

THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF Claimant
RICHMOND UPON THAMES

- and -

(1) PERSONS UNKNOWN FORMING AN UNAUTHORISED
ENCAMPMENT AND/OR OCCUPYING FOR RESIDENTIAL PURPOSES
(including temporary occupation) WITH OR WITHOUT VEHICLES ON
ANY OF THE 8 SITES WITHIN THE LONDON BOROUGH OF
RICHMOND UPON THAMES
LISTED ON SCHEDULE 1

- and -

(2) PERSONS UNKNOWN INTENDING ON DEPOSITING WASTE ON Defendants
ANY OF THE 8 SITES WITHIN THE LONDON BOROUGH OF
RICHMOND UPON THAMES LISTED ON SCHEDULE 1 ATTACHED TO
THIS CLAIM

- and -

THE LONDON GYPSIES AND TRAVELLERS Intervener

SUPPLEMENTARY HEARING BUNDLE - 13 OCTOBER 2026

South London Legal Partnership
Merton Civic Centre
London Road
Morden
SM4 5DX
DX 161030 MORDEN 3
Ref: 337/196

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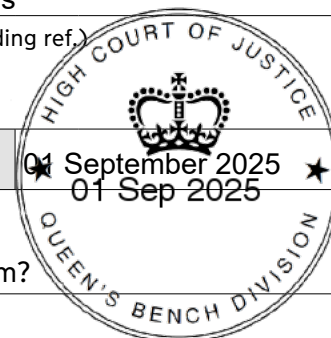
Applications

Application notice

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Name of court High Court of Justice	Claim no. KB-2024-003315
Fee account no. (if applicable)	Help with Fees – Ref. no. (if applicable)
PBA0077352	H W F - -
Warrant no. (if applicable)	
Claimant's name (including ref.) Mayor and Burgesses of the London Borough of Richmond upon Thames	
Defendant's name (including ref.) Persons Unknown	
Date	01 September 2025 01 Sep 2025



1. What is your name or, if you are a legal representative, the name of your firm?

South London Legal Partnership

KB-2024-003315

2. Are you a ☐ Claimant ☐ Defendant ☒ Legal Representative
- ☐ Other (please specify)

Sub Event ID: 31

If you are a legal representative whom do you represent?

Claimant

3. What order are you asking the court to make and why?

1. That the Claimant has permission to rely on the sixth Witness Statement of Yvonne Feehan, third Witness Statement of Joanne Capper and first and second Witness Statements of Matthew Almond.
2. No order as to costs.

4. Have you attached a draft of the order you are applying for? ☒ Yes ☐ No
5. How do you want to have this application dealt with? ☐ at a hearing ☒ without a hearing
☐ at a remote hearing
6. How long do you think the hearing will last? Hours Minutes
Is this time estimate agreed by all parties? ☐ Yes ☐ No
7. Give details of any fixed trial date or period
Hearing on 22 September 2025
8. What level of Judge does your hearing need?
Mr Justice Dexter Dias if available
9. Who should be served with this application?
Defendant/Intervenor
- 9a. Please give the service address, (other than details of the claimant or defendant) of any party named in question 9.
Mr K Coughtrie for the Intervenor
Public Interest Law Centre
keith.coughtrie@pilc.org.uk

10. What information will you be relying on, in support of your application?

- ☐ the attached witness statement
- ☐ the statement of case
- ☒ the evidence set out in the box below

If necessary, please continue on a separate sheet.

The Claimant makes this application further to its application for a final injunction against Persons Unknown forming unauthorised encampments upon and depositing waste upon 8 sites across the London Borough of Richmond, part heard before Mr Justice Dexter Dias (the "Judge") on 13 February 2025 (the "Hearing"), and due to be resumed before him on 22 September 2025.

During the Hearing, the Judge set out that he wanted further evidence from the Claimant in terms of what its assessment of need was in relation to those likely to be impacted by the granting of the injunction, as well as evidence as to the Claimant's stance on enforcing Public Space Protection Orders ("PSPOs") across the 8 sites. To allow the Claimant time to gather further evidence, and to allow the Intervenor, the London Gypsies and Travellers, to obtain evidence of their own, the Hearing was adjourned and the Judge granted an Order dated and sealed 14 February 2025 (the "Continuation Order"), on terms that the Interim Injunction Order of Mr Justice Freedman dated 22 November 2024, which prohibited the forming of unauthorised encampments and the depositing of waste on the 8 sites as sought (the "Interim Injunction Order") be continued. The Interim Injunction Order also set out directions as for additional evidence at paragraph 10 to be served 21 days before the Hearing. The additional evidence on which the Claimant seeks to rely on supplements the evidence provided for in those directions.

Yvonne Feehan is the Claimant's Parks Services Manager (currently on maternity leave) responsible for delivering an effective front-line service for the Claimant's green spaces, which includes the 8 sites for which protection is sought by way of the injunction, and for dealing with the unauthorised encampments which the injunction seeks to prevent. She has provided extensive evidence in support of the Claimant's application for an injunction to date, in the form of 5 witness statements.

Joanne Capper is the Claimant's Principal Policy and Information Planner. Ms Capper is part of a team of Council Officers responsible for planning policy, and has already provided 2 witness statements in support of the Claimant's application for an injunction.

The Claimant considers that Ms Feehan is best placed to provide evidence to the Court in relation to PSPOs and how the Claimant reached the decision to seek its injunction in light of the research and assessments carried out by Ms Capper's team. The Claimant considers that Ms Capper is best placed to provide evidence as to how the relevant research was carried out, and how that fed into the Claimant's assessment of needs. Accordingly, the Claimant respectfully submits that the provision of the witness statements the Claimant seeks to rely on is the only way to provide the further evidence requested by the Judge.

Following the grant of the Continuation Order, 3 unauthorised encampments have been set up in breach of the Interim Injunction Order. Matthew Almond is the Claimant's Interim Parks Services Manager, covering the role whilst Ms Feehan is on maternity leave. He is now responsible for dealing with unauthorised encampments, and his evidence relates to such unauthorised encampments which have occurred since the grant of the Continuation Order, as recently as 14 August 2025. Paragraph 10(c) of the Interim Injunction Order provided for evidence of any unlawful encampments following the making of the Order to be placed before the Court in accordance with that direction. The Claimant is of the opinion that Mr Almond is best placed to provide evidence in this regard.

The sixth Witness Statement of Yvonne Feehan, third Witness Statement of Joanne Capper and first Witness Statement of Matthew Almond were served and CE-filed on 22 August 2025.

Therefore, the Claimant requests that the Honourable Court grants its application to adduce and rely on the additional witness evidence, as set out in the attached draft Order.

11. Do you believe you, or a witness who will give evidence on your behalf, are vulnerable in any way which the court needs to consider?

☐ Yes. Please explain in what way you or the witness are vulnerable and what steps, support or adjustments you wish the court and the judge to consider.

☒ No

Statement of Truth

I understand that proceedings for contempt of court may be brought against a person who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

- ☒ **I believe** that the facts stated in section 10 (and any continuation sheets) are true.
- ☐ **The applicant believes** that the facts stated in section 10 (and any continuation sheets) are true. **I am authorised** by the applicant to sign this statement.

Signature



- ☐ Applicant
- ☐ Litigation friend (where applicant is a child or a Protected Party)
- ☒ Applicant's legal representative (as defined by CPR 2.3(1))

Date

Day

0 1

Month

0 9

Year

2 0 2 5

Full name

Byron David James Britton

Name of applicant's legal representative's firm

South London Legal Partnership

If signing on behalf of firm or company give position or office held

Head of Law

Applicant's address to which documents should be sent.

Building and street

Merton Civic Centre

Second line of address

London Road

Town or city

Morden

County (optional)

Postcode

S	M	4		5	D	X
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If applicable

Phone number

020 8545 4468

Fax phone number

DX number

DX 161030 Morden 3

Your Ref.

337/196

Email

byron.britton@merton.gov.uk ; samuel.hick@merton.gov.uk

Claimant's Witness Statements

Witness: Joanne Capper
For: Claimant
Date: 12/02/ 2025
No.: 2
Exhibits:

**IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION**

Claim No. KB-2024- 003315

**IN THE MATTER OF SECTION 222 OF THE LOCAL GOVERNMENT ACT 1972
AND SECTION 187B OF THE TOWN AND COUNTRY PLANNING ACT 1990**

B E T W E E N:-

**THE MAYOR AND BURGESSES OF THE LONDON BOROUGH
RICHMOND UPON THAMES**

Claimant

-and-

- (1) PERSONS UNKNOWN FORMING AN UNAUTHORISED ENCAMPMENT AND / OCCUPYING FOR RESIDENTIAL PURPOSES (including temporary accommodation) WITH OR WITHOUT VEHICLES AT ANY OF THE 8 SITES WITHIN THE LONDON BOROUGH OF RICHMOND UPON THAMES LISTED ON THE SCHEDULE ATTACHED TO THIS CLAIM**
- (2) PERSONS UNKNOWN DEPOSITING WASTE ON ANY OF THE 8 SITES WITHIN THE LONDON BOROUGH OF RICHMOND UPON THAMES LISTED ON THE SCHEDULE ATTACHED TO THIS CLAIM**

Defendants

LONDON GYPSIES AND TRAVELLERS

Proposed intervener

**SECOND WITNESS STATEMENT OF JOANNE
CAPPER**

I, Joanne Capper, Principal Policy and Information Planner, for the London Borough of Richmond upon Thames, of Civic Centre, 44 York Street, Twickenham, London TW1 3BZ WILL SAY AS FOLLOWS:

1. This is the second statement I make on behalf of the Claimant, and I do so in response to the Witness Statement of Deborah Jane Kennett, dated 07 February 2025, the Proposed Intervener's CEO, and Proposed Intervener's written submissions dated 06 February 2025 ("the Written Submissions").
2. I am in the full time service of the Claimant local planning authority ("the Council") as Principal Policy and Information Planner in its Place Directorate. I am part of a team of officers that deals with planning policy including updating of the Council's Local Plan made pursuant to the Planning and Compulsory Purchase Act 2004.
3. Within my role in planning policy, there is regular liaison with other officers in the Council, in particular with Yvonne Feehan and colleagues in relation to parks. This includes regular discussions about the evidence base and approaches to managing the needs of Gypsies and Travellers.
4. In my first Witness Statement, dated 21 November 2024, I set out the purpose of the Council's Local Plan, the wider policy background against which the Council works when preparing its Local Plan, the research and work the Council has undertaken in preparing its new Local Plan and the extent to which the Council has engaged with the Planning Inspectorate, who is in the process of examining the new Local Plan prior to publication.
5. The Council's research on Gypsies and Travellers has been undertaken in a consistent way over an extended period of time, with surveys undertaken in 2013, 2015 and 2022, and research reports published in 2016 and 2023. The 2023 report forms part of Exhibit JC1 to my first Witness Statement (see pages 2-28).

6. I do not believe that Richmond Housing Partnership (“RHP”) carrying out assessments and research regarding the Hampton Travellers Site represents a conflict of interest. RHP conduct such work because they manage the site, have excellent current and historic officer knowledge of the site and maintain positive relations with those living there. They also manage the waiting list for pitches on the site and provide support and services to extended members of families of those on site that live in bricks and mortar. They have access to historic data accumulated over their years of managing the site, and therefore their findings are not based on broad assumptions.
7. I have not been made aware of any previous criticism of the Council’s research methodology or the outcomes it reached during my 15 years at the Council. On the contrary, as set out below, it appears to have been endorsed by the Planning Inspectorate.
8. The preparation of any Local Plan includes at least three rounds of public consultation on a draft Plan that is informed by a published evidence base of documents. Once the draft Plan is completed, it undergoes an examination in public by the Planning Inspectorate to ensure that is legally compliant. This process has been followed for the adopted Local Plan, and the emerging new Local Plan.
9. I reiterate the findings of the Planning Inspectorate in respect of the Council’s position in relation to the provision of additional pitches in the adopted Local Plan published in 2018, as set out in paragraph 9 of my first Witness Statement. However, for ease of reference, the Inspectorate’s findings are repeated below:

“44. With regard to gypsies, travellers and travelling showpeople and as illustrated by its Research on Gypsies and Travellers (SD27), the Council has sought to engage with neighbouring authorities in addition to relevant representative bodies, including the Richmond Housing Partnership (RHP), in assessing the level of need within the Borough. The Council concludes that there is no demonstrated need for any additional pitches within the Borough nor are there any signals that

there is an unmet need for gypsy or traveller accommodation into the future. The RHP manages the single existing Borough site which is deemed to be adequate. The Council's research has found no needs arising for travelling showpeople within the Borough. On the basis of the available evidence which appears proportionate to the issue at hand, I have no reason to reach a different conclusion."

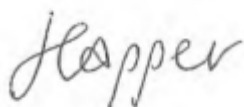
10. In respect of the Council's new Local Plan, the current position is set out in paragraphs 22 and 23 of the fourth Witness Statement of Yvonne Feehan, dated 29 January 2025. In summary, the new Local Plan is currently undergoing the Planning Inspectorate's public examination process. The Planning Inspectorate has recommended a number of Main Modifications to the new Local Plan, that are now subject to consultation until 17 March 2025. The Schedule of Proposed Main Modifications is available at www.richmond.gov.uk/draft_local_plan_examination#proposed_main_modifications_consultation. However, I can confirm that none of the Main Modifications relate to Policy 12 – Housing Needs of Different Groups, which contains the Council's proposals as to additional pitches.
11. Therefore, as set out in paragraph 23 of the fourth Witness Statement of Yvonne Feehan, the Council expects the new Local Plan will reflect the Council's 2023 research findings (see paragraph 8 of my first Witness Statement) that all current Traveller accommodation needs can be met by the existing site in Hampton, and no further sites or pitches will be provided.
12. In relation to the 2019 joint London Gypsies & Travellers and De Montford University report exhibited to the Witness Statement of Deborah Jane Kennett, this report would have formed part of the background to ongoing discussions held between mine and Yvonne's teams when formulating the Local Plan.
13. As set out in paragraph 16 of my first Witness Statement, the Council stands ready and willing to keep its position on negotiated stopping under review, and upon publication of the Mayor of London's Gypsy and Traveller Accommodation Needs Assessment and associated research, which as per

paragraph 21 of the fourth Witness Statement of Yvonne Feehan is planned for release in the coming Spring, the Council will consider its position at a strategic level.

14. Finally, in relation to the need for 5 permanent pitches as set out in paragraph 45 of the Written Submissions, the 2023 report analysed the proposed need (see paragraph 4.13 on page 23 of Exhibit JC1) and reached its conclusions in section 5 (see page 26 of Exhibit JC1). The conclusion reached was that there was in fact no demonstrated need for additional pitches, or any signals indicating unmet needs arising in the Borough, and therefore no additional pitches were recommended. This research then fed into the Council's position on the matter in its new Local Plan as stated in paragraph 11 above, which as set out in paragraph 10 above, has not given rise to the Planning Inspectorate recommending any modifications to the position.

STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.



.....
Joanne Capper

Dated this 12th day of February 2025

Wit: Y Feehan
For: Claimant
Date: 01/05/2025
No.: 6
Exhibits:

IN THE HIGH COURT OF JUSTICE
KING’S BENCH DIVISION

Claim No. KB-2024- 003315

IN THE MATTER OF SECTION 222 OF THE LOCAL GOVERNMENT ACT 1972
AND SECTION 187B OF THE TOWN AND COUNTRY PLANNING ACT 1990

B E T W E E N:-

THE MAYOR AND BURGESSES OF THE LONDON BOROUGH
RICHMOND UPON THAMES

Claimant

-and-

- (1) PERSONS UNKNOWN FORMING AN UNAUTHORISED ENCAMPMENT AND / OCCUPYING FOR RESIDENTIAL PURPOSES (including temporary accommodation) WITH OR WITHOUT VEHICLES AT ANY OF THE 8 SITES WITHIN THE LONDON BOROUGH OF RICHMOND UPON THAMES LISTED ON THE SCHEDULE ATTACHED TO THIS CLAIM
- (2) PERSONS UNKNOWN DEPOSITING WASTE ON ANY OF THE 8 SITES WITHIN THE LONDON BOROUGH OF RICHMOND UPON THAMES LISTED ON THE SCHEDULE ATTACHED TO THIS CLAIM

Defendants

LONDON GPYSIES AND TRAVELLERS

Intervener

SIXTH WITNESS STATEMENT OF YVONNE
FEEHAN

I, YVONNE FEEHAN, Parks Service Manager for the London Borough of Richmond upon Thames, of Civic Centre, 44 York Street, Twickenham, London TW1 3BZ WILL SAY AS FOLLOWS:

1. I make this Statement on behalf of the Claimant, further to the hearing before Mr Justice Dexter Dias on 14 February 2025 (the “Hearing”).
2. I understand that during the Hearing, Mr Justice Dexter Dias indicated that he wanted further evidence as to the Council’s use and enforcement of Public Spaces Protective Orders (“PSPO”) in dealing with unauthorised encampments, and to what extent those forming unauthorised encampments are advised of the existence of PSPOs. I also wish to provide further information in relation to the Council’s assessment of need in relation to accommodation provision for the Gypsy and Traveller community.

PSPO in place on the 8 Sites

3. Within my third Witness Statement, at Exhibit YF10, I exhibited a copy of the PSPO that prevents people from, amongst other things, camping on or bringing motor vehicles, trailers or caravans onto areas covered by the PSPO. The Schedule to that PSPO identifies the areas to which the relevant Articles of the PSPO apply. As per that Schedule, Article 11 (camping) applies to “*All open public owned, adopted or managed by the London Borough of Richmond upon Thames Council including roads, footpaths, pavements, alleyways and towpaths, all grass verges, and parks and open spaces including wooded areas.*” Article 20 (Motor vehicles etc.) applies to “*All land within the Council’s administrative area which is open to the air and to which the public are entitled or permitted to have access (with or without payment) including roads in the restricted area, footpaths, pavements, grass verges, alleyways and tow paths, allotments, and parks and open spaces, including wooded areas.*”. Accordingly, there is a PSPO in place preventing camping on, and the bringing of vehicles, trailers and caravans onto, the 8 Sites.

What Those in Unauthorised Encampments are Advised of

4. In my third Witness Statement, I stated that *“Travellers are advised of [PSPOs] in accordance with the Council’s usual procedure.”*. What I meant by this is that a Council Officer or member of Park Guard will attempt to engage with those in an unauthorised encampment, often via a self-nominated spokesperson for camp, to advise them that a PSPO is in place and to try and ensure compliance.
5. Within Exhibit YF23, attached to my fourth Witness Statement, is the Council’s Draft Guidance procedure for, amongst other things, dealing with unauthorised encampments. It has come to my attention that the procedure of alerting those in unauthorised encampments to the existence of the PSPO is mistakenly absent from the draft unauthorised encampment procedure, located in section 4 of the Draft Guidance. However, the procedure that is followed, as outlined in paragraph 4 above, is essentially set out in section 3 of the Draft Guidance, which deals with both unauthorised encampments and homelessness. The Draft Guidance [see page 3 of YF23] states that *“During the engagement process, the Council’s Officers and/or Agencies [Park Guard] will visit the persons identified as rough sleeping daily ensuring that they...remain fully compliant with the Council’s Byelaws and Public Spaces Protection Orders.”*
6. For completeness, I have instructed my team to correct the Draft Guidance, to ensure that the procedure for alerting those present in unauthorised encampments to the PSPO, is included. The draft wording currently in place, pending approval is:

“During the engagement process, the Council’s Officers and/or Agencies will visit the persons identified associated with the unauthorised encampment daily, ensuring that they remain fully compliant with the Council’s Byelaws and Public Space Protection Orders. Any failure to comply with the Council’s Byelaws and Public Space Protection Orders will result in appropriate enforcement action and subsequent eviction from land belonging to the Council.”
7. I confirm that regardless, the above is the procedure that is followed in any event.

Decision not to Enforce PSPO/Issue Fixed Penalty Notices (“FPN”)

8. Although it is the Council's policy that those present in an unauthorised encampment are made aware of the PSPO in place, and efforts should be made to ensure compliance, in reality, the decision whether to take enforcement action or not rests with those attending to the unauthorised encampment, usually Park Guard. Unfortunately, the Council's experience is that despite being made aware of the PSPOs, the reality is that those present in the unauthorised encampments rarely take any notice of them, do not fear the consequences of breaching them and that generally speaking, they are of no assistance in dealing with unauthorised encampments. As such, those dealing with the unauthorised encampment, rarely, if ever, exercise their discretion to issue FPNs.
9. If a Council Officer or a member of Park Guard decides to issue an FPN for a breach of the PSPO, the Council Officer or member of Park Guard would need to ask the individual breaching the PSPO for their name and address, and to see a form of identification to certify the details provided. If details are provided and are certified as accurate, an FPN can be issued and instructions of how to make payment are provided.
10. However, although it is a criminal offence to do so, if an individual fails to provide their details or provides false details, the Council cannot realistically then seek to prosecute the individual should they fail to pay the financial penalty within the requisite period of time, as they cannot later be traced or contacted. In reality, the Council would also not expect the police to arrest those who refuse to provide their details for an FPN, or provide false details, either. Even if the police are able to attend an unauthorised encampment, the Council's experience is that they are extremely reluctant to carry out arrests unless absolutely necessary, in an attempt to keep tensions to a minimum. In any event, if a person is of no fixed abode, such as many of those that set up and reside in unauthorised encampments, their inherent lack of permanent address also renders the Council unable to prosecute for a failure to pay a FPN, as again, they cannot later be traced or contacted.
11. Further, Park Guard, who are typically tasked with attending an unauthorised encampment upon the Council becoming aware of them, usually consist of a crew of just 2 people. As shown in Exhibit YF4 attached to my first Witness Statement, the vast majority of unauthorised encampments that have been set up on the 8 Sites have contained over 10 vehicles, with many encampments comprising of significantly more.

With each vehicle usually having multiple occupants, it would be simply impractical for a Park Guard crew to even attempt to issue FPNs to all those on site.

12. It should be said that the Council does not wish to punish those forming unauthorised encampments by seeking to fine them, it simply wants to protect the 8 sites identified for the reasons set out elsewhere in my previous Witness Statement. However, in any event, the Council also does not believe that the small financial penalty incurred by FPNs, currently £80, but £50 is paid within 10 calendar days, acts as a deterrent to those setting up unauthorised encampments, who likely know full well that they would not ultimately be pursued by the Council.
13. Finally, upon an encampment being established on one of the 8 Sites, even if the Council was able to successfully issue FPNs in relation to breaches of the PSPO and went on to recover the associated financial penalties, the Council would still need to pursue a further method of enforcement to recover possession of its land and remove the unauthorised encampment.

Assessment of Needs

14. As discussed in my first Witness Statement, at paragraphs 24-26, in 2019 and 2020, the Council had in place an interim injunction to prevent the unlawful occupation and depositing of waste on 131 green spaces across the Borough. This injunction was discharged following the Judgment of His Lordship Mr Justice Nicklin in London Borough of Barking -v- Persons Unknown [2021] EWHC 1201 (QB). Despite being one of a number of local authorities to successfully appeal this decision, the Council opted not to seek a further injunction but instead chose to keep the matter under review internally.
15. However, following the number and size of the encampments in the subsequent years, the associated cost to the Council of dealing with them, and the Council's assessment that the current means of dealing with the encampments were ineffective, it became clear that the Council needed to consider an alternative.
16. Far from my department making a unilateral decision, I discussed the matter with a range of different Council departments, the Council's senior management and other relevant groups, such as the police and social services.

17. I also liaised the Council's Planning and Policy Teams, who informed me that as per the Council's current and emerging Local Plans, the policy position was that there was no assessed need for the provision of further pitches or sites for Gypsies and Travellers.
18. Following these discussions, it was decided that the Council would seek the limited injunction now sought in these proceedings. In this regard, the Council's assessment of need regarding accommodation provision for the Gypsy and Traveller Community was the Council's Local Plan, and the research that underpinned it. My colleague, Joanne Capper, provides further detail in relation to the Local Plan and the associated research in her Witness Statements provided during these proceedings.
19. However, even if the Council's policy position was to provide further pitches or sites, it appears to me most unlikely that any additional provision would have been able to accommodate the size of unauthorised encampments that the Council has experienced in recent years.

STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

YVONNE FEEHAN



Dated this 1st day of May 2025

Witness: J Capper
For: Claimant
Date: 06/08/2025
No.: 3
Exhibits: JC2-5

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION

Claim No. KB-2024- 003315

IN THE MATTER OF SECTION 222 OF THE LOCAL GOVERNMENT ACT 1972
AND SECTION 187B OF THE TOWN AND COUNTRY PLANNING ACT 1990

B E T W E E N:-

THE MAYOR AND BURGESSES OF THE LONDON BOROUGH
RICHMOND UPON THAMES

Claimant

-and-

- (1) PERSONS UNKNOWN FORMING AN UNAUTHORISED ENCAMPMENT AND / OCCUPYING FOR RESIDENTIAL PURPOSES (including temporary accommodation) WITH OR WITHOUT VEHICLES AT ANY OF THE 8 SITES WITHIN THE LONDON BOROUGH OF RICHMOND UPON THAMES LISTED ON THE SCHEDULE ATTACHED TO THIS CLAIM
- (2) PERSONS UNKNOWN DEPOSITING WASTE ON ANY OF THE 8 SITES WITHIN THE LONDON BOROUGH OF RICHMOND UPON THAMES LISTED ON THE SCHEDULE ATTACHED TO THIS CLAIM

Defendants

LONDON GYPSIES AND TRAVELLERS

intervener

THIRD WITNESS STATEMENT OF JOANNE
CAPPER

I, Joanne Capper, Principal Policy and Information Planner, for the London Borough of Richmond upon Thames, of Civic Centre, 44 York Street, Twickenham, London TW1 3BZ WILL SAY AS FOLLOWS:

1. This is the third statement I make on behalf of the Claimant. I make this Statement further to the hearing before Mr Justice Dexter Dias on 14 February 2025 (the “Hearing”). There is now produced to me a bundle of true copy documents marked Exhibits JC2-5 to which I will refer.
2. I understand that during the Hearing, Mr Justice Dexter Dias stated that he wanted further evidence from the Council regarding its assessment of need in relation to additional Traveller pitches/sites.

The Council’s Research – 2018 Local Plan

3. It may assist the Court to set out how the Council has conducted research into the accommodation needs of Gypsies and Travellers and how that has fed into the Council’s subsequent policy decisions.
4. The Council first started undertaking our own dedicated research into the accommodation needs of Gypsies and Travellers in 2013, so as to inform the Council’s planning policy towards site allocations and housing strategy work.
5. It was decided that Richmond Housing Partnership (“RHP”) would collect data for the Council, by way of undertaking questionnaires with the families living on the Hampton site, an existing site for Gypsies and Travellers in the borough (the “Hampton Site”), as well as interviewing any families that could be identified as living in bricks and mortar. This exercise was undertaken in 2013 and 2015.
6. RHP provide the majority of the Council’s housing stock, managing 6,300 social rent homes, a further 1,800 leasehold homes and the Hampton Site. Through managing the existing site and providing day to day support services, they are

aware of the existing residents on the Hampton Site and the wider traveller community within the borough. Therefore, the Council considered them best placed in the circumstances to carry out the data collection.

7. At the time of the first round of data collection in 2013, there had been no documented unauthorised encampments within the borough for a number of years, nor any planning applications for private sites.
8. This research fed into the Council's Research on Gypsies and Travellers in the London Borough of Richmond upon Thames, published in June 2016 (the "2016 Research") and formed part of the evidence base for the Council's current Local Plan, as adopted in 2018 (the "2018 Local Plan").
9. As set out in my previous statements, the Council's Local Plans go through various methods of consultation and scrutiny prior to their adoption. I discuss the full scrutinisation process further below, however part of that process entails the emerging Local Plan being submitted to the Planning Inspectorate, who examines the plan in public. Following the examination, the Council is provided with a list of Main Issues and Questions regarding the plan, which the Council then responds to.
10. In relation to the 2018 Local Plan, as part of the Main Issues and Questions, the Planning Inspectorate asked:

'8. What evidence justifies the approach of the Plan towards gypsies and travellers and travelling showpeople and is this sufficiently up to date and consistent with national policy?

- Has the duty to cooperate been employed adequately (and sufficiently widely) to address the issue of gypsy and traveller accommodation effectively? What engagement with relevant communities has been undertaken outside of the Borough?*
- How have alternatives been considered and discounted?*
- Is the needs assessment adequate for the entire plan period and how does it relate to Section 124 of the Housing and Planning Act 2016*

(caravans and houseboats)? How will the issue of needs assessment and site supply be addressed into the future?’

11. The Council in turn responded to these questions, and its full response is exhibited at Exhibit JC2. However, in summary, the Council responded as below:
- a. That its evidence was the 2016 Research.
 - b. That it felt that it had fulfilled its duty to cooperate, and the London Gypsies and Traveller Unit, the National Federation of Gypsy Liaison Groups and the Friends, Families and Travellers as service representative groups were consulted during the drafting stages of the 2018 Local Plan, and that no comments were received from gypsies, travellers or the aforementioned representative groups.
 - c. As the research found no demonstrated need for any additional pitches within the borough, there was no need to consider alternatives, as the 2018 Local Plan proposed to continue to protect the Hampton Site.
 - d. That the Council’s research recommended surveys of the existing Hampton site should be repeated to allow for continued monitoring of need over the lifetime of the 2018 Plan (through regular monitoring over the 15 year plan period until 2033), that the number of Gypsy and Traveller pitches would be kept under review, and that meetings between RHP, Council Officers and Councillors would allow for discussion of issues relating to the Hampton site.
12. In 2013 and 2015, when residents on the Hampton Site were surveyed as part of the 2016 Research, RHP requested contacts details from the residents, for any individuals or families they knew to be living in bricks and mortar, who may have wished to have been interviewed as part of the Council’s research that fed in the 2018 Local Plan. However, no additional such individuals or families were identified.
13. As set out in paragraph 9 of my second Witness Statement, the Planning Inspectorate’s ultimate findings on this issue were that the Council’s research was proportionate, its conclusion that there were no signals of an unmet

accommodation need was justified and therefore the decision not to increase the number of sites or pitches was sound.

The Council's Research – Emerging Local Plan

14. Since the adoption of the 2018 Local Plan, the Council has ensured that its evidence base has been kept up to date as required by the National Planning Policy Framework (“NPPF”) to ensure this is adequate and proportionate, focused tightly on supporting and justifying the policies and taking into account relevant market signals (NPPF 2024, paragraph 32) given there is no specific methodological guidance set out by Government for how to carry out Gypsy and Traveller accommodation needs assessments. This ensures that decisions reached on the basis of the 2018 Local Plan remain sound and has also helped to feed into the emerging Local Plan, which as discussed in my previous statements, is currently with the Planning Inspectorate for public examination (the “Emerging Local Plan”).
15. As part of its 2023 research to inform the Emerging Local Plan on the accommodation needs and Gypsies and Travellers and to conduct an assessment of those needs (the “2023 Research”), referred to in and exhibited to my previous Witness Statements, the Council once again engaged RHP to carry out surveys on the Hampton Site in 2022 (the “2022 Survey”). This survey was carried out by a Tenant Support Officer from RHP, who informed the Council that they visit the site regularly and also support a few members of the Gypsy and Traveller Community that live in RHP’s bricks and mortar properties. Therefore, RHP are aware of family connections with the Community, and were able to verify the survey data collected.
16. As with previous surveys carried out on the Hampton site, RHP requested contact details for anyone known to the site residents that were living in bricks and mortar, that may have wished to have been interviewed by the Council as part its research. However, again, no such individuals were identified (see page 23 of Exhibit JC1, attached to my first Witness Statement).

17. Although the Council is aware of research published by the Intervener and other Gypsy and Traveller representation groups, and other wider published information, all of which would have formed part of the wider internal discussions whilst the Council formed the Emerging Local Plan, the main source of evidence for the 2023 Research, was data collected on the ground in the borough, i.e the 2022 Survey data, census data and data relating to unauthorised encampments in the borough. This allowed the Council to fully understand the position as it was on the ground in the borough, and to compare it to the position in other boroughs too.
18. In the 2023 Research, the Council noted that the borough saw an average of 3.3 unauthorised encampments of varying sizes and stay-lengths per year (see paragraph 3.2 on page 11 of Exhibit JC1). Although there had been a small increase since 2015, the Council considered this to be a low figure when benchmarked with other local authorities, where data was available. By way of comparison, in the years around 2018-2020, districts in East Surrey (Tandridge, Reigate & Banstead, Epsom & Ewell and Mole Valley), were seeing on average 1 unauthorised encampment per week with an average duration of stay of 6.4 days (see paragraph 3.7 on page 11 of Exhibit JC1). When compared to the London Borough of Bromley, the Council saw approximately six times fewer encampments in comparative years. With neighbouring boroughs, the matter of Gypsies and Travellers can be considered a strategic issue, but discussions have not identified any patterns of movement within/across boroughs that raise cross-boundary issues.
19. The Council also consulted the 2021 census, which revealed that 85 residents within the borough identified as White Gypsy or Irish Traveller, down from 95 in 2011, representing just over 1% of the total count for London (7,470) and the second lowest figure for Outer London boroughs.

Scrutiny of the Emerging Local Plan

20. As with the 2018 Local Plan, the Emerging Local Plan goes through an extensive review and consultation process, prior to be adopted as the Council's Local Plan. The current process followed for this Plan entails 7 stages.
21. Stage 1 is referred to as the Direction of Travel stage, whereby the Council begins to engage with residents, stakeholders and businesses on the scope and vision for the new Local Plan.
22. Stage 2 is referred to as the Informal Engagement stage, during which the Council reflects on the feedback provided during the Direction of Travel stage.
23. A Draft Local Plan is produced at stage 3, incorporating the feedback. The Draft Plan is published alongside the Council's emerging evidence base, and a public consultation is held on these documents to invite further feedback from various stakeholders and interested parties.
24. During stage 4, a revised Draft Local Plan is created and published using the feedback gathered during stage 3, along with all of the updated evidence base (which included the 2023 Research). Another public consultation is held to seek further feedback from stakeholders and interested parties.
25. The Draft Local Plan, known as the 'Publication Richmond Local Plan' is submitted to the Planning Inspectorate during stage 5, together with the Council's evidence base and the feedback received during the previous stages.
26. During stage 6 Independent Planning Inspectors appointed on behalf of the Secretary of State, examine the Draft Local Plan, supporting evidence and feedback. Public examination hearings are held to discuss the 'soundness' of the Plan and the Inspectors publish a list of Main Matters, Issues and Questions, which the Council must respond to. Following the hearings, the Inspectors set out any Proposed Main Modifications which they consider are necessary to make the plan 'sound', which the Council organises a public consultation on. Taking into account the feedback received on the Proposed Main Modifications, the Inspectors provide an examination report, which includes Main Modifications

required for the plan to be found as 'sound', which have to be incorporated by the Council.

27. Stage 7 sees the Local Plan be formally adopted by the Council (including the Main Modifications), replacing the previous Local Plan, and thereafter it is used to inform decisions on planning and applications.
28. The consultation process is conducted in public, and therefore any parties are entitled to be involved and provide input throughout. The Council produced public notices, press releases and updated its website throughout the consultation process. The Council has published its Statement of Consultation regarding the Emerging Local Plan, which details how the Council complied with the consultation requirements of the Town and County Planning (Local Planning) (England) Regulations 2021 (as amended) and the Council Statement of Community Involvement (adopted 2019).
29. Appendix 1 to the Statement of Consultation sets out the full list of those consulted during the consultation process, which includes the Intervener. Due to the sheer volume of parties that are consulted (in excess of 1,800 consultees), the Council relies on being informed by individuals or parties if they want to be notified, or to have their contact details updated. However, if the Council receives email delivery failures or postal returns during the consultation process, these are followed up to find new contacts as appropriate where possible. An extract of the Statement of Consultation, including a redacted part of Appendix 1 showing the Intervenor as included in the list of those consulted at the top of the last page is exhibited at Exhibit JC3.
30. The Emerging Local Plan is currently at stage 6. As per paragraph 10 of my first Witness Statement, the Inspectors raised a specific point in their Main Matters, Issues and Questions regarding the adequacy of the Council's accommodation provision for Gypsies and Travellers. The Council's response is set out in paragraph 11 of my first Witness Statement, but in short, the Council stood by its position that no further provision of accommodation was required.

31. As per paragraph 10 of my second Witness Statement, having provided the Inspectors with their responses as above, the Council has now received the Main Modifications from the Inspectors, and none of them relate to the Emerging Local Plan's position as to the accommodation needs of Gypsies and Travellers. There were no responses to the recent Main Modifications consultation raising comments on provision for Gypsies and Travellers. Therefore, as with the 2018 Local Plan, the Inspectors, having extensively scrutinised the Council's evidence base, research methodology and subsequent position regarding accommodation need of Gypsies and Travellers, and have not indicated any fault at this advanced stage.
32. Regardless of the Council's current policy on the matter, it is committed to keeping the position under review generally, and the Council will review the Mayor of London's Gypsy and Traveller Accommodation Needs Assessment ("GTANA") upon release and consider its position accordingly at a strategic level.

The Council's Current Assessment of Needs

33. As has been discussed in my previous Witness Statements, the conclusion of the 2023 Research, as with the previous 2016 Research, was that there is no demonstrated need to provide additional sites within the borough. Therefore, the Council's assessment was that no additional sites are required, and as with the 2018 Local Plan, the Emerging Local Plan reflects this position as the Council's policy. This position, and the research used to reach it, were considered and approved by the relevant Council Committee and where appropriate at a full Council meeting during the consultation stages of the Emerging Local Plan, and has directly informed the decision to pursue these proceedings.
34. The most recent decisions approving the Publication (Regulation 19) Local Plan for consultation and subsequent submission to the Secretary of State (i.e stages 4 and 5, as per paragraph 25 above), were made by the Council's Environment, Sustainability, Culture and Sports Committee (the "Committee") on 24 April 2023 and full Council on 27 April 2023.

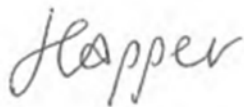
35. The Committee report (the “Committee Report”) noted “...*the Council has published Research [i.e. the 2023 Research] on Gypsies and Traveller updated in 2023, which finds there is no demonstrated need for additional pitches, but there is a need to protect the existing site [i.e the Hampton Site].*” The relevant extract of the Committee Report is exhibited at Exhibit JC4, with the aforementioned sentence appearing as the last sentence on the last page of the extract.
36. The Committee Report was considered at a full Council meeting on 27 April 2023, where it’s recommendations to, amongst other things, approve the Emerging Local Plan for public consultation and subsequent submission to the Secretary of State, were approved. A copy of the minutes of this meeting are exhibited at Exhibit JC5.
37. In conducting the assessment that no additional sites are required and subsequently implementing this position into this policy decision in the Emerging Local Plan, the Council undertook a balancing exercise as to whether there were strong enough indications to signal an unmet need for accommodation, both by looking at the data collected for the 2023 Research, and by looking at patterns and trends using previous data.
38. Whilst the 2023 Research revealed a small increase in the number of unauthorised encampments since the 2016 Research, the Council considered that that number remained low, especially when benchmarked against other nearby boroughs. In addition, the waiting list for the Hampton Site remained short, there had been no planning applications for private Gypsy and Travellers sites in recent years, and the census data indicated that there was a low number of Gypsies and Travellers living within the borough. Further, as discussed elsewhere in the evidence of Yvonne Feehan, those forming unauthorised encampments often refuse to engage with the Council, even to conduct welfare assessments, and therefore in the Council’s view, this did not suggest a desire to stop on official pitches, even if there was an indication of additional need.

39. Accordingly, it was, and remains the Council's considered judgment, that there is no unmet need to the extent that further sites are required. Clearly, there is a tipping point, and it is certainly possible that one or more of the above indicators could increase to the point that there would be an indication of an unmet need necessitating a change in the Council's position; however it is the Council's view that it has not yet reached that tipping point.

40. In any event, as set out in paragraph 5 of my first Witness Statement, the borough is constrained in terms of land supply, and therefore the matter would need consideration at a strategic, pan-London or regional level, to determine location and size of any future sites. As discussed in my previous Witness Statement, the Council stands ready to respond to and engage with the eventual findings of the London-wide GTANA and associated research in this regard. However, the Council's considered opinion at present is as set out in paragraph 33 above.

STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.



.....
Joanne Capper

Dated this 6th day of August 2025

IN THE HIGH COURT OF JUSTICE

CLAIM NO. KB-2024-003315

KING'S BENCH DIVISION

**IN THE MATTER OF SECTION 222 OF THE LOCAL GOVERNMENT ACT 1972
AND SECTION 187B OF THE TOWN AND COUNTRY PLANNING ACT 1990**

B E T W E E N:

**THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF RICHMOND
UPON THAMES**

Claimant

And

**(1) PERSONS UNKNOWN FORMING AN UNAUTHORISED ENCAMPMENT
AND/OR OCCUPYING FOR RESIDENTIAL PURPOSES (including
temporary occupation) WITH OR WITHOUT VEHICLES ON ANY OF THE
8 SITES WITHIN THE LONDON BOROUGH OF RICHMOND UPON
THAMES LISTED ON SCHEDULE 1 ATTACHED TO THIS CLAIM**

**(2) PERSONS UNKNOWN DEPOSITING WASTE ON ANY OF THE 8 SITES
WITHIN THE LONDON BOROUGH OF RICHMOND UPON THAMES
LISTED ON SCHEDULE 1 ATTACHED TO THIS CLAIM**

Defendant

EXHIBIT JC2

This is the exhibit marked "JC2" as referred to in the Witness Statement Joanne Capper dated 06 August 2025

Dated 06 August 2025

LONDON BOROUGH OF RICHMOND UPON THAMES

LOCAL PLAN INDEPENDENT EXAMINATION IN PUBLIC

WRITTEN STATEMENT

HEARING 3: HOUSING

WEDNESDAY 27 SEPTEMBER

Document version: 8/9/17

8. What evidence justifies the approach of the Plan towards gypsies and travellers and travelling showpeople and is this sufficiently up to date and consistent with national policy?

- ***Has the duty to cooperate been employed adequately (and sufficiently widely) to address the issue of gypsy and traveller accommodation effectively? What engagement with relevant communities has been undertaken outside of the Borough?***
- ***How have alternatives been considered and discounted?***
- ***Is the needs assessment adequate for the entire plan period and how does it relate to Section 124 of the Housing and Planning Act 2016 (caravans and houseboats)? How will the issue of needs assessment and site supply be addressed into the future?***

This evidence is set out in the Council's Research on Gypsies and Travellers in the London Borough of Richmond upon Thames (SD-027). This justifies the need to continue to protect the existing site in LP 37, which will continue to accommodate existing and future needs of the existing Gypsy & Traveller population within the borough. This is considered consistent with 'Planning policy for Traveller sites' (2015) which requires up to date assessment of needs.

The Council considers the Duty to Co-operate has been employed adequately. The London Gypsy and Traveller Unit, the National Federation of Gypsy Liaison Groups as well as the Friends, Families and Travellers service (who would all represent groups within and beyond the Borough) were consulted on the Publication Local Plan and accompanying research. It was also covered in meetings and correspondence with neighbouring authorities, as set out in the Duty to Co-operate Statement (SD-012) and the Council's response to Inspector's Procedural Letter ID-3 (27 July 2017) (LBR-LP-005). No comments were received from gypsies, travellers or their representatives or groups, as confirmed in the Soundness Self-Assessment Checklist for Local Plan (SD-010).

The Housing and Planning Act 2016 at section 124 'Assessment of accommodation needs' removed the requirement in the Housing Act 2004 for a separate Gypsy and Traveller assessment, which can now be part of the general assessment of housing needs to include all people residing in or resorting to the district in caravans or houseboats. As the Council's research was started with site surveys in 2013, it was not incorporated within the borough SHMA (SD-025).

Richmond Housing Partnership (RHP), who manages the existing site and provide day to day support services, has provided the main source of information and intelligence for the Council. They are not only aware of the existing residents, but also the wider traveller community within the borough, for example through extended families and visitors. RHP has confirmed that as of July 2017 there are no new families identified, only those with an existing connection to the site. An indefinite Caravan Site Licence has recently been granted by the Council for the site to RHP as licensee. RHP has advised that the current waiting list as at September 2017 is 3. The research suggests that the size of the site and the way that it is managed allow for some natural turnover and that position is likely to continue, with effective site management given that one pitch is vacated each year on average. The Council's research recommended that the survey of families on the existing site in Hampton is repeated again to continue monitoring into the future. It will therefore be kept under review over the plan period. The Monitoring Framework (SD-013) includes an indicator to keep the number of gypsy and traveller pitches under review. There are regular meetings with RHP as part of wider governance arrangements, involving both Officers and Elected Members, where issues regarding the existing site can and have been discussed.

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Defendant

EXHIBIT JC3

This is the exhibit marked "JC3" as referred to in the Witness Statement Joanne Capper dated 06 August 2025

Dated 06 August 2025



Statement of Consultation

Local Plan

Regulation 18 Version

Version produced for Environment Committee 24 April 2023

April 2023

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31 January 202212

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6. List of Appendices

Appendix 1: List of consultees – version used for Regulation 19 Publication Consultation which incorporates previous respondents. Contact details have been removed. (to be updated with the Publication list)

Appendix 2: Direction of Travel consultation

2A: Letter to consultees. Sent by email or post depending on availability of email addresses.

2B: Copy of consultation details on the Council's website

https://www.richmond.gov.uk/new_local_plan_direction_of_travel_engagement

2C: Press notice in RTT 7 February 2020 / 5 March 2020

2D: Press release 24 February 2020 – also available online:

https://www.richmond.gov.uk/council/news/press_office/older_news/press_releases_february_2020/richmond_residents_and_businesses_invited_to_shape_future_of_the_borough

2E: Councillor Comment Spot on 18 February 2020 by Chair of Environment, Sustainability, Culture and Sport Committee 'Setting out our priorities for the development of the borough'

2F: Responses to Local Plan Direction of Travel consultation

Appendix 3: Pre-publication consultation

3A: Letter sent to consultees. Sent by email or post depending on availability of email addresses.

3B: Consultation details and draft documents were published on the Council's website and the Council's consultation portal

https://www.richmond.gov.uk/draft_local_plan_pre_publication_version

3C: Pre-publication consultation response form

3D: Public notice in the Richmond & Twickenham Times on 16 December 2021

3E: Press release on 16 December 2021 'Have your say on the new Local Plan to help shape the borough's development'

3F: Report of 'Pre-Publication' Draft Local Plan (Regulation 18) Consultation Responses including Responses to Local Plan pre-publication consultation and Officer comments

3G: Richmond Local Plan Engagement event [report](#) (2022)

First name	Surname	Organisation
Statutory Consultees		
		BNP Paribas Real Estate (on behalf of West London Mental Health NHS Trust)
		Heathrow Airport Ltd
		Telereal Trillium (BT Telephone Exchanges)
		BT Group plc
		Civil Aviation Authority
		GP Locality Rep, Clinical Commissioning Services
		Head of Commissioning – Prevention and Wellbeing,
		Coal Authority
		Planning Casework (London), Ministry of Housing,
		Development Plans Team, Ministry of Housing,
		Croydon Council
		Dept for Business, Enterprise & Regulatory Reform
		EDF Energy
		Elmbridge Borough Council
		Historic England
		Historic England
		Greater London Archaeology Advisory Service (GLAAS)
		Environment Agency
		Environment Agency
		Environment Agency Estates Department
		Environment Agency
		Sustainable Places Team Leader, Kent and South London
		E.ON Energy
		Friends, Families and Traveller and Traveller Law Reform Project
		GLA - Planning Admin
		Greater London Authority
		Greater London Authority
		Greater London Authority
		Health & Safety Executive
		Highways England Company Limited
		Highways England
		Highways England
		Highways England
		Highways England
		GLA Housing and Land Directorate
		London Ambulance Service
		London Borough of Hammersmith and Fulham
		London Borough of Hammersmith and Fulham
		London Borough of Hounslow
		London Borough of Hounslow
		London Borough of Wandsworth
		London Fire Brigade - Drivers Jonas LLP
		London Fire and Emergency Planning Authority
		London Fire and Emergency Planning Authority

Ilinca	Diaconescu	London Gypsy and Traveller Unit
		London Mental Health Trust
		London United Busways
		London Parks and Gardens Trust
		Metropolitan Police
		Metropolitan Police
		Metropolitan Police Service
		Amec Foster Wheeler (on behalf of National Grid)
		Amec Foster Wheeler
		Avison Young on behalf of National Grid
		National Grid Property
		National Grid
		Cadent Gas Ltd
		Adviser, Sustainable Development, Thames Team Natural
		Natural England
		Natural England
		Natural England
		NHS London Healthy Urban Development Unit
		Hounslow and Richmond Community Health
		NHS Richmond Clinical Commissioning Group
		NHS Richmond Clinical Commissioning Group
		NHS Kingston Clinical Commissioning Group
		NHS SW London
		NHS Richmond Clinical Commissioning Group
		NHS Richmond Clinical Commissioning Group
		NHS England
		NHS England
		NHS Property Services Ltd
		Network Rail
		Npower
		Office of Rail Regulation
		Planning Inspectorate
		Public Health Lead, London Borough of Richmond
		The Planning Inspectorate
		Port of London Authority
		Port of London Authority
		Port of London Authority
		The Royal Borough of Kingston upon Thames
		Royal Borough of Kingston upon Thames
		Runnymede Borough Council
		Scottish and Southern Energy plc.
		Spelthorne Borough Council
		Spelthorne Borough Council
		South West London & Springfield University Hospital
		SW London & St George's MH Trust (Headquarters)
		Sport England
		Sport England

IN THE HIGH COURT OF JUSTICE

CLAIM NO. KB-2024-003315

KING'S BENCH DIVISION

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Defendant

EXHIBIT JC4

This is the exhibit marked "JC4" as referred to in the Witness Statement Joanne Capper dated 06 August 2025

Dated 06 August 2025

LONDON BOROUGH OF RICHMOND UPON THAMES

REPORT TO: Environment, Sustainability, Culture and Sports Committee

DATE: Monday, 24 April 2023

REPORT OF: Assistant Director of Environment and Community Services
(Planning and Transport)

TITLE OF DECISION Approval of the Regulation 19 Local Plan for public consultation and subsequent submission to the Secretary of State

WARDS: (All Wards);

KEY DECISION? YES

IF YES, IN FORWARD PLAN? YES

For general release

1. MATTER FOR CONSIDERATION

- 1.1 This report seeks the approval to proceed to public consultation on the Regulation 19 version of the Richmond Local Plan, and for the subsequent submission to the Secretary of State for independent Examination.

2. RECOMMENDATIONS

- 2.1 To approve the Draft Richmond Local Plan (incorporating updates to the Policies Map) (Appendix 1) for public consultation (to be accompanied by associated Sustainability Appraisal) under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 for a minimum period of six weeks in accordance with the Council's adopted Statement of Community Involvement.
- 2.2 To delegate to the Assistant Director of Environment and Community Services (Planning and Transport) agreement of the final version of the Regulation 19 version of the Richmond Local Plan for public consultation (including minor text, layout, mapping and design changes as well as changes needed for clarification and for consultation purposes, that taken together do not materially alter the meaning of the policies), and other supporting material to be produced for consultation purposes, in consultation with the Chair of the Environment, Sustainability, Culture and Sports Committee.
- 2.3 To delegate to the Assistant Director, Environment and Community Services (Planning and Transport) the preparation and submission of a schedule of proposed changes to the Regulation 19 Local Plan which are recommended by statutory consultees and/or considered by officers to be necessary that (taken together) do not materially affect the policies set out in the Regulation 19 version of the Richmond Local Plan, in consultation with the Chair of the Environment, Sustainability, Culture and Sports Committee.

2.4	To delegate to the Assistant Director, Environment and Community Services (Planning and Transport) to submit the Regulation 19 version of the Richmond Local Plan to the Secretary of State for independent Examination under section 20 of the Planning and Compulsory Purchase Act 2004, in consultation with the Chair of the Environment, Sustainability, Culture and Sports Committee.
2.5	To delegate to the Assistant Director, Environment and Community Services (Planning and Transport) to seek approval to agree both the content of any minor or main modifications recommended by the Planning Inspectorate and their public consultation during the Examination of the Richmond Local Plan, in consultation with the Chair of the Environment, Sustainability, Culture and Sports Committee.
2.6	To delegate to the Assistant Director, Environment and Community Services (Planning and Transport) to exercise all Examination procedural matters as prescribed by the Planning and Compulsory Purchase Act 2004 and associated Regulations following submission of the Plan to the Secretary of State for Levelling Up, Housing and Communities for independent Examination by an Inspector appointed by him, in consultation with the Chair of the Environment, Sustainability, Culture and Sports Committee.
2.7	To agree the adoption and use of the Regulation 19 Local Plan for development management purposes and determining planning applications, with the exception of Policy 39 in relation to biodiversity net gain and Policy 4 in relation to the increase in the carbon offset rate, with appropriate weight given in accordance with paragraph 48 of the National Planning Policy Framework.

3. DETAIL

- 3.1 The current planning system is based on the Planning & Compulsory Purchase Act 2004, as amended by the Localism Act 2011 and The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), whereby a collection of documents should be produced by the Local Planning Authority that make up together the statutory plan for the borough, referred to as a "Local Plan". The Local Plan will be used for the consideration of planning applications and to assist with investment and locational decisions by the Council, its partners and developers.
- 3.2 The Committee in July 2019 approved an updated Local Development Scheme for 2019 – 2022, which set out the Council's programme, stages and timeframes, including to commence the preparation of the next boroughwide Richmond Local Plan. The Committee in February 2020 agreed the Direction of Travel consultation for the new Richmond Local Plan, which was undertaken from February to April 2020. The Committee in November 2021 agreed the Local Plan Regulation 18 version for public consultation, which was undertaken from December 2021 to January 2022. This report seeks approval of the Regulation 19 version of the Local Plan and supporting documents to proceed to public consultation on the Council's final version of the Plan, with its subsequent submission for Examination in Public by a Government appointed Planning Inspector(s).

Local Plan Preparation

- 3.3 The Regulation 19 version of the Local Plan has been drafted following extensive plan preparation and consultation, including responses to the comments and feedback at Regulation 18 stage, further work and updates on

the evidence base studies, and Duty to Cooperate engagement with neighbouring authorities and other statutory bodies.

- 3.4 Consultation on the 'Pre-Publication' Regulation 18 version of the Plan was undertaken from 10 December 2021 to 31 January 2022, alongside a Sustainability Appraisal. Virtual events were held in January 2022 comprising three evening themed workshops and two lunchtime Q&As, each with an overview presentation and opportunity for discussion. An [engagement event report](#) on those events has been published including the comments made. In response to the Local Plan consultation, the Council received comments from 311 respondents. All the responses received, together with a summary of the comments made, are available to view on the Council's [website](#) and in the Statement of Consultation in Appendix 2, which also includes the Council's response to the comments raised and a summary of changes made to the Plan. The main issues raised are summarised in the following table, along with a summary of the Council's response and changes to the Local Plan.

Summary of all main issues raised	Summary of how issues raised have been dealt with
General/Introduction	
• Some comments did not agree with the order of the Plan. • Some comments raised issues that had not been covered in the strategic context and trends, such as on health inequalities or Heathrow. • A few comments related to the supporting documents to the Plan – the Sustainability Appraisal, the Habitats Regulation Assessment, and the Sequential Test Report. • Some comments collated against the general/introductory parts of the Plan raised broad issues, such as on infrastructure.	• Specific references have been added to the strategic context and trends section on health inequalities and carers. • The supporting Sustainability Appraisal, Habitats Regulation Assessment, and the Sequential Test report have all been updated to accompany the Regulation 19 Plan. • The update to the Infrastructure Delivery Plan also covers some of the general issues raised, where they are within the remit of the Local Plan.
Vision and Strategic Objectives, Spatial Strategy, Place-Based Strategies and Site Allocations	
• General support for the vision. Some support for the emphasis including on climate change and responding to change. Some suggestions for areas to improve and issues to address. A few over-development concerns. Some felt could be meaningless without measurable targets and could be bolder. The Mayor of London comment the themes and objectives align well with the London Plan 'Good Growth' policies. • Some general support for the strategic objectives, or support for some of them but not all. While some support for particular emphasis, should acknowledge competing objectives and some suggestions the climate emergency should take priority. Some suggestions for detailed issues to address across most of the themes. • There was broad support for the concept of 'living locally' (Policy 1), although some concerns about how it would be implemented, the need to address public transport and the need to provide for the transport needs of those less mobile (elderly, disabled etc). Comments highlighted the need for clarification, and to ensure a range of infrastructure and facilities. • There was broad agreement with the spatial strategy (Policy 2), although some concerns about the challenges and high-rise/high density development, with some suggestions for specific issues to be raised. • Many respondents agreed with the overall approach to the	• The vision now reflects the Council's commitment to a borough wide net zero target of 2043. Some specific references have been added to emphasise improvements to public transport, and cover additional issues, including flood risk, and health inequalities. • The strategic objectives refer to further detailed issues including dark spaces for biodiversity, engaging with local community groups invested in blue and green assets, flood storage, climate resilience in development, safer use of spaces, and health and care services. • There is clarity to how the Living Locally (Policy 1) is intended to be implemented, addressing those with reduced mobility and explain the geography does not have any fixed zones or boundaries. • The context for the spatial strategy (Policy 2) is updated, to refer to new and updated evidence base, and the Key Diagram updated. • Three new Site Allocations added - Hampton Telephone Exchange, Homebase

and how up to date it is. The NPPF is clear that the type of evidence that may be required is subject to local circumstances.

3.6 To inform the Regulation 19 Local Plan, further evidence base phases and additional studies have been undertaken during 2022 and 2023. The key areas covered are:

- a) The Urban Design Study: published in 2021 (updated in 2023); a boroughwide townscape assessment with a deep understanding of the values, character and sensitivity of the different parts of the borough, combined with the reality of future development pressures to assess capacity. It recognises a large proportion of the borough has high sensitivity to change, including the large open spaces and river corridors. There are few areas of lower sensitivity to change. In response to comments raised on the Regulation 18 Local Plan, specific amendments have been made to the Study, to the character area profiles and design guidance, in the form of an updated 2023 version, with enhanced graphics to aid usability.
- b) The Open Land Review (Green Belt, MOL, LGS and OOLTI): published in 2021 (with an addendum in 2023); the review examined the performance of designated open space against relevant national, regional and local purposes and criteria. Much of the borough is covered by these open space designations, which collectively play important roles including preventing the sprawl of Greater London and the coalescence of neighbourhoods, contributing to the character of neighbourhoods and providing green spaces for recreation, nature and associated health and wellbeing impacts. The open spaces also have an important role to play as part of the borough's green infrastructure network, which is considered more widely as part of other evidence base studies. Land designated as Green Belt was assessed to meet the purposes and all land was recommended for retention. The majority of the MOL has been assessed as performing strongly, with some areas scoring weakly against the MOL criteria. The study has also assessed existing OOLTI, the majority of which meet the criteria for designation. The Study also assessed a number of potential sites for LGS designation, some of which the Council is taking forward as new sites. Overall, there are recommendations for changes to only a small number of existing or new sites in the new Local Plan. In response to comments raised on the Regulation 18 Local Plan, a 2023 addendum updates one of the criterion methodology for MOL assessment, and a small number of site specific assessments/scoring. In addition, a Local Green Space Assessment of Proposed Sites (2023) has been published to support the sites proposed as LGS.
- c) Housing needs: the London Plan sets the 10-year target of 4,110 net housing completions (2019/20 to 2028/29), based on a comprehensive study of capacity for housing delivery. The Local Housing Needs Assessment 2021 (stage 1) identified for affordable rent a need for 1,123 affordable homes per annum across the borough, and a need for 552 affordable homes per annum for affordable home ownership products, to inform the policy approach to affordable housing by demonstrating the unconstrained figures represent an acute affordable housing need. A 2023 update has provided updates on local needs, taking into account the recent Census findings. In addition, the Council has published Research on Gypsies and Travellers updated in 2023, which finds there is no demonstrated need for additional pitches, but there is a need to protect the existing site.

IN THE HIGH COURT OF JUSTICE

CLAIM NO. KB-2024-003315

KING'S BENCH DIVISION

**IN THE MATTER OF SECTION 222 OF THE LOCAL GOVERNMENT ACT 1972
AND SECTION 187B OF THE TOWN AND COUNTRY PLANNING ACT 1990**

B E T W E E N:

**THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF RICHMOND
UPON THAMES**

Claimant

And

**(1) PERSONS UNKNOWN FORMING AN UNAUTHORISED ENCAMPMENT
AND/OR OCCUPYING FOR RESIDENTIAL PURPOSES (including
temporary occupation) WITH OR WITHOUT VEHICLES ON ANY OF THE
8 SITES WITHIN THE LONDON BOROUGH OF RICHMOND UPON
THAMES LISTED ON SCHEDULE 1 ATTACHED TO THIS CLAIM**

**(2) PERSONS UNKNOWN DEPOSITING WASTE ON ANY OF THE 8 SITES
WITHIN THE LONDON BOROUGH OF RICHMOND UPON THAMES
LISTED ON SCHEDULE 1 ATTACHED TO THIS CLAIM**

Defendant

EXHIBIT JC5

This is the exhibit marked "JC5" as referred to in the Witness Statement Joanne Capper dated 06 August 2025

Dated 06 August 2025

LONDON BOROUGH OF RICHMOND UPON THAMES

MINUTES

At a meeting of the Council of the **LONDON BOROUGH OF RICHMOND UPON THAMES** held at the Municipal Offices, Twickenham at 7.00pm on Thursday, 27 April 2023

PRESENT:

The Mayor, Councillor Cambridge in the Chair.

The Deputy Mayor, Councillor Lee and Councillors
Allen, Baldwin, Bennett, Butlin, Cardy, Chard, Coombs, Crookdake, Dalton, Dane,
Davis, Ehmann, Elengorn, Engel, Fleming, Frieze, Frost, Gant, Giesler, Hale, Hull,
Juriansz, Khosa, Mansfield, McLeod, McNulty-Howard, Millard, Millum, Neden-Watts,
Nicholson, O'Shea, O'Carroll, Pollesche, Richards, Roberts, Sacks, Samuel, Sehra,
Varley, Vollum, Warlow and Wren

Apologies for absence were received from Councillor Alice Bridges-Westcott, Councillor Robin Brown, Councillor Ian Craigie, Councillor Jo Humphreys, Councillor Laura O'Brien, Councillor Tony Paterson, Councillor Richard Pyne, Councillor Paulina Vassileva, Councillor Richard Warren and Councillor Michael Wilson

10. DECLARATIONS OF INTEREST

None.

11. REPORTS OF THE HEAD OF PAID SERVICE

The Mayor welcomed former councillors present in the Chamber and noted that the service of those unable to attend this meeting was also recognised. She acknowledged the important role that all councillors play in representing their ward and highlighted that the former colleagues present also represented special responsibilities undertaken during their time as Members of Council.

Councillor Roberts paid tribute to former colleagues for their service to the Council and local communities, recognising that it is often the case that good, long serving and hard-working councillors will lose their seats for reasons related to national politics which are beyond their control. He also reminisced about some of the fun aspects of the previous Council term which are missed.

Councillor Bennett, expressing his pleasure at seeing former councillors again, spoke of the experience of former colleagues and knowledge which he had personally benefited from and admired, as well as his appreciation of their collaboration and collegiality across a number of issues.

The Mayor then associated herself with the comments of the Leader of the Council and the Leader of the Opposition.

To the acclamation of Council, The Mayor presented certificates and gifts to each former councillor present, namely former councillors Geoff Acton, Richard Baker, Avril Coelho, Roger Crouch, Gemma Curran, Pamela Fleming, Paul Hodgins, Kate Howard, Liz Jaeger, Seamus Joyce, Helen Lee-Parsons, Brian

Marcel, Rita Palmer, and Tim Woodcock.

12. REPORTS OF THE COUNCIL'S COMMITTEES

RESOLVED:

The Council agree the following recommendations and delegations,

1. To approve the Draft Richmond Local Plan (incorporating updates to the Policies Map) (Appendix 1) for public consultation (to be accompanied by associated Sustainability Appraisal) under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 for a minimum period of six weeks in accordance with the Council's adopted Statement of Community Involvement.
2. To delegate to the Assistant Director of Environment and Community Services (Planning and Transport) agreement of the final version of the Regulation 19 version of the Richmond Local Plan for public consultation (including minor text, layout, mapping and design changes as well as changes needed for clarification and for consultation purposes, that taken together do not materially alter the meaning of the policies), and other supporting material to be produced for consultation purposes, in consultation with the Chair of the Environment, Sustainability, Culture and Sports Committee.
3. To delegate to the Assistant Director, Environment and Community Services (Planning and Transport) the preparation and submission of a schedule of proposed changes to the Regulation 19 Local Plan which are recommended by statutory consultees and/or considered by officers to be necessary that (taken together) do not materially affect the policies set out in the Regulation 19 version of the Richmond Local Plan, in consultation with the Chair of the Environment, Sustainability, Culture and Sports Committee.
4. To delegate to the Assistant Director, Environment and Community Services (Planning and Transport) to submit the Regulation 19 version of the Richmond Local Plan to the Secretary of State for independent Council – 27 April 2023 Official Examination under section 20 of the Planning and Compulsory Purchase Act 2004, in consultation with the Chair of the Environment, Sustainability, Culture and Sports Committee.
5. To delegate to the Assistant Director, Environment and Community Services (Planning and Transport) to seek approval to agree both the content of any minor or main modifications recommended by the Planning Inspectorate and their public consultation during the Examination of the Richmond Local Plan, in consultation with the Chair of the Environment, Sustainability, Culture and Sports Committee.
6. To delegate to the Assistant Director, Environment and Community Services (Planning and Transport) to exercise all Examination procedural matters as prescribed by the Planning and Compulsory Purchase Act 2004 and associated Regulations following submission of the Plan to the Secretary of State for Levelling Up, Housing and Communities for independent Examination by an Inspector appointed by him, in consultation with the Chair of the Environment, Sustainability, Culture and Sports Committee.
7. To agree the adoption and use of the Regulation 19 Local Plan for development management purposes and determining planning applications, with

the exception of Policy 39 in relation to biodiversity net gain and Policy 4 in relation to the increase in the carbon offset rate, with appropriate weight given in accordance with paragraph 48 of the National Planning Policy Framework.

The meeting ended at 7.50 pm.

Witness: MN Almond
For: Claimant
Date: 07/08/2025
No.: 1
Exhibits: MA1-2

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION

Claim No. KB-2024-003315

IN THE MATTER OF SECTION 222 OF THE LOCAL GOVERNMENT ACT 1972
AND SECTION 187B OF THE TOWN AND COUNTRY PLANNING ACT 1990

B E T W E E N:-

THE MAYOR AND BURGESSES OF THE LONDON BOROUGH
RICHMOND UPON THAMES

Claimant

-and-

- (1) PERSONS UNKNOWN FORMING AN UNAUTHORISED ENCAMPMENT AND / OCCUPYING FOR RESIDENTIAL PURPOSES (including temporary accommodation) WITH OR WITHOUT VEHICLES AT ANY OF THE 8 SITES WITHIN THE LONDON BOROUGH OF RICHMOND UPON THAMES LISTED ON THE SCHEDULE ATTACHED TO THIS CLAIM
- (2) PERSONS UNKNOWN DEPOSITING WASTE ON ANY OF THE 8 SITES WITHIN THE LONDON BOROUGH OF RICHMOND UPON THAMES LISTED ON THE SCHEDULE ATTACHED TO THIS CLAIM

Defendants

LONDON GYPSIES AND TRAVELLERS

intervener

FIRST WITNESS STATEMENT OF MATTHEW
NEIL ALMOND

I, Matthew Neil Almond, of the London Borough of Richmond upon Thames, of Civic Centre, 44 York Street, Twickenham, London TW1 3BZ WILL SAY AS FOLLOWS:

1. I have been employed by the London Borough of Richmond upon Thames Council (“the Council”) since 24 February 2014. My position within the Council is Interim Parks Service Manager. I am duly authorised to make this statement on behalf of the Council.
2. I make this Statement further to the hearing before Mr Justice Dexter Dias on 14 February 2025, and his Order dated 14 February 2025 (the “Continuation Order”) continuing the Injunction Order of Mr Justice Freedman dated 22 November 2024 (the “Injunction Order”). There is now produced to me a bundle of true copy documents marked Exhibits MA1-2 to which I will refer.

May 2025 Unauthorised Encampment

3. On the evening of Wednesday 07 May 2025, I was informed by a resident that an unauthorised encampment (the “May Encampment”) had been established in breach of the Injunction Order. The May Encampment was on Ham Common, one of the 8 protected sites.
4. On the morning of Thursday 08 May 2025, I attended the May Encampment together with the Council’s Parks Patrol Contractor (Parkguard), and welfare checks of those present were conducted, revealing nothing of concern.
5. The May Encampment comprised 25 people, including 9 children ranging from approximate ages of 6 month to 9 years of age. 3 cars, 2 vans, 5 caravans, 2 camper vans, 3 large gas canisters, a generator and 5 dogs were also seen in the May Encampment.
6. Copies of the Injunction Order and Continuation Order were served on those present.

7. As the May Encampment was the first to be established on any of the 8 sites protected by the Injunction Order, the Council instructed the South London Legal Partnership (“SLLP”), the Council’s in-house legal service, to apply to the High Court for a Writ of Assistance to enable the Council to enforce the Injunction Order. I am informed and believe to be true that SLLP filed the necessary paperwork with the Court on Friday 09 May 2025.
8. On Sunday 11 May 2025, before SLLP received the sealed Writ of Assistance (the “Writ of Assistance”) from the Court on Monday 12 May 2025, the May Encampment vacated Ham Common of their own accord.
9. A small amount of general waste was left behind. Exhibited at Exhibit MA1 are photos of some of the waste left on site, and a photo of the waste collected.
10. The cost to the Council of dealing with the May Encampment, including Parkguard time, parks cleansing and waste disposal, grounds maintenance inspection, legal costs and Park Officer time was £3,529.57.

July 2025 Unauthorised Encampment

11. On the evening of Sunday 20 July 2025, I was informed by a resident that an unauthorised encampment had been established in breach of the Injunction Order (the ‘July Encampment’). As with the May Encampment, the July Encampment was located on Ham Common, one of the 8 sites protected by the Interim Injunction.
12. On the morning of Monday 11 July 2025, the Council’s Parkguard service attended the July Encampment and conducted welfare checks. No welfare concerns were uncovered. 4 caravans and 7 vehicles were noted.
13. I am informed by Parkguard and believe to be true that individuals present within the July Encampment were served with the Injunction Order, the Continuation Order and the Writ of Assistance. At 10:45, I instructed Parkguard to inform the July Encampment that they would be required to leave Ham Common by 17:00,

to allow those present time to prepare to leave and for members of the group currently away from the site to return.

14. To manage the process, ensure that the July Encampment left as directed and to enforce the Injunction Order if required, the Council instructed SLLP to arrange for High Court Enforcement Officers (“HCEOs”) from Equivo to attend.
15. The HCEOs were in attendance from 15:22 onwards, and I am informed and believe to be true that the Police were also in attendance. A copy of the HCEOs’ Incident Report and photos (the “Equivo Report”) are exhibited at Exhibit MA2.
16. I informed and believe to be true that the July Encampment had vacated Ham Common by 18:20 on 11 July 2025 and the HCEOs stood down shortly after 18:30. As per the photos provided with the Equivo Report, some bagged waste together with an amount of apparent green garden waste was left behind, which was collected by the Council once the July Encampment had left.
17. The cost to the Council of dealing with the May Encampment, including Parkguard time, cleaning labour and waste disposal, grounds maintenance inspection, legal costs, Park Officer time and the cost of instructing HCEOs was £4,946.74.

STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.



Matthew Neil Almond

Dated this 7th day of August 2025

IN THE HIGH COURT OF JUSTICE

CLAIM NO. KB-2024-003315

KING'S BENCH DIVISION

**IN THE MATTER OF SECTION 222 OF THE LOCAL GOVERNMENT ACT 1972
AND SECTION 187B OF THE TOWN AND COUNTRY PLANNING ACT 1990**

B E T W E E N:

**THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF RICHMOND
UPON THAMES**

Claimant

And

**(1) PERSONS UNKNOWN FORMING AN UNAUTHORISED ENCAMPMENT
AND/OR OCCUPYING FOR RESIDENTIAL PURPOSES (including
temporary occupation) WITH OR WITHOUT VEHICLES ON ANY OF THE
8 SITES WITHIN THE LONDON BOROUGH OF RICHMOND UPON
THAMES LISTED ON SCHEDULE 1 ATTACHED TO THIS CLAIM**

**(2) PERSONS UNKNOWN DEPOSITING WASTE ON ANY OF THE 8 SITES
WITHIN THE LONDON BOROUGH OF RICHMOND UPON THAMES
LISTED ON SCHEDULE 1 ATTACHED TO THIS CLAIM**

Defendant

EXHIBIT MA1

This is the exhibit marked "**MA1**" as referred to in the Witness Statement of Matthew Neil Almond dated 07 August 2025

Dated 07 August 2025







IN THE HIGH COURT OF JUSTICE

CLAIM NO. KB-2024-003315

KING'S BENCH DIVISION

**IN THE MATTER OF SECTION 222 OF THE LOCAL GOVERNMENT ACT 1972
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8 SITES WITHIN THE LONDON BOROUGH OF RICHMOND UPON
THAMES LISTED ON SCHEDULE 1 ATTACHED TO THIS CLAIM**

**(2) PERSONS UNKNOWN DEPOSITING WASTE ON ANY OF THE 8 SITES
WITHIN THE LONDON BOROUGH OF RICHMOND UPON THAMES
LISTED ON SCHEDULE 1 ATTACHED TO THIS CLAIM**

Defendant

EXHIBIT MA2

This is the exhibit marked "**MA2**" as referred to in the Witness Statement of Matthew Neil Almond dated 07 August 2025

Dated 07 August 2025

STRICTLY PRIVATE, CONFIDENTIAL & PRIVILEGED

FILE NOTE

Matter: Persons Unknown – Ham Common
Date: 21st July 2025
Client: South London Legal Partnership – Byron Britton
Our Ref: 5399654
From: KLP

On Monday 21st July 2025 I was requested to attend Ham Common along with four of my colleagues to remove trespassers under the Writ of Assistance. I arrived at the site at 15.22hrs and whilst awaiting the arrival of my colleague's, I met with the park warden and made him aware of who I was. We discussed when they had been served etc and he pointed out the fact the injunction applied not only here but to a few parks in the surrounding area as well which I was aware.

Around 15.45hrs my colleagues started to arrive as did the Police shortly after, the warden and I spoke to them and once briefed we proceeded to the group. The warden had to leave to drop his parks van in Greenford by 17.00hrs and so he left as we began our approach.

We approached the trespassers, identifying just one male, five women and some children on site. I asked what time they were leaving and they advised the men would be back between 18.00hrs -0 19.00hrs, I did inform them that the agreement was for them to vacate by 17.00hrs and to ensure that they started to return by this time at least. They did say if they came back sooner they would leave earlier. I did reiterate the fact the injunction carried a number of parks in the vicinity so they would need to move out the area completely, which they understood and said that the warden had told them of that this morning and they were fully aware.

Around 17.05hrs we saw a blue van return and so I approached with the Police. As we approached four new men appeared, so I believe they all returned in the blue van. Everyone was very amenable and they said they were just waiting on one more van and hoped to be gone by 18.00hrs.

Around 17.40hrs a few caravans were hitched and the others had all packed away and legs were up. The caravan in the middle with a large awning had not yet been touched and so we assumed this was the missing vans caravan.

At around 18.10hrs the final van had returned and the last caravan was packed and everyone was in line ready to leave site they finally pulled away at 18.20hrs. We conducted a search of the site for environmental reasons but other than a few bits of rubbish everything had been bagged up and put together in various locations. We found no evidence of human waste and so the site appeared clean.

Photos were taken and I went to stand the Police down and report no human waste so the site was clean before leaving just after 18.30hrs.























Witness: MN Almond
For: Claimant
Date: 08/09/2025
No.: 1
Exhibits:MA3

**IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION**

Claim No. KB-2024-003315

**IN THE MATTER OF SECTION 222 OF THE LOCAL GOVERNMENT ACT 1972
AND SECTION 187B OF THE TOWN AND COUNTRY PLANNING ACT 1990**

B E T W E E N:-

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- (2) PERSONS UNKNOWN DEPOSITING WASTE ON ANY OF THE 8 SITES WITHIN THE LONDON BOROUGH OF RICHMOND UPON THAMES LISTED ON THE SCHEDULE ATTACHED TO THIS CLAIM**

Defendants

LONDON GYPSIES AND TRAVELLERS

Intervener

**SECOND WITNESS STATEMENT OF MATTHEW
NEIL ALMOND**

I, Matthew Neil Almond, of the London Borough of Richmond upon Thames, of Civic Centre, 44 York Street, Twickenham, London TW1 3BZ WILL SAY AS FOLLOWS:

1. I have been employed by the London Borough of Richmond upon Thames Council (“the Council”) since 24 February 2014. My position within the Council is Interim Parks Service Manager. I am duly authorised to make this statement on behalf of the Council.
2. This is the second statement I make in connection with this matter. I make this statement further to the hearing before Mr Justice Dexter Dias on 14 February 2025, and his Order dated 14 February 2025 (the “Continuation Order”) continuing the Injunction Order of Mr Justice Freedman dated 22 November 2024 (the “Injunction Order”). There is now produced to me a bundle of true copy documents marked Exhibit MA3 to which I will refer.
3. On the evening of Thursday 14 August 2025, I was informed by a colleague from the ‘Pools on the Park’ leisure centre, that an unauthorised encampment (the “Encampment”) had been established in breach of the Injunction Order. The Encampment was set up on Old Deer Park, one of the 8 protected sites, and comprised of 13 caravans.
4. On the morning of Friday 15 August 2025 at approximately 10:00, the Council’s Parks Patrol Contractor (“Parkguard”) attended with me to conduct welfare checks of those present, which revealed nothing of concern. Upon completing the welfare checks, persons involved were served copies of the Injunction Order, Continuation Order, and the Writ of Assistance sealed on 12 May 2025 (the “Writ of Assistance”).
5. I instructed Parkguard to inform the members of the Encampment that they were to leave the site by 17:00, otherwise the Council would enforce the Writ of Assistance.

6. To manage the process and ensure that the Encampment left as directed, or to execute the Writ of Assistance if required, the Council instructed its solicitors, the South London Legal Partnership, to arrange for High Court Enforcement Officers (“HCEOs”) from Equivo to attend. Equivo were then on site from 15:45 and I am informed and believe to be true that the Encampment finally vacated the site by 18:50 on 15 August. Equivo have since provided a report of their attendance (the “Equivo Report”), which is exhibited at Exhibit MA3.
7. A substantial amount of general waste was left behind in breach of the Injunction Order, as shown in the photos attached to the Equivo Report.
8. The cost to the Council of dealing with the Encampment, including Parkguard time, cleaning labour and waste disposal, grounds maintenance inspection, legal costs, Park Officer time and the cost of instructing HCEOs and repairs to damaged wooden post and rail fencing was **£4,796.60**.

STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.



Matthew Neil Almond

Dated this 8th day of September 2025

IN THE HIGH COURT OF JUSTICE

CLAIM NO. KB-2024-003315

KING'S BENCH DIVISION

**IN THE MATTER OF SECTION 222 OF THE LOCAL GOVERNMENT ACT 1972
AND SECTION 187B OF THE TOWN AND COUNTRY PLANNING ACT 1990**

B E T W E E N:

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AND/OR OCCUPYING FOR RESIDENTIAL PURPOSES (including
temporary occupation) WITH OR WITHOUT VEHICLES ON ANY OF THE
8 SITES WITHIN THE LONDON BOROUGH OF RICHMOND UPON
THAMES LISTED ON SCHEDULE 1 ATTACHED TO THIS CLAIM**

**(2) PERSONS UNKNOWN DEPOSITING WASTE ON ANY OF THE 8 SITES
WITHIN THE LONDON BOROUGH OF RICHMOND UPON THAMES
LISTED ON SCHEDULE 1 ATTACHED TO THIS CLAIM**

Defendant

EXHIBIT MA3

This is the exhibit marked "**MA3**" as referred to in the Second Witness Statement of Matthew Neil Almond dated 01 September 2025

Dated 01 September 2025

STRICTLY PRIVATE, CONFIDENTIAL & PRIVILEGED

FILE NOTE

Matter: Old Deer Park, Twickenham Road TW9 2SF (“The Property”)
Tenant: Persons Unknown
Date: Friday 15th August 2025
Client: South London Legal Partnership – Byron Britton
Client Ref: File 337/196
Our Ref: 5557681
From: SW

We were instructed to attend Old Deer Park, Twickenham Road TW9 2SF (“the Property”) on Friday 15th August 2025 to execute a Writ of Assistance following a breach of the injunction. We arrived on site at 15.45hrs.

Upon first inspection, we found there to be 13 caravans parked around the perimeter of the property. We approached several of the travellers, informing them of the Writ of Assistance and that the Police would shortly be attending.

Following this, the travellers stated that they would be leaving the property and began gathering their possessions. As time progressed, we made several incursions into the park to observe the Travellers hitching up and ensure that possessions were being packed.

Throughout our time at the property, we maintained an open line of communication with the police, keeping them informed of any updates in the situation, whilst kept a few hundred yards away blocking the access to the main road.

All the travellers and their caravans had vacated the property at 18.50hrs, after which we began our inspection of the site. No personal items remained on the property, but there is a substantial amount of litter and waste. This was documented and photographed before we left the site at 19.00hrs.

Time on site: 3 hrs

SW



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The Right Resolution









Witness: Joanne Capper
For: Claimant
Date: 18/11/2025
No.: 4
Exhibits: JC6

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION

Claim No. KB-2024- 003315

IN THE MATTER OF SECTION 222 OF THE LOCAL GOVERNMENT ACT 1972
AND SECTION 187B OF THE TOWN AND COUNTRY PLANNING ACT 1990

B E T W E E N:-

THE MAYOR AND BURGESSES OF THE LONDON BOROUGH
RICHMOND UPON THAMES

Claimant

-and-

- (1) PERSONS UNKNOWN FORMING AN UNAUTHORISED ENCAMPMENT AND / OCCUPYING FOR RESIDENTIAL PURPOSES (including temporary accommodation) WITH OR WITHOUT VEHICLES AT ANY OF THE 8 SITES WITHIN THE LONDON BOROUGH OF RICHMOND UPON THAMES LISTED ON THE SCHEDULE ATTACHED TO THIS CLAIM
- (2) PERSONS UNKNOWN DEPOSITING WASTE ON ANY OF THE 8 SITES WITHIN THE LONDON BOROUGH OF RICHMOND UPON THAMES LISTED ON THE SCHEDULE ATTACHED TO THIS CLAIM

Defendants

LONDON GYPSIES AND TRAVELLERS

intervener

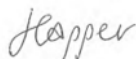
FOURTH WITNESS STATEMENT OF JOANNE
CAPPER

I, Joanne Capper, Principal Policy and Information Planner, for the London Borough of Richmond upon Thames, of Civic Centre, 44 York Street, Twickenham, London TW1 3BZ WILL SAY AS FOLLOWS:

1. This is the fourth statement I make on behalf of the Claimant. I make this Statement further to the hearing before Mr Justice Dexter Dias on 14 February 2025 (the "Hearing"). There is now produced to me a true copy document marked Exhibit JC6 to which I will refer.
2. On 07 October 2025, during a meeting of full Council, the Draft/Emerging Local Plan referred to in my previous statements was adopted as the Council's Local Plan. An extract from the minutes of the meeting is exhibited at Exhibit JC6.
3. No changes were made to the Local Plan relating to the provision of additional sites/pitches for Gypsies and Travellers, and therefore the now adopted Local Plan formally reflects the Council's position that there is no demonstrated need for additional sites/pitches. Nonetheless, as set out in my previous statements, the Council stands ready to review its position upon the release of the ongoing work being undertaken by the Mayor of London in this regard.
4. At the time of writing, the now adopted Local Plan is subject to one potential Judicial Review claim, which is still at the pre-action stage. It does not appear at present that the substance of the potential claim relates to matters relevant to these proceedings.

STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.



.....

Joanne Capper

Dated this 18th day of November 2025

IN THE HIGH COURT OF JUSTICE

CLAIM NO. KB-2024-003315

KING'S BENCH DIVISION

**IN THE MATTER OF SECTION 222 OF THE LOCAL GOVERNMENT ACT 1972
AND SECTION 187B OF THE TOWN AND COUNTRY PLANNING ACT 1990**

B E T W E E N:

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Claimant

And

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AND/OR OCCUPYING FOR RESIDENTIAL PURPOSES (including
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8 SITES WITHIN THE LONDON BOROUGH OF RICHMOND UPON
THAMES LISTED ON SCHEDULE 1 ATTACHED TO THIS CLAIM**

**(2) PERSONS UNKNOWN DEPOSITING WASTE ON ANY OF THE 8 SITES
WITHIN THE LONDON BOROUGH OF RICHMOND UPON THAMES
LISTED ON SCHEDULE 1 ATTACHED TO THIS CLAIM**

Defendant

EXHIBIT JC6

This is the exhibit marked "**JC6**" as referred to in the Witness Statement of Joanne Capper dated 18 November 2025

Dated 18 November 2025

LONDON BOROUGH OF RICHMOND UPON THAMES

MINUTES

At a meeting of the Council of the **LONDON BOROUGH OF RICHMOND UPON THAMES** held at the Municipal Offices, Twickenham at 7.00pm on Tuesday, 7 October 2025

PRESENT:

The Mayor, Councillor Frost, in the Chair.

The Deputy Mayor, Councillor Vollum and Councillors Baker, Baldwin, Bishop, Bridges-Westcott, Brown, Butlin, Cambridge, Cardy, Chard, Coombs, Crookdale, Dalton, Dane, Davis, Ehmann, Fleming, Frieze, Frost, Gant, Giesler, Hale, Hull, Juriansz, Khosa, Lee, Mansfield, McNulty-Howard, Millard, Millum, Neden-Watts, Nicholson, O'Brien, O'Shea, Pollesche, Richards, Roberts, Sacks, Sehra, Varley, Vassileva, Vollum, Warlow, Warren, Wilson and Wren

Apologies for absence were received from Councillor Piers Allen, Councillor Ian Craigie, Councillor Charlie Engel, Councillor Jo Humphreys, Councillor Zoe McLeod, Councillor Rob O'Carroll, Councillor Tony Paterson and Councillor Richard Pyne

26. MINUTES

RESOLVED that the minutes of the meeting held on 8 July 2025 be agreed and signed by the Mayor.

27. ANNOUNCEMENTS

The Mayor noted with regret the recent passing of former Mayor Mark Cranfield Adams, who served as the representative for North Richmond Ward from 2002 to 2010 and held the mayoralty from 2007 to 2008. The Mayor extended condolences to his family and friends, informing the Council that his funeral had taken place last month.

The Mayor was pleased to share that the Richmond Swimming Club had held a successful sponsored swim the previous Friday, during which participating children swam with great enthusiasm to raise funds for the Mayoral charities. The event was well supported, and parents were warmly encouraged to make generous donations.

The Mayor announced that a wine tasting evening would take place at Saint Richard's Church, Ham, on Thursday, 13 November, from 18:30 to 20:30. She encouraged all Councillors who are able to attend. Further details regarding ticket purchases will be circulated in due course.

Finally, the Mayor informed the Council that the annual Christmas concert would be held at Clarendon Hall, York House, on Thursday, 4 December, from 18:30 to 20:30. Additional information about the event will be provided in due course.

The Leader of the Council acknowledged the second anniversary of the Nova Music Festival attack, during which many Israelis lost their lives or were taken

curriculum by the end of October 2025. Students, parents, and schools were consulted about the change of provision from Malden Oaks. Officers continue to review the suitability of the provision with students and their parents.”

As a supplementary question, Councillor Crookdake asked whether AfC is willing to consider allowing pupils to return to Malden Oaks if they prefer and sought clarification on the per-place funding cost compared to Beckmead Trust, and asked whether Malden Oaks will be invited to tender for placements next year.

In reply, Councillor Cambridge advised that each placement will be assessed individually, with the pupil’s well-being remaining at the heart of any consideration. Two students have already returned to Malden Oaks. Officers have also engaged in fee negotiation with Malden Oaks. Councillor Cambridge indicated she was unaware of any formal requests from pupils or parents for a transfer. However, officers will review any individual case, provided it is cost effective, with any extra funding required for increased pupil placements needing to be sourced from the Dedicated Schools Grant.

The time for questions having elapsed, all remaining questions would receive a written answer.

32. REPORTS OF THE COUNCIL'S COMMITTEES

A. ENVIRONMENT, SUSTAINABILITY, CULTURE AND SPORTS COMMITTEE

Richmond upon Thames Local Plan 2024 to 2039 and update to the Local Validation Checklist and Supplementary Planning Documents (SPDs) Work Programme.

RESOLVED:

- a) That Council adopt the Local Plan.
- b) The Council delegate to the Head of Spatial Planning agreement of the final version of the adopted Local Plan (including minor text, graphic and layout changes that do not impact on the integrity of the Plan as approved by Council) and accompanying Policies Map, in liaison with the Chair of the Environment, Sustainability, Culture and Sports Committee.

B. FINANCE, POLICY AND RESOURCES COMMITTEE

Medium Term Financial Strategy.

RESOLVED:

That Council approve the Medium-Term Financial Strategy including the Flexible Use of Capital Receipts Strategy.

33. REPORTS ON JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS

None.

Intervener's Witness Statements

Witness
Statement
of Deborah
Jane
Kennett
Exhibits
DJK1
DJK2
Dated
7/02/25

IN THE HIGH COURT OF JUSTICE

KING'S BENCH DIVISION

IN THE MATTER OF

SECTION 222 LOCAL GOVERNMENT ACT 1972 AND

SECTION 187B TOWN AND COUNTRY PLANNING ACT 1990

**Claim
No2024-
003315**

BETWEEN:

**THE MAYOR AND THE BURGESSES OF THE
LONDON BOROUGH OF RICHMOND**

Claimant

and

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(including temporary occupation) WITH OR
WITHOUT VEHICLES ON ANY OF THE 8 SITES
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SCHEDULE 1 ATTACHED TO THIS CLAIM**

Defendants

**(2) PERSONS UNKNOWN DEPOSITING
WASTE ON ANY OF THE 8 SITES WITHIN THE
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THAMES LISTED ON SCHEDULE 1 ATTACHED
TO THIS CLAIM**

and

LONDON GYPSIES AND TRAVELLERS

**Proposed
Intervener**

**WITNESS STATEMENT
OF DEBORAH JANE KENNETT**

Full Name of Witness: Deborah Jane Kennett

Address: London Gypsies and Travellers, Mildmay Community Centre, Woodville Road,
Mayville Estate, London N16 8NA

Occupation: CEO

1. I make this statement in support of the further written submission from London Gypsies and Travellers (LGT) in preparation for the hearing on Thursday 13th February 2025. In this statement I wish to provide an opinion about the manner of communication of the injunction for its effect of preventing discriminatory harm, and with regards to lack of accommodation for families living a nomadic way of life in accordance with their culture as members of protected minority groups.

London Gypsies and Travellers' interest in wide injunction proceedings

2. I am the CEO of London Gypsies and Travellers (LGT). In my role I lead the strategy on engagement with Gypsies and Travellers living in London and those pursuing a nomadic way of life, and on communications with Local Authorities, the Greater London Authority and central government to advocate for the accommodation needs of Gypsies and Travellers to be met, including through the provision of permanent sites and temporary stopping places and policies such as ‘negotiated stopping’.

3. Since 2018 LGT has been actively seeking to challenge wide injunction orders against persons unknown stopping on land, recognising the damaging impact of such powers on the Gypsy and Traveller community, especially in the absence of safe and suitable alternative stopping places or transit sites. We were particularly concerned that the nature of orders against ‘persons unknown’ means that it is very unlikely for such cases to be defended and for Judges to hear arguments about how these injunctions affect the Gypsy and Traveller community. The Judgment in *London Borough of Bromley v Persons Unknown, London Gypsies & Travellers and others* [2020] EWCA Civ 12 has not been overturned.

4. Following the Bromley Court of Appeal judgment, LGT wrote to local authorities in London with a summary of the guidance provided by the Judges, asking if councils intend to apply for final hearings or renewal. This was with the intention to make submissions in forthcoming hearings, in assistance of the Court, highlighting the Bromley criteria and how they are being met or not. This included correspondence with the London Borough of Richmond. The letter is attached to this statement, below. The legal advisor for five boroughs in the south of London responded by email on 15 June 2020 to state only: “I can confirm that Richmond Council is proceeding with its application for a final Order, and the interim order remains enforceable”.

5. LGT continued to be available for communication with local authority office-holders after *Wolverhampton City Council v London Gypsies & Travellers and others* [2023] UKSC 47 with regards to obligations to provide accommodation that allows the nomadic way of life which is lawful and also an expression of Gypsies and Travellers’ “enshrined freedom not to stay in one place but to move from one place to another” as laid out in Bromley Judgment, para 109.

Concerns about the lack of effective notification of the injunction

6. LGT first found out about LB Richmond’s new interim Injunction Order from an email sent by the legal advisor for the five boroughs, sent to our organisation’s general email address info@londongandt.org.uk on Friday 20th of December 2024 at 4.04pm, at a time when all the staff had closed the office for their Christmas leave. The email was only picked up upon the re-opening of the office on 3 January 2025. The timing and the medium of the communication did not leave the time for meaningful consultation on the detrimental effects of proceedings against ‘persons unknown’ which target the whole Gypsy and Traveller community. Consequently, even the role that our organization has tried to take, in order to bring some views of how these communities are affected, could only be hurriedly attempted at such short notice. We acknowledge the fact that this does not substitute for any potential defendants coming forward and putting their case across in front of the Courts.

7. If the purpose of informing LGT of the injunction was to inform Gypsies and Travellers living on the roadside of the application of the Order, and to support them in an application to vary or set aside the Order, then notifying LGT of the Order in the manner outlined above could not be effective in light of the complexity of the Order, the reliance on the Council website for access to the legal documents, and the literacy rates and digital exclusion in Gypsy and Traveller communities (see [House of Commons Library, “Gypsies and travellers: educational](#)

[outcomes”, research briefing, 17 May 2024](#); and [House of Commons Women and Equalities Committee, Tackling inequalities faced by Gypsy, Roma and Traveller communities, report, 5 April 2019](#), para 149). In our view other additional measures would need to be put in place to support those who are not able to understand the order when they come across it posted on the eight sites in the borough, and who would need support to access associated proceedings of how to get involved if they wish.

8. Local authorities have a duty under the Equality Act to have due regard to removing or minimising disadvantages suffered by people due to their protected characteristics and in this case the council should have considered how to serve the Part 8 claim form in a more accessible and effective way.

Concerns about the lack of provision of accommodation for nomadic families

9. I will now turn to the second issue I want to address in this statement, which relates to the lack of accommodation for Gypsies and Travellers pursuing a nomadic way of life, as is their right. The Bromley criteria stipulate the need to provide transit accommodation to which households making stops in an area can be directed. There is no transit pitch accommodation available for rent in the entirety of Greater London.

10. At the same time as local authorities, including the London Borough of Richmond, started applying Injunction Orders, LGT sought to convince the local authorities to adopt negotiated stopping approaches as a humane method for meeting the accommodation needs of families living on the roadside. In the context of research commissioned by the Greater London Authority, LGT contacted LB Richmond’s Housing Directorate and its Environment and Community Services to introduce the policy of negotiated stopping, on 13th February 2019 and 22nd May 2019, and to invite officers in both departments to a meeting at City Hall on 31st May

2019 “to share best practices and develop ideas for approaches that seek to reduce human costs and public spending”.

11. The research and policy guidance that resulted from this engagement across London during 2019 came out as [the report “The potential for a negotiated stopping approach in London”](#) which was published on 4 December 2019. This report is presented as evidence exhibit **DJK1** attached to this statement. Following the publication, which was disseminated via the Greater London Authority to all relevant stakeholders, LGT sought again to meet with Richmond’s Environment and Community Services, which responded on 31 May 2022 without in fact arriving at a date for a meeting.

12. On 9 November 2020, LGT followed up on its research by making a Freedom of Information request to LB Richmond – as to other local authorities – with regards to the potential implementation of negotiations with encampments that had made stops in the borough, particularly in the context of Covid-19 precautions. The response from LB Richmond came on 4 January 2021, indicating that out of six unauthorised encampments between 13 March 2019 and 9 November 2020, one encampment that included a woman in an advanced stage of pregnancy had been tolerated, but after three days was served with an injunction notice just as the other five encampments endured.

13. Despite these multiple and repeated opportunities to draw on London Gypsies and Travellers’ expertise in the matter of providing suitable accommodation such as negotiated stopping, the London Borough of Richmond has decided to regress to the punitive approach as imposed by the Injunction Order. The formulation, labelled as a “positive” impact in [the Equality Impact and Needs Assessment attached to the Order](#), that states “[t]he injunction would allow for the Gypsy and Traveller communities to travel through the borough to alternative destinations”, captures the essence of the exclusionary and punitive approach.

Rather than punishing people pursuing a nomadic way of life and reinforcing the negative perceptions of roadside camps, LGT calls on London Borough of Richmond to help build inclusive neighbourhoods where Gypsy and Traveller families are welcomed.

14. There is now produced and shown here as exhibit **DJK2** LGT's letter of 23rd March 2020 to London Borough of Richmond and LGT's report "The potential for a negotiated stopping approach in London".

A handwritten signature in blue ink, appearing to read 'Deborah Jane Kennett', is positioned above the 'Signed:' line.

Signed:

Printed: DEBORAH JANE KENNETT

Date: 7th of February 2025

IN THE HIGH COURT OF JUSTICE

KING'S BENCH DIVISION

IN THE MATTER OF

SECTION 222 LOCAL GOVERNMENT ACT 1972 AND

SECTION 187B TOWN AND COUNTRY PLANNING ACT 1990

Claim No

KB -

2024-

003315

BETWEEN:

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LONDON BOROUGH OF RICHMOND**

Claimant

and

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and

LONDON GYPSIES AND TRAVELLERS

**Proposed
Intervener**

A young boy with red hair is sitting by a window, looking at a smartphone. He is wearing a blue sweater over a red shirt. The window shows a view of trees and a building outside. A green banner is at the top of the page.

The potential for a negotiated stopping approach in London

EXECUTIVE SUMMARY

By Professor Jo Richardson, DeMontfort University
and London Gypsies and Travellers

November 2019

Executive summary

Travelling is a significant part of Gypsies and Travellers' culture and way of life and many families continue to travel in and around London following in the footsteps of past generations. Being able to stop in safe and secure conditions and having access to basic facilities such as sanitation and waste disposal are essential to travelling.

Negotiated stopping is a balanced and humane approach to managing roadside camps, based on a mutual agreement between the local authority and Gypsy and Traveller families on matters such as correct waste disposal and basic temporary facilities, sometimes directing Gypsy and Traveller communities away from contentious public spaces to more appropriate council land.

This approach is proven to achieve significant savings in public spending and decreased social costs for Gypsy and Traveller communities. However, across London the preferred approach for most local authorities is rapid eviction of roadside families which has significant negative impacts.

What is the project about?

The Greater London Authority (GLA) has commissioned London Gypsies and Travellers (LGT) to investigate the issues around unauthorised encampments and negotiated stopping in London. LGT worked in partnership with De

Montfort University who undertook research to examine the evidence and explore the potential for negotiated stopping approaches in London. This report summarises the findings of research undertaken during the first eight months of 2019, through a series of methods including policy reviews, an online survey, focus groups and interviews with local authorities, housing associations, the GLA, members of the Traveller community and other stakeholders.

Starting with an analysis of the current context and key issues related to roadside stopping across London, the report highlights existing good practice, reflects on the facilitators and barriers for developing new approaches, and makes recommendations for practical steps to transition to a planned and managed approach that decreases the social costs and public spending often associated with unauthorised encampments.

This project is essentially an exploration of the idea of negotiated stopping, to see whether this could help in London. The idea for negotiated stopping as a shared set of principles and approaches is to support all landowners (including public sector bodies and councils) and Gypsies and Travellers to agree what short term accommodation is appropriate, fair and in the best interests of all residents. It is not about permitting stopping where it would be inappropriate to do so, or about allowing inappropriate or unfair behaviour. It is about sharing knowledge, ideas and practices to enable a pattern of travel and nomadic way of life that has contributed to our society for centuries.

Research findings

Current context and key issues

There are a range of factors that contribute to the increased visibility of camps across London in recent years, including the lack of permanent site provision or stopping places, the lack of available vacant land in more concealed locations, or the fact that vacant land is very often hoarded up and secured even if not in use for many years. Access to locations that were traditionally used by Gypsy and Traveller families for stopping has significantly diminished due to development pressures and, especially in London, land values in a global city.

One of the most significant factors that can lead to encampments being more visible, and perceived as more disruptive, is an enforcement approach from local



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authorities that focuses on eviction and exclusion. For example, half of London boroughs have secured High Court injunction orders against “persons unknown” stopping on public land for residential purposes, which clearly target Gypsy and Traveller communities. Yet there are no authorised stopping places or transit sites in London at all; and permanent accommodation has been historically insufficient resulting in significant shortage today. Only 10 new pitches have been provided on local authority sites since over 750 were identified as needed in 2008.

Due to the lack of stopping places and access to vacant land, many Gypsies and Travellers feel they have nowhere to go but on public parks and open spaces. This leads to increased community tension and creates a vicious circle, as local authorities and police seek to evict as quickly as possible, under public pressure. In most cases this is just shifting people on to the next green space, rather than to a suitable location where Travellers can negotiate some stopping time and access the facilities and services they need. Identification of suitable land, in co-operation with neighbouring authorities, can lead to a proactive accommodation approach which provides benefits for the whole community, and which can provide savings to public budgets. There is a potential for savings in legal and cleaning costs if local authorities adopt an approach based on dialogue and provision of basic facilities, such as negotiated stopping.

Local authorities have a range of duties to assess the needs of Gypsies and Travellers, in terms of access to accommodation, ensuring the best interests of children, advancing equality of opportunity and preventing discrimination. Current government guidance on managing unauthorised encampments recommends careful consideration of such issues before deciding whether enforcement is actually necessary. However, the hard-line response to camps which seeks rapid enforcement action is rarely meeting these requirements, leading to further marginalisation and exclusion of Gypsy and Traveller communities.

Travellers stopping on land are often associated with crime and fly-tipping, particularly through local news reports and social media, and in local authorities’ public responses to camps in their area. More worryingly, the injunction orders sought by councils appear to conflate the two issues, which can have the effect of criminalising travelling and stopping. Accommodation needs to be provided. Organised waste crime should be prosecuted. These are separate issues, sometimes in the same location, but with different required treatments.



This research found a range of models of good practice in terms of managing roadside encampments in ways that meet local authorities’ duties and, as a result, decrease not only social costs for the Gypsy and Traveller community, but also lead to savings in public spending and improvements in community relations.

Key ingredients for a successful negotiated stopping approach in London

While negotiated stopping is a flexible approach that should be adapted to respond to local circumstances and needs, rather than a prescribed set of policies and procedures, there are a number of elements or “ingredients” that have proven to work. The research found a series of contingent factors, or ingredients, underpinning negotiated stopping, or similar managed unauthorised encampment approaches. These are examined throughout the report. One of the predominant ingredients for success across London is the need for political vision, leadership and coordination at a strategic level by a central London body, like the GLA. The key ingredients are summarised here for the executive summary:

Political vision:

- ▶ A shift in political attitudes to travelling and stopping – a part of culture, not a “problem”
- ▶ Setting positive examples and leading the way
- ▶ Public Sector Equality Duty – challenging discriminatory language and action where it occurs

Decent conditions for roadside families:

- ▶ Outreach and dialogue
- ▶ Provision of basic facilities
- ▶ Detailed welfare assessments and follow up
- ▶ Agreeing stopping time

A planned approach to temporary stopping:

- ▶ Identifying suitable alternatives for stopping places
- ▶ Budgets for dedicated staff and resources
- ▶ Securing meanwhile uses on vacant land

Trust and partnership between Traveller families, local authorities, police and other agencies

- ▶ Consultation with residents, Gypsies and Travellers to keep lines of communication open
- ▶ Local elected members and senior leaders challenging discriminatory discourse where it occurs.

A coordinated pan-London approach

- ▶ Policy and guidance
- ▶ Joint working and infrastructure
- ▶ Staffing and resources
- ▶ Monitoring and evaluation

A clear separation of large-scale fly-tipping issues from roadside stopping.

Recommendations

Below is a summary of the key recommendations emerging from the research. They are presented in more detail at the end of the report.

1. Political champions

- **By the end of 2019** GLA to work with LGT to create a pledge for London politicians, to facilitate the nomadic way of life as an essential part of Gypsy and Traveller culture and advance the broader equality agenda for these communities.

This could include:

- **Promoting** dialogue, provision of basic facilities and stopping time for roadside families as a first response to encampments
- **Challenging** boroughs that take an unnecessarily tough approach and disproportionate enforcement action, particularly where alternative sites are not available
- **Proactive** and positive messaging on roadside issues and negotiated stopping in meetings, on social media, and through press coverage
- **Organising** cultural awareness training for colleagues, officers and other stakeholders to promote the better understanding of equality issues, challenges facing roadside families and best practices

2. Leading by doing

- **By early 2020** GLA to agree internally an approach that sets out the standard first response to camps on GLA Group land to be dialogue and negotiation, provision of basic facilities and allowing stopping time where needed.
- **By March 2020** GLA to develop a plan to implement this approach, including to identify the officers who will lead on the work, their relationship with GLA Estates



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Management and TfL, and the budget to fund provision of portable toilets and rubbish collection where needed

- **By end of 2020** GLA to test this approach, monitor and evaluate the outcomes, in consultation with LGT, boroughs and other stakeholders.
- **By 2021** Based on success of initiative develop a policy of negotiated stopping for GLA Group land.

3. Support for a coordinated pan-London approach

- **By early 2020** – The Mayor of London to invite all London council leaders and housing portfolio holders to a seminar facilitated by De Montfort University and London Gypsy Travellers, to encourage political will across the city to address the issue of unauthorised encampments through a negotiated approach. The seminar is also an opportunity to consult on the options for resourcing and support outlined below.
- **By March 2020** – GLA to make available an offer of support for London boroughs that can include the following options:
 - ▶ GLA to facilitate a pan-London network for stakeholders from local authorities, housing associations etc to meet regularly and work on developing shared good practices for managing camps with the aim to reduce social costs and public spending. This can be used as a forum to further scope out the funding needed to support negotiated stopping in London and to establish likely areas for demonstration pilots.
 - ▶ A key GLA officer to work with London boroughs to implement negotiated approaches – the officer would help to identify land, develop financial models for meanwhile uses and work across council borders and with other agencies.
 - ▶ A funding stream for a small scale negotiated stopping pilot between March and October 2020. This would be a for a joint bid between two to three neighbouring local authorities. Funding through such grant could help to cover officer costs and delivering appropriate services for negotiated stopping (in some instances, refuse disposal and portaloos, for example).
- **By end of 2020** GLA to develop policy guidance on negotiated stopping as a meanwhile use for vacant land (e.g. supplementary planning guidance) – this can include topics such as identifying land, providing infrastructure (basic facilities), outreach and management. This could level the playing field and set the same expectations for all boroughs.
- **By end of 2020** GLA to evaluate the pilot funding stream and develop a grant programme for local authorities to implement negotiated stopping approaches between 2021-2024.



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4. Separate out issues of accommodation and waste

- **Ongoing** – Local authorities and GLA to review the collection of data on unauthorised encampments to ensure that costs associated with organised waste crime are separated out from costs of clearing up domestic waste and enforcement action.
- **By early 2020** – GLA together with the Environment Agency, London councils, Metropolitan Police, London Waste and Recycling Board to establish a forum that meets regularly to investigate issues with construction, commercial and industrial waste disposal and devise an action plan.

5. Change at the local level

Dependent on context and timeframe for policies, such as needs assessments and local plan development documents, it is recommended for local authorities in London:

- **Cabinet members** for housing to include Gypsy and Traveller accommodation (both permanent and temporary) in their portfolios of responsibility
- **Launch** in depth investigations to review current practices of enforcement and assess how they meet requirements under the Public Sector Equality Duty and government guidance on dealing with unauthorised encampments
- **Commit** to provide at least a minimum standard of dialogue and provision of basic facilities to all Traveller families stopping on public land in the borough
- **Undertake** financial modelling for negotiated stopping, for example to identify budgets that could be used to resource the approach (this should also include a cost-benefit analysis that considers wider social costs)
- **Use** local plans and other mechanisms to identify land for meanwhile use as negotiated stopping places
- **Prepare** for a transition to a planned approach to roadside stopping when existing injunctions will expire.

The potential for a negotiated stopping approach in London

November 2019

**LONDON
GYPSIES &
TRAVELLERS**



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Negotiated stopping is a balanced and humane approach to managing roadside camps, based on a mutual agreement between the local authority and Gypsy and Traveller families on what short term accommodation is appropriate, fair and in the best interests of all residents.

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Jo Richardson has researched issues affecting Gypsy and Traveller accommodation for the last 18 years; she has undertaken work funded by the Economic and Social Research Council, Arts and Humanities Research Council and the Joseph Rowntree Foundation. Jo has published research funded by the Equality and Human Rights Commission, the Chartered Institute of Housing and a number of individual public sector and charity organisations. Jo is a member of the Local Governance Research Centre at De Montfort University, more information on their work can be found here: <https://www.dmu.ac.uk/research/centres-institutes/lgrc/index.aspx>

London Gypsies and Travellers

London Gypsies and Travellers is an organisation which challenges social exclusion and discrimination, working for change in partnership with Gypsies and Travellers. LGT works with the community and a range of trusted partners to contribute to the development of local, regional and national policy. The issue of unauthorised encampments has been a significant aspect of our policy and community development work over the years. More information about our work can be found on our website: <http://www.londongypsiesandtravellers.org.uk/>

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Executive summary

Travelling is a significant part of Gypsies and Travellers' culture and way of life and many families continue to travel in and around London following in the footsteps of past generations. Being able to stop in safe and secure conditions and having access to basic facilities such as sanitation and waste disposal are essential to travelling.

Negotiated stopping is a balanced and humane approach to managing roadside camps, based on a mutual agreement between the local authority and Gypsy and Traveller families on matters such as correct waste disposal and basic temporary facilities, sometimes directing Gypsy and Traveller communities away from contentious public spaces to more appropriate council land.

This approach is proven to achieve significant savings in public spending and decreased social costs for Gypsy and Traveller communities. However, across London the preferred approach for most local authorities is rapid eviction of roadside families which has significant negative impacts.

What is the project about?

London Gypsies and Travellers (LGT) investigated the issues around unauthorised encampments and negotiated stopping in London. This report is an independent piece of research supported with grant funding from the Greater London Authority (GLA). LGT worked in partnership with De Montfort University who undertook research to examine the evidence and explore the potential for negotiated stopping

approaches in London. This report summarises the findings of research undertaken during the first eight months of 2019, through a series of methods including policy reviews, an online survey, focus groups and interviews with local authorities, housing associations, members of the Traveller community and other stakeholders.

Starting with an analysis of the current context and key issues related to roadside stopping across London, the report highlights existing good practice, reflects on the facilitators and barriers for developing new approaches, and makes recommendations for practical steps to transition to a planned and managed approach that decreases the social costs and public spending often associated with unauthorised encampments.

This project is essentially an exploration of the idea of negotiated stopping, to see whether this could help in London. The idea for negotiated stopping as a shared set of principles and approaches is to support all landowners (including public sector bodies and councils) and Gypsies and Travellers to agree what short term accommodation is appropriate, fair and in the best interests of all residents. It is not about permitting stopping where it would be inappropriate to do so, or about allowing inappropriate or unfair behaviour. It is about sharing knowledge, ideas and practices to enable a pattern of travel and nomadic way of life that has contributed to our society for centuries.

Research findings

Current context and key issues

There are a range of factors that contribute to the increased visibility of camps across London in recent years, including the lack of permanent site provision or stopping places, the lack of available vacant land in more concealed locations, or the fact that vacant land is very often hoarded up and secured even if not in use for many years. Access to locations that were traditionally used by Gypsy and Traveller families for stopping has significantly diminished due to development pressures and, especially in London, land values in a global city.

One of the most significant factors that can lead to encampments being more visible, and perceived as more disruptive, is an enforcement approach from local authorities that focuses on eviction and exclusion. For example, half of London boroughs have secured High Court



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injunction orders against “persons unknown” stopping on public land for residential purposes, which clearly target Gypsy and Traveller communities. Yet there are no authorised stopping places or transit sites in London at all; and permanent accommodation has been historically insufficient resulting in significant shortage today. Only 10 new pitches have been provided on local authority sites since over 750 were identified as needed in 2008.

Due to the lack of stopping places and access to vacant land, many Gypsies and Travellers feel they have nowhere to go but on public parks and open spaces. This leads to increased community tension and creates vicious circle, as local authorities and police seek to evict as quickly as possible, under public pressure. In most cases this is just shifting people on to the next green space, rather than to a suitable location where Travellers can negotiate some stopping time and access the facilities and services they need. Identification of suitable land, in co-operation with neighbouring authorities, can lead to a proactive accommodation approach which provides benefits for the whole community, and which can provide savings to public budgets. There is a potential for savings in legal and cleaning costs if local authorities adopt an approach based on dialogue and provision of basic facilities, such as negotiated stopping.

Local authorities have a range of duties to assess the needs of Gypsies and Travellers, in terms of access to accommodation, ensuring the best interests of children,

advancing equality of opportunity and preventing discrimination. Current government guidance on managing unauthorised encampments recommends careful consideration of such issues before deciding whether enforcement is actually necessary. However, the hard-line response to camps which seeks rapid enforcement action is rarely meeting these requirements, leading to further marginalisation and exclusion of Gypsy and Traveller communities.

Travellers stopping on land are often associated with crime and fly-tipping, particularly through local news reports and social media, and in local authorities’ public responses to camps in their area. More worryingly, the injunction orders sought by councils appear to conflate the two issues, which can have the effect of criminalising travelling and stopping. Accommodation needs to be provided. Organised waste crime should be prosecuted. These are separate issues, sometimes in the same location, but with different required treatments.

This research found a range of models of good practice in terms of managing roadside encampments in ways that meet local authorities’ duties and, as a result, decrease not only social costs for the Gypsy and Traveller community, but also lead to savings in public spending and improvements in community relations. Some of the examples of good practice explored in the report are from Wales, Scotland, Leeds, Leicester and London; the examples present diverse responses at different scales.



Identification of suitable land, in co-operation with neighbouring authorities, can lead to a proactive accommodation approach which provides benefits for the whole community, and which can provide savings to public budgets.



Key ingredients for a successful negotiated stopping approach in London

While negotiated stopping is a flexible approach that should be adapted to respond to local circumstances and needs, rather than a prescribed set of policies and procedures, there are several elements or “ingredients” that have proven to work. The research found a series of contingent factors, or ingredients, underpinning negotiated stopping, or similar managed unauthorised encampment approaches. These are examined throughout the report. One of the predominant ingredients for success across London is the need for political vision, leadership and coordination at a strategic level by a central London body, like the GLA. The key ingredients are summarised here for the executive summary:

Political vision

- ▶ A shift in political attitudes to travelling and stopping – a part of culture, not a “problem”
- ▶ Setting positive examples and leading the way
- ▶ Public Sector Equality Duty – challenging discriminatory language and action where it occurs.

Decent conditions for roadside families

- ▶ Outreach and dialogue
- ▶ Provision of basic facilities
- ▶ Detailed welfare assessments and follow up
- ▶ Agreeing stopping time.

A planned approach to temporary stopping

- ▶ Identifying suitable alternatives for stopping places
- ▶ Budgets for dedicated staff and resources
- ▶ Securing meanwhile uses on vacant land.

Trust and partnership between Traveller families, local authorities, police and other agencies

- ▶ Consultation with residents, Gypsies and Travellers to keep lines of communication open
- ▶ Local elected members and senior leaders challenging discriminatory discourse where it occurs.

A coordinated pan-London approach

- ▶ Policy and guidance
- ▶ Joint working and infrastructure
- ▶ Staffing and resources
- ▶ Monitoring and evaluation.

A clear separation of large-scale fly-tipping issues from roadside stopping.

Recommendations

Below is a summary of the key recommendations emerging from the research. They are presented in more detail at the end of the report.

1. Political champions

- **By early 2020** GLA to work with LGT to create a pledge for London politicians, to facilitate the nomadic way of life as an essential part of Gypsy and Traveller culture and advance the broader equality agenda for these communities.

This could include:

- **Promoting** dialogue, provision of basic facilities and stopping time for roadside families as a first response to encampments.
- **Challenging** boroughs that take an unnecessarily tough approach and disproportionate enforcement action, particularly where alternative sites are not available
- **Proactive** and positive messaging on roadside issues and negotiated stopping in meetings, on social media, and through press coverage.
- **Organising** cultural awareness training for colleagues, officers and other stakeholders to promote the better understanding of equality issues, challenges facing roadside families and best practices.

2. Leading by doing

- **By early 2020** GLA to agree internally an approach that sets out the standard first response to camps on GLA Group land to be dialogue and negotiation, provision of basic facilities and allowing stopping time where needed.
- **By March 2020** GLA to develop a plan to implement this approach, including to identify the officers who will lead on the work, their relationship with GLA Estates

Management and TfL, and the budget to fund provision of portable toilets and rubbish collection where needed.

- **By end of 2020** to test this approach, monitor and evaluate the outcomes, in consultation with LGT, boroughs and other stakeholders.
- **By 2021** Based on success of initiative develop a policy of negotiated stopping for GLA Group land.

3. Support for a coordinated pan-London approach

- **By early 2020** – The Mayor of London to invite all London council leaders and housing portfolio holders to a seminar facilitated by De Montfort University and London Gypsy Travellers, to encourage political will across the city to address the issue of unauthorised encampments through a negotiated approach. The seminar is also an opportunity to consult on the options for resourcing and support outlined below.
- **By March 2020** – GLA to make available an offer of support for London boroughs that can include the following options:
 - ▶ GLA to facilitate a pan-London network for stakeholders from local authorities, housing associations etc to meet regularly and work on developing shared good practices for managing camps with the aim to reduce social costs and public spending. This can be used as a forum to further scope out the funding needed to support negotiated stopping in London and to establish likely areas for demonstration pilots.
 - ▶ A key GLA officer to work with London boroughs to implement negotiated approaches – the officer would help to identify land, develop financial models for meanwhile uses and work across council borders and with other agencies.
 - ▶ A funding stream for a small scale negotiated stopping pilot between March and October 2020. This would be for a joint bid between two to three neighbouring local authorities. Funding through such grant could help to

cover officer costs and delivering appropriate services for negotiated stopping (in some instances, refuse disposal and portable toilets, for example).

- **By end of 2020** GLA to develop policy guidance on negotiated stopping as a meanwhile use for vacant land (e.g. supplementary planning guidance) – this can include topics such as identifying land, providing infrastructure (basic facilities), outreach and management. This could level the playing field and set the same expectations for all boroughs.
- **By end of 2020** GLA to evaluate the pilot funding stream and develop a grant programme for local authorities to implement negotiated stopping approaches between 2021-2024.

4. Separate out issues of accommodation and waste

- **Ongoing** – Local authorities, GLA and other stakeholders to review the collection of data on unauthorised encampments to ensure that costs associated with organised waste crime are separated out from costs of clearing up domestic waste and enforcement action.
- **By early 2020** – GLA together with the Environment Agency, London Councils, Metropolitan Police, London Waste and Recycling Board to establish a forum that meets regularly to investigate issues with fly-tipping and waste crime related to construction, commercial and industrial waste and devise an action plan aiming to prevent fly-tipping.

5. Change at the local level

Dependent on context and timeframe for policies, such as needs assessments and local plan development documents, it is recommended for local authorities in London:

- **Cabinet members** for for housing to include Gypsy and Traveller accommodation (both permanent and temporary) in their portfolios of responsibility.
- **Launch** in depth investigations to review current practices of enforcement and assess how they meet requirements under the Public Sector Equality Duty and government guidance on dealing with unauthorised encampments.
- **Commit** to provide at least a minimum standard of dialogue and provision of basic facilities to all Traveller families stopping on public land in the borough
- **Undertake** financial modelling for negotiated stopping, for example to identify budgets that could be used to resource the approach (this should also include a cost-benefit analysis that considers wider social costs).
- **Use** local plans and other mechanisms to identify land for meanwhile use as negotiated stopping places.
- **Prepare** for a transition to a planned approach to roadside stopping when existing injunctions will expire.



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Context

This introductory chapter sets out the context for the research on negotiated stopping. First, we will summarise the situation for roadside stopping in London, then secondly, we'll examine the social costs of poor management or non-provision of accommodation.

Roadside stopping in London

Gypsies and Travellers have been part of London for generations – patterns of travelling and stopping are closely and historically connected to the city's economy. It is estimated that there are 30,000 Gypsies and Travellers living in London.

As London has developed, and pressures are put on the financial valuation of land in this global city, there has been less and less availability of space for Gypsy and Traveller sites (and indeed more widely council and social housing). Financial viability assessments may prioritise certain types of development over others, and Gypsy and Traveller sites have been near the bottom of the list.

The changing landscape – more development pressures, less vacant land out of sight, less access to vacant land – has led to increased visibility of unauthorised encampments as there are fewer and fewer places to stop

in London. This has resulted in an accommodation crisis and conflict over provision of sites.

For many Gypsy and Traveller families being on unauthorised encampments is the only way they can continue to live a traditional way of life, even if only seasonally or during school holidays. Some families travel but have a settled base in housing or on a permanent site, other families are always on the road and possibly homeless.

Lack of provision for Gypsy and Traveller accommodation

The 2008 London wide Gypsy and Traveller Accommodation Assessment found a need for up to 768 pitches⁴ and since then, just 10 have been delivered as extensions on council sites. It also identified a need for 40 pitches on transit sites to be provided on a sub-regional basis – none of these have been delivered and there continues to be no transit provision across the whole of



The 2008 London wide Gypsy and Traveller Accommodation Assessment found a need for up to 768 pitches and since then, just 10 have been delivered...

London. There are currently very few Local Plans that make allocations for new sites or even expanding existing sites to accommodate some of this backlog of need.

The change to the planning definition of Gypsies and Travellers in 2015 saw a significant effect on the official numbers of recorded Gypsies and Travellers⁵; although the inclusion of a more appropriate definition in the draft London Plan should reconcile this tension. The definition in Policy H16 in the draft London Plan would ensure that local authorities also count the accommodation needs of Gypsies and Travellers who had ceased travelling permanently or lived in brick and mortar housing due to lack of sufficient pitches.

Although councils may have seen a reduction on paper of the accommodation needs of Gypsies and Travellers, reported increases in roadside encampments are a strong indication of unmet need.

A strict approach through eviction and injunction does not lead to fewer encampments – instead it creates a merry-go-round of fractured social cohesion, poorer health and education outcomes, mounting legal and clear-up costs, and dissatisfied residents.

Social costs of poor management

There are several costs which result from poor management of unauthorised encampments, and insufficient provision of accommodation. For officers working in councils and housing associations, for parish, district, county councillors and MPs the symptoms may be increased unauthorised encampments and complaints from local residents if there is loss of use of recreational land, as well as financial costs.

For Gypsies and Travellers, the symptoms of historic failure to deliver well-run sites and to facilitate the nomadic way of life can be summarised as follows.

Lack of provision has an impact on identity and culture

While the Government's 2015 planning definition requires Travellers to actively travel for work in order to have their needs counted and planned for by local authorities, in reality this is impossible for most given the lack of authorised, safe and suitable stopping places.

While the large majority of Travellers are "settled" in housing and sites, there has been a resurgence in recent years of many families seeking to go back on the road in an effort to keep their culture and community alive.



For many Gypsy and Traveller families being on unauthorised encampments is the only way they can continue to live a traditional way of life

Some are able to stay with relatives for family and cultural events, but the majority have to stay roadside. Increasingly more young people start travelling, even when they have grown up in housing, in an attempt to reconnect with their community, culture and identity.

In conversations with Gypsies and Travellers in London, whether in housing, on sites, or on camps, there is a strong feeling that their culture is under threat and that approaches to enforcement that tar everyone with the same brush (such as borough injunctions) are a form of marginalisation, some may even say geographical segregation, or social cleansing.

Public responses to roadside stopping can fuel prejudice

The response to unauthorised encampments in London (and across many parts of the country) seems to be increasingly hostile and reinforces negative stereotypes, as well as giving clear messages to Gypsy and Traveller families that they are not welcome.

Local media outlets' coverage of unauthorised encampments is most often alarmist, using language that reinforces negative stereotypes about Traveller communities and presents the camp as a danger to the neighbourhood. Online articles usually go up very quickly after camps set up, accompanied by comment threads which are unpleasant, and in some cases could be seen to incite hatred⁶.



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These articles very rarely show attempts to balance the story by interviewing Travellers or organisations working with them, or by investigating the root causes of why families stop on open spaces – which is sometimes the lack of planning and provision of suitable accommodation, sometimes it is a pattern of travel that a family has used for centuries, until public space became more privatised and public land was subject to injunction.

Similar activity takes places on social media websites where individuals from the area, as well as local councillors or police post photos of the camps (sometimes with vehicle registration plates visible which places people in a vulnerable position) with messages that reinforce that they are a “problem” that needs to be “dealt with” as quickly as possible. This is particularly challenging for the officers in London boroughs, and we hear later in the report how this phenomenon of fast news on social media creates real pressure on officers to “do something”.

Research⁷ has shown the impact of negative political and social discourse on the lives of Gypsies and Travellers. This exacerbates public prejudice and normalises hate crime against Gypsies and Travellers. Stereotypes and assumptions can move from language in town halls, to discussions at the kitchen table, into actions on the street. This linking of negative words and hostile action can be seen, for example, in evidence from the Gypsy and Traveller exchange in Hertfordshire report on hate crime:

“Those people setting up camps or sites or living in camps were particularly targeted for violence, intimidation and harassment. In one incident, a group of Gypsies arrived at a camp and shortly after, the police turned up to let them know they had to move on. During this time, those people living in the houses nearby came out shouting “Gypsy scum, Gypsy bastards”, letting their dogs loose to attack the community who had just arrived.”
(Thompson and Woodger, 2018, page 23)⁸

There is a need for strong political leadership in this country and beyond, so that politicians at all levels lead by example, and that councils feel empowered to challenge negative discourse where they hear it – including in their own council chambers.

Roadside stopping is indiscriminately associated with fly-tipping

The two separate issues of “accommodation” and “rubbish” are often conflated. The research team recognises from the responses in surveys and the focus group, that there are some locations where the two issues are present; but they require separate remedies, rather than a ban on accommodation altogether. It is recommended that prosecution is the response to waste crime. Separately, it is recommended that site delivery and negotiation of spaces is the response to encampments where there is insufficient accommodation, or where people are travelling through.



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A strict approach through eviction and injunction does not lead to fewer encampments – instead it creates a merry-go-round of fractured social cohesion, poorer health and education outcomes, mounting legal and clear-up costs, and dissatisfied residents.

There are times when rubbish is left after an encampment. Occasionally, there are reports of very large tips of rubbish, allegedly left by Travellers – but these large tips are of a scale which is criminal waste dumping and which needs investigating and prosecuting. It is important that councils, the wider public and the media do not confuse the separate issue of fly tipping with the issue of accommodation need. Fly tipping is illegal by any section of society and should be dealt with appropriately. Rapid evictions don't allow these issues to be investigated adequately. This in turn contributes to the wider issues of negative perceptions and discrimination against Gypsies and Travellers generally.

Negotiated stopping is an accommodation issue, not a criminal waste issue (that needs dealing with separately by the police and environment agency). Nevertheless, the use of negotiated stopping processes and agreements can help to alleviate the incidence of small domestic rubbish dumping, as it is possible to include the condition to dispose of waste in an agreement, along with a paid for service of rubbish storage and collection. If there isn't the means to dispose of rubbish, as there is for the wider community in housing, then it is difficult for travelling households to manage this in some cases.

"In some areas around Northampton and Crewe we have good relationships with council officers, they are very helpful and provide black bins and arrange to collect them. We can usually get a good bit of stopping time if we find land that is not in anyone's way and not being currently used."
(Traveller in conversation with LGT)

"Once we went to the council waste centre to leave our bin bags and we got refused because we are not residents and don't have an address."
(Traveller in conversation with LGT)

Frequent evictions affect Gypsies and Travellers' health, wellbeing and restrict access to education and other services

The health outcomes for Gypsies and Travellers are stark. Looking at Census (2011) data analysis, the percentage of Travellers reporting poor health is twice as high as the wider population⁹. There have been many studies on health and education outcomes and in early 2019 the Women and Equalities Select Committee published their inquiry report¹⁰. It is clear that without a place to stay, from which

to access medicine, schooling, work – then health and wellbeing outcomes are diminished.

If injunction or rapid eviction becomes the norm, rather than accommodation and negotiation, outcomes for Gypsies and Travellers will not improve. Where stopping is not part of the response, and where services and protocols therefore are not put in place, there are notable physical and mental health issues that have a disproportionate effect on Travellers and within that, further affecting Gypsy Traveller women and girls. Access to basic facilities – water, toilets, rubbish collection – should be seen as basic human right and part of the local authorities' duties around equality, public health and best interest of children.

Rapid evictions mean that welfare checks are expedited, and issues not always properly considered and addressed adequately. Signposting to health, education and welfare services is not always done consistently; and this can be exacerbated with confusion for Travellers and officers alike, when there are different processes and approaches across borough boundary borders.

Keeping stability in education is difficult for families who want to travel. Being able to stop within an area, for a negotiated period of time, allows families to plan their stay and to liaise with schools to help support better education outcomes. Education is an important aspect, and there is a need for schools to recognise the importance of travelling to cultural heritage. A more prominent inclusion of Gypsy and Traveller culture in history and citizenship lessons could help increase community understanding and cohesion too.

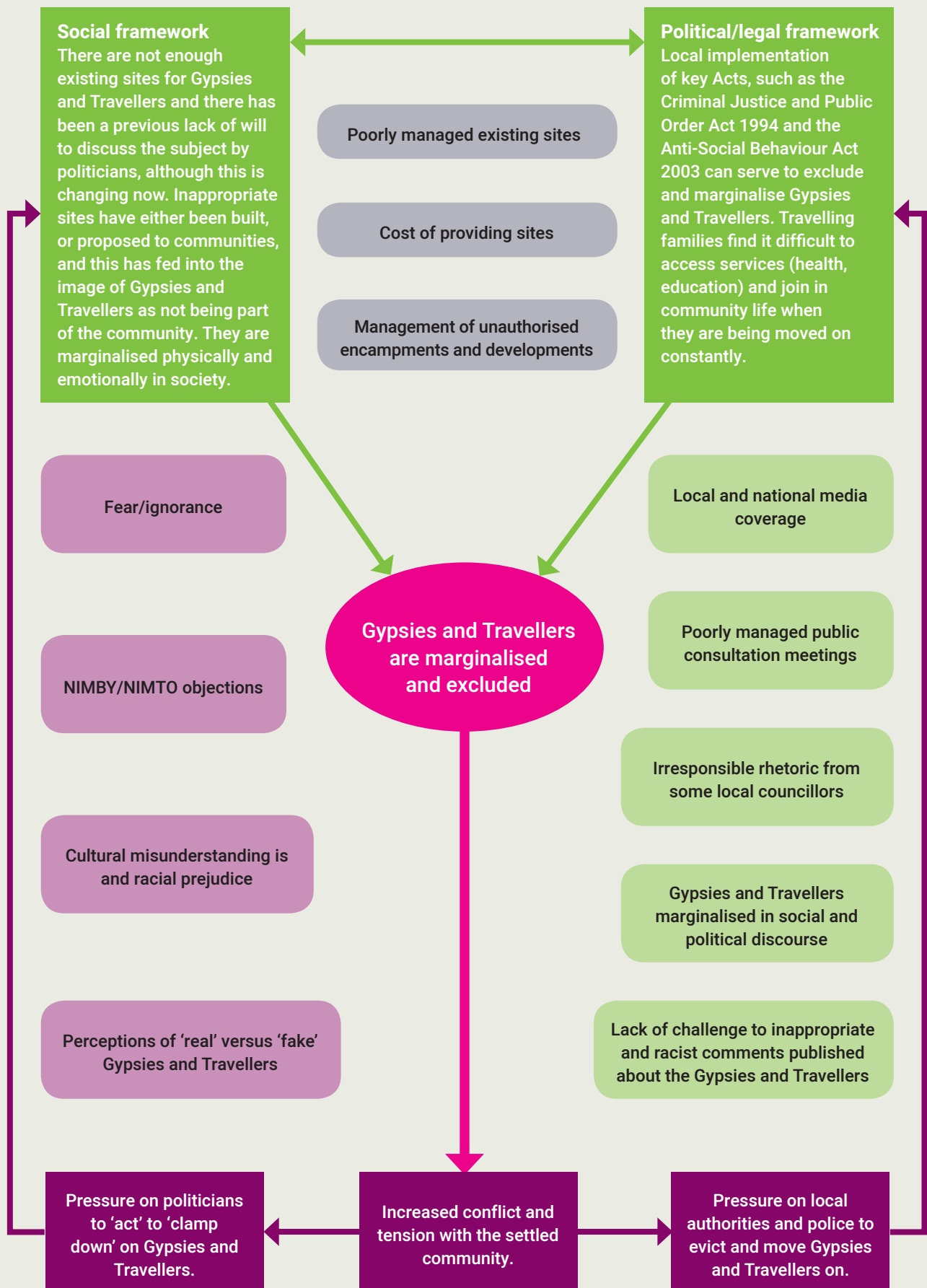
Conclusion

The negative cycle and social costs of not providing sufficient site accommodation for Gypsies and Travellers is extremely well rehearsed. The following illustration at Figure One is an excerpt from research undertaken for the Joseph Rowntree Foundation¹¹ (Richardson 2007).

In previous research on negotiating conflict in the management and delivery of sites¹², it was found that an approach premised on the delivery of accommodation through planning for sites, and through negotiation of managed use of spaces can break this negative cycle.

► See figure 1, page 10

FIGURE 1: Cycle of non-provision





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Research findings

This chapter summarises the research findings from a variety of methodological approaches. These include:

- Twenty survey respondents, including 16 London councils, two London housing associations, the Greater London Authority and Transport for London. Individual council and housing association officer responses to the survey and the focus group are anonymised
- Nine council focus group participants, representing seven councils
- Interview with one London borough councillor and one London borough officer
- Two police officers in a small group interview
- Conversations with roadside families with recent experience of roadside stopping
- Significant desktop analysis of all 33 London borough online policies, and online requests for information where that was not publicly available
- Analysis was also undertaken of policies and approaches outside London where there were lessons to draw from.

This chapter will start with a brief policy review focused on legislation, guidance and procedures for managing camps. Then it will summarise key findings from an examination of current practices of London boroughs who either took part in the survey or focus group, or who have published material online that is pertinent. This is followed by findings on the financial costs (and potential savings)

of unauthorised encampments; and the chapter will finish with a section on the perceived appetite for a negotiated stopping approach amongst councils.

Policy review

Equality and human rights

Local authorities and public sector bodies have a duty to promote equality and they must still work within Human Rights legislation¹³. Gypsies and Travellers are a part of our communities, they have lived in and around London for centuries. Councils in London must work not only to provide accommodation for their communities, but also to “eliminate discrimination, advance equality of opportunity and foster good relations between people” (Equalities Act, 2010). Decisions around enforcement action must be informed by welfare needs, equality considerations and the best interest of children.

“5.8... The Human Rights Act applies to all public bodies including local authorities (including town and parish councils), police, public bodies and the court. With regard to eviction, the issue that must be determined is whether the interference with Gypsy/Traveller family life and home is justified and proportionate. Any particular welfare needs experienced by unauthorised campers are material in reaching a balanced and proportionate decision. The



There is a need for local authorities to conduct a scrutiny of their enforcement practices and how they conform to existing duties, guidance and protocols. Where a leniency agreement is appropriate and is in the protocol, officers should feel supported to make that decision in practice.

human rights of members of the settled community are also material if any authority fails to curb nuisance from an encampment."

(ODPM, Guidance on Managing Unauthorised Encampment)

Local authorities can show leadership in the way they talk about Gypsies and Travellers, the strategies they create, and the way that they manage the manifestation of insufficient accommodation, by taking a negotiated approach.

Legislation and government guidance on responding to unauthorised encampments

The range of powers available¹⁴ to councils, police and landowners to enforce against unauthorised encampments or seek to prevent them is extensive and has received criticism from civil society and legal practitioners working with Gypsies and Travellers. Guidance produced by the Office of the Deputy Prime Minister in 2006 regarding the effective use of enforcement powers¹⁵ as well the more recent Operational Advice on Unauthorised Encampments from the National Police Chiefs Council¹⁶ stress the essential principles of a balanced approach to decision making, which fully considers equality duties and human rights and avoiding unnecessary enforcement action and associated costs.

"Before taking action, landowners should consider whether enforcement is absolutely necessary. It may be that in certain circumstances, alternatives to eviction action are appropriate, for example:

- *where unauthorised campers have chosen an unobtrusive location in which to camp it may be preferable to agree a departure date with them;*
- *where unauthorised campers have chosen to stop in an unacceptable location, but where the local authority has also identified a location in the vicinity which would be much less damaging or obtrusive, unauthorised campers could be encouraged to move to this location."*

(ODPM, 2006)

However, national government in recent years, has been taking an increasingly robust approach on issues of unauthorised encampments, and the conflation of accommodation and fly-tipping issues is evident in discourse right at the top of government – for example in ministerial statements from Brandon Lewis¹⁷ and Dominic Raab¹⁸.

There are occasions where there is an attempt to balance the discourse; for example, the launch of a recent review of enforcement powers also stated:

"The vast majority of the travelling community are decent and law-abiding people. But we are particularly concerned about illegal traveller encampments, and some of the anti-social behaviour they can give rise to.

We must promote a tolerant society and make sure there are legal sites available for travellers, but equally the rule of law must be applied to everyone."

(Dominic Raab, 2018)

However, despite acknowledging the need for more sites, the government consultation focused disproportionately on punitive measures such as increasing police powers to evict, criminalising trespass, planning enforcement and local authority injunctions.

Unauthorised encampment protocols

Unauthorised encampment protocols should establish good practice on managing encampments in line with government guidance and the duties summarised above. It is important for councils to devise and then utilise such protocols.

However, in the desk-top analysis, only eight boroughs were found to have a published encampment policy: Barnet, Ealing, Havering, Royal Borough of Kensington & Chelsea, Merton, Bexley, Sutton, and Hackney. A few councils provided a policy on request, which were in fact a joint unauthorised encampment policy with the Metropolitan Police, or a version of the police protocol. One council, responding to a freedom of information request, said that it had a policy but could not share it because of "data security".

Unauthorised Encampment Protocols set out a range of steps in response to camps which typically involve:

- ▶ **an initial assessment** to be conducted within 24 to 48 hours of the unauthorised encampment being flagged up, either by the local police or the Gypsy and Traveller Liaison Officer (sometimes both)
- ▶ **establishing** land ownership
- ▶ **engagement** with the unauthorised encampments which typically included: welfare check, risk of harm from the conditions of the site, and an assessment of the number of people and vehicles on the site
- ▶ **discussion** of the purpose and length of stay was also sometimes included.

The policies of Barnet, Hackney, Royal Borough of Kensington & Chelsea, and Merton all included an aspect of potential site toleration or leniency, such that if the encampment is considered to be unobtrusive and not causing any immediate issues, the site may be tolerated for a short period of time. The protocols used by Havering and Bexley indicated that the initial site assessment would determine if the officers agree to negotiate a length of time for the encampment to be tolerated. Some of the protocols recommend consultation meetings with Traveller families and local services (health, education etc) as part of the decision-making process.

However, the pressure to evict as quickly as possible – particularly where objections are being raised by community members and elected members in real and online forums, means that these processes are not always followed in practice. There is a pressure to be seen to be “doing something” – the something being eviction.

There is a need for local authorities to conduct a scrutiny of their enforcement practices and how they conform to existing duties, guidance and protocols. Firstly, councils should ensure they have a protocol in place. Secondly, they should ensure that officers are empowered to enact the protocol, depending on the law, and on the circumstances. Where a leniency agreement is appropriate and is in the

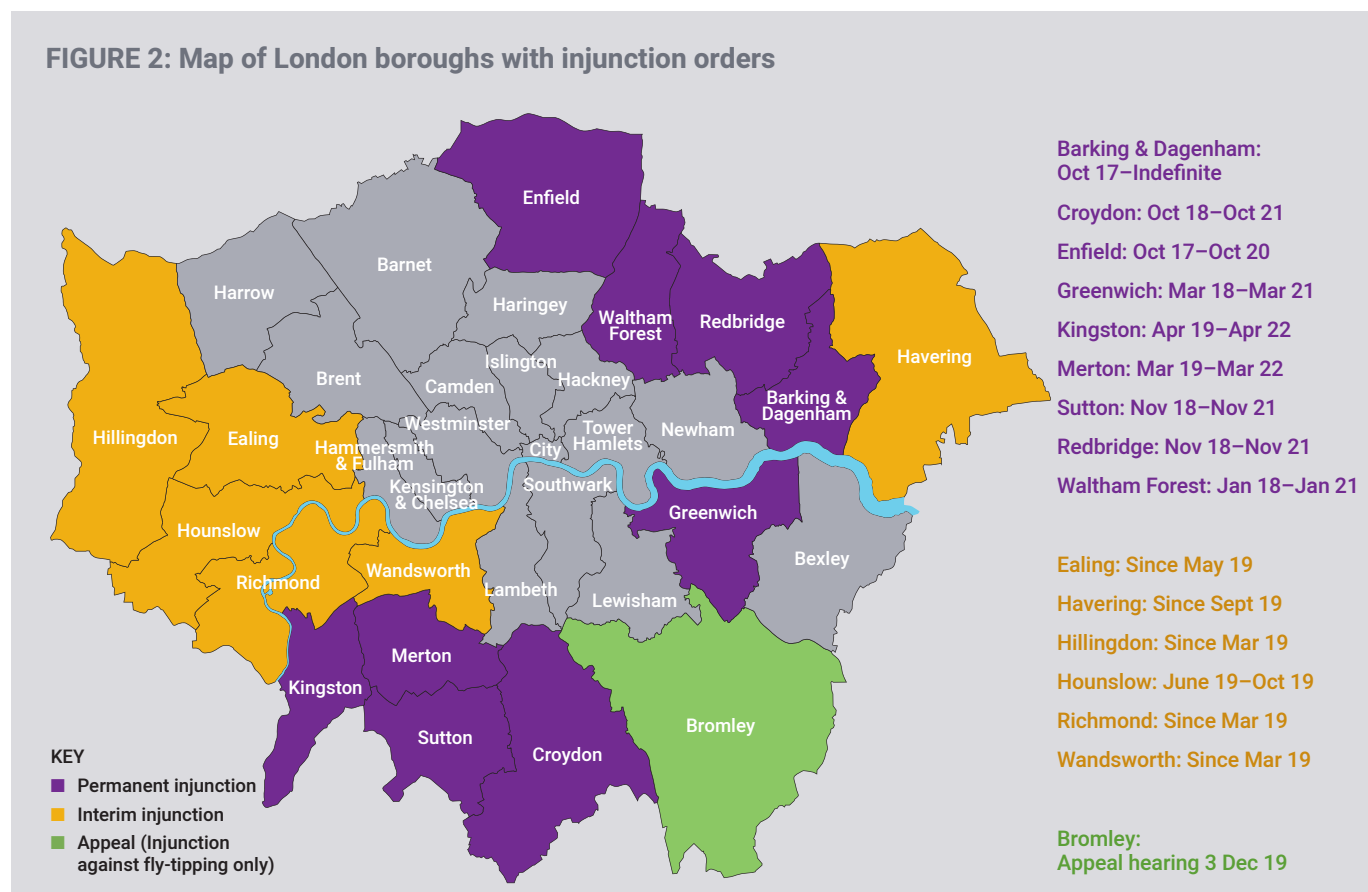
protocol, officers should feel supported to make that decision in practice. It is no use having a protocol on paper, but not practically applying it to real situations of unauthorised encampment.

Injunction orders on the increase

Over the last two years 16 local authorities in London and many others in adjacent areas and elsewhere across the country have obtained injunction orders against persons unknown stopping on public land and/or depositing waste. Injunctions are a form of indirect discrimination as they predominantly affect Gypsies and Travellers and the nomadic way of life. They also further conflate the issue of fly-tipping with roadside stopping, as indicated in the previous section. Furthermore, injunction orders side-step existing enforcement powers and government guidance. This means that due process, duties to do welfare checks and make a balanced decision are less likely to happen in practice. (See Figure 2.)

The injunction orders in London boroughs cover hundreds of pieces of public land, predominantly parks, open space, but also car parks, industrial land and other types of vacant or derelict land. In the absence of safe and suitable stopping places and sufficient provision for Traveller sites, injunction orders are effectively borough-wide bans on travelling. For many roadside families a common experience is that when

FIGURE 2: Map of London boroughs with injunction orders



people camp on land covered by an injunction, they are often denied stopping time anywhere else within borough boundaries. As shown in the map (Figure 2) on page 13, injunctions in London create a large exclusion zone. This cumulative impact especially in a context of severe under-provision is of significant concern.

"We stopped in South London on the edge of a common. We got told by the officers that there's an injunction on the land and the rest of the borough and we had to leave the next day. They didn't give us any more stopping time and we were escorted outside the borough. We then moved around the Thurrock area and the next day the bailiffs came and evicted us. Next we stopped in Kent."
(Traveller in conversation with LGT)

The process of applying for a High Court injunction often happens with limited public scrutiny. In a few instances a decision to seek injunctions was made at full council or committee meetings – however, with limited consideration of evidence and equality impacts. High Court judges also generally have limited information on how injunction affect Gypsies and Travellers. London Gypsies and Travellers has been notified of High Court hearings by a majority of the London boroughs seeking injunctions, at the instruction of judges to local authorities to inform "representatives" of the community.

LGT successfully intervened in the case of Bromley vs Persons unknown, having secured pro-bono legal representation. At a court hearing in May 2019 to determine whether a permanent injunction should be granted, a judge was presented for the first time with evidence and legal arguments highlighting concerns and impacts of injunctions on Gypsy and Traveller communities. The judge decided not to grant the order against "persons unknown occupying land", instead only granting an injunction against fly-tipping. Bromley Council is appealing the decision with support from three other London boroughs.

This is in many ways, a ground-breaking case, as it highlighted that significant consideration should be given to a range of issues: the traditional way of life of Gypsies and Travellers, the lack of accommodation and suitable alternatives, the Public Sector Equality Duties and the need to consider equality impacts, the circumvention of

national legislation and guidance, the cumulative impact of injunctions across wide areas of the country.

Judge Mulcahy noted the problem of "displacement" when suggesting that the number of encampments in Bromley had not increased year on year, more that the frequency in a given part of the year might have increased:

"The evidence is that it is likely that this acceleration occurred because of injunctions having been granted to other London boroughs (Croydon and Greenwich were mentioned in this regard) which have had the effect of displacing activity into Bromley." (Para 24)

It is an unsustainable model for councils in London to continue to seek injunctions in the absence of provision of permanent sites and stopping places.

It is recommended that councils with existing injunctions should prepare to transition to a planned approach to managing camps when their injunctions expire, rather than automatically seeking to extend the injunction.

London councils need to work together and consider the impact of their individual approaches on one another.

Across London there should be a strategic approach to making the necessary provision, rather than councils working in isolation.

Gypsy and Traveller Accommodation Needs Assessments – a data gap?

The research found 19 boroughs had Gypsy and Traveller Needs Accommodation Assessment (GTAA) documentation available on their websites. There are two key issues with recent GTAAs that present the potential for a data gap. First, is the definition of Gypsies and Travellers in national policy and how this is applied in local studies. Research for the EHRC²⁰ found that the impact of the change in definition resulted in a reduction in pitch requirement numbers of nearly 75% across a sample of 20 English local authorities, along with an ad-hoc approach to the accommodation consideration for those ethnic Gypsies and Travellers who did not meet the new planning definition.

Secondly, GTAAs in London generally don't indicate the need for temporary stopping or transit sites. Evidence



There is contradictory evidence being given by local authorities. On the one hand they report low numbers of encampments in GTAAs which result in fewer pitches required for the future. On the other, they supply evidence to the courts of high numbers of encampments, in order to secure injunctions.

presented in most studies suggests small numbers of camps, yet the same local authorities have sought injunction orders. For example, the London Borough of Kingston's GTAA published in September 2018 says "Whilst there is some evidence of a small number of unauthorised encampments in RBK in recent years, it is recommended that there is currently no need to provide any new transit pitches at this time."²¹ Yet the council have secured a permanent injunction for the next 3 years – arguing they had too many encampments. In January 2019, evidence in the GTAA is contradicted by the Council Leader in a quote for an article for the Surrey Comet newspaper:

"Last year we had an unprecedented number of illegal encampments..."²²

Some GTAA's recommend negotiated stopping approaches instead of providing transit sites. For example, the West London Alliance GTAA (2018)²³, which covers Barnet, Brent, Ealing, Harrow, Hillingdon, and Hounslow, included:

"In the short-term the Councils should consider the use of management-based arrangements for dealing with unauthorised encampments and could also consider the use of Negotiated Stopping Agreements, as opposed to taking forward an infrastructure-based approach."

Kingston Upon Thames, Lewisham, Newham, Redbridge, and Tower Hamlets all included a suggestion for the use of negotiated stopping within their joint GTAA.

"As such there is no need for the Council to consider any new transit provision but it is recommended that the Council should continue to monitor any unauthorised encampments and consider the use of short-term toleration or Negotiated Stopping Arrangements to deal with any short-term transient stops."

(Redbridge Draft GTAA²⁴, 2016)

There is contradictory evidence being given by local authorities. On the one hand they report low numbers of encampments in GTAA's which result in fewer pitches required for the future. On the other, they supply evidence to the courts of high numbers of encampments, in order to secure injunctions.

This issue is not adequately monitored, and further research on the different numbers being supplied is necessary. The contradiction is symptomatic of a disconnect between housing, planning and enforcement teams within councils, and of roadside camps not being seen as an accommodation issue.



Current practices of managing roadside camps

Changes in responding to roadside stopping

In the survey responses from councils there was an increasing trend towards the application of injunctions and tougher enforcement action. Respondents indicated that they felt that stricter policies allowed for more effective management of unauthorised encampments. For instance, in one borough where approaches had changed, the respondent indicated:

"Immediate out of hours response to prevent establishment of encampments. Enforcement with threat of confiscation of vehicles effective." (Respondent Ten)

The change in approach is towards a more assertive action, using the threat of eviction as a tactic to force Travellers to move on, and it was felt to be "effective". This was further reiterated in attitudes beyond just policy:

"We serve S77/ S78 as quickly as we can. Still takes minimum 1 week to move them on much to the distress of local residents. Needs to be banned as Ireland have done in 2002²⁵" (Respondent Eighteen)

The response above refers to a "ban" on travelling. This harder line approach possibly illustrates the thinking behind the trend towards injunctions. It seems to be felt, by this respondent, that there must be an immediate response to move on, rather than negotiate. This preference for rapid eviction and a hardening of approach is also present in other councils.

"Bylaws have almost become a bit redundant for common land, [we've] hardened a bit, we felt there was no control of power. That's why we've got injunction because we didn't think we had control". In the same council though, it was said that: "If we can mutually agree to that [stopping for a time] we will. If we don't know that family, if they don't move on, then we're prepared in the background for legal action". (Focus Group Respondent)

This is not universal though and there are debates within councils on the best approach. In the survey, a council officer (Respondent twenty) stated that they used negotiated stopping.

The same authority though, at the same time as the survey response, successfully applied for a short-term interim injunction with the intention to apply to extend this for three years.

Some councils, as well as the GLA, noted challenges they had faced previously in using a negotiated approach.

The role of the GLA and TfL in enforcement

There were two survey responses from the Greater London Authority and Transport for London providing detailed information about the response to unauthorised encampments on GLA land and National Car Parks, which are managed by teams employed by TfL. The response to encampments was described as follows:

"On discovering an unauthorised encampment, the Managing Agent meets with the occupier(s), informing them they are illegally occupying GLA land and requests they leave, providing a time scale in which to do so. On occasions a mutual departure time is agreed between the GLA and the occupier(s). If there is a failure to leave as agreed, the eviction process is commenced." (GLA response)

"If an unauthorised encampment has been identified at one of the NCP car parks by either station staff or NCP operatives, the Contract Manager is notified and proceeds to engage with the British Transport Police (BTP), TfL Enforcement and On-Street Operations (EOS) and TfL legal. NCP operatives and staff are advised not to approach individuals encamped on the land and BTP are placed on standby to engage with the Gypsies and Travellers if required. The Contract Manager notifies TfL legal to discuss which steps can be taken to manage the unauthorised encampment. Usually a notice is served to the individuals encamped on the site requesting they leave and providing the time scale in which to do so." (TfL response)



In terms of enforcement action, the GLA and TfL do not have the same powers as local authorities under the Criminal Justice and Public Order Act, and to some extent don't share the same duties. The GLA mentioned using "common law" to instruct bailiffs or obtaining repossession orders through the courts. The GLA response indicated that local authorities are invited to conduct welfare assessments for camps on GLA land, however the rest of the decision-making process was not clear.

The GLA notifies the local authority in which the GLA land is located of an unauthorised encampment and invites the borough to carry out welfare enquiries as the GLA does not have this resource.

(GLA response)

This is a challenge for the GLA to demonstrate leadership through their own action, to work towards co-ordination within their own organisation first to try negotiated stopping on their own land, rather than eviction as a usual response. If it can be shown to work in practice by the GLA themselves, this will help to show other councils that this approach is possible in a wider, more co-ordinated approach.

Financial costs

High public spending is one of the key arguments for taking a hard-line approach against roadside camps. The research team has sought to collate costs associated with encampments in London over the last few years through the online survey, follow up conversations with boroughs and analysis of publicly available evidence. The data presents a number of problems, particularly that it is not possible to distinguish how much of the costs relate to:

- the usual management of camps (for example officer visits, welfare assessments etc)
- evictions (for example legal costs)
- clean up of domestic waste if necessary
- and the cases where commercial fly-tipping occurs in the same location.

The research found that cost was a major theme throughout all the borough documents and was used by many as a justification for implementing an injunction order. Wandsworth, for instance, stated that, *"if the injunction was granted, the council would no longer be required to seek lengthy and time-consuming court orders in order to secure evictions. The 2013 clean-up cost to taxpayers was £25,000"*²⁶. Enfield also cited monetary costs related to Gypsy and Traveller unauthorised encampments;

*"Over the past 3 years the council have spent in excess of £4.4m in terms of managing and dealing with considerable traveller incursions, mainly by criminal gangs."*²⁷



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However, the cost of securing injunctions is also very significant. For example, a report to a Sutton council committee states that:

"The cost of the injunction in terms of legal costs has so far been £17,000 and it is anticipated that the cost to take this to a full three-year injunction will be a further £10,000. In addition, there is a cost for serving notices on each Council site of approximately £20,000 in total, excluding SHP sites and schools.

*The cost of dealing with the more than one hundred and twenty encampments or attempts since 2011 plus the associated removals, clean-ups, additional security measures, repairs and officers time in that period is estimated to have been well in excess of a hundred thousand pounds. It is hoped that by seeking an injunction future costs can be significantly reduced."*²⁸

These assumptions are common in the arguments brought by many local authorities in favour of tougher enforcement. However, a cost-benefit analysis for alternative approaches such as negotiated stopping is not common practice.

This is a very complex issue and it is closely linked to the problem highlighted previously in the report, that dealing with fly-tipping generally gets conflated with managing camps. Presenting data which aggregates the different estimated costs further reinforces the negative perception of roadside stopping as a problem that needs to be pushed out. It also creates a perceived barrier to considering alternative approaches such as negotiated stopping, which do have the potential to save costs.

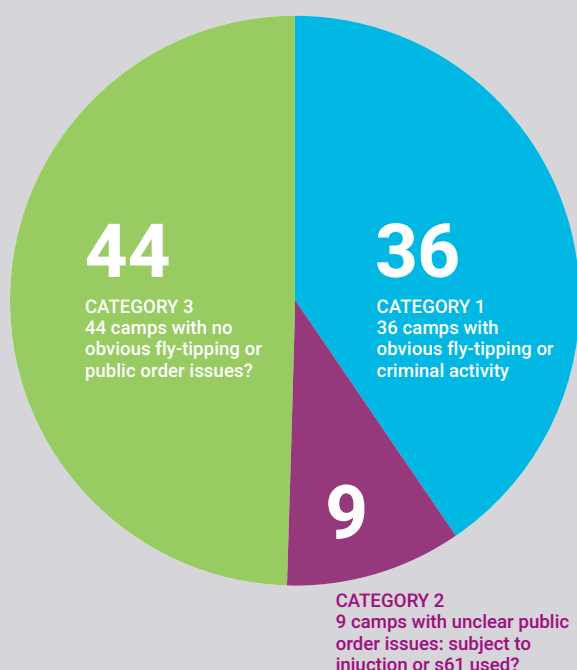
Separating out different costs

In 2017 LGT carried out research in partnership with DMU in three East London boroughs seeking to distinguish between different types of camp and indicate that different approaches are needed, rather than blanket enforcement action. Barking and Dagenham council was able to provide very detailed information about each encampment they had between 2014-2017, including size, length of stay, enforcement powers used and a breakdown of different costs. Based on this LGT was able to separate out three main categories of camps as shown in the figure below. Some general observations could be made:

- **CATEGORY 1 (Blue)** – Indication of large-scale fly-tipping; high clean-up cost, usually larger groups – no potential for negotiated stopping, but still there is a need to penalise individuals involved in criminal activity rather than whole group;
- **CATEGORY 2 (purple)** – Section 61 CPJO and injunction order used but unclear if there are any public order issues; families could find themselves subject to injunction but not aware. Could be potential to work with families under a negotiated stopping approach;
- **CATEGORY 3 (green)** – mostly Section 77/78 used but no obvious public order issues. Low clean-up costs. Higher legal costs. Usually smaller groups. Indicates an accommodation need – potential to work with families under a negotiated stopping approach.

FIGURE 3: Breakdown of number of camps in Barking and Dagenham between 2014-2017

Categorising different typologies of encampments



There was an indication that across all three categories, a number of encampments appear to be the same groups moving to different locations (shown by number of caravans, dates and description).

It was not possible to carry out a similar exercise based on the data collected in this research, as it requires a granular level of detail on a case by case basis. However, to further illustrate the point that different scenarios require different solutions. Table 1 (page 19) shows a range of anonymous cases, based on real-life approximate costs from different encampment sizes, factoring in legal, basic provisions (e.g. rubbish bins and portable toilets), security, clean-up, and staff time.

This helps to show cases in which a negotiated stopping approach is possible and where costs could be saved (first five examples in the table), and those where there is an indication of large-scale fly-tipping which requires a distinct response (last two examples).

Potential cost savings

Through a negotiated stopping approach, it is possible to reduce public spending in different ways:

- **Identifying** suitable locations for stopping can lead to savings in terms of security and defences
- **Reducing** the overall number of evictions can lead to savings in officer time and legal fees
- **Making provision** of basic facilities such as portable toilets and rubbish collection can lead to savings in clear up costs of domestic waste.

All of these solutions have the potential to also address significant social costs in terms of health and access to services, and to reduce poor outcomes for Gypsies and Travellers who are roadside.

Councils will be able to determine for themselves the best value for commissioning services, but it may be that working in liaison with the other London councils will create more efficient purchasing conditions for such provision. The table above indicates some estimated costs for providing basic services.

One London council officer who provided information for the research stated that they did not feel that staff time should be included within the cost for unauthorised encampments, as this is already a part of their regular job, and it is expected that they should be engaged with the encampments. The same council officer also felt that clean-up costs should not always be factored into encampment costs, as often clean-up is part of regular parks or environmental clean-up and would be conducted regardless of the presence of an encampment.

TABLE 1: Cost Estimates ²⁹ of different categories of camps							
EXAMPLE	1	2	3	4	5	6	7
Number of days	1	4	4	7*	19	46	112
Number of vehicles	3	3	17	9	4	10	7
Traveller liaison officer cost (£)	–	306	–	535	–	3,519.00	–
Other officers cost (£)	300	500	1,400.00	1,000.00	1,400.00	2,000.00	4,125.00
Legal costs (£)	–	–	–	–	138	2,333	1,104
Bailiff costs (£)	–	–	–	–	–	9,066	2,005
Security costs (£)	–	–	–	–	–	2,964	–
Clean up costs (£)	–	–	500	660	500	1,831	70,000
Portaloo cost (£)	73	84	84	95	137	234	470
Rubbish provision cost (£)	70	70	238	126	70	140	98
Total cost (£)	443	960	2,222	2,416	2,246	22,087	77,802

* The figures for this example can be used as an approximation of the weekly costs of providing portable toilets and rubbish collection

Some council officers in London report that even in boroughs where negotiated stopping is acceptable practice, legal processes are started in the event that the negotiation goes sour and the Travellers refuse to leave at the agreed upon date. While the legal costs are often not extensive, it is a consistent expense that is spent on the basis that the council may have to evict. Ultimately there is still a lack of trust between the local authority and Gypsy and Traveller families that make negotiated stopping difficult to manage.

Example of cost benefits estimated for Leeds negotiated stopping³⁰

It appeared, in the evaluation, that the number of unauthorised encampments in Leeds had fallen since the work of the team at Leeds Gypsy and Traveller Exchange (GATE) with the Gypsies and Travellers in need of accommodation in the area, which had led to the negotiated stopping approach.

The reduction per year in Leeds appeared to be in the region of 20-25 unauthorised encampments. The average costs equating to local authority land encampments were £5,134.

This equates to potential average savings for the local authority of £102,640 to £128,350 annually. Additionally, there are also potential savings for local police of £88,000 to £110,000.

Total savings resulting from a reduction in the number of evictions range between £190,640 and £238,350 annually in local authority and policing costs combined³¹.

The practice of “just-in-case” injunctions drives up costs which would otherwise be unnecessary if a well-functioning negotiated approach was working.

Knowledge and appetite for negotiated stopping

Based on the engagement of the research team with local authorities and the GLA during this project, it is clear that there is some degree of knowledge and a mixed appetite for negotiated stopping. There is certainly not a universal or consistent understanding, and the research found conflicting views even within the same local authority. One such example was the willingness shown in research interviews with an elected member and a planning forward officer to engage with negotiated stopping, and even to seek facilitative support to work with a neighbouring authority; while at the same time the legal team in the same authority is proud to be winning injunctions on behalf of a number of councils who commission its legal services and expertise.

In response to the survey question on whether they had heard of/used negotiated stopping, there was a variety of responses:

“Yes, and we have used this. We can still use this as an option outside of the injunction areas and have done so with two smaller groups (two UEs consisting of single units) since the injunction was in place. Each UE is assessed on a case by case basis.” (Respondent Six)

“Whilst we have not employed the specific project Negotiated Stopping, our approach to any unauthorised encampment is always with a view to ensuring safeguarding and welfare needs are balanced and that the occupants are engaged with to the best of our abilities



There is evidenced need for more Gypsy and Traveller permanent sites which is yet unmet. This is separate to negotiated stopping, but there is a negative impact from the wider unmet need in terms of delivering negotiated stopping for those wishing to travel in order to support their cultural heritage and nomadic habit of life.

and their willingness to conduct the site in a clean and safe manner whilst the process is followed for the lawful management of unauthorised encampments.”

(Respondent Four)

There is also some confusion on exactly what negotiated stopping is, with some survey respondents saying they didn't use it, but then in explanation referred to negotiated approaches:

“We have a sound track record for our protocols on enforcement and are proud that most are done through successful negotiation and no incidents have ever occurred during enforcement process.” (Respondent Eight)

However, there were challenges noted and particularly a concern as to what happens if the negotiation breaks down:

“Negotiation relies on both sides keeping to the agreement and we have found that we still have to use bailiffs or the courts because the trespassers have not vacated the land on the agreed date.” (Respondent One)

“In 2016 there was a reduction in visiting groups to Croydon and we only had 31 different encampments

reported to us. We predominantly dealt with two families during that year across the 31 sites and we began trialling negotiated stopping with the two groups that we knew.

“In 2017 the number of reported encampments dropped to 23. Again, this part due to some success with negotiated stopping techniques applied and therefore having to move groups on fewer times so fewer encampments, but also because there were not as many visitors from outside the two main families that came to Croydon. In that period, we only had to go to court to request a removal order on one occasion such was the success of negotiated stopping.

“However, this year we have had 21 encampments reported to us so far. The two main families seen in Croydon over the last two years have apparently moved away and we have noticed families coming to Croydon we have never met before. It also signalled the end of the attempts to try negotiated stopping, as the new groups visiting this year have been unwilling to engage with us.” (Witness statement for Croydon injunction application)³²

In a focus group of council officers, analysis of the discussion found a number of challenges, including:

- Current (injunction led) approach shifts issues, but does not resolve them
- Conflation, by officers in discussion, of fly-tipping and accommodation – this reflects the media and political discourse and negative stereotyping more broadly
- Recognition that there were serious cases of mass criminal fly-tipping which caused negative perception
- Lack of political will in boroughs and London-wide to deliver sites and to co-ordinate with one another
- Pressure from councillors (and the public through calls to the council, or social media groups) to “do something” – evict
- Information gaps and policy implementation gaps – negotiated stopping approaches on paper but not in practice, or indeed vice versa
- Lack of co-ordination or leadership across London – taking the issue beyond individual boroughs.

In two survey responses from housing associations, and a further interview with one of these – there was a willingness to engage in the issue. Neither of the two currently had sites, or offered land for temporary use, but both were willing to discuss further. The interviewee from one (very large)



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London housing association, was not a senior executive member of staff, but was keen to try and see the housing association consider this in the future, for example through meanwhile use of land for development in plan, or through utilising Section 106 planning gain agreements to include small sites as part of wider housing development.

Summary of key issues

A number of themes emerge from the research:

- **There are variable approaches** to unauthorised encampments, some councils have negotiation written in policy, but this is not always manifest in practice; others do not have it as a policy, but on occasion will include a form of negotiated stopping in practice.
- **The implementation of welfare checks** is not universal, and there is potential for this to be more consistently applied if eviction is not the first response.
- **There is little to suggest** in the findings that services such as waste disposal services and portable toilets are provided to informal encampments – the lack of toilet facilities can lead to health issues, and lack of refuse disposal to rubbish dumping.
- **There is a conflation between accommodation and fly-tipping.** Where this is small scale domestic waste, there is a link to lack of facilities, the provision (for a fee) which could alleviate the situation. The larger scale tipping is a criminal issue, separate to the encampment, but is currently not treated as such.
- **There is a perception from Gypsies and Travellers and advocacy agencies** that there has been a recent “hardening” of approach, acknowledged in the focus group by some councils, in relation to unauthorised encampments, particularly as seen in the use of injunctions. This is also viewed as “shifting” issues, not resolving them.
- **Lack of political will** to deliver and provide accommodation, including shorter term, negotiated stopping places, was found as a key theme in responses from a variety of respondents. This can lead to pressure from councillors and the public to “deal with” unauthorised encampments. This pressure is amplified through the rapid sharing of information and negative comments on social media.
- **Willingness to work together** was shown by the respondents, they wanted leadership from the GLA to help co-ordinate approaches and to access funding to support location of appropriate land and management of the negotiation.
- **There is evidenced need** for more Gypsy and Traveller permanent sites which is yet unmet. This is separate to negotiated stopping, but there is a negative impact from the wider unmet need in terms of delivering negotiated stopping for those wishing to travel in order to support their cultural heritage and nomadic habit of life.



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Good practices in managing roadside stopping

This chapter provides examples of good practice in managing encampments. Some authorities mentioned here explicitly refer to this as “negotiated stopping” in their written policies; others do not use this term, but the effect of their practice is the same.

There are several key ingredients or contingent factors which must be in place for negotiated stopping. The following section will refer to examples as illustration; the ingredients will be summarised in a table for ease of use in the next chapter.

London

London provides a number of historic and more recent examples where negotiated stopping approaches have been used successfully. London Gypsies and Travellers has been working in London for over 30 years supporting families stopping across different boroughs, where possible taking the role of facilitating stopping time and negotiation. The experience of LGT since the 1980s has been that some local authorities take a more lenient approach to stopping in their area, based on acknowledging the long history of Gypsies and Travellers and the nomadic way of life, or on understanding the need

to make some temporary provision for families in the absence of permanent sites. Indeed, some of the local authority sites built in the late 1980s and 1990s were the outcomes of families being able to negotiate to stay for a longer period of time in an area and build a relationship with the local authority.

Some examples of successful negotiation and a positive approach oriented towards making provision include:

Croydon – an approach of allowing stopping time for families passing through the borough and those with connections to the area was in place for many years and practised consistently by the Traveller liaison officer who regularly attended the London Gypsy and Traveller Forum. More recently, a form of negotiated stopping has also been implemented by officers as mentioned in the previous chapter of the report.

Enfield – participants in this research representing the local authority have described current practices that involve building a relationship with families that have links to the area and allowing stopping time where possible. There were also efforts to bring forward evidence of need for a permanent site in a borough where no provision is currently made.

Hackney – from the experience of LGT liaising closely with the council and supporting Traveller families to be involved in dialogue and negotiation has resulted in a consistent practice over many years of allowing stopping time and making provision of basic facilities. There have been many locations in the borough that were common stopping places, some used for short periods of time for families passing through or visiting relatives, others used for months and even a couple of years. The practice was also formalised to an extent through leniency agreements which specified arrangements between the local authority and the Traveller families – this is also incorporated in the council's unauthorised encampment protocol.

Transport for London – land owned by TfL has been used historically as stopping places or longer-term camps. In one example in Hackney, this was successful through the partnership working between the landowner, the council, Traveller families and LGT. Families negotiated to stay for up to two years in one location and were provided basic facilities: they vacated the land as soon as it was needed for development.

Greater London Council – it is not just at an individual London borough level that negotiated stopping has been attempted before. A policy of “non-harassment” written by the equalities committee at the Greater London Council in 1983 included such principles as:

- Where the GLC land is not in use, there should be a presumption not to evict
- “Land-holding committees” and the GLC would offer land to councils for use for Gypsy and Traveller accommodation
- A recognised need of the historic non-provision and the duty (at that time) to provide sites
- A recognition of the importance of consultation between councils in London
- A request that the equalities committee of the GLC should take the lead in policy making for Gypsies and Travellers and that it should co-ordinate activity and be informed of action by other relevant committees.

This historic policy from the GLC shows there was a real appetite for a London-wide approach and sets up an interesting basis for the GLA to follow in taking up political leadership, policy framing and practical coordination and support for negotiated stopping, now.

The key ingredients demonstrated in London's historic and emerging practice are:

- **Previous political vision** implemented in (GLC) policy
- **Inclusive attitude** toward Travellers and recognition of nomadic way of life

- **Joint working** between council officers, police, landowner and Travellers
- **Political will** in some parts of some councils to work together on a negotiated approach
- **Examples** of specific negotiated stopping approaches, in injunction evidence bundles and joint police protocols.

Those contingent factors yet to be clarified are:

- **A planned approach** to practically identifying appropriate land at a coordinated level in London, with the GLA leading the way on their own approach and facilitating councils to work together on negotiated stopping.

England

Leeds is frequently given as the pinnacle example of successful negotiated stopping within the United Kingdom, as their trial of negotiated stopping within the city is reported as a success by Leeds Gypsy and Traveller Exchange (GATE). This was the one council, outside of London, where the research team undertook primary data collection, through an interview with a representative from Leeds GATE. First though, the research team examined information through publicly available data from GATE's own website, and the newly created negotiated stopping website³³. Leeds GATE explain some of the key components of the approach:

- Negotiated stopping involves local authority officers making an agreement with Gypsies and Travellers on unauthorised encampments. The terms of the agreement can vary depending on the situation but will usually include matters such as correct waste disposal which can be described as “good neighbourliness”. Provision and use of services, such as portable toilets and household waste disposal, will often form part of the agreement. Some authorities also supply water where possible.
- The length of the agreement can also vary from two weeks to several months but tend to be around 28 days. The agreement can apply to the land which has been camped on, or if it is unsuitable the local authority can direct the group to an alternative more suitable location where an agreement can be made.
- Having a negotiated agreement in place does not preclude the authority seeking to secure the land by means of Sec 77 CJPOA for example. Indeed, a magistrate may approve a possession order against an individual or family, where behaviour has been seen to breach the agreement, rather than a whole group.
- Methods to negotiate stopping can include provision of dedicated, temporary, stopping facilities, such as

provided on routes to and from the Appleby Horse fair, but should not be confused with the provision of “transit sites”. A transit site is a permanent facility on which stopping is only allowed for short periods ranging from 28 days to three months.

The desirable criteria for Leeds were:

- ▶ That the land was a “defensible space” in that land available was restricted and any encampment therefore would be restricted in size
- ▶ That there was some “buy-in” to the project among local business owners, the police and elected members
- ▶ The location was safe for the families and that they were prepared to stay there.

Key points learned in Leeds:

- Even on sites which the council was unwilling to do negotiated stopping, basic services of rubbish collection and toilet facilities were provided.
- Strong communication between council and a number of individuals on camp.
- There have been setbacks and political will has presented a key obstacle to either maintaining momentum or making progress.
- The council was willing and able to invest a not insignificant pot of money into a potential site for negotiated stopping, using savings by avoiding legal and clean-up costs associated with conventional treatment of unauthorised encampments.
- Throughout, Gypsies and Travellers have led the negotiations and discussions, with GATE playing only a facilitating role.

- The success of the negotiated agreement has become positively reinforcing, with money saved able to be reinvested and the evidence of its success facilitating its time extension and greater development of formality.³⁴

Leicestershire Multi Agency Travellers Unit (MATU) provides another good practice example in England. MATU has been operating for many years, incorporating the expertise of housing, planning, education, health and police, to provide a “one-stop-shop” approach. It is a rare example of an authority that has been successful in recent years in providing new Gypsy and Traveller sites, and in retaining a multi-agency approach that includes some Traveller education service, liaison and equalities advice. MATU does not use the term “negotiated stopping” but uses a “firm but fair” approach to unauthorised encampments, and there are clear codes of conduct and processes which frame their practice.

They have the clear ambition to provide benefits to the wider community, such as:

- ▶ Be a first point of communication about issues involving Travellers
- ▶ Provide an increased awareness towards what is required in responding effectively to emerging Traveller issues
- ▶ Take a common and consistent approach to the toleration/eviction of Travellers throughout the county
- ▶ Result in potential reduction in anti-social behaviour and reduce the need for enforcement.

Wales

There are some progressive policies in Wales that could provide lessons for the other UK countries, in terms of duties within the Housing (Wales) Act 2014 and in subsequent detailed guidance on delivering and managing sites as published by the Welsh government. The Welsh Guidance on Managing Unauthorised Camping 2013 advises that unauthorised encampments are the result of decreasing authorised spaces for Gypsies and Travellers to stop, and that unauthorised encampments signify the need for better accommodation. The guidance even goes so far as to advise that:

“Local authorities should recognise that it may be more cost effective to provide a site, even if that is a temporary tolerated site, than to enforce against unauthorised encampments in an area with no site provision and where there are a high number of unauthorised encampments. Such sites could reduce community tensions, remove the potential of damaged public land, and ensure that clear-up costs are reduced.”³⁵



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Powys, Wales³⁶

In Powys there is an agreement with a landowner to use a parcel of land close to the Royal Welsh Showground for Travellers to stop before, during and after the show. Planning permission is secured for the specific two-week period. There is an agreement that Travellers must adhere to and rent allows for two-week use of the ground and access to portable toilets. The management of the temporary site was commissioned to a contractor with considerable experience in managing Gypsy and Traveller events. There is community cohesion work ongoing and the Fire Brigade attend the site to talk to residents and raise safety awareness. The provision is managed by a multi-agency group facilitated by the council and Royal Welsh Agricultural Society. The site is prepared before the show but then is returned to its original use – a field – after its temporary use.

The guidance highlights the benefit to the existing community of allowing temporary sites to be tolerated, and further implies that developing authorised sites would extend this benefit.

There are specific examples of negotiated stopping type approaches in Wales, in research for the Joseph Rowntree Foundation a piece of land was visited in Powys, which is used on a short-term temporary basis, for a specific period on the year to meet need:

The key ingredients demonstrated in Wales' good practice are:

- **Political vision** and leadership, embedded in progressive legislation
- **A planned approach** to policy and practice, working sites in practice
- **Trust** demonstrated between agencies and with Gypsies and Travellers.

Scotland

The Scottish Government also has a Guide to Managing Unauthorised Camping (2017) which includes a range of good practice examples and frameworks in its appendices, as well as similar consideration given to making balanced decisions as the English guidance³⁷.

East Ayrshire and Fife Council documents are listed as examples of good practice, both of which contain aspects of negotiated stopping. Uniquely, Fife Council highlights the need for seasonal sites, recognising the need for

increased accommodation during certain periods of the year. Through their recognition of the need for seasonal sites, Fife Council has guidelines in which they are able to set up sites which can be maintained for 4-6 weeks that have all the amenities required (e.g. portable toilets, water supply, waste disposal)³⁸.

More recently, the Convention of Scottish Local Authorities (COSLA) has made a clear statement of intent to work with local councillors and councils to “support better experiences for Gypsies and Travellers”. They are working with five pilots across the country to trial negotiated stopping³⁹. One of these which is most readily available on internet searches is Perth and Kinross Council. The research team contacted the council for an update on this very new initiative.

In August 2019, Perth and Kinross Council began a six-month pilot of negotiated stopping in their area. The council reportedly have approximately 12 unauthorised encampments per year, with average costs (excluding staff time) of £1500. They had learnt about negotiated stopping from the information disseminated by Leeds Gypsy and Traveller Exchange. Following a debate with other Scottish councils (COSLA), Perth and Kinross wanted to try this more proactive approach in order to see the social and financial benefits of a negotiated approach.

Perth and Kinross Council agreed a policy for the six-month trial, and the team devised a negotiated stopping agreement, along with a short “place criteria” document to help officers identify land that would be appropriate to use for the pilot. The new approach had not been formally used at the end of the first three months of the pilot, as unfortunately the council have struggled to identify suitable places in keeping with the criteria approved in the report – this work is ongoing. The place criteria and the negotiated stopping agreement are publicly available on the council's website with the committee report⁴⁰.

The key ingredients demonstrated in Scotland's emerging practice are:

- **Political vision**
- **A planned approach** to policy
- **Examples** of managing unauthorised encampments in a number of areas.

Those contingent factors yet to be clarified are:

- A planned approach to practically identifying appropriate land at a local level in the most recent negotiated stopping pilots.



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A framework for negotiated stopping in London

The previous chapters have explored the responses to roadside stopping across London and the potential to adopt alternative approaches. From the engagement with local authorities, the review of policies and procedures and examples of existing good practice, it is possible to draw up a framework for negotiated stopping in London. This consists of: the contingent factors – or key ingredients – that enable this approach to work successfully; the key processes that are required in order to establish a consistent approach; and the desirable levels of response at local and strategic level that would ensure local authorities, the GLA and other public bodies act in line with their duties regarding equalities and human rights.

Key ingredients for a successful negotiated stopping approach in London

Based on the examples of good practice and the findings of this research, the following table outlines the contingent factors for negotiated stopping – or the key ingredients that are needed in order to enable local authorities, the GLA and other stakeholders to adopt alternative approaches to managing roadside camps on their land. (See Table 2).

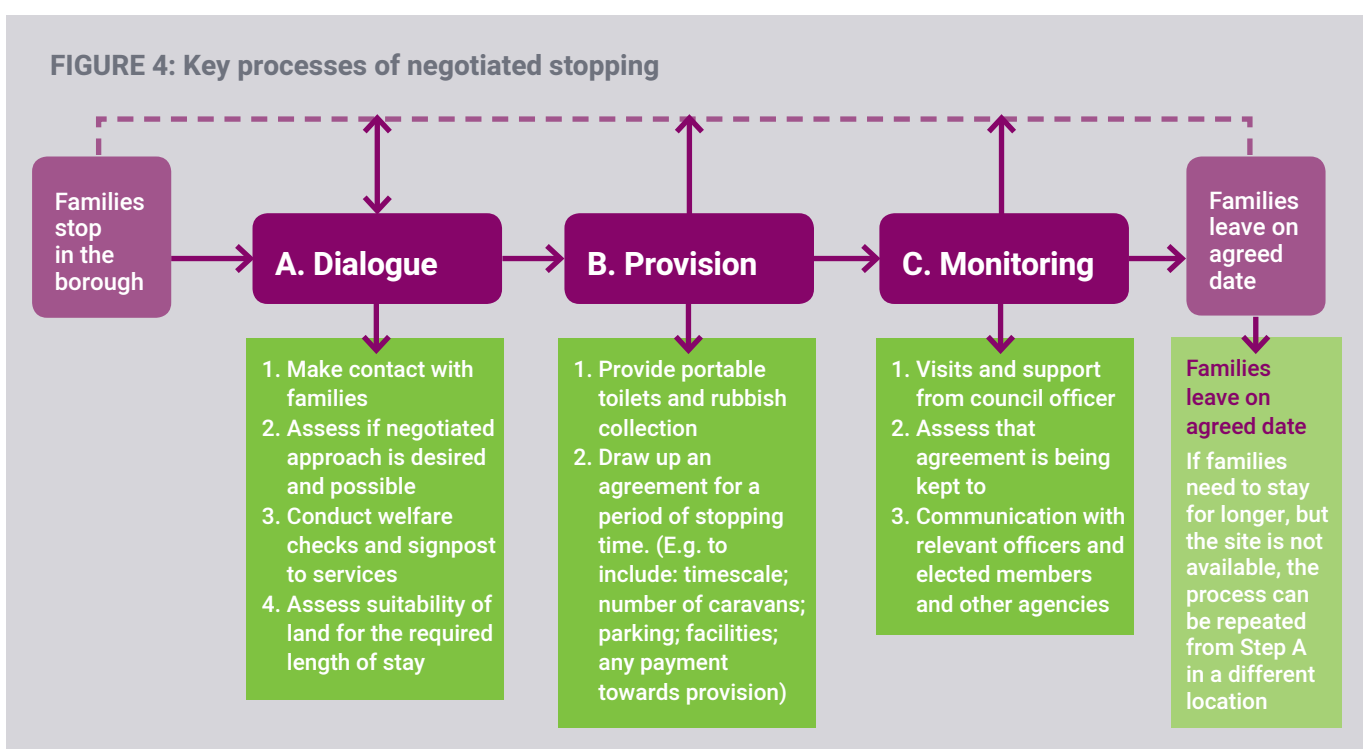
Key processes of negotiated stopping

While negotiated stopping is a flexible approach that should be adapted to respond to local circumstances and needs, rather than a prescribed set of policies and procedures, the following steps can be highlighted as part of a basic process. The period of stopping time agreed between the landowner (e.g. local authority, GLA, housing association) and the Travellers can vary – as it was described in some of the examples of good practice in the previous chapter. The research has identified already occasions where aspects of this process take place, with a degree of informality and flexibility.

For longer periods, the process can become more complex, and it would require a more formalised framework in terms of the planning and resources allocated. This can also indicate the need for permanent accommodation for certain groups of families and it should feed into the plan making responsibilities of the local authority.

See Figure 4, page 27.

TABLE 2: Key ingredients for negotiated stopping in London		
Negotiated stopping ingredients	Barriers	Opportunities/facilitators
Political vision • A shift in political attitudes to travelling and stopping – a part of culture, not a “problem” • Setting positive examples and leading the way • Public Sector Equality Duty – challenging discriminatory language and action where it occurs	• The negative public perceptions of Gypsy and Traveller communities, particularly seen in social media campaigns • Subsequent pressure to act quickly and evict • Fear of a “honeypot” effect • The conflation of fly-tipping/organised waste crime with travelling	▶ The Mayor’s commitments to equality, diversity and inclusion ▶ Examples from elsewhere of positive political messages and leadership
Decent conditions for roadside families ▶ Outreach and dialogue ▶ Provision of basic facilities ▶ Detailed welfare assessments and follow up ▶ Agreeing stopping time	• Pressures from public and politicians to evict rapidly • Injunction orders (although some negotiation still possible) • Lack of scrutiny and monitoring regarding equality and human rights duties • Lack of capacity and other resources • Limited skills in outreach and building relationships	▶ Public Sector Equality Duty and human rights legislation ▶ Existing guidance and protocols that set these expectations ▶ Some examples of good practice
A planned approach to temporary stopping ▶ Identifying suitable alternatives for stopping places ▶ Budgets for dedicated staff and resources ▶ Securing meanwhile uses on vacant land ▶ Seeing roadside stopping as part of accommodation need	• Response to roadside stopping driven by enforcement team rather than accommodation or equalities • High cost of land and need to demonstrate financial returns • Austerity and budget cuts • Fear that negotiated stopping site could become permanent	▶ Gypsy and Traveller Accommodation Needs Assessments include recommendations on negotiated stopping approach ▶ Interest and willingness to engage from some local authorities ▶ Injunctions due to run out are an opportunity to plan for alternatives
Trust and partnership between Traveller families, local authorities, police and other agencies ▶ Consultation with residents, Gypsies and Travellers to keep lines of communication open ▶ Local elected members and senior leaders challenging discriminatory discourse where it occurs	• Discrimination, negative experiences, risks of being criminalised • Lack of capacity in civil society to work on the ground	▶ Traveller families successful in negotiating with councils for many generations
A coordinated pan-London approach ▶ Policy and guidance ▶ Joint working and infrastructure ▶ Staffing and resources ▶ Monitoring and evaluation	• Difficult to achieve consensus and engagement from all boroughs • Mobilising financial resources • Capacity and expertise issues	• GLA’s role to coordinate boroughs on planning issues
A clear separation of large-scale fly-tipping issues from roadside stopping	• Challenging for local authorities to investigate and prosecute	▶ Positive joint-working across different agencies



A potential negotiated stopping approach for London

There are several ways in which the discussion and proposals on negotiated stopping could be taken forward for London. This report makes suggestions for a London-wide approach (see Chapter 5) for higher levels of mutual benefit and potential saving. However, it is recognised that with the different contexts facing councils, a range of responses will be possible at different levels.

Figure 5 below suggests four levels of response to roadside stopping that would result in positive impacts, in terms of advancing Public Sector Equality Duties, reducing social costs and also public spending.

It is recommended that the Level 1 response is seen by public landowners as the minimum standard of provision that should be made for all camps where dialogue and negotiation is possible. This would reduce the immediate impacts of eviction on families and the costs associated with clean up. Level 2 implies an agreement on allowing stopping time and therefore slows down the rate of evictions which would take place if families need to be in the area for a period. It has the potential to save costs in terms of staff time and legal fees. It is desirable that across London, boroughs seek to achieve the Level 3 response, which involves a higher degree of planning and preparedness, particularly through identifying land for meanwhile use and allocating resources more strategically.

Conclusions

This chapter has outlined several different examples which either use negotiated stopping or utilise some principles which include negotiation. The Leeds example has been in place for several years and is formalised with protocols and agreement templates which are available for other organisations to access on the web. In Scotland, there has been recent profile in media articles about newly introduced negotiated stopping approaches. The research team recognise the contextual challenges of applying existing models to London and recommend instead that ingredients and elements are adapted for use in the city.

There are some evident social and financial benefits to taking a coordinated approach to managing unauthorised encampments in London. We have found in this research that the increasing council by council eviction and injunction approach is not working for London as a whole – it is costly for the public purse, and it is displacing Travellers rather than resolving accommodation issues.

London councils need to ask themselves – where are they trying to move Gypsies and Travellers on to? If the answer is “not in my borough” then there is an urgent need for the GLA to grasp this issue and facilitate co-ordination. There must be places in London for Gypsies and Travellers to live, to travel and to stop.

FIGURE 5: Responses to roadside stopping in London





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Recommendations and actions

This research underlines the social and financial costs which result from not delivering accommodation or managing encampments well. There are important social benefits that can arise through a shift from an eviction centred approach to a negotiation and accommodation approach. The Women and Equalities Select Committee Inquiry focused on health, education and discrimination – and did not include planning and housing as specific themes. However, they made some important key recommendations⁴¹, one of which asked the Ministry of Housing Communities and Local Government for leadership – for government to co-ordinate a plan for Gypsy and Traveller communities.

In London, there is an opportunity for co-ordination and planning too, in order to reap some of the social and financial benefits of moving away from an eviction approach. The Greater London Authority has a platform

to work strategically in leading London councils in the provision of sites and the negotiation of spaces for stopping. Indeed, the GLA in managing its own land can demonstrate leadership by doing something differently in how it responds to encampments on its land. The GLA could be an instrumental lead in tackling the inequalities and reduction in social cohesion that result from a reactive and eviction-led response to accommodation need.

Recommendations

A list of recommendations emerged from the independent research, with key stakeholders identified to take the lead. These were discussed with London Gypsy Travellers who, recognising the current crisis of accommodation in the city, suggested timebound targets for the key stakeholders' recommendations, and these are set out in Table 3 on pages 30/31.



It is recommended that councils with existing injunctions should prepare to transition to a planned approach to managing camps when their injunctions expire, rather than automatically seeking to extend the injunction. London councils need to work together and consider the impact of their individual approaches on one another.

TABLE 3: Recommendations linked to research evidence

Recommendations	Time scale	Cost/resourcing	Evidence/need	Partners
1. Political champions GLA to work with LGT to create a charter or pledge for London politicians. The Mayor and Deputy Mayors to sign the pledge and start a communications campaign to publicise it across the board in the London Assembly and with London boroughs.	Early 2020	Officer time	• Social costs and inequalities • Negative media coverage • Negative comments from politicians	LGT Gypsy and Traveller communities
2. Leading by doing • GLA to agree internally an approach that sets out the standard first response for all camps on GLA Group land to be dialogue and negotiation, provision of basic facilities and allowing stopping time where needed. • GLA to develop a plan to implement this approach, including to identify the officers who will lead on the work, their relationship with GLA Estates Management and TfL, and the budget to fund provision of portable toilets and rubbish collection where needed. • GLA to test this approach, monitor and evaluate the outcomes, in consultation with LGT, boroughs and other stakeholders. • Based on success of initiative develop a policy of negotiated stopping for GLA Group Land.	Early 2020 – internal decision Early 2020 – plan Mar-Oct 2020 – test run Early 2021 – policy	Officer time Budget for portaloo/rubbish collection	• Councils asking for leadership from the Mayor • Mayor's commitments to equality and diversity • GLA Estates and TfL don't have protocols to manage camps • GLA and TfL spend on evictions could be reduced	GLA Group Local authorities
3. Support for a coordinated pan-London approach • The London Mayor to invite all London council leaders and housing portfolio holders to a seminar to be facilitated by De Montfort University and London Gypsy Travellers, to encourage political will across the city, to address the issue of unauthorised encampments, through a negotiated approach. The seminar is also an opportunity to consult on the options for resourcing and support outlined below. • GLA to make available an offer of support for London boroughs that can include the following options: ▶ GLA to facilitate a pan-London network for stakeholders from local authorities, housing associations etc to meet regularly and work on developing shared good practices for managing camps with the aim to reduce social impacts and public spending. This can be used as a forum to further scope out the funding needed to support negotiated stopping in London and to establish likely areas for demonstration pilots. ▶ A key GLA officer to work with London boroughs to implement negotiated approaches – the officer would help to identify land, develop financial models for meanwhile uses and work across council borders and with other agencies. ▶ A funding stream for a small scale negotiated stopping pilot between March and October 2020. This would be a for a joint bid between two or three neighbouring local authorities. Funding through such grant could help to cover officer costs and delivering appropriate services for negotiated stopping (in some instances, refuse disposal and portable toilets, for example). • GLA to develop policy guidance on negotiated stopping (e.g. Supplementary Planning Guidance) – this can include topics such as identifying land, providing infrastructure (basic facilities), outreach and management. This could level the playing field and set the same expectations for all boroughs. • GLA to evaluate the pilot funding stream and develop a grant programme for local authorities to implement negotiated stopping approaches between 2021 and 2024.	Early 2020 – seminar and consultation Early 2020 – offer and call for bids Mar-Oct 2020 – small scale pilot End 2020 – evaluation of network; Supplementary Planning Guidance; full funding stream for 2021-2024	Officer time New roles working in subregion – strategic officer; community outreach Funding for small scale pilot – includes officer time, budget for portaloo/rubbish collection Funding for extended programme – potentially match funded	• Councils asking for support/resourcing • Fear of “honeypot” effect • Cost savings • Sharing knowledge and best practices • Working across boundaries • Injunctions due to expire • Planning for need – avoiding displacement	London councils Local authorities Councils outside London LGT Consultants Funders

Table 3 (continued): Recommendations linked to research evidence				
Recommendations	Time scale	Cost/resourcing	Evidence/need	Partners
4. Separate out issues of accommodation and waste - GLA together with the Environment Agency, London Councils, Metropolitan Police, London Waste and Recycling Board to establish a forum that meets regularly to investigate issues with fly-tipping and waste crime related to construction, commercial and industrial waste and devise an action plan aiming to prevent fly-tipping. - Local authorities, GLA and other stakeholders to review the collection of data on unauthorised encampments to ensure that costs associated with organised waste crime are separated out from costs of clearing up domestic waste and enforcement action.	Early 2020 – set up forum/ partnership End of 2020 – report and action plan Ongoing	Officer time	- Fly-tipping issues conflated - Social costs - Much bigger issue of poor waste management - Perceived risk of taking different approaches	EA, London councils Met Police London Waste and Recycling Board
5. Local authorities in London - Cabinet members for housing include Gypsy and Traveller accommodation (both permanent and temporary) in their portfolios of responsibility - In depth investigations review current practices of enforcement and assess how they meet requirements under the Public Sector Equality Duty and government guidance on dealing with unauthorised encampments - There is commitment to provide at least minimum standard of dialogue and provision of basic facilities to all Traveller families stopping on public land in the borough - There is financial modelling for negotiated stopping - There are Local Plans and other mechanisms to identify land - There is preparation for transition to a planned approach when injunctions expire.	Follow timetable for GLA recommendations	Cabinet Member Officer time Budgets for service provision Budgets for preparing land	- Public Sector Equality Duty and other requirements - Government guidance - No provision, injunctions and enforcement - Needs Assessments don't identify temporary need; but make recommendations on NS - Social costs - Public spending – displacing problem not solving it	GLA LGT and Traveller communities London councils

1. Simon Evans wrote about this in his book 'Stopping Places' and he included a summary in a short blog <https://www.culture24.org.uk/history-and-heritage/art38559>
2. <https://www.theguardian.com/cities/2018/jan/18/london-gypsies-counted-travellers-map-prejudice>
3. A London-wide GTAA in 2008 recorded a lower figure, but it is likely that the majority of Gypsies and Travellers living in housing, but who may still wish to continue to travel to maintain a cultural way of life, are not counted well in GTAA's. It is recognised that Census data also does not record very many people who may not be able to disclose their ethnic status for a variety of reasons.
4. https://www.london.gov.uk/sites/default/files/london_boroughs_gypsy_and_traveller_accommodation_needs_assessment_-_final_report_-_2008_-_fordham_research.pdf
5. <https://www.equalityhumanrights.com/en/publication-download/gypsy-and-traveller-sites-revised-planning-definition%E2%80%99s-impact-assessing>
6. We do not repeat such stories here as examples, to avoid giving more oxygen to the negative discourse.
7. Richardson 2006, 2007, Richardson and Ryder, 2012, Richardson 2014 <https://extra.shu.ac.uk/ppp-online/roma-in-the-news-an-examination-of-media-and-political-discourse-and-what-needs-to-change/>
8. <https://www.travellerstimes.org.uk/sites/default/files/inline-files/Recognise-Report-Resolve.pdf>
9. <https://www.parliament.uk/business/committees/committees-a-z/commons-select/women-and-equalities-committee/news-parliament-2017/gypsy-roma-traveller-inequalities-evidence-17-19/>
10. <https://publications.parliament.uk/pa/cm201719/cmselect/cmwomeq/360/report-files/36002.htm>
11. <https://www.jrf.org.uk/report/providing-gypsy-and-traveller-sites-contentious-spaces>
12. Richardson and Codona (2016) <http://www.cih.org/resources/PDF/Policy%20free%20download%20pdfs/GypsyTravellerSitesDec16.pdf>
13. In relation to Public Sector Equality Duty <https://www.equalityhumanrights.com/sites/default/files/consultation-response-powers-for-dealing-with-unauthorised-development-and-encampments-june-2018.pdf> And in respect of Human Rights <https://www.gypsy-traveller.org/resource/the-human-rights-act-1998-and-its-impact-on-travellers/>
14. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/418139/150326_Dealing_with_illegal_and_unauthorised_encampments_-_final.pdf
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23. <https://www.brent.gov.uk/media/16411801/2018-10-26-west-london-gtaa-final-report.pdf>
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25. This refers to the Housing (Miscellaneous Provisions) Act (2002) which criminalised trespass in Ireland
26. <https://www.wandsworth.gov.uk/news/article/14730> October 5th, 2018
27. <https://governance.enfield.gov.uk/mgAi.aspx?ID=44096>
28. <https://moderngov.sutton.gov.uk/documents/s61638/8%20Permission%20to%20seek%20an%20injunction%20-%20Report.pdf>
29. To the £ (nearest pound)
30. De Montfort University was commissioned to undertake an evaluation of a three year asset based community development project by Leeds Gypsy and Traveller Exchange, a full report was submitted in 2017 and an excerpt has been used by Leeds GATE in their website on Negotiated Stopping <https://www.negotiatedstopping.co.uk/resources>
31. 5 (NB due to the different costing methodologies from the police and local authorities these savings are approximate)
32. <https://www.croydon.gov.uk/sites/default/files/articles/downloads/10%20Chris%20McAvoy%20nd%20statement%20Redacted.pdf>
33. <https://www.negotiatedstopping.co.uk/what-is-negotiated-stopping>
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35. Welsh Government Guidance on Unauthorised Camping, 2013, p.8 <https://gov.wales/sites/default/files/publications/2019-03/guidance-on-managing-unauthorised-camping-2013.pdf>
36. This example is an excerpt from Richardson and Codona, 2016, p.58-59 <http://www.cih.org/resources/PDF/Policy%20free%20download%20pdfs/GypsyTravellerSitesDec16.pdf>
37. <https://www.gov.scot/publications/guidance-local-authorities-managing-unauthorised-camping-gypsy-travellers-scotland/pages/9/>
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39. <https://www.gov.scot/publications/guidance-local-authorities-managing-unauthorised-camping-gypsy-travellers-scotland/pages/9/>
40. See the council meeting agenda and reports for 15th May 2019 and scroll down to item 8 where there are online pdf reports and appendices available: <https://perth-and-kinross.cmis.uk.com/perth-and-kinross/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/2223/Committee/90/Default.aspx>
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The potential for a negotiated stopping approach in London

This report is an independent piece of research supported with grant funding from the Greater London Authority and produced by London Gypsies and Travellers in partnership with De Montfort University.

The idea for negotiated stopping as a shared set of principles and approaches is to support all landowners and Gypsies and Travellers to agree what short term accommodation is appropriate, fair and in the best interests of all residents.

The report shows there are evident social and financial benefits to taking a coordinated approach to managing roadside stopping in London, instead of resorting to evictions and injunctions.



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IN THE HIGH COURT OF JUSTICE

KING'S BENCH DIVISION

IN THE MATTER OF
SECTION 222 LOCAL GOVERNMENT ACT 1972 AND
SECTION 187B TOWN AND COUNTRY PLANNING ACT 1990

Claim
No2024-
003315

BETWEEN:

**THE MAYOR AND THE BURGESSES OF THE
LONDON BOROUGH OF RICHMOND**

Claimant

and

**(1) PERSONS UNKNOWN FORMING AN
UNAUTHORISED ENCAMPMENT AND / OR
OCCUPYING FOR RESIDENTIAL PURPOSES
(including temporary occupation) WITH OR
WITHOUT VEHICLES ON ANY OF THE 8 SITES
WITHIN THE LONDON BOROUGH OF
RICHMOND UPON THAMES LISTED ON
SCHEDULE 1 ATTACHED TO THIS CLAIM**

Defendants

**(2) PERSONS UNKNOWN DEPOSITING
WASTE ON ANY OF THE 8 SITES WITHIN THE
LONDON BOROUGH OF RICHMOND UPON
THAMES LISTED ON SCHEDULE 1 ATTACHED
TO THIS CLAIM**

and

LONDON GYPSIES AND TRAVELLERS

Proposed
Intervener

DJK2

**To LB Richmond Upon Thames
Civic Centre,
44 York Street,
Twickenham,
TW1 3BZ**

23rd March 2020

Dear sir/madam

Re: LB RICHMOND UPON THAMES INJUNCTION ORDER

We write with regard to the interim injunction you obtained on 13 March 2019. We are an organisation which challenges social exclusion and discrimination, working for change in partnership with Gypsies and Travellers. We work with the community and a range of trusted partners to contribute to the development of local, regional and national policy.

We would refer you to the recent judgment in the case of *London Borough of Bromley v Persons Unknown (London Gypsies and Travellers and ors intervening)* [2020] EWCA Civ 12, a copy of which can be found here <https://www.bailii.org/ew/cases/EWCA/Civ/2020/12.html>

Bromley appealed to the Court of Appeal against the refusal of a wide injunction by the High Court. Judgment was handed down on 21 January 2020 and the appeal was dismissed. It is understood that Bromley does not intend to appeal that decision.

The Court of Appeal's judgment

Bromley's appeal was dismissed on all grounds, with Coulson LJ (with whom Haddon-Cave LJ and the Senior President of Tribunals agreed) stating that:

97. ... The judge considered all of the relevant factors when undertaking her proportionality exercise. She did not have regard to anything irrelevant. She came to a conclusion which she was entitled to reach....the appellant has struggled and failed to find any error of principle in the judge's reasoning.

Importantly, the Court of Appeal also gave guidance as to how local authorities should approach wide injunctions, which were described as being "*inherently problematic*". The Court emphasised the following (paragraphs 99-109):

- i. There is an "*inescapable tension*" between the Article 8 rights of the Gypsy and Traveller community and the common law of trespass, the obvious solution to which is the provision of more designated transit sites.

- ii. It was a *“striking feature”* of many of the documents before the Court that *“the absence of sufficient transit sites has repeatedly stymied any coherent attempt to deal with this issue”*.
- iii. The reality is that without sufficient sites *“unauthorised encampments will continue and attempts to prevent them may very well put the local authorities concerned in breach of the [European] Convention [on Human Rights]”*.
- iv. Government guidance presupposes that unlawful encampments will exist and does not suggest that they be closed down, save as a last resort and unless there are specific reasons for doing so. There is no hint in the guidance that a wide injunction is a satisfactory solution and indeed much of the guidance would be irrelevant if that were the answer.
- v. Local authorities must regularly engage with the Gypsy and Traveller community. Through a process of dialogue and communication, and following the guidance, wide injunctions should be avoidable. This might be achieved through negotiated stopping.
- vi. A local authority considering a *quia timet* injunction must engage with the Gypsy and Traveller community before seeking such an order. It must carry out welfare assessments, particularly where there are children involved, and undertake an up-to-date Equality Impact Assessment. A local authority which does not do this *“may expect to find its application refused”*.
- vii. Injunctions against persons unknown are exceptional measures because they avoid the protections of adversarial litigation and Article 6 of the European Convention on Human Rights (“ECHR”).
- viii. Local authorities must understand and respect the Gypsy and Traveller community’s culture, traditions, and practices. This will normally require positive action by the local authority to consider the circumstances in which the community’s Article 8 rights are capable of being realised.
- ix. The vulnerability and protected status of the Gypsy and Traveller community, and the integral role that the nomadic way of life plays as part of their ethnic identities, will be given weight in any proportionality assessment.
- x. The equitable doctrine of clean hands *“may require local authorities to demonstrate that they have complied with their general obligations to provide sufficient accommodation and transit sites for the Gypsy and Traveller community”*. Local authorities should provide evidence of what other suitable and secure housing or transit sites are available. If there are no alternative sites, no proposals for sites, and no support for the provision of sites, then *“that may weigh significantly against the proportionality of an injunction order”*. It is not enough to say that the Gypsy and Traveller community can go elsewhere.

- xi. The Court must take into account the cumulative effect of injunctions.
- xii. The duration of the injunction is important. It is *“without more – potentially fatal to any application for a local authority to seek a combination of a boroughwide injunction and a duration of a period as long as five years”*.
- xiii. A local authority seeking a wide injunction must show credible evidence of criminal conduct and/or likely risks to health and safety.

The Court concluded by saying that *“the Gypsy and Traveller community have an enshrined freedom not to stay in one place but to move from one place to another. An injunction which prevents them from stopping at all in a defined part of the UK comprises a potential breach of both the Convention and the Equality Act”*.

In light of this judgment we would ask you to confirm that you will urgently reconsider the injunction you have in place. Indeed we feel that this injunction should now be withdrawn. Please also confirm that you will not be seeking renewal of this injunction.

We look forward to hearing from you within 14 days.

Yours faithfully
Ilinca Diaconescu
Policy Officer
London Gypsies and Travellers

Witness: Deborah Jane Kennett

Witness Statement: 2

Exhibits: 9, DJK3-DJK11

Statement made on: 17 July 2026 to 27 August 2026

IN THE HIGH COURT OF JUSTICE

KINGS BENCH DIVISION

IN THE MATTER OF

SECTION 222 LOCAL GOVERNMENT ACT 1972 AND

SECTION 187B TOWN AND COUNTRY PLANNING ACT 1990

Claim Number: KB-2024-003315

BETWEEN:

**THE MAYOR AND BURGESSES OF
THE LONDON BOROUGH OF RICHMOND**

Claimant

-and-

**1) PERSONS UNKNOWN FORMING AN UNAUTHORISED
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Defendants

and

LONDON GYPSIES AND TRAVELLERS

Intervener

SECOND WITNESS STATEMENT

OF DEBORAH JANE KENNETT

1. My name is Deborah Jane Kennett, CEO of London Gypsies and Travellers ("LGT"), of Mildmay Community Centre, Woodville Road, Mayville Estate, London N16 8NA. I make this statement in preparation for the hearing listed for 13 October 2026. Insofar as the facts and matters stated herein are within my own knowledge, they are true; insofar as they are not within my own knowledge, their source is indicated and I verily believe them to be true.

London Gypsies and Travellers' interest in wide injunction proceedings

2. I am the CEO of LGT. In my role I lead the strategy on engagement with Gypsies and Travellers living in London and those pursuing a nomadic way of life, and on communications with Local Authorities, the Greater London Authority and central government to advocate for the accommodation needs of Gypsies and Travellers to be met, including through the provision of permanent sites, temporary stopping places and approaches such as 'negotiated stopping'. In my statement for the hearing on 13th of February 2025, I explained how LGT had repeatedly engaged with Richmond Upon Thames council officers with regards to adopting a negotiated stopping approach. I presented LGT's 2020 letter to Richmond Council about the problems with injunction orders as exhibit DJK2.
3. I am concerned that since Richmond served the temporary injunction in November 2024, several other local authorities have followed suit: Havering, Rushmore, Basingstoke and Deane, and Test Valley, as far as LGT has been notified.

Barking & Dagenham still has its 'final' injunction in place from 2017. Since the Supreme Court's judgment in *Wolverhampton and others v London Gypsies and Travellers and others*, [2023] UKSC 47, LGT receives letters by email from local authorities or their lawyers, informing us of the new orders, apparently to conform with the requirement to notify persons unknown of the existence of the injunction. In many cases, I am in doubt as to whether the conditions have been fulfilled that make injunctions "an exceptional remedy, [and] a proportionate response to the unlawful activity to which it is directed," as required by the *Wolverhampton* judgment, para 225. However, LGT does not have the resources to examine and challenge every injunction as it comes in.

4. I am gravely concerned that the spirit of the *Wolverhampton* judgment has been completely ignored in the way local authorities have recently sought injunctions. LGT is ready to support constructive dialogue and co-operation, as recommended in the *Wolverhampton* judgement, para 203, which states: 'We have no doubt that local authorities, other responsible bodies and representatives of the gypsy and traveller communities would benefit from a dialogue and co-operation to understand their respective needs; the concerns of the local authorities, local charities, business and community groups and members of the public; and the resources available to the local authorities for deployment to meet the needs of these nomadic communities having regard to the wider obligations which the authorities must also discharge. In this way a **deeper level of trust** may be established and so facilitate and encourage a constructive approach to the implementation of proportionate solutions to the problems the nomadic communities continue to present, without immediate and expensive recourse to applications for injunctive relief or enforcement action.' LGT offers training to London's local authorities that supports their engagement with, and accommodation of, families living roadside. No local authority has requested that training since 2024. In the case of Richmond, the first communication we received about the wider injunction was notification by email on 20th December 2024, informing LGT that an interim order had been granted and the court hearing for final order was scheduled for 13th February 2025. I am not aware of any prior efforts by the council to seek constructive dialogue to understand the needs of

Gypsy and Traveller communities in Richmond or to seek to establish a 'deeper level of trust' (as set out in par 203 above) I therefore do not consider this approach by the council as constructive or proportionate.

Concerns about the lack of accommodation for nomadic families

5. In the wider London region, there are no permanently established transit sites where families pursuing a nomadic way of life in accordance with the Travelling culture, what we call 'roadside living', can rent communal pitches for short-term stays (stays up to three months). In counties that are near Richmond, there is only one transit site, in the Chichester area of West Sussex. There is no transit site in Surrey or Buckinghamshire, according to the local authorities' websites.

6. The 2025 London Gypsy and Traveller Accommodation Needs Assessment published by the Greater London Authority found that there is a minimum need for 87 transit pitches across London (see **Exhibit DJK3** pages 87-89 of the GTANA including figures for permanent pitches in Richmond and **Exhibit DJK4** pages 163 and 164 of the GTANA 2025 including a summary of need figures across London and negotiated stopping information). The provision of transit pitches and negotiated stopping sites across London over the next 10 years has recently been set out in the Mayor's draft London Plan which was published in July 2026. Policy HN4 Gypsy and Traveller Accommodation states under Plan-Making B 'LPAs should allocate a Gypsy or Traveller transit site and/or make provision for negotiated stopping. And under Implementation para 3.61 'an estimated 87 transit pitches are needed across London. Transit provision can comprise permanent transit sites or negotiated stopping arrangements. Which type of provision is most appropriated will depend on local circumstances' (see **Exhibit DJK5** Policy HN4 of the Draft London Plan).

7. The research and policy guidance that resulted from engagement with local authorities and with Gypsies and Travellers across London during 2019 came out as the report: "The potential for a negotiated stopping approach in London" which was published on 4th of December 2019. This report was presented as evidence

exhibit DJK1 attached to the Witness statement submitted for 13th of February 2025. 'Negotiated stopping' is an approach that builds on traditional ways of accommodating roadside living by landowners, such as councils, by making more formal arrangements with families on ad-hoc arrangements for shorter stays than those accommodated by transit pitches. Hannah Brown, Head of Housing Strategy for the Greater London Authority, by letter to LGT dated 9 July 2026 speaks to the report and the difficulties for Gypsies and Travellers, particularly those travelling, and recognised 'the urgent need for Gypsy and Traveller accommodation in London, including provision of both permanent and temporary stopping sites' (see **Exhibit DJK6** for this letter).

8. Enfield Council officially adopted a negotiated stopping policy in 2023, accommodating around 20 caravans during each summer month since then, in arrangements that have saved the Council substantial sums of money that would have otherwise been spent on eviction enforcement, according to Enfield's Gypsy, Roma, Travellers, Boater and Showman Lead Officer. Enfield Council prepared a presentation titled 'Enfield's Journey: How we have created opportunities for our Gypsy Roma Traveller Residents' for dissemination on 10 June 2026 on the occasion of the Local Government Chronicle Awards, where Enfield Council was shortlisted for an award for 'Diversity and Inclusion'. In the presentation, on the second slide, under the title 'Enfield is transforming GRT inclusion', it says: '£1.95m saved in enforcement costs: Since 2018, our Negotiated Stopping model, now shared with other Local Authorities and recognised by the GLA, has transformed our relationship with travelling communities and delivered measurable financial savings' (please see **Exhibit DJK7** for this slideshow, 2nd slide).
9. Kingston Upon Thames Council has proposed a Negotiated Stopping approach in their new local plan (Regulation 19), policy KH8, on 22 June 2026 (see **Exhibit DJK8**, Kingston Policy KH8). Elsewhere in England, Leeds has implemented negotiated stopping arrangements since 2009. Durham County Council implements negotiated stopping in the spring and summer since 2011¹. The

¹ Available at: <https://www.durham.gov.uk/article/18460/Temporary-Stop-Over-Areas> last accessed 19 August 2026

approach in Leeds was evaluated by our partner organisation Leeds GATE in 2016 and assessed independently by De Montfort University in 2017. Three local authorities in Scotland implemented negotiated stopping in 2019, and the process was evaluated in 2024². As indicated in that report, negotiated stopping was found to be successful in:

- (1) allowing medical checkups and treatment;
- (2) enabling children's access to schools;
- (3) managing waste, sanitation, hygiene with consequent improvements to health of Travelling families;
- (4) reducing complaints from local 'settled' residents;
- (5) reducing negative media coverage of Gypsy and Traveller ways of life; and
- (6) challenging negative stereotypes of Gypsies and Travellers, leading to support for inclusive policies.

Additionally, Neil Evans, then Leeds Council's Director of Housing, said in 2016 after 7 years of negotiated stopping: 'We were able to save well over £100,000 in legal and clean-up costs. Negotiated Stopping is a solution that's been proven to improve the lives of a group that can suffer enormously'³.

10. In applying negotiated stopping approaches, Enfield, Kingston, Leeds and other Councils are simply abiding by the advice of the National Police Chiefs' Council, which states: 'Where there are no authorised sites, and the authority reaches the view that the incident [roadside living] is not causing a level of damage, disruption or distress which cannot be effectively controlled, it should consider providing services, such as toilets, a refuse skip and a supply of drinking water at that site' as published on 27th of June 2022 in the document titled 'Operational Advice – Trespassing On Land Without Consent / Unauthorised Encampments' (please see

² Available at: <https://migrationscotland.org.uk/uploads/Negotiated%20Stopping%20evaluation%20-%20Final%20report%20FV.pdf> last accessed 19 August 2026

³ Available at <https://www.negotiatedstopping.co.uk/ns-explained> (quote in the middle of the page), last accessed 19 August 2026

Exhibit DJK9). Aside from Enfield and Kingston to my knowledge, there is no place in Greater London where roadside families can make short, authorised, stops.

11. I note that according to the Claimant's exhibit YF25, Richmond Council and in particular witness Joanne Capper have known since 20 January 2025 that the GLA's suggested way of dealing with so-called unauthorised encampments, or families living roadside, was to implement Negotiated Stopping, having raised this in her email to GLA planner Kate Gordon on 17th January 2025. Kate Gordon replied by email on 20 January 2025 and highlighted ways of obtaining support with implementing this approach. Nevertheless, Richmond Council has not proceeded to implement negotiated stopping.

The injunction, especially with power to arrest, is a disproportionate response

12. In relation to the advice of the National Police Chiefs' Council, compared with Exhibit YF23, 'London Borough of Richmond upon Thames Guidance Procedures for Unauthorised Encampments' dated 29th of January 2025, I note that Richmond Council considers whether a roadside family camped on any of the sites causes 'nuisance'. In my opinion, 'causing nuisance' is a lower threshold than 'causing damage, disruption or distress'. Families going about their lives on the edge of a park may be experienced as 'nuisance', for instance, if there is a dog that barks and a child who scoots on a path, but they cannot be said to be causing damage, disruption or distress. I object to the low threshold for seeking both eviction and power of arrest, as Richmond's injunction grants, as a response to roadside living. The injunction is not a proportionate response.

13. I also believe that an injunction is a disproportionate response to the number and frequency of encampments. Looking at Yvonne Feehan's Witness Statement of 17th September 2024, the evidence shows a very small number of encampments on the named 8 sites, outlined at Exhibit YF4. As detailed below, 6 out of the 8 locations had only 1 camp over the approximately 5-year period

- 1) Ham lands - 1 camp for 1 day (2020)
- 2) Ham Riverside Drive Open Space - 1 camp for 1 day (2021)

- 3) Ham Riverside Pitches - 2 camps (4 days, 2021, and 21 days respectively, 2020, the latter was during Covid)
- 4) Kew Green - 7 camps (across 2021 to 2023, days from oldest to newest = 7 days, 3 days, 2 days, 2 days, 4 days, 1 day and 4 days)
- 5) Old Deer Park - 1 camp of a few hours (2021)
- 6) Richmon Green - 1 camp for 1 day (2023)
- 7) Ham Common - 1 camp for 7 days (2024)
- 8) King George's Field (including ham riverside pitches) - 1 camp for 5 days (2024)

According to the witness statement of Matthew Almond on 7th of August 2025, there were two camps in May and July 2025, the first at Ham Common (previously identified in 2024 as having 1 camp) with residents moving off of their own accord, and the second, the July camp, also at Ham Common with HCEO and police were instructed to attend the scene by the Council to 'manage the process' and 'ensure the July encampment left as directed', though there is no evidence this was required. This makes a total of 3 camps on the Ham Common Site from the evidence of the Council between 2019 to 2025. In 2025 there were then 2 or possibly 3 camps. Richmond Council's announcements on the social media platform X suggests there was a third camp 15 August 2025. According to the same witness statement of Yvonne Feehan mentioned above, there were between 1 and 4 camps each year between 2019 and 2024.

14. In my view, an injunction is not a proportionate response to this small number of encampments. In using an injunction in this way, the Council does not meet the requirement of the Wolverhampton Supreme Court Judgement to use an injunction as an 'exceptional remedy' (paragraph 225 of the Judgment).

The Council has not exhausted alternative means to achieve the remedies sought

15. The Supreme Court's judgment in Wolverhampton noted in para 174 that the lack of procedural fairness wired into newcomer injunctions is 'an objection which applies to all forms of without notice injunction and explains why they are

generally only granted when there is truly no alternative means of achieving the relevant objective, and only for a short time'. In addition to ignoring the alternative method, which is Negotiated Stopping, Richmond Council has a record of implementing Public Space Protection Orders. According to Richmond Council's announcements on the social media platform X on 21 July and 15 August 2025 (see **Exhibit DJK10** for 15 August 2025), the Council's Parkguard were able to apply the Public Space Protection Order to evict the families' camps. The camp on 21 July appears to be the same one as the camp described in the Claimant's exhibit MA2, which mentions the injunction rather than the Public Space Protection Order. There is contradiction between the Council's public communications on X and the evidence presented to the Court. Even though I also object to over-broad Public Space Protection Orders, I note that this method to achieve the remedy at the very least removes one of the elements of unfairness, in that such orders are directed at specific and known persons.

16. Alongside Liberty, Amnesty International, Friends Families and Travellers, and other organisations advocating for equal rights and protection of minoritized communities, we have repeatedly objected to the formulation in the relevant laws (such as the Police, Crime, Sentencing and Courts Act 2022) of encampments causing 'significant distress'. The Equality and Human Rights Commission's briefing of July 2021 on the Police, Crime, Sentencing and Courts Bill (as it was then) noted that the Bill, when passed, would criminalise roadside families' way of life when their unauthorised residence or intended residence 'has caused or is likely to cause significant damage, disruption or distress', and that the invocation of 'likelihood of causing significant damage, disruption or distress' substantially lowered the threshold for enforcement action in relation to previously upheld trespass laws⁴. I also note that parts of the Police, Crime, Sentencing and Courts Act 2022 were found incompatible with the Human Rights Act in May 2024, the 'no return' period length, which has now been amended through s168 of the Crime

⁴ Available at:

https://www.equalityhumanrights.com/sites/default/files/ehrc_briefing_on_the_police_crime_sentencing_and_courts_bill_report_july_2021.docx last accessed 19 August 2026

and Policing Act 2026⁵. The mere likelihood of any ‘distress’ to residents, let alone ‘nuisance’, is, in my opinion, too low a threshold for justifying the eviction of a family.

There is not a compelling need to evict roadside families, however there is a need for fulfilling statutory duties

17. In Exhibit YF23 [‘London Borough of Richmond upon Thames Guidance Procedures for Unauthorised Encampments’] it is stated that Richmond Council Community Safety Team Lead Officers are required to conduct welfare checks to determine ‘humanitarian, welfare or legal reasons why the encampment should not be evicted’. It is correct and necessary to conduct welfare checks, however, the balance of consideration on eviction should follow the opposite logic, in my opinion and in line with the principles of negotiated stopping: unless there is evidence that roadside living is causing damage, disruption or some forms of measurable distress, and these cannot be effectively brought under control, then (and only then) the local authority may need to resort to eviction, as required by the Wolverhampton judgment, para 225, conditions must have been fulfilled that make injunctions “an exceptional remedy, [and] a proportionate response to the unlawful activity to which it is directed,” The presumption should be in favour of permitting roadside living, in line with the Public Sector Equality Duty to ‘foster good relations between people who share and people who do not share a relevant protected characteristic’. Again, at paragraph 203 of the Supreme Court’s judgement in Wolverhampton, there is reference to the wider obligations of local authorities ‘..the resources available to the local authorities for deployment to meet the needs of these nomadic communities having regard to the wider obligations which the authorities must also discharge’ This paragraph also makes clear that local authorities should not resort to seeking injunctions without having first sought constructive dialogue and alternative, proportionate solutions.

⁵ S168 of the Crime and Policing Act 2026
<https://www.legislation.gov.uk/ukpga/2026/20/section/168#section-168-5>

18. I find puzzling that in Exhibit YF23, the Claimant's witness differentiates so starkly between rough sleepers, to which the Council acknowledges a duty under homelessness provisions, and roadside families. Under s.175(2)(b) of the Housing Act 1996, a family is homeless when their accommodation 'consists of a moveable structure, vehicle or vessel designed or adapted for human habitation and there is no place where he [sic] is entitled or permitted both to place it and to reside in it'⁶. When Gypsies and Travellers have no authorised or at least tolerated place to make a stop, as is the case in Richmond, then they are homeless.

19. With regards to the witness statement of Matthew Almond on 7th of August 2025, and the associated exhibits MA1 and MA2, these appear to be two examples from May and July 2025 where roadside families would have benefitted from a negotiated stopping approach. According to exhibit MA2, 'Everyone was very amenable and they said they were just waiting on one more van and hoped to be gone by 18.00hrs.' According to the witness statements and exhibits from the employees who spoke directly with the encamped family members, they engaged with the park services and negotiated the time of departure. Had the Council negotiated rather than evicted, the families may have stayed in a suitable location and contributed towards the disposal of waste, which according to the witness Matthew Almond and exhibits MA1 and MA2 was mostly cleared up and bagged in an orderly way. To my eyes, the evidence presented indicates that the families living roadside were not causing damage or disruption – they were hanging up their laundry and pursuing employment – and they should not have been evicted.

20. The Supreme Court's judgment in *Wolverhampton* said in para 238 (iv)(a) that an application for a newcomer injunction will be required 'to demonstrate a compelling need for the protection of civil rights or the enforcement of public law not adequately met by any other remedies (including statutory remedies) available to the applicant'. In my view, the evidence presented by the Claimant that I referenced in the preceding paragraphs - regarding Travelling families camping on the edges of large parks, their co-operating with welfare checks, agreeing to curtail the length of their stays, and mostly clearing up their waste - indicates that

⁶ S175(2)(b) <https://www.legislation.gov.uk/ukpga/1996/52/section/175>

there is no compelling need for protections and enforcements. On the contrary, I note that the reports from actual camps and their evictions, in the Claimant's testimonies referenced above, do not mention any of the 'aggravating factors' that can lead the police to use Section 61 powers, as listed in the Claimant's exhibit YF23, 'London Borough of Richmond upon Thames Guidance Procedures for Unauthorised Encampments'. Other evidence from Richmond Council itself, such as its 'Update on the unauthorised encampment in Ham', of 6th August 2024 (see **Exhibit DJK11**) also indicates that no 'aggravating factors' occurred: no communities were said to be deprived of local amenities; no disruption to the local economy; no other significant disruption to the local community; and no claim that 'a group of trespassers have persistently displayed antisocial behaviour at previous sites, and it is reasonably believed that such behaviour will be displayed'. In fact, the Council's update of 6th August 2024 to residents of Richmond called on members of the public to promptly report any antisocial behaviour to the police 'as this can support the court process [of applying for a permanent injunction]'. To my mind, this is evidence that there had been no antisocial behaviour from the families living roadside, and then mentioned in this update to local residents published on 6th August 2024. In any case, antisocial behaviour can be dealt with using Antisocial Behaviour Orders that target individuals, rather than stopping entire ethnic groups from pursuing nomadic ways of life. The 'Update on the unauthorised encampment in Ham', 6th August 2024 states 'Welfare checks were carried out this morning and evidence gathered to allow us to swiftly apply to the courts today for a hearing on Friday'. This suggests that council's approach to welfare checks is to undertake them as a procedural necessity before eviction, rather than as a process wherein there is a careful consideration of needs which informs the council's decision, along with other factors, as to the appropriate action.

21. With regards to the Third Witness Statement of Joanne Capper on the 6th of August 2025, most of the research referenced by the Claimant in paras 14-17 was designed to identify the need for permanent pitches on communal Gypsy or Traveller sites in Richmond. Research on need for permanent sites is not relevant

to the issue of accommodating roadside living. Neither the surveys conducted by Richmond Housing Partnership at the permanent Hampton site and their attempt to reach Gypsies and Travellers living in unsuitable conventional housing, nor the reliance on Census data (which do not accurately record many members of minoritised groups in general, and households with no permanent address in particular), are adequate methods for identifying the need to accommodate households living roadside. There is no evidence to show that the council has reached out to roadside families to assess their need for transit pitches or negotiated stopping sites.

22. Pointing to the fact that other local authorities record more ‘unauthorised encampments’ than Richmond does, in para 18 of the same Third Witness Statement of Joanne Capper, stating ‘When compared to the London Borough of Bromley, the Council saw approximately six times fewer encampments in comparative years’. There is a contradiction inherent in saying that there are very few encampments and therefore ‘no further provision of accommodation is required’ (paras 30, 33 and passim of the same Third Witness Statement of Joanne Capper), and concurrently saying that ‘following the number and size of the encampments in the subsequent years, the associated cost to the Council of dealing with them, and the Council’s assessment that the current means of dealing with the encampments were ineffective, it became clear that the Council needed to consider an alternative [in the form of the permanent injunction]’, as per the Sixth Witness Statement of Yvonne Feehan, dated 1 May 2025, para 15. Whatever the case of the matter, the analysis still indicates that the injunction is not the solution, in my view: if there are very few camps, then the injunction is disproportionate, but if there are many large camps, then transit pitches are needed. The London Gypsy and Traveller Accommodation Needs Assessment, published in November 2025, using a methodology based on the Government caravan count, found that there is a minimum need for 87 transit pitches across London. I consider that even if there were only one family making a stop in Richmond every summer, then that family should be accommodated humanely, in accordance with the cultural right to pursue a nomadic way of life and to private and family life. Every encampment is evidence of need.

23. Throughout the submission of the Claimant, the issues of waste disposal, anti-social behaviour and roadside living are intermingled. In accordance with the Court of Appeal judgment in *Bromley v Persons unknown*, [2020] EWCA Civ 12, para 14 (noted again in the Supreme Court's *Wolverhampton* judgment para 91), these issues are separate. Fly-tipping and anti-social behaviour are not unique to Gypsies and Travellers and therefore can be dealt with using general provisions without including also the issue of roadside living, for instance in the Public Space Protection Order. In fact, our community members find it offensive that there is a presupposition that roadside living will inherently lead to fly-tipping and anti-social behaviour. The humane solution would be to provide waste disposal facilities such as any family may need, in the context of negotiated stopping.

Consequences of the suppression of Travelling culture

24. Roadside living is a legal, indeed protected, way of life, but the absence of stopping places and transit pitches, and the presence of punitively wide injunctions such as Richmond's injunction, are preventing its pursuit. The suppression of roadside living, and the consequent loss of Travelling culture, has been noted by the UN Committee on Economic, Social and Cultural Rights when it stated in its concluding observations on the seventh periodic review of the UK on the 28th of February 2025:

'The Committee urges the State Party to [...] Ensure adequate, culturally appropriate accommodation and stopping sites for Gypsy, Roma and Traveller communities, including access to water, sanitation and electricity, in coordination with local authorities; and review and repeal laws or policies that undermine their traditional ways of life, such as Section 83 of the Police, Crime, Sentencing and Courts Act 2022, which criminalizes unauthorized encampments in England and Wales'⁷.

⁷ Available at: <https://digitallibrary.un.org/record/4078754?v=pdf> last accessed 19 August 2026

25. The Council of Europe also noted the risk of forced assimilation of Gypsies and Travellers in the UK if nomadic ways of life are suppressed, in violation of Article 5 of the Framework Convention for the Protection of National Minorities which the UK ratified in 1998. The Fifth Opinion on the UK, published by the Advisory Committee on the Framework Convention for the Protection of National Minorities on 25 May 2023, stated in para 107⁸:

‘The Advisory Committee urges the authorities to take priority measures to address the accommodation needs of persons belonging to Gypsy, Roma and Traveller minorities [...]. They should also reconsider the implications of the criminalisation of unauthorised sites and the seizure of property in light of the risk of forced assimilation this poses to the minorities’.

26. The suppression of roadside living and other forms of discrimination against Gypsies and Travellers cause measurable distress, evident in the alarming rates of deaths by suicide recorded by social and health workers who have found that young Traveller men were seven times more likely to take their own lives than the British population average, and rates among Gypsies and Travellers in general were six times higher, according to reports by the NHS Race and Health Observatory (published 2023) and by Unwin and Hulmes (published 2025) in ‘Inequalities in mental health services for Romanies and Travellers’.

27. In sum, the Claimant has not demonstrated that there is a compelling need, as required by the Supreme Court, for this injunction. In my view, the commitment to dialogue, cooperation, trust-building, and proportionate solutions that respond to the needs of Gypsy and Traveller communities has been disregarded.

Statement of Truth

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes

⁸ Available at: <https://rm.coe.int/5th-op-uk-en/1680ab55b4> last accessed 19 August 2026

to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth



Signed:

Printed: DEBORAH JANE KENNETT

Date: 27 August 2026

Witness: Deborah Jane Kennett

Witness Statement: 2

Exhibits: 9, DJK3-DJK11

Statement made on: 17 July 2026 to 27 August 2026

IN THE HIGH COURT OF JUSTICE

Claim No. KB-2024-003315

KING'S BENCH DIVISION

**IN THE MATTER OF SECTION 222 OF THE LOCAL GOVERNMENT ACT 1972
AND SECTION 187B OF THE TOWN AND COUNTRY PLANNING ACT 1990**

B E T W E E N:-

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RICHMOND UPON THAMES**

Claimant

-and-

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OCCUPYING FOR RESIDENTIAL PURPOSES (including temporary occupation)
WITH OR WITHOUT VEHICLES AT ANY OF THE 8 SITES WITHIN THE LONDON
BOROUGH OF RICHMOND UPON THAMES LISTED ON SCHEDULE 1 TO THIS
CLAIM**

**(2) PERSONS UNKNOWN DEPOSITING WASTE ON ANY OF THE 8 SITES WITHIN THE
LONDON BOROUGH OF RICHMOND UPON THAMES LISTED ON SCHEDULE 1 TO
THIS CLAIM**

Defendants

-and-

THE LONDON GYPSIES AND TRAVELLERS

Intervener

Exhibit DJK3

- 5.96 Surveying 94 households living on unauthorised encampments revealed that 12 of these households require an authorised, permanent pitch in the study area.

Step 11: Households on unauthorised developments seeking Gypsy and Traveller pitches in the study area

- 5.97 Households on unauthorised developments were identified through analysis of council data; and verified by visiting sites to confirm developments' existence and whether they were occupied. There are 35 pitches on unauthorised developments, including pitches regarded by the local authority as tolerated, and those refused planning permission where enforcement action has been taken.

- 5.98 This resulted in a need for 35 pitches.

Step 12: Households on overcrowded Gypsy and Traveller pitches in the study area

- 5.99 Pitches are considered overcrowded if there is insufficient space to accommodate household members; and/or the pitch is unable to accommodate the number of caravans required to accommodate all household members. Pitches can also be overcrowded due to 'hidden' and/or additional households residing on the pitch without alternative accommodation (households 'doubling up'). This includes adult children; other household members; and couples in the process of divorce or separation where one of the former couple will need a separate pitch, or pitches.

- 5.100 This resulted in a need for 128 pitches.

Step 13: New households expected to arrive from elsewhere

- 5.101 In the absence of any data derivable from primary or secondary sources (beyond anecdotal evidence) on whether households residing outside London intend to move into the area, it is assumed that the inflow of Gypsies and Travellers to the study area will be equivalent to the outflow (Step 4).

- 5.102 As Step 4 identified six households intending to leave the study area in the next five years, Step 13 identifies the need for six additional pitches to accommodate households moving into the study area.

Step 14: New household formations expected from within existing households on sites

- 5.103 The number of individuals expected to leave pitches to create new households was estimated from survey data. This relates to the number of household members aged 16 or over at the time of the survey, and who respondents reported will require a separate pitch in the study area during the first five years of the study period.

- 5.104 This resulted in a need for 132 pitches.

Step 15: Households in bricks and mortar with need for a pitch

- 5.105 The method used to calculate the need for additional pitches arising from households in bricks and mortar is outlined in Chapters 4 and 7. It draws on responses to online surveys with GRT households residing in bricks and mortar. Chapter 7 determines that 19 per cent of those households need to move and have a cultural preference to live on a pitch (see paragraph 7.61). It identifies a need for 381 pitches for households in bricks and mortar with a cultural preference to live on a site.
- 5.106 Four of the six boroughs for which this assessment uses data from their GTANAs and/or Local Plans, identify a need for 13 pitches from those living in bricks and mortar. (See Appendix 13). For these four boroughs the London-wide online survey of households in bricks and mortar identifies a need for 57 pitches (see paragraphs 4.68 to 4.71). To avoid double counting, the need identified in the borough GTANAs and Local Plans is deducted from the need calculated using the London-wide online survey of Gypsy and Traveller households living in bricks and mortar (see Step 16 below).
- 5.107 This results in a total need for additional pitches from households living in bricks and mortar of 368 pitches.
- 5.108 In addition to need arising from cultural preference, there is need arising from overcrowding in housing and future household formation. However, as there is insufficient evidence to confirm the number of households in need for such reasons, boroughs need to consider any need for these reasons that might arise from households living in bricks and mortar during the London GTANA period separately from need identified in this assessment. According to DCLG guidance, they should do so through enquiries; applications for a council pitch; and planning applications.

Step 16: Households with need for a pitch from the six boroughs⁶⁵ as identified in their borough GTANA and Local Plan

- 5.109 As shown in Appendix 13 and Table 5.32, these boroughs' GTANAs and Local Plans identified a need for 68 additional pitches. This includes an additional need for 13 pitches for households in bricks and mortar, which are removed from Step 15 to avoid double counting but included here. The accommodation need of 68 pitches in Step 16 (Table 5.32) reflects net need these GTANAs identify after subtracting additional supply from the additional need. For these boroughs, the need shown in Table 5.32 relates to the definition of Gypsies and Travellers (see Appendix 17).

⁶⁵ Bexley, Haringey, Havering, Merton, Newham and Richmond upon Thames as set out in paragraphs 4.10 to 4.23, 4.61 to 4.73, and 5.5.

Balance of need and supply

5.110 Following the steps above, the total number of additional pitches needed is calculated by deducting additional supply from additional need.

Need for Gypsy and Traveller pitches 2022-23 to 2026-27

5.111 The following shows the additional accommodation need for the whole of London, based on Steps 1 to 16 (above).

Table 5.33: Summary of accommodation needs 2022-23 to 2026-27 (pitches)

Area	Pitches
Additional supply	68
Need	752
Study area total	684

Need for Gypsy and Traveller pitches 2027-28 to 2031-32

5.112 In calculating the future accommodation need beyond the first five-year period, the following assumptions are made, that by 2027-28:

- existing occupied pitches will still be occupied
- vacant pitches will be occupied
- potential pitches will have been developed and occupied
- households currently living in bricks and mortar housing who need to move and have a cultural preference to reside on a pitch rather than in bricks and mortar, and those living on unauthorised developments and encampments, will move onto sites within the first five-year period⁶⁶
- any need not met in the first five-year period has been carried over to the second five-year period
- any additional supply not made available within the first five years has been removed from the supply and reinstated as part of the assessed need.

5.113 As such, only natural population increase and mortality need to be considered.

5.114 The starting point for calculating need for the second five-year period is the number of pitches (with planning permission and occupied) at the start of 2027-28. A total of 1,437 pitches are expected to be in place with planning permission and occupied by 2027-28.

⁶⁶ While this might be viewed as an optimistic assumption, it is necessary for the purpose of this assessment.

Witness: Deborah Jane Kennett

Witness Statement: 2

Exhibits: 9, DJK3-DJK11

Statement made on: 17 July 2026 to 27 August 2026

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THE LONDON Gypsies AND Travellers

Intervener

Exhibit DJK4

Table 9.1: Summary of accommodation needs 2022-23 to 2031-32

	2022-23 to 2026-27	2027-28 to 2031-32	Total need
Gypsies and Travellers permanent pitches	684	177	861
Gypsies and Travellers transit pitches			87
Travelling Showpeople permanent plots	66	17	83
Gypsies and Travellers bricks and mortar homes	633	373	1,006
Roma bricks and mortar homes	5,129	2,033	7,162

- 9.5 It is likely that accommodation needs not identified in this GTANA could arise during the period for which it calculates need. Therefore, it is recommended that LPAs also consider accommodation needs that might materialise over that period from GRTTS households not considered by this assessment. This could include a need from households residing on authorised and unauthorised developments or unauthorised encampments, from bricks and mortar or from those moving into the area.
- 9.6 It is possible that there is or will be an overlap between the need for bricks and mortar homes identified by the GTANA and housing needs assessments undertaken by boroughs and/or the GLA. It is for boroughs to determine whether this is the case. The next London SHMA will seek to recognise that the 2025 GTANA includes a calculation of need for bricks and mortar homes arising from the Gypsy and Traveller, and Roma populations.

Negotiated stopping

- 9.7 Negotiated stopping is based on a mutual agreement between a landowner (often a local authority) and Gypsy and Traveller, and Showpeople households who are seeking a stopping place. The agreement allows the households to stop at a site for a specified period, subject to meeting particular conditions. Agreements will vary but may include households agreeing to leave sites clean and not make too much noise. The landowner typically provides waste disposal and basic temporary facilities, such as portaloos. Some London boroughs (for example, Hackney and Enfield) have implemented a negotiated stopping policy.
- 9.8 For negotiated stopping to work, local authorities negotiate with Gypsies and Travellers to agree on solutions. It can sometimes involve directing Gypsy and Traveller households away from contentious public spaces to more appropriate places. The approach is proven to achieve significant savings in public spending and to decrease social costs for Gypsy, Traveller and Travelling Showpeople communities.
- 9.9 Places used as stopping places may not require planning permission if they are in use for fewer than 28 days in a year. This may be the case if a site will only be used for a proportion of the year; and individual households will normally only stay at the

agreed location for a few days. In such cases, land does not have to be formally designated for use as a stopping place.

- 9.10 Research undertaken by LGT and De Montfort University on behalf of the GLA (2019) recommended negotiated stopping as a balanced and humane approach to managing roadside camps, compared with local authorities undertaking enforcement action.
- 9.11 The GLA (2019) report cites several examples of good practice, including Hackney Council. There are multiple locations in the borough that were common stopping places – some used for short periods of time by households passing through or visiting relatives, others used for months and even a couple of years. Hackney has worked closely with the Gypsy and Traveller community, and involved them in dialogue and negotiation. This has resulted in a consistent practice, over many years, of allowing stopping time and providing basic facilities at those locations. This practice has, to some extent, been formalised through leniency agreements, which specify arrangements between the local authority and households using the sites. A standard leniency agreement was incorporated in the council's unauthorised encampment protocol. (Please see Appendix 12 for an example negotiated stopping protocol.)

Gypsy and Traveller group housing schemes

- 9.12 One recent example of good practice in Gypsy and Traveller accommodation provision is group housing schemes. These are groups of homes – either standalone developments or part of a wider housing development – with additional facilities and amenities, specifically designed to accommodate large households that include extended family members. For example, homes may have sufficient bedrooms to accommodate larger families, and sufficient space for occupants and visiting families to park vehicles such as caravans. Design considers safety issues related to increased vehicle traffic. The group housing approach originated in Ireland.
- 9.13 Group housing allows Gypsies and Travellers to live in close proximity, preserving their traditions, languages and cultural practices. By living together, families can support each other, fostering a strong sense of community and mutual aid. A good example of a group housing is a site in Hackney. This mixed scheme has eight homes – six of these are bungalows, and two are more traditional pitches with amenity blocks ('sheds'). The residents, who had family in Ireland, suggested this approach to the council. Finance for the scheme was available through the London 2012 Olympic Fund, as a site had to be relocated to allow for development of the Olympic Park. Although not necessarily easy to replicate in some other contexts, it demonstrates an innovative approach that could be adopted elsewhere.¹⁰³

¹⁰³ Jo Richardson and Janie Codona MBE, '[Managing and delivering Gypsy and Traveller sites](#): negotiating conflict', 2016

Witness: Deborah Jane Kennett

Witness Statement: 2

Exhibits: 9, DJK3-DJK11

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-and-

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THE LONDON GYPSIES AND TRAVELLERS

Intervener

Exhibit DJK5

HN4 Gypsy and Traveller Accommodation

- **Policy aim:** to meet the accommodation needs of Gypsy and Traveller and Travelling Showperson households by providing pitches, plots and other culturally appropriate accommodation
- **Applies to:** plans and applications for Gypsy and Traveller and Travelling Showpeople accommodation
- **Locations:** all

Plan-making

A Plan-making authorities should seek to meet the needs of London's Gypsy and Traveller and Travelling Showpeople communities and should:

- (1) adopt the targets set out in Table 3.4 and Table 3.5 as a minimum
- (2) make provision for other types of culturally suitable accommodation where there is a need
- (3) consider granting permanent permission for temporary sites where these are in suitable locations
- (4) identify areas of potential extra capacity within or adjacent to existing sites
- (5) provide pitches or plots and other culturally suitable accommodation as part of large scale residential and mixed-use allocations and regeneration proposals where there is scope to do so
- (6) identify pitches in need of refurbishment and/or provision of enhanced infrastructure (including utilities, open space and landscaping).

B LPAs should allocate a Gypsy and Traveller transit site and/or make provision for negotiated stopping.

C LPAs are encouraged to work collaboratively with providers, community organisations and the GLA with the aim of securing provision for and delivery of permanent pitches, plots, transit sites and other culturally suitable accommodation.

Development management

D Development proposals that would entail the loss of Gypsy and Traveller pitches and Travelling Showpeople plots should secure replacement provision that is equivalent or better in terms of size, quality and suitability of location.

E Where existing Gypsy and Traveller pitches or Travelling Showpeople or Circus People's sites or plots have to be re-located or re-provided, the new provision should take into account existing family or community groupings and avoid splitting these up wherever possible.

F Development proposals for new sites should ensure sites will be well-connected to social infrastructure, health care, education and public transport facilities, and contribute to a wider, inclusive neighbourhood.

G Pitch and site layouts and the design of service blocks should be accessible and adaptable to ensure they are suitable for all, including disabled and older people, and families with young children.

From: <https://www.london.gov.uk/programmes-strategies/planning/london-plan/next-london-plan/draft-london-plan-consultation/draft-london-plan-consultation-resources/draft-london-plan/3-delivering-homes-and-neighbourhoods-londoners-need#hn4-gypsy-and-traveller-accommodation-1145758-title>

Accessed: 19 August 2026

Witness: Deborah Jane Kennett

Witness Statement: 2

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Exhibit DJK6

GREATER **LONDON** AUTHORITY

9 July 2026

Negotiated stopping approaches for Gypsies and Travellers living roadside on public land in London boroughs

I am writing to outline the GLA's position on the above.

Negotiated stopping is an approach whereby public bodies, in particular local authorities, come to an agreement with Gypsy and Traveller communities encamped on land they own that they can stay there, with that public body providing basic temporary facilities, with agreed rules and time limits. It has been found to have positive outcomes for Gypsies and Travellers needing roadside accommodation.

In 2019, we commissioned London Gypsies and Travellers and De Montfort University to produce a research report on the model of negotiated stopping. The report found that eviction-led approaches worsen health, safety and education outcomes for Gypsy and Traveller communities and fuels prejudice against those communities. The report outlined successful examples of negotiated stopping across the UK and found that negotiated stopping saves money for boroughs.

The GLA recognises the urgent need for Gypsy and Traveller accommodation in London, including provision of both permanent and temporary stopping sites. Insufficient provision can negatively impact the health and way of life of Gypsies and Travellers. A lack of transit provision may pose particular challenges to Gypsies and Travellers who are travelling, especially in the context of the Police, Crime, Sentencing and Courts Act 2022. London Plan Policy H14 requires boroughs to plan to meet Gypsies and Travellers' accommodation needs, protect existing pitches, audit local authority sites and plan to address issues identified. The 2025 London Gypsy and Traveller Accommodation Needs Assessment (GTANA) identified the need for 861 new pitches across London between 2022 and 2032.

The surveys of Gypsy and Traveller households that informed that assessment showed that they considered negotiated stopping opportunities would assist their communities. A negotiated stopping protocol can be an important tool to support better relations between members of the Gypsy and Traveller communities and landowners. The GLA have included an example negotiated stopping agreement produced by Leeds Gypsy and Traveller Exchange as an appendix to the 2025 London GTANA.

Yours sincerely,

Hannah Brown

Head of Housing Strategy
Greater London Authority

Witness: Deborah Jane Kennett

Witness Statement: 2

Exhibits: 9, DJK3-DJK11

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Intervener

Exhibit DJK7

Enfield's Journey

How we created opportunities for our
Gypsy, Roma and Traveller residents

www.enfield.gov.uk

In partnership with



Enfield is transforming GRT inclusion

Not as a standalone project, but as a core commitment embedded across every area of council life.

£1.95m saved in enforcement costs

Since 2018, our Negotiated Stopping model, now shared with other Local Authorities and recognised by the GLA, has transformed our relationship with travelling communities and delivered measurable financial savings.

Nothing for GRT without GRT

Eight dedicated working groups spanning health, education, employment, heritage and more, all with community representatives who shape decisions from the outset, not after the fact.

A national model, not just a local one

Enfield's approach is now being actively shared with other Local Authorities. We are building infrastructure — a new Shared Community Hub, two permanent Traveller sites in planning — that will endure long after individual projects end.

Embedded across the whole council

GRT inclusion is written into the Fairer Enfield Strategy and the Equality & Diversity Policy. This is not a project that can be cut, it is woven into how the council operates across all departments.

Snapshot key achievements 2025

A year of significant milestones across every workstream, demonstrating the breadth and depth of Enfield's commitment to GRT inclusion.

700 GP Registrations Via Local Health Stop — removing a critical barrier to primary care access	£50K Encampment Cost 2024 Down from £2m in 2018 — a 97.5% reduction through Negotiated Stopping	70 Schools Celebrating GRTHM 70 schools actively marking GRT History Month with dedicated packs and activities	1,700 Library Attendees Attended GRTHM library activities, exhibitions and intercultural workshops
49 STEPS Completions Residents completing employment and skills training through the STEPs programme	150 Families Supported Via Let's Get Talking outreach, addressing digital exclusion, literacy and financial inclusion		

3 reasons why Enfield is leading the way

Enfield is transforming inclusion and setting a benchmark for local government excellence in GRT inclusion. Our approach is built on three foundational pillars.

💛 Compassion

Placing the lived experience of GRT residents at the heart of every decision we make.

💛 Co-Design

Nothing for GRT without GRT — genuine community leadership at every stage of planning and delivery.

📊 Measurable Impact

Tangible outcomes in health, education, employment and housing that demonstrate real, lasting change.



Integrated, Inclusive Leadership

GRT inclusion is embedded at every organisational level in Enfield — written into the Fairer Enfield Strategy and Equality & Diversity Policy. This is a core council commitment across all departments, not a standalone project.

"Nothing for GRT Without GRT"

Genuine co-design at every stage — community members are not consulted after the fact but shape decisions from the outset.

8 Dedicated Working Groups

Health, Education, Sites, Community Safety, Employment, Heritage, Equalities, and Customer Experience — all include community representatives who shape decisions.

Five Distinct Communities

Covering Gypsy, Roma, Traveller, Boater and Showmen communities — each with distinct needs, from roadside families and permanent site residents to waterway boaters and travelling showpeople.



Bold, Sustainable Change

Enfield's most significant achievements represent systemic transformation — creating national models, lasting infrastructure and embedded inclusion that will endure long after individual projects end.



Negotiated Stopping

A national model now being shared with other Local Authorities. GLA-recognised approach has transformed relationships with travelling communities and saved **£1.95m in enforcement costs** since 2018.



New Shared Community Hub

The first dedicated shared hub bringing together health, employment, education and cultural services for GRT, Boater and Showmen communities — co-designed with residents and built on lived experience.



Traveller Local Plan

Two permanent sites identified and prepared for planning submission — ensuring culturally appropriate, long-term accommodation that embeds inclusion in infrastructure.



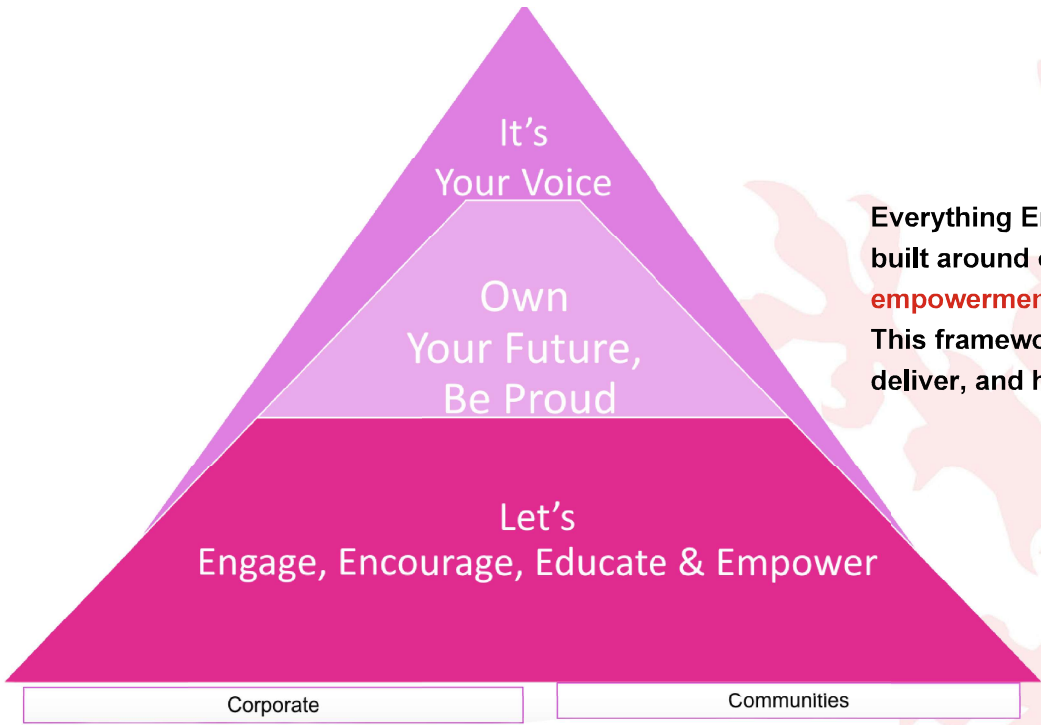
Embedded in Long-Term Plans

Employment pathways linked to Meridian Water regeneration; Domestic Abuse Project launching 2026; weekly library outreach expanding across the borough.

Council



Our Customer Experience: How We Work With Communities



Everything Enfield does for GRT communities is built around one principle: **genuine empowerment, not passive service delivery.** This framework guides how we engage, how we deliver, and how we measure success.



GRTBS Project Board

Ensuring Enfield's strategic approach to Gypsy, Roma & Traveller communities embedding inclusion across every area of council activity.



Site Delivery – We actively listened

Enfield's approach to site design is rooted in genuine community co-design. Through structured engagement, residents shaped the vision for new permanent sites — ensuring culturally appropriate, safe and welcoming spaces.



SITE DESIGN

- If the site is not located near industrial centres and small sites, that would be better for our families.
- I would be nice if the site is clean in a safe and pleasant area.
- It would be good if the site and pitches have their own post code so I can register with the doctors and for work.
- I want to live somewhere that I will be proud to call home.

GARDENS & COMMUNAL SPACE

- I like to recycle rainwater to water my plants, could that be included?
- It would be good to have spaces for children of all ages to play on the site, and for the adults to relax and grow some food within their pitch.
- Could we include some private space for plants and hanging laundry?

SOCIAL WELLBEING & COMMUNITY

- Sites work best with smaller groups of families, large sites create tensions.
- I have struggled accessing doctors and health visitors for my family, especially my young children.
- I want my family and children to feel comfortable and safe.
- It's important to have schools nearby and things for children to do.

ACCESS & PARKING

- Sometimes there isn't enough parking for visiting families and friends.
- The roads should be designed to allow my caravan and car to turn easily.
- I don't want to feel like I'm driving around in a maze of a site.

- "I want to live somewhere that I will be proud to call home."
- "It would be good to have spaces for children of all ages to play on the site, and for adults to relax and grow some food within their pitch."
- "It would be good if the site and pitches have their own postcode so I could register with the doctors and for work."

Education — No Child Left Behind

GRT Education Action Plan 2021-2026: cultural awareness training for school staff, inclusion charter guidance

Peer groups established for GRT families and school staff - sharing cultural knowledge and competency

Roadside education: **16 cases** enrolled; rapid response for newly arrived families

70 schools actively celebrating GRT History Month with dedicated packs and activities

Commitment to GRTBS Pledge & Mistow Pledge

Case Study — Exclusion to Belonging

“Every student deserves the chance to dream, achieve and feel safe in education.”

Enfield's education inclusion approach ensures that GRT pupils are never left behind. By preventing Elective Home Education in cases where digital exclusion and literacy challenges may be prevalent, the council actively safeguards children's long-term life chances and social connections.

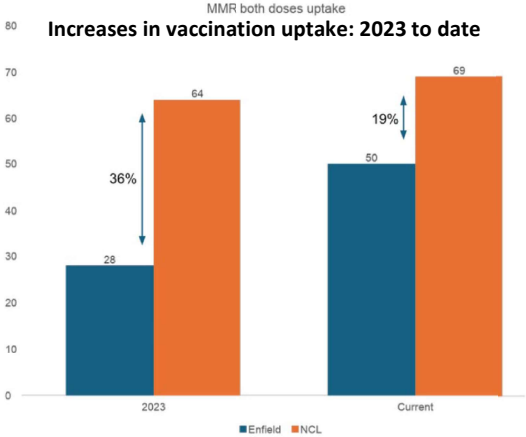
Early Support Identifying at-risk pupils before crisis point — cultural awareness training for school staff is central to this work.	Family Partnerships Building trust with GRT families so that schools feel safe, welcoming and respectful of cultural identity.
Targeted Interventions One-to-one tutoring, managed moves avoided, and tailored plans that address learning gaps without stigma.	The Intervention: We partnered with The Traveller Movement to provide access to an online training and development programme , offering one-to-one tutoring and addressing learning gaps, helping the student re-engage and rebuild confidence.



- What Changed:**
- A GRT family faced the risk of their child being permanently excluded from school
 - Working with the family, Head of Inclusion and Headteacher, we built an understanding of GRT culture
 - A managed move was avoided — **belonging replaced exclusion**
 - The school now actively celebrates GRT culture through regular events
 - The student completed their GCSEs; younger siblings now attend the same school

Health & Wellbeing — 'Your Local Health Bus Stop'

Mobile Local Health Stop Bus visiting sites and stopping locations	Cultural Competency Training Delivered to NHS and partner health professionals
NHS Partnership Partnership with NHS, Vax UK, Unity PCN — bringing specialist services directly to families	Integrated Welfare & Housing Advice Available at health outreach events
Health Assessments Ensuring enquiry is addressed in emerging health initiatives	Suicide Prevention Strategy Targeted support and prevention work within GRT communities
On-Site Services GP registration, dental, antenatal and sexual health all available on-site	PAN London GRT Steering Group Coordinating strategic health representation across London
Women's Health Focus Group Co-created with GRT women to design bespoke pathways	



Health — Removing Barriers



YOUR LOCAL HEALTH STOP
How we can support you

GP registration	Diabetes checks & referrals	Health checks and advice
Smoking cessation	Children's health support (including home visits)	Mental health
Contraception referrals	Maternity support	Menopause support

Welcome and talk to us

27 FEB 10:00-14:00
Green Taxis Community Centre 10100

27 MAR 10:00-14:00
Green Taxis Community Centre 10100

Enfield Council logo and various partner logos.



Employment - Equity & Equality Matters

49 STEPs Training Participants enrolled in STEP's training programme → Weekly Library Outreach Worker Embedded across Enfield's branch networks	150 Families Supported Through Let's Get Talking outreach sessions → Meridian Water Regeneration Links GRT residents connected to construction, green skills and apprenticeships	25+ ODET Enrolments Young people enrolled on the ODET training programme → Roma Midwives Conversion Course Roma midwives currently undertaking conversion course at Middlesex Hospital
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Inclusive recruitment & workforce culture

-  Inclusive wording, diverse panels, reasonable adjustments and data-led reviews.
-  Staff networks merger ("The Network") strengthens belonging and participation.
-  Mandatory EDI learning and wellbeing support; culture programme in train.

Council



Heritage & Culture: Working in Collaboration

Enfield Council has worked in partnership with communities and national bodies to ensure GRT residents are heard, counted and celebrated. Below are examples of community-facing campaigns that have shaped participation and inclusion.



Census 2021: Bulgarian & Roma Communities

Census 2021: Gypsy and Irish Travellers
Enfield Council · 199 views · 5 years ago

Taking part in the census is your chance to help make sure you and your community get the services you need for the next 10 years and beyond. It's time to stand up and be counted. Take part...

Census 2021: Gypsy and Irish Travellers — Enfield Council, 898 views.
"Taking part in the census is your chance to help make sure you and your community get the services you need for the next 10 years and beyond. It's time to stand up and be counted."



Community Celebrations

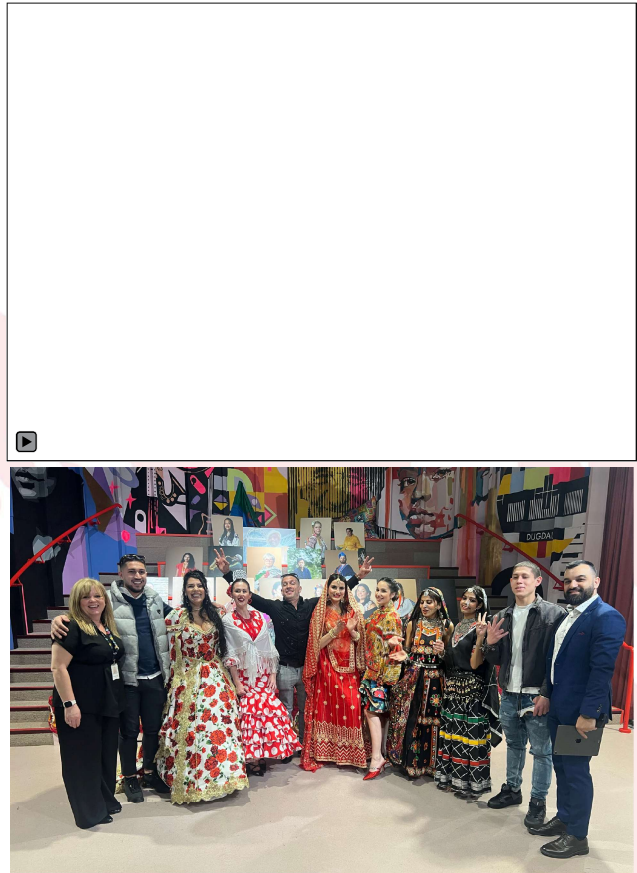
- Celebrating significant dates for our communities in Enfield
- Flying Roma Flag at Civic Buildings
- Roma Celebration – 200 attended Civic event
- Crystal's Vardo performances

Libraries & Learning

- Storytelling and Nursery Rhymes with young Mums
- GRTHM library activities, exhibitions and intercultural workshops
- Ensuring our Libraries have reading materials and activities that resonate with our communities

8th April International Roma Day

Enfield celebrated International Roma Day on 8th April at the Dugdale Centre, to recognise and honour the history, culture and contributions of our Roma Communities in Enfield. It was a celebration to acknowledge our community's rich heritage and the challenges they face. We stand united together, promoting understanding, acceptance and equality.



Systemic Change

Enfield's achievements are only possible through deep, sustained partnership. Our network spans community organisations, health bodies, strategic regional partners and specialist support services — all united by a shared commitment to GRT inclusion.

GRT Community Organisations



Health Partners

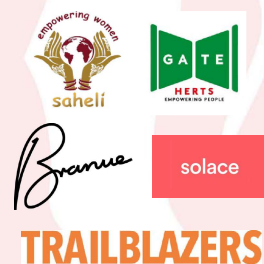


Regional & Strategic Bodies



Elected Members & Councillors
Enfield Wider Community

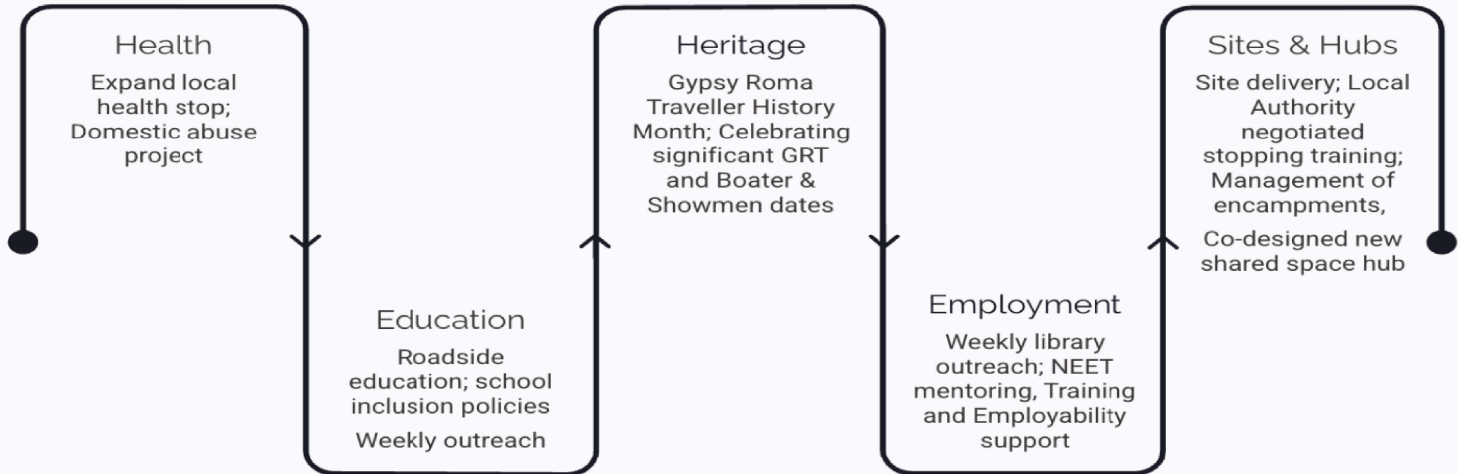
Specialist Support



How we work together: Monthly drop-in sessions co-hosted with partners · Bi-weekly housing meetings with London Gypsy Travellers · Cultural awareness events and joint training · Shared representation on GRTBS Project Board · Joint outreach presence in the communities

Road Map for 2026

A clear and committed programme of action for the year ahead, spanning all six strategic workstreams.



Every strand of this road map has been shaped with community input — ensuring Enfield's ambitions for 2026 reflect the priorities of GRT, Boater and Showmen residents themselves.



Follow our Journey

[February 2026: Your Local Health Stop \(Enfield Case study\) | The Traveller Movement](#)

[Beyond Basics: Empowering Roma Traveller Adult Learners - Meet Kolyo](#)

[Gypsy, Roma and Travellers in Enfield | Enfield Council](#)



<https://www.enfield.gov.uk/services/your-council/grt>





Any questions? Thank you

Email

grt@enfield.gov.uk

Phone

020 8132 0958



Witness: Deborah Jane Kennett

Witness Statement: 2

Exhibits: 9, DJK3-DJK11

Statement made on: 17 July 2026 to 27 August 2026

IN THE HIGH COURT OF JUSTICE

Claim No. KB-2024-003315

KING'S BENCH DIVISION

**IN THE MATTER OF SECTION 222 OF THE LOCAL GOVERNMENT ACT 1972
AND SECTION 187B OF THE TOWN AND COUNTRY PLANNING ACT 1990**

B E T W E E N:-

**THE MAYOR AND BURGESSES OF THE LONDON BOROUGH
RICHMOND UPON THAMES**

Claimant

-and-

**(1) PERSONS UNKNOWN FORMING AN UNAUTHORISED ENCAMPMENT AND /
OCCUPYING FOR RESIDENTIAL PURPOSES (including temporary occupation)
WITH OR WITHOUT VEHICLES AT ANY OF THE 8 SITES WITHIN THE LONDON
BOROUGH OF RICHMOND UPON THAMES LISTED ON SCHEDULE 1 TO THIS
CLAIM**

**(2) PERSONS UNKNOWN DEPOSITING WASTE ON ANY OF THE 8 SITES WITHIN THE
LONDON BOROUGH OF RICHMOND UPON THAMES LISTED ON SCHEDULE 1 TO
THIS CLAIM**

Defendants

-and-

THE LONDON GYPSIES AND TRAVELLERS

Intervener

Exhibit DJK8

must be guaranteed by a formally recognised local community organisation, and the public benefits must be legally protected through an asset lock.

- 6.49 To ensure architectural cohesion on multi-plot self-build sites, applicants are required to submit site-wide design codes alongside individual Plot Passports. In accordance with the design-led approach established in Policy KD1, these documents must set strict parameters for building heights, building lines, external materials, and landscaping to guarantee that independent builders contribute to a high-quality, unified streetscape.
- 6.50 All CLH schemes are bound by the affordable housing thresholds and requirements set out in Policy KH2. The Council will apply a flexible approach to the tenure mix for community-led projects where it is robustly demonstrated that the bespoke model meets an acute, un-met local housing need. Examples of such needs include senior living, co-housing for older residents, or dedicated accommodation for essential local workers.

Policy KH8: Gypsy and Traveller Accommodation

- A) To meet the borough's assessed Gypsy and Traveller accommodation needs, the Council will support the delivery of at least 52 permanent pitches over the ten-year period from 2022/23 to 2031/32.
- B) To ensure that pitch provision is integrated within sustainable communities, development proposals for major residential developments on sites exceeding 2 hectares, are required to contribute a portion of land (approximately 0.2 hectares) to permanent traveller pitch provision. This contribution is expected to be made on-site as an integrated component of the development, particularly where development involves land released from the Green Belt or Metropolitan Open Land.
- C) Development proposals for new Gypsy and Traveller sites, or the sensitive expansion of existing sites, will be supported where it is demonstrated that the development:
 - 1) Provides a minimum of 400 square metres of usable space per pitch to safely accommodate a static caravan, a touring caravan, parking for two vehicles, and a permanent amenity block;
 - 2) Secures safe and convenient vehicular access and turning space suitable for large trailers and emergency service vehicles;
 - 3) Incorporates landscape-led boundary treatments that respect the character of the surrounding area, actively avoiding hard enclosures or high fences that visually isolate the site from the wider community; and
 - 4) It is supported by a comprehensive Management Plan, secured through

a legal agreement, detailing the responsibilities for ongoing site maintenance, safety, and communal waste collection.

- D) A 'negotiated stopping' protocol will be utilised to manage any unauthorised encampments, permitting temporary residence at agreed locations for defined periods, subject to compliance with a formal code of conduct.

Supplementary Text

- 6.51 Under the Planning Policy for Traveller Sites (2024) and the London Plan, the Council is expected to take a proactive approach to meeting the accommodation needs of Gypsy and Traveller communities. In line with the 2025 London Gypsy and Traveller Accommodation Needs Assessment (GTANA), Policy KH8 sets a target for pitch provision in Kingston, committing the Council to support the delivery of at least 52 permanent pitches over the ten-year period between 2022/23 and 2031/32. This target reflects the broadened national definition of Gypsies and Travellers, which includes those who have ceased travelling either temporarily or permanently.
- 6.52 Kingston is significantly constrained by extensive Green Belt and Metropolitan Open Land (MOL), which historically has rendered the delivery of standalone traveller sites financially and spatially challenging. These constraints have contributed to a backlog of unmet need, overcrowding on authorised sites, and an increase in unauthorised developments. To overcome these barriers and avoid pushing Gypsy and Traveller communities to isolated peripheral locations, Policy KH8 requires developers bringing forward major residential developments on sites exceeding 2 hectares to dedicate approximately 0.2 hectares of land to permanent traveller pitch provision. Integrating pitches directly into new neighbourhoods from the outset ensures that traveller sites benefit from the same high-quality highway and utility infrastructure as conventional housing. Furthermore, tying pitch provision to major strategic land releases on Grey Belt or MOL constitutes a critical component of the 'exceptional circumstances' and public benefit required to justify the release of these land for development.
- 6.53 To ensure a high quality of life, parity with conventional housing, Policy KH8 requires each new permanent pitch must provide a minimum of 400 square metres of usable space. This footprint is necessary to safely accommodate a static mobile home, a touring caravan, parking for two vehicles, and a permanent amenity block. Applicants are also required to demonstrate that the site layout secures safe and convenient vehicular access, including adequate turning space for large trailers and emergency service vehicles.
- 6.54 In accordance with national policy, site designs must utilise landscape-led boundary treatments that respect the surrounding character and actively avoid high walls, gates, or hard enclosures that give the impression that occupants are isolated from the rest of the community. To ensure the long-term stewardship of these pitches and their environments, all permanent sites must be supported by a formal Management Plan secured through a Section 106 legal agreement, detailing responsibilities for ongoing maintenance, safety, and communal waste collection.

- 6.55 The 2025 GTANA also identified a specific 10-year need for bricks-and-mortar housing to address overcrowding and unsuitable conditions, equating to 87 homes for Roma households and 13 homes for Gypsy and Traveller households. However, culturally specific allocations are not required for standard bricks-and-mortar housing. Consequently, this identified requirement is absorbed within the borough's general housing need and will be addressed through the Council's affordable housing policy.
- 6.56 To manage temporary unauthorised encampments, the Council will implement a 'negotiated stopping' protocol where appropriate. This mutual agreement allows transient households to stop at agreed, suitable locations for a specified, limited period in exchange for adhering to a formal code of conduct regarding noise and site cleanliness. Under this arrangement, the Council provides essential temporary facilities, such as waste disposal and sanitation. This flexible approach significantly reduces the public costs associated with enforcement evictions while ensuring travelling families maintain access to essential healthcare and education services.

Witness: Deborah Jane Kennett

Witness Statement: 2

Exhibits: 9, DJK3-DJK11

Statement made on: 17 July 2026 to 27 August 2026

IN THE HIGH COURT OF JUSTICE

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Defendants

-and-

THE LONDON GYPSIES AND TRAVELLERS

Intervener

Exhibit DJK9



Operational Advice – Trespassing On Land Without Consent / Unauthorised Encampments

Police Crime, Sentencing and Courts Act 2022: Changes to Legislation

27th June 2022

Security Classification	
Documents <u>cannot</u> be accepted or ratified without a security classification in compliance with NPCC Policy (Protective Marking has no relevance to FOI):	
OFFICIAL / OFFICIAL SENSITIVE / OFFICIAL SENSITIVE COMMERCIAL / OFFICIAL SENSITIVE PERSONAL / OFFICIAL SENSITIVE OPERATIONAL	
Freedom of information (FOI)	
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Author:	DCC Janette McCormick
Force/Organisation:	NPCC
Date Created:	27/06/2022
Coordination Committee:	NPCC Diversity, Equality & Inclusion Co-ordination Committee
Portfolio:	Gypsy, Roma & Travellers
Attachments @ para	Appendices 1-5
Information Governance & Security	
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https://www.gov.uk/government/publications/security-policy-framework/hmg-security-policy-framework#risk-management	

Operational Advice – Trespassing On Land Without Consent / Unauthorised Encampments

Police Crime, Sentencing and Courts Act 2022: Changes to Legislation

27th June 2022

This revised operational advice has been produced and approved by the NPCC Diversity, Equality and Inclusion Co-ordination Committee. This document covers circumstances in respect of trespassing on land without consent, also referred to as unauthorised encampments.

Operational advice produced by the NPCC should be used by Chief Officers to shape police responses to ensure that the general public experience consistent levels of service. The implementation of all operational advice will require operational choices to be made at local level in order to achieve the appropriate police response. It will be updated and re-published as necessary.

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NPCC Operational Advice Trespassing On Land Without Consent / Unauthorised Encampments

1. Introduction and Context

This document is guidance covering the options to be considered in using the powers available for police to respond to circumstances in respect of trespassing on land without consent, such powers having been amended by the Police, Crime, Sentencing and Courts (PCSC) Act 2022.

The most significant legislative change in the Act is the introduction of a new summary criminal offence of residing on land without consent in or with a vehicle. The Act also amends existing powers previously available under the Criminal Justice and Public Order Act (CJPOA) 1994.

This document should be read in conjunction with the statutory guidance issued by the Secretary of State under Section 62F of the CJPOA 1994 which will also help police forces exercise the powers in both the new and amended provisions of the Act. As the Act states, the Secretary of State must issue guidance relating to the exercise of these powers and Police Officers in England and Wales must have regard to that guidance when exercising the powers.

The statutory guidance states that these measures have been designed to apply to anyone who meets the conditions for enforcement action regardless of race or ethnicity. It also states that whilst the Government expects the police to act where appropriate against those who break the law, the police must also continue to consider their obligations under human rights legislation, their Public Sector Equality Duty and wider equalities legislation.

This is an important point as, in many cases, Gypsies, Roma and Travellers – recognised ethnic groups in England and Wales – are often involved in setting up what are referred to as unauthorised encampments. A wider understanding of why this happens and the context of these events, is necessary to make a reasoned judgment on appropriate action, together with the evidence of individual events.

The NPCC has stated for some years that the key issue to address on a national level in respect of Gypsy, Roma and Traveller communities is the lack of appropriate accommodation for them. The shortage of suitable sites for families to live on and access as they move around the country often creates the biggest single source of conflict between the Travelling and settled communities.

Issues of trespass without consent can raise many concerns with the landowner and neighbouring members of the settled community. Some of these concerns are unfounded, however some circumstances do cause disproportionate harms. NPCC Operational Advice explains the framework within which the police should act, recognising the requirement to balance the needs of all parties involved.

The ultimate solution to these issues will be found in the provision of sufficient lawful accommodation accompanied by closer working between the police, local authorities and all other public services.

2. New offence relating to residing on land without consent in or with a vehicle, as introduced by the Police, Crime, Sentencing and Courts (PCSC) Act 2022.

The primary conditions of this new criminal offence are contained in Section 60C(1) of the Criminal Justice and Public Order Act 1994, as amended by the PCSC Act 2022. The offence applies where:

- a) a person is aged 18 or over;
- b) a person is residing, or intending to reside, on land without the consent of the occupier of the land;
- c) a person has or intends to have at least one vehicle with them on the land;
- d) one or more conditions in subsection 60C(4) of the CJPOA are met (see below);
- e) the person is requested to leave and/or remove their property by the occupier, a representative of the occupier or police.

Section 60C(2) goes on to say that a criminal offence is committed when a person meets all the conditions in Section 60C(1) as above and also meets one of the following:

- a) a person fails to comply with the request to leave as soon as reasonably practicable; or
- b) a person re-enters or enters the land with an intention of residing there without consent and has, or intends to have a vehicle with them, within 12 months of the request being made.

Specific conditions related to harm – Section 60C(4)

The conditions are —

- a) in a case where a person is residing on the land, significant damage or significant disruption has been caused or is likely to be caused as a result of their residence;
- b) in a case where a person is not yet residing on the land, it is likely that significant damage or significant disruption would be caused as a result of their residence if they were to reside on the land;
- c) that significant damage or significant disruption has been caused or is likely to be caused as a result of conduct carried on, or likely to be carried on, by that person whilst on the land;
- d) that significant distress has been caused or is likely to be caused as a result of offensive conduct carried on, or likely to be carried on, by that person whilst on the land.

NPCC Operational Advice Trespassing On Land Without Consent / Unauthorised Encampments

Thus people **aged 18 or over** would commit the proposed offence if they: -

- reside or intend to reside on land without consent and;
- they have or intend to have at least one vehicle with them;
- they cause or are likely to cause **significant damage, disruption or distress** as a result of either residing / intending to reside on the land or their conduct / potential conduct whilst on the land;
- they fail as soon as reasonably practicable to leave when directed to by the owner, someone representing them or the police, or return within the prohibited period of 12 months.

Key Points and Considerations...

The word **significant** will be crucial in establishing if any criminal offence has been committed under this new legislation.

Possible definitions for “significant” damage, disruption or distress are outlined in the statutory guidance which states that the police will be the party who determines if any “significant” damage, disruption or distress has been caused.

The statutory guidance states: **“If the police deem the harms to not be significant, then the offence under Section 60C would not apply.”**

3. Amendments to previously existing powers

As stated in the statutory guidance, in cases where no significant harms have been committed, police may decide to take other enforcement action using previously existing powers under Section 61 of the Criminal Justice and Public Order Act 1994, depending upon the circumstances of each case and providing the relevant conditions are met.

Section 61 gives police the powers to direct trespassers on land who have the common purpose of residing there for any period.

The power applies where the senior officer present reasonably believes that two or more people are trespassing on land with the purpose of residing there, that the occupier has taken reasonable steps to ask them to leave, and any of the following have occurred:

- a) any of the trespassers has caused, damage, disruption, or distress, including threatening, abusive or insulting words or behaviour etc or
- b) the trespassers have between them six or more vehicles on the land.

The conditions that can be caught by the power to direct under 61(1) (a) have now been broadened. These replicate the damage, disruption and distress included in the new offence but will not need to meet the threshold of “significant”.

Failure to comply with the direction, by failing to leave the land as soon as reasonably practicable, without reasonable excuse, is an offence.

Similarly, it is an offence for a trespasser who has left the land in compliance with a direction to re-enter it as a trespasser within 12 months of the direction being given.

The period of prohibited return has now been extended from 3 months to 12 months.

If breached, without reasonable excuse, police will be able to exercise powers of arrest and seizure.

If a person fails to remove their vehicle as directed, without reasonable excuse, or enters the land as a trespasser within 12 months of the direction to leave being given, the police officer may seize and remove that vehicle under section 62 of the CJPOA.

A direction under 61 can be issued to trespassers on land that forms part of a highway, but only where other conditions are met.

Reasonable Excuse

A person can show they have a reasonable excuse for failing to leave the land as soon as reasonably practicable or for entering again within the prohibited period.

Police will be expected to consider what constitutes a reasonable excuse depending on the factual circumstances of each case.

The following examples may be unlikely to be considered reasonable excuses:

NPCC Operational Advice Trespassing On Land Without Consent / Unauthorised Encampments

- a) the vehicle has broken down; the legislation states a vehicle is any vehicle, whether or not it is in a fit state for use on roads and includes any chassis or body, with or without wheels;
- b) the attendance of events;
- c) the attendance of an appointment, unless for medical reasons to which the police and courts deem a reasonable excuse for residing on land without permission applies.

4. Working with Other Agencies

“It remains the case that the response to unauthorised encampments and to individuals who do not leave land when asked to do so, causing harm in the conditions set out, requires a locally driven multi-agency response, led by local authorities and supported by police.”

Home Office Statutory Guidance

Forces should work with local authorities to agree Joint Agency Protocols for the management of trespassing without consent. Forces should also consider establishing a liaison officer to work with local authorities on the implementation of joint protocols. This should be progressed within local Community Safety Partnership (CSP) forums in England and Wales or through other relevant local strategic frameworks.

Following on from the above, forces and local authorities should also consider working with other major landowners in their areas to agree similar protocols. Other major landowners may include Housing Associations, the National Trust or local farmers.

The Equality Act 2010 makes it unlawful to treat someone less favourably because of a range of protected characteristics, including race, nationality or ethnic or national origins. The following of a nomadic lifestyle is lawful, indeed it is a culture that is recognised and protected through legislation. Romany Gypsies and Irish Travellers are protected under this Act. The Public Sector Equality Duty applies to the police and all other public authorities. The Act places a duty on all authorities to have due regard to the need to eliminate unlawful racial discrimination and promote equality of opportunity and good relations between persons of different racial groups.

A joint decision should ideally be reached between the local authority, landowner and the police regarding the most appropriate course of action taking into account the impact on the landowner and wider community.

Local Authorities should be the lead agency in the initial stages of assessing the welfare of trespassers.

If forces are made aware of issues relating to trespassing without consent, they will be expected to respond to each case on its own merits and determine through gathering evidence what the appropriate action should be. It is likely that the police will be contacted in respect of the new powers available and asked to make a judgement as to whether the threshold of ‘significant’ has been met.

Consideration should be given to the legislation available, whichever is the most appropriate to manage the circumstances. Ultimately, the final decision on using the new Section 60C(1) CJPOA power rests with the police, but the use of police powers should not be the default position.

When considering how to respond, police should consider the potential impact issuing a direction to leave, arresting a person or seizing a vehicle may have on the families involved and on the vulnerable, before taking an enforcement decision.

On occasions other agencies may request police officers to accompany them to an incident to assist them for a lawful purpose. Such assistance is a matter for local discretion. Officers must take care to ensure that they do not become agents for the other parties, and on such occasions

NPCC Operational Advice Trespassing On Land Without Consent / Unauthorised Encampments

maintain neutrality from the other's purpose, but to provide reassurance to all involved that the peace will be maintained.

Where there are no authorised sites, and the authority reaches the view that the incident is not causing a level of damage, disruption or distress which cannot be effectively controlled, it should consider providing services, such as toilets, a refuse skip and a supply of drinking water at that site.

5. Use of Police Powers

“The decision on which police powers are used remains at the discretion of the police officer attending a particular incident who must, when exercising that discretion, have regard to this guidance.”

Home Office Statutory Guidance

The co-ordinated use of powers available under the Criminal Justice and Public Order Act 1994 allows for a proportionate response to incidents covered by this guidance based on the behaviour of the trespassers.

Current legislation affords the police and local authorities a range of powers, the use of which is subject to a range of factors. Groups of known individual families where there are small numbers in acceptable locations, not causing anti-social behaviour or crime, can be allowed to remain in that location longer than would otherwise be the case if the law were different. This approach leads to the Gypsies and Travellers having a real incentive to act in a responsible manner.

Sections 60C to 60E of the Criminal Justice and Public Order Act 1994 set out the criminal offence relating to residing on land without consent, in or with a vehicle, and associated seizure and forfeiture powers.

In cases where no significant harms or any criminal offence have been committed, police may decide to take other enforcement action using Sections 61 or 62 of the Criminal Justice and Public Order Act 1994, providing the conditions of this are met.

Forces should consider becoming involved in bringing about the prompt and lawful removal of groups trespassing without consent using Section 61 or 62 powers where:

i) Local amenities are deprived to communities or significant impact on the environment.

This could include, for example, occupying any part of a recreation ground, public park, school field, village green, or depriving the public use of car parks. The fact that other sections of the community are being deprived of the amenities must be evident before action is taken.

ii) There is local disruption to the economy.

Local disruption to the economy would include occupying a shopping centre car park, or in an industrial estate, if it disrupts workers or customers, or agricultural land, if this results in the loss of use of the land for its normal purpose.

iii) There is other disruption to the local community or environment.

This might include where other behaviour, which is directly related to those present is so impactful that a prompt eviction by police becomes necessary, rather than by other means.

iv) There is a danger to life.

An example of this might be a group gathered adjacent to a motorway, where there could be a danger of children or animals straying onto the carriageway.

NPCC Operational Advice Trespassing On Land Without Consent / Unauthorised Encampments

v) There is a need to take preventative action.

This might include where a group of trespassers have persistently displayed anti-social behaviour at previous sites and it is reasonably believed that such behaviour will be displayed at this newly established site. This reasoning will take on greater emphasis if the land occupied is privately owned, as the landowner will be responsible for the cleansing and repair of their property.

The mere presence of a group without any aggravating factors should not normally create an expectation that police will use eviction powers. This should be communicated to the public, landowners, local authorities, and other agencies.

Forces should develop a local communication strategy, ideally together with local authorities, to ensure the rationale for the use or otherwise of legislation is clear to all parties.

An Officer should be mindful that if the threshold of “significant” is met, they should consider the appropriate offence.

If a decision is made to use police powers to evict then the rationale for the decision should be clearly set out and recorded.

In all cases, as stated above, relevant Human Rights legislation must be applied to all decisions made i.e., that the elements of Sections 60, 61 or 62 are satisfied, and that it is necessary and proportionate to use the powers.

Section 62A of the Criminal Justice & Public Order Act 1994 creates a power for the senior police officer present to direct a person to leave land and remove any vehicle or other property with him / her on that land if the senior police officer present reasonably believes that the conditions below are satisfied. The conditions are:

- that the person and one or more others (the trespassers) are trespassing on the land;
- that the trespassers have between them at least one vehicle on the land;
- that the trespassers are present on the land with the common purpose of residing there for any period;
- if it appears to the officer that the person has one or more caravans in their possession or under their control on the land, that there is a suitable pitch on a relevant caravan site for that caravan or each of those caravans;
- that the occupier of the land or a person acting on his behalf has asked the police to remove the trespassers from the land.

The availability of suitable pitches at authorised sites or transit facilities will be an essential consideration before powers under Section 62 A-E can be used and liaison between police forces and their local authorities will be necessary to ascertain such availability or otherwise.

6. Operational Tactics

All police decisions and actions must be made in compliance with the provisions of the Human Rights Act 1998. Any action should only be such as is necessary for public safety, the prevention of crime or disorder, the protection of health, or for the protection of the rights and freedom of others.

All police actions should be conducted in a manner compatible with the operational principles of safety, lawfulness, necessity, proportionality and common humanity. Actions should be completed in a manner that is the least intrusive to achieve the purpose. It is necessary to achieve a balance in the protection of the rights and freedom of all persons concerned with a specified incident.

Where appropriate, it is recommended that the police visit newly established trespass incidents, and that a local supervisory officer be informed. Visits should, wherever possible be done together with the landowner, Local Authority, and other relevant agencies. PCSOs should only be deployed as part of the local neighbourhood policing team response, not in relation to confrontational situations.

Initial contact should be made with the people on the site, and an assessment made of the impact of its location, as well as the behaviour displayed by the occupants. The occupants should be spoken to in order to establish their identities and location of last site, and to ascertain their views on desired duration of stay as well as any pressing welfare needs.

Officers should identify any offences disclosed or apparent e.g., criminal damage caused to gain entry to land, obstruction of any footpaths or other highways, any other anti-social behaviour.

Officers should discuss with those present what constitutes unacceptable conduct. They may consider it appropriate to give them a copy of the recommended *Code of Conduct*. (Example at [Appendix 1](#)).

Officers should assess whether the location of the group, behaviour of residents or needs of the landowner justifies an eviction using police powers.

Liaison should be maintained with the landowner, those most affected by the incident and our partner agencies to assess the need for Police intervention.

In accordance with guidance issued by the Department for Levelling Up, Housing and Communities (DLUHC) in England or the Welsh Assembly Government (WAG) in Wales the Local Authority, as lead agency for unauthorised encampments, should take an active role in engaging with the site residents and will in particular take the lead with sites established on their land, which do not require immediate Police action. Periodic visits by police officers to the site can also be beneficial to get to know site residents and also to pick up on any community tensions that may give rise to more serious incidents. These visits will be enhanced if completed along with designated Local Authority staff members. The absence of such visits will not prohibit the future use of police powers, but may help in justifying the use of these powers if this proves necessary. These visits will also provide an audit trail to support decision-making.

It is suggested that attending officers should complete an [initial site assessment](#). (Example at [Appendix 2](#))

The decision whether or not to utilise police eviction powers should be periodically reviewed to establish if circumstances have changed that will require the use of a police eviction to protect the rights of others. All information concerning the site and the site occupants should be shared with all

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involved agencies (subject to the provisions of the Data Protection Act), to ensure that a balanced common approach is adopted in fairness to all.

Assessment visits should only log details of vehicles and people where there are grounds to suspect those individuals of anti-social behaviour or criminal activity.

Where appropriate, vehicle and / or any person details should be checked on the Police National Computer (PNC) for 'markers' (which if present should be acted upon as appropriate). Any criminal intelligence should be submitted in the normal format using intelligence systems.

A separate log should be created for each trespassing on land without consent incident notified to the Police. Any calls from the public relating to the incident or directly attributable to its occupants, should be recorded within the log, including any complaint calls.

Forces should ensure that there is a clear audit trail of decision making which sets out the rationale for all decisions made. Where separate Command and Control logs are created for specific incidents, which relate to the occupation of the same land, these should be 'incident-matched' to the main log once concluded. At the conclusion of the occupation of the land the log should be endorsed suitably with the outcome, including any eviction powers used, and the general behaviour and conduct of the residents.

A suggested Direction to Leave Land Decision Form and a Notice to Leave Land Form are attached. (Examples at [Appendix 3](#) and [Appendix 4](#))

All officers and police staff are responsible for ensuring that all crimes they become aware of in the course of their duty are identified for crime recording. The principles of the Home Office Counting Rules and the National Crime Recording Standards should be used by officers and staff in their assessment of all potential crimes arising from such situations.

7. Recording of Information

Existing powers under Section 61 of the Criminal Justice and Public Order Act 1994 have been amended. Section 61 gives police the powers to direct trespassers on land who have the common purpose of residing there for any period.

The period of prohibited return has now been extended from 3 months to 12 months.

If breached, without reasonable excuse, police will be able to exercise powers of arrest and seizure.

If a person fails to remove their vehicle as directed, without reasonable excuse, or enters the land as a trespasser within 12 months of the direction to leave being given, the police officer may seize and remove that vehicle under section 62 of the CJPOA.

Where any Police Powers are formally used, local intelligence systems should record this information. As this offence does not relate to any specific group or ethnicity, any record should not include this information. This intelligence should be weeded from systems after a 12-month period when the further provision (arrest for an offence) is no longer applicable.

Where the new criminal Offence under Sec 60C is used, the crime reference number should be retained on Police systems and provided to Local Authorities / Landowners as required.

Where police powers are **NOT** used following any assessment, any intelligence should only be kept for as long as is necessary.

The appendices of this document include a suggested initial site assessment form, notices to leave land that forces may wish to use along with a direction to leave land form. Again, these forms should only be kept as long as is necessary and for a maximum 12-month period.

Chief Constables should have regard to Section 149 of the Equality Act 2010 which sets out “The Public Sector Equality Duty”. That duty applies to all public authorities (including Chief Constables) to have regard to the need to advance equality of opportunity.

There is no statutory duty on public authorities, such as Chief Constables, to complete an Equality Impact Assessment before deciding to act or not act in particular ways that relate to equality. However, it is good practice to do so. Doing so allows an informed and considered view in any decisions because the Equality Impact Assessment should examine the facts in terms of the implications of the different potential courses of action.

This Operational Advice does not seek to direct Chief Constables but it does urge them to give very careful consideration to conducting an Equality Impact Assessment and recognise the potential benefits of doing so.

The new legislation under Section 60(c) provides a new criminal offence which will be recorded on the Police National Computer, so a review of the use of this legislation over time by way of an Equality Impact Assessment / Equality Analysis would be recommended.

8. Safeguarding / Welfare issues

Police should ensure that, in accordance with their wider Equalities and Human Rights obligations, proper welfare enquiries are carried out to determine whether there are pressing needs presented by those involved in these incidents and that, where necessary, the appropriate agencies (including Local Authorities) are involved as soon as possible.

If vehicles are seized during incidents of this nature, officers must be aware that these are, in effect, people's homes, and links to relevant local authorities should be established to ensure subsequent appropriate accommodation is provided.

Incidents of this nature also have potential wider issues in respect of children and animals from a safeguarding perspective and forces should ensure they have local policies and procedures in place to deal properly with such circumstances.

9. Costs / Compensation

Police will be able to exercise powers of arrest and seizure in relation to the offence. The power of seizure includes a vehicle but is not limited to this.

A constable can remove any property on the land which the police suspect the person had or intended to have with them for the purposes of the offence or which was subject to the request to leave if that property:

- a) belongs to the person suspected of committing the offence;
- b) is in the person's possession; or
- c) is under the person's control

Section 60D (2A) provides that a vehicle can be seized 'wherever located' For 'other property' to be seized it must be on the land which was subject to the request to leave, as provided by section 60D(2)(b).

Section 60D (10) and (11) prevent another person retrieving the seized vehicle where the chief officer of police reasonably believes that the vehicle was in the possession or control of the offender with that person's consent at the time of the offence.

The relevant chief officer of police may retain any property that has been seized under subsection (1) until the end of the period of three months beginning with the day of the seizure or, if criminal proceedings are commenced, until the conclusion of those proceedings.

If a prosecution is not taken forward, the property must be returned to the person believed to be the owner as soon as practicable.

If a chief officer of police cannot after reasonable inquiry identify the vehicle owner:

- a) the chief officer must apply to a magistrates' court for directions, and
- b) the court must make an order about the treatment of the property.

Existing vehicle seizure regulations can be found in the Police (Retention and Disposal of Motor Vehicles) Regulations.

10. Complaints / Hate Crimes

Police may receive complaints relating to the behaviour of occupants at trespass incidents, or from the occupants relating to other people. The initial police response to such calls should, of course, be the same as for any other incident, and graded on its priority. If attendance to see a complainant is appropriate, or to investigate a report, then an appropriately staffed police resource should attend to investigate.

The allegation of a crime or identification of an individual suspect at such incidents should not be grounds alone for consideration of a full group eviction. The factors must be weighed accordingly, and a decision taken on the necessary and proportionate action required, and so action that may be considered will include the giving of advice, arrests, eviction or a combination of all.

Where occupants at trespass incidents are victims of crime or anti-social behaviour, they must be given access to services in the usual way. If there is a perception that the incident is racially motivated then the matter should be dealt with in line with Hate Crime policy.

The law on Hate Crime defines “racial group” as a “group of persons defined by reference to race, colour, nationality (including citizenship) or ethnic or national origins”.

This definition is very wide and victims may come within the definition under one or more of these categories. Gypsies, Roma and some Travellers should be considered as falling within the definition.

The hate crime flag is perception-based, meaning that it can be applied if the victim or any other person, perceives the crime to be motivated by hostility or that hostility was demonstrated during the commission of the offence.

To flag a file as a Hate Crime, it is **not** necessary to have the evidence to prove the aggravating element. But this evidence **will be needed** to prove the aggravating element at court.

The perception of the victim is key in Hate Crime but attending officers, supervisors and CPS lawyers can also consider whether to add a Hate Crime flag to a case.

The law on Hate Crime refers to **hostility, not hatred**. There is no statutory definition of hostility and the everyday / dictionary definition is applied.

Local consideration of planning applications for official Gypsy, Roma and Traveller sites and the use of unofficial encampments can trigger online / offline activity, which may become criminal.

The following is not exhaustive but provides a range of victim experience to consider when looking at available evidence. **N.B. each case will depend on its own facts and circumstances: -**

Incident - evidence of:

- derogatory or racist abuse and use of related emojis;
- use of offensive stereotypes;
- threats of violence towards encampments involving criminal damage or arson;
- reference to the Holocaust;
- targeting of cultural identity;

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- reference to religion or assumed religion.

Further information can be found on the True Vision website – www.report-it.org.uk – or on the Crown Prosecution Service website – www.cps.gov.uk/crime-info/hate-crime

Appendices

Appendix 1 – Suggested *Code of Conduct*

Appendix 2 – Initial Site Assessment Form

Appendix 3 – Direction to Leave Land Decision Form

Appendix 4 – Notice to Leave Land Forms

Appendix 5 – Training Slides: NPCC Operational Advice – Trespassing On Land Without Consent / Unauthorised Encampments

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Appendix 1 – Suggested Code of Conduct

Moving On

Whether you choose to leave or are required to do so, please leave the site as you found it.

The condition of the site when you leave will be taken into consideration if you move to another location.





Useful information and contacts

Insert local contacts telephone and email
e.g. Partnership Unit, Local Authority, Neighbourhood Policing Team, True Vision
Hate reporting help line

Education

e.g. Education Welfare Officers

Accommodation

e.g. Accommodation Advice, Homeless Line

Emergencies

Police	For emergencies 999
	Non emergencies 101
NHS Direct 111 (medical advice)	NHS Direct 111 (medical advice)
Insert other local contacts	

Insert Police, Local Authority and Partnership logos here

Good Neighbour Code for Gypsy and Traveller Families



Version (date produced)

This Code explains what is expected of the Travelling community and how we will manage trespassing on land without consent.



When we are told you have arrived, a member of the Partnership team will complete a welfare check. We will ask for information like family name, number in the group, and health, education and accommodation needs.



Any trespassing on Council owned land will be time-limited. The following are also considered: welfare checks, reasonable behaviour, co-operation of all parties, and previous behaviour whilst in the partnership area.



Failure to comply with the Code will result in immediate action and to move you. If you are applying for permanent or transit accommodation, any breaches of the Code will be considered.



The Partnership will work with you, local residents and businesses. We ensure everyone's rights and responsibilities are balanced in a fair but firm manner.



know your neighbour

What support we can provide:



PROVIDE:
Portable toilets. These can be made available for the encampment at a cost. You will be charged if there is any damage to the toilet.



ARRANGE:
Rubbish collections. Bin bags will be provided and collections arranged for domestic waste only. Any dumping on the land will be treated as 'fly tipping' and dealt with as such.



VISIT SITE DAILY
Visits will be undertaken to ensure the code is being complied with and record any breaches to the Good Neighbour Code.



RECORD:
Information collected will be managed in accordance with all relevant data protection requirements. All information about an encampment - welfare information, complaints and breaches of this code - is kept and will be used when deciding what any future action.

DO's



Do keep children under control and under adult supervision at all times.



Do keep all animals secured at all times.



Do ensure all rubbish is placed in bin bags and kept in one place.



Do ensure all children (5-16 years old) are accessing suitable full-time education.

DON'T



Don't use threatening or abusive behaviour towards any person attending the site.



Don't park vehicles (including caravans) in a way that causes a hazard or obstruction.



Don't cause any damage to the land or environment.



Don't dump or inappropriately dispose of household, human or trade waste.

Appendix 2 – Initial Site Assessment Form

INITIAL SITE ASSESSMENT

INITIAL INFORMATION					
Day		Date		Time	
Reference Number:					
LOCATION INFORMATION					
Nearest Road					
Borough/District		Post Code			
Division					
LAND & GENERAL INFORMATION					
What is the normal use of this land and how is this use being affected by the persons trespassing? <i>Provide as much detail as possible to this question as this is critical to the assessment of the impact of the incident</i>					
Who is the owner of the land?					
Has the requirement to quit the land been given by the landowner (or their authorised agent) to the trespassers and has any notice period for this expired? <i>Include all details including name of individual who made this requirement & circumstances in which it was given/made</i>					☐ Yes ☐ No
Has a subsequent formal request been made by, or on behalf of, the owner of the land for police to use police powers to remove the trespassers?					☐ Yes ☐ No
Has any damage been reported and/or identified? If so, what?					☐ Yes ☐ Yes, significant damage ☐ No

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Has any distress been caused? If so, who to?	☐ Yes ☐ Yes, significant distress ☐ No
Has any disruption been caused? If so, what?	☐ Yes ☐ Yes, significant disruption ☐ No
Is there an environmental impact? <i>Consider litter or waste risks</i>	☐ Yes ☐ No
TRESPASSER INFORMATION	
What is known of the trespassers' intentions?	
How many persons and vehicles are present?	
Is anything known about the conduct of all or part of this group of trespassers at their last stopping place? <i>Include details if known of the location and relevant reference number</i>	☐ Yes ☐ No

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Is there any relevant intelligence relating to this incident from neighbouring areas?	☐ Yes ☐ No
Are any animals present? <i>Numbers tied/untied? Any risk to the public or highway?</i>	☐ Yes ☐ No
LOCAL AUTHORITY INFORMATION & WELFARE	
Has the representative of the Local Authority been made aware of this incident? If so, who was advised and what feedback have they provided?	☐ Yes ☐ No
Has the local authority conducted a welfare visit? If yes what was the outcome? If no why has this not been conducted?	☐ Yes ☐ No
What welfare needs or considerations have been identified for those on the site?	
COMMUNITY INFORMATION	
Have any representations in respect of the incident been received from members or representatives of the local community?	
<i>Where these relate to criminal conduct or anti-social behaviour alleged against those persons trespassing, what steps have been taken to investigate and record these allegations?</i>	
OTHER INFORMATION	
What is the overall impact to the local community / landowner?	

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Are there any other factors, not detailed above, which should be taken into account when considering the impact of this incident?			
Now set out what policing measures will be put in place to manage this incident and provide reassurance to the local community			
What communications will be put in place following any decision on use of police powers to manage this incident and provide reassurance to the local community?			
OFFICER COMPLETING			
Name		Rank & ID Number	
Date completed		Time completed	



Appendix 2 - Initial
Site Assessment Form

Appendix 3 – Direction to Leave Land Decision Form

DIRECTION TO LEAVE LAND DECISION RATIONALE RECORD

Location:		
Date reported to Police:		
Police Ref. No.		
Land Owner:		
Site Reference No (if any):		
General Information / Summary <i>Where/what/when/why/how was the site established, who owns the land, how are they and others affected? What is the previous history of the site and the occupying family? Highway is now covered by relevant legislation.</i>		
Aggravating Factors <i>Record the number of caravans and vehicles present here, together with the factors that have been taken into account regarding the need to direct to leave, such as damage, disruption or distress caused and impact on other communities.</i>		
Mitigating Factors relating to the camp (including welfare issues): <i>If possible, Local Authority staff should attend to complete health and welfare assessments. Although the legislation does not prevent a direction to leave by the police where no formal welfare enquires have been completed, such enquiries should be made wherever practicable. In any event, police should complete welfare enquiries at the time of service of the notice, with any issues noted on the notice.</i>		
Section 60C requirements: SIGNIFICANT damage, disruption or distress		
A person is residing or intends to reside on land without consent of the land's occupier	Select...	A
has (or intends to have) at least 1 vehicle with them on the land	Select...	B
A person has caused or likely to cause SIGNIFICANT damage	Select...	C
A person has caused or likely to cause SIGNIFICANT disruption	Select...	D
A person has caused or likely to cause SIGNIFICANT distress	Select...	E
In order to consider using Section 61 there must be A+B and either C, D or E.	Select...	
Section 61 requirements: Damage, disruption or distress OR 6 or more vehicles		
Unauthorised trespassers have failed to respond to requests from or on behalf of the legal occupier of the land, and that any notice period given by them has expired?	Select...	A
Two or more people are trespassing on land	Select...	B
they are present there with the common purpose of residing there for any period	Select...	C

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that reasonable steps have been taken by or on behalf of the occupier to ask them to leave	Select...	D
that any of those persons have caused damage, disruption or distress	Select...	E
that people on the land have between them six or more vehicles	Select...	F
In order to consider using Section 61 there must be A+B+C+D and either E or F.	Select...	
Section 62A requirements: Alternative site available		
Two or more people are trespassing on the land	Select...	A
The trespassers have between them at least one vehicle on the land	Select...	B
The trespassers are present on the land with the common purpose of residing there for any period	Select...	C
It appears that the person has one or more caravans in his possession or under his control on the land	Select...	D
There is a suitable pitch on a relevant caravan site for the caravan, or each of those caravans	Select...	E
The occupier of the land or a person acting on his behalf has asked police to remove the trespassers from the land.	Select...	F
All requirements must in place to use Section 62A	Select...	
Have welfare enquiries been carried out? <i>If Yes, ensure Welfare Enquiry Record is attached to Niche from Local Authority</i>	Select...	
Reviewing Inspector's Assessment <i>The information provided should support the Critical Incident Manager in the final decision being made on whether the group and/or an individual should be directed to leave the land.</i>		
[Information]		
Name		ID#
Date		Time

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Direction to leave decision (Critical Incident Manager)			
<i>A record of the grounds for the decision, including any action taken to resolve either aggravating factors or welfare issues that may have arisen. A summary of the impact on the human rights of all parties involved should be included, highlighting the legitimacy, proportionality and necessity of the eviction action.</i>			
Is there an immediate need to direct to leave?		Select...	
Who will be directed to leave?		Select...	
Legislation used	Select...		
If Section 60C	Select....		
If Section 61	Select....		
If Section 62A, site to be directed to:			
[Rationale]			
What date are notices to be served?			
Date		Time	
When should the trespassers leave by			
Date		Time	
Signed			
Name		FIN	Rank
Date		Time	



Appendix 3 -
Direction To Leave Lai

Appendix 4 – Notice to Leave Land Forms

NOTICE TO LEAVE LAND

In accordance with Section 60C of the Criminal Justice and Public Order Act 1994, I direct all those on this land to leave for the following reasons:

I believe that you are residing or intending to reside on the land without the consent of the occupier and that you have or intend to have at least one vehicle with you and that you have caused or are likely to cause SIGNIFICANT damage, disruption or distress.

You are required to leave and remove your property with you.

AUTHORISING OFFICER					
Signed		Date		Time	
Name		Force ID		Rank	
Ref. No.					

SERVING OFFICER					
Name		Force ID		Date	
Location				Time	

You must leave this land as soon as reasonably practicable or by the latest Date & Time → If you fail to leave this land as soon as reasonably practicable or enter the land again as a trespasser within twelve months of this date, you commit an offence and could be arrested and/or prosecuted as well as having your vehicles removed by the Police.

NOTICE TO LEAVE LAND

In accordance with Section 61 of the Criminal Justice and Public Order Act 1994, I direct all those on this land to leave for the following reasons:

I believe that two or more of you have entered this land as trespassers, that you have a common purpose to reside on the land and that reasonable steps have been taken by or on behalf of the person entitled to possession of the land, to ask you to leave.

I further believe that:

- Damage, disruption or distress has been caused *and/or**
- You have between you six or more vehicles (including caravans) on the land*

AUTHORISING OFFICER					
Signed		Date		Time	
Name		Force ID		Rank	
Ref. No.					

SERVING OFFICER					
Name		Force ID		Date	
Location				Time	

You must leave this land as soon as reasonably practicable or by the latest

Date & Time

➔

If you fail to leave this land as soon as reasonably practicable or enter the land again as a trespasser within twelve months of this date, you commit an offence and could be arrested and/or prosecuted as well as having your vehicles removed by the Police.

NOTICE TO LEAVE LAND

In accordance with Section 62a of the Criminal Justice and Public Order Act 1994, I direct all those on this land to leave for the following reasons:

I direct you to leave this land, and to remove all vehicles and other property you have with you on the land as I reasonably believe that the following conditions are satisfied:

1. That you and one or more others are trespassing on the land and,
2. That you have between you at least one vehicle on the land and,
3. That you are present on the land with the common purpose of residing for any period and,
4. That you have one or more caravans in your possession or under your control on the land and there is a suitable pitch on a relevant caravan site for that caravan or each of those caravans and,
5. That the occupier of the land or a person acting on his behalf has asked the police to remove the trespassers from the land.

AUTHORISING OFFICER					
Signed		Date		Time	
Name		Force ID		Rank	
Ref. No.					

SERVING OFFICER					
Name		Force ID		Date	
Location				Time	

You must leave this land as soon as reasonably practicable or by the latest Date & Time → If you fail to leave the relevant land as soon as reasonably practicable or enter ANY land in the area of the relevant local authority as a trespasser with the intention of residing there within twelve months of this date, <u>you commit an offence</u> and could be arrested and/or prosecuted as well as having your vehicles removed by the Police.
--

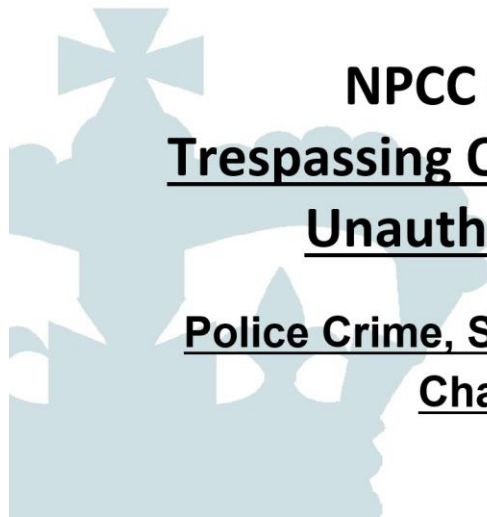


Appendix 5 – Training Slides: NPCC Operational Advice – Trespassing On Land Without Consent / Unauthorised Encampments



NPCC Operational Advice **Trespassing On Land Without Consent /** **Unauthorised Encampments**

Police Crime, Sentencing and Courts Act 2022
Changes to Legislation



Key things to remember...

Damage



Disruption



Distress

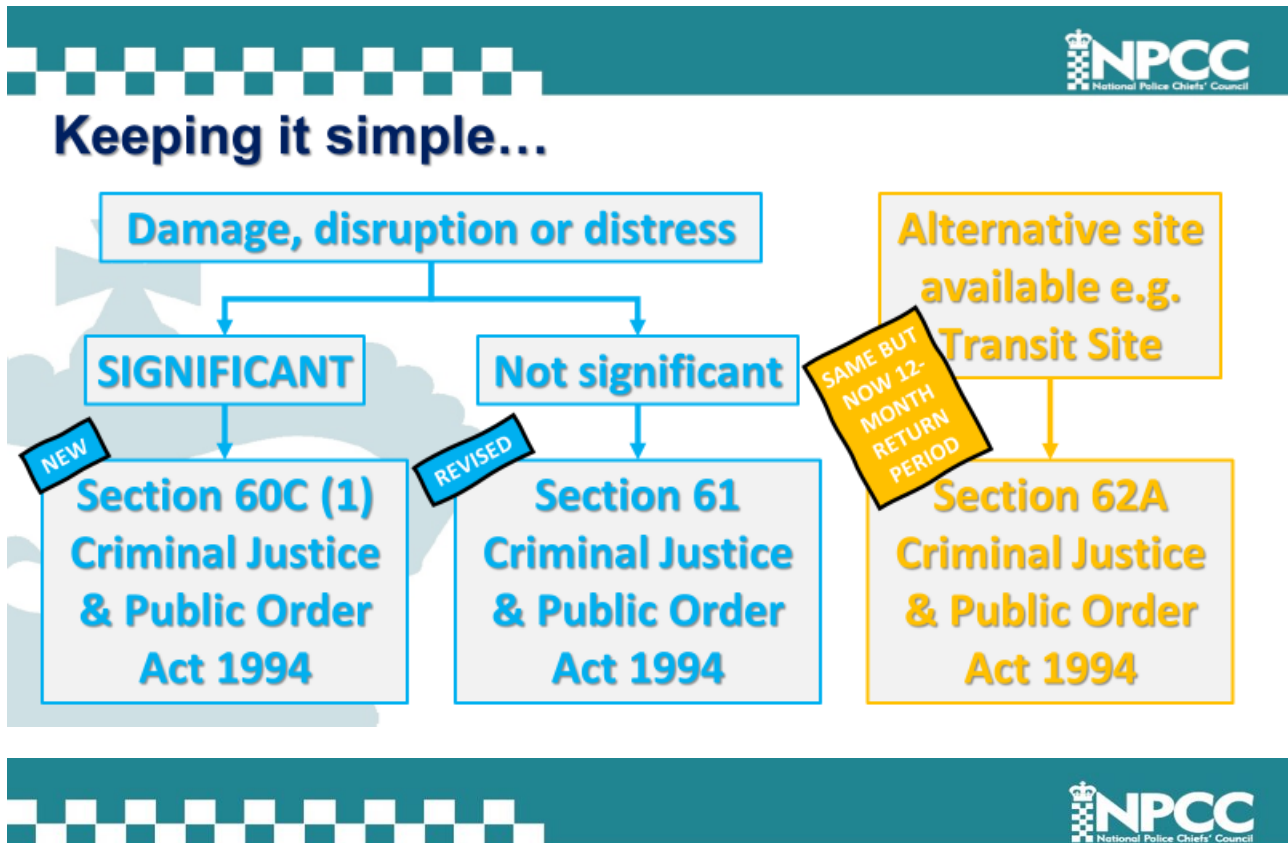


Highway
included



No return for
12 months





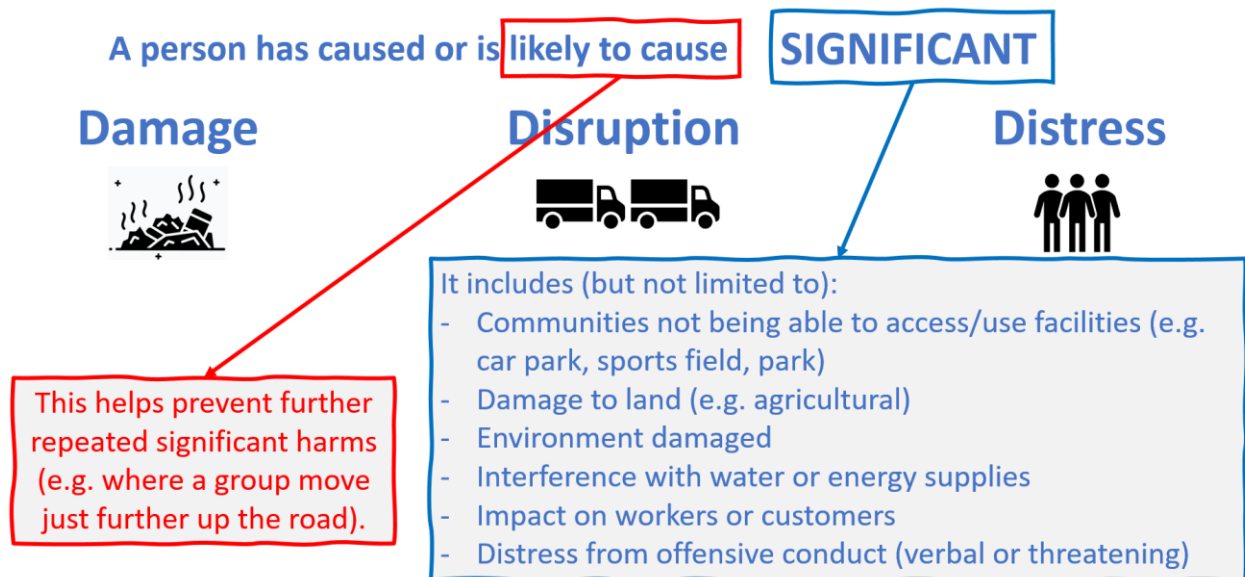
Section 60C (1) Criminal Justice & Public Order Act 1994

New Criminal Offence introduced

NPCC Operational Advice Trespassing On Land Without Consent / Unauthorised Encampments



Section 60C (4): What are these conditions?





When is an offence committed?

When all conditions are met in Section 60C (1) + (4) and:

A person fails to comply with the request to leave as soon as reasonably practicable or,

A person re-enters or enters the land (with intention to reside without consent and has, or intends to have a vehicle with them), within 12 months of the request being made.

Even if a person commits SIGNIFICANT damage, disruption or distress but leaves on the request given no offence is committed unless they return within the prohibited 12 months period (other offences may apply e.g. Criminal Damage or Public Order)

Reasonable excuse defence
No offence committed IF they can show they have a reasonable excuse for failing to comply (or re-entering the land)
NOTE that 'broken down vehicle' is *unlikely* to be considered a reasonable excuse



What can we do?

1. Inform Duty Officer
2. Brief the CIM
3. Request group leave once authorised by the CIM
4. Consider arrest if they fail to leave and Code G is met

Under Section 60D we can:

Remove property and/or seize vehicles if they fail to leave or return within 12months

Here lies the issue... as the majority are 'nomadic' and may not have an address for summons - Code G is nearly always going to be met.
The knock-on effect is 'Who do we arrest?' and do we take any children located into Police Protection if their parents are under arrest, thus impacting on Local Authority?

However if we seize property/vehicles we have to return it if we are not seeking to prosecute for the offence.

Vehicle Seizures as per Police (Retention & Disposal of Motor Vehicles) Regs 2002

Section 61 Criminal Justice & Public Order Act 1994



Section 61 Criminal Justice & Public Order Act 1994

Amends the wording to include 'damage, disruption or distress'

Now includes the highway

Extends the period not to return from 3 months to 12 months



Section 61 Criminal Justice & Public Order Act 1994



2 or more persons



Trespassing



Land

Reasonable belief by police they are trespassers and intend to reside there

Reasonable steps taken by occupier or on their behalf to ask them to leave

and

~~Damage to
land/property~~

~~Used threatening, abusive or
insulting words or behaviour
towards occupier or their agent~~

or

Six or more
vehicles

Any of the trespassers has caused damage, disruption or distress

Section 62A Criminal Justice & Public Order Act 1994

Police reasonably believe that:



2 or more persons



Trespassing



Common purpose to reside

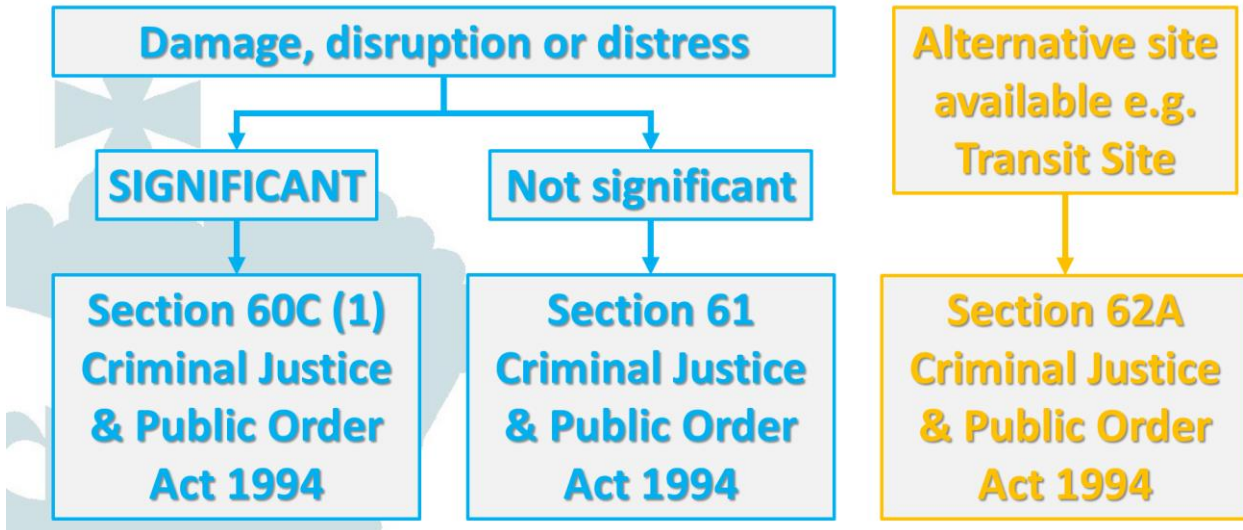
Suitable pitch on a
relevant site is available



One or
more
caravans

Occupier has asked police to remove them

Keeping it simple...



What does the Home Office say?

Where possible, the police should liaise with local authorities when assessing each individual case and rely on the evidence in each to determine the appropriate powers to use.

It remains the case that the response to UEs requires a locally driven multi-agency response, led by local authorities and supported by police.

The decision on which police powers are used remains at the discretion of the police officer attending a particular incident who must, when exercising discretion, have regard to this guidance

Section 77 Criminal Justice & Public Order Act 1994

It appears to Local Authority that:



Persons are for a time residing in a vehicle or vehicles

- (a) on any part of a **highway**;
- (b) on any other **unoccupied land**; or
- (c) on any **occupied land without the consent** of the occupier

...they may direct them to leave.

Offence: Fail to leave

Action: Seek Section 78 order from Magistrates



Training Slides -
PCSC Act 2022 - May



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Witness: Deborah Jane Kennett

Witness Statement: 2

Exhibits: 9, DJK3-DJK11

Statement made on: 17 July 2026 to 27 August 2026

IN THE HIGH COURT OF JUSTICE

Claim No. KB-2024-003315

KING'S BENCH DIVISION

**IN THE MATTER OF SECTION 222 OF THE LOCAL GOVERNMENT ACT 1972
AND SECTION 187B OF THE TOWN AND COUNTRY PLANNING ACT 1990**

B E T W E E N:-

**THE MAYOR AND BURGESSES OF THE LONDON BOROUGH
RICHMOND UPON THAMES**

Claimant

-and-

**(1) PERSONS UNKNOWN FORMING AN UNAUTHORISED ENCAMPMENT AND /
OCCUPYING FOR RESIDENTIAL PURPOSES (including temporary occupation)
WITH OR WITHOUT VEHICLES AT ANY OF THE 8 SITES WITHIN THE LONDON
BOROUGH OF RICHMOND UPON THAMES LISTED ON SCHEDULE 1 TO THIS
CLAIM**

**(2) PERSONS UNKNOWN DEPOSITING WASTE ON ANY OF THE 8 SITES WITHIN THE
LONDON BOROUGH OF RICHMOND UPON THAMES LISTED ON SCHEDULE 1 TO
THIS CLAIM**

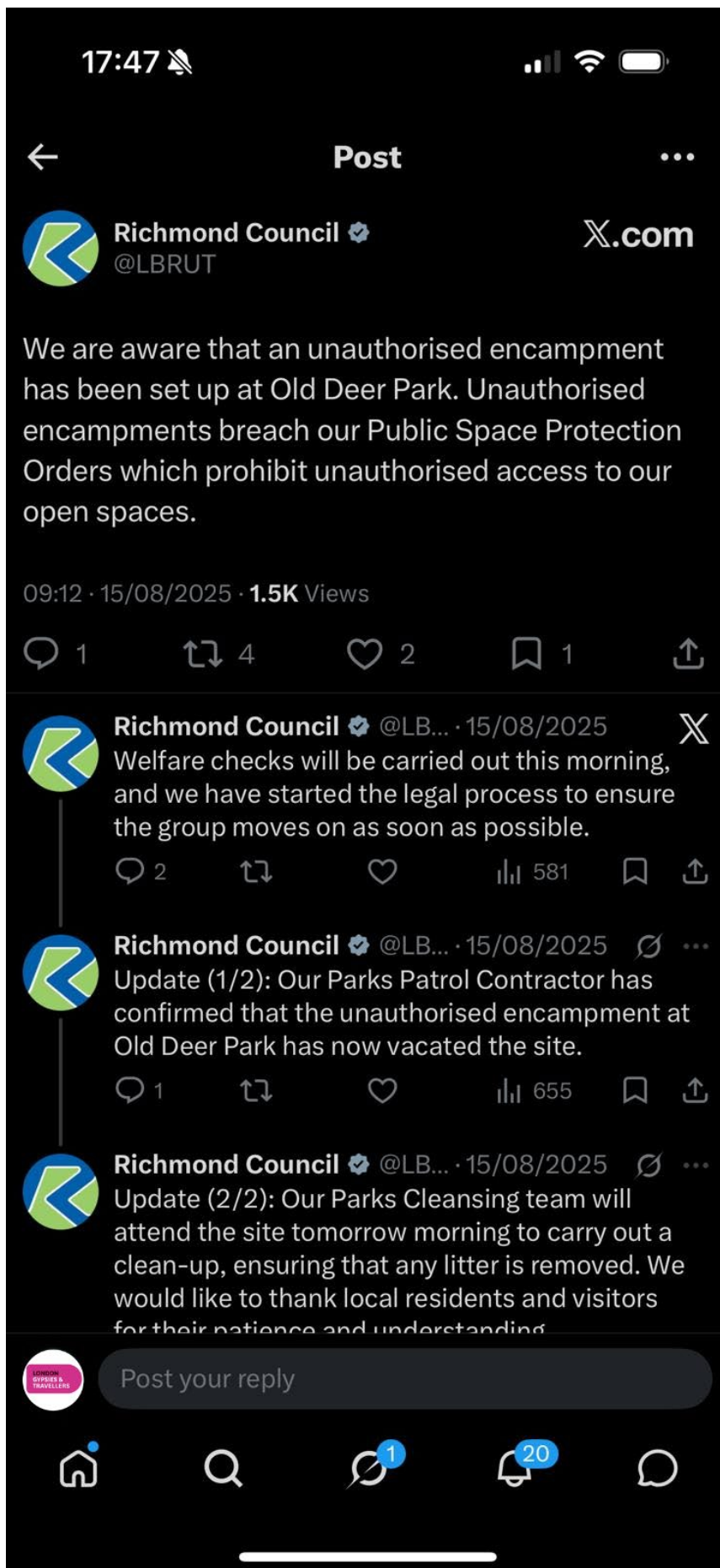
Defendants

-and-

THE LONDON GYPSIES AND TRAVELLERS

Intervener

Exhibit DJK10



Witness: Deborah Jane Kennett

Witness Statement: 2

Exhibits: 9, DJK3-DJK11

Statement made on: 17 July 2026 to 27 August 2026

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Intervener

Exhibit DJK11

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Update on the unauthorised encampment in Ham

London Borough of Richmond upon Thames sent this bulletin at 06-08-2024 07:00 PM BST

[View in browser](#)



Update on the unauthorised encampment in Ham

We are aware that the group of Travellers have returned to the borough late last night and are now on King Georges Field. The group gained illegal entry by forcibly removing two concrete posts.

The group of Travellers first arrived on Ham Common in the evening of Friday 26 July after which we started welfare checks and the legal process to move them on. We issued court proceedings on Monday 29 July successfully obtained an Order and Writ of Possession to legally move the group from the Common on Thursday 1 August.

The group then went to the Hawker Centre which is in the Royal Borough of Kingston upon Thames. During this time, we remained in close liaison with the Police and our Parks Patrol Contractor.

As King Georges Field is a different site to Ham Common, we need to go back to court to obtain a new possession order for this individual site. We do not have a permanent borough wide injunction therefore this is the only legal process available to us at present. We cannot get a blanket possession order for all green spaces in Ham, only where we have evidence of an unauthorised encampment.

Welfare checks were carried out this morning and evidence gathered to allow us to swiftly apply to the courts today for a hearing on Friday. Proceedings have been issued today and will be served by bailiffs tomorrow which need to be displayed on site until the Court hearing on Friday morning. We hope to receive a new Writ of Possession on Friday afternoon from the court to allow us to proceed with eviction once again and subsequent clean-up operation.

How are we securing our sites?

All our sites in Ham are secure for their purpose (excluding Ham Common and Ham Riverside Open Space), with prevention in place to prevent unauthorised access. Ham Village Green has posts and rails, King Georges Field has concrete bollards and a bar gate, and Ham Riverside Pitches also has a bar gate. The unauthorised encampment trespassed onto King Georges Field by removing two concrete bollards.

The possession order still applies to Ham Common for six months, but only to this group of registered vehicles. Individuals have declined to give names so we can only apply the order to the vehicles.

What does the Council do to minimise the impact on public land and to the local area?

We have contractors removing litter twice daily from the site and surrounding areas. After they leave, we will ensure all waste is removed and any damage is repaired. We are also regularly in contact with the Police to ensure they are monitoring the site for anti-social behaviour (ASB) and illegal activity. We encourage residents to report any ASB or illegal activity to the police.

What is the process for moving on unauthorised encampments on Council land?

- Council receives notification of an unauthorised encampment
- Council Officers, Police and/or Parks Patrol Contractor attend site to carry out necessary welfare assessments and appropriate referrals, these include:
 - Traveller welfare needs
 - Safeguarding issues
 - Animal welfare issues
 - Risk assessments
- All relevant information is passed to the Council's Legal Services who lodge paperwork with the court and subsequent Court Proceedings are issued, the swiftness of the us being granted Court Proceedings is determined by the courts
- Court Proceedings served on site (NB Court Rules require two clear days' notice of the Court hearing)
- Court Hearing for Possession Order after 48 hours
- Once we have a Possession Order, we ask the Court to issue a Writ of Possession, which is the authority to evict. We will ask the Court to issue the Writ immediately after the Court hearing, and once issued, the eviction can proceed immediately.

How is the Council going to prevent this becoming a regular event?

The Council with the assistance of our Legal Service (SLLP) is working towards the application of a permanent injunction for sites where we have had unauthorised encampments over the past 3 years, this needs to be robustly evidenced. This is a lengthy process, and it is not guaranteed it will be granted by the Court.

What should residents do while the Council goes through the court process?

Please report any anti-social behaviour to the Police as soon as possible as this can support the court process.

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Witness: Eleanor Jane Faro

Witness Statement: 1

Exhibits: 2, EJF1 and EJF2

Statement made on: 29 August 2025 and, 14 and 21 September 2026

IN THE HIGH COURT OF JUSTICE

Claim No. KB-2024-003315

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Defendants

-and-

THE LONDON GYPSIES AND TRAVELLERS

Intervener

ELEANOR JANE FARO
WITNESS STATEMENT

Full Name of Witness: ELEANOR JANE FARO

Address: Leeds Gypsy and Traveller Exchange (GATE), 169 Cross Green Lane, Leeds, LS9 0BD

Occupation: CEO

1. I make this statement to provide my professional opinion as CEO of Leeds Gypsy and Traveller Exchange (GATE) on the subject of nomadism and negotiated stopping. Insofar as the facts and matters stated herein are within my own knowledge, they are true; insofar as they are not within my own knowledge, their source is indicated and I verily believe them to be true.
2. I wish to avail the court my professional knowledge and associated research, sharing what I know about the potential of the Negotiated Stopping approach to:
 - Reduce costs
 - Reduce encampments
 - Provide better social, health and educational outcomes for Gypsies and Travellers
3. My organisation is a registered charity (charity number: 1123374) that aims to improve the quality of life of Gypsies and Travellers residing in or resorting to West Yorkshire. I have worked at Leeds GATE for eleven years and have occupied the role of CEO for four years. Leeds GATE provide a range of social and welfare support to Gypsies and Travellers. We have a range of funders and commissioners including West Yorkshire's local authorities and various NHS bodies. We provide advocacy, support work, community development work, youth work, educational support, outreach and practical support (address, shower, tap, laundry). We have over 1000 Gypsies and Travellers registered with our services. The organisation also works strategically to address the systemic problems that result in such poor outcomes for our communities – these include racism and discrimination, marginalisation, inflexibility in services, an accommodation crisis and a lack of representation.

4. I am making this Statement as an expert in the field of Gypsy and Traveller rights, and as someone who has direct experience of working with nomadic families making negotiated stops in Leeds.
5. I have worked with London Gypsies and Travellers on a variety of projects including sub-contracting on a shared grant agreement. I find them to be an innovative, trustworthy, committed and a well-run organisation. I am well acquainted with the report “The potential for a negotiated stopping approach in London” which is presented as evidence Exhibit DJK1 and can testify to the thoroughness of its research and its conclusions.
6. Since the removal of a duty to provide sites in 1994, there has been very little progress made to meet the accommodation needs of Gypsies and Travellers. In a report by Friends, Families and Travellers published in 2024, research found that of 100 Local Planning Authorities (LPA’s) surveyed, 64% had failed to allocate any land for sites, let alone build any sites. They also found that of 149 socially provided sites across the 100 LPA’s, 119 were built before 1994 and 30 post [“Kicking the can down the road: The planning and provision of Gypsy and Traveller sites in England 1960-2023”, Dr Simon Ruston MRTPI for Friends, Families and Travellers¹].
7. This shows a lack of will to address accommodation needs for Gypsies and Travellers. We regularly work with local authorities who have assessed an accommodation need within the community (through accommodation needs assessments and the local planning process) and failed to provide this accommodation. This means families must either provide for themselves (meaning they must have the financial resources to purchase land and navigate lengthy and costly planning battles) or live nomadically, travelling from place to place.
8. Many of those living on the roadside would meet the legal definition of homeless – they live in a movable structure such as a caravan, mobile home or houseboat, and

¹ Available at: <https://www.gypsy-traveller.org/resource/kicking-the-can-down-the-road-the-planning-and-provision-of-gypsy-and-traveller-sites-in-england-1960-2023/>

there is nowhere where they have permission to put it and live in it (s.175(2)(b) Housing Act 1996). The organisation Friends, Families and Travellers state that 3,000 families have no lawful place to stop, with over 10,000 living on land without permission². With very little transit provision – 92% of 352 Local Authorities have no transit provisions (November 2024, Freedom of Information research: Local authority transit provision for Gypsies and Travellers across the UK, Friends, Families and Travellers) these families have few choices but a cycle of encampment and eviction.

9. Our populations are young and growing, as represented in census data which showed that 45.7% of the Gypsy and Traveller population were under 25 compared to 30.4% of the general population (Figure 3, Gypsy or Irish Traveller populations, England and Wales - Office for National Statistics³). We have observed that young people who grew up on Traveller sites (which are mostly full and overcrowded) have nowhere to move to when they start their own family life and therefore they travel, stopping on unauthorised sites– often this has very poor health and educational outcomes.
10. It is in this context that our organisation embarked on designing better approaches to encampments in partnership with Leeds City Council. A scrutiny panel enquiry in 2010 heard from local authority officers and Gypsies and Travellers living on unauthorised encampments. It discussed the financial and social costs of failure to provide sites and manage encampments and recommended that the local authority provide more sites and trial negotiated stopping [Scrutiny Inquiry Report, Review of Gypsies and Travellers Site Provision within Leeds, January 2011 attached as **Exhibit EJF1**]. The report finds that over 7 years from 2003-2010 the local authority spent £1,944,061 on moving unauthorised encampments but failed to invest in any site provision.

² Available at: <https://www.gypsy-traveller.org/our-vision-for-change/accommodation/>

³ Available at: <https://www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/ethnicity/articles/gypsyoririshtravellerpopulationsenglandandwales/census2021#gypsy-or-irish-traveller-population-england-and-wales-census-2021-data>

11. Negotiated Stopping acknowledges both the housing crisis for Gypsies and Travellers and their right to a traditional and nomadic way of life. The raft of legal measures available, did and do not “solve” unauthorised encampments. Crudely put, powers to evict push “the problem” down the road but the wider context of homeless and nomadic practices within communities remains. Therefore, a pragmatic approach, drawing on the resources of all partners, was required. The approach used the resources available in the local authority, the police, our charity and our communities to come up with solutions. Gypsies and Travellers throughout their history have themselves often established negotiated approaches- agreeing terms of stay with landowners in return for labour, goods and services or based on long established family relationships. Indeed, various factors of modernisation including changes to the labour market, planning system and enforcement powers around unauthorised encampments eroded these solutions. Negotiated Stopping draws on these principles – of negotiating an agreement so people can stay – and applies it to a modern context.

12. The core elements of the negotiated stopping approach are that:

- Gypsies and Travellers should be treated as equal partners in addressing the management of encampments, using engagement and not only enforcement
- A planned rather than reactive approach creates better outcomes and is a better use of resources, this also allows for better communication with local residents
- It works by all parties coming to a common agreement for Gypsies and Travellers to use an unused piece of land as a temporary stopping place.
- Terms are agreed, including time stopped on the land and services to be provided by the local council

13. Between 2010 and 2015 Leeds GATE, Leeds City Council and West Yorkshire Police developed and piloted an approach we now know as Negotiated Stopping. This included developing a protocol, decision making tree, land assessment criteria, agreements for families to sign up to, inter agency agreements and crucially, developing more positive relationships between all partners.

14. In order to appropriately evaluate the potential of the approach we conducted two rounds of independent evaluation using qualified partners. The first was in 2016, by independent evaluation company, Real Improvement [attached as **Exhibit E1F2**]. The Executive Summary States:

- 1) Negotiated Stopping in Leeds has been very successful, and has achieved a range of benefits including: Improved quality of life for Gypsies and Travellers, through having a site they can occupy for an agreed period, free from harassment or the immediate threat of eviction. Substantial cost savings for the Council compared with the costs of enforcement action and subsequent clean-up. Improved relations between the Council and all parts of the local Gypsy and Traveller community – not just those on the Negotiated Stopping site. Savings in police time and improved relations between the police and Gypsy/Traveller communities. Benefits to the local settled populations through well-chosen sites which cause the minimum of inconvenience.

- 2) Whilst it is not a universal solution, Negotiated Stopping could be applied elsewhere in the country. It is a viable option for any Local Authority where either: (a) there is a Gypsy/Traveller population with local connections which remains in the area for all or part of the year, and for which there is insufficient accommodation on permanent sites, or (b) the same Gypsy/Traveller groups regularly stay in the area at certain times of year. It is less suited to areas which already have enough sites for local Gypsies and Travellers, and where others move through the area on a purely transient basis.

- 3) Successful introduction of Negotiated Stopping requires a number of elements: suitable sites, addressing any planning issues, provision of basic services, and good communications. Most of all it needs the 'political will' to make it happen. Council and police representatives need to overcome the prejudice and discrimination against Gypsies and Travellers that remains in many settled communities and be pro-active in changing policies and practice. A positive approach is also needed from Gypsies and Travellers themselves, who may need to overcome limited experience in this kind of negotiation and possible resentment caused by their past experiences.

15. In 2017, De Montfort University conducted a cost benefit analysis – concluding that: Some of the key evaluation findings related to Negotiated Stopping at Leeds GATE, in a nutshell, were that an ABCD type approach produced:

- Better community cohesion around Negotiated Stopping – in addition to the potential combined savings of £238,350 per year.
- Sustainability of Negotiated Stopping principles politically – has potentially been stronger outside of Leeds, rather than inside, and has led to amplification of the idea nationally.
- Wider sharing of Leeds model on Negotiated Stopping, resulting in a positive image of the city's approach more broadly, but importantly got other organisations, such as the London Mayor's office, interested in the possibility of the idea.

16. Furthermore, my observations based on this research and my professional experience are that where Negotiated Stopping has been applied we have seen:

- Benefits to enabling the human rights to private and family life, and to be free from discrimination of Gypsies and Travellers living on the road;
- Benefits to fulfilling the rights of Gypsy and Traveller children, who are some of the most disadvantaged in the UK, with regards to adequate standards of living, the right to family life, to have an education, to play, and to be free from violence and fear of violence;
- Benefits to community relations from planned accommodation and intervention rather than reactive enforcement;
- Solutions that reduce the need for punitive measures, and reduce the number of unauthorised encampments and provide more suitable locations for encampments;
- Solutions that reduce costs of interventions in terms of police and local authority staff times and associated services.

17. Negotiated Stopping is adopted as a policy in Leeds meaning it should be considered as the primary approach to encampments, before legal routes are explored. Local authorities face many competing perspectives from different stakeholders, meaning consensus on approaches can be challenging. They often face push back for welfare focused responses. This means that often we don't use negotiation in Leeds. The other big challenge we face is the availability of land that can be agreed for Negotiated Stopping, in part this is about the supply of unoccupied land in a busy urban environment and in part it is about what locations we will consider as tolerable for encampments. I am of the belief that if a wider set of criteria were applied, land could be found. We have an established Gypsy and Traveller Working Group chaired by an elected member and, as a group, we are currently informally reviewing the implementation of the policy in an attempt to improve the practice. This group has participation from health, local authority officers, elected members and the police.

18. What we do consistently apply in Leeds is what officers term "soft negotiation" and elsewhere is known as toleration - meaning elements of the negotiated stopping process are applied but encampment residents are not asked to sign formal negotiated agreements. They are provided with bins and toilets and attempts are made to engage families. The officers try to address issues and problem solve, but ultimately encampments leave via a court process rather than a negotiated end date. A full negotiated request, according to our current processes, would consult elected members. The benefits of providing longer stays, bins and toilets are huge, and Gypsies and Travellers on encampments in Leeds often feedback how that practice is positive for them and vastly different to how they are treated in most other areas. We know from the research shared, that longer stays mean social, health and educational benefits for Gypsies and Travellers. However, the lack of formal agreements means the negotiated elements, behavioural agreements and treating families as individuals (not one encampment) are not being applied, this reduces our opportunities for positive relationship building and engagement. As stays also end via a court process, we are also not seeing the initial cost savings associated with negotiated processes which don't involve court costs. Crucially, this approach doesn't allow for a

planned or pro-active intervention from health or education as ourselves and the police don't know how long people will be in one place. It, therefore, also doesn't allow for pro-active and positive communication with local residents about the presence, duration and engagement plan for the encampment.

19. In 2022, my colleagues, produced a snapshot report based on Leeds City Council encampment data which showed that just after Negotiated Stopping was introduced people were able to stay longer and there were fewer encampments - if people are allowed to stay longer there are then fewer encampments, leading to lower costs.

	Pre-Negotiated Stopping	Immediately Following Introduction of Negotiated Stopping	Current
Number of encampments	From 2003/4 to 2011/2 – Avg of 83 encampments per year	From 2014/5 to 2015/6- Avg 50 per year.	From 2020 to 2022 – Avg of 105 per year
Average Length of Stay		2016 – 21 days on Council land	2020 to 2022 – Avg 14 days
Issuance of Court Proceedings		No data, however, the lack of issuance of Court proceedings is noted as a major cost saving following introduction of Negotiated Stopping	Court proceedings now issued in a majority (58%) of cases.

20. The more positive relationships with Gypsies and Travellers that have been afforded by our less punitive approaches in Leeds have meant that both ourselves and the Local Authority can benefit from these relationships in many ways. Examples include:

- allowing us to support people into permanent pitches where they become available
- the presence of a positive negotiated stopping encampment leading to the land being allocated for Gypsy and Traveller use and subsequently developed into a permanent site (with the support of the local community)
- Gypsies and Travellers participating in the assessment of need and site design processes, meaning they are more engaged and their voices are heard

21. In summary, it is my expert opinion that Negotiated Stopping works as one of several tools to meet the accommodation needs of Gypsies and Travellers. It must be pursued alongside the assessment of need and the provision of social and private permanent pitches.

22. Further to the statement above, Leeds City Council passed a motion on the 9 September 2026 asking for a cross-party strategy to be developed to deliver the strongest possible measures to prevent unauthorised encampments. The motion goes onto discuss Rochdale as an area of good practice. It asks for a cross-party working group to monitor effectiveness and timeliness of responses. This is following a busy summer of encampments.

23. Amendments were also passed including one to continue to work with Leeds GATE and deliver health work, outreach and welfare assessment with Gypsies and Travellers on encampments. Another, to explore how the nomadic way of life can be preserved in a modern-day society and to explore short term stop off points.

24. Over the past year Leeds GATE and Leeds City Council have also been developing our approaches to negotiation - convening a working group called Engaging Encampments where outreach has been co-ordinated, weather protocols drafted and negotiated approaches developed. This led to several encampments being successfully negotiated this year - these were smaller encampments between 2-8 caravans.

25. There is still not a 5-year supply of sites in Leeds. The approach needed remains multifaceted - permanent sites, negotiation and engagement with encampments.

Statement of Truth:

I believe that the facts stated in this Witness Statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed: *Eleanor Jane Faro*

Printed: ELEANOR JANE FARO

Date: 22 September 2026

Witness: Eleanor Jane Faro

Witness Statement: 1

Exhibits: 2, EJF1 and EJF2

Statement made on: 29 August 2025

IN THE HIGH COURT OF JUSTICE

Claim No. KB-2024-003315

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THIS CLAIM**

Defendants

-and-

THE LONDON GYPSIES AND TRAVELLERS

Intervener

EXHIBIT EJF1



Research Report:

Assessing the Potential of Negotiated Stopping



Real-Improvement

January 2016

Assessing the Potential of Negotiated Stopping

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Executive Summary

This report contains the results of an evaluation and research exercise commissioned by Leeds Gypsy and Traveller Exchange (GATE) and supported by the Joseph Rowntree Charitable Trust (JRCT). It examines an approach to stopping places for Gypsies and Travellers known as Negotiated Stopping.

Negotiated Stopping is a term used by Leeds GATE and Leeds City Council, though it can be applied more generally. It describes a situation where some agreement has been reached between the Local Authority and Gypsies/Travellers which allows them to stay temporarily on a particular piece of land which is not an official site, as an alternative to repeated evictions. In return, the Gypsies/Travellers agree to certain conditions on behaviour, tidiness of the site and length of stay.

Negotiated Stopping has been working in Leeds for several years, and some similar arrangements operate in other parts of the country. This type of approach appears to be relatively rare however, and this report seeks to answer three key questions:

1. What has Negotiated Stopping achieved in Leeds, and how has this happened?
2. To what extent could Negotiated Stopping, or something similar, be applied elsewhere in the country?
3. If Negotiated Stopping can be applied elsewhere, what is needed to make this happen?

Research has identified a number of Local Authority policies and practices around the country that are in effect variations on the Negotiated Stopping theme. These include more informal negotiations with verbal agreement made with Gypsies/Travellers on unauthorised sites, and temporary stopping places identified by Local Authorities that Gypsies/Travellers can use if they agree. In other areas, the policy is either one of temporary “toleration” without agreement, or of immediate action to evict Gypsies and Travellers from any unauthorised site.

However, there is no national database of different Local Authority policies or best practice, and communication between Local Authorities across the country on this is limited. It is thus impossible to say with any certainty how widespread these various practices are. Limited communication also means that, whilst some Local Authorities have heard of Negotiated Stopping, many other have not, and potential for trying to ‘re-invent the wheel’ is high.

This report’s key conclusions in response to the three questions above are that:

1. Negotiated Stopping in Leeds has been very successful, and has achieved a range of benefits including:
 - Improved quality of life for Gypsies and Travellers, through having a site they can occupy for an agreed period, free from harassment or the immediate threat of eviction
 - Substantial cost savings for the Council compared with the costs of enforcement action and subsequent clean-up
 - Improved relations between the Council and all parts of the local Gypsy and Traveller community – not just those on the Negotiated Stopping site
 - Savings in police time and improved relations between the police and Gypsy/Traveller communities
 - Benefits to the local settled populations through well-chosen sites which cause the minimum of inconvenience.
2. Whilst it is not a universal solution, Negotiated Stopping could be applied elsewhere in the country. It is a viable option for any Local Authority where either:

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- (a) there is a Gypsy/Traveller population with local connections which remains in the area for all or part of the year, and for which there is insufficient accommodation on permanent sites, or
- (b) the same Gypsy/Traveller groups regularly stay in the area at certain times of year.

It is less suited to areas which already have enough sites for local Gypsies and Travellers, and where others move through the area on a purely transient basis.

3. Successful introduction of Negotiated Stopping requires a number of elements: suitable sites, addressing any planning issues, provision of basic services, and good communications. Most of all it needs the 'political will' to make it happen. Council and police representatives need to overcome the prejudice and discrimination against Gypsies and Travellers that remains in many settled communities, and be pro-active in changing policies and practice. A positive approach is also needed from Gypsies and Travellers themselves, who may need to overcome limited experience in this kind of negotiation and possible resentment caused by their past experiences.

This review has been carried out by Andy Bagley of Real-Improvement. It has drawn information from a wide range of sources, including:

- policy documents and other reports
- interviews with Gypsy and Traveller Liaison Groups, Local Authorities the police and others across the country
- a survey of attendees at previous Masterclass events run by Leeds
- a conference hosted by The Travellers Movement in November 2015.

It is however a limited initial study of Negotiated Stopping and its further potential. The conclusions in Section 6 and recommendations in Section 7 support the need for further funding to extend this work and promote Negotiated Stopping more widely. There are a number of aspects to this, including:

- Gathering further information from other Local Authorities on local policies and practice
- Developing more detailed evidence of the costs and benefits of Negotiated Stopping, including longer-term benefits such as health and education
- Establishing a centre of information on Negotiated Stopping and similar approaches
- Publishing information and guidance for Local Authorities, the police and other agencies
- Encouraging greater liaison between Local Authorities, to share experience and best practice
- Encouraging Gypsies and Travellers themselves to share positive experiences of Negotiated Stopping, and supporting them to negotiate with Local Authorities
- Identifying other areas where Negotiated Stopping could bring the greatest benefits
- Collaborating with other agencies working to eliminate prejudice and discrimination

In many cases these recommendations involve other partner organisations rather than GATE working alone. This itself is consistent with the thinking behind Negotiated Stopping – that of collaborating to innovate and develop new solutions to long-standing problems.

The report makes the following recommendations. These are fully explained in Section 7:

Recommendation 1: Leeds GATE should discuss the findings and conclusions of this report with the Joseph Rowntree Charitable Trust, to explore how further funding might be secured for wider promotion of Negotiated Stopping.

Recommendation 2: Further discussion with JRCT should include the potential for further research, particularly in ascertaining costs and benefits in more detail, and in identifying where Negotiated Stopping could add most value – both for Local Authorities and for Gypsies and Travellers.

Recommendation 3: Leeds GATE should seek to identify Local Authority areas where Negotiated Stopping is likely to be most relevant/effective, and seek to promote it, in conjunction with local representatives, in these areas as a priority.

Recommendation 4: Leeds GATE should explore with its partners beyond Leeds how other Local Authorities across the country could be encouraged to network and share best practice on Gypsy and Traveller accommodation.

Recommendation 5: Leeds GATE should liaise with other organisations researching or campaigning to eliminate prejudice and discrimination against Gypsies and Travellers, and should coordinate activity where possible.

Recommendation 6: Leeds GATE should work with its partners to find ways to develop and increase the willingness and capacity for negotiation within Gypsy and Traveller communities across the country.



Section 1: Introduction

1.1. Report Background and Purpose

This report contains the results of an evaluation and research exercise commissioned by Leeds Gypsy and Traveller Exchange (GATE) and supported by the Joseph Rowntree Charitable Trust (JRCT).

Leeds GATE was started in 2002 by Gypsy and Irish Traveller people working with colleagues and friends from other communities. Its aim is to improve quality of life for Gypsies and Travellers in Leeds and West Yorkshire. In line with its governing document, the majority of its Executive Board members are from the Gypsy and Irish Traveller communities. Leeds GATE provides support and advocacy for the Gypsy and Traveller community in the Leeds area, and in 2011 facilitated an agreement known as Negotiated Stopping. This permitted some Gypsy and Traveller families to stop temporarily on pieces of land which were not official Traveller sites.

This arrangement has been maintained, with some modification, since 2011 (see Section 3 for full details), and has benefits for Gypsies and Travellers, for the Council, police and others. Leeds GATE believes similar benefits could be achieved in other parts of the country, and submitted a bid to JRCT in early 2015 for resources to support its wider promulgation. Rather than agreeing this in full, JRCT sought evidence that such a resource would be effective, and provided a smaller amount of funding which has supported evaluation and research for this report.

This report could therefore be described as a feasibility study. It seeks to evaluate the benefits of Negotiated Stopping in Leeds, and the potential benefits that such an approach could achieve elsewhere. It also seeks to understand why this type of approach has not been adopted more widely already, and what type of initiative or resources would help to make this happen.

JRCT has posed three specific questions in this context:

1. What has Negotiated Stopping achieved in Leeds, and how has this happened?
2. To what extent could Negotiated Stopping, or something similar to it, be applied elsewhere in the country (and if it is not applicable, why not)?
3. If Negotiated Stopping can be applied elsewhere, what is needed to make this happen (what are the barriers and how might these be tackled)?

In addition to responding to these specific questions, this report also aims to inform a wider audience about the potential for Negotiated Stopping, how it might be applied, and the steps necessary to introduce this effectively.

It should be emphasised however that this report does not provide a complete 'toolkit' for introducing Negotiated Stopping. As a feasibility study, time and resources have limited the research undertaken on some aspects, and the report highlights where further research would be beneficial (see Section 6).

Section 1.3 summarises the research methods used for this report, and these include a review of many previous reports relating to Gypsy and Traveller accommodation. However, the great majority of previous studies have focused on Gypsy and Traveller accommodation and needs in particular areas, and have not taken the wider view of Gypsies and Travellers who pursue a nomadic lifestyle around the country. This report may therefore be a first, both in addressing the specific issue of Negotiated Stopping, and in taking this Gypsy and Traveller-led perspective.

1.2. Scope of this Report

This report considers Negotiated Stopping and its alternatives in Great Britain; i.e. England, Scotland and Wales but not Northern Ireland. Whilst some similarities apply in Northern Ireland, legislation and housing policy are significantly different, as are considerations for Gypsies and Travellers themselves, so the conclusions of this report may not be applicable there.

The term ‘Gypsies and Travellers’ used throughout this report refers to Romany Gypsies, Irish Travellers and Scottish Gypsy Travellers. It does not include Roma who have come to this country originally from Eastern Europe and who live mainly in “bricks and mortar” accommodation. It also excludes Travelling Show People, Bargees (those who live on inland waterways), and New Age Travellers – although there may be some overlap with this last group.

Although many Local Authorities and Gypsy and Traveller groups in different parts of the country have been consulted, this report is by no means a comprehensive assessment of policies on Gypsy and Traveller stopping places nationally. Information and guidance from the Department for Communities and Local Government (DCLG) does not yet include any national database of Local Authority policies on Gypsy and Traveller stopping. Liaison between Local Authorities in this respect is also fairly limited – see Section 5.6.

DCLG compiles a count of Traveller caravans in each Local Authority area every six months, based on information provided by Local Authorities themselves. This is in effect a series of snapshots; it does not specifically identify Negotiated Stopping-type arrangements, nor does it provide any information on the movement of Gypsies and Travellers around the country.

In addition to the conclusions in Section 6, this report makes a number of recommendations for Leeds GATE, some of which involve liaison with other organisations.

1.3. Review Methods

This report has been prepared by Andy Bagley of Real-Improvement. Andy is an experienced management consultant with extensive experience of review and evaluation methods. He also has some previous knowledge of Gypsy and Traveller communities, having worked with Leeds GATE on a number of previous studies.

The report draws information from a range of sources:

- Legislation, DCLG guidance and other government policy documents, including policy from the Welsh and Scottish Governments
- Other guidance documents, for example from ACPO (now NPCC) and Planning Aid for Scotland
- Other reports on Gypsy and Traveller accommodation issues. Previous research in this area is not extensive, although does include a previous report for the Joseph Rowntree Foundation: *Providing Gypsy and Traveller sites: contentious spaces* by Joanna Richardson, October 2007.
- Interviews with representative from Gypsy and Traveller Liaison Groups, Local Authorities, the police and other official bodies across Great Britain, broken down as follows:

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Role/Organisation	Number interviewed
Gypsy and Traveller representatives/groups	15
Local Authority representatives	8
Police	4
Others (Academic, Welsh Government)	2
TOTAL	29

- An electronic survey of attendees at Masterclass events run by Leeds GATE in late 2013 and early 2014. (This survey had a poor response rate, but those who responded presented a wide range of different perspectives, which in itself proved very valuable.)
- Attendance at a conference *We Are Community We Are Society* hosted by The Travellers Movement in London in November 2015
- Information drawn from previous GATE research and evaluations carried out by the author
- Ad hoc further information as required, gathered by telephone and email correspondence.

The author wishes to express his sincere thanks to everyone who has given their time for interviews and other contributions for this report.



Section 2: The Gypsy and Traveller Community

This section presents some background on the Gypsy and Traveller community in Britain, necessary to put this report into context.

2.1. Population and Movement

Romany Gypsies are recognised as an ethnic minority group in UK law under the Race Relations Act (amended) 2000 and Equalities Act 2010. Irish Travellers are similarly recognised as a distinct group in UK law (although are not recognised as a separate ethnic group in the Republic of Ireland – a subject of some contention). Scottish Gypsy Travellers, whilst sharing much in common with other travelling groups, have recently been recognised as a separate ethnic group in Scotland. More detail on the history and ethnicity of Gypsies and Travellers can be found on Leeds GATE web site (<http://www.leedsgate.co.uk/>)

The 2011 census was the first to include Gypsies and Travellers as separate ethnic groups, so there is no official data showing population trends over time. This census shows the Gypsy and Irish Traveller population of England and Wales at 58,000 (there are no official figures for Scotland). Only around a quarter of these live in caravans or other mobile structures, the majority live in “bricks and mortar” accommodation (this term describes permanently built housing as opposed to caravans or other mobile homes).

Whilst some Gypsies and Travellers have moved willingly into bricks and mortar accommodation, others have done so reluctantly, for health or other reasons, and would like to move back into caravans if they could. Conversely, some Gypsies and Travellers in caravans would like to move into bricks and mortar accommodation but have so far been unable to do so. Those in bricks and mortar accommodation often retain a strong ethnic identity, and remain closely associated with the Gypsy and Traveller community elsewhere.

Of those Gypsies and Travellers in caravans, most have settled permanently or long-term on socially provided or privately owned sites (see Section 3.3). Only a small proportion remain truly nomadic; there are no official figures but numbers are estimated at around 1000 caravans.

The picture is further complicated by different travelling patterns for those who move around, and by the inadequate number of permanent sites across the country. Some Gypsies and Travellers have an attachment to a particular area; for example, they may work in the area or have relatives on permanent sites or in housing nearby. Others are truly nomadic in that they move around Britain, and sometimes beyond, throughout the year.

There is no clear distinction between these two groups. For example, some people travel during the summer months only and stay on authorised sites at other times. This could be for various reasons such as work, family connections, or overcrowding on authorised sites. Moreover, whilst travelling may result in ‘unauthorised encampments’ (a general term to describe sites without the necessary permission, for example at the roadside, on public land or on private land without planning permission), it does not necessarily do so. Other options include Transit sites provided by a few Local Authorities for this purpose, staying on other authorised private sites, or “doubling up” (i.e. more than one caravan on a pitch) on authorised pitches belonging to friends or family.

2.2. Travelling Patterns

The DCLG six-monthly count shows that in England over the last ten years the number of Traveller caravans:

- on authorised socially rented sites has remained fairly constant
- on authorised private sites has grown steadily
- on unauthorised sites has declined, although this has not been a consistent trend - numbers reached a peak in 2013 before dropping down again

The graph below shows figures from the July count for the 10 years up to 2015. (Similar data is collected for Wales – see Section 2.3).

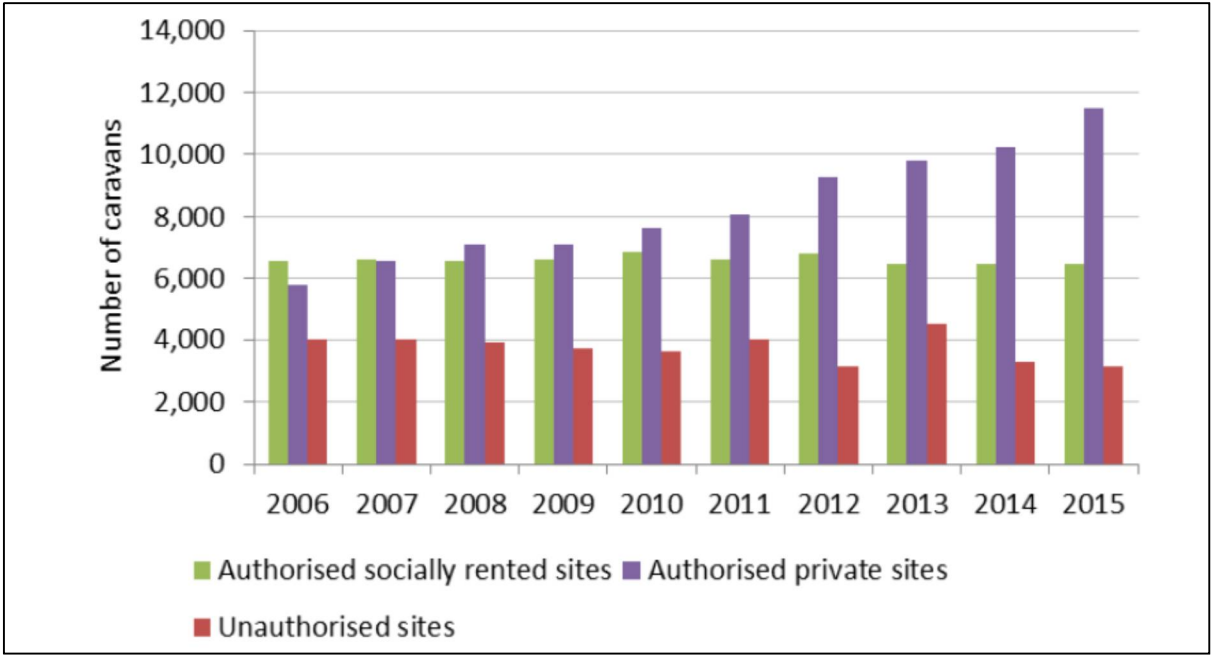


Fig2.1: Number of caravans by type of site, July 2015, England (source: DCLG)

This data is a snapshot at various points in time. It reports simply the number of caravans and their Local Authority locations; it does not give any indication of Traveller movements or evidence the extent of movement compared to fixed residence. The count also classifies sites only as residential (i.e. permanent) or transit, and hence does not distinguish the various arrangements that different Local Authorities may have, apart from classifying unauthorised sites as either “tolerated” or “not tolerated”. There are also no figures on Gypsy and Traveller movement to and from Ireland or mainland Europe, both of which are known to occur.

DCLG relies on Local Authorities to provide the figures for its analysis, hence the accuracy and robustness of these figures is open to question (although DCLG does provide guidance definitions for the count and reviews the data pre-publication).

There is some evidence that travelling has declined over recent years, although this is largely anecdotal as no detailed statistical information is held to support this. Various reasons for this possible decline have been put forward, primarily economic and social. The types of work that Gypsies and Travellers have traditionally done are less available than in years past, and seasonal agricultural workers face increased competition from European and other migrants. The difficulty of finding suitable stopping places is also a deterrent for those who wish to be truly nomadic.

This is further complicated by the latest government guidance from August 2015, which may force people to prove they are Travellers – see subsection 2.3 below.

2.3. The Law and Government Guidance

Accommodation for Gypsies and Travellers has been a matter of long-standing concerns. The following quotes come from a UK Government report: *Gypsies and Other Travellers* published in September 1967 – almost 50 years ago. Many would argue that little has changed since then.

“The idealised notion of the free traditional Gypsy way of life is thus far removed from the present day reality, which is, for the majority of Travellers, a life lived within a hostile settled society, where they have little opportunity of achieving acceptable living standards”

“A variety of provision is probably the best answer: housing for those who wish to be housed: permanent pitches for those waiting to be housed or who prefer site life...short stay pitches for those who travel continually from place to place...”

“There would be no need for any authority continually to spend money and effort moving families on...”

“Very many more (sites) are urgently required if the intensification of present difficulties is not to outstrip attempts to eradicate them.”

England

All English Local Authorities are required to include the needs of Gypsies and Travellers when reviewing housing needs for their area. This requires a Gypsy and Traveller Accommodation Needs Assessment (GTANA) to be carried out either as part of a Strategic Housing Market Assessment in respect of the local community generally, or separately where a Strategic Housing Market Assessment is not being conducted at that time (DCLG: *Gypsy and Traveller Accommodation Needs Assessments*, October 2007). This is intended to identify current and future needs both for permanent Gypsy and Traveller residents and for more transient groups. There are no nationally set Government targets for the number of pitches that a Local Authority must provide.

Progress in addressing the needs identified by GTANAs has generally been slow however. Many Local Authorities have found it difficult to identify land that is suitable for new permanent pitches, particularly where they face opposition from the local settled community. Even where possible sites have been identified, local residents’ concerns or environmental considerations have often made it difficult to secure the necessary planning permission.

To some extent the development of new private sites (mostly on land owned by Gypsies and Travellers themselves) has alleviated the situation. However, such development has been slow and has not kept up with demand. It is also comparatively difficult for Gypsies and Travellers to secure planning permission for private sites even where they own the land (see Section 3.3).

Amendments to Government planning policy from 31 August 2015 have also introduced a number of changes, the most significant of which are:

- It removed the words “or permanently” from the definition of Gypsies and Travellers. This means that Gypsies and Travellers who have ceased travelling permanently will no longer be

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classified as such, and hence will not be able to apply for planning permission for a Traveller site even if they own the land.

- It tightened rules on use of greenbelt land by making the lack of permanent sites just a “material consideration” rather than a “significant material consideration”. This has the effect of making it even more difficult than previously to obtain planning permission for private sites on such land

The situation could be exacerbated by proposed changes to the Housing Act, which would remove the duty on Local Authorities to assess the specific accommodation needs of Gypsies and Travellers in their area, and the guidance on how this is undertaken. These communities’ accommodation needs would form part of the general housing need assessment, which simply requires authorities to assess the needs of “all the people residing in or resorting to their district” – although ministers are saying that Local Authorities still have to assess and understand Gypsy and Travellers needs.

It is too early to assess the impact of these changes in practice, although some Gypsy and Traveller representatives are considering legal challenges to this guidance. There is also speculation that some Gypsies and Travellers may feel they need to “keep moving” in order to retain their Gypsy/Traveller status for planning purposes.

All this leads to continuing use of unauthorised encampments by Gypsies and Travellers. To evict from such sites on their land, Local Authorities can use County Court Civil Procedure Rules Part 55 or the Criminal Justice and Public Order Act (CJPOA) Section 77 (the term “enforcement” throughout this report relates to the use of such powers). Government guidance is that Local Authorities should always use court action rather than common law powers of eviction. Guidance (which dates from 2006 but is still in force) also requires Local Authorities to take account of welfare considerations before seeking to evict an unauthorised encampment – although Local authorities’ interpretation of this guidance varies significantly in practice.



Scotland

The law in Scotland differs from that in England, although this currently makes little difference in practice to the situation for Gypsies and Travellers. Whilst there was at one time a broad policy of tolerating unauthorised encampments that were not causing problems, the Scottish Government now devolves decisions to Local Authorities, and there is little centralised information on the

national picture. The Scottish Government is currently working with stakeholders to develop an overarching strategy and action plan for Gypsy/Travellers in Scotland, aiming to achieve:

- a reduction in discrimination against them and more positive attitudes towards their culture and way of life;
- improvements in their quality of life and life outcomes;
- an increase in understanding of their needs among service providers and commissioners, which are addressed through provision of a national action plan to address identified needs; and
- an increase in mutual understanding and respect with the settled community.

This strategy is understood to be in development and has yet to be promulgated nationally.

Planning Aid Scotland has also produced a series of five guides on *Gypsy/Travellers and the Scottish Planning System*. The guides are for (i) Gypsies and Travellers themselves (ii) Local Authorities (iii) Elected Members (iv) Community Councillors and (v) the media. These guides note the vicious circle caused by lack of adequate Gypsy/Traveller accommodation, and this illustration is reproduced in Section 6 of this report.

Wales

The position in Wales is significantly different, mainly due to the Housing Act (Wales) 2014. This requires every Welsh Local Authority to carry out an assessment of the accommodation needs of Gypsies and Travellers “residing in or resorting to its area” (i.e. permanent and transient residents) within one year of implementation. It further requires them to report the results of this assessment to Welsh Ministers and to take action to meet the needs identified. (This provision commenced in February 2015; all Welsh Local Authorities are due to report by February 2016 and take action to address their findings from March 2016.)

Whilst this legislation should prompt action faster than in England or Scotland, many unauthorised encampments currently exist, and there are currently no official transit sites in Wales. Many Travellers in Wales move through either the North of the country (along the A55 to/from Holyhead) or the South (along the M4 and beyond to/from Pembroke), and the intention is that Local Authority plans should address the needs of those who travel through as well as Gypsies and Travellers who reside mainly in one area.

The Welsh Government currently carries out the same 6-monthly Traveller count as in England, and plans to develop this further into a live online system. This will allow Welsh Local Authorities to input data at any time, hence giving a ‘moving picture’ of Gypsy and Traveller numbers and sites as they come and go (NB: This will not track the movements of individual families or their vehicles). As well as providing better information to the Welsh Government, this data should also help Welsh Local Authorities plan suitable provision in their areas.

2.4. Police Role and Involvement

Unauthorised encampment is not a criminal offence (trespass is a civil matter), and police powers to move Gypsies and Travellers on are limited to Sections 61 and 62 of the Criminal Justice and Public Order Act 1994 (CJPOA). Section 61 gives the police power to direct trespassers to leave land, but only if the occupier (landowner) has taken “reasonable steps” to ask them to leave *and* either some damage threatening behaviour has occurred or there are six or more vehicles on the land. The practicalities of implementing this can be complex; it is certainly not automatic that police will be able to use Section 61 powers to remove an unauthorised encampment.

Section 62 allows the police to direct trespassers to another site where a suitable pitch is available “on a relevant caravan site” within the area. This is rarely used in practice, because the shortage of alternative Gypsy and Traveller accommodation means that it is very unusual for the police to have anywhere to direct them to. This power could however be used to direct Gypsies and Travellers to a suitable Negotiated Stopping site if it had space available.

Police may also be involved if an eviction order has been granted and Gypsies/Travellers on the land resist attempts to move them. This is rare however – the infamous Dale Farm instance is exceptional and in the vast majority of cases Gypsies and Travellers move from unauthorised sites before any eviction needs to be enforced. (Dale Farm was in any case an unauthorised development of an existing site rather than an unauthorised encampment.)

Beyond this, the police role for Gypsies and Travellers is the same as for all other communities: they should investigate allegations of crimes both by and against Gypsies and Travellers, as well as protecting these communities.

Police cooperation with Local Authorities is often good; in a number of areas local protocols have been developed between Local Authorities and the police, sometimes including other official bodies as well (e.g. HMRC, DWP). The example on the next page shows a protocol developed in 2012 between the Metropolitan Police and the London Borough of Hackney (LBH), as part of that Council’s ‘Leniency Agreement’ (see Section 3.1).

2.5. Gypsy and Traveller Representation

Leeds GATE is an example of a Gypsy and Traveller representative/liaison organisation working on behalf of the community. Similar organisations exist in other parts of the country, some with a national role (e.g. the Traveller Movement, National Federation of Gypsy and Traveller Liaison Groups), others working purely locally. Some liaison is provided via DCLG and the All-Party Parliamentary group on Gypsies and Travellers which also brings different groups together, but this is fairly limited.

As a result, support and representation of the Gypsy and Traveller community is patchy, and there are many parts of the country where Gypsies and Travellers do not have a local representative voice to speak on their behalf. It is probably fair to say that Gypsies and Travellers are under-represented compared to other minority groups. This, together with the limited education of some older Gypsies and Travellers, undoubtedly limits their capacity to negotiate with Local Authorities.



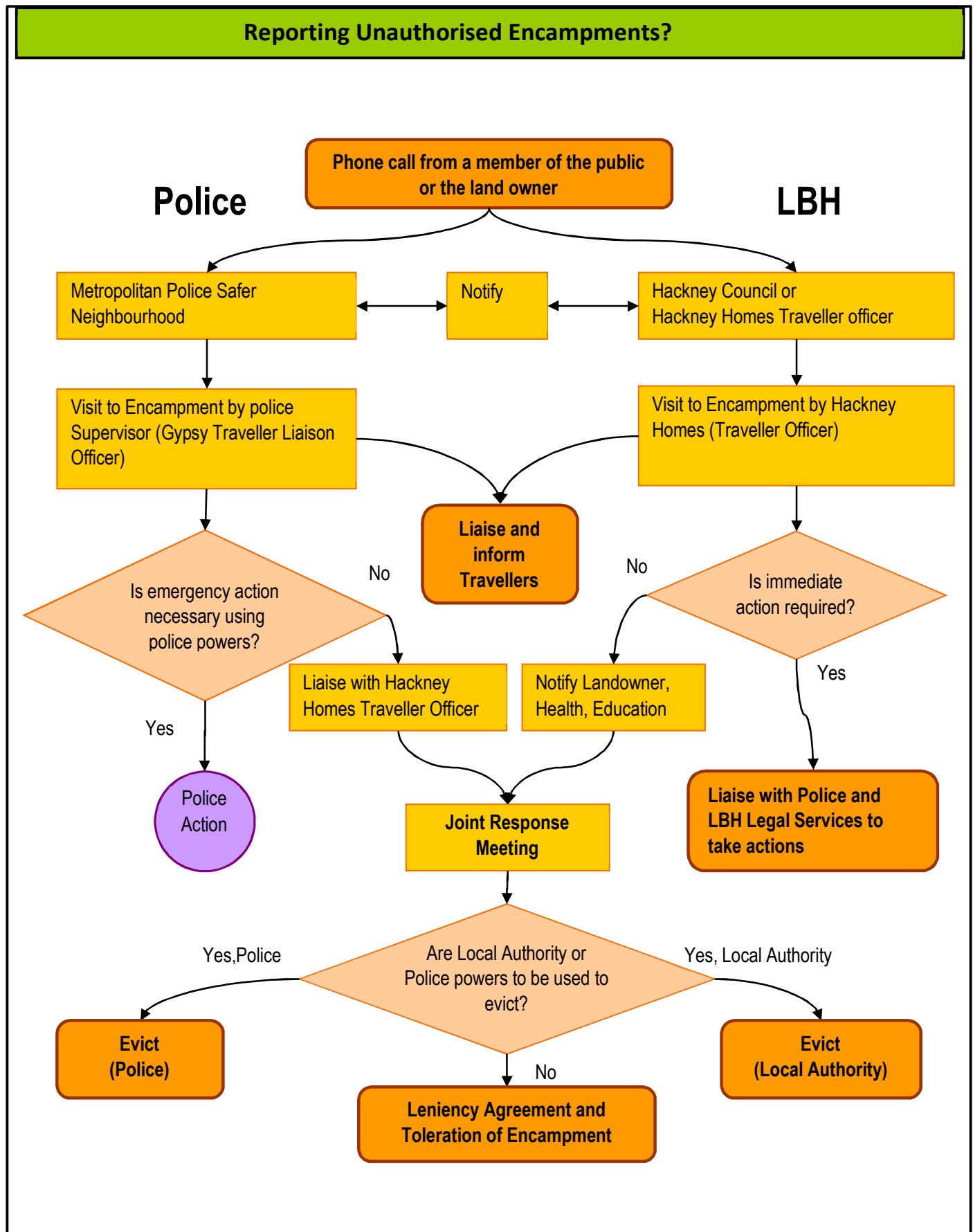


Fig.2.2. Example of Joint Protocol between Police and Local Authority

Section 3: Findings – Basis of Negotiated Stopping

3.1. What is Negotiated Stopping?

Negotiated Stopping is a term used by Leeds GATE and Leeds City Council, though it can be applied more generally. It describes a situation where some agreement has been reached between the Local Authority and Gypsies/Travellers which allows them to stay temporarily on a particular piece of land which is not an official site, as an alternative to repeated evictions. In return, the Gypsies/Travellers agree to certain conditions on behaviour, tidiness of the site and length of stay. In Leeds this is a formal written agreement between the Council and individual Gypsies and Travellers on the site.

Negotiated Stopping may be best defined by comparison with some other options available to Local Authorities, summarised in the table below.

Option	Permanent Sites	Transit Sites	Negotiated Stopping	Temporary “Toleration”
Definition	Private or socially-rented sites for permanent occupation	Sites established by LAs for temporary use by Gypsies/Travellers	Site agreed by Gypsies/Travellers and LA as suitable for temporary occupation	Unauthorised sites where LA decides to “tolerate” short occupation rather than evict immediately
Duration of stay	Long-term to permanent	Usually 28 days to 3 months	Varies by agreement, a few months or can be longer	A few days to a few weeks
Facilities	Permanent facilities on-site	Utility block usually provided plus toilets and refuse collection	Facilities arranged by agreement with LA - often depends on duration of stay	Generally no facilities, although LA may provide portaloos and refuse collection

A key difference between Negotiated Stopping and transit sites is that a transit site is permanent although the residents will change. With Negotiated Stopping, the reverse can apply: the same residents may move periodically between different sites.

The dividing line between Negotiated Stopping and temporary toleration can be blurred. Essentially a Negotiated Stopping site is likely to be more suitable both for Gypsies and Travellers and for the Local Authority than an ad hoc stopping arrangement where there is no negotiation. Negotiated Stopping involves some proactive engagement rather than the Local Authority simply “turning a blind eye” to an unauthorised encampment.

Negotiated Stopping is a flexible term, and includes a number of variations on this theme:

EXAMPLE: Rochdale Borough Council has established a negotiated stopping site similar to that used in Leeds. This is based on unused Council-owned land identified for the purpose, and can be used by Gypsies/Travellers with local connections and also by those ‘passing through’. The Council also has an ‘emergency’ site for use when numbers get too large for the negotiated stopping site. The Council regards the scheme as a success, as it has largely solved the problems they previously had with unauthorised encampments in the area

EXAMPLE: Agreements do not have to be in writing. Fenland District Council has a high Gypsy and Traveller population, and meets their accommodation needs through a range of provision:

- A substantial number of private and Local Authority sites
- A high-quality transit site
- Verbal agreements that allow Gypsies/Travellers to stop at other (unauthorised) locations for a short period – normally a few days.

This approach has been made possible through consistent and positive engagement with Gypsy and Traveller communities in the area. The Council has a zero budget for dealing with unauthorised encampments, and has not had to take any enforcement action, or involve the police, for more than ten years.

EXAMPLE: Example: The London Borough of Hackney operates what it terms a ‘leniency agreement’. This allows Gypsies and Travellers to stop on land for a period of time with agreement from the Council. Whilst in principle the option of issuing an agreement remains in force (the protocol shown in Section 2.4 still allows for a leniency agreement), in practice this has been used a great deal less in recent years and there has been an increased number of evictions. This could be due to less available and suitable land following the London 2012 Olympics and other regeneration schemes. It is also believed that there was pressure on Council officers not to have unauthorised encampments ‘visible’ during the 2012 Olympics.

More generally in London, The GLA’s Housing Committee recommended to the Mayor in January 2015 that the GLA should work with the boroughs on a pilot scheme for London, based on “the success of Leeds Council’s toleration sites”. This recommendation has yet to be actioned however.

EXAMPLE: For some years an arrangement existed in North Norfolk known as the Frankham Bond. Named after Eli Frankham, the Romany Gypsy who developed the idea, it involved Gypsies/Travellers being allowed to stay on temporary sites in exchange for a bond of £50. The bond would be forfeited if any problems occurred or if rubbish was left when the site was vacated. Eli Frankham died in 2000, and this arrangement appears to have fallen into disuse in recent years.

EXAMPLE: Example: Following court action, a group of neighbouring Local Authorities in the North of England has arranged between them that a particular Gypsy family (two caravans) will move around different ‘unofficial’ sites in rotation over the course of a year. The family spends no more than four weeks per year on each site, hence planning permission is not an issue (see Section 5.4).

A common feature in all of these examples (including Leeds) is the need for “political will” to change the cycle of continual evictions and introduce and maintain negotiated agreements. Key individuals – Council officers, Elected Members, or both – have taken the initiative in negotiating with Gypsies/Travellers and their representatives. Conversely, where political will is lacking, negotiation appears to be hard to achieve or arrangements fall into disuse.

3.2. Negotiated Stopping in Leeds

Background and History

Negotiated Stopping in Leeds began in 2010 following a Leeds City Council Neighbourhoods and Environment Scrutiny Panel into Gypsy and Traveller site provision. The panel received submissions from a range of contributors including Leeds GATE and directly from Gypsies and Travellers living on Leeds unauthorised encampments. In the first of twelve recommendations, the Scrutiny Panel suggested that the Council should pilot a 'Negotiated Stopping' scheme.

Leeds City Council has always recognised that the best solution is to provide sufficient permanent pitches for Leeds-based Gypsies and Travellers. This has consistently proved difficult to achieve in practice however, particularly when the Council's decision to extend its existing Cottingley Springs sites was subsequently overturned by the Secretary of State. The idea of Negotiated Stopping as an alternative is understood to have come originally from the Gypsy and Traveller families themselves, supported by Leeds GATE. The Council's Housing Department then helped to develop the details of the scheme, in partnership with GATE and the families themselves.

The Council's Chief Housing Officer was tasked to lead a review of suitable locations, and the first of the Negotiated Stopping sites came into use in May 2011 in the Holbeck area of the city (a site from which the families had previously been evicted). An agreement was drawn up to last three months; the Council agreed to provide refuse collection and 'portaloo' toilets for each family, whilst the families themselves agreed to certain standards for occupying the site.

At the end of the agreed period, the families moved from Holbeck to a new location in Lincoln Green. The timescales initially planned for this site were extended, but when the time came for families to move on, problems arose because no new Negotiated Stopping site had been identified. There followed a difficult period with the camp being moved around a number of different locations, including Armley and Meanwood, at the instigation of the families though with pressure from the Council. Whilst the makeup of these different camps varied, with some families joining and leaving at different times, a core group of Leeds-based families remained part of the camp throughout.

Eventually a breakthrough was achieved when in 2013 the Council identified a site just south of the city centre at Kidacre Street. The site was close to shopping services and the motorway network, had good quality hard standing and had few residential dwellings close by. It was also well shielded visually due to its topography, a factor which the Gypsy and Traveller families also welcomed.

The families agreed the location but asked for some improvements, such as extension of the tarmacked surface, vegetation cutback and waste clean-up (a water supply was also installed later). This work was approved by the Council, based upon savings they anticipated compared to the cost of dealing with unauthorised encampments. The families eventually moved on to onto this new site in April 2014, and again, agreements were signed by the families and the Council. The Negotiated Stopping site has remained at Kidacre Street since April 2014. Some families have come and gone over this period, with their Negotiated Stopping agreements addressed on a case by case basis. Other families have remained on the Kidacre Street site throughout. The number of caravans on the site has correspondingly varied slightly over time, but is normally about ten.

In November 2014 the Kidacre Street site was granted temporary planning permission for three years. At that time, it appeared that a permanent site on this location was not an option as it was on the proposed HS2 rail route. Latest plans indicate that this is no longer the case however, and so the option of making Kidacre Street a permanent site is being pursued.



Leeds City Council

Leeds City Council continues to pursue its preferred solution of sufficient permanent sites and pitches for Leeds Gypsies and Travellers. In the meantime, it regards Negotiated Stopping as the best alternative solution. Its criteria for suitable sites include:

- the land should be a 'defensible space'; i.e. the land available is restricted and any encampment is therefore restricted in size
- there should be some 'buy-in' among local business owners, the police and elected members
- the location is safe for the families and they are prepared to stay there.

Long-term availability of the land is not a consideration for Negotiated Stopping, except insofar as a new site is needed when an existing one becomes unavailable.

The Council sees many advantages to Negotiated Stopping over the alternative of continually evicting the same groups from different unauthorised encampments:

- There are substantial cost savings for the Council. A figure of £1,994,000 is quoted for legal and clean-up costs incurred in dealing with unauthorised encampments between 2003 and 2010. Although some costs have been incurred in setting up and running the negotiated stopping sites, these are considerably less.
- It helps to foster good relations with the Gypsy and Traveller community generally – not just those on the Negotiated Stopping site itself, but also those on permanent sites who know them and appreciate the Council's efforts.
- It eases tensions with the local settled community, who are reassured by understanding that a Gypsy and Traveller site is temporary. This is supported by West Yorkshire Police, who have noted a significant reduction in complaints from the public since Negotiated Stopping has been introduced.

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- Perhaps most important of all, it is part of treating people with dignity and respect. The Council believes that Gypsies and Travellers, like all of its citizens, should be able to access good local services and facilities, without having their lives disrupted.

Because it is designed for Leeds-based Gypsies and Travellers, Negotiated Stopping reduces but does not eradicate unauthorised encampments around Leeds. These still occur when Gypsies and Travellers are either visiting Leeds (e.g. for funerals or other events) or are passing through on their way somewhere else. Here the Council's policy is similar to "toleration" as described in Section 3.3.

In practice the Council treats each instance on its merits, and will ascertain people's intentions (e.g. how long they plan to stay) as well as making welfare enquiries. If the location is not a sensitive one, a stopping time will be agreed and any necessary facilities (e.g. refuse collection) provided. Only as a last resort, if a particular Gypsy/Traveller group is uncooperative, is enforcement action taken.

The Council views Negotiated Stopping as a partnership. Keys to its success have been:

- the positive support both of Council officers and of elected members, including respect for the traditions and way of life of the Gypsy and Traveller community
- direct negotiation with Gypsies and Travellers themselves, supported by Leeds GATE, whose role has been important and is greatly valued by the Council
- movement and compromise by both sides, motivated by a desire to overcome the antipathy and resentment that many years of discrimination against Gypsies and Travellers has caused

Negotiated Stopping was devised purely as a local solution to meet a local need rather than as a "template" for use elsewhere. However, both Leeds City Council and GATE have had many enquiries from other parts of the country on how the scheme was established and how it works in practice. GATE has also helped to disseminate this information more widely, at conferences and through "masterclass" events it ran in late 2013 and early 2014.

West Yorkshire Police

General police powers and responsibilities for Gypsies and Travellers are covered in Section 2.4, and these apply to West Yorkshire Police (who cover Leeds) in the same way as other areas. West Yorkshire Police strongly support Leeds' Negotiated Stopping policy for several reasons:

- It has significantly reduced the number of unauthorised encampments in the Leeds area, and hence the amount of police time needed to deal with various aspects of these.
- It reduces concerns from the settled community, hence the police spend less time dealing with complaints from the public about unauthorised encampments.
- Police have got to know the Gypsy and Traveller families on the Negotiated Stopping sites, in a similar way to those on Leeds' permanent sites. This makes all aspects of policing easier, including protecting these communities.
- It supports wider engagement with Gypsies and Travellers, as one of a number of disadvantaged and hard-to-reach groups that the police actively try to establish better relations with. In Leeds this applies not just to residents on the Negotiated Stopping site itself but also to those on the Council's Cottingley Springs sites, as the two groups have many links.

Like the Council, West Yorkshire Police recognise that unauthorised encampments still exist; they estimate around 45-50 per year where prior to Negotiated Stopping there were more than 70. They also recognise that this reduction not only saves time for officers with a Gypsy/Traveller liaison role, but has a positive influence on other police services as well as the Local Authority and elected representatives.

3.3. Alternatives for Local Authorities

As noted in Section 2.3, Local Authorities are required to meet Gypsy and Traveller accommodation needs. Negotiated Stopping therefore needs to be compared with other options open to Local Authorities.

Permanent Sites – Council-Owned or Housing Association-Owned

These are permanent sites owned either by the Local Authority or by another social housing body. They comprise a number of designated pitches, each of which is usually built to accommodate one touring caravan and one mobile home for the family occupying it. In practice, overcrowding often means that pitches are “doubled up”, with more than one caravan (family) parked on them. Some Local Authorities, including Leeds adjust the rent charged when this occurs.

Gypsies and Travellers on these pitches are classified as tenants and pay rent for the site and services. If eligible, they are entitled to Housing Benefit in the normal way.

Permanent sites – either publicly or privately owned – are acknowledged as presenting the best long-term solution to the shortage of Gypsy and Traveller accommodation across the country. The two main limitations to this solution are:

- the difficulty in securing agreement on suitable locations for permanent Gypsy and Traveller sites (Leeds itself is an example of this: the Council’s plans, developed over a number of years, to increase the number of pitches at its Cottingley Springs sites were eventually overturned by the Secretary of State)
- as outlined in Section 2, some Gypsies and Travellers maintain a continuing nomadic lifestyle for all or part of the year, and do not wish to be limited to a single permanent location.

Permanent Sites – Privately Owned

These are permanent sites with planning permission where the land is owned by private individuals, who may themselves be members of the Gypsy and Traveller community. Some of these sites accommodate just one caravan or one family group; others are larger and residents make their own arrangements for rent and services with the landowner.

Figures from DCLG indicate that the number of caravans on private sites has steadily increased over the years (see Section 2.2). However, this solution runs into the same problem as publicly owned sites: that of finding suitable land. DCLG planning statistics show that the success rate for Traveller site applications is consistently below that for ‘bricks and mortar’ housing: Between 2010 and 2015, major Traveller site applications were on average 11.6% less likely to be granted when compared to applications for major Dwellings. For the same period minor Traveller site applications were on average 17.8% less likely to be granted permission compared with applications for minor dwellings (source: *The Traveller Movement: Note on Planning Application Success Rates for Traveller Sites compared to Residential Dwellings*, September 2015).

Transit Sites

Transit sites are an approach designed to accommodate those Gypsies and Travellers who maintain a nomadic lifestyle. These sites are normally set up and maintained by Local Authorities, and provide accommodation for Gypsies and Travellers for a temporary period, usually up to a maximum of three months. They are classified as permanent sites in that their location is fixed and they require planning permission, even though they may be unoccupied for part of the year. Rental is charged for pitches in a similar way to permanent sites.

Whilst in principle transit sites present a solution for nomadic Gypsies and Travellers, there are two main problems:

- such sites are very scarce – very few Local Authorities have established transit sites
- some of those that do exist are considered by Gypsies and Travellers to be in unsuitable locations, for example far from local shops and services, and tend to be little used for this reason.

“Toleration”

“Toleration” (not an ideal word but widely used) describes the practice of allowing Gypsies and Travellers to remain on unauthorised sites for a short period, provided that they are not seen as causing a problem to others. Some such locations may be very short-term (e.g. less than 24 hours), others may exist for up to a few weeks. There is often some contact between the Local Authority and Gypsies and Travellers on such “tolerated” sites, for example to ask how long they plan to stay and/or to carry out health and welfare checks. This is not necessarily the case however; in some instances, the Local Authority may simply “turn a blind eye” to such temporary encampments.

There is no hard and fast dividing line between this kind of toleration policy and that of Negotiated Stopping. The difference is essentially the extent of proactive negotiation that takes place between the Local Authority and the Gypsy/Travellers. If there is some discussion around the suitability of the site, length of stay, behaviours and any services provided (e.g. refuse collection) then this may be considered Negotiated Stopping even if there is no formal agreement in writing.



Designated Stopping Sites or Temporary Stop Over Areas

This is a variation on the toleration theme where the Local Authority itself identifies land that may be suitable for temporary “tolerated” stopping, even though this is not an official site. North-East Lincolnshire Council uses the term Designated Stopover for a temporary site that it has identified for this purpose. The site is not suitable for a permanent transit site (due to flood risk) but would be suitable for more limited use by Travellers moving through the area.

Temporary Stop Over Areas are used by Durham County Council. On locations that are considered suitable, unauthorised encampments may be accepted for a period, as negotiated with those on the site. On areas that are unsuitable, a Temporary Stop Over Area (TSOA) may be offered (if available). These are locations that the Council has identified as suitable for this purpose, and a period of stay as well as agreements on conduct are negotiated with the Gypsies/Travellers on the site.

If this is done without consultation with the Gypsy and Traveller community, the risks are similar to those of transit sites: Gypsies and Travellers themselves may not consider the land suitable, so may not use them. However, negotiation in this instance can be difficult if there is no fixed or regular Gypsy and Traveller group to negotiate with; the best option may be to discuss proposals with other Gypsy and Traveller representatives in the area.

The planning permission issues relating to such designated areas also need to be considered. If Local Authorities propose to use the same location on a regular basis, then this is likely to require planning permission in the same way as transit sites. Depending on the length of stay, Negotiated Stopping may avoid this because the sites are not permanent (Section 4.5 covers planning permission issues in more detail).

“Zero Tolerance” of Unauthorised Encampments

The alternative to the options above, adopted by many Local Authorities, is that of “zero tolerance” to unauthorised encampments, i.e. they will take immediate enforcement action to evict Gypsies and Travellers from any unauthorised site on public land in their area. Since trespass is a civil and not a criminal offence, the Local Authority can normally do this only by obtaining a possession order through the courts. This immediate enforcement approach usually takes at least a few days even if it is unopposed, and the court should be satisfied that the authority has made health and welfare checks before it will agree enforcement.

Often, the result of this enforcement action is that the Gypsies and Travellers simply move on to another unauthorised location. This may be in the same Local Authority area or a neighbouring one, or they may move further afield; this depends largely on the Gypsies and Travellers concerned and the extent of their attachment to a particular area (see Section 2.2).

In a recent, and quite extreme, example of this approach, Harlow Council has obtained an injunction against 35 named individuals, prohibiting them from “setting up an encampment on any land within the district of Harlow”. The injunction also prohibits anyone else from setting up an encampment on any of a long list of locations within the district. The legal costs of securing this injunction are understood to be very high however, and there is no guarantee that it will be extended after its expiry in June 2017.

3.4. Intended Benefits of Negotiated Stopping

Negotiated Stopping aims to create a win-win situation for everyone concerned:

- Gypsies and Travellers themselves have the assurance of relative stability for a period of time. They can meet needs such as health and children's education more easily than if they were continually being moved on. They also have greater safety and security, including the safety of young children playing, than if they were living roadside.
- Local Authorities can reduce the costs of dealing with unauthorised encampments in their area (the main costs are those of legal action for eviction/enforcement, and of clearing waste from a site after it has been used – see Section 4.1).
- Police costs can also be reduced, in addition to which it is easier for police representatives to liaise with Gypsy and Traveller groups whose location is fixed at least for a period of time.
- Other agencies, such as the NHS, can engage much better and more efficiently than with Gypsy and Traveller groups who are continually on the move.
- Whilst local residents of the settled community might oppose a permanent site, they may be less opposed to a site that they know will be there only for a limited period of time.

The following sections of this report examine the extent to which these aims are achieved in Leeds and elsewhere. They also consider barriers to wider implementation of Negotiated Stopping, and how these might be addressed.



Section 4: Findings – Costs and Benefits of Negotiated Stopping

This section summarises available evidence on the costs and potential savings of Negotiated Stopping compared to repeated eviction of unauthorised encampments. It applies principally to situations where Gypsies and Travellers stay in a particular area for all or part of the year, although may also be relevant to more transient populations.

It should be emphasised that in most situations the best solution is to provide sufficient permanent sites, including transit sites, to meet Gypsy and Traveller needs. Given the difficulties that many Local Authorities experience in doing this however, Negotiated Stopping is considered as an alternative – and hopefully temporary – solution.

4.1. Costs of Eviction/Enforcement Action

This considers the costs to Local Authorities and the police of a policy of immediate eviction of all unauthorised encampments. These costs will include:

- a) legal costs and court fees for enforcement action
- b) the cost of clearing the site after the Gypsies/Travellers have left
- c) other costs of staff time, including the need to carry out health and welfare checks and address any health and safety issues
- d) costs to the police of officer and staff time, and associated overheads

Some examples of these costs have been gathered from Local Authorities in different parts of the country. The figures vary significantly, due to a number of factors:

- Number of enforcements undertaken
- The size of the unauthorised sites
- The type of legal process selected
- Whether evictions are resisted through legal challenges
- The extent of clear-up needed after an unauthorised encampment is vacated (this may include removal and storage of vehicles)
- Whether the Council uses in-house legal staff or external solicitors
- Variations in how the figures are calculated (see below – it is not clear whether the cost of council officer time is included in some of these examples)

Many other examples can be found in local press/media reports from around the country, which quote costs to Local Authorities. However, the source and reliability of these figures is uncertain, so only official sources are quoted in the examples below.



Costs to Local Authorities

EXAMPLE – Leeds City Council: Papers from the original scrutiny review in 2011 quote an estimate of just over £1,994,000 for the period 2003 to 2010, before Negotiated Stopping was introduced. The breakdown of this figure is shown below.

	Total costs £	of which, Legal costs £
2003/04	143,560	-
2004/05	232,518	-
2005/06	240,885	24,837
2006/07	135,091	11,203
2007/08	259,806	15,504
2008/09	266,353	42,670
2009/10	335,995	15,073
2010/11	329,853*	*estimated cost to date
Total 2003-2010	1,944,061	

EXAMPLE – Brighton and Hove Council. A Freedom of Information response from the Council in November 2015 quotes eviction costs for the year 2014/15 as totalling £80,161.06. This figure is broken down as follows:

- Legal costs (inclusive of court fees): £44,959.20
- Professional fees (high court sheriffs and process server) - £23,680
- Vehicle recovery, removal and storage: £11,521.86

These costs do not include staff time or other internal resources, which are not recorded separately.

EXAMPLE – Devon County Council. The Council has a number of “longer term unauthorised but tolerated encampments” across the county (13 in 2014-15). The Gypsy and Traveller Liaison Service Annual Report for 2014/15 (<https://new.devon.gov.uk/educationandfamilies/family-support/gypsies-and-travellers>) includes a breakdown of comparative costs, showing how much more it would cost if the Council decided to evict Gypsy and Traveller groups “on a routine basis”. This calculates an annual saving to the Council of £84,533.

The report also notes that, once evicted from one site, many groups simply move on to another Council-owned site, resulting in multiple actions against the same group, and that the calculation also does not take account of the human cost of such an approach.

EXAMPLE – Dorset County Council: The Council's web site

(<https://www.dorsetforyou.com/article/411843/Costs-relating-to-Gypsies-and-Travellers>) estimates that it saves Council Tax payers around £400,000 each year through taking a balanced approach rather than immediate eviction in all cases (no breakdown of this figure is provided).

EXAMPLE – Manchester City Council. A report to the Executive in December 2014 states that the Council has incurred costs in the region of £100,000 over the previous three years in dealing with unauthorised encampments. It proposes (amongst other things) that the Council should provide a new short-stay transit site to address this.

EXAMPLE – Scottish Local Authority. A briefing paper prepared for Members quotes legal costs of £12,944 and clear-up costs of £3,609 over a four-month period from April 2015. It compares these costs with an alternative approach very similar to Negotiated Stopping which has been piloted recently with one encampment; here, legal and clean-up costs have been zero.

EXAMPLE – Aberdeen City Council. A Freedom of Information response from 2013 shows eviction costs to the Council totalling £15,690.81 and clear-up costs of £30,715.79 over the previous three years. Council solicitors handle the legal side of evictions.

Costs to the Police

The cost to police services nationally of responding to unauthorised encampments is not currently available (though such data is being considered). Examples from two forces however – West Yorkshire Police and Cheshire Constabulary – illustrate the potential for savings.

WEST YORKSHIRE POLICE

Prior to Negotiated Stopping, Leeds-based Gypsies and Travellers living roadside were subject to a continuous cycle of evictions from unauthorised encampments. Each new encampment needed an initial visit to assess it, frequent follow-up visits, and further costs if CJPO Section 61 was used as the means of eviction. Police time spent in this way also reduced resources available for other priorities, meant people waited longer for a police response, and generally weakened public confidence in the service.

In addition, each new encampment triggered a large number of calls from settled residents nearby who were fearful or concerned. Police time was taken up both in receiving these calls and in replying to them – often to explain the limitations of police powers in these situations. The Neighbourhood Inspector would also have to respond to emails and calls from local Councillors and residents' groups.

For all of these activities, total police costs have been estimated at up to £1500 per encampment, plus £200 for each day that unauthorised encampment remained. Some of these costs still arise where non Leeds-based Travellers set up such encampments, but the level of activity required is much less than it was prior to Negotiated Stopping.

CHESHIRE CONSTABULARY

The police have worked over many years with the four unitary Local Authorities in Cheshire, as part of the Cheshire Gypsy and Traveller Strategic Partnership. Whilst Negotiated Stopping as such is not in place, all four Local Authorities have taken steps to improve permanent and transit site provision, and three of them have recently increased the number of pitches provided.

As a result of this work, the number of unauthorised encampments in Cheshire has significantly reduced – from 317 in 2006 to 146 in 2015 (a reduction of more than 50%). The county now has a Sub-Regional Traveller Unit which includes two police constables working full-time as members of this team. The cost of this to the police (including all on-costs) is approximately £94,000 per year. It is difficult to speculate what the corresponding costs might be if the reduction in unauthorised encampments had not been achieved, particularly as earlier unauthorised encampments were much more contentious than those which still occur. However, it is fair to assume these costs would be a great deal higher.

Like West Yorkshire, Cheshire Constabulary recognise that containing police costs in this way also enables a better service to be provided to the wider community.

4.2. Costs of Managing Negotiated Stopping Sites

The comparative cost to Local Authorities of a Negotiated Stopping arrangement partly depends on the negotiation. It could be limited to a small amount of Council staff time if no facilities are provided, but is more likely to include some or all of

- a) refuse collection and disposal
- b) provision and maintenance of portable toilets
- c) connection to a water supply or provision of large water containers
- d) other work needed to make the site suitable for occupation
- e) some Local Authority liaison time

The first two of these are essentially running costs. For comparison purposes, refuse collection costs for local authorities average roughly £50 per household per year, and portaloos hire costs around £25 per week (£1,300 per year) including maintenance (less if the Council has its own). So providing these facilities for a site of, say, six caravans over six months might cost around £2,000.

(c) and (d) above are one-off 'set-up' costs, and may not be needed at all. It is impossible to give any average if they are, but for the current Kidacre Street site, Leeds City Council estimated that it could recoup these costs (through reduced need for evictions) in just a few months, whereas the site has now been in operation for more than 18 months (see Section 3.2).

The question of payment for these facilities is covered in Section 5.5 (Leeds does not currently collect any payment as no formal tenancy agreement exists). The site in Leeds also has portable showers, but this is unusual and reflects the relatively long-term nature of this site.

4.3. Other Cost Issues

From enquiries, it is evident that some Local Authorities are also concerned about potential longer-term cost issues associated with an increased Gypsy and Traveller presence in their area. These could for example include:

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- Increased pressure on housing supply if Gypsies and Travellers establish a local connection and subsequently apply to the Local Authority for housing on the grounds of homelessness. This concern appears to be unfounded however in that Gypsies/Travellers who were truly nomadic and have no local connection anywhere could apply to any Local Authority. (DCLG guidance on homeless status states “If an applicant, or any person who might reasonably be expected to live with the applicant, has no local connection with any district in Great Britain, the duty to secure accommodation will rest with the housing authority that has received the application” – DCLG Homelessness Code of Guidance for Local Authorities, 2006.)
- Increased costs for schools and other local services (including health, on behalf of the NHS). The health argument here is dubious, because Gypsies and Travellers who cannot easily access primary care services are much more likely to attend Accident & Emergency units, at much higher cost to the NHS. Any policy of trying to reduced demand on these services from people in need is in any case morally highly questionable. This also links with wider health issues raised in Section 4.4.

NB: Regardless of the validity of these concerns, Negotiated Stopping does not make either situation more likely, because the stopping period is by definition temporary.

There is also some concern about the so-called “honeypot” effect. Some Local Authorities appear to convey an image of ‘being tough’ on Gypsies and Travellers, believing that if they do so it will discourage others from coming to the area. Little hard evidence has been found to support this theory however, particularly as nomadic Gypsies and Travellers often travel to in order seek work and are rarely constrained by Local Authority boundaries.

In these financially constrained times, when there is heavy pressure on Local Authority budgets, it is very likely that some Local Authorities are deliberately moving Gypsies and Travellers on in the hope that another Local Authority will pick up these (perceived) costs. Such a strategy also allows some Local Authorities to claim that there is no need for them to provide additional Gypsy and Traveller accommodation, as there are none in the area. This type of approach is at best passing the buck, and has been described as “trying to drive Gypsies and Travellers into the sea”.

All of these concerns are area-specific, in that Local Authorities are trying to reduce their own costs even if it increases costs to others. Overall costs to public authorities are almost certainly higher in this situation than they would be with Negotiated Stopping arrangements in place.



4.4. Wider Benefits of Negotiated Stopping

The table below extends that in Section 3.1 to summarise the overall costs and benefits of Negotiated Stopping compared with other potential solutions or alternatives to immediate enforcement action.

Option	Permanent Sites	Transit Sites	Negotiated Stopping	Temporary "Toleration"
Definition	Private or socially-rented sites for permanent occupation	Sites established by LAs for temporary use by Gypsies/Travellers	Site agreed by Gypsies/Travellers and LA as suitable for temporary occupation	Unauthorised sites where LA decides to "tolerate" short occupation rather than evict immediately
Duration of stay	Long-term to permanent	Usually 28 days to 3 months	Varies by agreement, usually a few months	A few days to a few weeks
Facilities	Permanent facilities on-site	Utility block usually provided plus toilets and refuse collection	Facilities arranged by agreement with LA - often depends on duration of stay	Generally no facilities, although LA may provide portaloos and refuse collection
Behaviour, tidiness of site and length of stay	Part of tenancy agreement	Part of short-term tenancy agreement, though can be hard to enforce	Formal agreement on standards as part of Negotiated Stopping arrangement	Very little control – no formal agreement on this
Cost savings for Council and Police vs immediate eviction	Yes (subject to cost of building and maintaining the site)	Yes, but only if actually used by GTs	Yes - see Sections 4.1 to 4.2 of this report	Yes, although may defer rather than avoid costs, and some clear-up costs likely
Suitability from the point of view of Gypsies and Travellers	Good for those who want a permanent location	Often poor: some are in remote locations far from services and schools	Good both in terms of location and facilities if these can be negotiated	Mixed in terms of location, generally poor in terms of facilities
Acceptability for local residents	Few problems if site has been chosen by LA	Few problems if site has been chosen by LA	Few problems if LA and GTs both agree site acceptable	Problems are more likely, although LA will not tolerate if there is high risk
Disadvantages	Insufficient sites available in most areas nationally. Not suited for GTs who travel	Sites may be empty if GTs are not willing to use them	None, other than need for LAs and GTs to negotiate	Temporary solution only, still costly if each UE has to be checked separately

This table presents what may be viewed as short-term benefits from Negotiated Stopping. Longer-term benefits, as part of a strategy to reduce insecure and unsuitable accommodation for Gypsies

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and Travellers, may be even more significant. This is comprehensively covered in a recent report by The Traveller Movement, commissioned by the Department of Health to inform the work of the National Inclusion Health Board: *Impact of Insecure Accommodation and the Living Environment on Gypsies' and Travellers' Health* (January 2016).

This report details the poor health outcomes experienced by Gypsy and Traveller communities and their connections with their accommodation. It highlights how both physical and mental health can be adversely affected by badly-located sites (including unauthorised encampments), poor environment, limited access to GP and hospital services, hostility and discrimination as well as the threat of continually having to move on. These issues also affect Gypsies and Travellers who have moved very reluctantly to bricks and mortar accommodation, sometimes after many evictions, and who can suffer serious mental health problems as a result.

Negotiated Stopping will not in itself solve these problems, but can play a significant part in reducing the insecurity and adversity that causes them.

Similarly, more secure accommodation could benefit Gypsy and Traveller children if it means that they can attend the same school on a regular basis. (This may be possible even if the Negotiated Stopping site moved locations within the same Local Authority areas.) More research would be needed to properly evidence such benefits.



Section 5: Findings - Practical Issues for Negotiated Stopping

This section examines the practical issues that may be encountered when Local Authorities consider the option of Negotiated Stopping.



5.1. Context for the Debate

As mentioned earlier, accommodation for Gypsies and Travellers is a long-standing issue, and this is linked to the wider issue of public attitudes to the Gypsy and Traveller community. Former head of the Campaign for Racial Equality Trevor Phillips said in 2004 that “discrimination against Gypsies and Travellers appears to be the last ‘respectable’ form of racism”, and little appears to have changed since then. Despite the best efforts of Gypsy and Traveller representative groups, public and media bias against these communities remains widespread.

In July 2013, former Secretary of State Eric Pickles announced his intention to ‘recover’ all planning appeals relating to Traveller sites on green belt land. This meant that he would take the final decision on the appeal, instead of a planning inspector. As the great majority of such appeals related to pitches used by particular ethnic communities (Romany Gypsies and Irish Travellers), this policy led to a legal challenge by the Equality and Human Rights Commission (EHRC). The court supported the challenge on the grounds that it breached the Equality Act 2010 and of Article 6 of the European Convention of Human Rights, and overruled the Secretary of State’s policy. Although the situation has now been rectified and relevant appeals “de-recovered”, many people still see this as evidence of Government discrimination against Gypsies and Travellers.

At local level, it is a widely unchallenged view that providing accommodation (of any kind) for Gypsies and Travellers is not a vote-winner. Their numbers are too small to influence election outcomes (it is believed that many are not registered to vote anyway), and many Council members believe their local population to be biased against Gypsies and Travellers, even if this is not actually the case.

The result of this can be a vicious circle. If Local Authorities or the police use methods that Gypsies and Travellers regard as threatening in order to move them on, then there is little incentive for them to clear away their rubbish or otherwise cooperate with the local settled community. This creates a negative image for local residents which is likely to increase their opposition to any other Gypsies and Travellers who come into the area. This 'vicious circle' is well summarised in the diagram below, taken from a recent PAS publication.

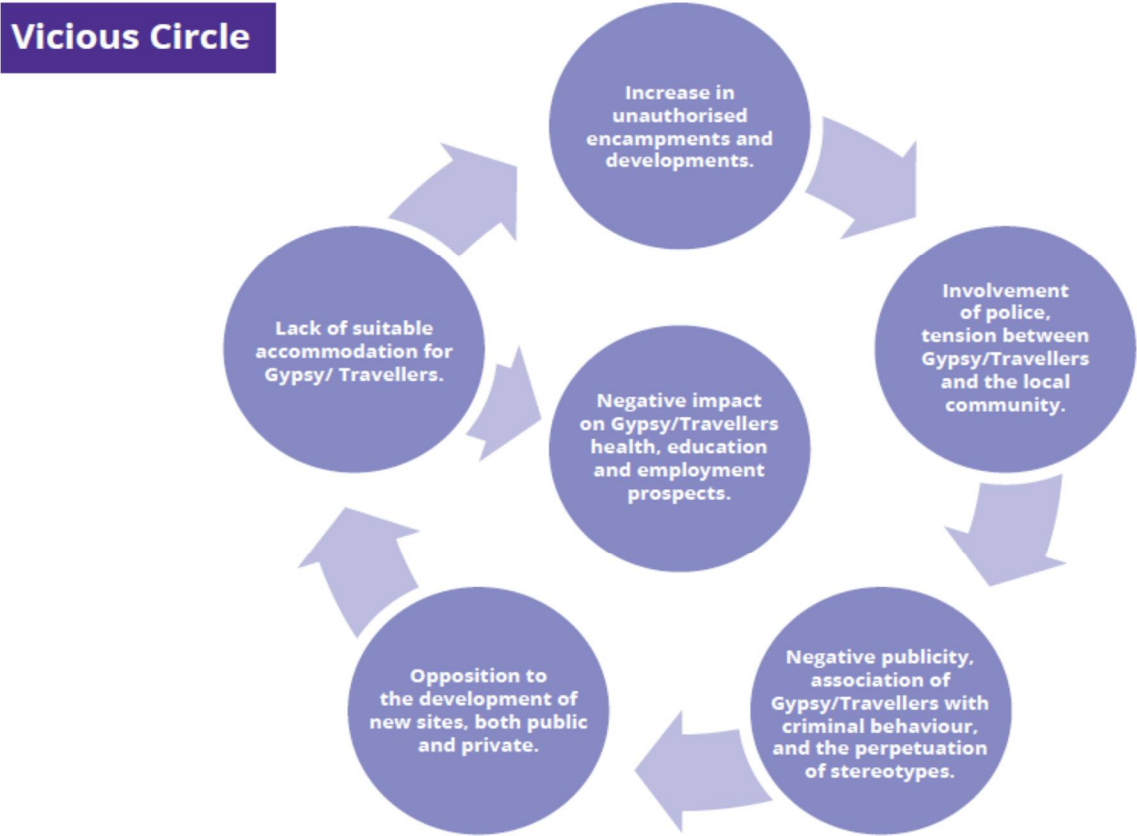


Fig.6.1: Vicious Circle from *Gypsy/Travellers and the Scottish Planning System: A Guide for Local Authorities*, published by PAS (Planning Aid for Scotland)

Allegations of criminality against Gypsies and Travellers are also commonplace. Whilst there is no evidence that Gypsies and Travellers have higher levels of criminality than the wider community, there will always be a small minority who do use criminal or antisocial behaviour. It could also be argued that legal, social and economic changes (see Section 2.2) have made it harder for Gypsies and Travellers to make their living in traditional ways, hence pushing them to the “fringes” of legal income. It is more likely however that isolated examples of where this occurs are more visible than they would be for other communities, again helping to fuel prejudice against Gypsies and Travellers.

All of this reduces the incentives in many Local Authorities to find acceptable solutions for Gypsy and Traveller accommodation. Many interviewees for this study referred to the need for “political will” to make this happen, and it is evident that all Local Authorities that have achieved successful results in this area have key people driving this. This could be individual Elected Members, or council officers, or a combination of the two; the key factor is people within the Local Authority who are determined to find a solution, regardless of any prejudices or unchallenged beliefs that the wider settled community may hold.

This does mean however that Negotiated Stopping, and more general Gypsy and Traveller accommodation issues, cannot be entirely separated from wider concerns of discrimination against Gypsies and Travellers.

5.2. Relevance of Negotiated Stopping

Section 2 describes the various travelling patterns that Gypsies and Travellers may adopt, and the result is that Negotiated Stopping may be more relevant as a solution in some areas than others. It is likely to be most applicable in situations where:

- there are Gypsies and Travellers who have connections to a particular area (e.g. family, work), and who remain in that area for all or part of the year, moving from one unauthorised site to another; or
- there is a regular travelling pattern where known Gypsies and Traveller families move into or through an area for short periods at particular times of the year; or
- Gypsy and Traveller families move around a wider region, likely to span several Local Authority boundaries, but generally remain in the same part of the country.

There is naturally some overlap between these various categories, and what constitutes a local connection may be best interpreted by Gypsies and Travellers themselves. However, in all of these cases there is an identifiable group of people whose movement can be anticipated (at least to an extent), and with whom some form of negotiation may be possible.

Negotiated Stopping is likely to be less suited to areas where groups of Gypsies and Travellers are simply moving through, staying in the area only for very short periods (typically a few days to two weeks) on their way somewhere else. In many cases these will be different groups on each occasion rather than regular visitors to the area. In this situation temporary toleration may be possible, although a better solution is likely to be some form of transit site. Negotiation is understandably difficult if there is no fixed or regular population to negotiate with, but discussion with other Gypsy and Traveller representatives on the location and facilities at such transit sites may well be possible.

In theory at least, the situation in each Local Authority area should be known from its Gypsy and Traveller Accommodation Needs Assessment.

5.3. Identifying Suitable Sites

Availability of suitable land is an issue for many Local Authorities, particularly those who have sold some of the land they formerly owned. However, Negotiated Stopping sites do not have to be on land which is available long-term, and hence can present opportunities to use land that would not be suitable either for permanent or transit sites.

The point of negotiation is that the land should be considered suitable by Gypsies and Travellers themselves as well as the Local Authority. If there is no such agreement, the risk is that Gypsies and Travellers will simply not use the facility and continue to set up unauthorised encampments.

Sites considered suitable by all concerned are often disused industrial land with hardstanding or well-drained grass, sufficiently close to shops, schools and local services without being in the middle of the settled community. Some form of screening or enclosure is often preferred by Gypsies and Travellers as well, as being safer and more secure than sites immediately by the roadside.

It is preferable for such sites to be on Council or other publicly owned land. Negotiated Stopping sites on private land are possible but are likely to be more difficult to arrange, if only because another party (the landowner) will also be involved in the negotiation.

If a Negotiated Stopping site has been agreed, it should be possible (though this has not been tested) for the police to use their powers under Section 62 of the Criminal Justice and Public Order Act to redirect any Gypsies and Travellers on unauthorised sites to the agreed location. However, this depends on space on the Negotiated Stopping site being available, and police action not be needed anyway if the Gypsies/Travellers agree to move there in discussion with the Local Authority.

5.4. Planning Permission

Temporary planning permission is generally needed for Negotiated Stopping sites where land is used for that purpose for more than 28 days in any calendar year. (See the “rotation” example in Section 3.1 for an instance of how this 28-day flexibility has been used). Negotiated Stopping sites do not require permanent planning permission in the same way that transit sites do, because the site is only temporary. Similar considerations may apply to land identified by a Local Authority (without negotiation) as a Designated Stopping Site or Temporary Stopover Area (see Section 3.3).

However, Local Authorities are also local planning authorities. This means that in certain circumstances they can decide whether planning permission is required or not – as well as deciding (subject to due process) the outcome of the application itself. It is doubtful whether anyone would take legal action against a Local Authority that does not have planning permission for a piece of land where Gypsies or Travellers stay for longer than 28 days, unless the site was causing problems for the local settled community – which is exactly the situation that Negotiated Stopping seeks to avoid.

Any opposition from the settled community should be reduced if local residents know that the site is only temporary, and reduced further if the agreed site is well chosen anyway. However, opposition from belligerent members of the public (who may not even be local residents) cannot be ruled out. It may therefore be advisable for Local Authorities to apply normal planning rules for Negotiated Stopping sites, even if the application is retrospective.

Local Authorities will have their own internal procedures for deciding how Council-owned land is used, but no legislation other than planning permission is required to establish Negotiated Stopping sites (see Section 5.5 re the issue of implied tenancy).

Any Negotiated Stopping site on private land would normally require the landowner to seek temporary planning permission.

5.5. Status of Negotiated Stopping Agreements

What happens if a Negotiated Stopping agreement is made and Gypsies/Travellers on the site subsequently breach that agreement? (This could include overstaying their agreed period on that site.) This is untested in the Leeds example in that no significant breaches of the agreement have occurred. However, a number of options would be open to the Local Authority in this situation:

- sanctions within the Negotiated Stopping agreement itself, which could include eviction for particular individuals
- cancelling the Negotiated Stopping agreement, in which case the site would become an unauthorised encampment and the Local Authority could deal with it accordingly

- renegotiating the agreement to address the particular issue that has arisen and avoid any recurrence

The question could equally be asked in reverse: what happens if the Local Authority fails to honour its side of the agreement, for example in maintaining refuse collection or portable toilet facilities? In practice it is unlikely that Gypsies and Travellers on the site would have any recourse here other than complaining to Local Authority representatives; legal action here appears very unlikely.

This also raises the question of whether a Negotiated Stopping agreement might be construed as a tenancy, hence giving the Gypsies and Travellers protection from eviction. Here, protection under the Mobile Homes Act 1983 only applies where there is planning permission for the land in question, and there is a clear agreement between the Local Authority and the Gypsies/Travellers concerned. Because Negotiated Stopping (both the agreement and associated planning permission) is only temporary, the issue of permanent tenancy does not arise. Only if the site itself becomes permanent, in which case rent may be chargeable, would a tenancy agreement be established.

The broader issue of whether Gypsies/Travellers have local connections with an area is covered in Section 4.3.

5.6. Communication

Several aspects of communication also affect the feasibility and implementation of Negotiated Stopping.

Information on Local Authority Policy

Most of the Local Authorities contacted during this study have been very helpful and cooperative in giving information on their policy and experience with Gypsies and Travellers. This is not universally the case however; there are some situations where Council officers are believed to operate “under the radar”, to operate policies that members or senior officers have not formally acknowledged. For example:

- One (anonymous) Local Authority officer was questioned by her Council’s finance department as to why dealing with one unauthorised encampment had cost so much less than all the others. The answer of course was that she had used negotiation rather than immediate enforcement.
- One Gypsy and Traveller representative group reported liaising direct with Council officers to agree informal temporary stopping arrangements for particular Traveller groups. These direct negotiations did not involve more senior Council officers or members.

On the other side of the coin, some Gypsies and Travellers have reported being threatened by Council staff. In one instance Council staff are alleged to have said that they would immediately take the Travellers’ children into care if they did not move within 24 hours. This is of course illegal and would not be approved at higher levels.

Information from individual Local Authorities on the cost of unauthorised encampments can be obtained through the Freedom of Information Act, and two of the examples in section 4.1 come from this source. Time and resource constraints mean that specific Freedom of Information enquiries have not been made for this report, although such an approach could certainly form part of a broader strategy to identify where Negotiated Stopping could be most helpful.

Communication Between the Gypsy/Traveller Communities and Local Authorities

As mentioned earlier, effective communication between the Gypsy and Traveller community and Local Authorities needs someone to negotiate with. This may make Negotiated Stopping unsuitable for areas with a highly transient Gypsy and Traveller population. It also presents practical issues even where there is a fixed population to negotiate with.

Firstly, a degree of trust and mutual respect between Council officers and Gypsies and Travellers is a prerequisite to any negotiation. In areas where the previous policy has been one of immediate enforcement, this kind of trust and respect may take a considerable time to develop. On the Council side this almost certainly requires not only a consistent policy but also a consistent person or team to build a positive relationship with the Gypsy and Traveller community.

Secondly, many Gypsies and Travellers will have no previous experience of this type of negotiation, and may be poorly equipped to engage in this way. Here, the need is either for some representative group (such as GATE in Leeds and others elsewhere) to facilitate these discussions, or for the capabilities of Gypsies and Travellers themselves to be developed in this respect.

Communication Between Local Authorities Themselves and with Other Agencies

Cooperation between Local Authorities and other official bodies within their area is often good. This particularly applies to the police, but can also relate to health, schools and other agencies. However, where this liaison is simply focused on evicting unauthorised encampments, it does not solve the wider problem or meet the needs of Gypsies and Travellers themselves.

Effectiveness of communication between Local Authorities also affects the feasibility of Negotiated Stopping in some areas, and feedback from this study indicates that this is mixed. In some parts of the country, liaison between neighbouring Local Authorities is very good. This particularly applies to some two-tier Local Authority areas where the County Council liaises with District Councils or with smaller City Councils within its area. Other parts of the country are less effectively coordinated, and several of the Local Authority representatives interviewed for this study had little or no contact with neighbouring Authorities on arrangements for Gypsies and Travellers.

DCLG's role with Local Authorities is essentially one of collecting information and disseminating government policy. It runs a liaison group that gathers feedback from Gypsy and Traveller representative groups across the country to inform ministers – Leeds GATE is a member of this group. The Local Government Association (LGA) has in the past offered training for elected members and has had a Gypsy and Traveller working group, but this is understood to be not active currently.

Some national liaison also takes place at the All-Party Parliamentary Group (APPG) on Gypsies and Travellers. However, this is very limited in terms of Local Authority representation and, although several Gypsy and Traveller representative groups are also included, it does not give comprehensive coverage across the country.

Better liaison between Local Authorities would undoubtedly be beneficial. Firstly, this would allow them to discuss Negotiated Stopping and other options across Local Authority boundaries (which mean little to Gypsies and Travellers as they move around the country, other than the 'hassle' of inconsistent practices and attitudes at different locations). Secondly, it would also promote the sharing of ideas and best practice, so that more creative and appropriate solutions can be developed.

Section 6: Conclusions – The Way Forward

Negotiated Stopping presents a viable alternative to other methods of dealing with unauthorised Gypsy and Traveller encampments, at least for some Local Authorities. The definition of Negotiated Stopping is flexible, but essentially involves some agreement that Gypsies and Travellers can occupy a particular space for a limited period of time, in return for their assurances on behaviour, tidiness and future movement.

The aim of this approach is a win-win situation, where:

- Gypsies and Travellers have a site they can occupy for an agreed period, free from harassment or the immediate threat of eviction. Ideally the site should have some security and privacy, and have access to local shops, services and basic facilities (water, toilets, refuse collection).
- Local Authorities achieve significant cost savings compared with the costs of enforcement action and subsequent clean-up, particularly in cases where those evicted simply move to another unauthorised site close by.
- The police achieve savings through a reduced need either to use Section 61 or Section 62 powers or to accompany Council staff or bailiffs carrying out evictions. Communities in known locations are also easier to police and to protect.
- The local settled populations benefits through well-chosen sites which cause the minimum of inconvenience.

There may well be other longer-term savings and other benefits beyond these. For example, Gypsies and Travellers on Negotiated Stopping sites are more likely to establish connections with local GPs rather than using A&E services. In turn this helps early detection/prevention of illness, which again can reduce longer-term costs to the NHS. Children may also be able to establish connections with local schools for longer periods, benefitting their education. This initial study has not been able to examine these longer-term aspects in detail.

Responding to the three initial questions posed by JRCT:

What has Negotiated Stopping achieved in Leeds, and how has this happened?

There is good evidence that all of the benefits in the bullet points above have been achieved from Negotiated Stopping in Leeds. The arrangement continues to be supported by Leeds City Council and West Yorkshire Police as well as by local Gypsies and Travellers themselves.

This has been achieved through the determination of all parties – the Council, the local Gypsy and Traveller community, the police and Leeds GATE as facilitators, to find a better way of working together. Progress has not been straightforward, and the ideal solution of more permanent site provision remains elusive, but the process of negotiation combined with the will to succeed has achieved a much better situation than existed previously.

Leeds Gypsy and Traveller Exchange recently won the prestigious Lloyds Bank Foundation ‘Championing Change’ award for Yorkshire and Humber for its contribution to Negotiated Stopping. The judges recognised the genuine change that the policy has brought to people’s lives.

To what extent could Negotiated Stopping, or something similar, be applied elsewhere in the country?

Several other Local Authorities use approaches very similar to Negotiated Stopping. In the absence of any national database of Local Authority policies however, it is impossible to say how widespread such practice is. Certainly there are many Local Authorities which continue to use immediate enforcement as their primary means of dealing with unauthorised encampments, and where Negotiated Stopping appears to present an opportunity for improvement.

Negotiated Stopping is therefore a viable option for any Local Authority where either:

- (a) there is a Gypsy/Traveller population with local connections which remains in the area for all or part of the year, and for which there is insufficient accommodation on permanent sites, or
- (b) the same Gypsy/Traveller groups regularly stay in the area at certain times of year

It is less suited to areas which already have enough sites for local Gypsies and Travellers, and where others move through the area on a purely transient basis – different groups stopping only for very short periods. Here, if short-term “toleration” is not feasible, some form of transit site may be an option. Even here though, there is still an opportunity to consult Gypsy/Traveller representatives on its location and facilities, and it may be that if Negotiated Stopping becomes more commonplace around the country, those who travel frequently may also become more willing to engage with Local Authorities.

If Negotiated Stopping can be applied elsewhere, what is needed to make this happen?

Several issues need to be addressed in order for Negotiated Stopping to be introduced successfully. These include finding suitable sites, addressing any planning issues, and provision of basic services. Communication is also vital, and whilst some Local Authorities have heard of Negotiated Stopping, it is evident that many others have not, and that sharing of ideas and best practice is limited. More resources to promote information sharing would certainly help.

Most significant of all however is the need for ‘political will’ for Negotiated Stopping to happen. Negative attitudes to Gypsies and Travellers remain widespread and many Elected Members are reluctant to support any further provision for them as they feel it is not a ‘vote-winner’. This means that Negotiated Stopping cannot be entirely separated from wider issues of prejudice and discrimination that affect the Gypsy and Traveller community.

Further, this positive approach towards engagement and negotiation is also needed from Gypsies and Travellers themselves. This may not be easy, given that many lack experience of this kind of negotiation and may need to overcome resentment caused by their past experiences. However, the success of the Leeds experience demonstrate that it is certainly possible.

This report is a limited initial review of the opportunities and benefits of Negotiated Stopping. Further funding would enable this work to be expanded to exploit these opportunities. Such work could for example:

- Gather comprehensive information from Local Authorities across Great Britain on local policies and practice

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- Develop more detailed evidence of the costs and benefits of Negotiated Stopping, including longer-term benefits such as health and education
- Establish a centre of expertise and information on Negotiated Stopping and similar approaches
- Publish information and guidance for Local Authorities, the police and other agencies (this could include legal/regulatory advice)
- Encourage greater liaison between Local Authorities, to share their experience and best practice
- Communicate with Gypsies and Travellers themselves, to encourage them to negotiate with Local Authorities and to support their ability to do this
- Help to identify areas where Negotiated Stopping could bring the greatest benefits to everyone
- Collaborate with other agencies to dispel myths about Gypsies and Travellers and eliminate prejudice and discrimination



Section 7: Recommendations

This final section compiles recommendations for Leeds GATE based on the findings and conclusions of this report. Many of these recommendations involve liaison with other organisations.

7.1. Potential to Extend Negotiated Stopping

This report followed an initial submission from Leeds GATE to JRCT, applying for funding to promote best practice and support local and national leadership over a two-year period. In this respect the current report serves as a feasibility study, and shows that, whilst Negotiated Stopping is not universally applicable, there is considerable potential and value in promoting it further. Section 6 highlights the type of work this could involve, and some of the later recommendations in this Section follow this up.

Recommendation 1: Leeds GATE should discuss the findings and conclusions of this report with the Joseph Rowntree Charitable Trust, to explore how further funding might be secured for wider promotion of Negotiated Stopping.

7.2. Further Research

Whilst consultation has been quite extensive, this report is limited in the research it has been able to include. As mentioned in the conclusions (Section 6), further research would be helpful in a number of areas. These include ascertaining costs and benefits in more detail, and clarifying the variations of Negotiated Stopping that currently operate in various parts of the country.

Recommendation 2: Further discussion with JRCT should include the potential for further research, particularly in ascertaining costs and benefits in more detail, and in identifying where Negotiated Stopping could add most value – both for Local Authorities and for Gypsies and Travellers.

7.3. Prioritising the Potential for Negotiated Stopping

This report highlights differences in Gypsy and Traveller communities across the country, particularly between those with local connections to an area and those who are truly nomadic. This means that Negotiated Stopping is likely to be more relevant to some areas than others. Rather than advocating Negotiated Stopping as a ‘universal panacea’ it would be more effective to identify areas with relatively settled, or regular, Gypsy and Traveller populations, and to promote Negotiated Stopping in these areas first. This of course needs to be done in conjunction with Gypsies/Travellers living in these areas, and with local representative groups where they exist.

Recommendation 3: Leeds GATE should seek to identify Local Authority areas where Negotiated Stopping is likely to be most relevant/effective, and seek to promote it, in conjunction with local representatives, in these areas as a priority.

7.4. Local Authority Communications

It is evident from enquiries made for this report that communication between different Local Authorities is patchy. Whilst some neighbouring Local Authorities work well together on Gypsy and Traveller issues, the national picture is more mixed and sharing of best practice is limited. This is

evident from the many variations in local practice identified, from the number of separate enquiries that reach Leeds GATE and Leeds City Council, and from one Local Authority contacted which was developing its own scheme similar to Negotiated Stopping without any prior knowledge of Leeds practice. Better communication and networking between Local Authorities nationally would help to share best practice, save money, and improve the lives of Gypsy and Traveller communities. Other organisations, such as DCLG and the LGA, could play a role here.

Recommendation 4: Leeds GATE should explore with its partners beyond Leeds how other Local Authorities across the country could be encouraged to network and share best practice on Gypsy and Traveller accommodation.

7.5. Wider Issues of Prejudice and Discrimination

Section 5.1 in particular highlights the history of prejudice and discrimination that continues to affect the lives of Gypsies and Travellers. This lies behind the hostility of many settled communities to any Gypsy/Traveller presence in their area – hostility which in turn is picked up by politicians. This issue cannot be separated from Negotiated Stopping, which will only work if sufficient “political will” exists in the host area.

Clearly this is something that Leeds GATE cannot tackle alone, but it is a subject that others can pursue, and GATE could link its work on Negotiated Stopping to these wider campaigns. For example, EHRC are understood to be planning research on attitudes and behaviours underlying discrimination, and how best to help Councils avoid discrimination towards Gypsies and Travellers. It would be valuable for Leeds GATE to link in to this research in respect of attitudes on Negotiated Stopping.

Recommendation 5: Leeds GATE should liaise with other organisations researching or campaigning to eliminate prejudice and discrimination against Gypsies and Travellers, and should coordinate activity where possible.

7.6. Building Capacity within Gypsy and Traveller Communities

Negotiated Stopping requires both the will and the capacity to negotiate on both sides. Even where willingness exists on the part of Local Authorities, not all parts of the country have Gypsy/Traveller representative groups such as Leeds GATE. Many Gypsies and Travellers themselves lack experience of such negotiations, and may be reluctant to engage with Local Authorities in the light of past experiences.

It is important to build capacity and encourage positive attitudes amongst these communities. This is already being strengthened in Leeds through an Asset Based Community Development (ABCD) programme. There are likely to be benefits in applying this type of approach, and to promoting Negotiated Stopping, more widely.

Recommendation 6: Leeds GATE should work with its partners to find ways to develop and increase the willingness and capacity for negotiation within Gypsy and Traveller communities across the country.

Appendix 1: List of Organisations Consulted and Reference Sources

Organisations Consulted

Representatives from Leeds GATE were interviewed in person. Other organisations consulted by telephone were:

Article 12
Barnsley Metropolitan Borough Council
Cheshire Constabulary
Derbyshire Gypsy Liaison Group
Fenland District Council
Friends Families of Travellers
Gypsy Roma Traveller Police Association
Independent Traveller representative
Leeds City Council
London Borough of Southwark
London Gypsy & Traveller Unit
MECOPP BME Project
National Federation of Gypsy Liaison Groups
National Police Chiefs' Council
North East Lincolnshire Council
One Voice 4 Travellers
Rochdale Metropolitan Borough Council
A Scottish Local Authority
South Somerset District Council
Southwark Travellers Action Group
The Traveller Movement
Traveller Space
Travelling Ahead
Welsh Government
West Yorkshire Police
York Travellers Trust

Information from other organisations was gathered from conversations at the Traveller Movement conference in November 2015. These included representatives from Department of Communities and Local Government, Community Law Partnership, De Montfort University, and the Kidacre Street site in Leeds.

Several other organisations – of all kinds – were contacted for interview but did not respond.

Information from Leeds GATE

Some of the following documents are available from Leeds GATE web site www.leedsgate.co.uk

Leeds GATE: Assessing the Potential of Negotiated Stopping

An Award-winning Way of Moving Beyond “No!”
Legal Bullet Points in Response to the N&E Report to Scrutiny 2010
Negotiated Stopping – a Case Study from Leeds, West Yorkshire, February 2013
Negotiated Stopping: Briefing to the European Commission against Racism and Intolerance, November 2015
Negotiated Stopping: November 2014 report
Negotiated Stopping vs. Transit Sites – What is the Difference?
Scrutiny: Needs of Roadside, November 2010
Submission from Roadside Families, November 2010
Submission to Leeds City Council Environment and Neighbourhoods Scrutiny Enquiry, November 2010
Where Negotiation Started – a blog from 2010
Who are ‘Gypsies and Travellers’? Guidance, 2014

Other Reference Sources

Author/Publisher	Title/Subject
Article 12	Media Review, July 2015
Association of Chief Police Officers	ACPO Guidance on Unauthorised Encampments, 2011
Cheshire Constabulary	Policing for a Better Future (presentation, November 2015)
Community Law Partnership	Evictions by Local and Other Public Authorities from Unauthorised Encampments (paper for February 2016 conference)
Community Law Partnership & Friends Families and Travellers	Police Evictions and The Association of Chief Police Officers: Guidance On Unauthorised Encampments 2011
Department for Communities and Local Government	Consultation: Planning and Travellers, September 2014
Department for Communities and Local Government	Count of Traveller Caravans, January 2015 England (including Excel tables)
Department for Communities and Local Government	Count of Traveller Caravans, July 2015 England(including Excel tables)
Department for Communities and Local Government	Dealing with Illegal and Unauthorised Encampments: A Summary of Available Powers, August 2013
Department for Communities and Local Government	Dealing with Illegal and Unauthorised Encampments: A Summary of Available Powers, March 2015
Department for Communities and Local Government	Gypsy and Traveller Accommodation Needs Assessments, October 2007
Department for Communities and Local Government	Homelessness Code of Guidance for Local Authorities, 2006
Department for Communities and Local Government	Letter from Brandon Lewis MP to Chairman of the LGA Environment and Housing Board, April 2014
Department for Communities and Local Government	Planning Policy for Traveller Sites, August 2015
Department for Communities and Local Government	Progress Report by the Ministerial Working Group on Tackling Inequalities Experienced by Gypsies and Travellers, April 2012

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Equality and Human Rights Commission	Developing Successful Site Provision for Scotland's Gypsy/Traveller Communities, January 2015
Equality and Human Rights Commission	Gypsies and Travellers: Simple Solutions for Living Together
Equality and Human Rights Commission	Is Britain Fairer? The State of Equality and Human Rights 2015
Friends Families of Travellers	Changes to Planning for Gypsies and Travellers, 2011
Friends Families of Travellers	Historical Laws, May 2015
Garden Court Chambers	Facilitating the Gypsy and Traveller Way of Life in England and Wales through the Courts
Garden Court Chambers	Eviction from unauthorised encampments, March 2015
House of Commons Library	Briefing Paper: Gypsies and Travellers – Planning Provisions, August 2015
Joseph Rowntree Foundation	Contentious Spaces, 2007
Leeds City Council	Gypsies and Travellers (policy from web site)
Leeds City Council	Negotiated Stopping Agreement
Leeds City Council	Report of the Director of Environment and Neighbourhoods: Executive Board, July 2011
Leeds City Council	Scrutiny Enquiry Report: Review of Gypsies and Travellers Site Provision with Leeds, January 2011
Office of the Deputy Prime Minister	Guide to Effective use of Enforcement Powers, Part 1: Unauthorised Encampments, February 2006
Planning Aid Scotland	Gypsy/Travellers and the Scottish Planning System: A Guide for Local Authorities, 2015
The Traveller Movement	Government Changes to Planning Policy for Traveller Sites, September 2015
The Traveller Movement	Impact of Insecure Accommodation and the Living Environment on Gypsies' and Travellers' Health, January 2016
The Traveller Movement	Note on Planning Application Success Rates for Traveller Sites compared to Residential Dwellings, September 2015
UK Government	Criminal Justice and Public Order Act 1994
UK Government	Practice Planning Guidance, March 2014
Welsh Government	Housing (Wales) Act 2014 Part 3: Gypsies and Travellers
Welsh Government	Travelling to a Better Future: Gypsy and Traveller Framework for Action and Delivery Plan, September 2011

Information was also gathered from web sites and/or correspondence (including FoI responses) from the following Local Authorities:

- Aberdeen City Council
- Basildon Council
- Brighton and Hove Council
- Bristol City Council
- Calderdale Council
- Cambridge City Council

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- Charnwood District Council
- Darlington Council
- Devon County Council
- Dorset County Council
- Durham County Council
- Hambleton District Council
- Greater London Assembly
- Harlow Council
- Hull City Council
- London Borough of Hackney
- Malvern Hills and Wychavon Council
- Manchester City Council
- North East Lincolnshire Council
- Nottinghamshire County Council
- Redcar and Cleveland Council
- Seaford Town Council
- The Moray Council
- Walsall Council
- Worcestershire County Council

Appendix 2: Glossary of Abbreviations

A&E	-	Accident and Emergency
ABCD	-	Asset Based Community Development
ACPO	-	Association of Chief Police Officers (now NPCC)
APPG	-	All-Party Parliamentary Group
BME	-	Black and Minority Ethnic
CJPOA	-	Criminal Justice and Public Order Act
DCLG	-	Department for Communities and Local Government
DWP	-	Department for Work and Pensions
EHRC	-	Equality and Human Rights Commission
FoI	-	Freedom of Information
GATE	-	Gypsy and Traveller Exchange
GLA	-	Greater London Authority
GTs	-	Gypsies/Travellers (abbreviation used only in the table in Section 4.4)
GTANA	-	Gypsy and Traveller Accommodation Needs Assessment
HMRC	-	Her Majesty's Revenue and Customs
JRCT	-	Joseph Rowntree Charitable Trust
LA	-	Local Authority
LGA	-	Local Government Association
NHS	-	National Health Service
NPCC	-	National Police Chiefs Council
PAS	-	Planning Aid Scotland
TSOA	-	Temporary Stop Over Area
UK	-	United Kingdom

Witness: Eleanor Jane Faro
Witness Statement: 1
Exhibits: 2, EJF1 and EJF2
Statement made on: 29 August 2025

IN THE HIGH COURT OF JUSTICE

Claim No. KB-2024-003315

KING’S BENCH DIVISION

**IN THE MATTER OF SECTION 222 OF THE LOCAL GOVERNMENT ACT 1972
AND SECTION 187B OF THE TOWN AND COUNTRY PLANNING ACT 1990**

B E T W E E N:-

**THE MAYOR AND BURGESSES OF THE LONDON BOROUGH
RICHMOND UPON THAMES**

Claimant

-and-

- (1) PERSONS UNKNOWN FORMING AN UNAUTHORISED ENCAMPMENT AND /
OCCUPYING FOR RESIDENTIAL PURPOSES (including temporary occupation)
WITH OR WITHOUT VEHICLES AT ANY OF THE 8 SITES WITHIN THE LONDON
BOROUGH OF RICHMOND UPON THAMES LISTED ON SCHEDULE 1 TO THIS
CLAIM**
- (2) PERSONS UNKNOWN DEPOSITING WASTE ON ANY OF THE 8 SITES WITHIN THE
LONDON BOROUGH OF RICHMOND UPON THAMES LISTED ON SCHEDULE 1 TO
THIS CLAIM**

Defendants

-and-

THE LONDON GYPSIES AND TRAVELLERS

Intervener

EXHIBIT EJF2



Faculty of Business and Law

Negotiated Stopping & ABCD

Excerpt from the final evaluation report

Leeds GATE
Asset Based Community Development
(ABCD) Project

De Montfort University, Leicester
17th July 2017

The Asset Based Community Development (ABCD) project at Leeds Gypsy and Traveller Exchange (GATE) ran for three years from 2014 to 2017. A small team at De Montfort University, Leicester undertook an evaluation of the approach during that period. A full report and an executive summary are available separately – this brief document contains the evaluation pertaining solely to the negotiated stopping intervention aspect of the ABCD approach.

Negotiated Stopping

GATE definition:

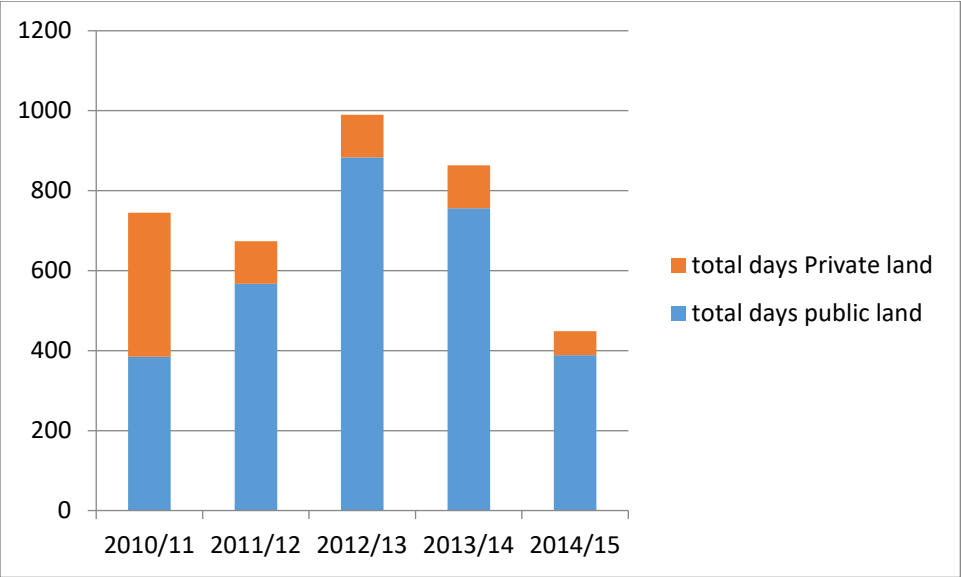
Year One: A new co-produced policy and practice in managing unauthorised ‘roadside’ encampment by Gypsy and Traveller people, via negotiation and agreement rather than via recourse to eviction.

Years Two and Three: **Negotiating Stopping** is *asset based problem solving on the roadsides; finding solutions to managing unauthorised encampment through negotiation and treating all stakeholders as a part of the solution not the problem; leading to greater quality of life for all stakeholders (Travellers, residents and LA's)*

Negotiated Stopping, as an alternative to the traditional eviction approach, produces social and financial benefits resulting from members of the community, supported by GATE, communicating with the local authority and police authority relying on dialogue and negotiation to enable travelling families to stay, for limited periods of time, on ground where it isn’t causing great inconvenience. The families make an agreement with the authority about acceptable behaviour, use of waste disposal, and agree when the camp will leave. The negotiations and agreements are carried out by and with the community. These skills can be regarded as community as well a personal assets but no financial value can be placed on these assets in terms of a cost savings illustration which is included later on.

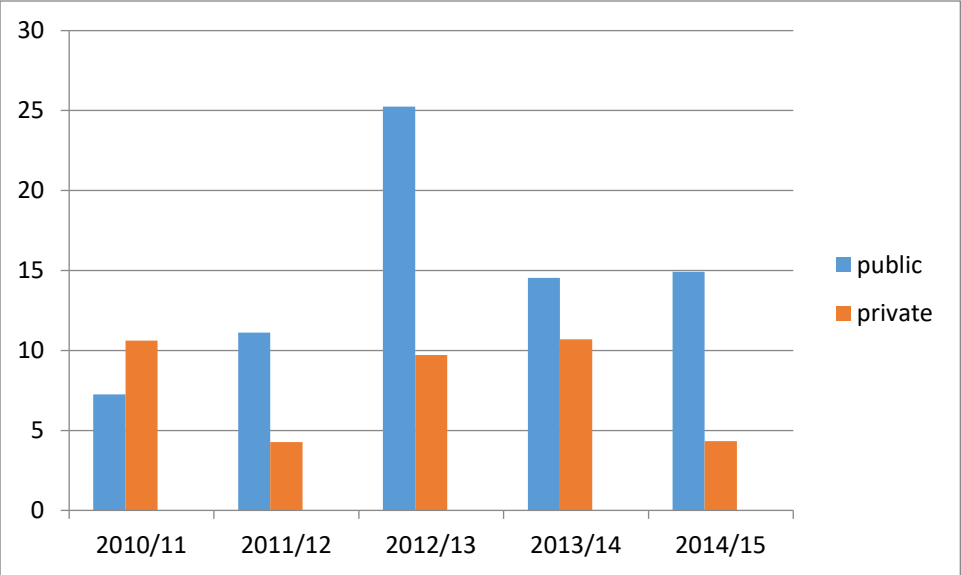
For the local authorities and police authorities the key costs are on salaries and related costs so the total time spent on activities is their key performance driver. In the period 2010 to 2015 the number of unauthorised encampments and the times spent dealing with those cases has been quite volatile both in terms of encampments on private and public land as shown in figure 1 overleaf.

Fig 1: Total days to resolve



Most of the encampments are on public land and in particular local authority land. The financial analysis used the savings and costs identified for the public land due to availability of information and its significance. Not only is the total time spent volatile, making resource planning and control difficult, the average number of days to resolve unauthorised encampments is also variable as shown in figure 2.

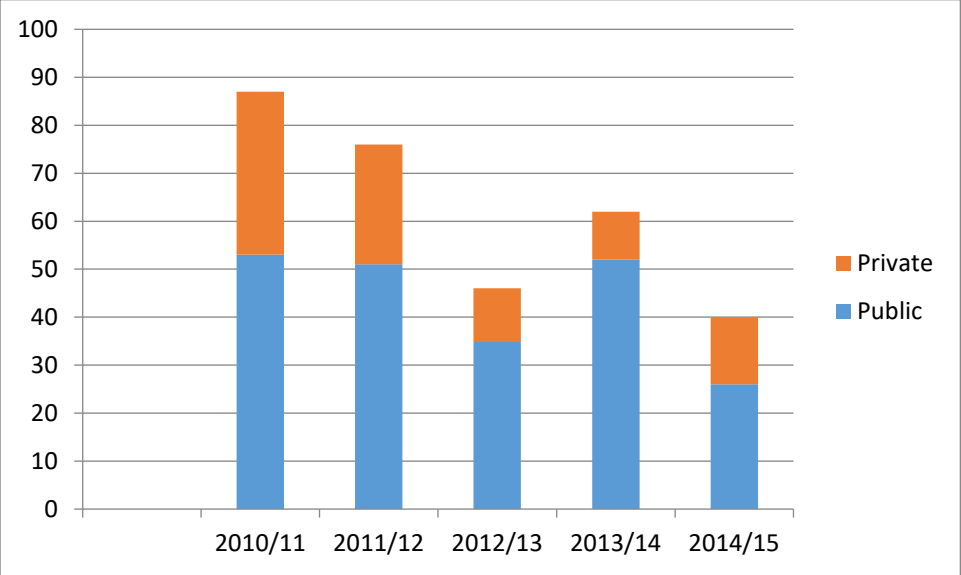
Fig 2: Average number of days to resolve



There is, however, a declining trend in the total number of unauthorised encampments as shown in the figure 3, further below. This volatility means it is not possible to identify if there is a change in types of cases or sites due to the Negotiated Stopping, it appears however that there was a reducing trend in unauthorised encampments, in the period. The nature of unauthorised encampments in Leeds had been quite volatile averaging 83 per year in the 9 years from 2003/04 to 2011/12, The five-year period from 2010/11 has shown an improving trend in the number of cases going to court reducing to 40 in 2014/15. The figure will be

impacted by unusual events and in 2015 there was a spike in cases due to particular unusual circumstances (59 in the 12 months to Jan 2016). However, excluding the encampments caused by this one-off event, the reduction per year appears to be in the region of 20-25 unauthorised encampments. This supports the view of the local authority, the local police and Leeds GATE that due to Negotiated Stopping the number of Leeds based travelling community has significantly reduced. The recent trend can be seen in figure 3.

Fig 3: Total unauthorised encampments



Given the highest perceived benefit can be better seen in the reduced number of encampments being taken to court, that is used by the study to estimate the benefits. Most of the costs are front-loaded with the recently established encampment at Kidacre. The cost savings estimates are based on information by the police liaison officer and the local authority.

Traditionally, when the neighbourhood policing team was made aware of a new encampment, in the first instance a double or triple-crewed unit was dispatched to assess the encampment. When an encampment was established, there was a reported significant increase in complaints to the police call centre, the impact of which cannot be financially quantified as there are no directly attributable increase in costs. The costs for the neighbourhood policing teams the police liaison officer¹ estimated that at least 12 hours of their time could have been allocated to responding to emails and calls from local councillors and residents groups. The local police through officers and PCSO would traditionally visit the encampment on average twice daily, the total cost being approximately £200. This gives a fixed initial cost to the constabulary of £1,400 plus a daily cost of £200.

When a Section.61 Notice² was served by the police in the traditional process (prior to Negotiated Stopping), a team of approximately six officers, including the Inspector would attend. The entire process, including consultation with the Traveller liaison officer, discussion

¹Evaluation team members ascertained costs in communication with a range of agencies and individuals during the first years of the evaluation project.
² Section 61 of the Criminal Justice and Public Order Act (CJPO) 1994.

with senior officers and the preparation of the necessary documentation prior to the serving of the Notice would involve a substantial number of staffing hours. The estimate of the cost was provided by the constabulary of approximately £500.

Since the advent of Negotiated Stopping, the number of encampments involving Leeds based Travellers has fallen significantly. Visits to encampments after Negotiated Stopping was tried were for engagement rather than enforcement purposes, and the number of calls to the police involving the particular group who were the catalyst for a new approach, were by 2015, few and far between.

Negotiations as part of the approach were also reported to have reduced anti-social behaviour (ASB) by addressing the individuals responsible instead of via eviction of a whole group; this reduction in ASB has not been financially quantified as part of the financial illustration below.

In addition to the police savings, the city council in Leeds calculated a cost saving of approximately £2,000 per week on expenditure. Figures from Leeds City council offer an insight into the costs involved and the reduced costs from implementing the Negotiated Stopping approach - over the decade from the year 2000, the average spend on unauthorised encampments was £255,000 per year.

Reduced Inputs = Savings

Clearly the inputs are crucial, but the further dimension is the outcomes achieved. Figures from Leeds City council offer an insight into the costs involved and the reduced costs from the negotiated stopping approach over the past 10 years the average spend on unauthorised encampments has been £255,000 per year. In 2010/11 at its peak it was £324,000. Following the negotiated stopping arrangement the costs last year 2014/15 were £150,000 which is £105,000 less than the average for the past decade and £124,000 less than its peak³. The questions this then raised were how much of the cost savings were due to financial constraints, and will impact on worse outcomes, how much due to the impact of the positive outcomes from negotiated stopping, which could reduce input financial costs further as the process becomes more embedded.

There were a number of aspects related to inputs that the evaluation team followed up in year one of the evaluation through further discussions with senior council staff, as well as communication with the police. It was difficult to ascertain exact spend in terms of staff hours from the council on negotiated stopping.

In March 2015 the Leeds Gypsy and Traveller local authority team took a report⁴ to council asking for £34,925 to cover the cost of site works carried out by Parks and Countryside Services to prepare a site on Kidacre Street for use as residential accommodation for Gypsies and Travellers. However, this figure was really associated with the provision of resources at a particular site – Kidacre – rather than the process of negotiated stopping. The evaluation

³Figures provided in a telephone call between Jo Richardson at DMU and Rob McCartney at Leeds Council on 17 June 2015.

⁴Report of Head of Housing Support, 17 March 2015.

team therefore needed to discuss with GATE and the council whether such a cost input was appropriate to consider in the evaluation. Related to this were issues on Kidacre and the slow progress of actually delivering a habitable site for residents. The decant process during 2016 led to dissatisfaction and a lack of trust which it could be argued led to a deficit of trust as an asset to this particular ABCD intervention.

In year two of the evaluation the evaluation team asked for costs from the Leeds City Council Traveller team and the police liaison officer who works in this area. During the year to Jan 2016 there was a total of 41 unauthorised encampments (plus one blind eye encampment) averaging 21 days in length for those on council land; the average length of time on private property was 4 days (18 encampments). From the policing figures eleven (11) of these were Section 61 enforcements.

The team was provided with cost figures from the local authority and the police which identified costs for different types of encampment (those that require serving of notice and attendance at court cost more). The average cost equating to local authority land encampments were £5,134 and for private property £1,600. Assuming a daily allocation of local authority costs, the average cost would be £192 per day or £4,032 per unauthorised encampment. The overall costing, per unauthorised encampment, therefore is £9,534 on LCC property.

The net impact found in the analysis was that authorised/ negotiated encampments are self-financing. Unauthorised encampments average £9,534 per encampment in public costs from the local authority and policing. The savings for negotiation therefore is £9534 per encampment.

The nature of unauthorised encampments in Leeds over the previous five years was quite volatile averaging 83 per year in the 9 years from 2003/04 to 2011/12, to 40 in 2014/15 (59 in the 12 months to Jan 2016). It would appear the numbers of unauthorised encampments have fallen since the work of the team at GATE with the Gypsies and Travellers in need of accommodation in the area led to the Negotiated Stopping approach, but given the volatile nature of the figures it is too early to estimate the total impact on an annualised basis. However, given the per encampment savings the reduction per year appears to be in the region of 20-25 unauthorised encampments and the average costs equating to local authority land encampments were £5,134. An ABCD framed approach to Negotiated Stopping was broadly consistent with a reduction of 20 to 25 encampments producing local authority savings of £102,640 to £128,350 annually for the local authority and £88,000 to £110,000 savings for the local police, giving a savings of between – a total potential savings range of between £190,640 and £238,350 in local authority and policing costs combined⁵.

There are, of course, unquantified benefits within the evaluation such as roadside families, both local families and those passing through Leeds, have significantly improved access to healthcare and education. The decrease in the type of stress caused by continuous court and police eviction has a significant, although difficult to quantify, effect on quality of life.

⁵ (NB due to the different costing methodologies from the police and local authorities these savings are approximate).

For the wider ABCD project negotiated stopping principles could be captured more broadly in the City beyond the existing site; it might also embrace the successful negotiated grazing that was facilitated by the council towards the end of year on – there may have been scope for more of these that Leeds GATE ABCD project could help to facilitate by sharing the good outcomes with the community members, get them to identify possible areas of land for grazing and provide confidence and support for community members to approach the council to extend this scheme.

By year three though, in the context of wider political changes and the impact of austerity, the appetite for negotiated stopping and the public sharing information of Leeds as a national lead on this approach, had dimmed somewhat. Beyond the development of the Kidacre site by the council, which seemed to suffer from continuous set-backs and delays in years two and three, there is not a lot of council led public discourse on the benefits of a negotiated stopping approach.

Overall, there are a number of benefits to the Negotiated Stopping approach in Leeds that could be adapted and replicated elsewhere. The benefits can be identified in terms of regularising the housing situation of the residents concerned allowing the charging of rents for pitches, better management and reduced costs of police intervention. The costs of accommodation for the local authority come from the authorised and unauthorised encampments; the unauthorised encampments generate no revenue but are a significant resource consumer. There are additional cost savings from interventions relating to health and welfare that could be captured in more detailed analysis, if the data were available.

Negotiated(ing) Stopping in Leeds isn't the first or the last such approach, there are a number of local authorities in England who 'tolerate' unauthorised encampments on appropriate pieces of land and who see savings in the amount spent by councils on evictions as a result. However, where the work of Leeds GATE does stand out is in publicising the approach and highlighting the possibility of social and economic savings to other areas, including London. The potential reach of Negotiated(ing) stopping is huge and through amplifying the message through the assets of their organisation (their Gypsy/Traveller members) to talk about the benefits of the initiative, Leeds GATE punches above its weight in terms of disseminating the benefits and it is the ABCD framework which helps to support this, and to provide the organisation with an 'in' to discuss this with a variety of organisations across the country.

Key evaluation findings related to Negotiated Stopping

Some of the key evaluation findings related to Negotiated Stopping at Leeds GATE, in a nutshell, were that an ABCD type approach produced:

- Better community cohesion around Negotiated Stopping – in addition to the potential combined savings of £238,350 per year.
- Sustainability of Negotiated Stopping principles politically – has potentially been stronger outside of Leeds, rather than inside, and has led to amplification of the idea nationally.

- Wider sharing of Leeds model on Negotiated Stopping, resulting in a positive image of the city's approach more broadly, but importantly got other organisations, such as the London Mayor's office, interested in the possibility of the idea.

Recommendations

Leeds GATE has punched above its weight on the local and national level in terms of outputs and outcomes from the ABCD project and a number of interventions as part of that. There are ten recommendations altogether in the full report on how to consolidate existing successes and move on to next steps. This excerpt on Negotiated Stopping includes four recommendations which have links to the Negotiated Stopping approach.

Recommendations for the future:

1. GATE should continue its focus on 'bridging capital' having recognised the strengths of 'bonding capital' which were evident in the ABCD project. This bridging focus does not need to adhere to standard 'ABCD' methods, but could use the enhanced mapping developed with communities by GATE and look forward to a new framework.
2. GATE should continue to develop and share roads, bridges and tunnels mapping. The roads, bridges and tunnels model developed by Leeds GATE is an important contribution to share with practitioners, but also to help develop the academic debate and particularly to examine where support to build up one area (a road or bridge) might unintentionally undermine another (a tunnel). This anti-colonising approach to mapping and understanding community assets (the recognition of tunnels) is especially (but not exclusively) useful in excluded communities and in the spirit of bridging, should continue to be shared with other groups 'on the margins' and with the wider community of ABCD practitioners in order to enhance existing methodologies.
3. GATE could work with other organisations who provide support and advice to marginalised communities in and beyond Leeds. There are lessons that have been learned in developing ABCD approaches for Gypsy and Traveller communities that could have wider impact if GATE continue to reach out. There should be continued reflective work on GATE's role in amplifying and sharing these assets, not just with the Gypsy and Traveller community, but with other communities 'on the margin'. GATE is already developing its own framework of understanding around 'solidarity' and that should be encouraged by funders interested in amplifying the effects already achieved by the ABCD project.
4. GATE and Leeds City Council could consider mediation to see if the fracture in communication channels between the council and GATE in recent years, which has impacted on many issues including Negotiated Stopping, can be healed. It is recommended that some form of mediation is encouraged in communications between the council and GATE in the best interests of Gypsies and Travellers in Leeds.

Miscellaneous

IN THE HIGH COURT OF JUSTICE
KINGS BENCH DIVISION

CLAIM No KB 2024 003315

**MAYOR AND BURGESSES OF THE LONDON
BOROUGH OF RICHMOND -UPON- THAMES**

Claimants

And

**PERSONS UNKNOWN FORMING AN UNAUTHORISED
ENCAMPMENT AND OR OCCUPYING FOR RESIDENTIAL
PURPOSES (including temporary occupation) WITH OR WITHOUT
VEHICLES ON ANY OF THE 8 SITES WITHIN THE LONDON
BOROUGH OF RICHMOND -UPON-THAMES LISTED ON
SCHEDULE ONE ATTACHED TO THIS CLAIM**

1st Defendants

And

**PERSONS UNKNOWN DEPOSITING WASTE ON ANY OF THE 8
SITES WITHIN THE LONDON BOROUGH OF RICHMOND-
UPON-THAMES LISTED ON SCHEDULE 1 ATTACHED TO THIS
CLAIM**

2nd Defendants

And

LONDON GYPSIES AND TRAVELLERS
PROPOSED INTERVENER

PROPOSED INTERVENER'S SUBMISSIONS

Introduction

1. The Claimant, the Mayor and Burgesses of the London Borough of Richmond, have applied for an injunction restraining (in summary) "*Persons Unknown* from occupying or bringing vehicles onto 8 parcels of land within its Borough, the injunction also seeks to prevent fly tipping on this same land. A 'Persons Unknown' injunction is otherwise known as a "Newcomer Injunction". London Gypsies and Travellers seek permission to intervene in the application. The Claimant does not oppose this application.

Proposed Intervention

London Gypsies and Travellers

2. The Proposed Intervener, London Gypsies and Travellers (hereafter “the Intervener”), is a registered charity (Charity No. 1072111) which works to support Gypsies and Travellers living in London. It was established in 1981 as a part of Save the Children but has been an independent charity since 1998. Its aims include assisting Gypsies and Travellers to challenge discrimination and to access and expand the opportunities available to them.

Nature of the Intervener’s interest

3. The nature of the Intervener’s work means that it has extensive, direct, and first-hand knowledge and experience of the challenges faced by Gypsies and Travellers. It has an in-depth understanding of the accommodation crisis caused by a chronic lack of authorised sites; of the discrimination these groups routinely experience; and of the systemic inequalities to which these groups are subject.

Nature of the proposed intervention

4. No representations are made to support the depositing of waste and no issue is raised over the appropriateness of the order or its continuation against the 2nd Defendants.
5. The Intervener seeks permission to intervene by way of:
 - i. Written submissions, as contained herein that on pages below take issue with the necessity for an order in respect of sites 2 and 3; and
 - ii. Possibly a witness statement, subject to it being acceptable given its lateness, to be filed shortly on matters within the intervenor’s knowledge regarding the claimed lack of need for transit pitches

Costs

6. The Intervener has instructed solicitors and counsel to act on a pro bono basis. The Intervener will not seek any order as to costs in respect of its intervention.

7. The Intervener’s solicitors have been in contact with the Claimant and they have agreed that they will both not seek its costs in respect of the intervention or the claim.

Scope of the proposed intervention

8. The Intervener proposes to address the Court on the following matters:
 - i. The relevant factual context;
 - ii. The legal framework for seeking and obtaining an injunction of this nature; and
 - iii. The application of those legal principles to this case.
9. The written submissions which the Intervener seeks to make are set out below.

Submissions

Relevant factual context

10. Romani Gypsies (“Gypsies”) have been in Britain since at least the sixteenth century and Irish Travellers (“Travellers”) since at least the nineteenth. The Court maybe assisted by reference to some of the relevant history contained in the judgment of Coulson LJ in *Bromley LBC v Persons Unknown & Ors* [2020] EWCA Civ 12, [2020] PTSR 1043, in which he described the position of Gypsies and Travellers as follows:

“4. Romany Gypsies have been in Britain since at least the 16th century, and Irish travellers since at least the 19th century. They are a particularly vulnerable minority. They constitute separate ethnic groups protected as minorities under the Equality Act 2010 (see R (Moore) v Secretary of State for Communities and Local Government (Equality and Human Rights Commission intervening) [2015] EWHC 44 (Admin); [2015] PTSR D14), and are noted as experiencing some of the worst outcomes of any minority across a broad range of social indicators (see, for example, Department for Communities and Local Government, Progress report by the ministerial working group on tackling inequalities experienced by Gypsies and Travellers (2012) and Equality and Human Rights Commission, England’s most disadvantaged groups: Gypsies, Travellers and Roma (2016)).

5. A nomadic lifestyle is an integral part of Gypsy and Traveller tradition and culture. While the majority of gipsies and travellers now reside in conventional housing, a significant number (perhaps around 25%, according to the 2011 United Kingdom census) live in caravans in accordance with their traditional way of life. The centrality of the nomadic lifestyle to the gipsy and traveller identity has been recognised by the

European Court of Human Rights. In Chapman v United Kingdom (2001) 33 EHRR 18, the court held at para 73:

“The court considers that the applicant’s occupation of her caravan is an integral part of her ethnic identity as a Gypsy, reflecting the long tradition of that minority of following a travelling lifestyle. This is the case even though, under the pressure of development and diverse policies or from their own volition, many gypsies no longer live a wholly nomadic existence and increasingly settle for long periods in one place in order to facilitate, for example, the education of their children. Measures which affect the applicant’s stationing of her caravans therefore have a wider impact on the right to respect for home. They also affect her ability to maintain her identity as a Gypsy and to lead her private and family life in accordance with that tradition.”

6. In the UK, there is a long-standing and serious shortage of sites for gypsies and travellers. A briefing by the Race Equality Foundation found that gypsies and travellers were 7.5 times more likely than white British households to suffer from housing deprivation (Race Equality Foundation, Ethnic Disadvantage in the Housing Market: Evidence from the 2011 census, April 2015). The lack of suitable and secure accommodation includes not just permanent sites but also transit sites. This lack of housing inevitably forces many Gypsies and Travellers onto unauthorised encampments.”

11. Gypsies and Travellers constitute separate ethnic groups who are protected minorities under the EA 2010 (Moore and Coates v Secretary of State for Communities and Local Government [2015] EWHC 44 (Admin)).

12. Gypsies and Travellers are widely recognised as being a particularly vulnerable minority. A report produced by the Department for Communities and Local Government in 2012 (DCLG, *Progress report by the ministerial working group on tackling inequalities experienced by Gypsies and Travellers*, 2012) noted that:

1.1 Gypsies and Travellers experience, and are being held back by, some of the worst outcomes of any group, across a wide range of social indicators:

- In 2011 just 12% of Gypsy, Roma and Traveller pupils achieved five or more good GCSEs, including English and mathematics, compared with 58.2% of all pupils*
- There is an excess prevalence of miscarriages, stillbirths, neonatal deaths in Gypsy and Traveller communities*
- Around 20% of traveller caravans are on unauthorised sites.*
- Studies have reported that Gypsy and Traveller communities are subjected to hostility and discrimination and in many places, lead separate, parallel lives from the wider community. (Footnotes not reproduced)*

13. In March 2016, the Equality and Human Rights Commission published a spotlight report entitled “*England’s most disadvantaged groups: Gypsies, Travellers and Roma*”. This found that:
- i. Gypsy, Roma, and Traveller children were less likely to achieve a “*good level of development*” in their early years or to achieve the GCSE threshold. They were also amongst those most likely to be bullied or excluded from school.
 - ii. Compared to the general population, they are more likely to experience poor health, including lower life expectancy, high infant mortality rates, higher prevalence of anxiety and depression, asthma, chest pain, diabetes, and higher maternal mortality rates.
 - iii. Discrimination against and harassment of Gypsies, Roma, and Travellers was common across Britain. Hostility towards these groups was often “*channelled through political rhetoric and the media*”.
14. Caravan-dwelling is an important part of Gypsies’ and Travellers’ culture and ethnic tradition. Whilst the majority of Gypsies and Travellers now reside in conventional housing, a significant number (perhaps around 25%, according to the 2011 UK Census) still live in caravans in accordance with their traditional way of life. Many of these will have a cultural aversion to conventional housing and it has been recognised that, for such people, bricks and mortar would be as unsuitable as a “*rat-infested barn*” (*Clarke v Secretary of State for the Environment, Transport and the Regions* [2002] JPL 55, per Clarke J at §34).
15. However, there is a long-standing and serious shortage of sites for Gypsies and Travellers. This lack of suitable and secure accommodation forces many Gypsies and Travellers onto unauthorised encampments and developments.
16. In particular, the Claimant has no transit pitches, namely pitches intended for temporary occupation by nomadic Gypsies and Travellers: indeed, there are no transit sites in the whole of London.

Legal framework

Basis for granting an injunction

17. The Claimant relies on section 222 of the Local Government Act 1972 (“LGA 1972”) and section 187B of the Town and Country Planning Act 1990. This provides, inter alia:

(1) Where a local planning authority consider it necessary or expedient for any actual or apprehended breach of planning control to be restrained by injunction, they may apply to the court for an injunction, whether or not they have exercised or are proposing to exercise any of their other powers under this Part.

(2) On an application under subsection (1) the court may grant such an injunction as the court thinks appropriate for the purpose of restraining the breach.

18. In *South Bucks DC v Porter* [2003] UKHL 26, the then House of Lords approved the guidance given by Simon Brown LJ in the Court of Appeal as to when injunctions under this section should be granted:

38. ...it seems to me no less plain that the judge should not grant injunctive relief unless he would be prepared if necessary to contemplate committing the defendant to prison for breach of the order, and that he would not be of this mind unless he had considered for himself all questions of hardship for the defendant and his family if required to move, necessarily including, therefore, the availability of suitable alternative sites...

39. Relevant too will be the local authority’s decision under section 187B(1) to seek injunctive relief. They, after all, are the democratically elected and accountable body principally responsible for planning control in their area. Again, however, the relevance and weight of their decision will depend above all on the extent to which they can be shown to have had regard to all the material considerations and to have properly posed and approached the article 8(2) questions as to necessity and proportionality...

41. ... the court’s discretion is absolute and injunctive relief is unlikely unless properly thought to be ‘commensurate’ – in today’s language, proportionate...

19. In the *Wolverhampton* case at para 167, set out under paragraph 30 of the Claimant’s skeleton argument dated 20th November 2024, the Supreme Court held that a newcomer injunction is only likely to be justified, if – and then set out the important matters set out in the Claimant’s skeleton argument.

20. It is submitted that the evidence falls a long way short of a compelling and sufficiently demonstrated case for injunctions against the First Defendant in respect of sites 2 and 3.
21. On the three issues that this Court is invited to decide, as per paras 188-189 of the Wolverhampton judgment, the proposed intervenor submits that sharp focus is required on whether the authority has complied with its obligation properly to consider the provision of lawful stopping places for Gypsies and Travellers within its area.
22. The point here is whether the assessment of need published in February 2023 was robust , whether there has been failure to provide the pitches that assessment said should be provided by 2025 and whether the issue of whether or not to provide transit sites (to meet the problem of unauthorized encampments that the Claimant relies on for seeking this injunction) was properly gone into, before concluding none were required.
23. It is respectfully submitted that does not appear to have been the case. The proposed intervenor would also draw attention to the need for the court to decide whether the authority has exhausted all reasonable courses of action, including whether it has engaged in dialogue with the Gypsy and Traveller communities to try to find a way to accommodate their nomadic way of life by giving them time and assistance to find transit sites.
24. The proposed intervenor invites the attention of the Court to the evidence of previous incursions in 2021 on sites 2 and 3, that the Court may decide, does not show there is a strong probability that a tort, or breach of planning control, or other aspect of public law, is to be committed and that this will cause real harm; moreover the Claimant's stale evidence in this regard does not demonstrate a real and imminent threat to sites 2 and 3 – see paragraph 218 in the Wolverhampton case.

Government guidance

25. Guidance has been published in relation to evictions from unauthorised encampments. This includes the Department of the Environment Circular 18/94 (“DoE Circular 18/94”); the *Guidance on Managing Unauthorised Camping* (ODPM/Home Office 2004) (“the 2004 Guidance”); and *Guide to effective use of enforcement powers – Part 1: Unauthorised encampments* (ODPM/Home Office 2006) (“the 2006 Guidance”).

26. The guidance establishes, inter alia, the following principles:

- i. It is a matter for local discretion whether it is appropriate to evict an unauthorised Gypsy encampment (DoE Circular 18/94, paragraph 6).
- ii. Local authorities should not use their powers to evict Gypsies needlessly but should use their powers in a humane and compassionate way (DoE Circular 18/94 paragraph 9).
- iii. Each encampment location must be considered on its merits (2004 Guidance, paragraph 5.4).
- iv. Where there are no authorised sites, and the authority is of the view that an unauthorised Gypsy encampment is not causing a level of nuisance which cannot be effectively controlled, it should consider providing basic services, such as toilets, a refuse skip and a supply of drinking water at the site (DoE Circular 18/94, paragraph 6).
- v. An authority must carry out welfare assessments on unauthorised campers to identify any welfare issues that need to be addressed, before taking enforcement action against them (the 2004 Guidance, paragraph 5.7 to 5.18; the 2006 Guidance, paragraph 9 and 77; *Ward v Hillingdon LBC* [2001] EWHC Admin 91 at para 11).
- vi. All information given and received during visits and enquiries must be clearly recorded (the 2004 Guidance, paragraph 5.14).

27. In *R (Casey and Others) v Crawley Borough Council* [2006] EWHC 301 (Admin), at paragraph 50 of his judgment, Burton J indicated that local authorities ought to consider three options when deciding whether to evict those living on unauthorised encampments, namely:

- (i) *Seek and obtain possession of the sites [Option 1].*
- (ii) *Tolerate the Claimants, if only for a short time, until an alternative could be found [Option 2].*
- (iii) *Find an alternative site, if only on a temporary basis, and offer the [Claimants] a move to it [Option 3].*

Human rights

28. Article 8 ECHR provides that:

(1) Everyone has a right to respect for his private and family life, his home and his correspondence.

(2) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

29. In *Chapman v United Kingdom* (2001) 33 EHRR 18, apart from setting out the passage at para 73 used by Lord Justice Coulson in the *Bromley* case referred to above, the Court further “held:

“96. ...the vulnerable position of gypsies as a minority means that some special consideration should be given to their needs and their different lifestyle both in the relevant regulatory planning framework and in arriving at the decisions in particular cases. To this extent there is thus a positive obligation imposed on the Contracting States by virtue of Article 8 to facilitate the gypsy way of life”.

Best interests

30. Article 3(1) of the United Nations Convention on the Rights of the Child 1989 (“UNCRC”) states that:

In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

31. It was held by the Supreme Court in *ZH (Tanzania) v Secretary of State for the Home Department* [2011] 2 AC 166 at §23 that this Article:

...is a binding obligation in international law, and the spirit, if not the precise language, has also been translated into our national law. Section 11 of the Children Act 2004 places a duty upon a wide range of public bodies to carry out their functions having regard to the need to safeguard and promote the welfare of children.

32. It was explained at §26 that:

This did not mean (as it would do in other contexts) that identifying their best interests would lead inexorably to a decision in conformity with those interests. Provided that the tribunal did not treat any other consideration as inherently more significant than the best interests of the children, it could conclude that the strength of the other considerations outweighed them. The important thing, therefore, is to consider those best interests first.

33. In *Zoumbas v Secretary of State for the Home Department* [2013] UKSC 74 at §10, the Supreme Court approved the following principles:

(1) The best interests of a child are an integral part of the proportionality assessment under article 8 of the Convention; (2) in making that assessment, the best interests of a child must be a primary consideration, although not always the only primary consideration; and the child's best interests do not of themselves have the status of the paramount consideration; (3) although the best interests of a child can be outweighed by the cumulative effect of other considerations, no other consideration can be treated as inherently more significant; (4) while different judges might approach the question of the best interests of a child in different ways, it is important to ask oneself the right questions in an orderly manner in order to avoid the risk that the best interests of a child might be undervalued when other important considerations were in play; (5) it is important to have a clear idea of a child's circumstances and of what is in a child's best interests before one asks oneself whether those interests are outweighed by the force of other considerations; (6) to that end there is no substitute for a careful examination of all relevant factors when the interests of a child are involved in an article 8 assessment; and (7) a child must not be blamed for matters for which he or she is not responsible, such as the conduct of a parent.

Equality Act 2010

34. Pursuant to section 29(6) EA 2010:

A person must not, in the exercise of a public function that is not the provision of a service to the public or a section of the public, do anything that constitutes discrimination, harassment or victimisation.

35. This includes indirect discrimination, which is defined at section 19 EA 2010:

(1) A person (A) discriminates against another (B) if A applies to B a provision, criterion or practice which is discriminatory in relation to a relevant protected characteristic of B's.

(2) For the purposes of subsection (1), a provision, criterion or practice is discriminatory in relation to a relevant protected characteristic of B's if—

(a) A applies, or would apply, it to persons with whom B does not share the characteristic,

(b) it puts, or would put, persons with whom B shares the characteristic at a particular disadvantage when compared with persons with whom B does not share it,

(c) it puts, or would put, B at that disadvantage, and

(d) A cannot show it to be a proportionate means of achieving a legitimate aim.

36. The concept of indirect discrimination was considered recently by the Supreme Court in the case of *Essop v Home Office (UK Border Agency)* [2017] UKSC 27. The Supreme Court confirmed that (at §§24-29):

- i. Indirect discrimination occurs when a particular provision, criterion, or practice (“PCP”) puts one group at a disadvantage when compared with others.
- ii. There is no requirement for there to be an explanation of the reasons why a particular PCP puts the group at that disadvantage. The reason need not be unlawful in itself.
- iii. There is also no need for a causal link between the less favourable treatment and the protected characteristic.
- iv. Instead, there must be a causal link between the PCP and the particular disadvantage suffered by the group and the individual.
- v. There is no requirement that the PCP in question put every member of the group sharing the protected characteristic at a disadvantage.
- vi. It is commonplace for the disadvantage to be established on the basis of statistical evidence.
- vii. The courts should not be reluctant to reach the point where the respondent is required to show that PCP is justified. It is always open to the respondent to do so

37. In deciding whether a discriminatory provision is justified, the Court must consider:

- i. Whether the measure pursues a sufficiently important objective;
- ii. Whether the measure is rationally connected to that objective;

- iii. Whether it is the least intrusive action that could be taken without unacceptably compromising that objective; and
- iv. Whether a fair balance has been struck between the importance of achieving the objective and the effect of the discrimination (*Bank Mellat v Her Majesty's Treasury (No. 2)* [2013] UKSC 39, [2014] AC 700, SC per Lord Sumption at §20).

38. Should the Court find that the relief sought against the first defendants in this case is or would be a discriminatory practice, the burden of proof will be on the Claimant to persuade the Court that the discrimination is justified. This is not an easy burden to discharge where the justification pertains to the limiting of a fundamental right (*Secretary of State for Defence v Elias* [2006] EWCA Civ 1293).

39. A public authority is also subject to the public sector equality duty at section 149 EA 2010, which requires a public authority, in the exercise of its functions, to have due regard to the need to:

- (1)(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this 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.*

40. Pursuant to section 149(3):

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to-

- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;*
- (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;*
- (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.*

41. In *Pieretti v Enfield LBC* [2011] PTSR 565 (which concerned the equivalent provision in the Disability Discrimination Act 1995), Wilson LJ approved as “helpful” the “six general principles” established by the High Court in *R (Brown) v Secretary of State for Work and Pensions and another (Equality and Human Rights Commission intervening)* [2008] EWHC 3158 (Admin) (which also concerned the duty under the DDA 1995). These govern how, in practice, the public authority should fulfil the public sector equality duty (at §§90-96):

- i. Those in the public authority who have to take decisions that do, or might, affect (in that case) disabled people must be made aware of their duty to have “*due regard*” to the identified goals. An incomplete or erroneous appreciation of the duties will mean that “*due regard*” has not been given to them.
- ii. The “*due regard*” duty must be fulfilled before, and at the time that, a particular policy that will or might affect disabled people is being considered by the public authority in question. Attempts to justify a decision as being consistent with the exercise of the duty when it was not, in fact, considered before the decision, are not enough to discharge the duty.
- iii. The duty must be exercised in substance, with rigour and with an open mind. It is not a question of ticking boxes. The fact that the public authority has not mentioned the specific statutory provision in carrying out its function is not determinative of whether the duty has been performed, but it is good practice for the policy- or decision-maker to make reference to the provision where the duty is in play.
- iv. The duty is non-delegable.
- v. The duty is a continuing one.
- vi. It is good practice for public authorities to keep an adequate record showing they had considered their (disability) equality duties and pondered relevant questions.

Application of factors to this case

42. Paragraph 20 of Ms Feehan's statement tells the Court that the Claimant has no transit sites and has no identified negotiated stopping places. In accordance with the Wolverhampton decision, these matters should weigh heavily in the balance.

43. On this topic see also paragraphs 3.9 and 3.13 on internal page numbers 12 to 13 to exhibit **JC1** under the heading Transit Sites and Negotiated Stopping, the Claimant confirms it has

no recommendations for providing transit sites in the future, as the number of unauthorised encampments across the borough is very small. It is also said that the council could consider Negotiated Stopping agreements but no subsequent discussion about the potential is recorded as having taken place. The January 2023 RPH report at para 3.14 seems to suggest that through lack of engagement with residents, there are no locations that might be considered for use as stopping places, so it would be a complicated process to progress the process of finding or agreeing negotiated stopping places. The proposed intervenor is well versed in the steps required for progressing such agreements and has been involved in presentations to other London Boroughs and to the GLA concerning negotiated stopping places.

44. Page 17 of **JC1** refers to an assessed need of 5 pitches in the period from 2022 to 2030. There is a possible concern that this assessment carried out by the Claimant and Richmond Housing Partnership, is not carried out by an independent body as the Claimant is conflicted and RHP, who run the council's Traveller site at Hampton, have interviewed those on the site quite extensively but have not used the same well recognised methodology frequently encountered in Traveller accommodation assessments used up and down the country by independent consultants frequently retained by local authorities to do a needs assessment some of whom variously inquire into heads of need that may not have been counted by RHP. The unassessed columns of possible need may include those in settled housing (not by choice) wanting a pitch, inward migration as well as those seeking planning permission and refused, and those on unauthorized encampments, which do not appear to be discussed in the RHP report. The GLA's London-wide Gypsy and Traveller needs assessment that the RHP assessment refers to, has still not been published.
45. In relation to the assessed need for 5 permanent pitches that the Claimant's 2023 February study/ research paper identified, it would be germane for the Court to know if there has been a shortfall in provision of those five new pitches that page 16 of that research paper refers to (3 by 2022 and 2 for 2025 for the period between 2025-2030). Government guidance as identified above shows that there is a fairly clear link between the shortage of regularized provision in a borough and the likelihood of roadside encampments
46. A close reading of Ms Capper's statement and the Claimant's supplementary skeleton argument dated 20/11/24, seem not to address that point of permanent pitches, instead only

dealing with the council's questionable stance that no transit sites are required (but injunctions to curb the number of unauthorized encampments are).

47. The Court will also note that the impact assessment dated 5th September 2024 in Ms Feehan's exhibit YF4 did not distinguish between the pros and cons of including the different parcels of land.
48. By contrast the proposed intervener suggests that the Court should evaluate the arguments in relation to sites 2 and 3 (where it appears to be the case of no encampment since 2021) which may be said to cause less environmental harm and less harm to residential amenity than the other sites.
49. This is advanced because sites 2 and 3 do not comprise the 72 hectare nature reserve at Ham Lands, the open space at the Old Deer Park with infant play area, the two residentially enclosed Greens plus Ham Common which all have houses in close proximity (capable of engendering a large 'postbag' of emails) and King George's (playing) Field which has the five pitches on it.
50. Exhibit YF10 to Ms Feehan's 3rd statement is a copy of the PSPO and article 11 prohibits camping with a caravan. Article 23 prohibits creation of an unauthorized access. Both articles apply to all public land and open spaces managed by the Claimants. It is submitted that the Court should be astute when examining the Claimant's evidence that if there was an incursion on sites 2 and 3 use of these Byelaws would not suffice?
51. The Intervener therefore highlights the following further concerns in respect of this case.
52. First, the Court is asked to bear in mind that what the Claimant seeks is an exceptional remedy. The injunction will include people who may not only be innocent of any anti-social behavior but who may have no idea of the injunction's existence.
53. Second, the Court is asked to consider carefully whether the test for the injunction is met, in this case is met in respect of sites 2 and 3. The Claimant has failed to provide evidence to show that each of these parcels of land require protection. This process of individual appraisal is appropriate in order to ensure that the width of the order is justified. Plainly different considerations apply to each parcel of land but the Court may consider that sites

2 and 3 particularly call to be considered separately because they are not accompanied by the same degree of harms as the other sites. The photos of Ham Riverside Site 2 or 3, taken in May 2020 (at the time of lockdown) in YF5 are annotated. An injunction was previously granted and people left. The Court could decide that this history is not the meat for an Injunction sought nearly 5 years later. There are no other photographs of sites 2 or 3. An injunction against the 2nd Defendants to prevent tipping there is not the subject of these submissions. It is not enough for the Claimant to say that the injunction merely restrains the First Defendants from doing something which they are not entitled to do and which causes them no harm (although in this case the injunction would interfere with the ability to pursue a way of life that is called into question by the lack of lawful stopping places including transit sites) “*there must still be*”. In this case, the Claimant has not provided evidence to demonstrate that *a real risk of the unlawful act being committed* such that only this injunction will suffice

54. Third, there are no transit sites in Richmond, the lack of lawful stopping places matters.
55. Fourth, the Claimant’s application conflates the issue of unauthorised encampments with the issue of anti-social behaviour and, in particular, fly-tipping. Even worse, it fails to distinguish between Gypsies and Travellers peacefully pursuing their traditional way of life and the behaviour of an anti-social minority. Simply because an encampment is unauthorised does not mean that it generates anti-social behaviour. Indeed, guidance issued by the Government makes clear that not all unauthorised encampments are unacceptable and that an encampment should not be regarded as anti-social simply because it is unauthorised.
56. Fifth, the injunction may be indirectly discriminatory under the Equality Act 2010. It is clear that Gypsies and Travellers will be put at a particular disadvantage by the injunction. The question for the Court is therefore whether the proposed injunction is justified. The Intervener submits that it is not, in circumstances where:
- i. There is an absence of transit sites and or negotiated stopping places
 - ii. There is already a wealth of powers available to the council to deal with problematic unauthorised encampments, as made clear in the Government document *Dealing with illegal and unauthorised encampments* (March 2015).

57. Sixth, the proposed injunction is likely to interfere with the Article 8 ECHR rights of those affected. Furthermore, with a failure to meet the assessed needs of Travellers in its area for permanent pitches and with the absence of transit site provision the injunction is being sought by a public authority which is failing to comply with the “*positive obligation*” on public authorities (*Chapman v United Kingdom* at §96) to facilitate the Gypsy way of life.
58. Seventh, it is respectfully suggested that *Porter* principles and those set out in the *Wolverhampton* case are to be applied to the question of any order against the first set of Defendants for whom Article 8 is engaged, and the Court is asked not to apply those in *American Cyanamid* as suggested by the Claimants.
59. Eighth, the Court will find scant evidence that criminal proceedings have not worked, see paragraphs 27 to 43 of Ms. Feehan’s statement, rather the evidence is that those served do respond (but go somewhere else), see the 2nd bullet point on page 1 of the impact assessment in Exhibit **YF3** . There is no evidence of use of the byelaws and section 77 in relation to sites 2 and 3 nor of encampments last there in 2020 and 2021, see page 15 of Ms. Feehan’s statement arising because of use of those powers, The Court is left lacking sufficient evidence that in relation to sites 2 and 3, the “ authority has taken ... steps to control or even prohibit unauthorised encampments and related activities by using the other measures and powers at its disposal.”
60. The additional point is that when conducting a proportionality assessment, where the decision concerns children, then the best interests of the child must be a primary consideration. The notion, see “Age” on page 4 of the Impact assessment, that it is in the best interests of the children of the settled population to be able to make better use of parks and open spaces but not to also have regard to the children of Travellers (in need of a transit site) who also need an alternative improvised stopping place, risks the court concluding that the Claimants are only looking at matters from their own point of view and may undermine the weight to be attached to the strength of the decision relied on for bringing the claim.

Conclusion

61. The proposed intervener has the necessary status to assist the Court in its deliberations since the organisation has a long-established relationship with Gypsies and Travellers in London and was a party to the leading case in this area of law. The Claimant does not oppose the proposed intervener being heard. The Court is invited to grant the Intervener permission to intervene. Measures that affect where members of the ethnic minorities that the proposed intervener have been working with for decades, can station their caravan engage their ability to pursue that way of life and case law recognises this and that is why the application to intervene is made. The Court is invited to take into account these written submissions both in support of the Intervener's application to intervene and, if granted, in respect of the Claimant's substantive application for an injunction.

STEPHEN COTTLE
GARDEN COURT CHAMBERS
6TH FEBRUARY 2025

Orders

IN THE HIGH COURT OF JUSTICE

KING'S BENCH DIVISION

IN THE MATTER OF
SECTION 222 LOCAL GOVERNMENT ACT 1972 AND
SECTION 187B TOWN AND COUNTRY PLANNING ACT 1990

Claim No
KB -
2024-
003315

BETWEEN:

**THE MAYOR AND THE BURGESSES OF THE
LONDON BOROUGH OF RICHMOND**

Claimant

and

**(1) PERSONS UNKNOWN FORMING AN
UNAUTHORISED ENCAMPMENT AND / OR
OCCUPYING FOR RESIDENTIAL PURPOSES
(including temporary occupation) WITH OR
WITHOUT VEHICLES ON ANY OF THE 8 SITES
WITHIN THE LONDON BOROUGH OF
RICHMOND UPON THAMES LISTED ON
SCHEDULE 1 ATTACHED TO THIS CLAIM**

Defendants

**(2) PERSONS UNKNOWN DEPOSITING
WASTE ON ANY OF THE 8 SITES WITHIN THE
LONDON BOROUGH OF RICHMOND UPON
THAMES LISTED ON SCHEDULE 1 ATTACHED
TO THIS CLAIM**

and

LONDON GYPSIES AND TRAVELLERS

Proposed
Intervener

CONSENT ORDER

UPON the Claimants being notified of a proposed intervention by solicitors' for London Gypsies and Travellers

AND UPON the parties consenting to an order in the following terms

BY CONSENT

IT IS HEREBY ORDERED:

1. Permission to the Proposed Intervener to Intervene in the Claim and to:
 - (a) file written submissions that take issue with the necessity for an order in respect of sites 2 and 3; limited to 20 pages A4; and
 - (b) file a witness statement, within the intervenors' knowledge regarding the claimed lack of need for transit pitches; limited to 10 pages A4 (plus any necessary exhibits)Provided that such witness statement and written submissions are CE-filed with the Court and served upon the Claimant's solicitors by 4pm on Tuesday 11th February 2025.
2. No Order for costs

We consent to an order being made in the above terms. We are respectively authorised by the Claimant and the Proposed Intervenor to sign this Order.

Dated this 7th day of February 2025



.....
B Britton, Head of Law, for

South London Legal Partnership

Solicitors

For and on behalf of the Claimant

Ref: LE/BB/337/196

Keith Coughtrie

.....

Public Interest Law Centre

244 – 255 Cambridge Heath Road

London

E2 9DA

Solicitors

For and on behalf of the Proposed Intervenor

Ref: KC/10901109

IN THE HIGH COURT OF JUSTICE

Claim No. KB-2024-003315

KING'S BENCH DIVISION

BEFORE: MR JUSTICE DEXTER DIAS

**IN THE MATTER OF SECTION 222 OF THE LOCAL GOVERNMENT ACT 1972
AND SECTION 187B OF THE TOWN AND COUNTRY PLANNING ACT 1990**

B E T W E E N:-

**THE MAYOR AND BURGESSES OF THE LONDON BOROUGH
RICHMOND UPON THAMES**

KB-2024-003315

Claimant

-and-

- (1) PERSONS UNKNOWN FORMING AN UNAUTHORISED ENCAMPMENT AND
/ OCCUPYING FOR RESIDENTIAL PURPOSES (including temporary
occupation) WITH OR WITHOUT VEHICLES AT ANY OF THE 8 SITES
WITHIN THE LONDON BOROUGH OF RICHMOND UPON THAMES LISTED
ON SCHEDULE 1 TO THIS CLAIM**
- (2) PERSONS UNKNOWN DEPOSITING WASTE ON ANY OF THE 8 SITES
WITHIN THE LONDON BOROUGH OF RICHMOND UPON THAMES LISTED
ON SCHEDULE 1 TO THIS CLAIM**

Defendants

-and-

THE LONDON GYPSIES AND TRAVELLERS

Intervener

MINUTE OF ORDER

UPON HEARING Mr. Steven Woolf of Counsel on behalf of the Claimant, Ms. Deborah Kennett and Ms. Nancy Hawker on behalf of the Interveners there being no attendance by the Defendants

IT IS ORDERED

1. That the hearing before Mr. Justice Dexter Dias be adjourned part heard to a date to be fixed
2. That the Claim be reserved to Mr. Justice Dexter Dias
3. That the interim Order dated 22 November 2024 be continued until the adjourned hearing date or further order, whichever is later

Signed: Mr Justice Dexter Dias

Dated: 14th February 2025

IN THE HIGH COURT OF JUSTICE

Claim No. KB-2024-003315

KING'S BENCH DIVISION

Before: MASTER

Date:

**THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF RICHMOND
UPON THAMES**

Claimants

-and-

**[1] PERSONS UNKNOWN FORMING AN UNAUTHORISED ENCAMPMENT
AND/OR OCCUPYING FOR RESIDENTIAL PURPOSES (including temporary
accommodation) WITH OR WITHOUT VEHICLES ON ANY OF THE 8 SITES
WITHIN THE LONDON BOROUGH OF RICHMOND UPON THAMES LISTED ON
SCHEDULE 1 ATTACHED TO THIS CLAIM**

**[2] PERSONS UNKNOWN DEPOSITING WASTE OF ANY OF THE 8 SITES
WITHIN THE LONDON BOROUGH OF RICHMOND UPON THAMES LISTED ON
SCHEDULE 1 ATTACHED TO THIS CLAIM**

Defendants

LONDON GYPSIES AND TRAVELLERS

Intervenor

DRAFT ORDER

UPON the Application Notice and the evidence of Byron David James Britton contained in Part C thereof dated 01 September 2025.

AND UPON the Order of Mr Justice Freedman dated 22 November 2024.

AND UPON the Order of Mr Justice Dexter Dias dated 14 February 2025.

IT IS ORDERED that:

1. The Claimant do have permission to rely on the following additional evidence:
 - a. The Sixth Witness Statement of Yvonne Feehan
 - b. The Third Witness Statement of Joanne Capper
 - c. The First Witness Statement of Matthew Almond

- d. The Second Witness Statement of Matthew Almond
 - e. Any further witness statements relating to additional breaches of the Order of Mr Justice Freedman dated 22 November 2024
- 2. The additional evidence under paragraph 1(d) must be served on the Defendants and Intervenor and filed with the Court by 4pm on Tuesday 09 September 2025.
 - 3. Service on the Defendants is to be effected in accordance with the alternative service provisions in paragraphs 4(b) and (d) of the Order of Mr Justice Freedman dated 22 November 2024.
 - 4. No order as to costs.

Service of the order

The court has provided a sealed copy of this order to the Claimants:

The Mayor and Burgesses of the London Borough of Richmond c/o South London Legal Partnership
of Merton Civic Centre, London Road, Morden, SM4 5DX Ref: L/BB/337/196

No. 69
Writ of Assistance

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION

Claim No. KB-2024-003315

THE MAYOR AND BURGESSES OF THE
LONDON BOROUGH OF RICHMOND UPON THAMES

and

- 
- (1) PERSONS UNKNOWN FORMING AN UNAUTHORISED ENCAMPMENT AND/OR OCCUPYING FOR RESIDENTIAL PURPOSES (including temporary accommodation) WITH OR WITHOUT VEHICLES ON ANY OF THE 8 SITES WITHIN THE LONDON BOROUGH OF RICHMOND UPON THAMES LISTED ON SCHEDULE 1 ATTACHED TO THIS CLAIM
- (2) PERSONS UNKNOWN DEPOSITING WASTE ON ANY OF THE 8 SITES WITHIN THE LONDON BOROUGH OF RICHMOND UPON THAMES LISTED ON SCHEDULE 1 ATTACHED TO THIS CLAIM

Defendants

CHARLES THE THIRD, by the Grace of God, of the United Kingdom of Great Britain and Northern Ireland and of Our other realms and territories KING, Head of the Commonwealth, Defender of the Faith.

TO: Mr Nicholas Todd, the present (and any future) enforcement officer authorised to enforce writs of execution issued from the High Court.

Whereas by an order dated 08 May 2025 made in the above-named claim in the King's Bench Division of the High Court between the Claimant, The London Borough of Richmond upon Thames and the Defendants, (1) Persons Unknown forming an unauthorised encampment and/or occupying for residential purposes (including temporary accommodation) with or without vehicles on any of the 8 sites within the London Borough of Richmond upon Thames listed on Schedule 1 attached to the claim and (2) Persons Unknown depositing waste on any of the 8 sites within the London Borough of Richmond upon Thames listed on Schedule 1 attached to the claim, the Defendants (1) Persons Unknown forming an unauthorised encampment and/or occupying for residential purposes (including temporary accommodation) with or without vehicles on any of the 8 sites within the London Borough of Richmond upon Thames listed on Schedule 1 attached to the claim and (2) Persons Unknown depositing waste on any of the 8 sites within the London Borough of Richmond upon Thames listed on Schedule 1 attached to the claim were ordered to give the Claimant, the London Borough of Richmond upon Thames possession of the land therein described and set out in the Schedule to the Order, but the Defendants (1) Persons Unknown forming an unauthorised encampment and/or occupying for residential purposes (including temporary accommodation) with or without vehicles on any of the 8 sites within the London Borough of Richmond upon Thames listed on

Schedule 1 attached to the claim and (2) Persons Unknown depositing waste on any of the 8 sites within the London Borough of Richmond upon Thames listed on Schedule 1 attached to the claim have reused to obey the order and keep possession of the land in contempt of us and our Court:

And whereas by an order made in this claim dated 8th May 2025 it was ordered that a writ of assistance should issue to give the claimant the London Borough of Richmond upon Thames possession of the said land:

YOU ARE NOW COMMANDED to enter the said land and eject the Defendants (1) Persons Unknown forming an unauthorised encampment and/or occupying for residential purposes (including temporary accommodation) with or without vehicles on any of the 8 sites within the London Borough of Richmond upon Thames listed on Schedule 1 attached to the claim and (2) Persons Unknown depositing waste on any of the 8 sites within the London Borough of Richmond upon Thames listed on Schedule 1 attached to the claim, his tenants, servants and accomplices, each and every of them, from the said land and every part thereof and put the Claimant the London Borough of Richmond upon Thames and his assigns into full, peaceable and quiet possession thereof and defend and keep him and his assigns in such peaceable and quiet possession, when and as often as any interruption thereof is at any time effected, according to the intent of the said orders. And herein you are not in any wise to fail.

THIS WRIT WAS ISSUED by the Central Office of the High Court on 12th May 2025 on the application of South London Legal Partnership of Merton Civic Centre, London Road, Morden, SM4 5DX Ref: L/BB/337/196 Solicitor for the Claimant who resides at Richmond Civic Centre, 44 York Street, Twickenham TW1 3BZ

WITNESS the Right Honourable Shabana Mahmood, Lord High Chancellor of Great Britain, the 12th day of May 2025

The addresses for enforcement are:

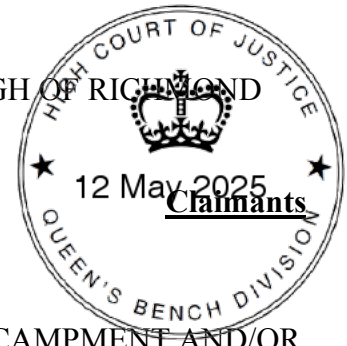
1. Ham Lands
2. Ham Riverside Drive Open Space
3. Ham Riverside Pitches
4. Kew Green
5. Old Deer Park
6. Richmond Green
7. Ham Common
8. King George's Field

KING'S BENCH DIVISION

MASTER ARMSTRONG

BETWEEN

THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF RICHMOND
UPON THAMES



-and-

[1] PERSONS UNKNOWN FORMING AN UNAUTHORISED ENCAMPMENT AND/OR
OCCUPYING FOR RESIDENTIAL PURPOSES (including temporary accommodation)
WITH OR WITHOUT VEHICLES ON ANY OF THE 8 SITES WITHIN THE LONDON
BOROUGH OF RICHMOND UPON THAMES LISTED ON SCHEDULE 1 ATTACHED
TO THIS CLAIM

[2] PERSONS UNKNOWN DEPOSITING WASTE OF ANY OF THE 8 SITES WITHIN
THE LONDON BOROUGH OF RICHMOND UPON THAMES LISTED ON SCHEDULE
1 ATTACHED TO THIS CLAIM

Defendants

ORDER

UPON the application of the Claimant without notice by Application Notice dated 08 May 2025.

AND UPON reading the Application Notice and the evidence of Byron David James Britton contained in Part C thereof dated 08 May 2025.

AND UPON being satisfied that the Claimant has properly effected service of the Injunction Order of The Honourable Mr Justice Freedman dated 22 November 2024 and sealed on 27 November 2024 endorsed with a Penal Notice and having an intention to enforce the Injunction Order in respect of the sites listed as numbers 1-8 in Schedule 1 and marked on the maps in Schedule 2 annexed to the Injunction Order.

IT IS ORDERED that:

1. The Claimant do have permission to issue a Writ of Assistance forthwith.
2. This Order has been made without notice. Any party affected by this Order may apply to set aside or vary this Order within 7 days of service upon them

DATED 09 May 2025

Service of the order

The court has provided a sealed copy of this order to the Claimants:

The Mayor and Burgesses of the London Borough of Richmond c/o South London Legal Partnership
of Merton Civic Centre, London Road, Morden, SM4 5DX Ref: L/BB/337/196

IN THE HIGH COURT OF JUSTICE

CLAIM NO. KB-2024-003315

KING'S BENCH DIVISION

BEFORE : The Honourable Mr Justice Dexter Dias

Dated:

B E T W E E N:-

**THE MAYOR AND BURGESSES OF THE
LONDON BOROUGH OF RICHMOND-UPON-THAMES**

Claimant

-and-

- (1) PERSONS UNKNOWN FORMING AN UNAUTHORISED ENCAMPMENT AND / OR OCCUPYING FOR RESIDENTIAL PURPOSES (including temporary occupation) WITH OR WITHOUT VEHICLES ON ANY OF THE 8 SITES WITHIN THE LONDON BOROUGH OF RICHMOND UPON THAMES LISTED ON SCHEDULE 1 ATTACHED TO THIS CLAIM**
- (2) PERSONS UNKNOWN INTENDING ON DEPOSITING WASTE ON ANY OF THE 8 SITES WITHIN THE LONDON BOROUGH OF RICHMOND UPON THAMES LISTED ON SCHEDULE 1 ATTACHED TO THIS CLAIM**

Defendants

LONDON GYPSIES AND TRAVELLERS

Intervener

DRAFT MINUTE OF ORDER

PENAL NOTICE

IF YOU THE NAMED DEFENDANTS OR ANY "PERSONS UNKNOWN" INTENDING TO ESTABLISH AN ENCAMPMENT AND OCCUPY FOR THE PURPOSES OF TREATING AS A PLACE OF RESIDENCE ANY OF THE SITES LISTED IN SCHEDULE 1 TO THIS ORDER AND SHOWN EDGED IN RED ON THE MAPS ATTACHED HERETO MARKED SCHEDULE 2 OR INTENDING TO DO ON

THAT LAND ANY OF THE OTHER ACTS SPECIFIED BELOW DO 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.

THIS ORDER TAKES EFFECT IMMEDIATELY ON RECEIPT, WHETHER OR NOT SEALED BY THE COURT

IMPORTANT NOTICE TO THE DEFENDANTS

1. This Order prohibits you or any person who is presently a Person Unknown as defined in this Order (or any person notified of this Order) from doing the acts set out in this Order. You should read it very carefully. You are advised to consult a solicitor as soon as possible.
2. You have a right to ask the Court to vary or discharge this Order. If you disobey this Order, you may be found guilty of Contempt of Court and you may be sent to prison or fined or your assets may be seized.
3. A “Person Unknown” as defined in this Order as: -
 - a. a person forming an unauthorised encampment and / or occupying for residential purposes within the London Borough of Richmond upon Thames on any of the 8 sites listed on Schedule 1 to this Order: and
 - b. a person depositing waste on any of the 8 sites listed on Schedule 1 this Order.
4. Electronic copies of the applications and evidence filed in these proceedings are available electronically at [https://www.richmond.gov.uk/services/parks_and_open_spaces/parks improvements and conservation/latest parks updates](https://www.richmond.gov.uk/services/parks_and_open_spaces/parks_improvements_and_conservation/latest_parks_updates) Any person who is unable to obtain electronic copies of documents at that address, or who wishes to obtain hard copies of documents, should contact the Claimant’s solicitors (South London Legal Partnership, Merton Civic Centre, London Road, Morden, Surrey, SM4 5DX) using the contact details at the end of this Order.
5. If you or any person who is presently a Person Unknown (or any person notified of this Order) and who wishes to identify themselves and be joined as a named Defendant to this Claim you may apply to the Court to be so joined on 72 hours’ notice to the Court and to the Claimant, and/or to vary or discharge this Order (or part of it).
6. Any person may apply to the Court for this Order to be varied or discharged. You must obey this Order unless it is varied or discharged by the Court

UPON HEARING Counsel, Mr. Steven Woolf for the Claimant, and X for the Intervener

AND UPON READING the Claim Form and Particulars of Claim

AND UPON READING the Witness Statements of Yvonne Feehan, Joanne Capper and Matthew Almond listed at Appendix A

AND UPON CONSIDERING Section 222 of the Local Government Act 1972, Section 187B of the Town and Country Planning Act 1990 and section 27 of the Police and Justice Act 2006

AND UPON Notice of this hearing having been notified to the Defendants by fixing a Notice of Hearing in prominent positions on the fences and gates of the 8 sites listed on Schedule 1 to this Order and shown edged in red on the maps attached hereto marked Schedule 2, published on the Claimant's website and being made available at the Claimant's offices

IT IS ORDERED THAT THE FIRST DEFENDANT

- (1) as Persons Unknown be prohibited from forming an unauthorised encampment on any of the 8 sites within the London Borough of Richmond upon Thames listed in Schedule 1 to this Order and shown edged red on the maps attached hereto marked Schedule 2 without the express written permission of the Claimant as Landowner.
- (2) as Persons Unknown be prohibited from entering to occupy for residential purposes any of the 8 sites within the London Borough of Richmond upon Thames listed in Schedule 1 to this Order and shown edged in red on the maps attached hereto marked Schedule 2 without the express written permission of the Claimant as Landowner.

IT IS ORDERED THAT THE SECOND DEFENDANT

- (3) as Persons Unknown be prohibited from depositing waste on any of the 8 sites within the London Borough of Richmond upon Thames listed in Schedule 1 to this Order and edged in red on the maps attached hereto marked Schedule 2 without the express written permission of the Claimant as Landowner.

SERVICE

- (4) Personal Service of the Injunction is dispensed with pursuant to CPR 81.8. The Claimant has permission pursuant to CPR 6.15(1) and CPR 6.27 to serve Injunction on the Defendants by the alternative methods set out at paragraph (a)-(e) below:
- (a) affixing a copy of this Order in a transparent envelope to a post in a prominent position or on a gate at the entrance to the 8 sites listed on the Schedule attached to the Claim;
 - (b) publishing a copy of this Order together with all the documentation before the Court, to include the Claim Form, Application Notices, Witness Statements of Yvonne Feehan and Joanne Capper together with any exhibits referred to and Counsel for the Claimant's Skeleton Argument dated X on the Claimant's website;
 - (c) publishing details of the Order and where to access the Claim Documents in the Richmond and Twickenham Times;
 - (d) making a copy of this Order together with all the documentation before the Court, to include the Claim Form, Application Notices, Witness Statements of Yvonne Feehan, Joanne Capper and Matthew Almond together with any exhibits referred to and Counsel for the Claimant's Skeleton Argument available at the front desks of the Claimant's offices at the Civic Centre, 44 York Street, Twickenham, TW1 3BZ.

In this Order

- (5) "The Sites" means all the land within the London Borough of Richmond upon Thames listed in Schedule 1 this Order and shown edged red on the maps attached hereto marked Schedule 2.
- (6) "Occupying" means remaining in for the purposes of treating as a place of residence or as a dwelling;
- (7) "Encampment" means a place of where a group of persons temporarily occupy with tents, caravans, mobile homes or other makeshift accommodation for the purposes of accommodation.

- (8) "Unauthorised" means without prior written consent of the Claimant.
- (9) "Vehicles" includes cars, vans, trucks, motorbikes and scooters (electric or petrol/diesel), all-terrain vehicles, tractors and farm utility vehicles, motor homes & caravans.

Duration of this Order

- (10) This Order shall remain in force until 4pm, 09 December 2026 or until further order.

Costs

- (11) There be no order as to costs.

GUIDANCE NOTES

Effect of this Order

A Defendant who is a Persons Unknown forming an unauthorised encampment or occupying any of the 8 sites within the London Borough of Richmond upon Thames listed in Schedule 1 to this Order for residential purposes with or without vehicles and edged red on the maps attached hereto marked Schedule 2 and a Person Unknown depositing waste on any of the 8 sites within the London Borough of Richmond upon Thames listed in Schedule 1 to this Order and edged red on the maps attached hereto marked the Schedule 2 who is an individual who is ordered not to do something must not do it by him or herself or in any other way. He/she must not do it through others acting on his/her behalf or on his/her instructions or with his/her encouragement.

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

It is 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 his/her assets seized.

UNDERTAKINGS

The Claimant will serve a copy of this Order in a transparent waterproof envelope or laminated copy in the manner provided for at paragraph 4 herein.

The Claimant will place a copy of this Order, together with the evidence served in support and the Part 8 Claim Form on the Claimant's website.

The Claimant will serve a Copy of this Order on the London Gypsy and Travellers Group and the Friends and Families Travellers Group and provide free of charge a full set of the papers relating to this Claim.

COMMUNICATIONS WITH THE COURT AND THE CLAIMANT'S SOLICITORS

All communications with the Court about this Order should be sent to Room WG08, Royal Courts of Justice, Strand, London, WC2A 2LL (020 7947 6010)

All communications with the Claimant's Solicitors to be

Address: The South London Legal Partnership, Merton Civic Centre, London Road, Morden, SM4 5DX

Tel No. 0208 545-4568

E-mail at byron.britton@merton.gov.uk and Samuel.Hick@merton.gov.uk

The Solicitor dealing with the matter is Byron Britton.

Reference 337/196

APPENDIX A
SCHEDULE OF WITNESS STATEMENTS

- (1) First Witness Statement of Yvonne Feehan dated 17 September 2024
- (2) Second Witness Statement of Yvonne Feehan dated 14 November 2024
- (3) Third Witness Statement of Yvonne Feehan dated 18 November 2024
- (4) First Witness Statement of Joanne Capper dated 21 November 2024
- (5) Fourth Witness Statement of Yvonne Feehan dated 29 January 2025
- (6) Fifth Witness Statement of Yvonne Feehan dated 04 February 2025
- (7) Second Witness Statement of Joanne Capper dated 12 February 2025
- (8) Sixth Witness Statement of Yvonne Feehan dated 01 May 2025
- (9) Third Witness Statement of Joanne Capper dated 06 August 2025
- (10) First Witness Statement of Matthew Almond dated 07 August 2025
- (11) Second Witness Statement of Matthew Almond dated 08 September 2025
- (12) Fourth Witness Statement of Joanne Capper dated 17 November 2025**

SCHEDULE 1

- (1) Ham Lands;
- (2) Ham Riverside Drive Open Space;
- (3) Ham Riverside Pitches;
- (4) Kew Green;
- (5) Old Deed Park;
- (6) Richmond Green;
- (7) Ham Common; and
- (8) King George's Field.