



**FRIENDS,
FAMILIES &
TRAVELLERS**

November 2023

Kicking the can down the road: The planning and provision of Gypsy and Traveller sites in England 1960-2023

Appendix 14 of 15: Wirral area profile

Wirral Council

Gypsy and Traveller population (Census 2011)	77
Any specific site allocations in the Local Plan?	No
Year of last Gypsy and Traveller Accommodation Assessment	2019
GTAA provider	ORS
Level of accommodation need	13 (of which 3 are non PPTS)
Acknowledgment of need to meet the needs of those who do not meet the Planning Policy for Traveller Sites definition?	No
Public provision?	No
Number of sites built before 1994	0
Number of sites built after 1994	0
Number of pitches on publicly-owned sites	0
Number of pitches on privately-owned sites	0

Nature of the area

The Wirral Local Plan 2021-2037 – Submission draft offers the following description:

2.1 The Metropolitan Borough of Wirral is an area of strong contrasts housing 324,500 people and covering the northern sixty square miles of the peninsula between the Dee and Mersey Estuaries with the Irish Sea to the north. The City of Liverpool sits across the Mersey to the east as do the southern parts of the Metropolitan Borough of Sefton. The County of Flintshire in North Wales is across the Dee to the west, and inland to the south lies the district of Cheshire West and Chester Council. The setting of the Borough is distinctive as a peninsula surrounded by sites of national and international importance for nature conservation which extend to the estuaries foreshore and coastal waters...

...There is strong contrast between the older highly urbanised areas of the east, in particular Birkenhead, which contains some of the poorest communities in England and the wealthier commuter settlements in the west...

...The majority of the open land away from the coast is Green Belt making up 45% of the land area of the Borough.

What is clear from this, is that this is a highly constrained area, meaning that the development of Gypsy and Traveller sites may be difficult. There are no Gypsy and Traveller sites in the Wirral. The existing development plan is dated February 2000 and has no policies for Gypsies and Travellers. The LPA have failed to get a Local Plan in place since then. This has resulted in the Secretary of State making Ministerial Directions (see part 1) being served on the LPA by letter dated 28th January 2019. The letter stated:

Within ten weeks of the date of this letter, I direct Wirral Council to: a. Designate a lead Councillor and lead official to be responsible for progressing preparation of the Local Plan. b. Publish an action plan setting out the actions that will be taken to get a Local Plan in place. The action plan should include how Wirral Council will ensure:

- i. **The allocation of sufficient land for housing for the whole of Wirral for the Local Plan period** [emphasis added];*
- ii. Adequate and sustainable resourcing and skills to prepare a Local Plan are in place;*
- iii. Appropriate governance arrangements are in place to ensure timely Local Plan preparation and decision making;*
- iv. Compliance with relevant Local Plan legislation and national policy, in particular the Duty to Cooperate;*
- v. The Local Plan is underpinned by an appropriate and up to date technical evidence base.*

There is now a submitted local plan in draft that is currently at examination stage at the time of writing.

The background to Gypsy and Traveller provision (or lack of) in the area will now be set out:

History of accommodation assessments and planning policy

Merseyside Gypsy and Traveller Accommodation Needs Assessment 2008

This is the first Gypsy and Traveller Accommodation Assessment (GTAA) that the research found. It records a requirement of 10 pitches in Wirral between 2007- 2016. There were no

itches recorded however, and all the need was derived from families in bricks and mortar. The following figures for unauthorised encampments were recorded:

- *6 encampments in 2003*
- *1 encampment in 2004*
- *3 encampments in 2005*
- *16 encampments in 2006*

It also recorded that there was no Development Plan policy for Gypsy and Traveller sites at that time, and that the LPA indicated that there were no sites/locations considered as suitable for Gypsy and Traveller development. Finally, the LPA indicated that it had no plans to develop a local authority site, but the decision would be dependent on the outcome of the GTAA.

Merseyside and West Lancashire Gypsy and Traveller Accommodation Assessment 2014

This study reduced the need figure to 8 pitches, but over a longer 20-year period (2013 -2033). This was derived from one unauthorised development (on a private driveway) and the rest from bricks and mortar. Again, there were no pitches recorded. The following figures for unauthorised encampments were recorded:

- *2011: 21*
- *2012: 14*
- *2013 (Jan – June): 10*

The report recommended that:

...it is recommended that four transit pitches be provided in the Wirral area to meet the anticipated need from Travellers passing through the Borough. For short periods or for family groups it is possible that the provision of four pitches could accommodate up to eight caravans. This would have been sufficient to accommodate most of the unauthorised encampments in Wirral from January 2011 to June 2013.

Wirral Council Gypsy and Traveller Accommodation Assessment 2019

This assessment was carried out because of the Ministerial Directions. It records the need for pitches as being 10 for PPTS need between 2019-34, and 3 non PPTS for the same period. It went on to discuss how that need might be met or otherwise:

8.3 There are currently no Gypsy or Traveller sites in Wirral and no households are believed to have contacted the Council in recent years enquiring about the provision of a public site. Putting the planning definition to one side, the majority of the need identified in Wirral is from a single extended family group living in bricks and mortar in Wirral; living in bricks and mortar in another local authority; or living on the roadside in other local authorities.

8.4 The majority of these households have stated that they wish to live together as an extended family group. Given that there are no public or private sites in Wirral there are no opportunities for them to join a waiting list for a pitch or rent pitches privately. Some have joined Wirral's housing register for affordable housing in Wirral.

*8.5 It was evident from the household interviews that these households have demonstrable housing needs that do need to be addressed but that these needs **would not necessarily be met through the provision of a public site**. As such it is recommended that further engagement is needed with these households to better determine their current and future housing needs, with the potential to meet their needs within bricks and mortar through housing allocations. [Emphasis added]*

8.6 The remaining need can be met through existing residential caravan parks in Wirral...

8.8 Due to historic low numbers of unauthorised encampments, it is not recommended that there is a need for any additional transit provision in Wirral at this time.

With the above in mind , the implication is that the LPA does not need to meet this need. However, when we look at the summary of the interviews, it does suggest that those interviewed require pitch-based accommodation:

Household 1: *Van Dweller who has lived in Wirral for approximately 4 years. Does not meet the planning definition of a Traveller. Would like a pitch in Wirral but willing to live on a Residential Caravan Park if there are vacancies.*

Household 2: *Has lived in current bricks and mortar property in Wirral for 6 years. Does not meet planning definition of a Traveller. Would like to live on a Council site with extended family.*

Household 3: *Living on the roadside in various locations. Meets the planning definition of a Traveller. On the waiting list for a house in Wirral but would prefer to live with extended family.*

Household 4: *Living on the roadside in various locations. Meets the planning definition of a Traveller. Would like to live in Wirral with extended family.*

Household 5: *Living in temporary bricks and mortar in Runcorn. Meets the planning definition of a Traveller. Would like permanent accommodation in Wirral. Additional future needs from children in the household.*

Household 6: *Has lived in current bricks and mortar property in Wirral for 10 years. Meets the planning definition of a Traveller. Would like to live on a site and in a caravan. Additional need from older children.*

Household 7: *Currently of no fixed abode. Does not meet planning definition. Would like to live in Wirral with extended family.*

The approach taken by the authors of the GTAA is that the provision of a public site is not required (which is in contrast with the above interview excerpts, but this leaves out the possibility of private provision).

Wirral Local Plan 2021 to 2037 Submission Draft

The recommendations of the 2019 GTAA have been taken forward in the emerging plan with no allocations and a criteria-based policy. It is notable that no representations have been made to object to the criteria-based policy. It is not clear whether the Gypsies and Travellers who were interviewed in the GTAA were consulted on the local plan. The Equalities Impact Assessment simply states that:

The development policy regarding permanent accommodation for Gypsies, Travellers and Travelling Showpeople identified no existing need.

Wirral Local Plan 2021 to 2037 – examination in public

In response to the questions raised by the examining Inspectors, the LPA produced a Topic Paper – *Gypsies, Travellers and Travelling Showpeople*, dated February 2023. It dealt with a number of issues. On the question of the need for those now included post the Lisa Smith judgment (where the planning definition of Traveller was ruled discriminatory), the paper states:

2. The Wirral Gypsy and Traveller Accommodation Assessment 2019 (GTAA, Document H4) was prepared before the Lisa Smith judgment was issued on 31 October 2022 and used the definition set out in Planning Policy for Traveller Sites 2015 (PPTS) (H4, page 5, paragraph 1.1 and page 9, paragraph 2.7).

3. While only the need from households who met that planning definition were formally considered as need in the GTAA 2019 assessment (H4, page 6, paragraph 1.6), the needs of households that did not meet the definition were also considered and quantified (H4, page 6, paragraph 1.5, and page 7, paragraph 1.14 refer) and were recommended to be addressed as part of general housing need under other Local Plan policies (H4, page 6, paragraph 1.9).

4. The Court of Appeal challenge was against a specific planning appeal decision and not a Judicial Review against the PPTS (2015) or NPPF. The High Court does not have the powers in a S.288 challenge to formally determine whether the PPTS (2015) is unlawful. The judgment makes this clear in Paragraph 134:

“As we emphasised at the beginning of this judgment, we have not been asked, and under s.288 of the 1990 Act we do not have jurisdiction, to grant a declaration that PPTS 2015, or, in particular, the relevant exclusion, is unlawful. We therefore make it clear, lest there be any doubt, that we do not go beyond our conclusion that in the particular circumstances of this case, Ms Smith’s Equality Act 2010 claim, and her Convention claim, based on admitted discrimination, has been made out in her challenge to the inspector’s decision on her appeal.”

5. Having considered the outcomes of the judgment with a number of legal representatives of local authorities, ORS (who prepared the GTAA 2019 on behalf of the Council) provided a view to the Council with which the Council concurs, that is:

