Gypsy, Traveller and Travelling Showpeople accommodation in the study area. It is a credible evidence base which can be used to aid the implementation of Local Plan Policies and the provision of Traveller pitches and plots covering the period 2020 to 2036 to meet the Local Plan Review period and the 15-year requirements of the PPTS. As well as identifying current and future permanent accommodation needs, it also seeks to identify any need for the provision of transit sites or emergency stopping places.
- 2.4 We would note at the outset that the study covers the needs of Gypsies (including English, Scottish, Welsh and Romany Gypsies), Irish Travellers, New (Age) Travellers, and Travelling Showpeople, but for ease of reference we have referred to the study as a Gypsy and Traveller (and Travelling Showpeople) Accommodation Assessment (GTAA).
- 2.5 The baseline date for the study is September 2020 which was when the household interviews were completed.

Definitions

- 2.6 The planning definition for a Gypsy, Traveller or Travelling Showperson is set out in PPTS (2015). The previous definition set out in the Housing Act (2004) was repealed by the Housing and Planning Act (2016).

The Planning Definition in PPTS (2015)

- 2.7 For the purposes of the planning system, the definition was changed in PPTS (2015). The planning definition is set out in Annex 1 and states that:

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.

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.*

For the purposes of this planning policy, “travelling showpeople” means:

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.

(Planning Policy for Traveller Sites, Department for Communities and Local Government (DCLG), August 2015)

- 2.8 The key change that was made to both definitions was the removal of the term “*persons...who have ceased to travel permanently*”, meaning that those who have ceased to travel permanently will no longer fall under the planning definition of a Traveller for the purposes of assessing accommodation need in a GTAA.

Definition of Travelling

- 2.9 One of the most important questions that GTAA’s will need to address in terms of applying the planning definition is *what constitutes travelling?* This has been determined through case law that has tested the meaning of the term ‘*nomadic*’.
- 2.10 **R v South Hams District Council (1994)** – defined Gypsies 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.
- 2.11 In **Maidstone BC v Secretary of State for the Environment and Dunn (2006)**, it was held that a Romany Gypsy who bred horses and travelled to horse fairs at Appleby, Stow-in-the-Wold and the New Forest, where he bought and sold horses, and who remained away from his permanent site for up to two months of the year, at least partly in connection with this traditional Gypsy activity, was entitled to be accorded Gypsy status.
- 2.12 In **Greenwich LBC v Powell (1989)**, Lord Bridge of Harwich stated that a person could be a statutory Gypsy if he led a nomadic way of life *only seasonally*.
- 2.13 The definition was widened further by the decision in **R v Shropshire CC ex p Bungay (1990)**. The case concerned a Gypsy family that had not travelled for some 15 years in order to care for its elderly and infirm parents. An aggrieved resident living in the area of the family’s recently approved Gypsy site sought judicial review of the local authority’s decision to accept that the family had retained their Gypsy status even though they had not travelled for some considerable time. Dismissing the claim, the judge held that a person could remain a Gypsy even if he or she did not travel, provided that their nomadism was held in abeyance and not abandoned.
- 2.14 That point was revisited in the case of **Hearne v National Assembly for Wales (1999)**, where a traditional Gypsy was held not to be a Gypsy for the purposes of planning law as he had stated

- that he intended to abandon his nomadic habit of life, lived in a permanent dwelling, and was taking a course that led to permanent employment.
- 2.15 **Wrexham County Borough Council v National Assembly of Wales and Others (2003)** determined that households and individuals could continue to lead a nomadic way of life with a permanent base from which they set out from and return to.
- 2.16 The implication of these rulings in terms of applying the planning definition is that it will **only include those who travel (or have ceased to travel temporarily) for work purposes, or for seeking work, and in doing so stay away from their usual place of residence**. It can include those who have a permanent site or place of residence, but that it will not include those who travel for purposes other than work – such as holidays and visiting friends or relatives. It will not cover those who commute to work daily from a permanent place of residence (see APP/E2205/C/15/3137477).
- 2.17 It may also be that within a household some family members travel for nomadic purposes on a regular basis, but other family members stay at home to look after children in education, or other dependents with health problems etc. In these circumstances the household unit would be defined as travelling under the planning definition.
- 2.18 Households will also fall under the planning definition if they can demonstrate that they have ceased to travel temporarily as a result of their own or their family's or dependants' educational, health needs or old age. In order to have ceased to travel temporarily these households will need to demonstrate that they have travelled for work in the past. In addition, households will also have to demonstrate that they plan to travel again for work in the future.
- 2.19 This approach was endorsed by a Planning Inspector in Decision Notice for an appeal in East Hertfordshire (Appeal Ref: APP/J1915/W/16/3145267) that was issued in December 2016. A summary can be seen below.

Case law, including the R v South Hams District Council ex parte Gibb (1994) judgment referred to me at the hearing, despite its reference to 'purposive activities including work' also refers to a connection between the travelling and the means of livelihood, that is, an economic purpose. In this regard, there is no economic purpose... This situation is no different from that of many landlords and property investors or indeed anyone travelling to work in a fixed, pre-arranged location. In this regard there is not an essential connection between wandering and work... Whilst there does appear to be some connection between the travel and the work in this regard, it seems to me that these periods of travel for economic purposes are very short, amounting to an extremely small proportion of his time and income. Furthermore, the work is not carried out in a nomadic manner because it seems likely that it is done by appointment... I conclude, therefore, that XX does not meet the definition of a gypsy and traveller in terms of planning policy because there is insufficient evidence that he is currently a person of a nomadic habit of life.

- 2.20 This was further reinforced in a more recent Decision Notice for an appeal in Norfolk that was issued in February 2018 (Ref: APP/V2635/W/17/3180533) that stated:

As discussed during the hearing, although the PPTS does not spell this [the planning definition] out, it has been established in case law (R v South Hams DC 1994) that the nomadism must have an economic purpose. In other words, gypsies and travellers wander of travel for the purposes of making or seeking their livelihood.

Legislation and Guidance for Gypsies and Travellers

- 2.21 Decision-making for policy concerning Gypsies, Travellers and Travelling Showpeople sits within a complex legislative and national policy framework and this study must be viewed in the context of this legislation and guidance. For example, the following key pieces of legislation and guidance are relevant when developing policies relating to Gypsies, Travellers and Travelling Showpeople:

- » The Housing Act, 1985
- » Planning Policy for Traveller Sites (PPTS), 2015
- » The Housing and Planning Act, 2016
- » National Planning Policy Framework (NPPF), 2019
- » Planning Practice Guidance⁸ (PPG), 2019

- 2.22 In addition, Case Law, Ministerial Statements, the outcomes of Local Plan Examinations and Planning Appeals, and Judicial Reviews need to be taken into consideration. Relevant examples have been included in this report.

- 2.23 The primary guidance for undertaking the assessment of housing need for Gypsies, Travellers and Travelling Showpeople is set out in the PPTS (2015). It should be read in conjunction with the National Planning Policy Framework (NPPF). In addition, the Housing and Planning Act makes provisions for the assessment of need for those Gypsy, Traveller and Travelling Showpeople households living on sites and yards who do not meet the planning definition – through the assessment of all households living in caravans.

Planning Policy for Traveller Sites (PPTS) 2015

- 2.24 PPTS (2015), sets out the direction of Government policy. As well as introducing the planning definition of a Traveller, PPTS is closely linked to the NPPF. Among other objectives, the aims of the policy in respect of Traveller sites are (PPTS Paragraph 4):

- » *Local planning authorities should make their own assessment of need for the purposes of planning.*
- » *To ensure that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites.*
- » *To encourage local planning authorities to plan for sites over a reasonable timescale.*
- » *That plan-making and decision-taking should protect Green Belt from inappropriate development.*

⁸With particular reference to the sections on *Housing needs of different groups* (July 2019).

- » *To promote more private Traveller site provision while recognising that there will always be those Travellers who cannot provide their own sites.*
- » *That plan-making and decision-taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more effective.*
- » *For local planning authorities to ensure that their Local Plan includes fair, realistic and inclusive policies.*
- » *To increase the number of Traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply.*
- » *To reduce tensions between settled and Traveller communities in plan-making and planning decisions.*
- » *To enable provision of suitable accommodation from which Travellers can access education, health, welfare, and employment infrastructure.*
- » *For local planning authorities to have due regard to the protection of local amenity and local environment.*

2.25 In practice, the document states that (PPTS Paragraph 9):

- » *Local planning authorities should set pitch targets for Gypsies and Travellers and plot targets for Travelling Showpeople, which address the likely permanent and transit site accommodation needs of Travellers in their area, working collaboratively with neighbouring local planning authorities.*

2.26 PPTS goes on to state (Paragraph 10) that in producing their Local Plan local planning authorities should:

- » *Identify and annually update a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set targets.*
- » *Identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15.*
- » *Consider production of joint development plans that set targets on a cross-authority basis, to provide more flexibility in identifying sites, particularly if a local planning authority has special or strict planning constraints across its area (local planning authorities have a Duty-to-Cooperate on strategic planning issues that cross administrative boundaries).*
- » *Relate the number of pitches or plots to the circumstances of the specific size and location of the site and the surrounding population's size and density.*
- » *Protect local amenity and environment.*

2.27 Local Authorities now have a duty to ensure a 5-year land supply to meet the identified needs for Traveller sites. However, PPTS 2015 also notes in Paragraph 11 that:

- » *Where there is no identified need, criteria-based policies should be included to provide a basis for decisions in case applications nevertheless come forward. Criteria-based policies should be fair and should facilitate the traditional and nomadic life of Travellers, while respecting the interests of the settled community.*

Revised National Planning Policy Framework (2019)

- 2.28 The most recent version of the revised National Planning Policy Framework was issued in February 2019. Paragraph 60 of the revised NPPF sets out that in determining the minimum number of homes needed, strategic plans should be based upon a local housing need assessment conducted using the standard method in national planning guidance.
- 2.29 Paragraph 61 then states that [emphasis added] ‘*Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (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 to this section states that ‘*Planning Policy for Traveller Sites sets out how travellers’ housing needs should be assessed for those covered by the definition in Annex 1 of that document.*’
- 2.30 This essentially sets out that the needs of households that meet the planning definition should be assessed under the PPTS and that the needs of households that are not found to meet the planning definition should be assessed as part of the wider housing needs of an area.
- 2.31 In an Appeal Decision that was published in March 2020 for an appeal in Central Bedfordshire (APP/PO240/C/18/3213822) the Inspector concluded in relation to Paragraph 61 of the revised NPPF that:

It seems to me that this wording makes clear that it is only those meeting that definition that should be included in an assessment of need for ‘planning definition’ travellers and that gypsies who have ceased travelling should be counted and provided for elsewhere and this is the approach proposed in the emerging LP. This does not, of course mean that these gypsies should be allocated ‘bricks and mortar’ type housing. They will also need a suitable supply of caravan sites to meet their needs.

Planning for the Future White Paper (2020)

- 2.32 In August 2020 the Government published a White Paper on proposals to reform the current planning system in England. The consultation period on the White Paper ended on 29th October 2020. Whilst the White Paper does not make any references to planning for Gypsies and Travellers, the Council may need to consider the outcomes of the consultation and any subsequent changes to planning legislation in England that relate to Gypsies and Travellers.

3. Methodology

Background

- 3.1 Over the past 10 years, ORS has continually refined a methodology for undertaking robust and defensible Gypsy, Traveller and Travelling Showpeople Accommodation Needs Assessments. This has been updated in light of changes to PPTS in August 2015, the Housing and Planning Act (2016) the revised NPPF (2019), and the revised PPG (2019). It has also responded to changes set out by Planning Ministers, with particular reference to new household formation rates. This is an evolving methodology that has been adaptive to changes in planning policy as well as the outcomes of Local Plan Examinations and Planning Appeals.
- 3.2 PPTS (2015) contains a number of requirements for local authorities which must be addressed in any methodology. This includes the need to pay particular attention to early and effective community engagement with both settled and traveller communities (including discussing travellers' accommodation needs with travellers themselves); identification of permanent and transit site accommodation needs separately; working collaboratively with neighbouring local planning authorities; and establishing whether households fall within the planning definition for Gypsies, Travellers and Travelling Showpeople.
- 3.3 ORS would note that since the changes to the PPTS in August 2015 the ORS GTAA methodology has been repeatedly found to be sound and robust, including through Local Plan Examinations in Bedford, Cambridge, Cheltenham, Cotswold, Daventry, East Hertfordshire, Gloucester, Maldon, Milton Keynes, Newham, Runnymede, South Cambridgeshire, Tewkesbury, and Waverley.
- 3.4 A recent Appeal Decision for a Hearing in Central Bedfordshire (APP/P0240/C/18/3213822) that was issued in March 2020 concluded:
- '...whilst there have been some queries in previous appeal decisions over the conclusions of other GTAAs produced by ORS, the methodology, which takes into account the revisions made in 2015 to the Government's Planning Policy for Traveller Sites (PPTS), has nevertheless been accepted by Inspectors in a considerable number of Local Plan Examinations.'*
- 3.5 The Inspector for the East Herts District Plan also found the evidence base in relation to Gypsies and Travellers to be sound in her Inspection Report that was issued in July 2018. She concluded:
- 'The need of the travelling community has been carefully and robustly assessed and locations to meet identified needs have been allocated for the plan period. Policy HOU9 sets out the need for 5 permanent pitches for Gypsies and Travellers... the approach to the provision of housing is comprehensive, positively prepared, appropriate to the needs of the area and consistent with national policy.'*
- 3.6 The stages below provide a summary of the methodology that was used to complete this study. More information on each stage is provided in the appropriate sections of this report.

Glossary of Terms/Acronyms

3.7 A Glossary of Terms/Acronyms can be found in **Appendix A**.

Desk-Based Review

3.8 ORS collated a range of secondary data that was used to support the study. This included:

- » Census data.
- » Traveller Caravan Count data.
- » Records of unauthorised sites/encampments.
- » Information on planning applications/appeals.
- » Information on enforcement actions.
- » Existing Needs Assessments and other relevant local studies.
- » Existing national and local policy, guidance, and best practice.

Stakeholder Engagement

3.9 Engagement was undertaken with key Council Officers from Test Valley through telephone interviews. Interviews were completed with two Council Officers from the study area. Given that this is an update of the GTAA to support the new Local Plan in Test Valley no further interviews were completed with officers in neighbouring authorities as it was felt that the outcomes of the interviews that were completed with neighbouring authorities for the 2017 Hampshire Consortium GTAA were still valid.

Survey of Travelling Communities

3.10 As a result of travel and social distancing restrictions due to COVID-19 in March 2020 a 2-stage methodology was used to complete the site and yard fieldwork.

3.11 Through the desk-based research and the stakeholder interviews, ORS sought to identify all authorised and unauthorised sites/yards and encampments in the study area and attempted to complete an interview with the residents on all occupied pitches and plots. In order to gather the robust information needed to assess households against the planning definition of a Traveller, up to 3 attempts were made to interview households where it was not initially possible to conduct an interview because they were not available at the time.

3.12 Our experience suggests that an attempt to interview households on all pitches is more robust. A sample-based approach often leads to an under-estimate of need – and is an approach which is regularly challenged by the Planning Inspectorate and at Planning Appeals.

3.13 ORS worked closely with the Council to ensure that the interviews would collect all the necessary information to support the study. The site interview questions that were used (see **Appendix E**) have been updated to take account of recent changes to PPTS and to collect the information ORS feel is necessary to apply the planning definition. All interviews were completed by members of our dedicated team of experienced Researchers who work on our GTAA studies across England and Wales. Researchers attempted to conduct semi-structured interviews with residents to determine their current demographic characteristics, their current or future accommodation needs, whether there is any over-crowding or the presence of concealed households and

travelling characteristics. Researchers also sought to identify contacts living in bricks and mortar to interview, as well as an overall assessment of each site to determine any opportunities for intensification or expansion to meet future needs.

- 3.14 Researchers also sought information from residents on the type of pitches they may require in the future – for example private or socially rented, together with any features they may wish to be provided on a new pitch or site.
- 3.15 Where it was not possible to undertake an interview, Researchers sought to capture as much information as possible about each pitch through a proxy interview from sources including neighbouring residents and site management (if present).
- 3.16 Researchers also distributed copies of an information leaflet that was prepared by Friends, Families and Travellers explaining the reasons for the need to complete the household interview as part of the GTAA process.

Figure 5 – Friends, Families and Traveller Leaflet

fft
Friends, Families and Travellers
a national charity working on behalf of Gypsies and Travellers
www.gypsy-traveller.org

MORE PITCHES PLEASE!
Councils are currently carrying out new Accommodation Needs Assessments. The assessments are being done to work out if there is a need for more Gypsy/Traveller sites in your area and it is really important that you take part in the process so that your Council identifies the true level of need for sites in your area.

Your council will almost certainly employ consultants to carry out the assessment and you will probably be asked to complete a questionnaire.

How you answer the assessment questions is really important as it will affect the number of pitches required in an area.

Questions about travelling are particularly important. In 2015 the Government changed the planning definition of what it means to be a 'Gypsy or Traveller' and it now reads as follows:
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.

This means that if you have completely stopped travelling, even if it is as a result of ill health or old age or because you care for people who are too old or too ill to travel then you will be unlikely to meet the planning definition and any need you or your dependants have for a caravan site will no longer be included in the Council's assessment of its need for Gypsy/Traveller sites in your area.

Information
fft
Friends, Families and Travellers

So, if you are still travelling for work, even if it is only for part the year or in order to buy and sell goods at any of the traditional horse fairs etc. then it is essential you make that clear to your Council when it assesses its need for sites in your area.

We have already seen some examples of questionnaires being used by consultants to assess needs and have some concerns about the way in which the questions have been worded and the limited space on forms to give answers.

For example, on a form produced by ORS questionnaire there is a section in the questionnaire about travelling (Section F) which could cause people to give misleading answers.

For example, one question asks 'How many trips you have made in the last 12 months?'
If you answer '0' to this question then you will probably not be deemed a Gypsy or Traveller according to the new planning definition, so don't forget to include trips such as for work, looking for work, going to horse fairs etc.

Another question asks 'When did you stop travelling?'
Please think carefully before answering such a question. Have you stopped travelling for good? If so then you could be judged not to be a Gypsy or Traveller in planning terms.

Another question asks 'Have you or family members ever travelled?'
If you answer 'No' to this question then you will be probably be judged not to be a Gypsy or Traveller in planning terms. So again don't forget to include trips looking for work, visiting horse fairs etc.

Finally a question asks 'Do family members plan to travel in the future?'
Again, please bear in mind that if you answer 'No' you will be judged not to be a Gypsy or Traveller in planning terms, so think carefully about whether you are ever likely to be travelling again in the future.

fft
If you want to speak to us further please do not hesitate to call FFT on 01273 234 777 or your local Gypsy/Traveller group.

Stage 1 – Telephone Interviews (April-July 2020)

- 3.17 The first phase of the fieldwork involved Researchers from ORS attempting to complete interviews over the telephone with residents living on sites and yards. This is an approach that ORS have followed in all of our GTAAs that have been completed since the COVID-19 restrictions were introduced. Contact details were sought through local stakeholders including site owners; by contacting planning agents known to operate in the local area; and by sending letters to residents asking them to contact ORS to complete an interview – including follow-up letters. The wording of the letter that ORS currently used has been agreed with members of the Travelling Community and asks households to call ORS Researchers to complete an interview over the telephone. During interviews ORS Researchers also ask households if they have family or friends living on sites in the area and ask them to pass on our contact details and to encourage them to call us.

Stage 2 – Social Distanced Engagement (August-September 2020)

- 3.18 When the initial phase of telephone interviews had been completed, ORS sought to complete social distanced engagement with households on sites where it had not been possible to complete interviews over the telephone. ORS completed a detailed COVID-19 Risk Assessment that allowed for limited fieldwork activities to resume in some parts of England. At the time of this study this was restricted to making observational visits to sites to confirm site names and occupancy levels, and to share contact details with households on sites and yards whilst observing social distancing requirements – for example hand delivering contact letters or exchanging contact details to complete interviews at a later date.

Engagement with Bricks and Mortar Households

- 3.19 The 2011 Census recorded 31 households that were identified as either Gypsies or Irish Travellers who lived in a house in Test Valley and 15 who lived in a flat or maisonette.
- 3.20 ORS apply a rigorous approach to making contact with bricks and mortar households as this is a common issue raised at Local Plan Examinations and Planning Appeals. Contacts were sought through a range of sources including the interviews with people on existing sites and yards; intelligence from the stakeholder interviews; information from housing registers; and other local knowledge from stakeholders. Through this approach the GTAA endeavoured to do everything to give households living in bricks and mortar the opportunity to make their views known.
- 3.21 As a rule, ORS do not make any assumptions on the overall needs from household in bricks and mortar based on the outcomes of any interviews that are completed, as in our experience this leads to a significant over-estimate of the number of households wishing to move to a site or a yard. ORS work on the assumption that all those wishing to move will make their views known to us based on the wide range of publicity put in place.

Timing of the Fieldwork

- 3.22 ORS are fully aware of the transient nature of many travelling communities and subsequent seasonal variations in site and yard occupancy. ORS would normally aim to complete fieldwork during the non-travelling season, and also avoid days of known local or national events. However, due to COVID-19 restrictions the fieldwork was completed between April and September 2020 and Researchers were able to collect information on the majority of residents.

Applying the Planning Definition

- 3.23 The primary change to PPTS (2015) in relation to the assessment of need was the change to the definition of a Gypsy, Traveller or Travelling Showperson for planning purposes. Through the site interviews ORS sought to collect information necessary to assess each household against the planning definition. As the revised PPTS was only issued in 2015, only a small number of relevant appeal decisions have been issued by the Planning Inspectorate on how the planning definition should be applied (see Paragraphs 2.20 and 2.21 for examples) – these support the view that households need to be able to demonstrate that they travel for work purposes, or for seeking work, to meet the planning definition, and stay away from their usual place of residence when doing so, or have ceased to travel for work purposes temporarily due to education, ill health or old age.

- 3.24 The household survey included a structured section of questions to record information about the travelling characteristics of household members. This included questions on the following key issues:
- » Whether any household members have travelled in the past 12 months.
 - » Whether household members have ever travelled.
 - » The main reasons for travelling.
 - » Where household members travelled to.
 - » The times of the year that household members travelled.
 - » Where household members stay when they are away travelling.
 - » When household members stopped travelling.
 - » The reasons why household members stopped travelling.
 - » Whether household members intend to travel again in the future.
 - » When and the reasons why household members plan to travel again in the future.
- 3.25 When the household survey was completed, the answers from these questions on travelling were used to determine the status of each household against the planning definition in PPTS (2015). Through a combination of responses, households need to provide sufficient information to demonstrate that household members travel for work purposes, or for seeking work, and in doing so stay away from their usual place of residence, or that they have ceased to travel temporarily due to education, ill health or old age, and plan to travel again for work purposes in the future. The same definition applies to Travelling Showpeople as to Gypsies and Travellers. This included information on the type of work that is undertaken; which family members travelled for work; the times of year that family members travel for work; the duration of trips for work; and where family members stay when travelling away from home for work.
- 3.26 Households that need to be considered in the GTAA fall under one of three classifications that will determine whether their housing needs will need to be assessed in the GTAA. Only those households that meet, or may meet, the planning definition will form the components of need to be formally included in the GTAA:
- » Households that travel under the planning definition.
 - » Households that have ceased to travel temporarily under the planning definition.
 - » Households where an interview was not possible who may fall under the planning definition.
- 3.27 Whilst the needs of those households that do not meet the planning definition do not need to be included in the GTAA, they will be assessed to provide the Council with components of need to consider as part of their work on wider housing needs assessments. This is consistent with the requirements of the revised NPPF (2019).

Undetermined Households

- 3.28 As well as calculating need for households that meet the planning definition, the needs of the households where an interview was not completed (either due to refusal to be interviewed or households that were not present during the fieldwork period) need to be assessed as part of the GTAA where they are believed to be Gypsies and Travellers who may meet the planning

definition. Whilst there is no law or guidance that sets out how the needs of these households should be addressed; an approach has been taken that seeks an estimate of potential need from these households. This will be an additional need figure over and above the need identified for households that do meet the planning definition.

- 3.29 The estimate seeks to identify potential current and future need from any pitches known to be temporary or unauthorised, and through new household formation. For the latter the ORS national rate of 1.50% has been used as the demographics of residents are unknown.
- 3.30 Should further information be made available to the Council that will allow for the planning definition to be applied, these households could either form a confirmed component of need to be addressed through the GTAA or through wider assessments of housing need.
- 3.31 ORS believe it would not be appropriate when producing a robust assessment of need to make any firm assumptions about whether households where an interview was not completed meet the planning definition based on the outcomes of households where an interview was completed.
- 3.32 However, data that has been collected from over 4,300 household interviews that have been completed by ORS since the changes to PPTS in 2015 suggests that overall, approximately 30% of households who have been interviewed meet the planning definition (this rises to 70% for Travelling Showpeople based on over 400 interviews that have been completed) – and in some local authorities, no households meet the planning definition.
- 3.33 ORS are not implying that this is an official national statistic - rather a national statistic based on the outcomes of our fieldwork since the introduction of PPTS (2015). It is estimated that there are 14,000 Gypsy and Traveller pitches in England and ORS have spoken with households on approximately 30% of them at a representative range of sites. Approximately 30% meet the planning definition. It is ORS' view therefore that this is the most comprehensive national statistic in relation to households that meet the planning definition in PPTS (2015) and should be seen as a robust statistical figure.
- 3.34 This would also suggest that it is likely that only a proportion of the potential need identified from undetermined households will need conditioned Gypsy and Traveller pitches, and that the needs of the majority will need to be addressed through separate Local Plan Policies.
- 3.35 The ORS methodology to address the need arising from undetermined households was supported by the Planning Inspector for a Local Plan Examination for Maldon District Council, Essex. In his Report that was published on 29th June 2017 he concluded:

The Council's stance is that any need arising from 'unknowns' should be a matter left to the planning application process. Modifications to Policy H6 have been put forward by the Council setting out criteria for such a purpose, which I consider further below. To my mind, that is an appropriate approach. While there remains a possibility that up to 10 further pitches may be needed, that cannot be said to represent identified need. It would be unreasonable to demand that the Plan provide for needs that have not been established to exist. That being said, MM242h is nonetheless necessary in this regard. It commits the Council to a review of the Plan if future reviews of the GTAA reveal the necessity for land allocations to provide for presently 'unknown' needs. For effectiveness, I have altered this modification from the version put forward by the Council by replacing the word "may" with "will" in relation to undertaking the review committed to. I have also replaced "the Plan" with "Policy H6" – the whole Plan need not be reviewed.

Households that Do Not Meet the Planning Definition

- 3.36 Households who do not travel for work now fall outside the planning definition of a Traveller. However Romany Gypsies, Irish and Scottish Travellers may be able to claim a right to culturally appropriate accommodation under the Equality Act (2010) as a result of their protected characteristics. In addition, provisions set out in the Housing and Planning Act (2016) now include a duty (under Section 8 of the 1985 Housing Act that covers the requirement for a periodical review of housing needs) for local authorities to consider the needs of people residing in or resorting to their district with respect to the provision of sites on which caravans can be stationed, or places on inland waterways where houseboats can be moored. Draft Guidance⁹ related to this section of the Act has been published setting out how the government would want local housing authorities to undertake this assessment and it is the same as the GTAA assessment process. The implication is therefore that the housing needs of any Gypsy and Traveller households who do not meet the planning definition of a Traveller will need to be assessed as part of the wider housing needs of the area and will form a subset of the wider need arising from households residing in caravans. This is echoed in the revised NPPF (February 2019).
- 3.37 Paragraph 61 of the revised NPPF states that [emphasis added] *'Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (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 to this section states that *'Planning Policy for Traveller Sites sets out how travellers' housing needs should be assessed for those covered by the definition in Annex 1 of that document.'*

Calculating Current and Future Need

- 3.38 To identify need, PPTS (2015) requires an assessment for current and future pitch requirements but does not provide a methodology for this. However, as with any housing assessment, the underlying calculation can be broken down into a relatively small number of factors. In this case, the key issue is to compare the supply of pitches available for occupation with the current and future needs of the population.

Supply of Pitches

- 3.39 The first stage of the assessment sought to determine the number of occupied, vacant, and potentially available supply in the study area:
- » Current vacant pitches.
 - » Pitches currently with planning consent due to be developed within 5 years.
 - » Pitches vacated by people moving to housing.
 - » Pitches vacated by people moving from the study area (out-migration).
- 3.40 It is important when seeking to identify supply from vacant pitches that they are in fact available for general occupation – i.e. on a public or social rented site, or on a private site that is run on a

⁹ *Draft guidance to local housing authorities on the periodical review of housing needs for caravans and houseboats*. DCLG (March 2016).

commercial basis with anyone being able to rent a pitch if they are available. Typically, vacant pitches on small private family sites are not included as components of available supply but can be used to meet any current and future need from the family living on the site.

Current Need

3.41 The second stage was to identify components of current need, which is not necessarily the need for pitches because they may be able to be addressed by space already available in the study area. It is important to address issues of double counting:

- » Households on unauthorised developments for which planning permission is not expected.
- » Concealed, doubled-up or over-crowded households (including single adults).
- » Households in bricks and mortar wishing to move to sites.
- » Households in need on waiting lists for public sites.

Future Need

3.42 The final stage was to identify components of future need. This includes the following four components:

- » Teenage children in need of a pitch of their own in the next 5 years.
- » Households living on sites with temporary planning permissions.
- » New household formation.
- » In-migration/roadside.

3.43 Household formation rates are often the subject of challenge at appeals or examinations. ORS firmly believe that any household formation rates should use a robust local evidence base, rather than simply relying on national precedent. The approach taken is set out in more detail in Chapter 7 of this report.

3.44 ORS are also increasingly identifying households and adult household members who have been forced to leave sites due to over-crowding or exceeding planning conditions on the number of caravans permitted on sites. These households are typically living on the roadside or doubling-up on pitches in neighbouring local authorities. ORS include these households as components of hidden need and term them displaced in-migration.

3.45 All of these components of supply and need are presented in tabular format which identify the overall net need for current and future accommodation for Gypsies, Travellers and Travelling Showpeople. This has proven to be a robust model for identifying needs. The residential and transit pitch needs for Gypsies and Travellers and Travelling Showpeople are identified separately and the needs are to 2036. Whilst this is the period that the Gypsy and Traveller DPD is expected to cover, it is possible that the new Test Valley Local Plan may cover a different plan period.

Pitch Turnover

3.46 Some assessments of need make use of pitch turnover as an ongoing component of supply. ORS do not agree with this approach or about making any assumptions about annual turnover rates.

This approach frequently ends up significantly under-estimating need as, in the majority of cases, vacant pitches on sites are not available to meet any local need. The use of pitch turnover has been the subject of a number of Inspectors Decisions, for example APP/J3720/A/13/2208767 found a GTAA to be unsound when using pitch turnover and concluded:

West Oxfordshire Council relies on a GTAA published in 2013. This identifies an immediate need for 6 additional pitches. However, the GTAA methodology treats pitch turnover as a component of supply. This is only the case if there is net outward migration, yet no such scenario is apparent in West Oxfordshire. Based on the evidence before me I consider the underlying criticism of the GTAA to be justified and that unmet need is likely to be higher than that in the findings in the GTAA.

- 3.47 In addition, a recent GTAA Best Practice Guide produced jointly by organisations including Friends, Families and Travellers, the London Gypsy and Traveller Unit, the York Travellers Trust, the Derbyshire Gypsy Liaison Group, Garden Court Chambers and Leeds GATE concluded that:

Assessments involving any form of pitch turnover in their supply relies upon making assumptions; a practice best avoided. Turnover is naturally very difficult to assess accurately and in practice does not contribute meaningfully to additional supply so should be very carefully assessed in line with local trends. Mainstream housing assessments are not based on the assumption that turnover within the existing stock can provide for general housing needs.

- 3.48 As such, other than current vacant pitches on sites that are known to be available, or pitches that are known to become available through the household interviews, pitch turnover has not been considered as a general component of supply in this GTAA. However, further work to identify whether private family sites can meet need that has been identified in this assessment may conclude that a degree of pitch turnover may be considered on a site-by-site basis.

Transit Provision

- 3.49 GTAA studies require the identification of demand for transit provision. While the majority of Gypsies and Travellers have permanent bases either on Gypsy and Traveller sites or in bricks and mortar and no longer travel, other members of the community either travel permanently or for part of the year. Due to the mobile nature of the population a range of sites can be developed to accommodate Gypsies and Travellers as they move through different areas.

- » **Transit sites** - full facilities where Gypsies and Travellers might live temporarily (for up to three months) – for example, to work locally, for holidays or to visit family and friends.
- » **Emergency stopping places** - more limited facilities.
- » **Temporary sites and stopping places** - only temporary facilities to cater for an event.
- » **Negotiated stopping places** - agreements which allow caravans to be sited on suitable specific pieces of ground for an agreed and limited period of time.

- 3.50 Transit sites serve a specific function of meeting the needs of Gypsy and Traveller households who are visiting an area or who are passing through on the way to somewhere else. A transit site

typically has a restriction on the length of stay of usually around 12 weeks and has a range of facilities such as water supply, electricity, and amenity blocks.

- 3.51 An alternative to or in addition to a transit site is an emergency stopping place. This type of site also has restrictions on the length of time for which someone can stay on it but has much more limited facilities with typically only a source of water and chemical toilets provided.
- 3.52 Another alternative is 'negotiated stopping'. The term 'negotiated stopping' is used to describe agreed short-term provision for Gypsy and Traveller caravans. It does not describe permanent 'built' transit sites but negotiated agreements which allow caravans to be sited on suitable specific pieces of ground for an agreed and limited period of time, with the provision of limited services such as water, waste disposal and toilets. Agreements are made between the authority and the (temporary) residents regarding expectations on both sides.
- 3.53 Temporary stopping places can be made available at times of increased demand due to fairs or cultural celebrations that are attended by Gypsies and Travellers. A charge may be levied as determined by the local authority although they only need to provide basic facilities including: a cold-water supply; portaloos; sewerage disposal point and refuse disposal facilities.
- 3.54 The Criminal Justice and Public Order Act 1994 (Section 62a) is particularly important with regard to the issue of Gypsy and Traveller transit site provision. Section 62a of the Act allows the police to direct trespassers to remove themselves and their vehicles and property from any land where a suitable transit pitch on a relevant caravan site is available within the same local authority area (or within the county in two-tier local authority areas).
- 3.55 In order to investigate the potential need for transit provision when undertaking work to support the study, ORS sought to undertake analysis of any records of unauthorised sites and encampments, as well as information from the Ministry of Housing Communities and Local Government (MHCLG)¹⁰ Traveller Caravan Count. The outcomes of discussions with Council Officers and with Officers from neighbouring planning authorities from other recent GTAA studies in Hampshire were also taken into consideration when determining this element of need in the study area.

¹⁰ Formerly the Department for Communities and Local Government (DCLG).

4. Gypsy, Traveller & Travelling Showpeople Sites & Population

Introduction

- 4.1 One of the main considerations of this study is to provide evidence to support the provision of pitches and plots to meet the current and future accommodation needs of Gypsies, Travellers and Travelling Showpeople. A pitch is an area normally occupied by one household, which typically contains enough space for one or two caravans but can vary in size¹¹. A site is a collection of pitches which form a development exclusively for Gypsies and Travellers. For Travelling Showpeople, the most common descriptions used are a plot for the space occupied by one household and a yard for a collection of plots which are typically exclusively occupied by Travelling Showpeople. Throughout this study the main focus is upon how many extra pitches for Gypsies and Travellers and plots for Travelling Showpeople are required in the study area.
- 4.2 The public and private provision of mainstream housing is also largely mirrored when considering Gypsy and Traveller accommodation. One common form of a Gypsy and Traveller site is the publicly provided residential site, which is provided by a Local Authority or by a Registered Provider (usually a Housing Association). Pitches on public sites can be obtained through signing up to a waiting list, and the costs of running the sites are met from the rent paid by the tenants (similar to social housing).
- 4.3 The alternative to a public residential site is a private residential site and yard for Gypsies, Travellers and Travelling Showpeople. These result from individuals or families buying areas of land and then obtaining planning permission to live on them. Households can also rent pitches on existing private sites. Therefore, these two forms of accommodation are the equivalent to private ownership and renting for those who live in bricks and mortar housing. Generally, the majority of Travelling Showpeople yards are privately owned and managed.
- 4.4 The Gypsy, Traveller and Travelling Showpeople population also has other types of sites due to its mobile nature. Transit sites tend to contain many of the same facilities as a residential site, except that there is a maximum occupancy period of residence which can vary from a few days or weeks to a period of months. An alternative to a transit site is an emergency or negotiated stopping place. This type of site also has restrictions on the length of time someone can stay on it but has much more limited facilities. Both of these two types of site are designed to accommodate, for a temporary period, Gypsies, Travellers and Travelling Showpeople whilst they travel. A number of authorities also operate an accepted encampments policy where short-term stopovers are tolerated without enforcement action.

¹¹ Whilst it has now been withdrawn, *Government Guidance on Designing Gypsy and Traveller Sites (2008)* recommended that, as a general guide, an average family pitch must be capable of accommodating an amenity building, a large trailer [a static caravan or park home for example] and touring caravan, parking space for two vehicles and a small garden area.

- 4.5 Further considerations for the Gypsy and Traveller population are unauthorised developments and encampments. Unauthorised developments occur on land which is owned by the Gypsies and Travellers or with the approval of the landowner, but for which they do not have planning permission to use for residential purposes. Unauthorised encampments occur on land which is not owned by the Gypsies and Travellers.

Sites and Yards in Test Valley

- 4.6 In Test Valley, at the base date for the GTAA, there were no public sites; 13 private sites (15 pitches); 1 temporary site (1 pitch); 2 tolerated sites (3 pitches); and 5 unauthorised sites (8 pitches). There were 7 Travelling Showmen’s yard (25 plots). There were no public transit sites identified. In addition, there were 4 unoccupied Gypsy and Traveller sites (7 pitches) that were awaiting determination planning permission¹². See **Appendix D** for further details.

Figure 6 - Total amount of provision in Test Valley (August 2020)

Category	Sites/Yards	Pitches/Plots
Public sites	0	0
Private with permanent planning permission	13	15
Private with temporary planning permission	1	1
Tolerated sites	2	3
Unauthorised sites	5	8
Public transit sites	0	0
Travelling Showpeople yards	7	25
To be Determined – Gypsies and Travellers	4	7
TOTAL	32	59

MHCLG Traveller Caravan Count

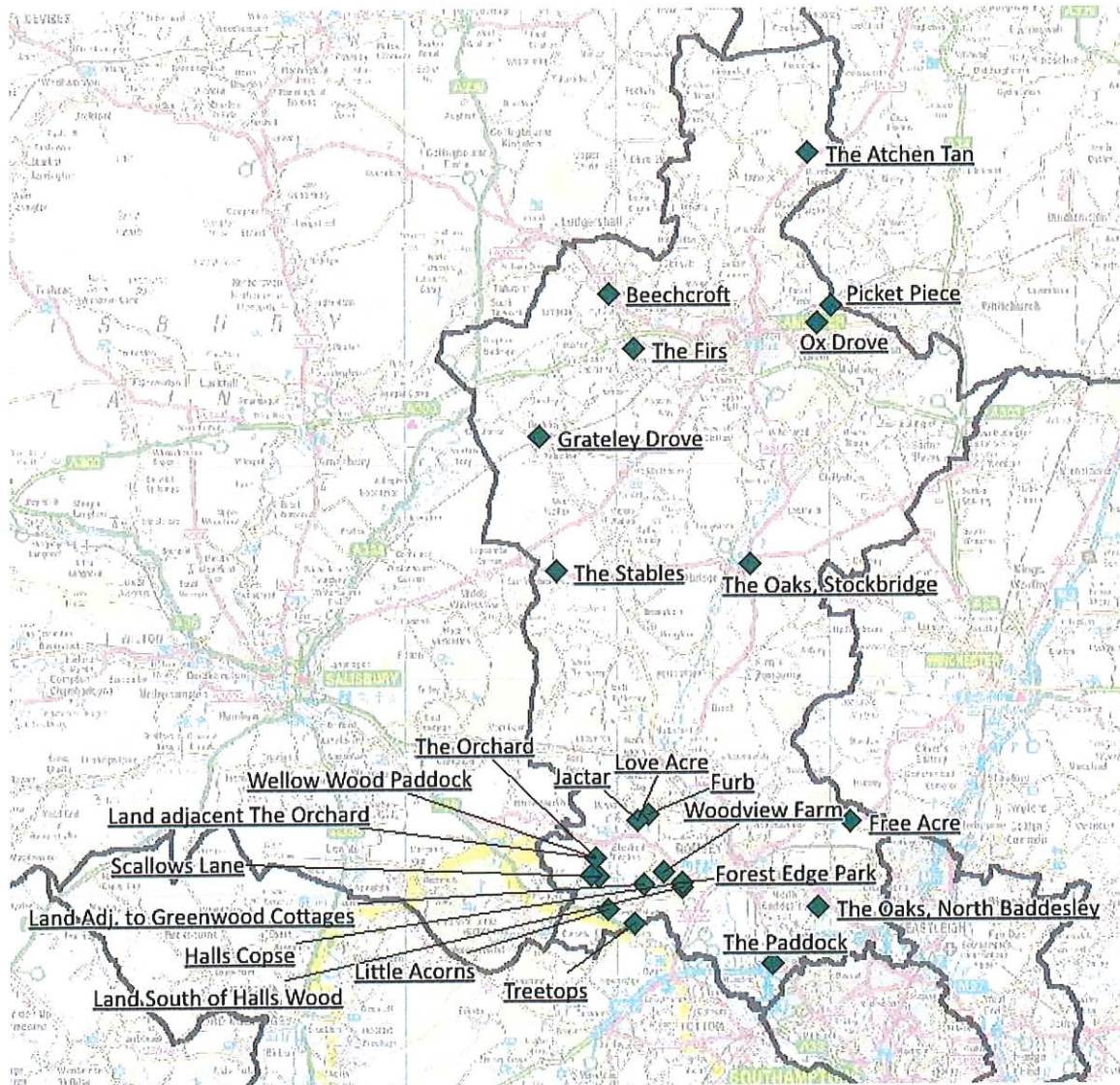
- 4.7 Another source of information available on the Gypsy, Traveller and Travelling Showpeople population is the bi-annual Traveller Caravan Count which is conducted by each Local Authority in England on a specific date in January and July of each year and reported to MHCLG. This is a statistical count of the number of caravans on both authorised and unauthorised sites across England. With effect from July 2013, it was renamed the Traveller Caravan Count due to the inclusion of data on Travelling Showpeople.
- 4.8 As this count is of caravans and not households, it makes it more difficult to interpret for a study such as this because it does not count pitches or resident households. The count is merely a ‘snapshot in time’ conducted by the Local Authority on a specific day, and any unauthorised sites or encampments which occur on other dates will not be recorded. Likewise, any caravans that are away from sites on the day of the count will not be included. As such it is not considered appropriate to use the outcomes from the Traveller Caravan Count in the calculation of current and future need as the information collected during the site visits is seen as more robust and fit-for-purpose. However, the Caravan Count data has been used to *support* the identification of the need to provide for transit provision and this is set out later in this report.

¹² Planning applications are also awaiting determination for 4 of the unauthorised sites.

- 4.9 The most recent Traveller Caravan Count in January 2020 recorded 26 caravans on sites with permanent planning permission; 10 caravans on land owned by Travellers that were tolerated; and 6 caravans on land not owned by Travellers that were tolerated.

Spatial Distribution of Sites and Yards

- 4.10 The map below shows the spatial distribution of sites and yards across Test Valley. Sites where planning permission has not yet been determined and 3 Travelling Showmen’s yards that have not been developed yet (Lakeside, Land adjacent The Firs and Land SW of Halls Wood) are not included on the map. This shows that the majority of sites and yards are located in the south of Test Valley around Romsey. The majority of the other sites are located towards the north of Test Valley around Andover. This spatial distribution of sites will need to be taken into consideration when considering the allocation of pitches in the new Local Plan to meet need identified in the GTAA. The reason for this is that it is unlikely that allocations in the north of Test Valley will be considered suitable to meet needs identified from sites and yards in the south of Test Valley, and vice versa for need identified from sites and yards in the north of Test Valley.



5. Stakeholder Engagement

Introduction

- 5.1 ORS undertook a stakeholder engagement programme to complement the information gathered through interviews with members of the Travelling Community. This consultation took the form of telephone interviews which were tailored to the role of the individual.
- 5.2 The aim of these interviews was to provide an understanding of current provision and possible future need; short-term encampments; transit provision; and cross-border issues.
- 5.3 A total of two interviews were completed with Council Officers from the study area. Neighbouring authorities were not interviewed as part of this study, but Council Officers are best placed to continue regular discussions and monitoring of progress with the respective authorities.
- 5.4 Due to issues surrounding data protection, and in order to protect the anonymity of those who took part, this section presents a summary of the views expressed by interviewees and verbatim comments have not been used. The views expressed in this section of the report represent a balanced summary of the views expressed by stakeholders, and on the views of the individuals concerned, rather than the official policy of the Council.

Views of Key Stakeholders and Council Officers in Test Valley

Accommodation Needs

- 5.5 Since the last GTAA (2017), there is now planning permission for 2 additional permanent gypsy pitches, plus the extension of a temporary permission for a further gypsy pitch. There is also planning permission for 5 additional permanent travelling showpeople plots across 2 sites.
- 5.6 Test Valley Borough Council have looked to publish an updated Gypsy, Traveller and Travelling Showpeople Development Plan Document (DPD) since the last GTAA. However, it has been acknowledged that the evidence base for need required updating and the latest need figures will now be used to revise the DPD, and it will be re-consulted upon. It is proposed to adopt either a separate Gypsy, Traveller & Travelling Showperson DPD, or to include provision for the Travelling community within the next Local Plan.
- 5.7 Based on previous evidence, there currently remains a deficit of authorised pitches in Test Valley which is possibly contributing to instances of overcrowding and concealed households. Taking the permissions granted since the last GTAA into account, a clearer picture of current need can begin to be addressed through the update of the current GTAA.
- 5.8 A key issue causing delays in planning applications is with addressing the impacts on water quality (nitrate neutrality) that occur on designated nature conservation sites. An approach to mitigating these impacts will be required for these developments.

Short-term Encampments and Transit Provision

- 5.9 There are currently no public transit sites in Test Valley. It was suggested that historically there had been occasional encampments, but that these were households passing through and that they were dealt with effectively by the Councils Enforcement Team. Unauthorised encampments tend to be around the Andover area and A303 corridor, although there have been recent occurrences in Romsey and Nursling.
- 5.10 The number of unauthorised encampments increased in the summer of 2019 and saw Travellers target various sites across the Borough, with Andover particularly hard hit. In response to this the Council were granted an Interim High Court Injunction in July 2020 against named and un-named individuals that prohibits encampments, and also covers any stationing caravans or mobile homes set up without the permission of the landowner, and those who deposit controlled waste in defined areas. The injunction covers Andover which extends from Wherwell in the west to Picket Piece in the east. The Injunction is being actively enforced and as a result of this the number of encampments in this part of Test Valley have dropped significantly.
- 5.11 The Council continue to consider that the issue of transit provision should be addressed on a Hampshire-wide basis rather than individual authorities working separately.

Cross Border Issues

- 5.12 No specific cross-border issues were identified.
- 5.13 When triggering the work to update the GTAA for Test Valley, a request for joint working was sent to neighbouring authorities. In response, each authority confirmed that they were not in a position to work together. This was because they were either not at the stage of looking to review evidence, had recently adopted their Local Plan, or had already made the decision to work individually.
- 5.14 Going forward, cross-border issues are expected to be picked up through the ongoing Duty to Cooperate meetings that take place with the neighbouring authorities. However, it is still felt that more could be done regarding a cross-boundary strategic approach towards the issue of providing transit provision across Hampshire.

Future Priorities and Any Further Issues

- 5.15 The key priority identified is to look to how any identified need can be best addressed through the plan-making process.

6. Survey of Travelling Communities

Interviews with Gypsies and Travellers

- 6.1 One of the major components of this study was a detailed survey of the Gypsy and Traveller population living in the study area, and also efforts to engage with the bricks and mortar community.
- 6.2 Through the desk-based research and stakeholder interviews ORS identified no public sites; 13 private sites with permanent planning permission; 1 private site with temporary planning permission; 2 sites that are tolerated for planning purposes; and 5 unauthorised sites. There are also 5 Travelling Showmen's Yards.
- 6.3 The table below sets out the number of pitches/plots, the number of interviews that were completed, and the reasons why interviews were not completed.
- 6.4 It should be noted that there were 19 pitch/plots that were vacant or not yet built and 1 plot not occupied by Travellers. This gives a robust adjusted response rate of 85%.
- 6.5 During the period between commencing the GTAA and reporting no further transient households were identified to interview other than those who were interviewed.

Figure 7 - Sites and yards visited in Test Valley

Site Status	Pitches/Plots	Interviews	Reasons for not completing interviews/additional interviews
Public Sites			
None	-	-	-
Private Sites			
Beechcroft, Weyhill	1	0	1 x no contact
Free Acre, Ampfield (Paddock)	1	1	-
Furb, Awbridge	1	1	-
Jactar, Awbridge	1	1	-
Little Acorns, West Wellow	1	0	1 x no contact
Love Acre, Awbridge	1	1	-
The Firs, Weyhill	1	1	-
The Oaks, Stockbridge	1	1	-
The Orchard, West Wellow	2	2	-
The Stables, Lopcombe	1	1	-
Treetops, East Wellow	1	1	-
Wellow Wood Paddock, West Wellow	2	2	-
Woodview Farm, Romsey	1	1	-
Temporary Sites			
The Atchen Tan, Netherton	1	1	-
Tolerated Sites			
Grateley Drove, Quarley	1	1	-
Ox Drove, Thruxton	2	0	2 x no contact

Site Status	Pitches/Plots	Interviews	Reasons for not completing interviews/additional interviews
Unauthorised Sites/Pitches			
Land adjacent The Orchard, West Wellow	1	1	-
Land adjacent to Greenwood Cottages, East Wellow	1	1	-
The Oaks, North Baddesley	1	1	-
The Paddock, Nursling	1	1	-
Willow Tree Farm, West Wellow	4	4	-
To be Determined			
Cocum Road, Barton Stacey	1	0	1 x not yet built
Land south of Hazelwood Farm, Plaitford	1	0	1 x not yet built
Land to the south west of Wellow Way, Scallows Lane, West Wellow	4	0	4 x not yet built
Bricks and Mortar			
None	-	-	-
Roadside			
None	-	-	-
Travelling Showpeople			
Forest Edge Park, Land at Halls Copse East Wellow	7	6	1 x vacant
Halls Copse, (Land adjacent Forest Edge Park), East Wellow	3	0	3 x not yet built
Lakeside, Awbridge	1	0	1 x non-Travellers
Land adjacent The Firs, Picket Piece	4	0	4 x vacant
Land south of Halls Wood, East Wellow	2	2	-
Land south west of Halls Wood, East Wellow	2	0	2 x not yet built
Picket Piece, Land adjacent to Valley View Business Park, (My Way)	6	2	4 x vacant
TOTAL	58	33	

Interviews with Gypsies and Travellers in Bricks and Mortar

^{6.6} Following all of the efforts that were made it was possible to identify and interview one household living in bricks and mortar.

7. Current and Future Pitch Provision

Introduction

- 7.1 This section focuses on the pitch provision which is needed in the study area currently and to 2036. This includes both current unmet need and need which is likely to arise in the future¹³. This time period allows for robust forecasts of the requirements for future provision, based upon the evidence contained within this study and also secondary data sources. Whilst the difficulty in making accurate assessments beyond 5 years has been highlighted in previous studies, the approach taken in this study to estimate new household formation has been accepted by Planning Inspectors as the most appropriate methodology to use.
- 7.2 We would note that this section is based upon a combination of the on-site surveys, planning records and stakeholder interviews. In many cases, the survey data is not used in isolation, but instead is used to validate information from planning records or other sources.
- 7.3 This section concentrates not only upon the total provision which is required in the area, but also whether there is a need for any transit sites and/or emergency stopping place provision.

New Household Formation Rates

- 7.4 Nationally, a household formation and growth rate of 3.00% net per annum¹⁴ has been commonly assumed and widely used in local Gypsy and Traveller assessments, even though there is no statistical evidence of households growing so quickly. The result has been to inflate both national and local requirements for pitches unrealistically. In this context, ORS prepared a *Technical Note on Gypsy and Traveller Household Formation and Growth Rates* in 2015 and updated the Note in June 2020. The main conclusions are set out here and the full paper is in **Appendix F**.
- 7.5 Those seeking to provide evidence of high annual net household growth rates for Gypsies and Travellers have sometimes sought to rely on increases in the number of caravans, as reflected in caravan counts. However, caravan count data is unreliable and erratic – so the only proper way to project future population and household growth is through demographic analysis.
- 7.6 The Technical Note concludes that in fact, the growth in the national Gypsy and Traveller population may be as low as 1.25% per annum – much less than the 3.00% per annum often assumed, but still greater than in the settled community. Even using extreme and unrealistic assumptions, it is hard to find evidence that net Gypsy and Traveller population and household growth rates are above 2.00% per annum nationally.
- 7.7 The often assumed 3.00% per annum net household growth rate is unrealistic and would require clear statistical evidence before being used for planning purposes. In practice, the best available evidence supports a national net household growth rate of 1.50% per annum for Gypsies and

¹³ See Paragraphs 3.41 and 3.42 for details of components on current and future need.

¹⁴ Page 25, Gypsy and Traveller Accommodation Needs Assessments – Guidance (DCLG – 2007) *Now withdrawn*.

Travellers (in addition research by ORS has identified a national growth rate of 1.00% for Travelling Showpeople) and this has also been adjusted locally based on site demographics.

- 7.8 This view has been supported by Planning Inspectors in a number of Decision Notices. The Inspector for an appeal in Doncaster that was issued in November 2016 (Ref: APP/F4410/W/15/3133490) where the agent acting on behalf of the appellant claimed that a rate closer to 3.00% should be used concluded:

In assessing need account also needs to be taken of likely household growth over the coming years. In determining an annual household growth rate, the Council relies on the work of Opinions Research Services (ORS), part of Swansea University. ORS's research considers migration, population profiles, births & fertility rates, death rates, household size data and household dissolution rates to determine average household growth rates for gypsies and travellers. The findings indicate that the average annual growth rate is in the order of 1.50% but that a 2.50% figure could be used if local data suggest a relatively youthful population. As the Council has found a strong correlation between Doncaster's gypsy and traveller population age profile and the national picture, a 1.50% annual household growth rate has been used in its 2016 GTANA. Given the rigour of ORS's research and the Council's application of its findings to the local area I accept that a 1.50% figure is justified in the case of Doncaster.

- 7.9 Another more recent was in relation to an appeal in Guildford that was issued in March 2018 (Ref: APP/W/16/3165526) where the agent acting on behalf of the appellant again claimed that a rate closer to 3.00% should be used. The Inspector concluded:

There is significant debate about household formation rates and the need to meet future growth in the district. The obvious point to make is that this issue is likely to be debated at the local-plan examination. In my opinion, projecting growth rates is not an exact science and the debate demonstrates some divergence of opinion between the experts. Different methodologies could be applied producing a wide range of data. However, on the available evidence it seems to me that the figures used in the GTAA are probably appropriate given that they are derived by using local demographic evidence. In my opinion, the use of a national growth rate and its adaptation to suit local or regional variation, or the use of local base data to refine the figure, is a reasonable approach.

- 7.10 In addition, the Technical Note has recently been accepted as a robust academic evidence base and has been published by the Social Research Association in its journal Social Research Practice in December 2017. The overall purpose of the journal is to encourage and promote high standards of social research for public benefit.

- 7.11 ORS assessments take full account of the net local household growth rate per annum calculated on the basis of demographic evidence from the site surveys, and the 'baseline' includes all current authorised households, all households identified as in current need (including concealed households, movement from bricks and mortar and those on waiting lists not currently living on a pitch or plot), as well as households living on tolerated unauthorised pitches or plots who are not included as current need. The assessments of future need also take account of modelling projections based on birth and death rates, household dissolution, and in-/out-migration.

- 7.12 Overall, the household growth rate used for the assessment of future needs has been informed by local evidence. This demographic evidence has been used to adjust the national growth rate of 1.50% up or down based on the proportion of those aged under 18 (by planning status). In Test

Valley this approach has been taken to determine the new household formation rate for households that met the planning definition. For Gypsy and Traveller households that met the planning definition 36% of residents were aged under 18. This demographic evidence is the same as the ORS national growth rate of 1.50% (which is also based on 36% aged under 18). Therefore, a rate of 1.50% has been used based on the proportion of those aged under 18 in households that met the planning definition in Test Valley. For Travelling Showmen's households that met the planning definition 30% of residents were aged under 18. This demographic evidence is the lower than the ORS national growth rate of 1.50% (which is also based on 36% aged under 18). Therefore, an adjusted rate of 1.25% has been used based on the proportion of those aged under 18 in households that met the planning definition in Test Valley.

- 7.13 In certain circumstances where the numbers of households and children are low, or the population age structure is skewed by certain age groups, it may not be appropriate to apply a percentage rate for new household formation. In these cases, a judgement will be made on likely new household formation based on the age and gender of the children. This will be based on the assumption that 50% of households likely to form will stay in the area. This is based on evidence from other GTAA's that ORS have completed across England and Wales. This approach has been taken to determine levels of new household formation for households that did not meet the planning definition. This is due to there only being 2 children in households in Test Valley that did not meet the planning definition.
- 7.14 The ORS national formation rate of 1.50% has been applied to undetermined households in the absence of any demographic data for these households.
- 7.15 Overall new household formation for those that met and did not meet the planning definition has also been adjusted to take account of teenagers in need of a pitch in the next 5 years who have already been identified as components of need. This eliminates any double counting in the assessment of need.

Breakdown by 5 Year Bands

- 7.16 In addition to tables which set out the overall need for Gypsies and Travellers, the overall need has also been broken down by 5-year bands as required by PPTS (2015). The way that this is calculated is by including all current need (from unauthorised pitches, pitches with temporary planning permission, concealed and doubled-up households, 5 year need from teenage children, and net movement from bricks and mortar) in the first 5 years. In addition, the total net new household formation is split across the GTAA period based on the compound rate of growth that was applied rather than being split equally over time.

Applying the Planning Definition

- 7.17 The outcomes from the household interviews were used to determine the status of each household against the planning definition in PPTS (2015). This assessment was based on the responses to the questions given to Researchers. Only those households that met the planning definition, in that they were able to provide information during the household interview that household members travel for work purposes, or for seeking work, and stay away from their usual place of residence when doing so – or that they have ceased to travel temporarily due to education, ill health or old age, form the components of need that will form the baseline of need in the GTAA. Households where an interview was not completed who may meet the planning

definition have also been included as a potential additional component of need from undetermined households. Whilst they do not need to be formally considered in the GTAA, need from households that did not meet the planning definition has also been assessed to provide the Councils with information on levels of need that will have to be considered as part of the wider housing needs of the area and through separate Local Plan Policies.

- 7.18 The information used to assess households against the planning definition included information on whether households have ever travelled; why they have stopped travelling; the reasons that they travel; and whether they plan to travel again in the future and for what reasons. The table below sets out the planning status of households that were interviewed for the Test Valley GTAA. This includes any hidden households that were identified during the household interviews including concealed and doubled-up households or single adults and accepted in-migration.

Figure 8 – Planning status of households in Test Valley

Status	Meet Planning Definition	Do Not Meet Planning Definition	Undetermined
Gypsies and Travellers			
Public Sites	-	-	-
Private Sites	19	3	2
Temporary Sites	5	0	0
Tolerated Sites	1	0	2
Unauthorised Sites	6	0	1
Roadside	2	0	0
Bricks and Mortar	1	0	0
Sub-Total	34	3	5
Travelling Showpeople			
Private Yards	20	0	0
Sub-Total	20	0	0
TOTAL	54	3	5

- 7.19 Figure 8 shows that for Gypsies and Travellers, 34 households met the planning definition of a Traveller, and for Travelling Showpeople 20 households met the planning definition in that ORS were able to determine that household members travel for work purposes, or for seeking work, and stay away from their usual place of residence or have ceased to travel temporarily.
- 7.20 A total of 3 Gypsy and Traveller households did not meet the planning definition as they were not able to demonstrate that they travel away from their usual place of residence for the purpose of work, or that they have ceased to travel temporarily due to children in education, ill health, or old age. Some did travel for cultural reasons, to visit relatives or friends, and others had ceased to travel permanently.
- 7.21 It was not possible to make contact with households on 5 pitches as they were not present during the extended fieldwork period. These are recorded as Undetermined for the purposes of the GTAA.

Interviews with Gypsies and Travellers in Bricks and Mortar

- 7.22 Following all of the efforts that were made, it was possible to identify and interview 1 household living in bricks and mortar. The household met the planning definition and have a need to move to a site in Test Valley to be with family members.

Migration/Roadside

- 7.23 The study has also sought to address in-migration (households requiring accommodation who move into the study area from outside) and out-migration (households moving away from the study area). Site surveys typically identify only small numbers of in-migrant and out-migrant households and the data is not normally robust enough to extrapolate long-term trends. At the national level, there is nil net migration of Gypsies and Travellers across the UK, but the assessment has taken into account local migration effects on the basis of the best evidence available.
- 7.24 The study also sought to identify need from households who have been forced to move from sites due to overcrowding and who are currently living on the roadside or on sites in other local authorities – and who have strong family links with households in Test Valley. These are referred to as roadside households or displaced in-migration.
- 7.25 Evidence drawn from stakeholder and household interviews has been considered alongside assessments of need that have been completed in other nearby local authorities. The household interviews identified 2 household living in other local authorities who need to move back to a family site in Test Valley.
- 7.26 ORS have found no firm evidence from other local studies that have been completed recently of any additional households wishing to move to Test Valley. Therefore, apart from the identified in-migration/roadside need, net migration to the sum of zero has been assumed for the GTAA – which means that net pitch requirements are driven by locally identifiable need rather than speculative modelling assumptions.
- 7.27 It is important to note that any future demand for new sites or additional pitches as a result of in-migration should be seen as windfall need and should be dealt with by a criteria-based development management policy. This additional need should not be assessed against levels of need identified in the GTAA or to contribute towards 5-year supply to meet this need.

Pitch Needs – Gypsies and Travellers that meet the Planning Definition

- 7.28 The 34 households that met the planning definition were found on private, temporary, tolerated, and unauthorised sites, as well as living in bricks and mortar and on the roadside.
- 7.29 Analysis of the household interviews indicated that there is a current need from 6 unauthorised pitches; for 13 pitches from concealed or doubled-up households or adults; and from 1 household living in bricks and mortar. Future need has been identified for 11 pitches for teenage children who are in need of a pitch of their own in the next 5 years; from 1 household on a temporary pitch; for 2 households from in-migration; and for 10 pitches as a result of new household formation, using a rate of 1.50% derived from the demographics of the residents. Therefore, the overall level of need for those households who met the planning definition of a Gypsy or Traveller is for **44 pitches** over the GTAA period.
- 7.30 Many of the households that were interviewed on private sites in Test Valley also stated that they have sufficient land and a means to deliver additional pitches on their sites to meet the current and future needs for their families.

Figure 9 – Need for Gypsy and Traveller households in Test Valley that met the Planning Definition (2020-36)

Gypsies and Travellers - Meeting Planning Definition		Pitches
Supply of Pitches		
Supply from vacant public and private pitches		0
Supply from pitches on new sites		0
Pitches vacated by households moving to bricks and mortar		0
Pitches vacated by households moving away from the study area		0
Total Supply		0
Current Need		
Households on unauthorised developments		6
Households on unauthorised encampments		0
Concealed households/Doubling-up/Over-crowding		13
Movement from bricks and mortar		1
Households on waiting lists for public sites		0
Total Current Need		20
Future Need		
5 year need from teenage children		11
Households on sites with temporary planning permission		1
In-migration		2
New household formation		10
<i>(Household base 46 and formation rate 1.50%)</i>		
Total Future Needs		24
Net Pitch Need = (Current and Future Need – Total Supply)		44

Figure 10 – Need for Gypsy and Traveller households in Test Valley that met the Planning Definition by 5-year periods

Years	0-5	6-10	11-15	16-17	Total
	2020-24	2025-29	2030-34	2035-36	
	34	4	5	1	44

Pitch Needs – Undetermined Gypsies and Travellers

- 7.31 Whilst it was not possible to determine the planning status of a total of 5 households as they were not on site at the time of the fieldwork, the needs of these households still need to be recognised by the GTAA as they are believed to be Gypsies and Travellers and may meet the planning definition.
- 7.32 ORS are of the opinion that it would not be appropriate when producing a robust assessment of need to make any firm assumptions about whether or not households where an interview was not completed meet the planning definition based on the outcomes of households in that local authority where an interview was completed.
- 7.33 However, data that has been collected from over 4,300 household interviews that have been completed by ORS since the changes to PPTS in 2015 suggests that nationally approximately 30% of households that have been interviewed meet the planning definition.
- 7.34 This would suggest that it is likely that only a proportion of the potential need identified from these undetermined households will need conditioned Gypsy and Traveller pitches, and that the needs of the majority will need to be addressed through other means including Local Plan Policy COM13.
- 7.35 Should further information be made available to the Council that will allow for the planning definition to be applied to the undetermined households, the overall level of need could rise by up to 3 pitches from 1 unauthorised pitch and new household formation of 2 (this uses a base of the 5 households and the ORS national net growth rate of 1.50%¹⁵). Therefore, **need could increase by up to a further 3 pitches**, plus any concealed adult households or 5-year need arising from teenagers living in these households if all 5 undetermined pitches are deemed to meet the planning definition. However, as an illustration, if the ORS national average of 30% were to be applied this could be as few as 1 pitch. If the locally derived proportion of households that met the planning definition (92%) were to be applied this could rise to 3 pitches.
- 7.36 Tables setting out the components of need for undetermined households can be found in **Appendix B**.

Pitch Needs - Gypsies and Travellers that do not meet the Planning Definition

- 7.37 It is not now a requirement for a GTAA to include an assessment of need for households that did not meet the planning definition. However, this assessment is included for illustrative purposes, to help fulfil the requirements of the Housing Act (1985)¹⁶ and to provide the Council with information on levels of need that will have to be addressed through separate Local Plan Policies. On this basis, it is evident that whilst the needs of the 2 households who did not meet the planning definition will represent only a very small proportion of the overall housing need, the Council will still need to ensure that arrangements are in place to properly address these needs

¹⁵ The ORS *Technical Note on Population and Household Growth (2020)* has identified a national growth rate of 1.50% for Gypsies and Travellers which has been applied in the absence of further demographic information about these households.

¹⁶ See Paragraph 3.34 for details.

– especially as many identified as Irish and Romany Gypsies and may claim that the Council should meet their housing needs through culturally appropriate housing.

7.38 Analysis of the household interviews indicated that there is a current need from 1 unauthorised pitch; and 1 concealed or doubled-up household. The future need identified is for 2 from new household formation derived from the household demographics. However, all of this need derives from 1 household that is actively seeking to move to bricks and mortar in Test Valley. Therefore, the overall level of need for those households who did not meet the planning definition of a Gypsy or Traveller is for **no pitches** over the GTAA period. A summary of this need for households that did not meet the planning definition can be found in **Appendix C**.

Travelling Showpeople Needs

Plot Needs – Travelling Showpeople

- 7.39 There were 7 Travelling Showperson's yards identified in Test Valley and interviews were completed with all of the households and all met the planning definition.
- 7.40 Analysis of the household interviews for households that met the planning definition indicated that there is a need for 10 plots for concealed or doubled-up households or single adults; for 10 plots for teenagers who will be in need of a plot of their own in the next 5 years; and for 5 plots from new household formation using a rate of 1.25% derived from the household demographics. Therefore, the overall level of need for those households who met the planning definition of a Travelling Showperson is for **25 plots** over the GTAA period.
- 7.41 Whilst there were 14 plots on yards with permanent planning permission that were either vacant, unimplemented, or un-developed, these were all on private yards and are not considered to be available supply as required by the PPTS¹⁷. However, it is anticipated that these plots will meet some of the current and future need identified from these yards.

Figure 11 – Need for Travelling Showpeople households in Test Valley that met the Planning Definition (2020-36)

Travelling Showpeople - Meeting Planning Definition	Pitches
Supply of Plots	
Supply from vacant public and private plots	0
Supply from pitches on new yards	0
Plots vacated by households moving to bricks and mortar	0
Plots vacated by households moving away from the study area	0
Total Supply	0
Current Need	
Households on unauthorised developments	0
Households on unauthorised encampments	0
Concealed households/Doubling-up/Over-crowding	10
Movement from bricks and mortar	0
Total Current Need	10
Future Need	
5 year need from teenage children	10
Households on yards with temporary planning permission	0
In-migration	0
New household formation	5
<i>(Household base 30 and formation rate 1.25%)</i>	
Total Future Needs	15
Net Plot Need = (Current and Future Need – Total Supply)	25

Figure 12 – Need for Travelling Showpeople households in Test Valley that met the Planning Definition by 5-year periods

Years	0-5	6-10	11-15	16-17	Total
	2020-24	2025-29	2030-34	2035-36	
	20	2	2	1	25

¹⁷ PPTS (2015) Policy 10, Section b).

Transit Requirements

^{7.42} When determining the potential need for transit provision the assessment has looked at data from the MHCLG Traveller Caravan Count, the outcomes of the stakeholder interviews and records on numbers of unauthorised encampments, and the potential wider issues related to changes made to PPTS in 2015.

MHCLG Traveller Caravan Count

^{7.43} Whilst it is considered to be a comprehensive national dataset on numbers of authorised and unauthorised caravans across England, it is acknowledged that the Traveller Caravan Count is a count of caravans and not households. It also does not record the reasons for unauthorised caravans. This makes it very difficult to interpret in relation to assessing future need because it does not count pitches or resident households. The count is also only a twice yearly (January and July) 'snapshot in time' conducted by local authorities on a specific day, and any caravans on unauthorised sites or encampments which occur on other dates are not recorded. Likewise, any caravans that are away from sites on the day of the count are not included. As such it is not considered appropriate to use the outcomes from the Traveller Caravan Count in the assessment of future transit provision. It does however provide valuable historic and trend data on whether there are instances of unauthorised caravans in local authority areas.

^{7.44} Data from the Traveller Caravan Count shows that there have been no non-tolerated unauthorised caravans on land not owned by Travellers recorded in the study area in recent years.

Stakeholder Interviews and Local Data

^{7.45} There are currently no public transit sites in Test Valley. Information from the stakeholder interviews identified that historically there had been occasional encampments, but that these were households passing through and that they were dealt with effectively by the Councils Enforcement Team.

^{7.46} The number of unauthorised encampments increased in the summer of 2019 and saw Travellers target various sites across the Borough, with Andover particularly hard hit. In response to this the Council were granted an Interim High Court Injunction in July 2020 against named and un-named individuals that prohibits encampments, and also covers any stationing caravans or mobile homes set up without the permission of the landowner, and those who deposit controlled waste in defined areas. The injunction covers Andover which extends from Wherwell in the west to Picket Piece in the east. The Injunction is being actively enforced and as a result of this the number of encampments in this part of Test Valley have dropped significantly.

Potential Implications of PPTS (2015)

^{7.47} It has been suggested that there will need to be an increase in transit provision across the country as a result of changes to PPTS leading to more households travelling. This may well be the case, but it will take some time for any changes to become apparent. As such the use of historic evidence to make an assessment of future transit need is not recommended at this time. Any recommendation for future transit provision will need to make use of a robust post-PPTS (2015) evidence base and there has not been sufficient time yet for this to happen at this point in time.

Transit Recommendations

- 7.48 Following the granting of the Interim Injunction by the High Court it is recommended that the situation relating to levels of unauthorised encampments should continue to be monitored. As well as information on the size and duration of the encampments, this monitoring should also seek to gather information from residents on the reasons for their stay in the local area; whether they have a permanent base or where they have travelled from; and whether they have any need or preference to settle permanently in the local area. This information could be collected as part of a Welfare Assessment (or similar). It is understood that these are currently completed by the HCC Gypsy Liaison Officer.
- 7.49 It is recommended that a review of the evidence base relating to unauthorised encampments, including the monitoring referred to above, should be undertaken on a Hampshire-wide basis. This will establish whether there is a need for investment in any new transit provision or emergency stopping places, or whether a managed approach is preferable.
- 7.50 In the short-term the Council should continue to use its current approach when dealing with unauthorised encampments and management-based approaches. Negotiated stopping agreements could also be considered.
- 7.51 The term 'negotiated stopping' is used to describe agreed short-term provision for Gypsy and Traveller caravans. It does not describe permanent 'built' transit sites but negotiated agreements which allow caravans to be sited on suitable specific pieces of ground for an agreed and limited period of time, with the provision of limited services such as water, waste disposal and toilets. Agreements are made between the Council and the (temporary) residents regarding expectations on both sides. See www.leedsgate.co.uk for further information.
- 7.52 Temporary stopping places can be made available at times of increased demand due to fairs or cultural celebrations that are attended by Gypsies and Travellers. A charge may be levied as determined by the local authority although they only need to provide basic facilities including: a cold-water supply; portaloos; sewerage disposal point and refuse disposal facilities.

8. Conclusions

8.1 This study provides a robust evidence base to enable the Council to assess the housing needs of the Travelling Community as well as complying with their requirements towards Gypsies, Travellers and Travelling Showpeople under the Housing Act 1985, Planning Policy for Traveller Sites (PPTS) 2015, the Housing and Planning Act 2016, the revised National Planning Policy Framework (NPPF) 2019, and Planning Practice Guidance (PPG) 2019. It also provides the evidence base which can be used to support Local Plan Policies.

Gypsies and Travellers

8.2 In summary there is a need for:

- » 44 pitches in Test Valley over the GTAA period to 2040 for Gypsy and Traveller households that met the planning definition.
- » 3 pitches for undetermined Gypsy and Traveller households that may meet the planning definition.
- » No pitches for Gypsy and Traveller households who did not meet the planning definition.

8.3 In general terms need identified in a GTAA is seen as need for pitches. As set out in Chapter 4 of this report, the now withdrawn *Government Guidance on Designing Gypsy and Traveller Sites (2007)* recommended that, as a general guide, an average family pitch must be capable of accommodating an amenity building, a large trailer and touring caravan, parking space for two vehicles and a small garden area.

8.4 However, it is recommended that alternative approaches should be considered when seeking to address the levels of need identified in this GTAA, especially when seeking to meet the need through the intensification or expansion of existing private sites.

8.5 The first approach to consider is in relation to single concealed or doubled-up adults and teenagers who will be in need of a pitch of their own in the next 5 years. In the short to medium term, it is likely that the accommodation need of these individuals could be met through additional touring caravans on existing sites which are, generally, each equivalent to the provision of a pitch, as opposed to more formally set out pitches.

8.6 The second approach to consider is for sites occupied by larger extended family groups. Again, sites like this may be able to meet the overall accommodation needs through a combination of shared static caravans, tourers and dayrooms on existing sites which are, generally, each equivalent to the provision of a pitch – as opposed to more formally set out sites with separate pitches. It is common for conditions in Decision Notices for Travellers sites to simply place limits on the numbers and types of caravans as opposed to placing limits on the number of pitches.

8.7 Future need from new household formation could also be met through natural turnover of pitches over time.

8.8 Given that many of the households that were interviewed on private sites in Test Valley stated that they have sufficient land and a means to deliver additional pitches to meet their current and future needs, it is also recommended that the Council complete a Pitch Deliverability Assessment

to identify the levels of need that can be met on existing sites in Test Valley with a view to trying to minimise the need to identify any new sites to meet current and future need.

- 8.9 Following the considerations set out above, it is recommended that need for households that met the PPTS planning definition is addressed through a combination of specific pitch allocations relating to the intensification or expansion of existing sites – considering some of the alternative approaches set out above.
- 8.10 The Council will need to carefully consider how to address any needs from undetermined households, from households seeking to move to Test Valley (in-migration), or from households currently living in bricks and mortar. In terms of Local Plan Policies, they should consider the use of the criteria-based policy in the Adopted Local Plan (Policy COM13: Gypsies, Travellers and Travelling Showpeople) for any undetermined households, as well as to deal with any windfall applications.
- 8.11 In general terms, it is the Government’s intention that the need for those households who do not fall within the PPTS planning definition should be met as part of general housing need, as all Travellers that do not meet the planning definition will have been included as part of the overall Objectively Assessed Need (OAN).
- 8.12 It is recognised that the Council is in the process of preparing a new Local Plan and Gypsy and Traveller DPD that set out overall housing need. The findings of this report should be considered as part of future housing mix and type within the context of the assessment of overall housing need in relation to Gypsies and Travellers. Whilst the findings in this report are aggregated totals for the whole of Test Valley due to data protection issues, the Council have more detailed data to enable accurate Local Plan allocation to be made.

Travelling Showpeople

- 8.13 The GTAA identifies a need for 25 plots for households that met the planning definition. There was no need identified for undermined households or households that do not meet the definition. There were 14 plots on yards with permanent planning permission that were either vacant, unimplemented, or un-developed, and it is anticipated that these plots will meet some of the current and future need identified from these yards.

Transit Provision

- 8.14 Following the granting of the Interim Injunction by the High Court it is recommended that the situation relating to levels of unauthorised encampments should continue to be monitored. As well as information on the size and duration of the encampments, this monitoring should also seek to gather information from residents on the reasons for their stay in the local area; whether they have a permanent base or where they have travelled from; and whether they have any need or preference to settle permanently in the local area.
- 8.15 It is recommended that a review of the evidence base relating to unauthorised encampments, including the monitoring referred to above, should continue to be undertaken on a Hampshire-wide basis. This will establish whether there is a need for investment in any new transit provision or emergency stopping places, or whether a managed approach is preferable.

Summary of Need to be Addressed – Gypsies and Travellers

- 8.16 Taking into consideration all of the elements of need that have been assessed, together with the assumptions on the proportion of undetermined households that are likely to meet the planning definition, the table below sets out the likely number of pitches that will need to be addressed either as a result of the GTAA, or through the Councils Housing Need Assessment (HNA) process and through separate Local Plan Policies.
- 8.17 Total need from Gypsies and Travellers in Test Valley that met the planning definition, from undetermined households that may meet the planning definition; and from households that did not meet the planning definition is for 47 pitches.
- 8.18 The tables below break total need down by:
- » The number that met the planning definition.
 - » The likely proportion of need from undetermined households that will meet the planning definition. It does this by taking 30% (the ORS national average of Gypsies and Travellers that meet the planning definition) of need from undetermined households and 92% (the locally derived proportion that met the planning definition).
 - » The number that did not meet the planning definition.
 - » The likely proportion of need from undetermined households that will not meet the planning definition. It does this by taking 70% (the ORS national average of Gypsies and Travellers that do not meet the planning definition) of need from undetermined households and 8% (the locally derived proportion that did not meet the planning definition).
- 8.19 Need from households that meet or are likely to meet the planning definition will need to be addressed through a Gypsy and Traveller Local Plan Policy through a combination of pitch allocations and through a Criteria-Based Policy. Need for households that did not meet the planning definition will need to be met through other Local Plan Housing Policies.

Figure 13 – Need for Gypsy and Traveller households broken down by Local Plan Policy Type – ORS National %

Delivery Status	Gypsy & Traveller Policy	Housing Policy	TOTAL
Meet Planning Definition ¹⁸	44	-	44
30% Undetermined Need ¹⁹	1	-	1
Do Not Meet Planning Definition	-	0	0
70% Undetermined Need	-	2	2
TOTAL	45	2	47

¹⁸ Site Allocation.

¹⁹ Address through a Criteria-Based Policy.

Figure 14 – Need for Gypsy and Traveller households broken down by Local Plan Policy Type – Local %

Delivery Status	Gypsy & Traveller Policy	Housing Policy	TOTAL
Meet Planning Definition ²⁰	44	-	44
92% Undetermined Need ²¹	3	-	3
Do Not Meet Planning Definition	-	0	0
8% Undetermined Need	-	0	0
TOTAL	47	0	47

Summary of Need to be Addressed – Traveling Showpeople

- 8.20 Taking into consideration all of the elements of need that have been assessed, together with the assumptions on the proportion of undetermined households that are likely to meet the planning definition, the table below sets out the likely number of plots that will need to be addressed either as a result of the GTAA, or through the Councils Housing Need Assessment (HNA) process and through separate Local Plan Policies.
- 8.21 Total need from Travelling Showpeople in Test Valley that met the planning definition, from undetermined households that may meet the planning definition; and from households that did not meet the planning definition is for 25 plots.
- 8.22 The tables below break total need down by:
- » The number that met the planning definition.
 - » The likely proportion of need from undetermined households that will meet the planning definition. It does this by taking 70% (the ORS national average of Travelling Showpeople that meet the planning definition) of need from undetermined households and 100% (the locally derived proportion that met the planning definition).
 - » The number that did not meet the planning definition.
 - » The likely proportion of need from undetermined households that will not meet the planning definition. It does this by taking 30% (the ORS national average of Travelling Showpeople that do not meet the planning definition) of need from undetermined households and 0% (the locally derived proportion that did not meet the planning definition).
- 8.23 Need from households that meet or are likely to meet the planning definition will need to be addressed through a Travelling Showpeople Local Plan Policy through a combination of plot allocations and through a Criteria-Based Policy. Need for households that did not meet the planning definition will need to be met through other Local Plan Housing Policies.

²⁰ Site Allocation.

²¹ Address through a Criteria-Based Policy.

Figure 15 – Need for Travelling Showpeople households broken down by Local Plan Policy Type – ORS National %

Delivery Status	Travelling Showpeople Policy	Housing Policy	TOTAL
Meet Planning Definition ²²	25	-	25
70% Undetermined Need ²³	0	-	0
Do Not Meet Planning Definition	-	0	0
30% Undetermined Need	-	0	0
TOTAL	25	0	25

Figure 16 – Need for Travelling Showpeople households broken down by Local Plan Policy Type – Local %

Delivery Status	Travelling Showpeople Policy	Housing Policy	TOTAL
Meet Planning Definition ²²	25	-	25
100% Undetermined Need ²³	0	-	0
Do Not Meet Planning Definition	-	0	0
0% Undetermined Need	-	0	0
TOTAL	25	0	25

Spatial Distribution of Need

^{8.24} The majority of sites and yards are located in the south of Test Valley around Romsey. The majority of the other sites are located towards the north of Test Valley around Andover. This spatial distribution of sites will need to be taken into consideration when considering the allocation of pitches in the new Local Plan to meet need identified in the GTAA. The reason for this is that it is unlikely that allocations in the north of Test Valley will be considered suitable to meet needs identified from sites and yards in the south of Test Valley, and vice versa for need identified from sites and yards in the north of Test Valley.

²² Site Allocation.

²³ Address through a Criteria-Based Policy.

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Appendix A: Glossary of Terms / Acronyms used

Amenity block/shed	A building where basic plumbing amenities (bath/shower, WC, sink) are provided.
Bricks and mortar	Mainstream housing.
Caravan	Mobile living vehicle used by Gypsies and Travellers. Also referred to as trailers.
Chalet	A single storey residential unit which can be dismantled. Sometimes referred to as mobile homes.
Concealed household	Households, living within other households, who are unable to set up separate family units.
Doubling-Up	Where there are more than the permitted number of caravans on a pitch or plot.
Emergency Stopping Place	A temporary site with limited facilities to be occupied by Gypsies and Travellers while they travel.
Green Belt	A land use designation used to check the unrestricted sprawl of large built-up areas; prevent neighbouring towns from merging into one another; assist in safeguarding the countryside from encroachment; preserve the setting and special character of historic towns; and assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
Household formation	The process where individuals form separate households. This is normally through adult children setting up their own household.
In-migration	Movement of households into a region or community
Local Plans	Local Authority spatial planning documents that can include specific policies and/or site allocations for Gypsies, Travellers and Travelling Showpeople.
Out-migration	Movement from one region or community in order to settle in another.
Personal planning permission	A private site where the planning permission specifies who can occupy the site and doesn't allow transfer of ownership.
Pitch/plot	Area of land on a site/development generally home to one household. Can be varying sizes and have varying caravan numbers. Pitches refer to Gypsy and Traveller sites and Plots to Travelling Showpeople yards.
Private site	An authorised site owned privately. Can be owner-occupied, rented or a mixture of owner-occupied and rented pitches.
Site	An area of land on which Gypsies, Travellers and Travelling Showpeople are accommodated in

	caravans/chalets/vehicles. Can contain one or multiple pitches/plots.
Social/Public/Council Site	An authorised site owned by either the local authority or a Registered Housing Provider.
Temporary planning permission	A private site with planning permission for a fixed period of time.
Tolerated site/yard	Long-term tolerated sites or yards where enforcement action is not expedient, and a certificate of lawful use would be granted if sought.
Transit provision	Site intended for short stays and containing a range of facilities. There is normally a limit on the length of time residents can stay.
Unauthorised Development	Caravans on land owned by Gypsies and Travellers and without planning permission.
Unauthorised Encampment	Caravans on land not owned by Gypsies and Travellers and without planning permission.
Waiting list	Record held by the local authority or site managers of applications to live on a site.
Yard	A name often used by Travelling Showpeople to refer to a site.

GTAA	Gypsy and Traveller Accommodation Assessment
GTANA	Gypsy and Traveller Accommodation Needs Assessment
HEDNA	Housing and Economic Development Needs Assessment
HMA	Housing Market Assessment
LPA	Local Planning Authority
MHCLG	Ministry of Housing, Communities and Local Government
NPPF	National Planning Policy Framework
ORS	Opinion Research Services
PPG	Planning Practice Guidance
PPTS	Planning Policy for Traveller Sites
SHMA	Strategic Housing Market Assessment
TSP	Travelling Showpeople

Appendix B: Undetermined Households

Figure 17 - Need for undetermined Gypsy and Traveller households in Test Valley (2020-36)

Gypsies and Travellers – Undetermined	Pitches
Supply of Pitches	
Supply from vacant public and private pitches	0
Supply from pitches on new sites	0
Pitches vacated by households moving to bricks and mortar	0
Pitches vacated by households moving away from the study area	0
Total Supply	0
Current Need	
Households on unauthorised developments	1
Households on unauthorised encampments	0
Concealed households/Doubling-up/Over-crowding	0
Movement from bricks and mortar	0
Households on waiting lists for public sites	0
Total Current Need	1
Future Need	
5 year need from teenage children	0
Households on sites with temporary planning permission	0
In-migration	0
New household formation	2
<i>(Household base 5 and formation rate 1.50%)</i>	
Total Future Needs	2
Net Pitch Need = (Current and Future Need – Total Supply)	3

Figure 18 – Need for undetermined Gypsy and Traveller households in Test Valley by 5-year periods

Years	0-5	6-10	11-15	16-17	Total
	2020-24	2025-29	2030-34	2035-36	
	1	1	1	0	3

Figure 19 - Need for undetermined Travelling Showpeople households in Test Valley (2020-36)

Travelling Showpeople – Undetermined		Plots
Supply of Plots		
Supply from vacant public and private plots		0
Supply from plots on new yards		0
Plots vacated by households moving to bricks and mortar		0
Plots vacated by households moving away from the study area		0
Total Supply		0
Current Need		
Households on unauthorised developments		0
Households on unauthorised encampments		0
Concealed households/Doubling-up/Over-crowding		0
Movement from bricks and mortar		0
Total Current Need		0
Future Need		
5 year need from teenage children		0
Households on yards with temporary planning permission		0
In-migration		0
New household formation		0
<i>(No undetermined Travelling Showpeople)</i>		
Total Future Needs		0
Net Plot Need = (Current and Future Need – Total Supply)		0

Figure 20 – Need for undetermined Travelling Showpeople households in Test Valley by 5-year periods

Years	0-5	6-10	11-15	16-17	Total
	2020-24	2025-29	2030-34	2035-36	
	0	0	0	0	0

Appendix C: Households that did not meet the Planning Definition

Figure 21 - Need for Gypsy and Traveller households in Test Valley that did not meet the Planning Definition (2020-36)

Gypsies and Travellers - Not Meeting Planning Definition	Pitches
Supply of Pitches	
Supply from vacant public and private pitches	0
Supply from pitches on new sites	0
Pitches vacated by households moving to bricks and mortar	0
Pitches vacated by households moving away from the study area	0
Total Supply	0
Current Need	
Households on unauthorised developments	0
Households on unauthorised encampments	0
Concealed households/Doubling-up/Over-crowding	0
Movement from bricks and mortar	0
Households on waiting lists for public sites	0
Total Current Need	0
Future Need	
5 year need from teenage children	0
Households on sites with temporary planning permission	0
In-migration	0
New household formation	0
<i>(No need from 1 household)</i>	
Total Future Needs	0
Net Pitch Need = (Current and Future Need – Total Supply)	0

Figure 22 – Need for Gypsy and Traveller households in Test Valley that did not meet the Planning Definition by 5-year periods

Years	0-5	6-10	11-15	16-17	Total
	2020-24	2025-29	2030-34	2035-36	
	0	0	0	0	0

Figure 23 - Need for Travelling Showpeople households in Test Valley that did not meet the planning definition (2020-36)

Travelling Showpeople - Not Meeting Planning Definition	Plots
Supply of Plots	
Supply from vacant public and private plots	0
Supply from plots on new yards	0
Plots vacated by households moving to bricks and mortar	0
Plots vacated by households moving away from the study area	0
Total Supply	0
Current Need	
Households on unauthorised developments	0
Households on unauthorised encampments	0
Concealed households/Doubling-up/Over-crowding	0
Movement from bricks and mortar	0
Total Current Need	0
Future Need	
5 year need from teenage children	0
Households on yards with temporary planning permission	0
In-migration	0
New household formation	0
<i>(No Travelling Showpeople that did not meet the planning definition)</i>	
Total Future Needs	0
Net Plot Need = (Current and Future Need – Total Supply)	0

Figure 24 – Need for Travelling Showpeople households in Test Valley that did not meet the Planning Definition by 5-year periods

Years	0-5	6-10	11-15	16-17	Total
	2020-24	2025-29	2030-34	2035-36	
	0	0	0	0	0

Appendix D: Site and Yard Lists (September 2020)

Site/Yard	Authorised Pitches or Plots	Unauthorised Pitches or Plots
Public Sites		
None	-	-
Private Sites with Permanent Permission		
Beechcroft, Weyhill	1	-
Free Acre, Ampfield (previously known as Paddock)	1	-
Furb, Awbridge	1	-
Jactar, Awbridge	1	-
Little Acorns, West Wellow	1	-
Love Acre, Awbridge	1	-
The Firs, Weyhill	1	-
The Oaks, Stockbridge	1	-
The Orchard, West Wellow	2	-
The Stables, Lopcombe	1	-
Treetops, East Wellow	1	-
Wellow Wood Paddock, West Wellow	2	-
Woodview Farm, Romsey	1	-
Private Sites with Temporary Permission		
The Atchen Tan, Netherton	1	-
Tolerated Sites – Long-term without Planning Permission		
Grateley Drive, Quarley	-	1
Ox Drive, Thruxton	-	2
Unauthorised Developments		
Land adjacent The Orchard, West Wellow	-	1
Land adjacent Greenwood Cottages, East Wellow	-	1
The Oaks, North Baddesley	-	1
The Paddock, Nursling	-	1
Willow Tree Farm, West Wellow	-	4
TOTAL PITCHES	16	11
Travelling Showpeople Yards		
Lakeside, Awbridge	1	
Halls Copse (Land adjacent Forest Edge Park), East Wellow	3	
Land adjacent The Firs, Picket Piece	4	
Picket Piece, Land adjacent to Valley View Business Park, (My Way)	6	
Forest Edge Park, East Wellow	7	
Land south of Halls Wood, East Wellow	2	
Lane to the south west of Halls Wood, East Wellow	2	
TOTAL PLOTS	25	-
TOTAL PITCHES & PLOTS	41	11
Unoccupied Gypsy and Traveller applications to be determined		
Cocum Road, Barton Stacey	1	
Land south of Hazelwood Farm, Plaitford	1	-
Land south of Wellow Way, West Wellow	4	-

Appendix E: Household Interview Questions

GTAA Questionnaire 2019



INTERVIEWER: Good Morning/afternoon/evening. My name is < > from Opinion Research Services, working on behalf of XXXX Council.

The Council are undertaking a study of Gypsy, Traveller and Travelling Showpeople accommodation needs assessment in this area. This is needed to make sure that accommodation needs are properly assessed and to get a better understanding of the needs of the Travelling Community.

The Council need to try and speak with every Gypsy, Traveller and Travelling Showpeople household in the area to make sure that the assessment of need is accurate.

Your household will not be identified and all the information collected will be anonymous and will only be used to help understand the needs of Gypsy, Traveller and Travelling Showpeople households.

ORS is registered under the Data Protection Act 1998. Your responses will be stored and processed electronically and securely. This paper form will be securely destroyed after processing. Your household will not be identified to the council and only anonymous data and results will be submitted, though verbatim comments may be reported in full, and the data from this survey will only be used to help understand the needs of Gypsy, Traveller and Travelling Showpeople households

A General Information

A1 Name of planning authority:
INTERVIEWER please write in

A2 Date/time of site visit(s):
INTERVIEWER please write in

A3 Name of interviewer:
INTERVIEWER please write in

A4 Address and pitch number:
INTERVIEWER please write in

A5 Type of accommodation: *INTERVIEWER please cross one box only*

Council	Private rented	Private owned	Unauthorised	Bricks and Mortar
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

A6 Name of Family:
INTERVIEWER please write in

A7 Ethnicity of Family:
INTERVIEWER please cross one box only

Romany Gypsy	Irish Traveller	Scots Gypsy or Traveller	Show Person
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
New Traveller	English Traveller	Welsh Gypsy	Non-Traveller
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Other (please specify)

A8 Number of units on the pitch:
INTERVIEWER please write in

Mobile homes	Touring Caravans	Day Rooms	Other (please specify)
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

A9 Is this site your main place of residence? If not where is?
INTERVIEWER: Please cross one box only

Yes No

A10 How long have you lived here? If you have moved in the past 5 years, where did you move from? *INTERVIEWER: Please write in below*

Years	Months	If you have moved in the past 5 years, where did you move from? Include ALL moves
-------	--------	---

A11 Did you live here out of your own choice or because there was no other option? If there was no other option, why? *INTERVIEWER: Please cross one box only*

Choice No option

A12 Is this site suitable for your household? If so why and if not why not? (For example close to schools, work, healthcare, family and friends etc.)
INTERVIEWER: Please cross one box only

Yes No

A13 How many separate families or unmarried adults live on this pitch?
INTERVIEWER: Please cross one box only

1 2 3 4 5 6 7 8 9 10

B Demographics

B1 Demographics — Household 1 *INTERVIEWER: Please write-in*

Person 1		Person 2		Person 3	
Sex	Age	Sex	Age	Sex	Age

Complete additional forms for each household on pitch *INTERVIEWER: Please write-in*

Person 4		Person 5		Person 6		Person 7		Person 8	
Sex	Age	Sex	Age	Sex	Age	Sex	Age	Sex	Age

C Accommodation Needs

C1 How many families or unmarried adults living on this pitch are in need of a pitch of their own in the next 5 years? *INTERVIEWER: Please cross one box only*

INTERVIEWER: AN ADULT IS DEFINED AS 16+

1 2 3 4 5 6 7 8 9 10

Other *Please specify*

E Future Accommodation Needs											
E1	<p>Do you plan to move from this site in the next 5 years? If so, why? <i>INTERVIEWER: Please cross one box only</i></p> <p>Yes <input type="checkbox"/> <i>If yes</i> → Continue to E2 No <input type="checkbox"/> <i>If no</i> → Go to E5</p> <div style="border: 1px solid black; padding: 5px; width: fit-content; margin-left: 150px;"> If so, why? (please specify) </div>										
E2	<p>Where would you move to? <i>INTERVIEWER: Please cross one box only</i></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center; width: 20%;"> Another site in this area <i>(specify where)</i> </td> <td style="text-align: center; width: 20%;"> A site in another council area <i>(specify where)</i> </td> <td style="text-align: center; width: 20%;"> Bricks and mortar in this area <i>(specify where)</i> </td> <td style="text-align: center; width: 20%;"> Bricks and mortar in another council area <i>(specify where)</i> </td> <td style="text-align: center; width: 20%;"> Other (e.g. land they own elsewhere) <i>(Please specify)</i> </td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table> <div style="border: 1px solid black; padding: 10px; margin-top: 10px; text-align: center;"> <p>Please specify where they would move to If they own land elsewhere - probe for details</p> </div>	Another site in this area <i>(specify where)</i>	A site in another council area <i>(specify where)</i>	Bricks and mortar in this area <i>(specify where)</i>	Bricks and mortar in another council area <i>(specify where)</i>	Other (e.g. land they own elsewhere) <i>(Please specify)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Another site in this area <i>(specify where)</i>	A site in another council area <i>(specify where)</i>	Bricks and mortar in this area <i>(specify where)</i>	Bricks and mortar in another council area <i>(specify where)</i>	Other (e.g. land they own elsewhere) <i>(Please specify)</i>							
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>							
E3	<p>If you want to move would you prefer to buy a private pitch or site, or rent a pitch on a public or private site? <i>INTERVIEWER: Please cross one box only</i></p> <table style="width: 100%; text-align: center;"> <tr> <td>Private buy</td> <td>Private rent</td> <td>Public rent</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>	Private buy	Private rent	Public rent	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Private buy	Private rent	Public rent									
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>									
E4	<p>Can you afford to buy a private pitch or site? <i>INTERVIEWER: Please cross one box only</i></p> <table style="width: 100%; text-align: center;"> <tr> <td>Yes</td> <td>No</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>	Yes	No	<input type="checkbox"/>	<input type="checkbox"/>						
Yes	No										
<input type="checkbox"/>	<input type="checkbox"/>										
E5	<p>Are you aware of, or do you own any land that could have potential for new pitches? <i>INTERVIEWER: Please cross one box only</i></p> <table style="width: 100%; text-align: center;"> <tr> <td>Yes</td> <td>No</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table> <div style="border: 1px solid black; padding: 10px; margin-top: 10px; text-align: center;"> <p>Please ask for details on where land/site is located and who owns the land/site?</p> </div>	Yes	No	<input type="checkbox"/>	<input type="checkbox"/>						
Yes	No										
<input type="checkbox"/>	<input type="checkbox"/>										

F Travelling	
F1	<p>How many trips, living in a caravan or trailer, have you or members of your family made away from your permanent base in the last 12 months? <i>INTERVIEWER: Please cross one box only</i></p> <p style="text-align: center;"> <input type="checkbox"/> 0 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5+ </p> <p style="text-align: center;"> ↓ Go to F6a } Continue to F2 </p>
F2	<p>If you or members of your family have travelled in the last 12 months, which family members travelled? <i>INTERVIEWER: Please cross one box only</i></p> <p style="text-align: center;"> <input type="checkbox"/> All the family <input type="checkbox"/> Adult males <input type="checkbox"/> Other <input style="width: 150px; height: 20px;" type="text"/> If other, please specify </p>
F3	<p>What were the reasons for travelling? <i>INTERVIEWER: Please cross all that apply</i></p> <p style="text-align: center;"> <input type="checkbox"/> Work <input type="checkbox"/> Holidays <input type="checkbox"/> Visiting family <input type="checkbox"/> Fairs <input type="checkbox"/> Other </p> <p style="border: 1px solid black; padding: 5px; text-align: center;">Details / specify if necessary. If fairs—probe for whether this involves work</p>
F4	<p>At what time of year do you or family members usually travel? And for how long? <i>INTERVIEWER: Please cross one box only</i></p> <p style="text-align: center;"> <input type="checkbox"/> All year <input type="checkbox"/> Summer <input type="checkbox"/> Winter </p> <p style="border: 1px solid black; padding: 5px; text-align: center;">And for how long?</p>
F5	<p>Where do you or family members usually stay when they are travelling? <i>INTERVIEWER: Please cross all boxes that apply</i></p> <p style="text-align: center;"> <input type="checkbox"/> LA transit sites <input type="checkbox"/> Private transit sites <input type="checkbox"/> Roadside <input type="checkbox"/> Friends/family <input type="checkbox"/> Other <input style="width: 150px; height: 20px;" type="text"/> If other, please specify </p> <p style="border: 1px solid black; padding: 5px; text-align: center;">INTERVIEWER: Ask F6a — F8 ONLY if F1 = 0. Otherwise, go to F9</p>
F6a	<p>Are there any reasons why you don't you travel at the moment?</p> <p style="border: 1px solid black; padding: 5px; text-align: center;">Details</p>
F6b	<p>Have you or family members ever travelled? <i>INTERVIEWER: Please cross one box only</i></p> <p style="text-align: center;"> Yes <input type="checkbox"/> —————→ Continue to F7 No <input type="checkbox"/> —————→ Go to F9 </p>
F7a	<p>When did you or family members last travel? <i>INTERVIEWER: Please write in</i></p> <p style="border: 1px solid black; padding: 5px; text-align: center;">Details</p>
F7b	<p>What were the reasons for travelling? <i>INTERVIEWER: Please cross all that apply</i></p> <p style="text-align: center;"> <input type="checkbox"/> Work <input type="checkbox"/> Holidays <input type="checkbox"/> Visiting family <input type="checkbox"/> Fairs <input type="checkbox"/> Other </p> <p style="border: 1px solid black; padding: 5px; text-align: center;">Details / specify if necessary. If fairs—probe for whether this involves work</p>

F8 Why do you not travel anymore? INTERVIEWER: Cross all boxes that apply & probe for details

- | | | | | | | |
|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Children
in school | Ill health | Old age | Settled now | Nowhere
to stop | No work
opportunities | Other |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

If other, please specify

Details about children in school, types of ill health, or looking after relative with poor health, and specific problems/issues relating to old age

F9 Do you or other family members plan to travel in the future?

INTERVIEWER: Please cross one box only

- | | | | |
|------------|--------------------------|--------|-----------------|
| Yes | <input type="checkbox"/> | —————> | Continue to F10 |
| No | <input type="checkbox"/> | —————> | Go to G1 |
| Don't know | <input type="checkbox"/> | —————> | Go to G1 |

F10 When, and for what purpose do you/they plan to travel?

Details

F11 Is there anything else you would like to tell us about your travelling patterns?

Details

G

Any other information

G1 Any other information about this site or your accommodation needs? *INTERVIEWER: Please write in*

Details (e.g. can current and future needs be met by expanding or intensifying the existing site?)

G2 Site/Pitch plan? Any concerns? *INTERVIEWER: Please sketch & write in*

Sketch of Site/Pitch — any concerns?

Are any adaptations needed?

Why does the current accommodation not meet the household's needs; and could their needs could be addressed in situ e.g. extra caravans. This could cover people wanting to live with that household but who cannot currently

H

Bricks & Mortar Contacts

H1 Contacts for Bricks and Mortar interviews? *INTERVIEWER: Please write in*

Details

Council contact?

Would you like the council to contact you about any of the issues raised in this interview? Please note that although ORS will pass on your contact details to the Council we cannot guarantee when they will contact you?

INTERVIEWER: Please cross one box only

Yes

No

INTERVIEWER: Can I confirm your name and telephone number so that we can pass them on to the Council for this purpose only. Your details will only be used for this purpose and will not be passed onto anyone else.

Respondent's Name.....

Respondent's Telephone.....

Respondent's Email.....

Interview log

INTERVIEWER: Please record the date and time that the interview was carried out

Date.....

Time of interview.....

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Appendix F: Technical Note on Gypsy and Traveller Household Formation and Growth Rates

IN THE HIGH COURT OF JUSTICE

Claim No. QB-2020-002112

KING'S BENCH DIVISION

B E T W E E N : -

**(1) TEST VALLEY BOROUGH COUNCIL
(2) HAMPSHIRE COUNTY COUNCIL**

Claimant

-and-

**(1) ALBERT BOWERS
(2)-(89) OTHER NAMED DEFENDANTS
(90) PERSONS UNKNOWN FORMING UNAUTHORISED ENCAMPMENTS
WITHIN THE BOROUGH OF TEST VALLEY
(91)-(137) OTHER NAMED DEFENDANTS**

Defendants

EXHIBIT

KD7

**REFERRED TO IN THE FOURTEENTH WITNESS STATEMENT
OF KAREN DUNN**

NEGOTIATED STOPPING POLICY AND TEMPORARY TRANSIT AGREEMENT
TEST VALLEY BOROUGH COUNCIL

1. This Policy has been developed to ensure that the nomadic way of life of gypsies and travellers can be facilitated with the Borough with a High Court injunction in place, prohibiting named and unnamed individuals from entering onto defined land within the Borough and setting up encampment and/or occupying the land for residential purposes including the occupation of caravans/mobile homes, storage of vehicles, caravans and residential paraphernalia. A copy of the injunction order can be found at Schedule 1 of this policy.

2. The injunction has been obtained as a proportionate response to an increasing number of 'unauthorised encampments' which have occurred within the borough and which have been accompanied by one or more of the following aggravated factors:
 - a. Aggressive and/or violent and/or threats and/or intimidation and/or anti-social behavior by occupants of the encampment to residents, businesses and visitors to the borough
 - b. Criminal damage

- c. 'Commercial' fly tipping
- d. Open human defecation / open deposit of use nappies and soiled tissue paper
- e. Loose dogs and animals causing nuisance to others
- f. Obstruction of highways
- g. Breaking and entering into private and/or public land and/or causing damage to the land
- h. Open fires
- i. Abandoned gas canisters
- j. Interruption to business/sporting events/community events

3. The Council acknowledges that

- a. The injunction will have an impact on the Gypsy and Traveller community;
- b. That the Human Rights Act 1998 and the Equality Act 2010 recognises and protects individuals with those protected characteristics, and there are consequent obligations on the Council as a Public Body as a result of this protection;
- c. That the aggravating factors identified at paragraph 2 above are in no way representative of the Gypsy and Traveller community generally, and, to the extent that those individuals who engage in this activity identify

as Gypsy or Traveller, that they are a small and non-representative minority within those groups.

- d. That the Council has an obligation to support genuine cases of need.
- e. The Council must always take into account the best interests of the child, which is a primary consideration.

4. In light of the above, the Council recognises the need to find an appropriate and balanced and proportionate response to the issues outlined in paragraph 2 above, to minimise the impact on the settled community and private and Council owned land caused by those unauthorised encampments of the nature described above, whilst at the same time ensuring it protects the rights of Gypsy and traveller community in accordance with the Equalities Act 2010 and The Human Rights Act 1998.
5. The injunction is founded on the basis that it is only those encampments which are present 'without lawful permission' of the landowner and/or planning permission which are prevented. Therefore, there will, and must, be a clearly communicated basis upon which that permission will be granted, so as to satisfy any individual who wishes to 'stop-up' for a period that they are doing so in such a way as to not amount to a contempt of court.

6. This policy represents the basis upon which a person or persons may seek lawful permission from the Council to 'set-up camp' within its Borough. The Council may only grant lawful permission as a landowner in respect of land which it owns. Therefore, if an individual or group of individuals wishes to use a piece of *private* land for the purposes of encamping for a period, they must obtain the prior permission of the landowner, and if requested, provide evidence of this to the Council. If such permission is not obtained and evidenced, the encampment will be considered a breach of the injunction if it is on land protected by the injunction. Similarly, a person or persons must obtain the prior permission of the council prior to setting-up camp on land which is owned by Test Valley Borough Council. The relevant contact details will be advertised on the Council's website.

7. If the individual or individuals have either the benefit of a planning permission from the Local Authority, or the benefit of 'General Permitted Development' rights, to encamp on the land, as defined in the General Permitted Development Order 2015, then providing they have the consent of the landowner to remain on the land, then no further evidence other than consent from the landowner will be required. For the avoidance of doubt, the circumstances in which Permitted Development will exist are set out in Schedule 2 of this Policy.

8. The Council will consider any application for negotiated stopping in line with the following considerations. The applicants will need to sign (or indicate their consent, which will be recorded in writing by a Council officer) to the 'Negotiated Stopping Agreement' which can be found at Schedule 3.

In determining an application the Council will consider the following:

- a. Is the site suitable? The officer will assess whether the site is one which can reasonably accommodate an encampment, regard will be had to:
 - i. Whether the presence of vehicles will interrupt local amenities;
 - ii. Whether there is free and easy access to the site, for example, to enable emergency services to attend if necessary, and for delivery and removal of portable toilets;
 - iii. Whether the site is sensitive, for example, in a wholly or mainly residential neighbourhood, near schools, or care homes, or if it is a Site of Special Scientific Interest, or a nature reserve
 - iv. Proximity to highways, or other features which may present as a hazard to the proposed occupants of the encampment
 - v. The size of the encampment

- b. Does the encampment benefit from planning permission? The nature of the encampment will need to benefit from the General Permitted Development Order 2015, or have obtained specific consent from the Local Authority.
 - c. Has the welfare checklist been completed? This will need to be undertaken for all encampments that come into the borough. Have any steps necessary arising out of the welfare checks been taken into account and has the best interests of any children on the encampment been considered.
 - d. Do the vehicles have functional toilet facilities, if not the Council will need to direct persons to the nearest appropriate facilities and where appropriate portable toilets may be able to be provided by the Council for a small fee.
9. During the currency of an encampment, Council officers will attend to ensure that there are no issues being either directed toward, or caused by, the encampment. The aim of the Council is to facilitate a harmonious balance between the rights and needs of the settled community and the Gypsy and Traveller community to assist community cohesion.

Covid-19

10. The Council acknowledges that some gypsies and travellers will be considered vulnerable during Covid-19 and may need to socially distance or self-isolate on the same site or a separate site away from family members. Where this is the case they should contact the Council's Legal Services 01264 868000 or email legal@testvalley.gov.uk, so that suitable arrangements can be made and where necessary toilet facilities and rubbish disposal can be arranged in a manner that reduces the opportunity for the virus to spread to others within the community.

Schedule 1 – Injunction Order

IN THE HIGH COURT OF JUSTICE

Claim Number:

QUEEN'S BENCH DIVISION

IN THE MATTER OF S222 LOCAL GOVERNMENT ACT 1972
AND S187B TOWN AND COUNTRY PLANNING ACT 1990

Before His Honour Judge Bird (sitting as a Judge of the High Court)

On the 28th day of July 2020

BETWEEN

(1) TEST VALLEY BOROUGH COUNCIL
(2) HAMPSHIRE COUNTY COUNCIL



QB-2020-002112

-and-

(1) ALBERT BOWERS & EIGHTY-NINTH OTHER NAMED
DEFENDANTS IN SCHEDULE 1 OF THE CLAIM FORM

(90) PERSONS UNKNOWN FORMING UNAUTHORISED ENCAMPMENTS
WITHIN THE BOROUGH OF TEST VALLEY

Defendants

ORDER

IF YOU, ANY OF THE FIRST, THIRD TO EIGHTH, ELEVENTH TO FIFTEENTH, SEVENTEENTH TO TWENTY-THIRD, TWENTY-FIFTH, TWENTY-EIGHT TO THIRTY- FOURTH, , THIRTY-SEVENTH AND THIRTY-EIGHTH, FORTIETH TO FORTY-EIGHTH, FIFTIETH, FIFTY-SECOND TO SIXTY-SECOND SIXTY-FOURTH, SIXTY-SIXTH AND SIXTY-SEVENTH, SIXTY-NINTH SEVENTY-THIRD, SEVENTY-FIFTH TO SEVENTY-SIXTH, SEVENTY-EIGHTH TO SEVENTY-NINTH, EIGHTY-FIRST, EIGHTY THIRD TO EIGHTY FOURTH, EIGHTY-SIXTH TO EIGHTY-NINTH DEFENDANTS OR PERSONS UNKNOWN (NINETIETH DEFENDANT) FORMING UNAUTHORISED ENCAMPMENTS WITHIN THE BOROUGH OF TEST VALLEY DISOBEY THIS ORDER OR INSTRUCT OR ENCOURAGE OTHERS TO BREACH THIS ORDER YOU MAY BE HELD IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED.

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS THE DEFENDANTS TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD IN CONTEMPT OF

COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED

UPON HEARING Counsel Miss Caroline Bolton for The Claimants and Mr Christopher Johnsons of the Community Law Partnership on behalf of Friends Families and Travellers who made representations on behalf of the Ninetieth Defendant

AND UPON reading the papers and hearing the application for an interim injunction pending the final injunction hearing pursuant to Section 222 Local Government Act 1972 And 187B Town and Country Planning Act 1990

AND UPON the matter being on notice to the First, Third, Fourth, Sixth to Eighth, Twelfth to Fifteenth, Seventeenth to Twenty-Third, Twenty-Fifth, Twenty-Eight to Thirty-Third, Thirty-Fourth, Thirty-Seventh and Thirty-Eighth, Forty Second to Forty-Eighth, Fiftieth, Fifty-Second to Fifty-Fifth, Fifty-Ninth, Sixty-Fourth, Sixty-Sixth, Sixty-Ninth, Seventy-Third, Seventy-Fifth, Seventy-Eighth to Seventy-Ninth, Eighty-First Eighty-Sixth to Eighty-Ninth Defendants

AND UPON the Court having considered the witness statement of service of Ian McCullins dated 16 July 2020, and having decided to grant this Order without notice to the, Fifth, , Eleventh, Fortieth, Forty-First, Fifty-Sixth-Fifty-Eighth, Sixtieth, Sixty-First, Sixty-Second, Sixty-Seventh, and Seventy-Sixth, Eighty-Third and Eighty-Fourth Defendants and having determined that it is proportionate and in accordance with the overriding objective not to require an on notice return date because the Order provides for liberty to apply in accordance with paragraph 10 of the Order

POWER OF ARREST

THIS ORDER CONTAINS A POWER OF ARREST FOR BREACH OF PARAGRAPHS 1-5 OF THIS ORDER PURSUANT TO SECTION 27 OF THE POLICE AND JUSTICE ACT 2006. ANY PERSON CAUGHT BREACHING PARAGRAPHS 1-5 OF THIS ORDER MAY BE ARRESTED AND BROUGHT BEFORE THE COURT

Note to Arresting Officer: Where the defendant is arrested under the power given by section 27 of the Police and Justice Act 2006:-

- **The defendant shall be brought before the judge within a period of 24 hours beginning at the time of their arrest**
- **A constable shall inform the person on whose application the injunction was granted forthwith where the defendant is arrested under these powers**

Nothing in sections 27 of the Police and Justice Act 2006 shall authorise the detention of the defendant after the expiry of the period of 24 hours beginning at the time of their arrest.

In calculation, any period of 24 hours, no account shall be taken of Christmas Day, Good Friday or any Sunday.

IT IS ORDERED THAT:

Until further order, the First, third to Eighth, Eleventh to Fifteenth, Seventeenth to Twenty-Third, Twenty-Fifth, Twenty-Eight to Thirty-Third, Thirty-Fourth, Thirty-Seventh and Thirty-Eighth, Fortieth to Forty-Eighth, Fiftieth, Fifty-Second to Sixty-First, Sixty-Fourth, Sixty-Sixth and Sixty-Seventh, Sixty-Ninth, Seventy-Third, Seventy-Fifth to Seventy-Sixth, Seventy-Eighth to Seventy-Ninth, Eighty-First, Eighty Third, Eighty Fourth, Eighty-Sixth to Ninetieth Defendants are forbidden from:

1. Setting-up an encampment on any land within the area marked red on the attached map at Schedule 2 of this Order unless authorised to do so by the owner of the land and provided the encampment does not breach planning control.
2. Setting-up an encampment on any land within the area marked red on the attached map at Schedule 2 of this Order without written permission from the Local Planning Authority, or, planning permission granted by the Secretary of State or in accordance with statutory permitted development rights.
3. Entering and/or occupying any land within the area marked red on the attached map at Schedule 2 for residential purposes (temporary or otherwise) including the occupation of caravans/mobile homes, storage of vehicles, caravans and residential paraphernalia, save for where the Land is occupied in accordance with a lawful planning permission from the Local Planning Authority, or, the Secretary of State, or, written consent from the Local Planning Authority, or, in accordance with statutory permitted development rights.
4. Bringing on to the Land or stationing on the Land any caravans/mobile homes other than when driving through the highways on the Land or in compliance with the parking orders regulating the use of car parks or with the express permission from the owner of the land, save for where the Land is occupied in accordance with a lawful planning permission from the Local Planning Authority, or, the Secretary of State, or, written consent from the Local Planning Authority or in accordance with statutory permitted development rights.
5. Deposit or cause to be deposited, controlled waste in or on the Land unless a waste management license or environmental permit is in force and the deposit is in accordance with the license or permit.
6. There be a power of arrest attached to prohibitions 1-5 of this order.
7. The Land in this order means all land within the area marked red on the attached map at Schedule 2 and is within the administrative boundaries of Test Valley Borough Council.

8. Service of this Order shall be deemed served on the Ninetieth Defendant, Persons Unknown by:

(i) Affixing copies (as opposed to originals) of this Order in a transparent envelope, or laminated copy, in a prominent position on or close to all adopted highway entry points within the area marked with a red line and marked as Area A in Schedule 2 of this Order with a notice to Persons Unknown that a copy of the supporting evidence can be obtained from Test Valley Borough Council Beech Hurst, Weyhill Road, Andover, Hampshire, SP10 3A;

(ii) Affixing 50 copies (as opposed to originals) of this Order approximately equidistant to each other, as far as is reasonably practicable, around the perimeter of the area marked with the red line and marked as Area A (but inside the boundary where the boundary is marked through a road or waterway or is otherwise inaccessible) on the map attached to Schedule 2 of this Order, with a notice to Persons Unknown that a copy of the supporting evidence can be obtained from Test Valley Borough Council Beech Hurst, Weyhill Road, Andover, Hampshire, SP10 3AJ;

(iii) For the additional areas of Land marked Area B on the map attached to Schedule 2 of this Order by affixing copies (as opposed to originals) of this Order on a prominent position on Land with notice to Persons Unknown that a copy of the supporting evidence can be obtained from Test Valley Borough Council Beech Hurst, Weyhill Road, Andover, Hampshire, SP10 3AJ.

9. Pursuant to CPR Part 6.15 and 6.27 the Claimants have permission to serve the Claim Form, Applications and this Order on the, Fifth, , Eleventh, Fortieth, Forty-First, Fifty-Sixth-Fifty-Eighth, Sixtieth, Sixty-First, Sixty-Second, Sixty-Seventh, and Seventy-Sixth, Eighty-Third and Eighty-Fourth Defendants by posting the same to their last known address.

10. The Defendants may each of them, or anyone notified of this Order, apply to the Court on 72 hours written notice to the Court and the Claimant to vary or discharge this order (or so much of it as affects that person)

11. Costs reserved.

GUIDANCE NOTES

EFFECT OF THIS ORDER

12. A Defendant who is an individual who is ordered not to do something must not do it himself or in any other way. He must not do

it through others acting on his behalf or his instructions or with his encouragement.

13. A Defendant which is a corporation and which is ordered not to do something must not do it itself or by its directors, officers, employees or agents or in any other way.

PARTIES OTHER THAN THE CLAIMANT AND DEFENDANTS

EFFECT OF THIS ORDER

14. It is a contempt of court for any person notified of this Order knowingly to assist in or permit a breach of this Order. Any person doing so may be sent to prison, fined, or have their assets seized.

INTERPRETATION OF THIS ORDER

15. In this Order, where there is more than one Defendant, unless otherwise stated, references to "the Defendants" means each or all of them.
16. A requirement to serve on "the Defendants" means on each of them, unless an Order of the Court specifies otherwise. The Order is, however, effective against any Defendant on whom it is served.
17. An Order requiring the Defendants to do or not to do anything applies to all Defendants.
18. "controlled waste" has the same meaning as within s.75(4) of the Environmental Protection Act 1990

COMMUNICATIONS WITH THE COURT

19. All communication to the Court about this order should be sent to Room WG08 Royal Courts of Justice, Strand, London, WC2A 2LL (020 7947 6010).



SCHEDULE 1 – LIST OF DEFENDANTS

- 1 Albert Bowers
- 2 Ann McDonagh
- 3 Annie Mcdonagh
- 4 Anthony Jones
- 5 Anthony McDonagh
- 6 Barbara Mcdonagh
- 7 Billy Harbour
- 8 Brian Davis
- 9 [REDACTED]
- 10 Charlie McDonagh
- 11 Christopher McDonagh
- 12 Crimea McDonald
- 13 Darren Lee
- 14 Darren Smith
- 15 Dennis Booth
- 16 Dennis Sheridan
- 17 Denny Quilligan
- 18 Donna Marie Smith
- 19 Dylan Mcdonagh
- 20 Edward McDonagh
- 21 Frank Loveridge
- 22 Frankie Loveridge
- 23 Frederick Bowers
- 24 [REDACTED]
- 25 Henry Loveridge
- 26 Isabell Lee
- 27 [REDACTED]
- 28 Jacob Smith
- 29 Jade Loveridge
- 30 James Bowers
- 31 James Dean Evans
- 32 James Smith
- 33 Janey Jones
- 34 Jason Lee
- 35 Jason Lee
- 36 [REDACTED]
- 37 Jimmy Loveridge
- 38 Joey Bowers
- 39 John Crawl
- 40 John McDonagh
- 41 John McDonagh

[REDACTED]



- 42 Jonathan Smth
- 43 Joseph Booth
- 44 Joseph R Ball Jnr
- 45 Julie Lee
- 46 Kathleen McDonagh
- 47 Kenny Rogers
- 48 Leanne Baggett
- 49 Lisa Loveridge
- 50 Loius Ayres
- 51 [REDACTED]
- 52 Lorraine Loveridge
- 53 Luke Clee
- 54 Luke John Daniels
- 55 Margaret Bowers

- 56 Margaret McDonagh
- 57 Mary McDonagh
- 58 Mary McDonagh
- 59 Michael Bowers

- 60 Michael McDonagh
- 61 Michael McDonagh
- 62 Michael O'Driscoll
- 63 [REDACTED]
- 64 Nathan Crawl

- 65 [REDACTED]
- 66 Paddy Price
- 67 Pat McDonagh
- 68 Patrick Collins
- 69 Patrick Connors
- 70 Patrick McDonagh
- 71 [REDACTED]
- 72 Priscilla Garside
- 73 Saily Rogers
- 74 Simon Flynn

- 75 Sophie Loveridge
- 76 Steven McDonagh
- 77 Thomas Grant
- 78 Thomas McDonagh
- 79 Thomas Stokes
- 80 [REDACTED]

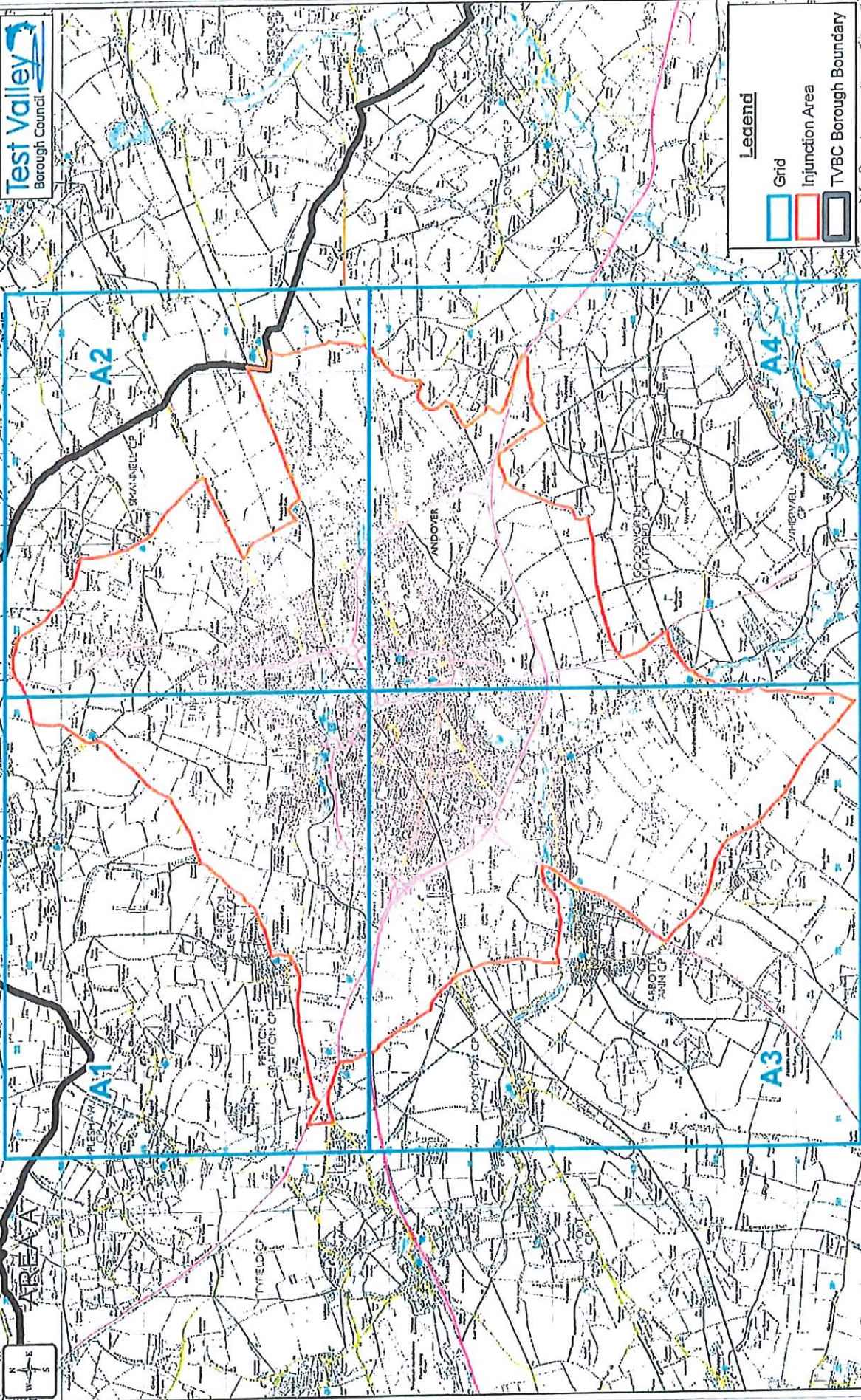
- 81 Tina Marie Bridges
- 82 Tom Kealy
- 83 Tom McDonagh
- 84 Tommy McDonagh
- 85 [REDACTED]



- 86 William Williams
- 87 Willie Mcdonagh
- 88 Winnie McDonagh
- 89 Winnie McDonagh



SCHEDULE 2 -MAP OF AREA COVERED BY
THE INJUNCTION






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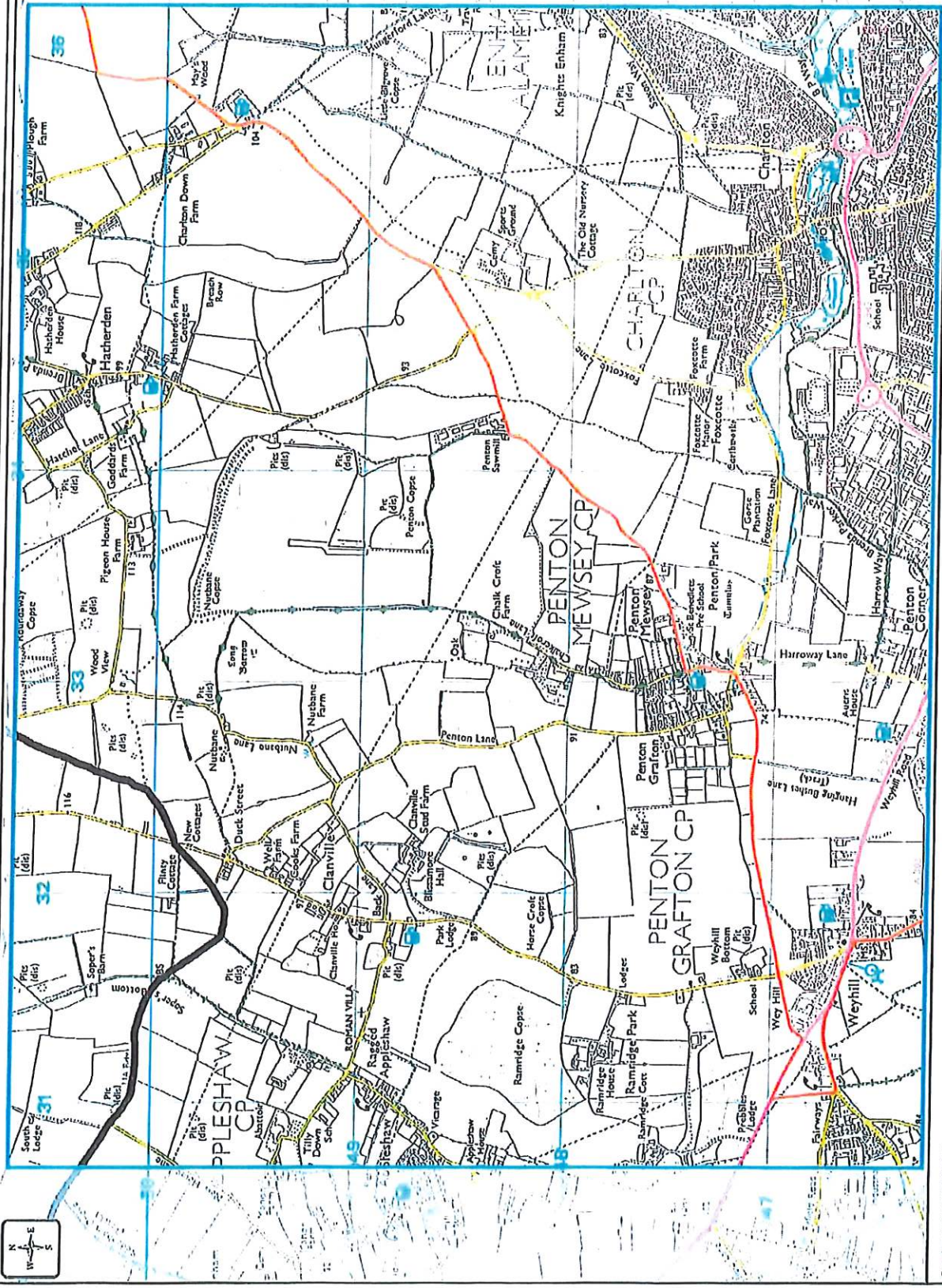
Injunction Application Plan - North/Andover

Scale: 1:57,000@A4L
Date: 11/06/2020
Drawn: AMurray
Dept: IMT/GIS

Legend

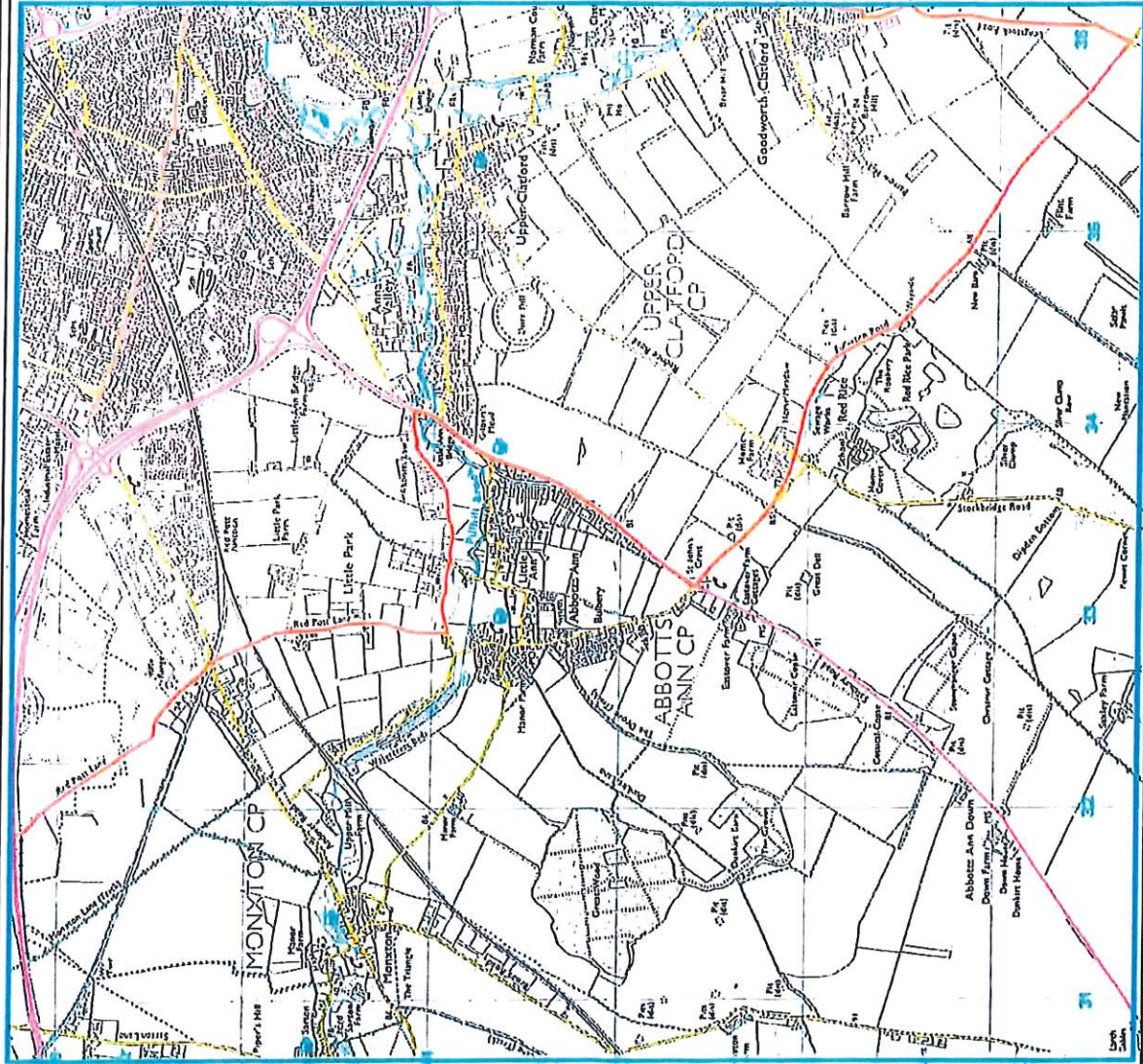
-  Grid
-  Injunction Area
-  TVBC Boundary

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**Injunction Application Plan - North/Andover
A1 Grid Section**

Scale: 1:24,250@A4L
Date: 11/05/2020
Drawn: AMurray
Dept: IMT/GIS



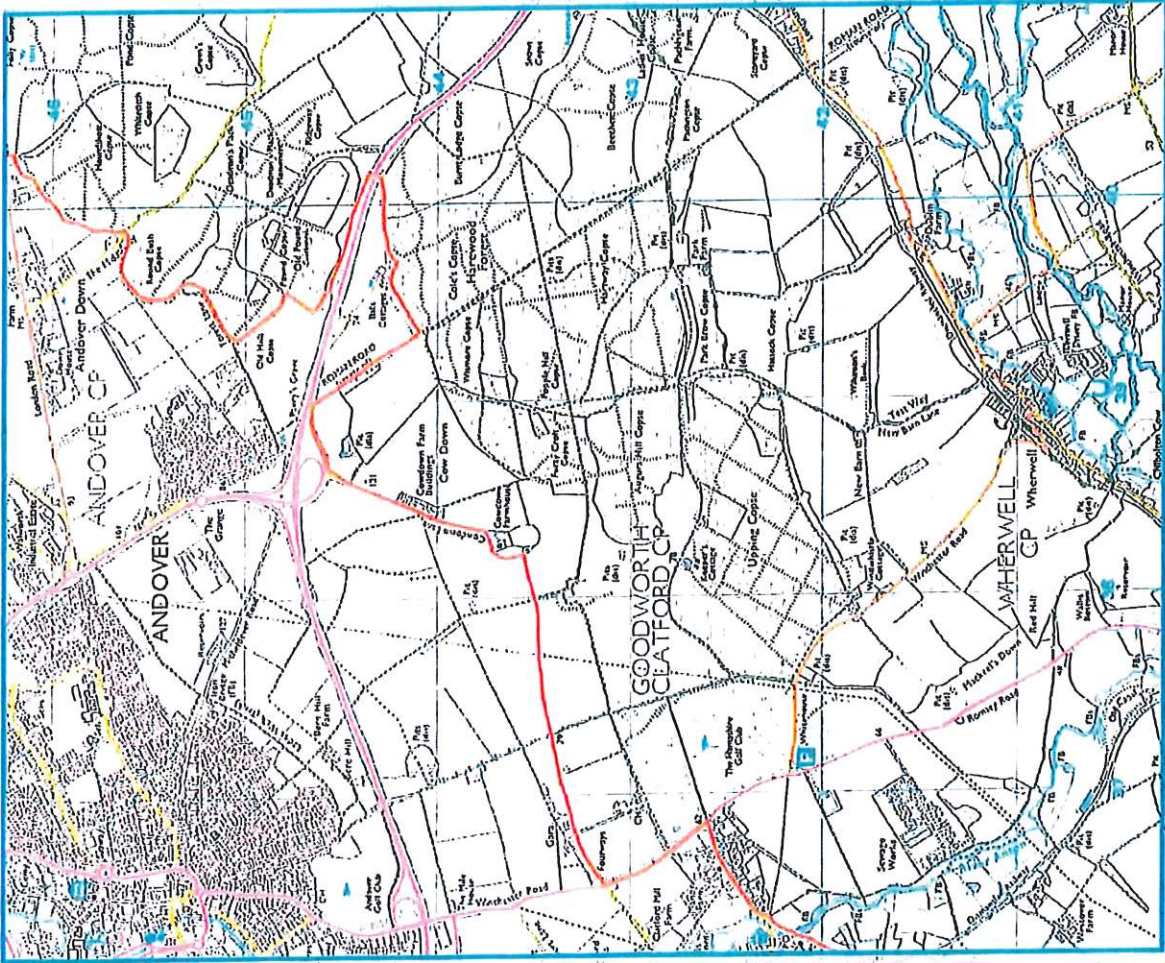
Legend

- Grid
- Injunction Area
- TVBC Boundary

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**Injunction Application Plan - North/Andover
A3 Grid Section**

Scale: 1:32,750@A4L
Date: 11/06/2020
Drawn: AMurray
Dept: IMT/GIS



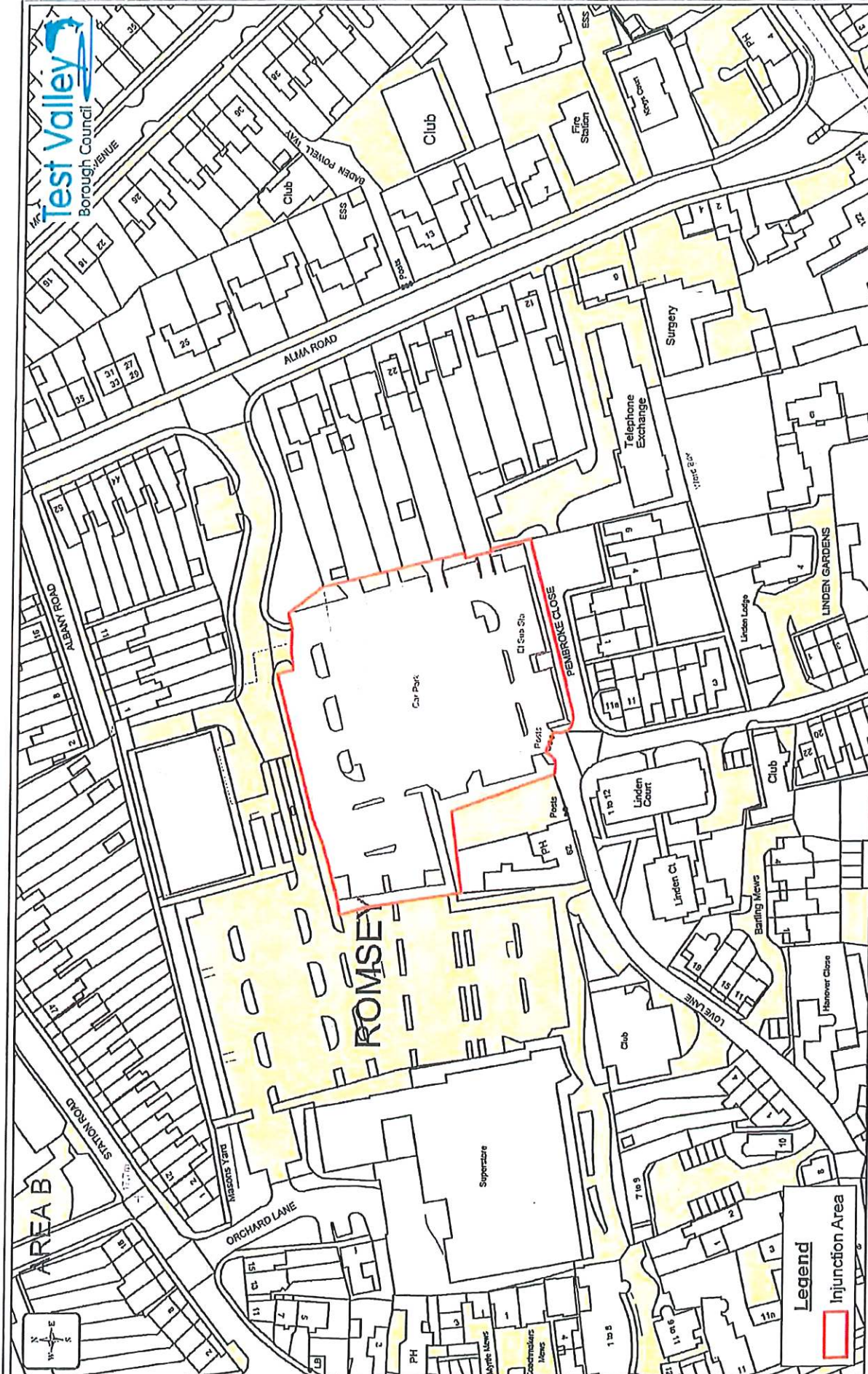
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Injunction Application Plan - North/Andover A4 Grid Section

Scale: 1:32,750@A4L
Date: 11/06/2020
Drawn: AMurray
Dept: IMT/GIS





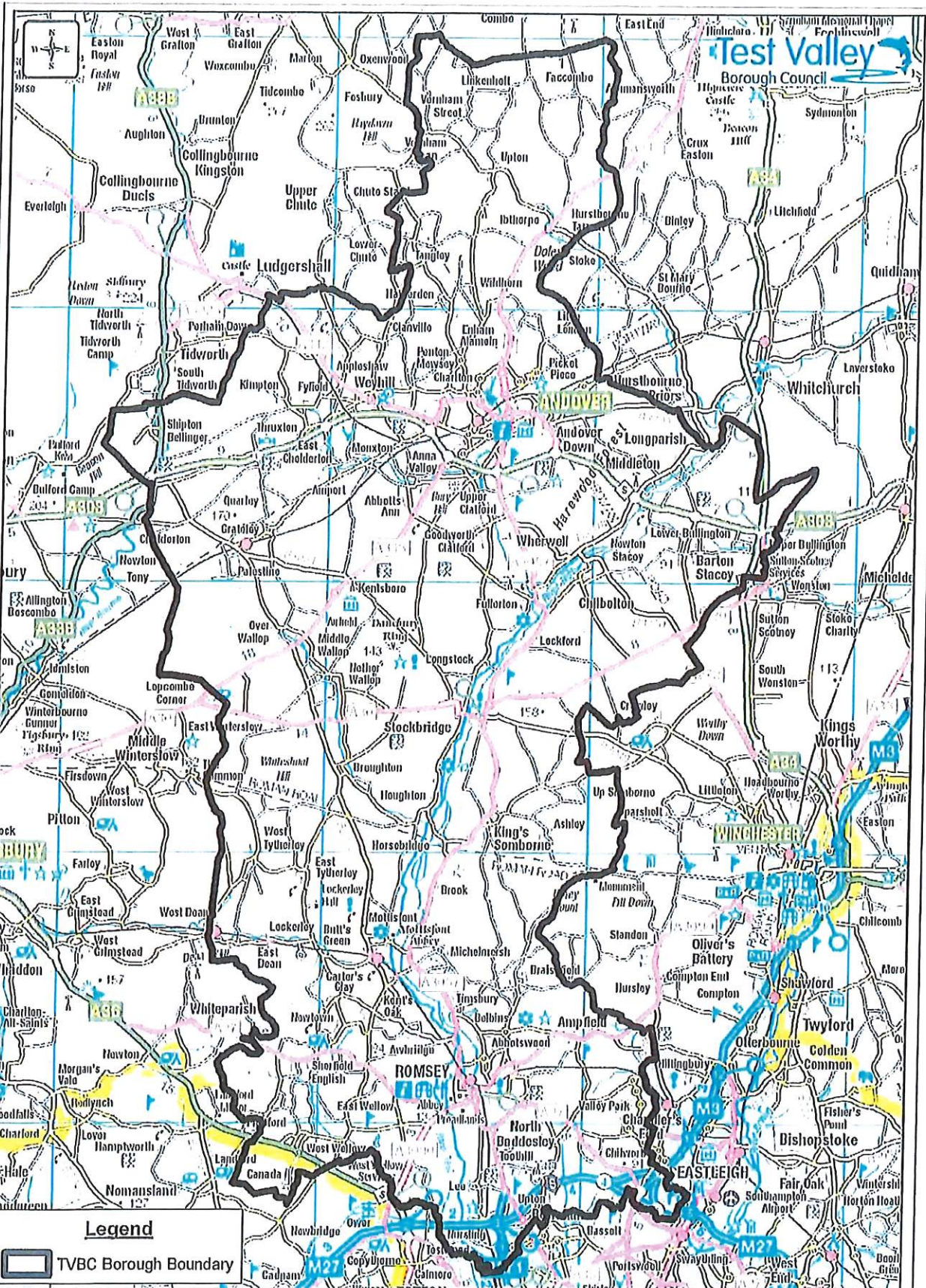
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Injunction Application Plan – Alma Road Car Park, Romsey

Legend
 Injunction Area

Scale: 1:1,330@A4L
 Date: 28/05/2020
 Drawn: AMurray
 Dept: IMT/GIS
 Doc:

SCHEDULE 3 – MAP OF THE BOROUGH



Test Valley Borough Council

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Schedule 2 – General Permitted Development

<https://www.legislation.gov.uk/uksi/2015/596/contents/made>

Schedule 3 – Negotiated Stopping Application

This application determines the basis upon which the Council is to provide 'lawful permission' for the applicant to stop-up on the identified land so as to comply with the terms of the unauthorised encampment injunction. Please complete each section. The Council will complete their section, and a copy of this agreement and the Negotiated Stopping Policy will then be retained by both parties.

The applicant will provide to the Council, and the Council will provide to the applicant, a nominated point of contact so that any issues can be discussed and remedied. In the event that the applicant has any issues or concerns, or is subject to any aggressive/violent or anti-social behavior from others, they should contact the Council and/or Police as soon as possible.

By agreeing to the terms of this agreement, and upon the Council granting permission as outlined in this agreement, the applicant is assured that they will not be in breach of the terms of the unauthorised encampment injunction.

Section 1 – For the Applicant to Complete

Name of Applicant:

Date:

Location:

Nominated Point of Contact:

Telephone Number:

When will you arrive?:

How long do you need to remain at this location?:

How many people are you travelling with?:

How many vehicles, including caravans, are you travelling with?:

Please list VRMS:

What is the reason for your stay?:

Have you been shown a copy of the Negotiated Stopping Policy?: Y/N

Have you been shown a copy of the unauthorised encampment injunction? Y/N

By staying at this location, we agree to the following:

- I, and those I am travelling with, will not:

- deposit waste at this location, and will take away and lawfully dispose of all waste unless specific arrangements for waste disposal are agreed with the Council
 - allow or cause any open fires or burning of material
 - use threatening/violent or antisocial behavior towards residents and/or other lawful visitors to the site
 - openly defecate or urinate and will use the toilet facilities contained within our own vehicles. If we require toilet facilities due to malfunction and/or unavailability of our own facilities, we will notify the Council who will discuss with us the provision of portable toilet facilities or agree the use of local services
 - play loud or amplified music.
 - Use motorised bikes/scooters/quad bikes or other similar vehicles which may present as a nuisance or hazard
- I, and those I am travelling with, will keep all animals on a leash/tether and under control at all times when they are in the open air and will notify and agree with the Council the animals that are permitted on the Land pursuant to this agreement.

- The size of the encampment will not exceed _____ persons and _____ vehicle

- We will leave the site by no later than 4.p.m. on _____ and will leave the site clean and tidy, taking all waste and gas canister with us

- We understand that if we breach the terms of this agreement the agreement will terminate forthwith and we will be required to leave the land forthwith.

Section 2 – for the Council to Complete

Name of allocated Council Officer:

Telephone number:

Is the location Public or Private Land: Public/Private

Has access been obtained peacefully and without any criminal damage? Y/N

Is the location/proposed location of the encampment in an obstructive location: Y/N

Does the encampment benefit from planning permission, or permitted development in accordance with the General Permitted Development Order 2015: Y/N

Has section 1 of this application been explained to and completed by the applicant: Y/N

Has the welfare checklist been completed: Y/N

I confirm that the above named applicant, along with ____ (enter number) of other individuals and _____ (enter number of vehicles) has permission to remain at _____ until 4.p.m. on _____.

Signed: _____ (Council Officer)

For an on behalf of the Test Valley Borough Council

Dated: _____

Signed: _____ (Applicant)

Name: _____

Dated: _____

I confirm that I have read, or have had read to me, the terms of this agreement, which have been explained and which I understand and agree to.

IN THE HIGH COURT OF JUSTICE

Claim No. QB-2020-002112

KING'S BENCH DIVISION

B E T W E E N : -

**(1) TEST VALLEY BOROUGH COUNCIL
(2) HAMPSHIRE COUNTY COUNCIL**

Claimant

-and-

**(1) ALBERT BOWERS
(2)-(89) OTHER NAMED DEFENDANTS
(90) PERSONS UNKNOWN FORMING UNAUTHORISED ENCAMPMENTS
WITHIN THE BOROUGH OF TEST VALLEY
(91)-(137) OTHER NAMED DEFENDANTS**

Defendants

EXHIBIT

KD8

**REFERRED TO IN THE FOURTEENTH WITNESS STATEMENT
OF KAREN DUNN**

Joint protocol for Unauthorised Encampments in breach of High Court Injunction

Introduction

On 28th July 2020 an interim injunction was granted at the High Court, London, to Test Valley Borough Council (TVBC) and Hampshire County Council (HCC). This injunction prohibits setting up unauthorised encampments (UEs) on land within the area defined by the map attached to the injunction Order. This Memorandum of Understanding (MOU) is prepared to set out the arrangements between TVBC and Hampshire Constabulary in respect of the roles and responsibilities of both agencies, to notifications of new unauthorised encampments occurring in the area covered by the injunction and power of arrest, and in particular how the injunction will be upheld and power of arrest exercised.

This document should also be read as an addition to Hampshire Constabulary's policy and procedures on managing UEs.

Key Responsibilities:

- Test Valley Borough Council (TVBC) (and supported by Hampshire County Council (HCC) where necessary) have effected service of the Injunction Order with power of arrest on all Defendants; including "Persons Unknown forming Unauthorised Encampments within the Borough of Test Valley "
- It is acknowledged that any person forming an Unauthorised Encampment within the Test Valley Borough Council Injunction Order area (or breaching any other of the Orders' terms) is deemed served with the order and will **already** be in breach of the Order.
- Test Valley Borough Council will be the lead agency for instructing post-arrest committal proceedings against any person(s) arrested following breach of the injunction.
- Karen Dunn (Head of Legal) or Tracey Wilson (Legal Services Manager) at TVBC will usually be the relevant point of contact at Test Valley Borough Council for responding to new Unauthorised Encampments (UEs). Out of hours contact with emergency Customer Service may be made by telephoning the Council on 01264 368000 and following the prompts.
- Hampshire Constabulary are required to attend all new unauthorised encampments, either individually or as part of a joint visit with TVBC officers.
- In the event of a breach of the injunction, Hampshire Constabulary may arrest persons in breach as per the power granted by the court. It is agreed that a "reasonable period" will be allowed to enable occupiers to leave and avoid arrest. The "reasonable period" will be decided between the parties on a case-by-case basis depending on the circumstances of the case. It is acknowledged that it will be desirable to remove the

unlawful encampments at the earliest opportunity. Hampshire Constabulary are the lead agency for effecting the arrest of person(s) in breach of the injunction.

Operational Procedure:

Under normal operational circumstances, following breach of the injunction i.e. a UE forming in the injunction area, the following will apply:

1. A joint visit will be made by a TVBC officer and Police Officer as soon as is reasonably practicable, both parties acknowledging that time is of the essence and the earlier the intervention the more effective it is likely to be.
2. The TVBC Officer supported by the Police Officer will advise those present that they are already in breach of the Injunction Order, of the effect of it and will provide a further copy of the Order. Details of vehicles present should also be recorded.

Note: Nothing in the above paragraphs shall prevent Hampshire Constabulary attending the encampment without Council representatives and advising of the existence of the Order and ability to arrest if it is considered expedient to do so.

3. Persons on site will be advised that they are in breach of an order which carries a power of arrest and therefore may be arrested, detained and brought before the High Court within 24 hours of arrest to show cause why they should not be committed to prison for contempt of court.
4. The Police Officer will confirm to those in breach of the injunction that the order carries a power of arrest and that if the occupiers do not move off the site and out of the injunction area by a given time (i.e. on expiry of the reasonable period referred to above) that they will be arrested, detained and brought to Court.
5. The Police Officer in attendance will, where practicable, record the interaction on Body Worn Video.
6. If an encampment leaves promptly there will be no need to take further action.
7. Welfare considerations and mitigation that may be relevant to s.77 or s.61 provisions of the Criminal Justice & Public Order Act 1994 and ACPO Guidance *do not* form part of the decision to enforce the injunction. However, where there are compelling welfare considerations, it *may* be appropriate to allow members of the encampment to whom these welfare considerations relate, to remain at site for a further period of time. Any such decision should where possible, be agreed between the relevant agencies to ensure proportionality and consistency.
8. It is noted and agreed that a detailed Equality Impact Assessment was completed by the Council and submitted to the Court with the Application. The Court had regard to that assessment in granting the injunction order.

9. In the event that the unauthorised occupiers do not leave by the stipulated time, the Police will utilise the power of arrest in respect of all or some of the persons who are breaching the injunction. Any decision to do so will be done in a proportionate timeframe (the 'reasonable period' referred to above) and subject to a risk assessment, and in conjunction with TVBC. The police will aim to make an arrest decision so that arrest can take place immediately upon the expiry of the time given to leave.
10. The decision to arrest any defendant will mark the beginning of committal proceedings which will be led by TVBC. However, for the purpose of effecting the arrest of person(s) in breach of the injunction, use of the power of arrest is the Police's responsibility and will only take place at an agreed time between the Police and TVBC where the appropriate resources are available. Availability of resources for arrest will be established at the earliest opportunity and will be taken into account in establishing the 'reasonable period' referred to above.
11. Upon arrest, the Police must notify TVBC as soon as practically reasonable. The defendant must be brought before the High Court within 24 hours of the arrest. In calculating the 24 hour period, no account shall be taken of Christmas Day, Good Friday, or any Sunday. The Police protocol for effecting these are subject to a separate procedural note.
12. Other than executing the power of arrest there are no other enforcement activities that may be undertaken. There is no provision for the seizure or removal of vehicles. A decision to seize assets may only be taken by the court.
13. In respect of any unauthorised encampment occurring on land covered by the injunction, Hampshire Constabulary may, alongside the service of the injunction, deem there to be tactical and policing justification and advantages to making use of powers available under s.61 of the Criminal Justice and Public Order Act 1994, to expedite the recovery of land from unauthorised occupation.

Updated 30th March 2021

IN THE HIGH COURT OF JUSTICE

Claim No. QB-2020-002112

KING'S BENCH DIVISION

B E T W E E N : -

**(1) TEST VALLEY BOROUGH COUNCIL
(2) HAMPSHIRE COUNTY COUNCIL**

Claimant

-and-

**(1) ALBERT BOWERS
(2)-(89) OTHER NAMED DEFENDANTS
(90) PERSONS UNKNOWN FORMING UNAUTHORISED ENCAMPMENTS
WITHIN THE BOROUGH OF TEST VALLEY
(91)-(137) OTHER NAMED DEFENDANTS**

Defendants

EXHIBIT

KD9

**REFERRED TO IN THE FOURTEENTH WITNESS STATEMENT
OF KAREN DUNN**

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION

Claim No. QB-2018-003748

Before Kirsty Brimelow KC (sitting as a Deputy High Court Judge)
28 March 2025



BETWEEN:

(1) BASINGSTOKE & DEANE BOROUGH COUNCIL
(2) HAMPSHIRE COUNTY COUNCIL

Claimants

-and-

(1) HENRY LOVERIDGE
(2)-(115) OTHER NAMED DEFENDANTS
(116) PERSONS UNKNOWN WHO ARE FORMING
UNAUTHORISED ENCAMPMENTS IN THE BOROUGH OF
BASINGSTOKE AND DEANE

Defendants

ORDER AGAINST THE 116th DEFENDANT

IF YOU, ANY OF THE ABOVE ONE-HUNDRED AND SIXTEENTH DEFENDANTS (PERSONS UNKNOWN), DISOBEY THIS ORDER OR INSTRUCT OR ENCOURAGE OTHERS TO BREACH THIS ORDER YOU MAY BE HELD IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED.

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS THE DEFENDANTS TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED

UPON the Application of the Claimants dated 12 February 2025 (the 'Application') seeking to continue the injunction Order of Freedman J dated 23 May 2024 for a period of one year as against the One-Hundred and Sixteenth Defendant only

AND UPON the Court being satisfied that the Application has been served on the 116th Defendant in accordance with the Order of Freedman J dated 23 May 2024

AND UPON hearing Natalie Pratt of counsel for the Claimants and the Defendants neither appearing or being represented

POWER OF ARREST

THIS ORDER CONTAINS A POWER OF ARREST FOR BREACH OF PARAGRAPHS 1(a) to 1(e) INCLUSIVE OF THIS ORDER PURSUANT TO SECTION 27 OF THE POLICE AND JUSTICE ACT 2006. ANY PERSON FOUND TO HAVE BREACHED PARAGRAPHS 1(a) to 1(e) INCLUSIVE OF THIS ORDER MAY BE ARRESTED AND BROUGHT BEFORE A JUDGE OF THE HIGH COURT

Note to the Arresting Officer: where the defendant is arrested under the power given by section 27 of the Police and Justice Act 2006:

- The defendant shall be brought before the High Court Judge within a period of 24 hours beginning at the time of their arrest
- A constable shall inform the person on whose application the injunction was granted forthwith where the defendant is arrested under these powers

Nothing in section 27 of the Police and Justice Act 2006 shall authorise the detention of the defendant after the expiry of the period of 24 hours beginning at the time of their arrest.

In calculating any period of 24 hours no account shall be taken of Christmas Day, Good Friday or any Sunday.

IT IS ORDERED THAT:

A. INJUNCTION ORDER

1. Until and including **3 April 2026**, the 116th Defendant, Persons Unknown, are **forbidden** from:
 - a. Entering and/or occupying any part of the Land (as defined below) for residential purposes (temporary or otherwise) including the occupation of caravans/mobile homes, storage of vehicles, caravans and residential paraphernalia, save for where the Land is occupied in accordance with a lawful planning permission from the Local Planning Authority, or the Secretary of State, or Written Permission from the Local Planning Authority (as defined below) or in accordance with statutory permitted development rights.

- b. Setting-up an encampment on any part of the Land (as defined below) unless authorised to do so by the owner of the Land and provided the encampment does not breach planning control, save for where the encampment is authorised by Written Permission from the Local Planning Authority (as defined below).
 - c. Setting-up an encampment on any part of the Land (as defined below) without Written Permission from the Local Planning Authority (as defined below), or planning permission granted by the Secretary of State or in accordance with statutory permitted development rights.
 - d. Bringing on to any part of the Land (as defined below) or stationing on any part of the Land any caravans/mobile homes other than when driving through the highways on the Land or in compliance with the parking orders regulating the use of car parks or with the express permission from the owner of the Land, save for where the Land is occupied in accordance with a lawful planning permission from the Local Planning Authority, or the Secretary of State, or Written Permission from the Local Planning Authority (as defined below) or in accordance with statutory permitted development rights.
 - e. Depositing or causing to be deposited, Controlled Waste (as defined below) in or on any part of the Land (as defined below) unless a waste management licence or environmental permit is in force and the deposit is in accordance with the licence or permit.
2. There shall be a power of arrest attached to paragraphs 1(a) to 1(e) (inclusive) of this Order.
 3. The ‘Land’ in this Order means all land within the Borough of Basingstoke and Deane marked within the red line on the attached map in Schedule 1 to this Order.

B. SERVICE

4. Service of this Order on the 116th Defendant shall be effected by affixing copies (as opposed to originals) of this Order in a transparent envelope, or laminated copy, in a prominent position on or close to all adopted highway entry points within the area marked with the red line on the map attached at Schedule 1 with a notice to Persons Unknown that a copy of the supporting evidence can be obtained from Basingstoke and Deane Borough Council, Civic Offices, London Road, Basingstoke, RG21 4AH.
5. The deemed date of service of any documents served in accordance with paragraph 4 above shall be the day on which service of the document or documents is completed in accordance with paragraph 4 above.
6. The Claimants shall serve a copy of this Order by way of email on the Appellants in *Wolverhampton City Council & Ors v London Gypsies and Travellers & Ors* [2023] UKSC 47.

C. LIBERTY TO APPLY

7. The Defendants or anyone notified of this Order may each of them apply to the Court on 72 hours prior written notice (without prejudice to the right of that person to apply to shorten the time for service) to both the Court and the Claimants to vary or discharge this Order (or so much of it as affects that person). The contact details for both the Court and the Claimants can be found in paragraphs 20 and 21 below.

D. RENEWAL OF THIS ORDER

8. This Order against the 116th Defendant (Persons Unknown) will expire by the effluxion of time on 00:00hrs on 4 April 2026. The Claimants may, if so advised, apply for the renewal of the Order against the 116th Defendant (Persons Unknown) (the 'Renewal Application'). Any Renewal Application and evidence in support must be filed and served in accordance with paragraph 4 above by 4pm on **20 February 2026**.
9. A hearing shall be listed on **20 March 2026**, with a time estimate of one day, at which the Renewal Application shall be considered. If the Claimants do not make a Renewal Application, they must notify the Court as soon as reasonably practicable and seek to vacate the hearing.
10. Any person other than the Claimants who would like to participate in the hearing of the Renewal Application must also file and serve on the Claimants any evidence upon which they intend to rely at the hearing of the Renewal Application by 4pm on **6 March 2026**.

E. COSTS

11. No order as to costs against the 116th Defendant.

GUIDANCE NOTES

EFFECT OF THIS ORDER

12. A Defendant who is an individual who is ordered not to do something must not do it himself or herself or in any other way. He or she must not do it through others acting on his or her behalf or on his or her instructions or with his or her encouragement.
13. A Defendant which is a corporation and which is ordered not to do something must not do it itself or by its directors, officers, employees or agents or in any other way.

PARTIES OTHER THAN THE CLAIMANT AND DEFENDANTS

EFFECT OF THIS ORDER

14. It is a contempt of court for any person notified of this Order knowingly to assist in or permit a breach of this Order. Any person doing so may be sent to prison, fined, or have their assets seized.

INTERPRETATION OF THIS ORDER

15. In this Order, where there is more than one Defendant, unless otherwise stated, references to “the Defendants” means each or all of them.
16. A requirement to serve on “the Defendants” means on each of them, unless an Order of the Court specifies otherwise. The Order is, however, effective against any Defendant on whom it is served.
17. An Order requiring the Defendants to do or not to do anything applies to all Defendants.
18. ‘**Controlled waste**’ has the same meaning as within s.75(4) of the Environmental Protection Act 1990.
19. ‘**Written Permission from the Local Planning Authority**’ includes, but is not limited to, written permission granted pursuant to any negotiated stopping agreement, policy or procedure.

COMMUNICATIONS WITH THE COURT

20. All communication to the Court about this Order should be sent to kbjudgeslistingoffice@justice.gov.uk, The Royal Courts of Justice, Strand, London WC2A 2LL. The telephone number is 020 3938957.
21. All communications to the Claimants about this Order should be sent to Legal Services, Basingstoke and Deane Borough Council, Civic Offices, London Road, Basingstoke RG21 4AH (instruct.legal@basingstoke.gov.uk).

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION

Claim No. QB-2018-003748

Before Kirsty Brimelow KC (sitting as a Deputy High Court Judge)
28 March 2025

B E T W E E N :

(1) BASINGSTOKE & DEANE BOROUGH COUNCIL
(2) HAMPSHIRE COUNTY COUNCIL

Claimants

-and-

(1) HENRY LOVERIDGE
(2)-(115) OTHER NAMED DEFENDANTS
(116) PERSONS UNKNOWN WHO ARE FORMING
UNAUTHORISED ENCAMPMENTS IN THE BOROUGH OF
BASINGSTOKE AND DEANE

Defendants

SCHEDULE 1: RED LINE PLAN



Basingstoke and Deane

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Basingstoke
Hampshire
RG21 4AH

Tel: 01256 844 844
Email: customerservices@basingstoke.gov.uk
Web: www.basingstoke.gov.uk

Legend



Injunction Mask



Drawing Title
Unauthorised Encroachments and Developments

Drawing Number
DWG/REG/UE/IN/DB/BC

Page Reference
A1

Site Address
Basingstoke and Deane Borough Council Area

Document Path:
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A1

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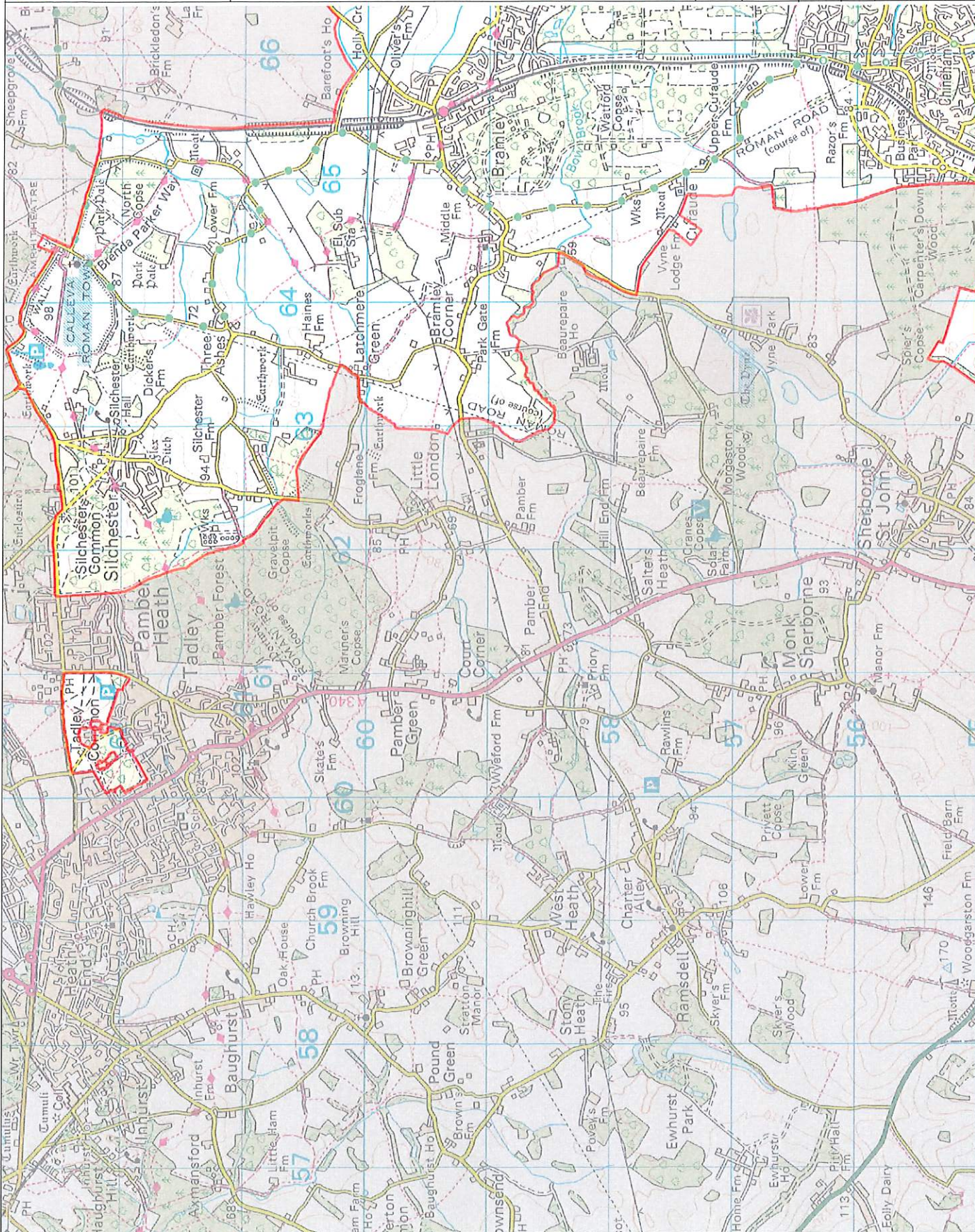
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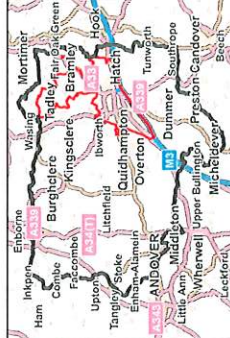
Basingstoke and Deane

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-  Injunction Boundary
-  BDBC Borough Boundary
-  Injunction Mask



Drawing Title
Hampshire County and Local Authority Boundaries

Drawing Number
DWG/RG/UEDN/BDBC

Page Reference
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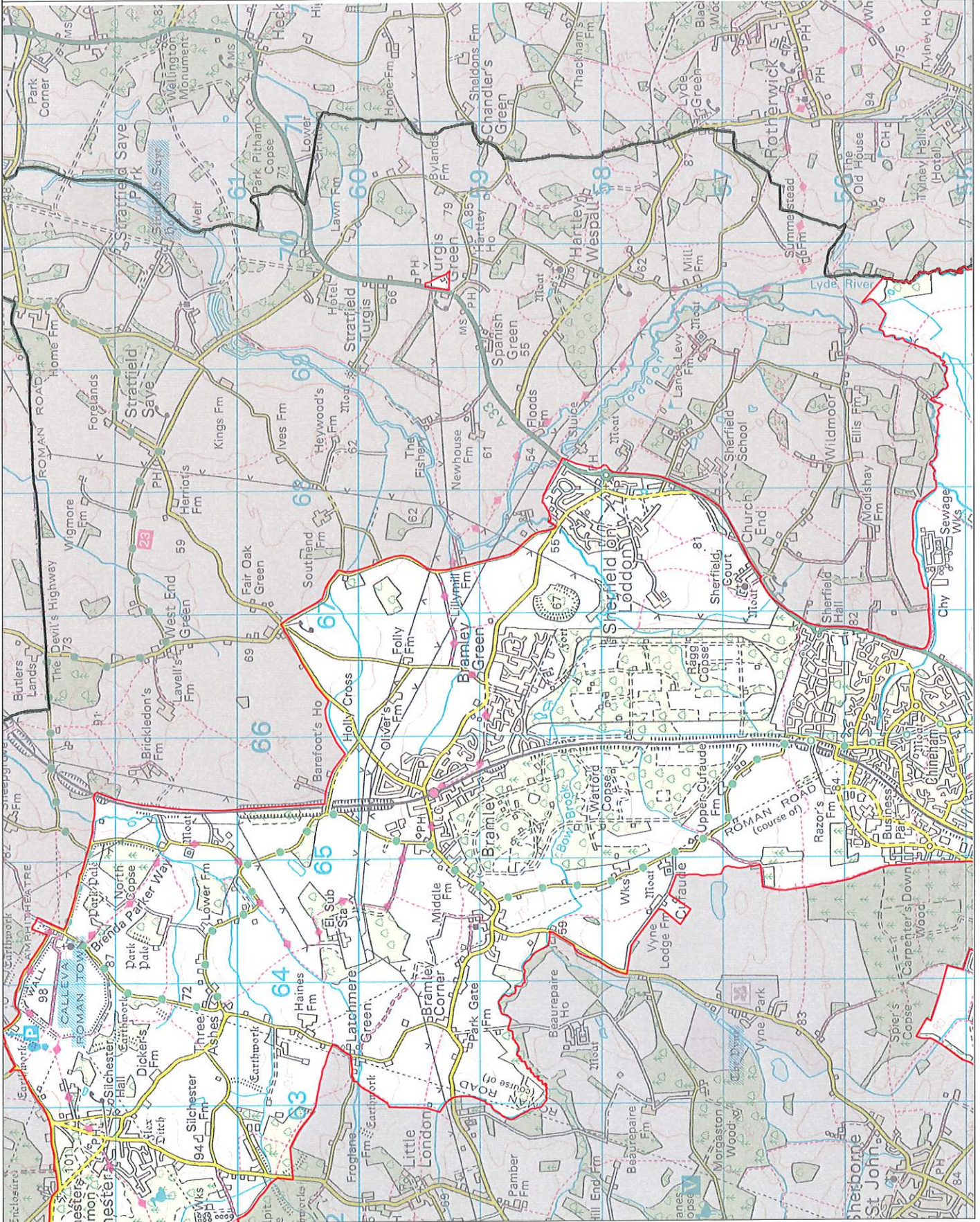
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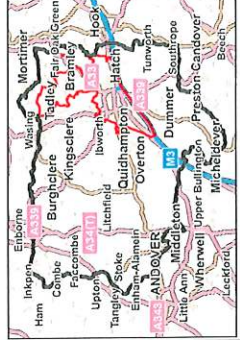
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- Injunction Boundary
- BDBC Borough Boundary
- Injunction Mask



Drawing Title
Hampshire County and Local Authority Boundaries

Drawing Number
DWGRG/UEDN/BDBC

Page Reference
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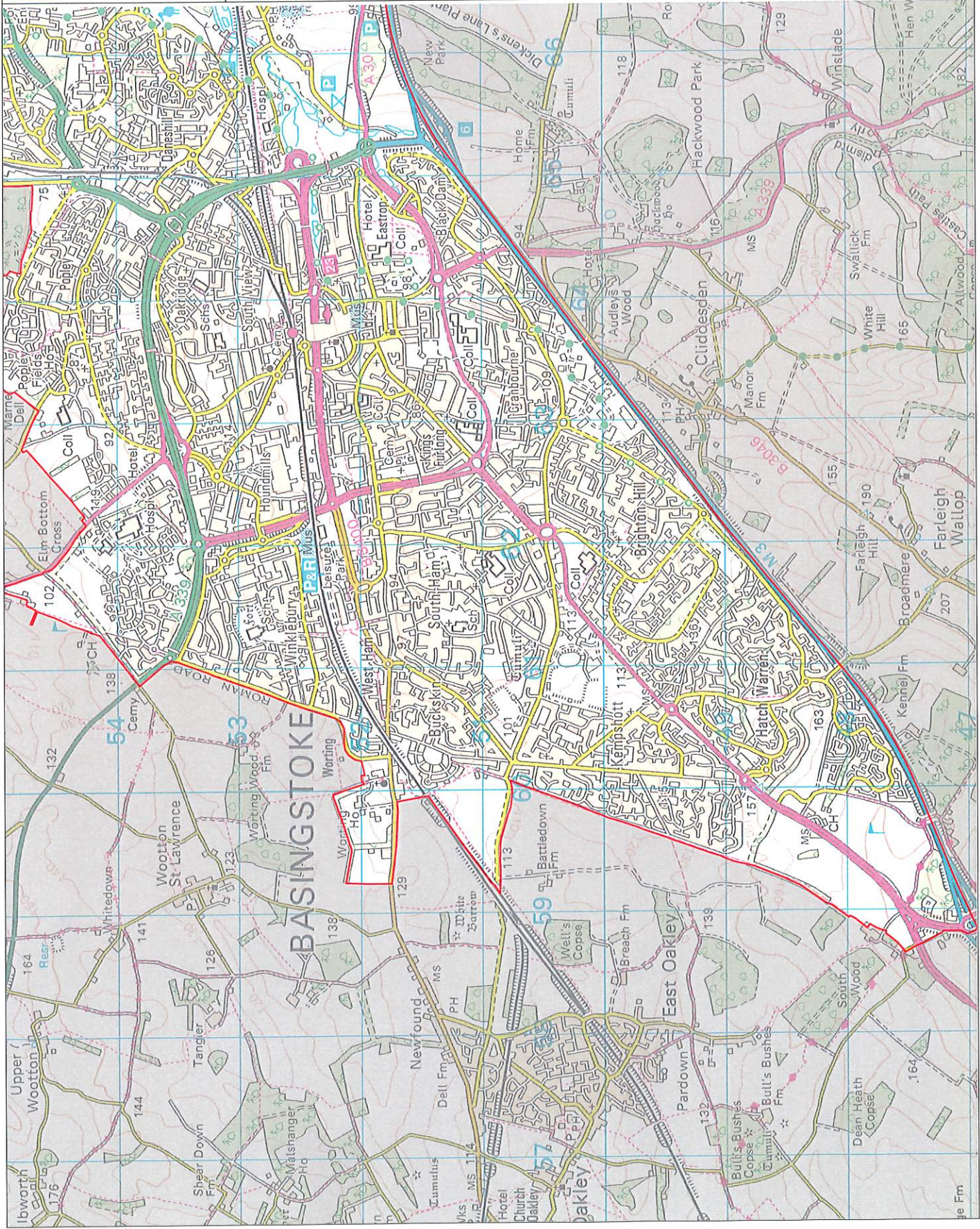
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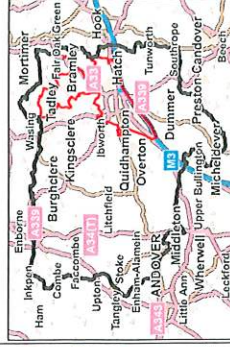
Basingstoke and Deane

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Legend

-  Injunction Boundary
-  BDBC Borough Boundary
-  Injunction Mask



Drawing Title
Hampshire County and Local Authority Boundaries

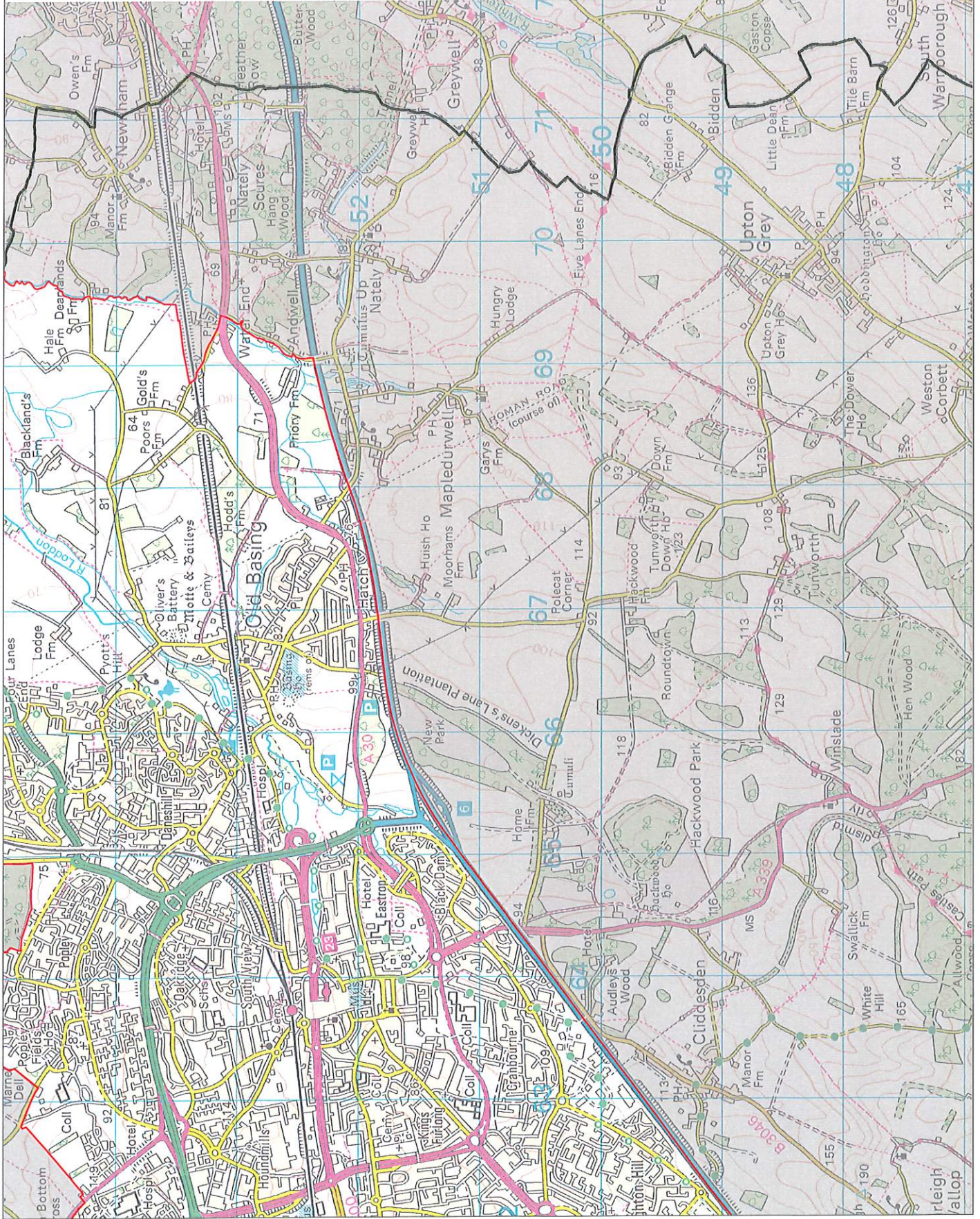
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Basingstoke and Deane






Civic Offices
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Basingstoke
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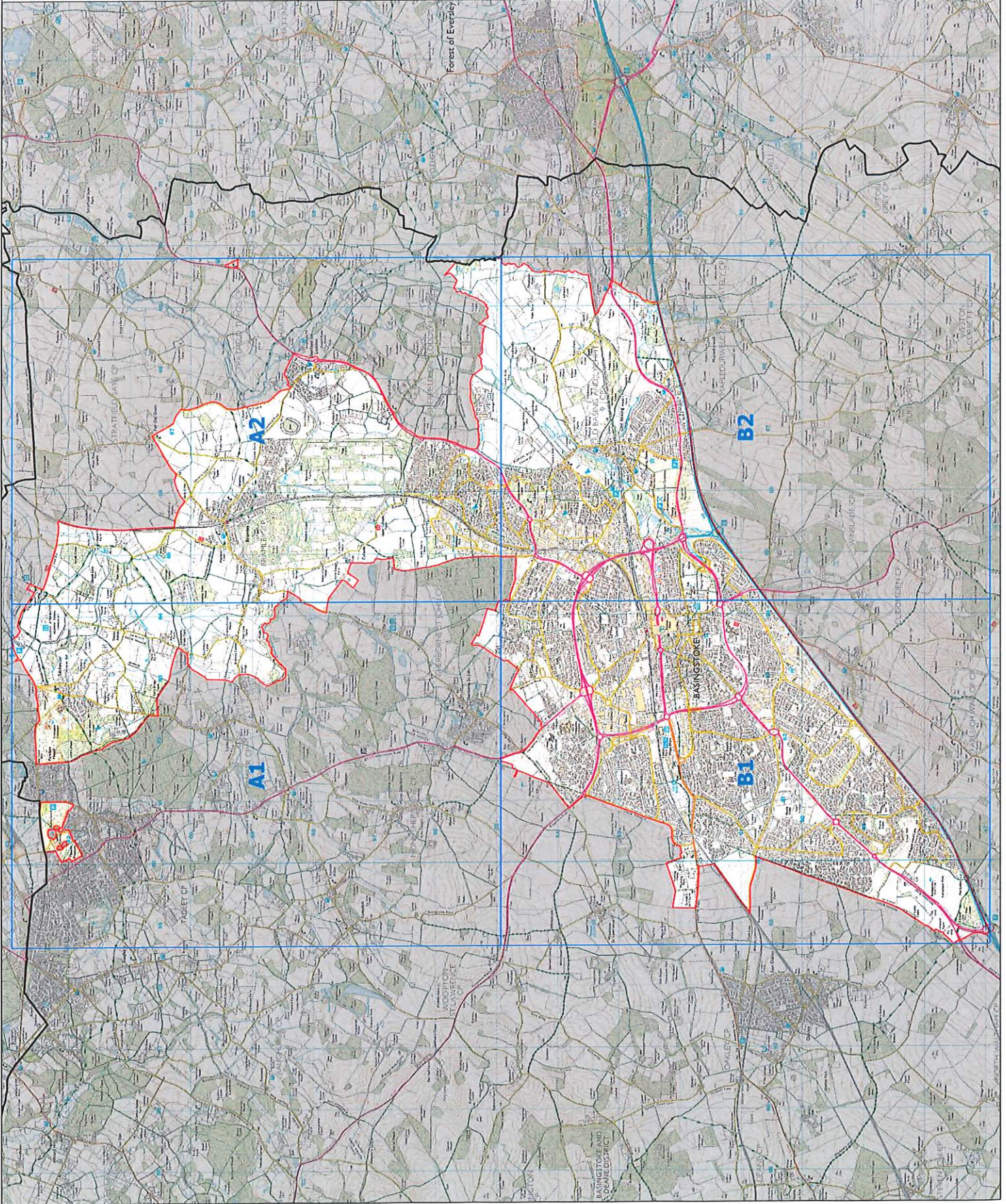
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-  Injunction Area & Boundary
-  Injunction Boundary
-  BDBC Borough Boundary
-  Excluded from Injunction Area



Page Name:

Site Address

Basingstoke and Deane Borough Council Area

Drawing Number

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Title Of Drawing

Proposed Injunction Area - Index

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05/12/2018

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AIN

Date:

05/12/2018

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Power of arrest

Name of defendant

(116) Persons Unknown

Defendant's address

N/A

Name of court
High Court of Justice
King's Bench Division

Claim No.
QB-2018-003748

Claimant's name (including ref.)
(1) Basingstoke & Deane Borough Council
(2) Hampshire County Council

Defendant's name (including ref.)
(116) Persons Unknown



Date order made 28 / 03 / 2025

Name of judge Kirsty Brimelow KC (sitting as a Deputy High Court Judge)

Order made under (insert statutory provision)

Local Government Act 1972, s222 and the Town and Country Planning Act 1990, 187B

This order includes a power of arrest under (insert statutory provision)

Police and Justice Act 2006, s27

The relevant paragraphs of the order to which a power of arrest has been attached are:

(set out those paragraphs of the order to which the power of arrest is attached, if necessary continue on a separate sheet)

Paragraphs 1(a) to 1(e) of the Order Kirsty Brimelow KC (sitting as a Deputy High Court Judge) dated 28 March 2025 (see continuation sheet)

This power of arrest was ordered on 28 / 03 / 2025

and expires on the 03 / 04 / 2026

Note to Arresting Officer

Where the defendant is arrested under the power given by section 155 of the Housing Act 1996, or section 27 of the Police and Justice Act 2006; or section 43 of the Policing and Crime Act 2009; or section 4 of the Anti-Social Behaviour, Crime and Policing Act 2014:-

- the defendant shall be brought before the judge within the period of 24 hours beginning at the time of their arrest;
- a constable shall inform the person on whose application the injunction was granted, forthwith where the defendant is arrested under the power given by section 155 of the Housing Act 1996 or as soon as reasonably practicable where the defendant is arrested under the power given by section 27 of the Police and Justice Act 2006 or section 43 of the Policing and Crime Act 2009 or section 4 of the Anti-Social Behaviour, Crime and Policing Act 2014.

Nothing in section 155 of the Housing Act 1996 or section 27 of the Police and Justice Act 2006 or section 43 of the Policing and Crime Act 2009 or section 4 of the Anti-Social Behaviour, Crime and Policing Act 2014, shall authorise the detention of the respondent after the expiry of the period of 24 hours beginning at the time of their arrest.

In calculating any period of 24 hours, no account shall be taken of Christmas Day, Good Friday or any Sunday.

Name of Claimant

(1) Basingstoke & Deane Borough Council
(2) Hampshire County Council

Claimant's address

Basingstoke & Deane Borough Council
Civic Offices
London Road
Basingstoke
RG21 4AH

Claimant's phone number

01256 844844

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION

Claim No. QB-2018-003748

Before Kirsty Brimelow KC (sitting as a Deputy High Court Judge)

28 March 2025

B E T W E E N :

(1) BASINGSTOKE & DEANE BOROUGH COUNCIL

(2) HAMPSHIRE COUNTY COUNCIL

Claimants

-and-

(1) HENRY LOVERIDGE

(2)-(115) OTHER NAMED DEFENDANTS

**(116) PERSONS UNKNOWN WHO ARE FORMING UNAUTHORISED
ENCAMPMENTS IN THE BOROUGH OF BASINGSTOKE AND DEANE**

Defendants

POWER OF ARREST: CONTINUATION SHEET

This power of arrest applies to the **116th Defendant (Persons Unknown who are forming unauthorised encampments in the Borough of Basingstoke and Deane)**

The relevant paragraphs of the order to which the power of arrest has been attached are **paragraphs 1(a) to 1(e) (inclusive) of the Order of Kirsty Brimelow KC (sitting as a Deputy High Court Judge) dated 28 March 2025:**

1. Until and including **3 April 2026**, the 116th Defendant, Persons Unknown, are **forbidden** from:
 - a. Entering and/or occupying any part of the Land (as defined below) for residential purposes (temporary or otherwise) including the occupation of caravans/mobile homes, storage of vehicles, caravans and residential paraphernalia, save for where the Land is occupied in accordance with a lawful planning permission from the Local Planning Authority, or the Secretary of State, or Written Permission from the Local Planning Authority (as defined below) or in accordance with statutory permitted development rights.
 - b. Setting-up an encampment on any part of the Land (as defined below) unless authorised to do so by the owner of the Land and provided the encampment does not breach

planning control, save for where the encampment is authorised by Written Permission from the Local Planning Authority (as defined below).

- c. Setting-up an encampment on any part of the Land (as defined below) without Written Permission from the Local Planning Authority (as defined below), or planning permission granted by the Secretary of State or in accordance with statutory permitted development rights.
 - d. Bringing on to any part of the Land (as defined below) or stationing on any part of the Land any caravans/mobile homes other than when driving through the highways on the Land or in compliance with the parking orders regulating the use of car parks or with the express permission from the owner of the Land, save for where the Land is occupied in accordance with a lawful planning permission from the Local Planning Authority, or the Secretary of State, or Written Permission from the Local Planning Authority (as defined below) or in accordance with statutory permitted development rights.
 - e. Depositing or causing to be deposited, Controlled Waste (as defined below) in or on any part of the Land (as defined below) unless a waste management licence or environmental permit is in force and the deposit is in accordance with the licence or permit.
2. There shall be a power of arrest attached to paragraphs 1(a) to 1(e) (inclusive) of this Order.
 3. The '**Land**' in this Order means all land within the Borough of Basingstoke and Deane marked within the red line on the attached map in Schedule 1 to this Order.

IN THE HIGH COURT OF JUSTICE

Claim No. QB-2020-002112

KING'S BENCH DIVISION

B E T W E E N : -

**(1) TEST VALLEY BOROUGH COUNCIL
(2) HAMPSHIRE COUNTY COUNCIL**

Claimant

-and-

**(1) ALBERT BOWERS
(2)-(89) OTHER NAMED DEFENDANTS
(90) PERSONS UNKNOWN FORMING UNAUTHORISED ENCAMPMENTS
WITHIN THE BOROUGH OF TEST VALLEY
(91)-(137) OTHER NAMED DEFENDANTS**

Defendants

EXHIBIT

KD10

**REFERRED TO IN THE FOURTEENTH WITNESS STATEMENT
OF KAREN DUNN**

Public Spaces Protection Orders

Guidance for councils

Foreword

Local authorities understand well how anti-social behaviour can blight the lives of people in their local communities, with those affected often feeling powerless to act. Councils have a key role to play in helping make local areas safe places to live, visit and work and tackling anti-social behaviour continues to be a high priority for local authorities and their partners across the country.

Councils know the issues that affect their localities the most and are well placed to identify how best to respond. Public Spaces Protection Orders (PSPOs), introduced in 2014, sit amongst a broad range of powers and tools to help tackle anti-social behaviour locally. PSPOs are aimed at ensuring public spaces can be enjoyed free from anti-social behaviour. They are not about stopping the responsible use of the night-time economy, or preventing young people from seeing their friends – but they do provide councils with another instrument to help deal with persistent issues that are damaging their communities.

PSPOs have not been welcomed by all, attracting some criticism over their introduction, or about how particular PSPOs have been implemented. As a result, in December 2017 the Home Office updated its statutory guidance on anti-social behaviour powers, according to the Anti-Social Behaviour, Crime and Policing Act 2014. The changes are reflected in this document. In light of the updated guidance, councils may find it useful to consider the current restrictions in their local area and whether the PSPO needs to be amended at the time of its renewal. It's important to note, that when used appropriately, proportionately and with local support, PSPOs can be a positive device that help to prevent anti-social behaviour, and can provide an effective response to some of the issues local residents and businesses face on a daily basis.

This guidance aims to set out the issues to consider where local areas are contemplating introducing a PSPO, and offers practical guidance on the steps to take if councils choose to do so. It should be read in conjunction with the Home Office's statutory guidance on the Anti-social Behaviour, Crime and Policing Act 2014.

Councillor Anita Lower

Deputy Chair and Anti-social Behaviour Champion
LGA Safer and Stronger Communities Board

Public Spaces Protection Orders

Legislative background

The Anti-social Behaviour, Crime and Policing Act 2014 introduced several new tools and powers for use by councils and their partners to address anti-social behaviour (ASB) in their local areas. These tools, which replaced and streamlined a number of previous measures, were brought in as part of a Government commitment to put victims at the centre of approaches to tackling ASB, focussing on the impact behaviour can have on both communities and individuals, particularly on the most vulnerable.

PSPOs are one of the tools available under the 2014 Act. These are wide-ranging and flexible powers for local authorities, which recognise that councils are often best placed to identify the broad and cumulative impact that ASB can have. The Act gives councils the authority to draft and implement PSPOs in response to the particular issues affecting their communities, provided certain criteria and legal tests are met.

Councils can use PSPOs to prohibit specified activities, and/or require certain things to be done by people engaged in particular activities, within a defined public area. PSPOs differ from other tools introduced under the Act as they are council-led, and rather than targeting specific individuals or properties, they focus on the identified problem behaviour in a specific location.

The legislation provides for restrictions to be placed on behaviour that apply to everyone in that locality (with the possible use of exemptions). Breach of a PSPO without a reasonable excuse is an offence.

Powers to create PSPOs came into force in October 2014. As well as enabling local authorities to address a range of different issues, the Orders replace Designated Public Place Orders (DPPOs), Gating Orders and Dog Control Orders.¹ Existing DPPOs, Gating Orders and Dog Control Orders which automatically become PSPOs (as of 20 October 2017).

Overview of Public Spaces Protection Orders

The Anti-social Behaviour, Crime and Policing Act 2014 provides a broad legal framework within which PSPOs can be implemented.

Orders can be introduced in a specific public area where the local authority² is satisfied on reasonable grounds that certain conditions have been met. The first test concerns the nature of the anti-social behaviour, requiring that:

- activities that have taken place have had a detrimental effect on the quality of life of those in the locality, or it is likely that activities will take place and that they will have a detrimental effect
- the effect or likely effect of these activities:
 - is, or is likely to be, persistent or continuing in nature
 - is, or is likely to be, unreasonable

¹ Replacing orders under The Criminal Justice and Police Act 2001, the Highways Act 1980 and the Clean Neighbourhoods and Environment Act 2005 respectively.

² This covers district councils, London Boroughs, county councils in an area where there is no district council in England (along with City of London and the Council of the Isles of Scilly) and county councils or a county borough councils in Wales.

- justifies the restrictions being imposed.

The Home Office statutory guidance re issued in December 2017 states that proposed restrictions should focus on specific behaviours and be proportionate to the detrimental effect that the behaviour is causing or can cause, and are necessary to prevent it from continuing, occurring or recurring.³

A single PSPO can be used to target a range of different ASB issues. Orders allow councils to introduce reasonable prohibitions and/or requirements regarding certain behaviours within the specified public area, and may also include prescribed exemptions.

As a minimum, each PSPO must set out:

- what the detrimental activities are
- what is being prohibited and/or required, including any exemptions
- the area covered
- the consequences for breach
- the period for which it has effect.

There are further specific provisions regarding some types of PSPO, which will be covered in detail below.

A PSPO can last for up to three years, after which it must be reviewed. If the review supports an extension and other requirements are satisfied, it may be extended for up to a further three years. There is no limit on the number of times an Order may be reviewed and renewed.

The legislation sets out a number of additional requirements for consultation and communication before an Order is introduced, once it is implemented and where it is extended, varied or discharged. PSPOs can be legally challenged under the 2014 Act on certain grounds.

Beyond this broad framework, detailed further below, councils can decide how best to implement PSPOs in their local areas. This guidance sets out some suggested

approaches based on good practice from around the country.

Using Public Spaces Protection Orders

Local partners have a vast range of tools and powers at their disposal to respond to concerns about anti-social behaviour in their locality, from measures aimed at tackling the causes of ASB, awareness-raising, through to enforcement.

Used proportionately and in the right circumstances, PSPOs allow local areas to counter unreasonable and persistent behaviour that affects the quality of life of its residents. They can send a clear message that certain behaviours will not be tolerated, and help reassure residents that unreasonable conduct is being addressed.

However, PSPOs will not be suitable or effective in all circumstances, and it is important to consider carefully the right approach for identifying and addressing the problem behaviour. This is especially important when the activities may also have positive benefits. Other options should actively be considered before a PSPO is pursued – and where a PSPO is used, it should be carefully framed and employed alongside other approaches as part of a broad and balanced anti-social behaviour strategy. Considering non-statutory solutions, perhaps delivered in partnership with community, civic or membership organisations may be equally valid in the right circumstances.

Choosing the right tool

Choosing the right approaches for responding to the ASB should start with identifying the specific issue or issues of concern, and considering what is likely to be the most targeted and effective response in the circumstances.

³ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/670180/2017-12-13_ASB_Revised_Statutory_Guidance_V2_0.pdf

Some issues may be adequately addressed using other tools. For instance, awareness-raising campaigns about the impact of certain activities on others, improved community engagement, or offering support to those exhibiting certain behaviours may be enough to address the ASB identified.

In some areas, codes of practice around certain practices such as busking⁴, or posters setting out 'good behaviour' associated with activities such as skateboarding, have provided effective solutions in responding to particular concerns.

Street fundraising for instance, is governed by an independently set Code of Fundraising Practice and the Institute of Fundraising provides a free service for councils to limit the location, number and frequency of fundraising visits. Around 125 councils have taken advantage of these voluntary agreements, rather than use PSPOs.

In other circumstances it may be more appropriate to use tools such as community protection notices (CPNs). CPNs are used against specific individuals responsible for causing harm, or for tackling particular problem premises, unlike PSPOs which create a broader ban covering a whole area. Similarly, in many cases existing legislation covering various forms of anti-social behaviour or public order may be adequate.

Feedback from councils suggests that effective consultation with partners, stakeholders and the wider community can help to identify the best way forward (see also support evidence and consultation, below).

“PSPOs aren’t the answer for everything – you need to start by looking at what the issue really is. Often there are easier and more effective tools for dealing with the problem.”

Cheshire West and Chester Council

⁴ See, for example, City of York Council: https://www.york.gov.uk/info/20081/arts_and_culture/1155/busking_in_york

Where local areas decide that introducing a PSPO may be appropriate, it should be noted that the most robust Orders directly address the detrimental behaviour, rather than activities which may not in themselves be detrimental or which target characteristics that might be shared by some of those responsible (or with the wider public). The Home Office's statutory guidance reiterates that PSPOs should be used responsibly and proportionately, only in response to issues that cause anti-social behaviour, and only where necessary to protect the public.

There are also a number of practical considerations which should be borne in mind when choosing the right tool. PSPOs can be resource-intensive to introduce and enforce and there will need to be commitment from partners to ensure it can be implemented effectively.

Councils will need to be satisfied that where they choose to pursue introducing an Order as part of their strategy, they have met the requirements of the legislation. This is covered in detail in the following sections.

Introducing a PSPO

Where councils have identified that a PSPO may be a suitable response to a particular local issue, they will then need to consider how to ensure they meet the statutory criteria. This will include determining:

- the appropriate scope of the Order
- the area covered by the restrictions
- the potential impact of the proposals
- how each of the restrictions meets the legal test.

Councils will also need to consider how best the Order should be worded and establish an evidence base to support the proposals, incorporating a consultation process. Other issues, such as the practical implications around implementation and what is possible to enforce, will also need to be borne in mind.

Early engagement with partners and stakeholders can be useful in understanding the nature of the issue, how best to respond – and, if an Order is proposed, how it might be drafted. This is likely to require involvement, and pooling of information, from a variety of sources, including councillors and officers from across council departments (including, for example, community safety, environmental health, parks, equalities, legal), police colleagues and external agencies.

It is useful for local areas to seek early contact with interest groups when scoping their proposals, to help identify how best to approach a particular issue, before the formal statutory consultation takes place. For example, a local residents' association or regular users of a park or those involved in specific activities in the area, such as buskers or other street entertainers. An effective consultation process with a range of stakeholders will also help to assess the impact of the ASB and where an appropriate balance for restrictions on behaviour should lie (see supporting evidence and consultation, below).

“Engagement with representative groups early on was really constructive – they helped advise us on other legislation we needed to be mindful of, and helped us draft something that worked.”

Carmarthenshire County Council

Ongoing engagement with, and commitment from, partners will be crucial for introducing, implementing and enforcing a PSPO and ensuring there are resources available to support it.

Activity subject to an Order – overview

PSPOs can be used to restrict a broad range of activities. Under section 59 of the 2014 Act, local authorities must be satisfied on reasonable grounds that the activity subject to an Order:

- has a detrimental effect on the quality of life of those in the locality (or it is likely

that activities will take place and have such an effect)

- is (or is likely to be) persistent or continuing in nature
- is (or is likely to be) unreasonable
- justifies the restrictions being imposed.

PSPOs must set out clearly what the detrimental activities are. What may be regarded as ‘anti-social’ is a subjective concept, and similarly determining whether or not behaviour is detrimental and unreasonable can present some challenges and will require careful consideration.

Councils will need to assess how certain behaviours are perceived, and their impact – both on the community broadly, and on its most vulnerable individuals. Some areas have included an additional test locally that the behaviour needs to be severe enough to cause alarm, harassment or distress. Collating evidence that illustrates the detrimental impact of particular activities will be important (see supporting evidence and consultation, below).

When assessing what is ‘unreasonable’ activity, councils will need to balance the rights of the community to enjoy public spaces without ASB, with the civil liberties of individuals and groups who may be affected by any restrictions imposed. Further, some of those affected by possible restrictions may be vulnerable and councils need to look carefully at what impact the proposals might have on certain groups or individuals (see assessing potential impact and the Equality Act, below).

Appropriate restrictions

As set out above, the restrictions imposed by an Order must be reasonable, and either prevent or reduce the detrimental effect of the problem behaviour, or reduce the risk of that detrimental effect continuing, occurring or recurring. Ensuring that the prohibitions or requirements included in a PSPO are solid, easily understood and can withstand scrutiny is key.

Orders must state what restrictions are being imposed to either prohibit certain things, and/or require certain things to be done by those

engaged in specific activities. PSPOs are most effective and most robust to challenge where they are **tightly drafted and focus on the precise harmful behaviour identified**. Being clear on addressing the problem behaviour in an Order can help avoid the risk of unduly pursuing individuals who may not be causing any real harm.

Homeless people and rough sleepers

The Home Office guidance sets out that PSPOs should not be used to target people based solely on the fact that someone is homeless or rough sleeping, as this in itself is unlikely to mean that such behaviour is having an unreasonably detrimental effect on the community's quality of life which justifies the restrictions imposed. It suggests the council should consider whether the use of a PSPO is the appropriate response and if it will have a detrimental impact on homeless people and rough sleepers. Councils will find it useful to consult with national or local homeless charities on this issue, when councils are considering restrictions or requirements that could affect homeless people and rough sleepers.

Groups hanging around/standing in groups/playing games

It is important that any Orders put in place do not inadvertently restrict everyday sociability in public spaces. Restrictions that are too broad or general in nature may, for instance, force young people into out-of-the-way spaces and put them at risk. It is useful to consider whether there are alternative spaces that they can use. The Home Office guidance notes that people living in temporary accommodation may not be able to stay in their accommodation during the day and may find themselves spending extended time in public spaces. It's important to consider when putting in place any restrictions that public spaces are available for the use and enjoyment of a broad spectrum of the public, and that people of all ages are free to gather, talk and play games.

In the London Borough of Brent, residents and park users identified issues with public defecation, alcohol use, public disturbances and intimidation. The council introduced a PSPO targeting the cause of the ASB – groups congregating, attracted by offers of casual labour. The council was keen not to enforce against rough sleepers or job-seekers but instead outlaw the offering of employment within the area, and the running of an unlicensed transport service. The aim was to deter those seeking to exploit casual labourers and those profiting from bringing certain groups to the area.

Proposals should clearly define which specific behaviours are not permitted or are required, and any exemptions that might apply. Careful wording will help people to understand whether or not they are in breach once the Order has been implemented and give them an opportunity to modify their behaviour. It will also help to avoid any unintended consequences. Councils' legal teams should be able to advise on the precise wording to use.

Limitations

There are some limitations set out in the legislation regarding behaviours that can be restricted by PSPOs. Under the 2014 Act, local authorities must have regard to the freedoms permitted under articles 10 and 11 of the Human Rights Act 1998 when drafting, extending, varying or discharging an Order. These cover freedom of expression, and freedom of assembly and association respectively (although it is worth noting here that PSPOs might be considered appropriate for addressing aggravating behaviours such as the use of noise-enhancing equipment like amplifiers). Wherever proposals for an Order have the potential to impinge on the rights under articles 10 and 11, consideration must be given as to how to demonstrate that they satisfy the requirements of paragraph 2 in each of the articles.

Where a PSPO covers alcohol prohibition, section 62 of the 2014 Act lists a number of premises to which an Order cannot apply – such as licensed premises.

Further, there are some restrictions under section 63 on what action might be taken for a breach of an Order that prohibits consumption of alcohol (see enforcement and implementation, below).

Where Orders will restrict public rights of way, section 64 of the Act requires authorities to consider a number of issues, including the impact on those living nearby and the availability of alternative routes – and sets out some categories of highway where rights of way cannot be restricted. Councils may also conclude that PSPOs restricting access should only be introduced where the ASB is facilitated by the use of that right of way – otherwise it may be more appropriate to draft an Order focussed on the problem behaviour instead.

Some PSPOs have been introduced to address ASB linked with ingesting new psychoactive substances (NPS). The Psychoactive Substances Act 2016 introduces new legislation regarding the production and supply of NPS, but, unlike controlled drugs, does not criminalise the possession of substances alone.⁵ Effective implementation and enforcement of PSPOs that deal with the consumption of psychoactive or intoxicating substances will require particularly careful consideration. Wording of these Orders should be precise to avoid any unintended consequences, ensuring it is clear what substances are covered or exempted.⁶

Area subject to an Order

The Act and Home Office statutory guidance set out the types of land which can be subject to a PSPO, or where additional considerations or requirements apply (eg when undertaking the consultation process). The activity restricted by an Order must be carried out in a public place, which is defined in the legislation as ‘any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission’.

⁵ Unless in a custodial institution.

⁶ It may be useful to refer to The Psychoactive Substances Act 2016, which includes a list of substances that might be deemed to produce a psychoactive effect when consumed but which are exempt from the scope of the 2016 Act – for instance medicinal products, nicotine or caffeine.

There may be some restrictions on the activities that can be prohibited on certain types of land (registered common land, registered town or village greens and open access land) which should also be considered. For instance, restrictions on access to registered common land may be subject to a separate consents process under The Commons Act 2006.⁷ Further, for Orders that restrict public rights of way, section 65 of the 2014 Act sets out certain categories of highway to which such an Order cannot apply.

For addressing behaviour on privately-owned open spaces, other approaches may be more effective and appropriate. Private landowners are responsible for behaviours which occur upon their land and where landowners can be identified and traced, councils should work with them to address problem behaviour. Where landowners do not engage, councils may utilise other tools and powers available to them, such as Community Protection Notices or Civil Injunctions.

In Oldham, the council has successfully worked with a group of landowners and residents to enable them to find their own solutions to improve security and reduce ASB.

Determining the extent of the geographical area covered by an Order will mean identifying what is proportionate in the circumstances and restricting activities only where necessary – ie only where the legal test is met. It may be difficult to demonstrate that the statutory criteria under section 59 have been met across an entire broad geographical area; evidence about the extent of the anti-social behaviour within a locality should be used to inform appropriate boundaries (see supporting evidence and consultation, below).

⁷ Further information and links to additional guidance: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/364851/Public_and_open_spaces_information_note.pdf

In some cases of course it will not be appropriate to introduce broad-scale restrictions. When drafting an Order placing restrictions on dogs for instance, it should be considered that owners have a duty under the Animal Welfare Act 2006, to provide for their animal's welfare, which includes exercising them. In determining the area covered by restrictions, councils should therefore consider how to accommodate the need for owners to exercise their animals.

The area which the PSPO will cover must be clearly defined. Mapping out areas where certain behaviours **are** permitted may also be helpful; for instance identifying specific park areas where dogs can be let off a lead without breaching the PSPO.

Controlling the presence of dogs

The Home Office guidance encourages councils to publish a list of alternative sites which dog walkers can use to exercise their dogs without restrictions. Councils should also consult dog law and welfare experts, for example, vets or animal welfare officers and organisations affected by restrictions before seeking to a PSPO. It may be useful to consult the Kennel Club on these issues.

The Department for Environment, Food and Rural Affairs has produced guidance in the form of a practitioner's guide on a range of tools available to deal with irresponsible dog ownership, for example, the use of a Community Protection Notice.

Where parish and town councils wish to deal with dog control issues, they are advised to approach the relevant authority, including whether a PSPO would provide the means to address the issues being experiencing by the local community. If the principal authority is satisfied that the legal tests for the use of the power are met and that it is a proportionate response to the level of harm and nuisance being caused it should consider consulting on putting in place a PSPO.

Practical issues, such as effective enforcement and erecting signs in (or near) an area subject to an Order – as required by the legislation – should also be borne in mind when determining how large an area the Order proposals might cover.

Displacing behaviour

Notwithstanding the requirements outlined above, when defining the area restrictions should cover, consideration should be given as to whether prohibitions in one area will displace the problem behaviour elsewhere, or into a neighbouring authority. It is worth noting here that the legislation allows for Orders to address activity that 'is likely to' occur in that public place. Local areas can therefore consider whether there are any legitimate concerns that introducing an Order in one area, and not another, could simply move issues somewhere else – and thus whether it would be appropriate to extend into a larger area or adjacent street. Councils will however need to ensure that a proportionate approach is taken overall, and that there is evidence to support using a broader approach.

Where there are concerns that activity may be displaced into other areas, authorities should contact neighbouring councils to discuss managing any unintended consequences.

Order exemptions

The legislation allows for Orders to apply only in particular circumstances and may include certain exemptions. Restricting behaviours only at certain times of day, or on a seasonal basis, can help to balance the needs of different groups and may be easier to enforce. Orders might only cover times of day when the issue is particularly acute, or when the problem behaviour will have more of an impact on others. Similarly, some types of ASB can be seasonal in their nature, for example relating to school holidays or summer weather. It may be the case that only at certain times will the behaviour be regarded as sufficiently 'detrimental' to satisfy the legislative test.

Exemptions for particular groups may be appropriate. For instance, for PSPOs controlling the use of dogs, it is likely that

assistance dogs should be exempt; this will need to be explicitly stated in the wording of the Order.⁸ Exemptions might also cover particular circumstances where restrictions may or may not apply. Undertaking an effective impact assessment (see assessing potential impact and the Equality Act, below) should help to identify the consequences of a proposed Order on specific groups and therefore whether certain exemptions would be appropriate.

Assessing potential impact and the Equality Act 2010

It is important for councils to consider carefully the potential impact of a PSPO on different sections of their communities. In introducing an Order, councils must take care to ensure that they comply with the requirements of the public sector equality duty under the Equality Act 2010. The Equality Act requires public authorities to have due regard to a number of equality considerations when exercising their functions. Proposals for a PSPO should therefore be reviewed to determine how they might target or impact on certain groups.

Although it is not a specific requirement of the legislation, it is recommended that areas undertake an Equality Impact Assessment (EIA) to assess whether the proposed PSPO will have disparate impact on groups with protected characteristics.⁹ This process will help councils to establish any potential negative impacts and consider how to mitigate against these. This exercise will also help to ensure transparency.

Areas that have undertaken an EIA before introducing a PSPO have reported how useful this was¹⁰, providing an opportunity to give full and separate consideration to the effect that each of the prohibitions or requirements might have on those in particular groups, and

enabling areas to consider how they could minimise any negative consequences – both in terms of the scope of the proposals and in how they might be implemented. Undertaking an EIA before introducing a PSPO can help to inform how best to balance the interests of different parts of the community, and provide evidence as to whether or not the restrictions being proposed are justified – as required by section 59 of the 2014 Act.

Duration of PSPOs

Orders can be introduced for a maximum of three years, and may be extended beyond this for further three-year period(s) where certain criteria are met (see extension, variation and discharge, below). The proposed length should reflect the need for an appropriate and proportionate response to the problem issue. Some areas have introduced shorter Orders to address very specific issues, where it is felt that a longer-term approach is unnecessary.

Supporting evidence and consultation

Local areas will, of course, need to satisfy themselves that the legislative requirements are met before an Order can be introduced, and obtaining clear evidence to support this is important. Collating information about the nature and impact of the ASB subject to the PSPO are core elements of the evidence-gathering and consultation process and will help inform the council's view as to whether the requirements under section 59 of the Act have been fulfilled.

The evidence will need to be weighed up before authorities can determine whether or not it is appropriate and proportionate to introduce a PSPO at all, and if so, whether the draft proposals are suitable. It can be used to help shape the scope of the Order, including any exemptions – such as times of day when a behaviour might be prohibited – and can also help to determine what area the Order should cover and how long it should last. The most robust Orders will be supported by a solid evidence base and rationale that sets out how

⁸ This differs from some Dog Control Orders, which automatically excluded assistance dogs from restrictions.

⁹ The Equality Duty covers: age, disability, gender, gender reassignment, pregnancy and maternity, race, religion or belief and sexual orientation. Marriage and civil partnership are also covered in some circumstances.

¹⁰ See example from Oxford City Council: <http://mycouncil.oxford.gov.uk/ieDecisionDetails.aspx?AllId=10095>

the statutory criteria for each of the proposed restrictions have been met, and demonstrates a direct link between the anti-social behaviour and the PSPO being proposed in response.

The nature of this evidence, and how it should be weighted, is largely down to councils to determine, although obtaining a range of data from different sources as part of this process will be particularly useful in informing decision-making, and may help to avoid challenge further down the line (see further evidence, below, for specific examples). The Act does however require that there is a consultation process before an Order can be made (and held again when an Order is extended, varied or discharged).

Statutory consultation – who to contact?

Before introducing, extending, varying or discharging a PSPO, there are requirements under the Act regarding consultation, publicity and notification (see also publication and communication, below).

Local authorities are obliged to consult with the local chief officer of police; the police and crime commissioner; owners or occupiers of land within the affected area where reasonably practicable, and appropriate community representatives. Any county councils (where the Order is being made by a district), parish or community councils that are in the proposed area covered by the PSPO must be notified.

There are additional requirements under the Act regarding Orders that restrict public rights of way over a highway (see below), but beyond this, and the broad requirements above, local authorities can determine for themselves what an appropriate consultation process might entail. However, this does provide an important opportunity to seek a broad range of views on the issue and can be invaluable in determining ways forward, establishing the final scope of the proposals and ascertaining their impact.

Encouraging open discussion as part of the consultation process can help to identify how best to balance the interests of different groups – both those affected by the anti-social

behaviour and those who will be restricted by the terms of an Order – and a chance to explore whether there may be any unintended consequences from the proposals; in particular, any adverse impacts on vulnerable people.

'Community representatives' are defined broadly in the Act as 'any individual or body appearing to the authority to represent the views of people who live in, work in or visit the restricted area'. This gives councils the freedom to determine who best to contact given local circumstances and the scope of the proposals. Those who will be directly affected by the Order, or groups representing their interests, should be directly approached. Further, several areas have reported that they found it useful to actively seek out stakeholders who might oppose the proposals during their consultation.

In several areas early discussions with stakeholders who might be affected by a PSPO have proven very useful. This engagement, often before a more formal consultation process, not only provides an opportunity to discuss the anti-social behaviour and its impact on others, but also gives the council an in-depth understanding of stakeholders' key concerns, and tests the impact that any restrictions on behaviour might have. This has helped scope the proposals and in some cases identified alternative ways of tackling the problem behaviour.

Identifying appropriate stakeholders to approach will obviously depend on the nature and scope of the PSPO in question. Alongside residents, users of the public space, and those likely to be directly affected by the restrictions, this might include residents' associations, local businesses, commissioned service providers, charities and relevant interest groups.

The Kennel Club (via KC Dog) has been contacted by several councils looking to introduce PSPOs affecting dogs and their owners. Where an Order will restrict access over land, utility service providers should be included within the consultation process.

Consultation approaches

Councils should use a range of means to reach out to potential respondents, some of whom may be unable to feed back in certain ways, eg online. Local demographics and the characteristics of those who may be most affected by the ASB or the Order can also help to identify the best mechanisms for ensuring a comprehensive consultation process (for instance, using social media where young people may be particularly affected). Similarly, different tools may be utilised in various ways to enrich the information gathered – for instance, a survey of park users which is repeated at various times of day to cover a range of people using the public space.

Existing meetings such as ward panels may provide opportunities to discuss the issue and encourage more formal consultation responses. Securing written statements from those particularly affected, such as landowners, can be particularly useful in building the evidence base for supporting the introduction of a PSPO.

In Cheshire West and Chester their PSPO consultation not only asked respondents whether or not they found particular activities problematic, but also whether or not that behaviour should be addressed via a PSPO. By asking open questions that allowed for free comments, it provided an opportunity for respondents to give their views on what they felt should be a proportionate response to each specific issue identified.

An effective consultation should provide an overview of what the local issues are, set out why a PSPO is being proposed, and what its impact would be. Publishing details of the extent of the problem behaviour can assist respondents to understand why a PSPO is being considered and help inform views on whether it would therefore be an appropriate response.

The consultation should also provide sufficient means for respondents to oppose the proposals and may also be used to elicit

views on alternative approaches. Achieving a healthy response rate, with considered responses, will help to support the evidence base for introducing an Order and refuting challenge.

“The open consultation format was actually really useful in identifying new issues. We haven’t lost anything from the process; all these things have gone into action plans to try and sort out.”

Cheshire West and Chester

Examples of consultation methods from local areas include:

- online questionnaires
- postal surveys
- face-to-face interviews
- contact with residents’ associations
- focus groups with stakeholders and interest groups representing those who will be affected
- discussions with service providers working directly with affected groups
- discussions at ward panel meetings
- publicity via local press or social media
- publications in libraries and other public buildings
- on-street surveys
- drop-in sessions in the area subject to the PSPO.

Surveys or questionnaires have been an integral part of councils’ consultation processes for PSPOs and provide a chance to test the extent to which the proposals satisfy the statutory requirements under section 59. The questions might explore:

- what effect the activities in question have on residents, businesses and visitors – and whether this is detrimental

- how safe respondents feel and what impacts on this
- how often problem behaviours are personally encountered by individuals
- when and where problems occur
- whether the behaviour is so unreasonable that it should be banned.

Feedback from some areas suggests that seeking expert advice on drafting questions and undertaking consultations can help ensure that questions are appropriately phrased, clear and objective.

There are no statutory requirements about the length of the consultation process. However it should be ensured that its duration allows sufficient time to meaningfully engage with all those who may be impacted by the Order, taking into account for instance any holiday periods that may affect response rates – this may take several weeks or even months. Some issues may require time to fully explore and understand – councils should not be reluctant to extend the initial consultation period if it is clear that this would be beneficial in the longer-term.

Additional requirements for PSPOs restricting public rights of way

In the case of Orders restricting access over public highways (eg through the installation of gates), the Act sets out specific additional requirements for the consultation process. The council must notify those who may be potentially affected by the Order, let them know how they can see a copy of the PSPO proposals and when they need to submit any responses, and is required to consider any representations made. Councils must also consider the effect of the restrictions on occupiers of premises adjacent to or adjoining the highway, on other people in the locality and, where this is a through route, whether a reasonably convenient alternative is available. These considerations should include, for example, access for emergency services or utility companies.

Achieving support from the local community for these types of Orders is particularly

important for ensuring their success; if gates are regularly left open by residents then it is unlikely that the ASB will be addressed.

In Oldham, a two-stage process is used for consultation for PSPOs that restrict access over public highways.

After local discussions it was found that often directly-affected properties were occupied by transient residents who were less likely to respond to a consultation process. This negatively impacted upon settled residents as non-responses were not counted towards the approval rate for schemes and failure to reach the agreed approval rate resulted in proposals not being progressed any further.

Working with residents and councillors, the policy was amended and now states that if, after two contacts, there is no response from a household directly affected by the proposal, and in the absence of a clear objection, the default position becomes support for the proposed Order, thus achieving a much higher level of support for the proposals. In order to achieve a balance the approval rate required to move to the next step of broader consultation was increased to 90 per cent.

Consultation outcomes

Consultation responses will clearly require some analysis once they are collected. Councils might consider examining the demography of respondents to the consultation. This can help to gauge whether they are, for example, residents or visitors, and can be useful in determining who is likely to be impacted most by either the problem behaviour or restrictions on behaviour. This can be useful in helping to shape the final Order provisions.

“The consultation allowed us to measure the fear of crime – often things are not reported and the statistics don’t show this.”

Cheshire West and Chester Council

Councils may wish to publish the outcomes of their consultation process, and other supporting evidence, in the interests of transparency (subject to data protection requirements).

Further evidence

As noted above the 2014 Act requires local authorities to formally consult with the police and the police and crime commissioner (PCC) – and there should be further engagement with relevant lead officers from the police to help build the evidence base and identify the potential impact of an Order. Early engagement with and support from police partners is likely to be key in introducing an Order. As well as assisting with identifying the problem behaviour and therefore the scope of any responses, this can also help to draw out some of the more practical implications of introducing an Order, such as how it will be enforced – which may shape how the PSPO is drafted.

Alongside eliciting views from the police and PCC, there may be a number of additional sources of information that help to inform decision-making and support (or oppose) the introduction of an Order or specific prohibitions. These might include:

- the community safety partnership's strategic assessment
- police data on crime and anti-social behaviour incidents (including the impact of some problem behaviours, such as excessive drinking)
- hospital data on ingesting new psychoactive substances
- calls to 101
- calls to council services reporting incidents
- residents' logs and photographs of anti-social behaviour
- mapping of problem areas
- data on the effectiveness of previous Gating Orders or Dog Control Orders
- CCTV footage of incidents
- reports from council staff such as park wardens and cleaners.

Collecting data covering a prolonged period may help to satisfy the legislative requirement that the activities subject to the draft Order are persistent. Some areas have collated evidence covering a two year period in order to demonstrate this.

Political accountability, scrutiny and sign-off

Within the confines of the framework outlined above (and subject to legal challenge), councils have the freedom to determine their own procedures for introducing a PSPO, ensuring that the statutory requirements have been met and giving final approval for an Order to go ahead.

Close involvement of councillors and ensuring political buy-in throughout the implementation process are key. This provides political accountability for decisions taken – which is particularly important if the proposals may attract some opposition, and where insufficient member involvement may lead to challenge. Political support is also important to ensure that sufficient resources will be made available to implement and enforce the PSPO throughout its duration. Many areas have agreed that final approval and sign-off of PSPOs should be undertaken at cabinet/ executive or Full Council level.

In ensuring that the requirements under section 59 of the 2014 Act have been satisfied, councillors will have a significant role to play in unpicking what might be regarded as unreasonable and detrimental behaviour in the locality and what would constitute reasonable restrictions or requirements.

Discussions at senior political level by those who understand their local areas best, will help to ensure that the views of all parts of the community are reflected, and find an appropriate balance between the interests of those affected by the ASB and those likely to be affected by the proposed restrictions.

Councillors will also have an important role in examining the processes used in drafting the proposals. This will include analysing the outcomes of the consultation process and other supporting evidence offered to satisfy the statutory criteria, and determining whether, on balance this provides sufficient grounds to proceed (it should be noted here the need to ensure compliance with data protection legislation when sharing this information).

Several areas have used overview and scrutiny committees to examine draft Orders and challenge proposed ways forward. This adds a further element of democratic accountability and helps to ensure that decisions made are sound and transparent. In several cases, involvement from scrutiny committees has helped to focus the scope of Orders proposed.

Committees provide a useful mechanism to test the proposals and their potential impact, and the evidence base for introducing them; front-line councillors can provide different perspectives and may also offer suggestions for alternative approaches.

Suggested questions for overview and scrutiny committees

What evidence is there that the anti-social behaviour is or is likely to be persistent, detrimental and unreasonable?

Why is a PSPO being proposed to address this issue or issues?

Is the proposed restriction proportionate to the specific harm or nuisance that is being caused?

What alternative approaches are available and why is a PSPO appropriate in these circumstances?

Will the proposals alleviate each of the problem behaviours?

Have exemptions been considered?

What might be the unintended consequences for each aspect of the

PSPO?

What will be the impact on different groups? Has an equalities impact assessment been undertaken and what were its findings? What can be done to mitigate against any negative consequences?

How have the consultation outcomes and other evidence collated been taken into account?

How will the PSPO be enforced for each restriction/requirement? Are there sufficient resources to do this effectively?

Enforcement and implementation

Enforcement protocols

As noted earlier, issues regarding some of the more practical aspects of implementation and enforcement of PSPOs should be borne in mind from the beginning of the planning process – and may help shape the scope and wording of the Order itself. Further, effective implementation of a PSPO is likely to be part of a broader strategic approach that includes a number of different initiatives to tackle the problem issues.

Beyond this, local areas will want to develop specific protocols regarding enforcement action, before the Order is implemented. These protocols should incorporate expert input on the issues related to the ASB in question, and, recognising that there may be other options available to address a particular ASB incident, provide guidance on what might be the most appropriate legislative (or other) tool to use in different circumstances. Some areas have developed a process map to provide a step-by-step diagram to agreed enforcement procedures.

Protocols should also cover what should be done in the event of a breach. It is an offence under section 67 of the 2014 Act to breach an Order without a reasonable excuse. In the case of Orders that prohibit alcohol

consumption, where it is reasonably believed that a person has been or intends to consume alcohol, it is an offence under section 63 either to fail to comply with a request not to consume or to surrender alcohol (or what is reasonably believed to be alcohol or a container for alcohol).

Procedures should therefore consider circumstances where there may be a 'reasonable excuse' for breaching the Order, for instance a medical reason for public urination (such circumstances may be covered explicitly as exemptions in the wording of the Order). Protocols also provide a further opportunity to recognise that some of those responsible for the behaviour covered in the Order may themselves be vulnerable and in need of support; they should therefore include referral pathways where there are any safeguarding concerns, and signpost to other services.

In the London Borough of Brent enforcement of the PSPO is shared between the police and the council with joint visits from UK Border Agency and Brent's employment and skills team, who seek to offer routes into legitimate employment for jobseekers.

Who is responsible for enforcement will vary across areas. In some, enforcement will be undertaken by council officers – this may include ASB officers, housing officers, park wardens, etc – and in others this may be undertaken in partnership with police officers and/or police community support officers. Protocols may therefore require agreement regarding patrolling activity and reporting arrangements – some of which will be informed by the specific behaviour in question. Some authorities have also encouraged local people to report incidents of possible breaches, which can help shape enforcement responses going forward, particularly around timetabling patrols.

“Local communities have helped to identify the peak periods for problems in the park – patrol times can then be planned accordingly.”

Coventry City Council

As well as developing protocols, training will help delegated officers to understand how the Order should be enforced in practice. In Cheshire West and Chester, this included training from the ambulance service to reinforce that the safety of individuals was paramount and help officers understand, for instance, the possible dangers of ingesting psychoactive substances.

Some areas have used a 'soft-launch' period as the Order becomes live. This provides an opportunity to test protocols with officers before full implementation. It also gives councils the chance to raise awareness of the new pending prohibitions – and demonstrate that some behaviours have been causing concern. However areas should consider how to manage any risks if implementation is delayed.

Fixed penalty notices

As noted above, it is an offence under section 67 to breach an Order without reasonable excuse, and where Orders prohibit alcohol consumption, it is an offence under section 63 to fail to comply with a request not to consume or to surrender alcohol (or what is reasonably believed to be alcohol/a container for alcohol).

Under the Act, authorised officers have the power to issue fixed penalty notices (FPNs) to anyone they reasonably believe is in breach. Section 68 sets out a framework for issuing FPNs but councils will also have their own broader protocols around issuing fines to which they should also refer – this might cover, for instance, whether or not fines are issued to those aged under 18. Protocols should also cover when it would be appropriate to pursue an individual further where an FPN is issued but remains unpaid after the prescribed period. In addition, there will be a need to plan for practical elements before implementation, such as developing

specific FPN templates for dealing with PSPO breaches.

“There was some concern that a £100 FPN might not be an adequate deterrent and that a broader financial range for FPNs, up to £400, would be preferred. However, the current arrangements do allow for a summons to court to be issued for persistent offenders where multiple FPNs have been issued.”

Royal Borough of Kensington and Chelsea

It will not always be appropriate to issue FPNs. Warnings may often be sufficient, and in many areas this is the initial preferred response. In some, advice sheets are handed out in the majority of cases, informing recipients that their behaviour breaches an Order, giving them the chance to comply or providing an opportunity for them to be moved on. Councils have reported that in most cases this has been sufficient to address the behaviour and there has been no need to take further action.

Publication and communication

Using an effective communication strategy to raise awareness about a PSPO is important throughout the implementation process, and should incorporate contact with partners and stakeholders as well as members of the public. Successful communications can help with informing the appropriate scope of an Order, engaging members of the community and others during the consultation process, and ensuring effective enforcement.

The legislation also sets out a number of requirements. Draft proposals for a PSPO must be published as part of the consultation process. For new or varied Orders the text must be published; for extended or discharged Orders the proposal must be publicised.

Home Office guidance suggests the close or direct involvement of elected members will help to ensure openness and accountability. The guidance suggests this can be achieved, for example, where the decision is put to the Cabinet or full council.

The area covered by the proposals must be well defined; publishing maps of the affected area will help to clarify where behaviours are controlled. There are requirements in the legislation for notifying any parish or community councils in the affected area, and for notifying the county council where the Order is being made by a district council. There are further requirements for formal notifications regarding Orders that restrict access to public highways (see also supporting evidence and consultation, above).

Regulations set out additional requirements regarding the publication of PSPOs¹¹ that have been made, varied or extended, stipulating that these must be:

- published on the local authority's website
- erected on or adjacent to the place the Order relates to, and is sufficient to draw attention, setting out the effect of the Order and whether it has been made, varied or extended.

The same requirements apply where an Order has been discharged, and must also include the date at which it ceases to have effect.

Signs publishing the Order in the affected locality do not necessarily need to set out all the provisions of the Order, but rather state where this information can be found. Multiple signs are likely to be required, particularly where the Order covers a large area.

These requirements should be regarded as a minimum and a range of options should be explored; in practice it is helpful to use a variety of means to help publicise the Order to raise awareness, avoid confusion and give people the opportunity to comply.

¹¹ Statutory Instruments 2014 no. 2591 The Anti-social Behaviour Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders)

Effective communication helps people understand what behaviours are expected in particular areas, and reduces the need to rely on enforcement measures.

In some areas leaflets have been printed detailing the new prohibitions in different languages, for distribution by officers. Similarly the nature of the Order itself may suggest some communication channels may be more effective than others. For instance, an Order covering the ingestion of legal highs at a music festival in Chelmsford was promoted via a social media campaign to reflect the demographics of those most likely to be attending the festival and who are likely to be reached via these means.

Effective communication with residents and partners throughout can also help manage expectations about the impact of introducing an Order. Putting a PSPO in place can be a lengthy process and it is important to maintain communication about when it will come into effect and/or be enforced and if other measures are being utilised in the interim. In addition this can help residents to understand that simply having an Order in place is unlikely to resolve an issue overnight – which may be even more important where there has been media interest in the proposals.

Legal challenge

PSPOs can be challenged under the Act on the grounds that the local authority did not have the power either to make the Order or include particular prohibitions or requirements, or that proper processes had not been followed as prescribed by the legislation. Challenges must be made to the High Court within six weeks of the Order being made, and by an individual who lives in, regularly works in or visits the restricted area. The High Court can uphold, quash or vary the PSPO and may decide to suspend the operation of the PSPO pending the verdict. As with all orders and powers, the making of a PSPO can be challenged by judicial review on public law grounds within three months of the decision or action subject to challenge.

Extension, variation and discharge

A PSPO can be made for a maximum duration of up to three years, after which it may be extended if certain criteria under section 60 of the Act are met. This includes that an extension is necessary to prevent activity recurring, or there has been an increase in frequency or seriousness of the activity. Extensions can be repeated, with each lasting for a maximum of three years. Effective evaluation of Orders will be important when determining whether any extensions or variations would be appropriate.

Councils should consider carefully what length of time would be reasonable and proportionate given the nature of behaviour in question and the impact of the restrictions being posed – byelaws, which are permanent, may be more appropriate if the issue concerned is unlikely to be transient. The impact of the original Order should be evaluated before any extensions are approved – where ASB has been completely eradicated as a result of a PSPO, it is proportionate and appropriate to consider the likelihood of recurrence of problems if the Order is not extended.

Orders can also be varied under the Act, by altering the area to which it applies, or changing the requirements of the Order. The same legislative tests of detrimental impact, proportionality and reasonableness need to be satisfied, as set out earlier in this guidance. Similarly, PSPOs can be discharged before their original end date.

Where PSPOs are varied, extended or discharged, there are statutory requirements regarding publishing or publicising this and councils are required to undertake a further consultation process (see publication and communication, above). Similarly, under section 72 councils are required at all of these stages to have particular regard to articles 10 and 11 of the Human Rights Act 1998 (see limitations, above).

In light of the updated statutory guidance from the Home Office on anti-social behaviour powers, published in December 2017, councils should review their PSPOs

when they are up for renewal and take into account these recent changes to the statutory guidance.

protocols are being used and whether practices are appropriate and consistent.

Existing Designated Public Place Orders, Gating Orders and Dog Control Orders

Any DPPOs, Gating Orders or DCOs are automatically treated as if they were provisions of a PSPO. The transitioned Order will then remain in force up to a maximum of three years (2020) from the point of transition.

There is no requirement in the legislation for councils to undertake a new consultation process where existing DPPOs, Gating Orders or DCOs automatically transition, although local areas may consider reviewing these current Orders ahead of this time to ensure their provisions meet the legal tests for PSPOs. It is recommended that councils publicise any PSPOs that replace existing DPPOs, Gating Orders or DCOs to help raise public awareness.

Local councils have the discretion to consider what changes to signage are needed to notify members of the public. Any extension, variation or discharge of a transitioned PSPO would mean the local councils should carry out the necessary consultation and publication of the proposed Order.

Evaluating impact

As noted above, evaluating the impact of a PSPO will be important when considering extending or varying an Order, however assessing the effects, and effectiveness of the Order, should form part of ongoing performance management. Several areas have introduced procedures to monitor the impact of an Order at regular intervals.

A thorough evaluation will help to determine if the PSPO has addressed each aspect of the problem behaviour, whether discharging or varying the Order would be appropriate – and why – and what any variations might look like. Crucially it will also help measure the impact on people, including identifying any unintended consequences of the provisions. It should consider whether there has been any displacement of the issue to other areas and might also look at how enforcement

Resources

Anti-social Behaviour, Crime and Policing Act 2014: Reform of anti-social behaviour powers – Statutory guidance for frontline professionals

Home Office, December 2017

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/670180/2017-12-13_ASB_Revised_Statutory_Guidance_V2_0.pdf

A councillors' guide to tackling new psychoactive substances

LGA 2016

<http://www.local.gov.uk/councillors-guide-tackling-new-psychoactive-substances>

A guide to community engagement for those contemplating management on common land

Natural England, 2012
www.historicengland.org.uk/images-books/publications/common-purpose/

Dealing with irresponsible dog ownership: Practitioner's manual

Defra, 2014

www.gov.uk/government/uploads/system/uploads/attachment_data/file/373429/dog-ownership-practitioners-manual-201411.pdf

Ending rough sleeping by 2012:

A self-assessment health check

Department for Communities and Local Government, 2009

<http://webarchive.nationalarchives.gov.uk/20120919132719/http://www.communities.gov.uk/documents/housing/pdf/endroughsleeping.pdf>

Reform of anti-social behaviour powers:

Public and open spaces

Home Office information note,

Home Office, 2014

www.gov.uk/government/uploads/system/uploads/attachment_data/file/364851/Public_and_open_spaces_information_note.pdf

Legislation

Anti-social Behaviour, Crime and Policing Act 2014

www.legislation.gov.uk/ukpga/2014/12/part/4/chapter/2

Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014

<http://www.legislation.gov.uk/uksi/2014/2591/contents/made>

Human Rights Act 1998

www.legislation.gov.uk/ukpga/1998/42/contents

Psychoactive Substances Act 2016

www.legislation.gov.uk/ukpga/2016/2/contents

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry, no matter how small, should be recorded to ensure the integrity of the financial statements. This includes not only sales and purchases but also expenses, income, and transfers between accounts.

Next, the document outlines the process of reconciling bank statements with the company's records. This involves comparing the bank's record of transactions with the company's ledger to identify any discrepancies. Common reasons for discrepancies include timing differences, such as deposits in transit or outstanding checks, and errors in recording or omission of transactions.

The document then provides a detailed explanation of the accounting cycle, which consists of eight steps: 1) identifying and recording transactions, 2) journalizing, 3) posting to the ledger, 4) determining debits and credits, 5) preparing a trial balance, 6) adjusting entries, 7) preparing financial statements, and 8) closing the books. Each step is described in detail, including the necessary journal entries and ledger postings.

Finally, the document discusses the importance of internal controls to prevent fraud and errors. It suggests implementing a system of checks and balances, such as separating duties, requiring approvals for transactions, and conducting regular audits. The document concludes by stating that a strong internal control system is essential for the success of any business.



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REF 10.21

IN THE HIGH COURT OF JUSTICE

Claim No. QB-2020-002112

KING'S BENCH DIVISION

B E T W E E N : -

**(1) TEST VALLEY BOROUGH COUNCIL
(2) HAMPSHIRE COUNTY COUNCIL**

Claimant

-and-

**(1) ALBERT BOWERS
(2)-(89) OTHER NAMED DEFENDANTS
(90) PERSONS UNKNOWN FORMING UNAUTHORISED ENCAMPMENTS
WITHIN THE BOROUGH OF TEST VALLEY
(91)-(137) OTHER NAMED DEFENDANTS**

Defendants

EXHIBIT

KD11

**REFERRED TO IN THE FOURTEENTH WITNESS STATEMENT
OF KAREN DUNN**

Equality Impact Assessment

Equality Impact Assessments will be carried out whenever you plan, change or remove a service, strategy, policy, project or function. Equality impact assessments can help to achieve the following:

- increased participation with customers
- more transparency in policy and service development
- a more proactive approach to the promotion of equality
- prioritise expenditure in an efficient and fair way
- make decisions that are justified, evidenced and relevant

Impact assessments should be carried out as soon as a relevant new strategy, policy, function, project, plan or procedure is considered. It should be an integral part of policy development.

The purpose of an EQIA is to assess and record the potential impact of a service, strategy, policy, project or function on residents and staff. It can help us to deliver excellent services by making sure that these reflect the needs of the community. The process involves anticipating the potential positive and negative consequences (impacts) and putting plans in place to make sure that any negative impacts are eliminated or minimised, and that any opportunities for promoting equality are maximised.

What do we mean by 'impact'?

The assessment looks at two possible impacts:

- a) **negative, adverse or unhelpful impact, effect or limitation** – this is where the impact could disadvantage one or more of the protected groups. The impact may be differential, i.e. the negative impact on one particular group is greater than on another. Negative impacts may be unintentional; they may also be unlawful.
- b) **positive or helpful impact or effect** – this is where the impact has a positive effect on one or more of the protected groups, and/or where the impact improves relations between groups or improves equal opportunities. The positive impact may also be differential, i.e. the effect on one particular group is greater than on another. Please bear in mind that we are always allowed to treat disabled people more favourably than other groups.

The 'protected characteristics' are:

Age – a person belonging to a particular age (eg. 18 year olds) or a range of ages (e.g. 18 – 30 year olds).

Disability – a person has a disability if (s)he has a physical or mental impairment which has a substantial and long term adverse affect on that person's ability to carry out normal day-to-day activities.

Gender reassignment – the process of transitioning from one gender to another.

Marriage and civil partnership – marriage is defined as a legally recognised union between two individuals. Same sex couples can also have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated the same as married couples on a wide range of legal matters.

Pregnancy and maternity – pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

Race – refers to a group of people defined by their race, colour and nationality (including citizenship) ethnic or national origins.

Religion or belief – religion has the meaning usually given to it but belief includes religious and philosophical beliefs including a lack of belief (e.g. atheism). Generally, a belief should affect your life choices or the way you live to be included in the definition.

Sex – a man or a woman.

Sexual orientation – whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

Other characteristics important to Test Valley:

Socio-economic – overall the borough is not deprived, but there are areas where there are high levels of deprivation, economic inactivity and low education achievement.

Rural isolation – Test Valley is a rural area and this can affect access to services and some people's ability to take advantage of opportunities available.

Key points to remember:

- Don't do it on your own!
- EQIAs are supposed to be challenging but not over-complicated
- Use common sense and be proportionate
- Look at the strategy, policy, function, project, plan or procedure from the perspective of the person/people affected by it.
- Lack of data is not a reason to halt or not complete the process - find out if research or data already exists, or consult directly with representatives of relevant groups or specialist organisations.
- The process isn't a 'last minute check' - develop plans that include time to make changes to a project, strategy or policy as identified by the EQIA.
- Know your customers, their needs and the barriers they face
- Avoid focusing on one issue or protected groups; look at the demographics of your area and your service users
- Remember to look for the positive as well as the negative
- EQIA should be part of the development process – don't leave it until the Committee report deadline

Equality Impact Assessment

Service:	Legal and Democratic Service
Officer(s) completing the assessment:	Karen Louise Dunn
Date:	22 nd May 2020
Name of service, strategy, policy, project or function being assessed:	Application for Injunction prohibiting unauthorised encampments within certain areas of the Test Valley Borough Council area.

1.	<p>What are the aims, objectives, outcomes, purpose of the service, strategy, policy, project or function that you are assessing?</p> <p>The aim of the application is to seek an injunction order, applying to defined areas within the Test Valley Borough Council boundaries prohibiting:</p> <ol style="list-style-type: none"> 1. the setting up of unauthorised encampments; 2. bringing residential vehicles onto land or from entering for residential purposes; 3. bringing on any caravan or mobile home (other than when passing through) 4. deposit or causing to be deposited controlled waste (Fly-Tipping) other than in accordance with a valid licence or permit. <p>A power of arrest attaching to these provisions is also sought.</p> <p>Intended Defendants are named individuals who have historically set up unauthorised encampments within the Borough along with 'persons unknown'. Given the limited geographic scope of the order sought, it is my view appropriate and proportionate to include 'persons unknown'.</p> <p>The legal basis of this application lies in section 222 of the Local Government Act 1972 and section 187B of the Town and Country</p>
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Planning Act 1990.

In 2018, 2019 and to the end of May 2020 a total of 82 unauthorised encampments occurred within the Test Valley Borough Council area. This year 2020, we have experienced four (included in the 82 above) – however 2020 is a far from a usual year due to the Covid 19 pandemic and restrictions on movement.

The substantial evidence relied on in support of this application goes back to the start of 2018 and sets out details of the unauthorised encampments encountered since that time and the issues resulting from those encampments including anti-social behaviour, significant Fly-Tipping and other criminal activity, nuisance, threats and intimidation and the impact of those issues on local communities, residents and businesses.

Public health risks are also considered – the evidence sets out that human excrement and toilet waste is often a feature of and left behind after unauthorised encampments. The public's ability to enjoy the open spaces and sports facilities on which the encampments often arise is also severely curtailed. The evidence will show that particularly in Andover, green spaces including open spaces on housing developments and sports facilities are often targeted.

The evidence also sets out the cost to this Council, Hampshire County Council and the Police both in terms of clear-up, repair, reinforcement and court costs and officer man-hours spent on dealing with and clearing up after unauthorised encampments. Private landowners who experience unauthorised encampments on their land similarly incur significant costs in taking court proceedings and/or engaging commercial bailiffs to remove encampments from land and making good and reinforcing the land post-vacation in an attempt to deter future incursions.

The Council has seen an increase in the number and complexity of unauthorised encampments since the start of 2018. Increasing officer time is having to be spent over the summer months (when

the encampments most often occur) in dealing with them. Once an encampment arrives, Officers from either the Council's Communities and Leisure or Environmental Service will visit the encampment to speak to those present and establish their intentions.

A Welfare Check will also be carried out at this stage to identify if any of those present (including and in particular any children) has a health, social or welfare or educational needs and if so, to make the appropriate referral. Hampshire County Council's Gypsy Liaison Officers are also notified. Dependant on the outcome of that visit, the campers stated intentions, the location of the encampment and the outcome of the Welfare Check, the decision will be taken whether to serve notice to vacate and thereafter issue Court proceedings. The arrival of an unauthorised encampment can easily fully occupy three or four officers for a number of days, taking already stretched officers away from other vital Council work.

This Council will always seek an order of the Court prior to seeking to remove unauthorised encampments from its land; common law powers are never used.

If proceedings are deemed necessary then the Council will generally use the regime provided for at sections 77 and 78 of the Criminal Justice and Public Order Act 1994. This provides for service of a notice to vacate the land and if the land is not vacated by the time and date given, an application to the Magistrates Court is made and an order under s78 of the Act is sought. This order must then be served and 24 hours elapse before removal of the occupiers. Commercial Bailiffs are engaged when physical eviction becomes necessary at significant cost.

The Council has streamlined this process to be as quick as possible but there are certain statutory time limits which cannot be done away with. Our local courts are very accommodating and will always do their best to get such applications heard at the earliest opportunity but we are nonetheless at the mercy of the

court lists. It can be at the earliest several days and at the worst a number of weeks before encampments can be moved on, during which period residents and local businesses suffer the effects described above.

Generally these unauthorised campers know exactly what processes the Council must go through before they can be evicted and will expressly say that they intend to stay as long as they can, until a court order is obtained or until bailiffs arrive. They know that they have a least a number of days or possibly weeks before the Council can actually physically move them on. Increasingly and especially at the end of 2019 we experienced encampments hopping from one piece of land within Andover to another – once an order was obtained, simply relocating to land outside the scope of the order so the legal process has to begin again, making a mockery of the process.

The police also have powers to direct unlawful encampments to move on under section 61 of the Criminal Justice and Public Order Act 1994. These powers are exercised on occasion however police resources are already stretched and mobilising a s61 direction can be incredibly resource intensive and (understandably) the bar is high for the exercise of those powers. The cost of one section 61 mobilisation in August 2019 carried a man-hour cost of £22,000. Hampshire Constabulary has exercised its s61 powers twice in respect of TVBC land since the start of 2018. Hampshire Police endorse this application and give evidence in support of it.

Fly-tipping is a regular feature of the unauthorised encampments. Often large quantities of tree cuttings are left at sites – often by-products of the occupiers touting for tree work along with human and food waste, commercial and household waste and other detritus.

There is an increasing propensity for unauthorised campers to commit criminal damage to gain entry to the areas they wish to occupy, cutting through locks and removing defences sometimes

		<p>with power tools or using vehicles to break defences.</p> <p>The Council has used all the tools and methods at its disposal to try and limit and mitigate the damage caused by unauthorised encampments including calling on the Police to assist to little avail. As set out above, the campers are generally completely familiar with the system and processes the Council must use to remove them. The only remaining option is to apply to the Court for an injunction prohibiting unauthorised encampments and the anti-social behaviour associated with them.</p>
<p>Who implements or delivers the service, strategy, policy, project or function? State if this is delivered by more than one service or team, including any external partners.</p>		<p>The Injunction Order is applied for by the Legal and Democratic Service. Enforcement will need to be directed by the Legal and Democratic Service. The Application includes a request for a power of arrest to be attached to any order granted. Under section 27 of the Police and Justice Act 2006 the Court may attach a power of arrest in local authority injunction proceedings where the conduct includes the use or threatened use of violence or there is a significant risk of harm. The evidence in support of this application demonstrates both the use and threat of violence and a significant risk of harm to persons within the Borough.</p> <p>Implementation of arrest pursuant to any such power will fall to the police. The Council has consulted with Hampshire Constabulary and Hampshire County Council Gypsy and Traveller Liaison Officer who support this application and have given evidence in support of it.</p>
<p>3. Who will be affected by the service, strategy, policy, project or function?</p>		<ol style="list-style-type: none"> 1. Members of the Gypsy and Traveller community seeking to stop up within the Borough. 2. The Residents of Test Valley Borough Council and in particular those within the area of the injunction application, those within the injunction application area. There is potential for impact on those in the wider area should an order be granted and displace the activities complained of but the staged nature of the application (interim then final

		<p>order) provides an opportunity to seek the inclusion of further areas in the event that the behaviour complained of is displaced.</p> <p>Very little data is available regarding the number of Gypsies and Travellers in the Borough at any one time. The latest Hampshire Ethnic Minority and Traveller Achievement Service figures record less than 6 children from Gypsy/Roma ethnic backgrounds in Test Valley Schools. At the time of the 2011 Census there were 153 people who identified as white Gypsies living in the Borough (taken from the Borough Council's 2020 Equalities Report).</p>
4.	<p>What are the likely positive impacts for the protected groups (see above)?</p> <p>Are any particular groups more affected and why?</p>	<p>None apparent. There would be positive benefits for the community as a whole but no particular effect on those with protected characteristics that do not apply to the community as a whole.</p>
5.	<p>What are the likely negative impacts for the protected groups (see above)?</p> <p>Are any particular groups affected more and why?</p>	<p>Age – None</p> <p>Disability – None</p> <p>Gender reassignment – None</p> <p>Marriage and civil partnership - None</p> <p>Pregnancy and maternity – None</p> <p>Race – See below</p> <p>Religion or belief – None</p> <p>Sex – None</p> <p>Sexual orientation – None</p>

It is acknowledged that certain of the Gypsy and Traveller Community will have protected characteristics in accordance with the Equality Act 2010. It is also acknowledged that this group and its way of life will likely be impacted by any injunction order made.

The Council must also have due regard to the Public Sector Equality Duty in accordance with section 149 of the Equality Act 2010, subsection (1) of which provides that a public authority must, in the exercise of its functions, have due regard to the need to-

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Due consideration has also been given to Articles 8 and 14 of Part 1 of the Human Rights Act 1998. Article 8 of which enshrines the right to respect for private and family life and Article 14 prohibits infringement of Convention rights by discrimination on any grounds including grounds of race, language, religion, national or social origin, birth or other status.

The Council therefore must balance the rights of the Gypsy and Traveller Community with the rights of the settled community.

The injunction sought covers both named and unnamed Defendants. I am aware (from information provided by Hampshire County Council's Gypsy and Traveller Liaison Officer) that certain of the named Defendants are of the Romany Gypsy and Irish Traveller Communities.

The injunction application does not cover the entire Test Valley Borough Council area, only a relatively small portion of it. It

covers an area encompassing the Andover Area only and one car park in Romsey reflecting the areas on which there is evidence of the most significant impacts of unauthorised encampments. Of the 82 encampments experienced throughout the Borough since the start of 2018, 65 have been within Andover's boundaries and it is that area which makes up the primary injunction area.

The geographical scope of the order sought has been carefully considered to only encompass those areas where the majority of the unauthorised encampments have occurred and negative impacts encountered. It is limited only to a *reasonable* area. It is considered that the scope is sufficiently limited and evidence-based so as to justify including 'persons unknown' as Defendants.

This limited geographic scope carries significant weight in both mitigating the effects on the group with protected characteristics and in decision making in balancing the rights of that group.

If the Court sees fit to make an Injunction order the Council will consider adopting a Negotiated Stopping and Temporary Transit Agreement under which Gypsies and Travellers wishing to stop up on a temporary basis on the Council's land may seek lawful permission so to do.

TVBC has reinforced sites and used the all tools at its disposal under sections 77 and 78 of the Criminal Justice and Public Order Act 1994 however this has not curtailed the instances of incursion and associated behaviour. In fact, the unauthorised occupiers simply have become au fait with the process, knowing that depending on the time it takes to serve notice, obtain a hearing date and secure an order, serve the order and thereafter enforce- they will have several days if not a number of weeks before they are forced to leave.

It has become increasingly common that even when evicted, an encampment will simply move to another nearby piece of land outside of the scope of the order and the process must begin again, totally thwarting and undermining the process. Local

communities and businesses are frustrated at the Council's seeming impotence in the face of this behaviour.

The police exercising and/or threatening to exercise their powers under s61 of the same Act have similarly had no effect on the instances of incursion. The system is not working and meanwhile instances of anti-social behaviour, illegal Fly-Tipping, criminal damage and other offences, nuisance and community unease and tension continue.

The Council has gathered significant evidence of criminal and antisocial behaviour relating to unauthorised encampments. This evidence comes from the Council's own officers, members of the public, local businesses, Hampshire County Council Gypsy Liaison Officer and the police in support of this application.

This application for an injunction is an action of last resort. The Council has utilised all other means of attempting to bring this behaviour to a halt to no avail. It is apparent that nothing short of an injunction order will stop the unauthorised encampments and associated nuisances. If granted, an injunction order will prevent the unauthorised encampments.

This Council has incurred and continues to incur significant costs in terms of officer hours, court costs, clear up costs, damage repair and reinforcement. These clear up costs include costs of clearing fly-tipped waste. In the last year the Council has successfully convicted an unlawful occupant of an Environmental Offence related to Fly-Tipping and a separate individual of a waste carrier licence offence.

Due consideration has been given to all of the above factors and risks to Human Rights and to those with protected characters have been identified and mitigated and the decision to proceed is reasonable and proportionate in the circumstances.

7.	<p>What plans do you have in place, or are developing, to mitigate the likely negative impacts, i.e. how will you reduce the impact on the protected groups?</p>	<p>The geographical area of the order applied for has been carefully considered and is as limited as possible whilst still seeking to protect the areas which have most regularly experienced unauthorised encampments.</p> <p>If an interim order is granted, the effects will be monitored and the Equality Impact Assessment considered and revisited prior to the Court's consideration of a final order. The order sought does not prevent those of the Gypsy and Traveller Community from entering the Borough or the proposed injunction area acting lawfully and only seeks to limit unlawful behaviour.</p> <p>There are no transit sites in Hampshire. There is a permanent County Council-owned residential traveller site at Star Hill near Hartley Wintney and three privately owned sites at Penny Hill also near Hartley Wintney, Tynfield near Whiteley and Bury Brickfields near Totton. If the Court sees fit to make an order, the Council will consider adopting a Negotiated Stopping Policy and Temporary Transit Agreement.</p>
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<p>What course of action does this EQIA suggest that you take? (tick one of the following options)</p>	
<p>Outcome 1: No major change required The EQIA has not identified any potential for discrimination or adverse impact and all opportunities to promote equality have been taken.</p>	
<p>Outcome 2: Adjust the policy to remove barriers identified by the EQIA or better promote equality. Are you satisfied that the policy adjustments will remove the barriers identified?</p>	
<p>Outcome 3: Continue the policy despite potential for adverse impact or missed opportunities to promote equality identified. You should ensure that the EQIA clearly sets out the justifications for continuing with the policy. You should consider whether there are sufficient plans to reduce negative impact and/or plans to monitor the actual impact</p>	x
<p>Outcome 4: Stop and rethink the policy when the EQIA shows actual or potential unlawful discrimination</p>	

Head of Service sign off (name): Karen Dunn	<i>Karen Dunn</i>
Date:	17.06.2020
Comments or any action required:	