

About you

**i) Your details**

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**ii) Are the views expressed on this consultation an official response from the organisation you represent or your own personal views?**

Organisational response	<input checked="" type="checkbox"/>
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Personal views	<input type="checkbox"/>
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**iii) Please tick the box which best describes your organisation**

Local/District Council	<input type="checkbox"/>
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Unitary Authority	<input type="checkbox"/>
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County Council	<input type="checkbox"/>
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Parish/Town Council	<input type="checkbox"/>
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Traveller	<input type="checkbox"/>
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Public	<input type="checkbox"/>
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Representative body/voluntary sector/charity	<input checked="" type="checkbox"/>
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Non Departmental Public Body	<input type="checkbox"/>
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Other	<input type="checkbox"/>
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**Would you be happy for us to contact you again in relation to the questionnaire?**

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
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## Response to Consultation: planning and travellers

**Q1 – Do you agree that the planning definition of travellers should be amended to remove the words or permanently to limit it to those who have a nomadic habit of life? If not, why not?**

No.

It is no use talking about planning permission for people who are travelling (“have a nomadic habit of life”) if it is impossible to travel.

It is at present so difficult to follow a nomadic way of life that most Gypsies and Travellers are unable to do so. There are no stopping places, few transit sites, no emergency sites and families on the roadside face constant eviction. (See, for example, Hargreaves and Brindley, 2011, “Planning for Gypsies and Travellers: The Impact of Localism”, Irish Traveller Movement). Families have therefore been forced into housing because there aren’t enough sites. Those who are on sites cannot easily travel due to the risk of losing their pitch. Nevertheless, the vast majority of people who call themselves Gypsies or Travellers are referring to an ethnic identity which is very meaningful to them, and looking forward to the possibility that their children will be able to live a way of life that respects their caravan-dwelling culture. One impact of this proposed change will be that families will have to move onto unauthorised encampments so that they are counted as needing a pitch.

This will increase the social exclusion which has been demonstrated by many studies of health and educational standards.

Cemlyn et al. reported in 2009 that:

“Niner (2004a) found that in the absence of culturally-specific accommodation (predominantly residential Gypsy and Traveller sites), the shortfall in accommodation is met by unauthorised encampments which often fail to provide even remotely adequate living standards for Gypsies and Travellers, and which perpetuate social exclusion through a lack of access to education and health care. In an influential report from the Institute for Public Policy Research (IPPR), Crawley (2004) emphasised the appalling inequalities experienced by Gypsies and Travellers in relation to health and education, and called for the development of a high-level unit, advised by a Traveller Task Force, to oversee the delivery of adequate sites (specifically through local development frameworks) within the new planning regime which was coming into force at that time.”

(Cemlyn, S. et al., 2009, *Inequalities experienced by Gypsy and Traveller communities: a review*, University of Bristol, Buckinghamshire New University, Friends, Families and Travellers

That the situation has not improved is demonstrated by recent reports:

- Ryder, Cemlyn and Acton, 2014, *Hearing the Voices of Gypsy, Roma and Traveller Communities: Inclusive Community Development*, Bristol: Policy Press

- Lane, Spencer and Jones, , 2014, *Gypsy, Traveller and Roma: Experts by Experience*, Anglia Ruskin University and the Joseph Rowntree Foundation
- British-Irish Parliamentary Assembly, 2014, *Travellers, Gypsies and Roma: access to public services and community relations*
- Ryder and Cemlyn, 2014, *Civil Society Monitoring: on the Implementation of the National Roma Integration Strategies Decade* of Roma Inclusion Secretariat Foundation,

To quote the National Federation of Gypsy Liaison Groups, "The NFGLG found that mainstream polices in the areas of discrimination, accommodation, education, employment and health have consistently failed Gypsies and Travellers in the past and are continuing to fail these communities today".

Ryder and Cemlyn moreover identified a worsening of the situation as a result of policies being implemented by the coalition government which increase the likelihood of exclusion.

The proposed change will make it even less likely that the historic undersupply of sites which is mentioned in paragraph 1.1. of your Introduction will be successfully addressed.

Another impact will be that a planning system which is already heavily biased against Gypsies and Travellers will become even more unjust. The 2009 report explained that: "Over 90 per cent of planning applications for private (usually self- or family-owned) Gypsy sites are refused at first hearing, often following orchestrated campaigns by aggrieved (sedentary) local residents, though permission is overwhelmingly granted on appeal (CRE, 2006a; Williams, 1999)." The figure of 90 per cent is supported by recent research carried out by the National Federation of Gypsy Liaison Groups.

Applying a definition that depends on nomadic lifestyle can and does lead to the ridiculous situation that a parent may qualify but, if their planning application is successful, their children will not. ( Traveller Movement, 2014, "A Place to Call Home" : Case study, page 12) This will mean that Gypsy and Traveller children will have no future as Gypsies and Travellers. As both caravan dwelling and communal living within strong extended family bonds are both integral to Gypsy and Traveller culture, this is discriminatory.

**Q2 – Are there any additional measures which would support those travellers who maintain a nomadic habit of life to have their needs met? If so, what are they?**

Yes.

Provide sufficient secure stopping-places.

An Independent Task Group set up by the Department for Communities and Local Government, and reporting in 2007 concluded that: "real improvements cannot be made while the provision of authorised sites remains woefully inadequate for the needs of Gypsies and Travellers."

This remains the case, and there has been some incentive for local authorities to respond. The proposals in this proposed Planning Policy Guidance remove what few incentives there were, and fail to propose monitoring of local authorities' provision for Gypsies and Travellers to ensure that those limited duties that do remain are fulfilled.

Some local planning authorities, such as for example those in Essex, have begun to put into their local development plans forward planning for Gypsy and caravan site provision. It is important not to curtail these positive developments.

We urge the Government to reconsider its proposals, which will significantly worsen an already very difficult and stressful environment for both Gypsies and Travellers and Local Authorities who seek to fulfil their public sector equality duty under S149 of the Equality Act 2010 as well as upholding and enforcing planning policy.

Relevant to the current duty to foster good relations, the Independent Task Group pointed to the myths and misinformation that fuel local opposition to the provision of sites:

"The most significant stumbling block is opposition from members of the settled community, fuelled by negative perceptions of living near to a Gypsy and Traveller site.

"A key challenge, then, must be to address those fears. This may be a difficult task, but it is not a hopeless one. Work undertaken by the Joseph Rowntree Foundation on the experience of neighbours of three newly established Gypsy and Traveller sites showed that, a year after the development had been completed, members of the settled community said that most of their concerns had been entirely groundless. These are the stories that need to be told, and developers – whether local authorities, Registered Social Landlords or Gypsies and Travellers themselves – must be ready to tell them."

Relevant to the upholding and enforcement of planning policy the ITG wrote:

"At the heart of the issue lies the provision of adequate, decent quality accommodation to meet the needs of Gypsies and Travellers. During the lifespan of the Task Group, we met with several local authorities with differing policies on enforcement. It became obvious that those authorities that had already made progress on site provision had better results than those that resorted only to enforcement action. To take perhaps the clearest example, Bristol City Council saw enforcement costs fall from around £200,000 to less than £5,000 per year following the provision of a transit site costing £450,000. With the Commission for Race Equality citing estimates of around £18m spent on enforcement action every year, new sites in many areas will effectively pay for themselves in the short to medium term.

"Conversely, even the most effective enforcement team will only be able to apply a sticking plaster to a gaping wound if site provision is inadequate."

**Q3 – Do you consider that**

**a) we should amend the 2006 regulations to bring the definition of**

**“gypsies and travellers” into line with the proposed definition of “travellers” for planning purposes, and**

**b) we should also amend primary legislation to ensure that those who have given up travelling permanently have their needs assessed? If not, why not?**

a) No

We believe that to change the definition would be to abandon the principle that local authorities should carry out their functions in a way that serves everyone in their area, since it will prevent them from considering the needs of ethnic Travellers who live in bricks and mortar, however unwillingly.

Furthermore, taken together with the proposed change to planning policy guidance, this in our view amounts to the planned destruction of a culture, and the forced assimilation of ethnic minority groups. Therefore the Government would then be in contravention of Article 5 of the Framework Convention for the Protection of National Minorities, which states:

1. The Parties undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage.
2. Without prejudice to measures taken in pursuance of their general integration policy, the Parties shall refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation.

Additionally, this proposal could also be in breach of article 27 of the International Covenant on Civil and Political Rights, which states:

“In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.”

b) No

No meaningful assessment of need could possibly take place in a context where, by refusing to acknowledge people’s ethnicity, the Government prevented needs from being met.

Gypsy and Traveller communities have stressed to us the high importance that they place on being able to live in closely-knit communities in caravans or mobile homes. One family, for example, told us that when they first moved into a house, their father predicted that it would kill him, and, in their words, “It did.” In no circumstances will this family ever agree to live in a house again.

**Q4 – Do you agree that Planning Policy for Traveller Sites be amended to reflect the provisions in the National Planning Policy Framework that provide protection to these sensitive sites? If not, why not?**

No

Some of the designations mentioned already have sufficiently strong protection.

It is inequitable that developers should be allowed to build huge new developments on the Green Belt (5,600 dwellings approved last year, according to Glenigan Construction Insight) while the small-scale and low impact sites proposed by individual Gypsy families are specially targeted in this planning policy guidance. This is discriminatory.

It is noted that the lack of a 5 year planned supply of sites/pitches is currently one of the most significant material considerations for approval of sites in the Green Belt. If sufficient sites were provided, the problem would not arise. Removing this policy without first ensuring that need is met by supply will worsen homelessness among Travellers, which is already disproportionately higher than that of non-Travellers.

**Q5 – Do you agree that paragraph 23 of Planning Policy for Traveller Sites should be amended to “local authorities should very strictly limit new traveller sites in the open countryside”? If not, why not?**

No

A site in the countryside may be the only land that is both available and affordable for most Travellers, and such a setting is also consistent with their tradition and culture.

**Q6 – Do you agree that the absence of an up-to-date five year supply of deliverable sites should be removed from Planning Policy for Traveller Sites as a significant material consideration in the grant of temporary permission for traveller sites in the areas mentioned above? If not, why not?**

No

Everyone needs to live somewhere, and if local authorities are not providing sufficient sites, Gypsy and Traveller families are left with little choice but to seek to provide their own site if they want to educate their children and care for those with health and social care needs.

**Q7 – Do you agree with the policy proposal that, subject to the best interests of the child, unmet need and personal circumstances are unlikely to outweigh harm to the Green Belt and any other harm so as to establish very special circumstances? If not, why not?**

No.

The statement about the best interests of the child at 3.11 is unhelpful, since it could be taken to imply the forced removal of children from their parents and family.

If the best interests of children were to be fully considered, policy should encourage the approval of small-scale family sites, in order that there might be more security for Gypsy and Traveller Families, and any children needing foster parents able to care for them and adequately respect their ethnicity might be found placements within the Gypsy and Traveller community.

We would further point out that, when a Traveller site is established on a derelict site within the Green Belt, there may be a planning gain as opposed to harm to the Green Belt. Roman Road, Mountnessing on the site of a previous eyesore dump is an example.

**Q8 – Do you agree that intentional unauthorised occupation should be regarded by decision takers as a material consideration that weighs against the grant of permission? If not, why not?**

No

This proposed planning policy guidance would create a situation in which a family could under no circumstances remain within the law and also plan to provide their own site. In order to qualify for planning permission for a Traveller site, they would need to be nomadic, which would make any employment insecure, and would militate against the education, health and well-being of their children, as well as leading to unauthorised encampments and constant evictions. If the family nevertheless managed to save sufficient funds to purchase their own land and settled on it, in order to meet their basic survival needs, as well as following their traditional way of life, they would become ineligible for planning permission. This is a perverse situation.

It should also be noted that “unauthorised” does not mean “illegal.” If it is open to the settled population to apply for retrospective planning permission or a certificate of lawful use, this opportunity should also be available to Travellers.

**Q9 – Do you agree that unauthorised occupation causes harm to the planning system and community relations? If not, why not?**

No.

It is a symptom of the planning system’s failure to meet Travellers’ needs. As described in the response to question 2, it is poor community relations that lead to unauthorised occupation, not the other way round.

**Q10 – Do you have evidence of the impact of harm caused by intentional unauthorised occupation? (And if so, could you submit them with your response.)**

No

On the contrary, we are aware of a number of peaceful occupations which, although unauthorised, have led to acceptance and support by the local community, and enabled Traveller children to settle and flourish in school.

**Q11 – Would amending Planning Policy for Traveller Sites in line with the proposal set out in paragraph 4.16 above help that small number of local authorities in these exceptional circumstances? If not, why not? What other measures can Government take to help local authorities in this situation?**

This proposal does not cite any evidence, and would create a perverse incentive to local authorities to argue that their case was exceptional, and they should therefore be able to evade their responsibilities. We consider that adequate enforcement powers already exist.

**Q12 – Are there any other points that you wish to make in response to this consultation, in particular to inform the Government’s consideration of the potential impacts that the proposals in this paper may have on either the traveller community or the settled community?**

This proposed policy change would have adverse impacts on disabled and chronically ill people, older people, single women who are carers and children, particularly children with disabilities. It would also impact disproportionately on women, who are less likely to be able to engage in employment suited to a nomadic lifestyle.

Even more families will be pushed into housing and denied their ethnic culture and way of life.

For the Gypsy and Traveller communities the impact will be that they will need to move onto unauthorised encampments in order to be counted as needing a pitch. This is likely to have an adverse effect on community relations. In times when community relations are poor – or poorer than usual – large encampments become more likely, in order to provide protection from perceived external threats. This is likely to further escalate tensions.

For the settled community, the housing crisis will become even more acute, as the settled community seeks to accommodate in bricks and mortar a group of people for whom it is a punishment, rather than a dream, as well as those families who genuinely want to be housed.

Furthermore, we believe this proposed guidance undermines the Government’s own Localism policy, by restricting the discretion of local planning authorities to use local knowledge in creating practical solutions.

**Q13 – Do you have any comments on the draft planning guidance for travellers (see Annex A)?**

It is our view that the guidance will not address the historic and severe under-provision of Traveller sites, but will make a difficult situation worse.

The way in which the questions in this consultation have been framed indicates to us a denial of the human rights of Travellers.