York Travellers Trust

Department for
Communities and
Local Government

Response form: Consultation: planning and travellers

We are seeking your views to the following questions on proposed changes to planning policy and guidance, to:

- ensure that the planning system applies fairly and equally to both the settled and traveller communities
- further strengthen protection of our sensitive areas and Green Belt
- address the negative impact of unauthorised occupation

And

On proposed planning guidance on assessing traveller accommodation needs and use of Temporary Stop Notices.

How to respond

The closing date for responses is 23 November 2014.

This response form is saved separately on the DCLG website.

Responses should be sent to PPTS@communities.gsi.gov.uk.

Written responses may be sent to:

Owen Neal
Planning Policy for Traveller Sites Consultation
Department for Communities and Local Government
Fry Building
2 Marsham Street
London
SW1P 4DF

About you

i) Your details:

Name:	Stephen Pittam
Position:	Trustee
Name of organisation (if applicable):	York Travellers Trust (YTT)
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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 x☐
Personal views ☐

iii) Please tick the box which best describes your organisation

Local/ District Council ☐
Unitary Authority ☐
County Council ☐
Parish/ Town Council ☐
Traveller ☐
Public ☐
Representative body/ voluntary sector/ charity x☐
Non Departmental Public Body ☐
Other ☐

(please specify):	

Would you be happy for us to contact you again in relation to this questionnaire?

Yes x☐ No ☐

Questions

Please refer to the relevant parts of the consultation document for narrative relating to each question.

Ensuring fairness in the planning system

Question 1: 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?

Yes ☐ No **x**

Comments

The definition is already too weak, and does not give any recognition to the cultural traditions of nomadism or the fact that Romany Gypsies and Irish Travellers are recognised as ethnic groups within the framework of the Equalities and Race Relations Acts. There is an underlying assimilationist tendency in this consultation document which is deeply worrying. Further, there appears a basic lack of understanding of the concept of equality. The document suggests that everyone should be treated the same. This would be fine if we were operating on a level playing field. Any policy that does not recognise and embrace difference and acknowledge the acute disadvantages experienced by the Gypsy and Traveller communities, especially in relation to accommodation, health and education, will inevitably lead to even greater inequality and more serious problems in the future. So the York Travellers Trust would not be opposed to changing the definition if it were to strengthen and assist Gypsies and Travellers to reach a position of equality in relation to accommodation. We find it deeply troubling that the consultation document suggests what can only be seen as a weakening of the definition. It is remarkable that the Equalities Statement that is attached to the consultation document can be so dismissive of the impact the proposals would have on the very nature of a recognised ethnic minority community.

Question 2: 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 x☐ No ☐

Comments

The simple answer to the question is to recognise the cultural tradition, the ethnicity and the particular needs of the Gypsy & Traveller communities; and then to increase the provision (and the variety of provision) of both transit and permanent Traveller & Gypsy sites. In York the Council's own research shows the need for 66 more pitches in the immediate future and there are only 55 pitches available at the moment. There is thus a need for more than a 100% increase in pitches. Many Traveller families have been forced to live in houses, because of the basic lack of appropriate

provision. An underlying theme of the Government's consultation document seems to be to blame the victim. Successive Governments and Local Authorities have failed to meet the accommodation needs of Gypsies and Travellers. Travellers are thus forced to live in accommodation not of their choice. Then the Government says that people who are not travelling should not be eligible for appropriate provision. This is morally and ethically wrong.
The Government should be trying to make it easier for Gypsies and Travellers to find and develop appropriate accommodation. It is hard to read this consultation document without feeling that the Government's intentions are the opposite – to make it harder. The strength of a democracy can be measured by the way it treats its minorities and recognises their rights. We would urge the Government to think again and to propose measures that would recognise the rights of Gypsies & Travellers and really help to solve their accommodation needs.

Question 3: 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?

Yes ☐ No x☐

Comments

For the reasons outlined above. If there were to be a strengthening of the definition of Gypsies & Travellers as suggested in our response to Q1 above, this might be a positive suggestion. The proposed change in definition is regressive and troubling.

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?

Yes ☐ No x☐

Comments

For the reasons outlined above. This suggestion would have the impact of institutionalising the 'blaming the victim culture' described in our response to Q2 above.

Protecting sensitive areas and the Green Belt

Question 4: 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 (set out in para. 3.1 of the consultation document)? If not, why not?

Yes ☐ No x☐

Comments

Most people are keen to protect the Green Belt, and we are amongst them. But the aim to protect our countryside needs to be held in balance. There are particular reasons why one balancing factor should be the urgent needs to find more accommodation for Gypsy & Travellers.
Most accommodation provision for Gypsies & Travellers in the last 10 years has been provided through private sites, some owned by Traveller families themselves. This trend should be encouraged.
In York we find that almost all provision is currently offered through large Local Authority run sites. If there is to be any chance of broadening the range of provision and encouraging family oriented small sites, and sites owned and run by Travellers, then it is inevitable that some of the provision will have to be on land currently considered to be in the Green Belt (in reality the Green Belt is not yet defined around York). It would be the provision of these kinds of site that would likely lead to better relationships between the settled community and the Gypsies & Travellers. Conversely, it would be a retrograde step in relation to meeting the needs of the Gypsy & Traveller communities if the regulations on the Green Belt were to be tightened to the extent that no new sites, however small and whoever owns the land, could be developed. So YTT would be opposed to this suggestion, and any other one which would make the task of addressing the underlying problem – the lack of appropriate accommodation for Gypsies and Travellers – any harder to achieve.

Question 5: 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?

Yes ☐ No x☐

Comments

For the reasons given in our response to Question 4 above.

Question 6: 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 (set out in para. 3.7 of the consultation document)? If not, why not?

Yes ☐ No x☐

Comments

If this and previous Governments had taken the accommodation needs of Gypsies & Travellers seriously, and given leadership to encourage Local Authorities to ensure that more and better quality provision for Gypsies & Travellers was developed, then we would not be in the position we are now in. Given the acute accommodation shortage, we cannot comprehend how the Government can even entertain the idea of lessening the requirements on planning authorities. Greater emphasis should be placed on authorities to develop five year supplies of deliverable sites, and if they fail to do this, then temporary permission should be given more freely for sites that might ameliorate the acute accommodation crisis.

Question 7: 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?

Yes ☐ No x☐

Comments

Once again this is an issue of balance. YTT is of the view that there are plenty of areas around York where Gypsy & Traveller sites could be developed that would not harm the Green Belt in any significant way. We are not talking about huge swathes of land. It would be irresponsible in our view for any Government to propose that the Green Belt could not be violated no matter what human need could be met by a possible development. The interests of children and families should be at the heart of all government policy. The needs of Gypsy and Traveller families are great. This must be recognised, and must be seen as of a higher priority than a simplistic mantra that the Green Belt must be saved at all costs.

Addressing unauthorised occupation of land

Question 8: 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?

Yes ☐ No x☐

Comments

This is yet another example of the underlying ethos of this consultation which is to 'blame the victim'. What does the Government expect if the authorities are not providing appropriate accommodation to meet the needs of the Gypsy & Traveller communities? Where are Travellers meant to go? It is already incredibly difficult for Gypsy & Travellers to achieve planning approval for sites. This would add another unwarranted punishment on communities seeking to live in a manner that is in line with their cultural heritage.

Question 9: Do you agree that unauthorised occupation causes harm to the planning system and community relations? If not, why not?

Yes ☐ No ☐

Comments

'Maybe' is an honest answer to this question. But the consultation should then be asking - how do we address the underlying problem rather than its superficial manifestation? If the Government (in partnership with Local Authorities) was to seriously address the underlying crisis in appropriate accommodation for the UK's most disadvantaged minority communities, then unauthorised accommodation would be far less of a problem, and community relations would be much improved. In the long run it would be far more economical and far more effective to address the underlying problem. The Government has shown some leadership in doing this with disadvantaged families, investing resources in early intervention. Why cannot it consider adopting a similar policy in meeting the needs of Gypsies & Travellers? Instead we are asked to give our views on a proposed set of developments that will make the underlying problems even worse.

Question 10: Do you have evidence of the impact of harm caused by intentional unauthorised occupation? (And if so, could you submit them with your response.)

Yes ☐ No ☐

Comments

We can offer evidence on the level of disadvantage faced by York's Gypsy and Traveller communities, partly caused by a lack of appropriate accommodation. YTT commissioned a study in 2008 entitled *Marginalised & Excluded* which highlighted the social costs of not providing good accommodation. We can point to evidence collected by the Local Authority on accommodation needs; and the health authorities on levels of stress and mental illness caused by unsuitable accommodation. These are the issues which the Government should be concerned about when considering how the Planning System could relieve the pressures on Gypsy and Travellers.

Question 11: Would amending Planning Policy for Traveller Sites in line with the proposal set out in paragraph 4.16 of the consultation document help that small number of local authorities in these exceptional circumstances (set out in paragraphs 4.11-4.14 of the consultation document)? If not, why not? What other measures can Government take to help local authorities in this situation?

Yes ☐ No x☐

Comments

There should be no lessening of the responsibilities placed on any Local Authority to meet the accommodation needs of Gypsies & Travellers. There are already mechanisms for Local Authorities to co-operate and to work together. The only possible outcome of this suggestion would be to increase the problem.

Question 12: 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?

Yes x☐ No ☐

Comments

This consultation document feels disingenuous. It is couched in terms of equality and fairness, but the impact of its implementation would be the very opposite. The Government must give full recognition to the cultural identity of the Gypsy & Traveller communities in the UK, and include this in any definition proposed. It must recognise its responsibilities to meet the needs of the Gypsy & Traveller communities in appropriate ways. It needs to give urgent attention to the huge disadvantage faced by the Gypsy & Traveller communities and to devise planning policies which facilitate the resolution of these problems. The thrust of the current consultation proposals would most likely make the situation worse. We would welcome a consultation on proposals for how the planning system might contribute to solving the accommodation problems faced by the Gypsy & Traveller communities.
The implications of the changes outlined in the paper will have far reaching repercussions on some of the most disadvantaged members of society. Given this, one would have imagined that every effort would have

been made to reach out to the Gypsy & Traveller communities to explain the proposals. We have seen no evidence of this here in York. This undermines the legitimacy of this exercise.

Draft planning guidance for travellers (Annex A)

Question 13: Do you have any comments on the draft planning guidance for travellers (see Annex A of the consultation document)?

Yes x☐ No ☐

Comments

We would encourage the Department to think again. Instead of making the guidance vaguer and lacking in rigour, there is a need to strengthen the planning guidance and to make it more robust, with the overall aim of ensuring that Local Authorities meet their obligations to make sure that appropriate accommodation for Gypsy & Traveller communities can be developed.