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*The Traveller Law Reform Project works on behalf of London Gypsy and Traveller Unit, the Irish Traveller Movement in Britain, the Gypsy Council and Friends Families and Travellers.*

## **TLRP response to *Homes for the Future*, CLG's consultation paper on the proposed Housing and Regeneration Bill**

### **Introduction**

The proposed Housing and Regeneration Bill will present an important opportunity to draw attention to and address some of the flaws that exist in current Gypsy and Traveller accommodation policies contained in the Housing Act 2004 and ODPM Circular 01/2006. Although these policies are in their early stages there are a number of major problems that are clearly evident and could frustrate successful delivery:

- Public and local authority opposition means that it is highly unlikely that anything near the 5,000 pitches estimated to be needed by 2007 in the Niner report (2002) will materialise. Apart from political intransigence this stems from three sources - lack of timely delivery of site allocations documents, lack of deliverable and affordable sites and lack of mechanisms to aid that delivery.
- It seems likely that it will be especially difficult to develop the 2,000 - 2,500 transit pitches that Niner estimates are needed, given the huge opposition to transit proposals in Crawley (2006) and Hastings (2007). Southampton Council, however, successfully located and gave planning permission for a transit site recently and their techniques for getting a site located and delivered are worthy of attention.
- Gypsy and Traveller support groups also believe that as land is identified for site construction its cost will prove prohibitive for many Travellers, who will also find it difficult to secure conventional loans.

### **How can these problems be addressed through the proposed Bill?**

The Cabinet Office has stated that the Housing and Regeneration Bill will contain clauses on Gypsy and Traveller site security of tenure following the recommendations of the European Court for Human Rights in the case of Connors versus UK (2004). Although it would be possible to establish such security of tenure simply by repealing Section 5 of the Mobile Homes Act 1983, we believe that it is important to go beyond this and to introduce legislation which would give local authority Gypsy and Traveller site residents similar rights to council house tenants. Such rights should include rights of succession and exchange and deal with maintenance responsibilities and the right to participate in site management. Many site residents are very keen to have the right to buy their pitch and this should also be considered.

We believe, along with the Local Government Association, that the statutory duty of local authorities to provide or facilitate sites should be restored. This duty would complement the existing policies on Traveller accommodation. A statutory duty might strengthen the resolve of local authorities to proceed with site development and be a useful tool in justifying such action in the face of hostile opposition.

As the Government's intention is to embark on a major programme of social housing, it should explicitly encompass Gypsy and Traveller sites, including more extensive activity of Housing Associations via the Housing Corporation and the new homes agency.

## **1 Hypothecated Funding**

There is considerable merit in hypothecated funding from the Housing Corporation for Gypsy and Traveller sites. There is considerable unused financial capacity for bricks and mortar accommodation arising partly from potential borrowings by Housing Associations against existing stock. This is not possible for Gypsy and Traveller sites, so a new start will have to be made with ring-fenced funding made available through the Housing Corporation or its successor body.

Gypsy and Traveller sites, with a cost per pitch of less than half that of conventional housing (e.g. ca £100,000 per pitch for local authority sites as opposed to £210,000 average house price), represent very good value for money. As low cost options they also have the potential for an early pay-back period so that original funding can quickly be recycled for future build to meet accommodation needs from future population growth. There is a strong argument for granting an exemption to the restriction of social housing grant only to councils developing through an ALMO or other vehicle so that councils themselves can make use of the social housing grant in site development. The current Gypsy sites grant will cease after a few years and in any event is insufficient for potential demand. There will be a continued need for funding for social accommodation delivered through local authorities. This possibility should continue to exist for those authorities prepared to build and run Gypsy and Traveller sites.

## **2 Affordable Housing targets should include Gypsy and Traveller sites**

The proposed Homes and Communities Agency is to play a key role in meeting the needs of vulnerable groups and promoting community cohesion (CLG, *Delivering Housing and Regeneration*, 2007, 26). Thus it is imperative that the Homes and Communities Agency ensures that it helps address the accommodation needs of Gypsies and Travellers.

Part of the proposed agency's remit will involve creating affordable housing, 'mixed communities' (including households from all socio economic backgrounds) and Eco Towns, and promotion of Community Land Trusts. All of these could be used as ways of providing Gypsy and Traveller sites. The doubling of government funding for Growth Points, Growth Areas and Eco Towns provides opportunities to address Gypsy and Traveller site needs in these areas – for example in Cambridgeshire (an already recognised Growth Area) which has a very large need for sites.

The £8bn programme for affordable housing provides for 70,000 more affordable homes by 2010-11, 45,000 new social homes by 2010-11 and a goal of 50,000 new social rented homes a year. As Gypsy and Traveller sites should all be considered a form of affordable housing (the view of Pat Niner in her work on RSS reviews for Gypsies and Travellers, CLG 2007), sites should be included formally in this total and means found to integrate the

delivery of social rented sites in a similar manner to bricks and mortar accommodation. With a target of over 25,000 shared ownership and shared equity homes a year, thousands more shared ownership homes through local housing companies and other forms of affordable housing, it should be clearly stated that these targets include Gypsy and Traveller sites as well as bricks and mortar housing.

The seven pilot Community Land Trusts to be set up should be encouraged to address any locally identified needs. Gypsy and Traveller sites are particularly suited for self-build projects with Community Land Trusts allowing for democratic ownership of land. There is a strong case to be made for the development of CLTs on a regional or sub-regional basis to focus solely on Gypsy and Traveller site provision and the new agency should be encouraged to develop a series of pilot projects aimed at Gypsy and Traveller site delivery.

### **3 Planning Gain Supplement and Section 106 agreements**

By facilitating and brokering accommodation development, the Homes and Communities Agency will be in a unique position to promote Section 106 agreements, where private developers could provide sites in return for consent and support for large scale developments.

If planning obligations under Section 106 agreements are scaled back as a result of the introduction of Planning Gain Supplement (PGS), the use of PGS money for site provision will be extremely important. The Green Paper implies that PGS money is intended for roads, hospitals, schools and parks.

If Section 106 obligations are not scaled back, they should as a matter of course include site provision as part of their social housing element. Where local authorities fail to fulfil their obligations on Gypsy and Traveller accommodation and the Secretary of State issues directions and intervenes directly, the Homes and Communities Agency could have an important role in identifying land for site development and helping initiate construction agreements and partnerships.

### **4 Use of surplus public land**

The Homes and Communities Agency will also be involved in the identification and brokerage of public land and will set out new standards for housing on surplus land to increase the number of affordable homes and bring forward sites more quickly.

The Agency should encompass Gypsy and Traveller sites as part of the affordable homes measures with appropriate standards for delivery. The launch of a new approach to the use of vacant land owned by local authorities has potential in part of the site delivery mechanism for Gypsy and Traveller sites.

The minimum agreed standards for developments as part of the Homes and Communities Agency's role in bringing forward publicly owned surplus sites for housing will include a minimum of 50% affordable homes. This standard should include the provision of a minimum proportion of sites for Gypsies and Travellers, reflecting local need for pitches as a proportion of total local affordable housing need.

### **5 Local housing companies**

The fourteen new local housing companies should take on part of the delivery of affordable

accommodation for local Gypsies and Travellers as part of their remit and such provision should be formally made part of the remit of any future local housing companies.

## **6 Brownfield sites**

The target of 60% of new homes on brownfield land should explicitly include a due proportion for Gypsy and Traveller sites. The new agency should work with local authorities to develop robust strategies for the provision of sites on brownfield land. This is particularly important in London and other large cities.

## **7 Co-ordinating role of the Homes and Communities Agency**

The new agency should take on a co-ordinating and enabling role in relation to the development of Gypsy and Traveller sites. In the same way that CLG contains a Gypsy and Traveller unit, the new agency should contain a Gypsy and Traveller sites unit to promote site development alongside bricks and mortar housing development. The Government should give a commitment to ensure that Gypsy and Traveller site provision will be part of the remit of the new homes agency.

## **8 Additional Sanctions**

The Institute for Public Policy Research issued a report in 2003 entitled *Moving Forward*. Page 45 recommends that a Regional Housing Board, controlling local authorities' access to funds for all their social housing, could make receipt of some of a local authority's funding conditional on providing necessary sites for Gypsies and Travellers. Is there scope in the Housing Bill for this proposal or other financial penalties to be raised? An alternative proposal would be for councils who fail to deliver sites to receive a lower star rating for accommodation from the audit commission.

## **9 Mortgages**

Specific measures should be introduced so that Gypsies and Travellers are included within the Government's proposals for improving the way the mortgage market works including more affordable long-term fixed rate mortgages. This could facilitate funding for sites and purchase of land for self-build schemes or similar proposals.

## **10 Helping First Time Buyers**

A range of initiatives is proposed:

- provision of 25,000 more shared ownership and shared equity homes funded by the Housing Corporation
- support for councils to build additional shared ownership homes on their land through new Local Housing Companies
- delivery of more shared ownership homes on public sector land without grant
- increased opportunities for social tenants to buy a share in their own home
- expansion of the range of open market HomeBuy products to offer 17.5% Government equity loan which can be used by any lender to help first time buyers.

All of these may have some application to first time Gypsy and Traveller site buyers. Other proposals include equity loans by Housing Associations and use of shared equity models to deliver new supply, which may also be applicable. Consideration should therefore be

extended to the particular circumstances of Gypsy and Traveller first time site buyers.

## **11 Delivery Issues**

*Homes for the Future* states that the CLG, local government and the new homes agency will work with the Prime Minister's Delivery Unit to design a delivery mechanism to ensure that this cross-government programme for housing is realised. There is an opportunity to design delivery modes for Gypsy and Traveller sites as part of the remit of the Delivery Unit. The development of delivery modes would give a clear lead, help prevent each local authority having to re-invent the wheel as regards site delivery, and help prioritise site delivery. The Government clearly wants local authorities to play a stronger role in addressing the accommodation needs of all their residents as part of their strategic housing role. There is a clear opportunity here for central Government to make clear to local authorities that 'all their residents' include Gypsies and Travellers. There is a real opportunity for inclusiveness given a clear lead from the Government.

## **12 Local delivery vehicles (LDVs)**

LDVs have been used to bring together local authorities in order to improve prospects and pace of housing delivery - for example Cambridgeshire Horizons brings together five local authorities. It would seem to make sense to use such LDVs to help deliver much needed Gypsy and Traveller sites as part of their remit. There may be a case to be made for a series of LDVs to be set up to facilitate site provision in line with partial RSS reviews. The Government should investigate and report on the potential for delivery through LDVs.

## **13 Apprenticeships**

*Homes for the Future* calls for an expansion in apprenticeships and other forms of training in the construction industry. Given the problems faced by Gypsy and Traveller youth in the education system and the involvement of Gypsies and Travellers in the construction industry, government training schemes for the industry should seek to include Gypsy and Traveller young people and be designed and delivered accordingly.

## **14 Unheard voices**

*Homes for the Future* exhorts local planning authorities to listen to the 'unheard voices' of young people wanting to get a rung on the housing ladder, and not just to people already there who want to prevent more local house-building. Gypsies and Travellers should be included among those whose voices are usually not heard, and should be.

*Richard Solly, Policy Development Worker, TLRP, 10 October 2007*