

Advice To Local Authorities From The Gypsy and Traveller Law Reform Coalition To Councils and Gypsies/Travellers Regarding:

The New Planning Circular

The New Planning System (Regional Spatial Strategies RSS)

The New Statutory Duty To Assess Gypsy/Traveller Accommodation Needs and Prepare Strategies

New Accommodation Proposals For Travellers

The Government has introduced a series of reforms, which have important implications for the provision of Traveller sites. The Planning and Compulsory Purchase Act (2004) will create Regional Spatial Strategies that will set targets for homes including Traveller accommodation. The Housing Act 2004 creates a new duty on councils to assess Traveller accommodation need and develop strategies. The New Planning Circular is currently out for consultation (closing date 18/3/05). It will replace circular 1/94.

The following paper discusses the implication of these reforms and sets out recommendations for Travellers and councils.

Consulting Travellers

Statements of Community involvement (SCIs) will set out how councils intend to involve groups in the planning process and consultations. SCIs (para 22) will be scrutinized by planning inspectors to ensure that such consultation and involvement will take place. We hope that where Gypsies and Travellers are unhappy with SCIs some mechanism will be available whereby they can lodge their dissatisfaction with councils and even the planning inspectorate. We will be recommending Travellers to not only actively participate in such consultations but to challenge finalised policies that have been drafted without consulting them. With reference to the early stages of preparing RSSs and ((Draft Development Documents) DDPs, para 21 of the draft circular declares Gypsies and Travellers should also be proactive in ensuring their input into consultation. Documents being sent to national organisations will not be sufficient. Proactive consultation needs to take place at a local level.

We hope that in consulting Gypsies and Travellers and assessing their accommodation needs that due attention will be given to their accommodation preferences. Whilst many may wish to own their own land many will want and need public provision. Resulting accommodation strategies should reflect the need for public and private provision.

A council that has been especially successful in consulting Travellers and developing their trust is Fenland district council. Contact David Bailey

Annex B of this document contains a number of points of contacts who can advise councils in consultations on development documents and possibly act as gate keepers to local Gypsy and Traveller communities.

Accommodation Needs Assessment.

Councils are now under a statutory duty to assess Traveller accommodation need and develop strategies to meet those needs. The new measures in the Housing Act 2004 require councils to take such a strategy into account when exercising their other functions re planning, education, social care and housing/accommodation for Gypsies/Travellers

A model of good practice is provided by the Northern Ireland Housing Executive, which in 2002 undertook a comprehensive needs assessment of current and projected accommodation. The Northern Ireland Executive assembled a steering group that included Traveller representatives to quality assure and validate the findings of the research carried out.

The Traveller accommodation needs assessment in Northern Ireland evaluated: current tenure of the Traveller population and measured their satisfaction levels with their existing accommodation, the number of Travellers who exercise a nomadic way of life or still have aspirations to travel on an occasional basis, the preferred accommodation choice of Travellers, the extent of the intimidation and harassment suffered by Travellers and the incidence of ill health and disability.

We would also commend as a model of good practice the Traveller Needs Assessment for Cambridge and sub-regional area which will both feed into the Housing Needs Assessment for that area and provide information which can be utilised by a range of service providers (e.g. medical, educational, leisure services, etc.) when planning service delivery for members of the Travelling communities. In undertaking this work the coordinators Dr Margaret Greenfields and Dr Robert Home have worked closely with a Travellers Advisory Group consisting of both local and national activists, specialists and field-staff (e.g. Traveller Education Service workers). All members of the 'core' advisory group are members of the Gypsy and Traveller communities (consisting of individuals from a range of ethnicities) and they have been involved from the outset of the development of the project, consulting with the coordinators on wording of questionnaires; appropriate outreach to community members (utilising the 'modified Andalusian snowballing technique'); best practice in delivery of information etc. The project is also following the innovative practice of training members of the community to administer the questionnaires, which will be quality controlled and analysed by the academic team. This model of practice both builds capacity amongst Gypsies and Travellers and promotes 'stakeholding' in the finished project.

We would recommend that a similar model of community engagement is utilised in other areas of the country although with the requirement that local authorities do not simply ‘transplant’ the questionnaire wholesale but take account of local circumstances and the pool of advisors/interviewers within their locality when considering their response to the requirement to consult. We would recommend that the above model of close ‘localised’ consultation is also followed when considering the most appropriate way of disseminating information pertaining to the new planning processes to ensure that the materials are culturally suitable and/or take account of literacy difficulties which may exist for members of the travelling communities.

For more information contact:

Dr Margaret Greenfields

moregreenways@ukonline.co.uk

Dr Robert Home

r.home@apu.ac.uk

Transitional Arrangements

With regard to the transitional arrangements, it is useful that local authorities are being required to undertake what one might call interim needs assessments for Gypsy and Traveller sites, and to produce the results in the documentation for appeals. We call upon the ODPM to consider adding to the list, details of Gypsy and Traveller families who move from caravans to settled accommodation and vice versa. Obviously there have been movements in the past, resulting in a large though unquantified Gypsy and Irish Traveller population in housing. It is accepted by the courts, that many Gypsies have a cultural aversion to living in bricks and mortar, though another possible reason is that some Gypsies require space adjacent to their dwellings for commercial activity, which is not normally available in social housing. Gypsies and Irish Travellers also want to live in close proximity to their extended families, a preference, which is easier to satisfy on a caravan site. We presume that local authorities will be asked to make inquiries about these preferences when they assess the needs of Gypsies and Travellers as part of the housing needs assessment.

The transitional arrangements should suggest that the local authorities should get on with the task of identifying suitable land for sites immediately. Why should this be left until they have to produce the DPD (Draft Planning Document). The new planning system may take several years for councils to identify a sufficient number of sites. We believe it would be preferable for local authorities in areas under pressure from unauthorised developments, to identify suitable locations for sites immediately,

instead of merely reacting to each successive application on land, which is more or less unsuitable. This would enable families facing eviction and homelessness the option of securing land where development would be approved. It would also enable families and councils to avoid a number of legal challenges and enter into a process of land exchange (land swap) where Travellers can vacate land, considered inappropriate for development, for land where permission would be granted. The Government has stated such arrangements are a matter for councils to consider on a voluntary basis but has expressed concerns about the price differentials in such land exchanges. We believe the differentials can be minimised by councils using their powers of compulsory purchase to create affordable parcels of land.

Affordability

Regarding affordability the new planning circular states (para 32) that councils should consider including a rural exception policy in the relevant LDD (Local Development Document) where there is a lack of affordable land. Again in order to promote affordability we would recommend that councils use their powers of compulsory purchase to create affordable land for Traveller site development. Also councils could consider establishing loan systems whereby Travellers can pay councils back to purchase land. Measures such as these will avoid price inflation whereby land becomes too expensive for most Traveller families and minimises the danger of land speculators buying strips of available and designated land and attempting to sell plots on unreasonable terms. There is a danger that price inflation, if unchecked, will discourage families from trying to secure land for site development, through the new processes of the planning system.

We have also noted that John Prescott MP, Secretary of State at the ODPM, declared at the Labour Party conference in October 2004 that Labour would help create affordable housing by releasing government owned land for development. We hope that this will be extended to the Gypsy and Traveller community for site development for public and private site provision.

Location

Annex C (6) of the new planning circular states that sites should not be located on significantly contaminated land but this does not rule out locations near or adjoining motorways, power lines, landfill sites or railway lines or motorways anymore than it does for conventional housing. The ODPM will be aware though that in the past a significant number of public sites have been located in highly marginal space. We ask for the Government to be highly vigilant about the quality of the land identified for public and private sites. Where councils fail in due consideration of identifying appropriate land swift intervention by the Government will set an invaluable precedent. However, if councils do identify hazardous land, which unfortunately will

be likely in some cases, and there is no intervention then other councils will follow such examples and large numbers of Travellers will be consigned to living in highly marginal space, which will have a negative impact on their social inclusion and general life chances.

A Taskforce may be of assistance in ensuring such vigilance is maintained. We believe the Secretary of State should use their powers of intervention (see annex A) where inappropriate land is identified for development. The GTLRC will actively encourage the Secretary of State to do so in such cases. We will also encourage Travellers at a local level to challenge development plans, which identify marginal space for site development. Local authorities that have been successful in developing and facilitating some public and private sites that are well designed and enjoy locations, which promote integration and good access to services are:

Urban Design/location – Haringey (Waltham Place Site) and Hackney Council (Abbey Road Site)

Rural Design/location – Fenland Council

The Green Belt

We welcome recognition of difficulties faced by Gypsies and Travellers in rural areas (including Green Belt) in securing supply of affordable land for their needs. In view of the difficulties faced by Gypsies and Travellers we expect that exceptions policies will be the rule rather than the exception where there is a need.

We are glad that para 33 recognises that Green Belt may be an appropriate place for a site or sites, and that (para 35) recognises that Green Belt is often the only place available. In view of the historical difficulty of obtaining sites within urban areas, which is unlikely to significantly be affected by the new circular, given the demand for sites for conventional housing, Green Belt may be the only available land in districts whose non-urban land is dominantly Green Belt. This is recognised in paras 34 and 35 suggesting that alterations to Green Belt boundaries may be possible. We are glad that this need is recognised but are concerned about the length of time this will take before sites in such situations can become a reality. We suggest that existing sites without the benefit of planning permission in Green Belt and rural areas generally should have a stay of execution on enforcement actions until the process of examining the need for exceptions within Green Belts is completed. It would seem to make little sense for local authorities to evict Gypsies and Travellers from their own land under the current guidance and policies when there is every possibility of them being granted planning permission when the planning policy development process is complete. Local planning authorities in considering changes to Green Belt boundaries should consider the history of enforcement, applications and appeals on Green belt

land within their district. Such a history should be a material consideration in considering changes.

We would ask that the guidelines be amended to follow case law in that general educational needs are considered sufficient to warrant granting planning permission in green Belt.

Monitoring

Planning Policy Statement 12 (4.8.3) states that there should be monitoring to assess the effectiveness of local development documents and land use policies to ensure they do not have an adverse impact on different racial groups.

Local authorities should measure the success rate of applications for Gypsy and Traveller sites against other types of residential development. Local authorities should compare these with their past performance. Given an overall success rate in the past of around 10 per cent for initial applications by Gypsies and Travellers there should be a marked improvement on implementation of the new planning circular if it meets its aims. This should be the comparison not simply with other residential development. The GTLRC will be encouraging Gypsy and Traveller groups at a local and regional level to track progress.

Annex A

The Secretary of State has various powers of intervention in the new planning system. Annex D (9) describes for example how under section 21 (1) of the Planning and Compulsory Purchase Act 2004 the Secretary of State has the power to modify the draft DPD. If they fail to do so the Secretary of State can under section 21 (4) of the Act direct that the relevant part of the document be submitted to him for approval. Furthermore, where a local planning authority has not prepared a DPD in the first place then under section 26 (2) of the Act the Secretary of State can direct them to prepare the necessary document if they fail to do so then ultimately the Secretary of State can exercise their default power under section 27 and identify the necessary sites, proceed to an examination, and then approve the document.

Councils in the past have proved to be reluctant to fulfil the most minimum of requirements regarding Gypsies and Travellers. It is likely that many local authorities will attempt to shirk their new responsibilities. The Secretary of State will therefore have to use their powers of intervention at the earliest possible opportunity. Swift intervention will set an example and will encourage councils to meet their responsibilities. However, failure to intervene on a sufficient level will lead to large

numbers of councils shirking their responsibilities and many of the ills associated with the present planning system will continue.

Annex B

National and Regional Contacts

South East/Anglia

Charles Smith - Anne Bagehot –(Essex/London) Gypsy Council

thegypsycouncil@btinternet.com

Cliff and Janie Codona –(Bedfordshire) National Travellers' Action Group

codona9@aol.com

Stephen Staines (Cambridgeshire) Friends Families and Travellers

sts@tesco.net

Joe and Bridie Jones (Kent) Canterbury Gypsy and Traveller Support Group

josephjonesct3@aol.com

The Ormiston Trust/Cambridgeshire Travellers' Initiative

sherry.peck@ormiston.org

Pete Mercer - East Anglia Gypsy Council

Emma Nuttall – Friends Families and Travellers

fft@communitybase.org

Greg Yates (Sussex)

warwick.instant@virgin.net

Jake Bowers (Sussex)

jake@jakebowers.fsnet.co.uk

Simon Evans (Kent)

simonevans@openproductions.co.uk

TERF (has contacts in Essex and Kent)

ustiben.2@ntlworld.com

London

Frieda Schicker - London Gypsy Traveller Unit

lgtu@aol.com

Neil Southwick - Irish Traveller Movement in Britain Southwark Travellers Action Group

nealsouthwick@hotmail.com

Brent Irish Advisory Service Bromley Gypsy/Traveller Community Project

yvonnemacnamara@btconnect.com

yvonnemacnamara@yahoo.co.uk

Noelette Keane and Tom Sweeney – Irish Traveller Movement

info@irishtraveller.org.uk

South West

Len Smith – Southampton – British Committee for Romani Emancipation

parnobal2@smith62.fsnet.co.uk

Rev Roger Redding - South West Travellers' Forum

rreddi@reddebes55.freemove.co.uk

Basil Burton - National Romani Rights Association (please note the email address below belongs to Basil's niece)

romanybabe@msn.com

Maggie Bendell Smith – Somerset/Cornwall/Wiltshire

info@dglg.wanadoo.co.uk

Ron Steiner - Avon Traveller Support Group

Hertfordshire Travellers' Support Group

Wales

Cardiff Gypsy and Traveller Project

Travellers' School Charity (Pembrokeshire)

travellerscs@hotmail.com

Travellers' Aid Trust (Carmarthenshire)

info@travellersaidtrust.org

Swansea YWCA Traveller Project

lucy.russell@ywca.org.uk

Midlands

Chris Johnson – Travellers Advice Team

gypsylaw@hotmail.com

Angus Murdoch - Travellers Advice Team

murdoch.angus@btopenworld.com

Dominic O'Callaghan - East Notts Traveller Association

domocallaghan@hotmail.com

Siobhon Spencer - Derbyshire Gypsy Support Group

info@dglg.wanadoo.co.uk

North

Siobhon Spencer

info@dglg.wanadoo.co.uk

Kay Beard/Rachel Ingham – National Association of Gypsy Women

rachelfrancisingham@yahoo.co.uk

Leeds Gypsy and Traveller Exchange

hxjones@blueyonder.co.uk

Hull Gypsy and Traveller Exchange

elaine_scullybank@yahoo.co.uk

Win Lawlor - Irish Community Care Liverpool

winnie.lawlor@iccm.org.uk

Mark Naughton - Irish Community Care Manchester

York Travellers' Project

Richard O'Neil - Yorkshire/Lancashire

roneill@aol.com

National Organisations

Andrew Ryder – Gypsy and Traveller Law Reform Coalition

romanistan@yahoo.com

Charles Smith - Anne Bagehot - Gypsy Council

thegypsycouncil@btinternet.com

Noelette Keane/Father Joe Browne - Irish Traveller Movement

info@irishtraveller.org.uk

joe@travellerschaplaincy.org.uk

Emma Nuttall –Friends Families and Travellers

fft@communitybase.org

Kay Beard/Rachel Ingham – National Association of Gypsy Women

rachelfrancisingham@yahoo.co.uk

Cliff and Janie Codona - National Travellers' Action Group

codona9@aol.com

Most local authorities have Traveller Education Services within their education departments, they often have extensive knowledge of Gypsies and Travellers living in the area and may be able to assist councils in getting into contact with local Traveller.

For Further Assistance Contact Andrew Ryder

Policy Development Worker,
GTLRC
Banderway House,
156-162 Kilburn High Road
London
NW6 4JD

email: romanistan@yahoo.com

For security reasons the addresses and phone numbers of the above contacts have not been given but can be obtained in some cases by contacting Andrew Ryder. Where there is no email contacts please send an email to Andrew Ryder.

Also some of the above contacts will have knowledge of Gypsies and Travellers in the wider region where they live.

Expenses

We expect councils to, at the very least, pay for the travel expenses of Travellers and Gypsies travelling to meetings to advise councils.