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## **Response to CLG Consultation on Amendment to the Temporary Stop Notice Regulations**

*The Traveller Law Reform Project (TLRP) exists to lobby for changes to the law, and for efficient implementation of existing helpful policies, to ensure that there are adequate legal, decent residential and transit sites for Gypsies and Travellers. Its five supporting organisations are Canterbury Gypsy Support Group, Friends Families and Travellers, the Gypsy Council, the Irish Traveller Movement UK and London Gypsy and Traveller Unit.*

The three consultation questions laid out on page 13 of the Consultation document are clearly aimed at planning authorities, so rather than answer them we will comment on the document in general.

We are concerned that the proposed amendment would make a bad situation worse for Gypsies and Travellers.

We accept that the government genuinely intends the proposed amendment to act as a spur to local planning authorities to provide, or facilitate provision of, sufficient caravan sites for Gypsies and Travellers. We understand that the government believes that if local planning authorities are offered stronger enforcement powers if, and only if, they have provided or facilitated provision of sites, sites will be provided. We note that section 10 of the consultation document states that 'The government expects that such authorities will be acting within the context of having made generally adequate and appropriate provision for Gypsies and Travellers residing in their areas. ... (T)he government wishes to encourage local authorities to recognise that the key to effective enforcement lies in site provision.' We note that in section 20 of the proposed amendment itself, the wording makes it clear that the power to require the immediate removal of a caravan used as a main dwelling will only exist '... where there is an available pitch on a suitable alternative caravan site...' This condition is mentioned numerous times in the consultation document.

There is no definition offered, however, for 'adequate', 'appropriate' or 'suitable', and we fear that the local planning authority in question will function as the sole judge in these matters. We fear that Gypsies and Travellers may be directed to occupy vacant pitches on sites already partially occupied by families with whom they would find it difficult to share a site. Worse, we fear that where transit sites exist, Gypsies and Travellers may be directed to leave a piece of land which they had hoped would become their home in order to occupy a transit site for a lengthy period of time or, worse still, be moved around from one transit site within the area to another while planning permission is being considered. (Section 13 of the consultation document states that 'a local planning authority should be confident that alternative accommodation can be offered for the duration of any planning enforcement or appeal process, although it is not necessary for that accommodation to be on the same site throughout that period.')

If planning permission is ultimately denied, we fear that Gypsies and Travellers occupying a transit site may simply be moved on out of the area and refused permission to return for three months. Under these circumstances, local planning authorities may use the proposed new powers together with enhanced provision of transit sites (in itself a necessary and welcome development) to move Gypsies and Travellers out of their areas – the opposite of the government's stated intention. Unfortunately, our experience of some local planning authorities does not allow us always to expect them to exercise good will. We urge that, if the government is determined to introduce the proposed amendment, it should at least make clear that an 'adequate', 'appropriate' or 'suitable' site means a residential site with vacant pitches where the occupation of those pitches by the Gypsies or Travellers in question would not cause conflict with existing residents of the site.

The proposal makes it clear in a number of places that unauthorised developments are sources of tension between settled communities on the one hand and Gypsies and Travellers on the other. This is undoubtedly true, but unauthorised developments do not of themselves explain the depth and strength of anti-Gypsy and Traveller prejudice. Resistance to the development of legal sites and racist abuse of Travellers living in houses cannot all be attributed to the existence in some places of unauthorised developments.

We understand the government's desire to find ways of encouraging local planning authorities to move ahead with site provision but we believe that introducing the proposed amendment at this stage, while so many local authorities are dragging their feet over provision, sends out the wrong signal. Many local planning authorities are conducting inadequate Gypsy and Traveller Accommodation Needs Assessments, failing to implement their own assessments even when they reveal urgent need which could be addressed before the production of Regional Spatial Strategies, challenging the pitch allocations in Regional Spatial Strategies which have been produced, and failing in their clearly defined duties under the Race Relations (Amendment) Act 2000. We believe that the proposed amendment reaffirms the widespread view that it is Gypsies and Travellers who are the problem, rather than making it clear that local planning authorities have duties which they ought to fulfil, one of which is to tackle the very racial prejudice which they themselves so often display in their policies towards Gypsies and Travellers.

Local planning authorities can already use temporary stop notices to require caravans used as a main residence to leave a piece of land 'if the harm to the amenity caused by the stationing of the caravan is serious enough to outweigh any benefit to the occupier of the caravan of staying there.' The proposed amendment will enable local planning authorities to remove caravans where the harm to the amenity does not outweigh 'the benefit to the occupier of the caravan of staying there.' It is unnecessary.

We note that section 18 of the proposed text for the revised guidance and regulations, repeats examples from the existing Temporary Stop Notice Regulations of places where the unauthorised stationing of a caravan would normally be unacceptable. These include 'where the site is exposed to unacceptable levels of air pollution'. We would like to remind DCLG that large numbers of authorised, publicly provided sites are in just such locations – next to motorways, under flyovers, in industrial zones. Such reckless disregard for the health of Gypsies and Travellers, manifested by a regrettable number of local planning authorities, is of course to be condemned without reservation. It is extraordinary that Gypsies and Travellers should be taken to task for stopping, out of desperation, in the kind of places where local planning authorities often force them to stay anyway.

In this context it is most unfortunate that the London Development Agency and Newham LBC have recently decided to relocate Travellers from the Clay's Lane site, soon to be engulfed by the Olympic Site development, to Major Road Park. The site from which the Travellers are to be moved was in a location which encouraged interaction between Travellers and others, not least through shared use of Major Road Park for recreational purposes. Now that local residents are to be deprived of the use of the park so that it can be turned into a Travellers' site, Major Road is likely to become a source of ill feeling and conflict. It is not difficult to imagine the response of the public and local authorities if the Travellers had attempted to set up an unauthorised encampment in a public park. It is almost unbelievable that they are now being directed to live in one. Planning decisions of this level of insensitivity and social destructiveness must be avoided at all costs. But this unfortunate episode illustrates our point that the priority must be to ensure that local authorities fulfil their legal obligations and make sensible planning decisions based on human need, rather than adding fuel to the fire of popular prejudice by providing still more enforcement powers to the formidable arsenal already enjoyed by ill-motivated local planning authorities.

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