

Traveller Law Reform Project recommendations on Gypsy and Traveller Accommodation Assessments and the planning process for provision of accommodation for Gypsies and Travellers in England

1 Introduction

Since ODPM Circular 1/2006 was issued, and following the Housing Act (2004), the accommodation needs of Gypsies and Travellers have received considerable attention. Gypsy and Traveller Accommodation Assessments (GTAAAs) have been carried out and published for much of England and all areas will have published GTAAAs by the end of 2008. These accommodation assessments will inform development of policy at regional and local level, leading to pitch allocations to meet the assessed need.

There has been considerable development of Regional Planning Policy, with a number of single issue Partial Reviews of Regional Spatial Strategies under way. All local authorities are embarking on new Local Development Frameworks and are proceeding with Core Strategies (which outline proposed strategies for development) and Allocations Documents (which identify land for development).

A very significant proportion of GTAAAs have been found not to be adequate for their main purpose – identifying the necessary numbers of pitches, both residential and transit, for Gypsies and Travellers. Many have been reviewed following a research study of GTAAAs in the East of England (*P Niner, Preparing Regional Spatial Strategy Reviews on Gypsies and Travellers by Regional Planning Bodies, CLG, March 2007*). A formula has been applied to some inadequate GTAAAs to produce an *interim* estimate of need.

Both GTAAAs and the basis on which they have been reviewed following the East of England study contain serious defects because of over-reliance on bi-annual caravan counts as a proxy for a proper census of Gypsies and Travellers from which to extrapolate need. The needs of Gypsies and Travellers who have effectively been forced into housing and who need caravan site accommodation because of psychological aversion to bricks and mortar have at best been patchily addressed, if at all. Few GTAAAs attempt to arrive at an independent estimate of the local Gypsy and Traveller population and few make use of records held by councils and police of incidents of unauthorised camping and attempt analysis of planning applications and their outcomes.

These fundamental problems have led to underassessment of need, which causes problems to the whole planning process, evidentially based as it is.

Little progress has been made, except in a few local authority areas, in identifying any land and developing systems for site delivery. This will require further work, and methods will need to be developed for site delivery, taking into account the difficulty of finding land which is both available and suitable. Unlike bricks and mortar housing development, there is not a bank of land in suitable developers' hands which can be made available through the market mechanism. A different and creative approach will be needed if the much needed sites are to come forward, especially those for family owner-occupation.

The development of planning policy is just one part of a process which has at its base recognition of inequalities, poor life experiences and outcomes, and the social exclusion of many Gypsies and Travellers. There needs to be a parallel development of strategy and policy beyond land use planning. The provision of sites, unless accompanied by other actions, will not solve the equality and social exclusion issues which affect Gypsies and Travellers. Their isolation and exclusion will continue.

2 Continuing Assessment of need

Regional Assemblies, their successor organisations and partners should seek to address the under-provision of Gypsy and Traveller accommodation, both residential and transit, by working across administrative boundaries both sub-regionally and regionally.

Regional Assemblies should support local authorities in establishing sub-regional groups, which could help facilitate cross-authority strategies and accommodation allocation across the region.

There is a need for an independent, standardised and centralised method of recording both authorised and unauthorised encampments, and the needs of households on these encampments. The needs of Gypsies and Travellers in housing should be the subject of a study in order to identify those who need accommodation on a caravan site. Steps should be taken to produce regional (as opposed to local) Caravan Counts in order to take a much more strategic and accurate view of accommodation need, travelling patterns and trends. It may be appropriate to consider using an independent, but experienced, group to undertake such a count. Communities and Local Government should issue revised good practice guidance following a pilot independent count in a region to establish a sound practical methodology. Such a pilot should involve representative Gypsy and Traveller organisations and individuals in the conception, design and carrying out of such a count.

3 Accommodating Gypsies and Travellers who travel

The right to travel by the nomadic population should be formally recognised and facilitated.

One of the intentions of Circular 1/2006, Planning for Gypsy and Traveller Caravan Sites is ***“to recognise, protect and facilitate the traditional travelling way of life of Gypsies and Travellers...”***. This does recognise the right to travel, and suitable policies need to be developed and diverse accommodation be made available for those on the move.

Regional Assemblies should ensure that there is a variety of transit provision in order to cater for the variety of needs. They should take a lead and provide a broad strategic view of the diverse needs of Gypsies and Travellers when travelling. In particular, the needs of New Travellers, with their lifestyle and ambitions concerning sustainable and low impact lifestyles, should be recognised and receive the attention they deserve.

There is a need to work across districts, with public and private landowners and key Gypsy and Traveller groups in order to provide feasible and appropriate options for gatherings such as traditional fairs, festivals and religious pilgrimages.

The level and form of accommodation provision for those who travel across the regions should remain under constant review.

4 Developing accommodation

Regional Assemblies should actively promote guidance issued by Communities and Local Government about site design and management. Those officers and agencies leading the planning, design and development of Gypsy and Traveller accommodation should involve the target Gypsy and Traveller population at all stages. Those involved in Gypsy and Traveller site (both residential and transit) and 'housing' design should approach this in a creative and innovative manner. Preferences and aspirations of Gypsies and Travellers should be taken into consideration.

The principles of promoting affordable accommodation to members of the non-Traveller population should be adapted and applied to the differing accommodation types used by members of Gypsy and Traveller communities. There is a strong case, given the likely problems of finding affordable

land that is achievable in planning terms, for treating all Gypsy and Traveller sites as a form of affordable housing.

5 Accommodation for Travelling Showpeople

When developing new site provision for Travelling Showpeople the Regional Assemblies should take a strategic view of allocation of sites which accommodates logistical issues (e.g. travelling with large equipment) and the pattern of work within regions.

Regional Assemblies should consult with the local branch of the Showmen's Guild to discuss plans to increase and develop accommodation provision for Travelling Showpeople.

Regional Assemblies should be aware of, and implement, the guidance issued by Communities and Local Government around planning and Travelling Showpeople sites.

In order to adapt to current working and living patterns of Travelling Showpeople, the Regional Assemblies should move towards the establishment of permanent provision rather than temporary accommodation.

In order to understand the particular accommodation issues facing Travelling Showpeople in the regions there is a need for a further in depth study of their accommodation and related needs.

5 Communication and engagement

The CRE recommended that Gypsies and Travellers be mentioned specifically in Statements of Community Involvement as 'hard to reach' or 'under-engaged' groups (*Common Ground*, Commission for Racial Equality, 2006) and involved meaningfully. In relation to planning and site provision this should be implemented by ensuring a meaningful dialogue throughout the planning process, building on links already made through the accommodation assessment process.

Local authorities need to adopt a co-ordinated approach in engaging the local communities, raising cultural awareness, dispelling some of the persistent myths around Gypsies and Travellers, raising awareness about the process of developing accommodation for Gypsies and Travellers and addressing real nuisance when it arises.

In-service training should not be seen as an isolated activity and should be embedded in a culture of lead officers and councillors taking firm principled positions on recognising and valuing diversity and challenging racist practice. *Common Ground* highlighted the need for councils to develop policies on how to handle racist representations and make sure that officers take appropriate action.

The Police have an important role in maintaining good relations between Gypsies and Travellers and the rest of the community while combating hate crime and racism. They should develop policy as part of a crime reduction strategy and of Crime and Disorder Reduction Partnerships.

Regional Assemblies should encourage and support Gypsy and Traveller led and directed groups in improving accommodation provision for Gypsies and Travellers. Establishing Inter-agency forums can improve cross-departmental and interagency work with Gypsies and Travellers and should include reasonably senior local authority officers, elected members, voluntary sector organisations and full and effective representation by Gypsies and Travellers.

Regional Assemblies and local authorities should take a lead in developing communication networks and tapping into already operating networks involving all partners in order to remain updated on key issues. For instance, housing colleagues should be fully involved in all decisions relating to planning and site provision.

6 Leadership, Race Relations and Community Cohesion

Recent research (*Providing Gypsy and Traveller sites: Contentious Spaces*, J Richardson, Joseph Rowntree Foundation, 2007) and the CRE's *Common Ground* have highlighted the importance of positive political leadership in the provision of Gypsy and Traveller accommodation.

Regional Assemblies should provide this positive leadership for their region and they, and local councils, need to consider carefully a strategy on public consultation and awareness-raising so as not to encourage irrational opposition. Elected members should be supported in this by senior officers providing accurate and unbiased evidence to make the case for the proposals to the public.

The Race Relations Act prohibits racial discrimination by planning authorities and most public authorities have a general duty actively to seek to eliminate unlawful discrimination and to promote equality of opportunity and good race relations in all they do. It should underpin the development of policy and strategy for Gypsies and Travellers.

The media have an enormous influence over public perceptions and they can do much to cause or prevent views from becoming polarised. There is a clear need for effective media training for lead officials, councillors and spokespersons in presenting the issues to the general public. All public bodies dealing with Gypsy and Traveller issues should liaise with the CLG and the Equalities and Human Rights Commission in developing media strategies.

Finally there is a clear need for the development of cross party consensus on the issue. A recent meeting of the East of England Regional Assembly voted overwhelmingly for provision based on the available evidence giving much needed cross party support. There is a clear and present danger of the issue of provision of Gypsy and Traveller accommodation becoming a political football unless this is achieved – as witnessed by the 'Stamp on the Camps' campaign run by a national newspaper which drew political support from some quarters.

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