

GYPSIES AND TRAVELLERS



Planning Applications

*INFORMATION FOR
YOUR COUNCIL*

➤ **BACKGROUND**

➤ **YOUR ROLE**

➤ **THE LAW**

➤ **HELP & RESOURCES**



This booklet was put together by a group of people from Devon Association of Local Councils, Devon County Council, Plymouth and Devon Racial Equality Council, Community Council of Devon, CARA, ITAS and local Romany Gypsies and New Travellers.

Foreword

For Town and Parish councils, planning will always be one of the most demanding



issues they can deal with. There is always so much at stake for everyone concerned - those who want a development and those who live in the community already.

When different communities are involved, as with the Gypsy and Traveller community and the settled community, it can be even harder to find a fair way to handle applications. Town and Parish councillors, in their role as community leaders, are in a position to set an open-minded and professional tone to the way in which site applications are dealt with.

This booklet is designed to help town and parish councils work their way through planning applications for Gypsy and Traveller sites in a way which

gives a proper hearing to the applicants and to the existing community. The group of members from the Gypsy and Traveller community and from the Devon Association of Local Councils must take great credit in working together to produce this attractive and thought-provoking publication. I hope that clerks and councillors will find it a useful addition to their reference books.

Lesley Smith MBE
County Secretary DALC

Resources

LEGISLATION/GUIDANCE

Equality Act 2010: www.legislation.gov.uk

Planning guidance for Gypsies and Travellers

and other relevant guidance: www.communities.gov.uk

Planning information/advice:

Royal Town Planning Institute www.rtpi.org.uk

South West Planning Aid 0870 850 9807

NATIONAL ORGANISATIONS

Friends, Families and Travellers

www.gypsy-traveller.org (Useful information about Gypsies and Travellers. Links to other organisations and resources)

Equality and Human Rights Commission

www.equalityhumanrights.com (Information and guidance on equality laws/discrimination etc)

Travellers' Times www.travellerstimes.org.uk

(Online resources and current news about Gypsies and Travellers)

LOCAL ORGANISATIONS

Plymouth & Devon Racial Equality Council

www.devonrec.org.uk 01392 422566

(Specialist Gypsy/Traveller worker, advice/information)

Devon County Council Gypsy/Traveller Liaison Service

www.devon.gov.uk 01392 381113

(Information and advice)

Community Council of Devon

www.devoncc.org.uk 01392 383443

ITAS (Independent (New) Traveller Advisory & Support)

itas2010@googlemail.com 07842536266

CARA (Traveller Networking)

Infomation.traveller7@gmail.com 07876595431

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www.devonrec.org.uk www.devon.gov.uk
www.devoncc.org.uk www.plymouthrec.org.uk

WHAT IS A TRAVELLER?

There are different groups of Gypsies and Travellers in the UK.

The main groups in Devon are:

- Romany Gypsies
- Irish Travellers
- New Travellers

“Gypsies and Travellers” is an umbrella term referring to people who have a nomadic or semi-nomadic lifestyle or a nomadic heritage.

Romany Gypsies

Originated from India. They have been living in the U.K. and have been part of our community for over 500 years. They are very proud of their cultural heritage. Romany Gypsies today may be nomadic, or could be living in a house.

Some Romany Gypsies still travel all year round, others go away for a few weeks or months a year, some do not travel at all.

Irish Travellers

A distinct nomadic group originally from Ireland, they were first recorded in the UK in 1850. They have a unique culture and heritage. These days some are nomadic and some have settled on sites or live in houses.

New Travellers

Were first seen in the UK in the 1960's. There have been various movements in this culture, ranging from spiritual groups, environmentalists, to people who simply prefer not to live in a house.

All these groups are very diverse within themselves, some live a very settled life and have jobs and children in school. Other Travellers are very mobile and travel around the country. There are rich and poor, working and unemployed, families and single people.

Romany Gypsies and Irish Travellers are recognised ethnic minority groups.

HISTORY AND BACKGROUND TO HOUSING

Gypsies, Travellers and Planning

Approximately 21% of Gypsies and Travellers in the U.K. are homeless, meaning that they have nowhere legal to park their caravan.

The 1968 Caravans Act required Councils to provide adequate accommodation for Gypsies and Travellers in their area. In 1994 the Criminal Justice and Public Order Act relieved councils of that duty, and increased powers of eviction.

The trend in the 1990's was for Gypsies and Travellers to provide their own accommodation through buying land and creating pitches. However, in excess of 80% of planning applications for pitches were refused, still leaving Gypsies and Travellers with nowhere to go.

For many Gypsies and Travellers moving into conventional housing is not a realistic option. Going into housing can split up extended families causing their traditional cultures to be eroded. Gypsies and Travellers living in housing are more likely to suffer depression, stress and anxiety than those living in mobile accommodation.

Since 2006 there has been distinct planning guidance for Gypsy and Traveller planning applications (Circular 01/2006) but this is currently under review.

For the purposes of planning applications Gypsy and Traveller means:

“Persons of a nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their families’ or dependents’ education or health needs or old age have ceased to travel temporarily or permanently.”

Unauthorised encampments

These may occur when there is inadequate provision of local sites.

Moving Gypsies and Travellers on can be a lengthy and expensive process for the landowner. It can also be incredibly stressful for the families concerned. There is a financial and a human cost to the lack of pitches for Gypsy and Traveller families.

TODAY'S HOUSING NEEDS

Current Situation

At present, there are 2 Devon County Council managed sites, one is in East Devon and one in Exeter. There are also a number of small private sites with planning permission. A pitch or a site without planning permission is referred to as unauthorised. In Devon, there are a number of unauthorised sites; some are tolerated and some are subject to enforcement proceedings.

A housing needs assessment in 2006 recorded around 200 homeless Gypsy or Traveller families in Devon, and recommended that pitches were found across Devon to meet this need.

Additionally a large number of Gypsies and Travellers travel through Devon seasonally. At present there are no transit sites for these people to stop safely and legally.

To meet these needs, it has been recommended that approximately 200 permanent pitches and 40 transit pitches be created in Devon.

These pitches could be provided by the local authority, private land owners or by extending current sites.

For planning purposes, a pitch consists of one static unit and one touring caravan, which could reasonably accommodate a family.

Transit sites

Transit sites are intended for short-term use by Gypsies and Travellers in transit. The site itself is permanent but residents can only stay on a temporary basis. Unlike permanent, authorised sites, transit sites are generally only 'furnished' with basic facilities, such as hard standings and toilets. The availability of transit sites reduces the number of temporary unauthorised encampments by Gypsies and Travellers.

Permanent sites

Permanent or residential sites provide a settled location for Gypsies and Travellers. Residents may still choose to travel for part of the year but they have a base to return to. These sites are divided into pitches, one per family, with facilities such as hard standing, an amenity block, water and electricity supplies.

PARISH AND TOWN COUNCILLORS

What this means for your Council

At present in Devon, the majority of planning applications are for small privately run sites, with one or two pitches for their families to live on. Sites with more than 10 pitches are the exception rather than the rule.

As with all planning applications, some meetings where Gypsy and Traveller planning applications are being considered can be emotive and contentious.

At such meetings, the role of the chair is very important. If you are considering a Gypsy and Traveller planning application, it is important to be well prepared.

“90 percent of an effective meeting happens before it takes place”. *Alan Barker, How to Manage Meetings.*

Using racist language or reading out letters with racist content is unlawful. Guidance is available from the Royal Town Planning Institute.

Advice before the meeting:

Letters submitted to the Council containing racist content should be returned to the sender. You should request that they re-word the letter in order for it to be considered.

Advice for the meeting:

If the applicant wishes to address the meeting, remember that this may be stressful for them, so make sure they get a fair hearing.

Ensure you operate within your Council's Code of Conduct.

Remember that Councillors have a duty to enter the meeting with an open mind.

The application must be decided solely on planning issues. A person's history, lifestyle, race, religion, age, gender etc are all irrelevant to the planning process.

RACISM, PREJUDICE AND THE LAW

Councillors are respectfully reminded.....

Under the Equality Act 2010 there is a legal obligation on public authorities to have due regard to the need to:

- eliminate discrimination, harassment victimisation and any other conduct that is prohibited;
- advance equality of opportunity;
- foster good relations.

Under The Public Order Act (1986) a person who uses threatening, abusive or insulting words or behaviour, or displays any written material which is threatening, abusive or insulting, is guilty of an offence if-

- (a) he intends thereby to stir up racial hatred, or
- (b) having regard to all the circumstances racial hatred is likely to be stirred up thereby.

Prejudice, its impact on communities

Prejudice can impact on local people, who might fear that they will be ostracised if they know the Travellers. Prejudice can impact on Gypsy and Traveller families. Their children may face racism or bullying in schools, leading to low achievement or dropping out altogether. Racism and prejudice leave people feeling angry and resentful.

Prejudice just drives a wedge between communities.

BEST PRACTICE

When planning goes well - and when it doesn't.

When the planning process goes well it can make a huge difference to Gypsy and Traveller families and to the settled community. A Parish Council's approach can influence how easy a family finds it to settle in.

Hate campaigns and leafleting can be extremely damaging to community relations, and may be subject to legal action.

Gypsies and Travellers are part of our society, however they can often feel isolated and excluded. If we can get to know and trust each other we can improve community relations.

In almost all situations the best way forwards is to ensure that you have all the facts available to you.

Following a local Traveller's planning application in a Devon village, letters were sent to every home declaring that Travellers were not welcome in the village. The letter stated that Traveller's children were in the local school and that this was a matter of grave concern. The letter called for people to join a campaign to drive the Travellers out. This had a really negative effect on the family and led to the children being bullied in school.

One Parish Council requested a visit to the applicants in order to understand the full picture. The Parish Council visited the family, who were living on the side of the road, to better understand their situation, and how they wanted to develop this particular piece of land. The conversation led to a better understanding and a more positive public meeting.

PEOPLE'S EXPERIENCES

"A healthy community is an inclusive community" - *Parish Councillor*

"When we first came to the village there was a campaign to get us out, once they had met us, they asked us if we would consider being part of the Parish Council" - *Romany Gypsy*

"Sites can be an opportunity not a threat" - *Parish Councillor*

"Our local shop has expanded as a result of people from our site spending money in there" - *New Traveller*

"If you are included in a community you want to do something to help and make it a better place for everyone. If you are excluded you don't want to join in or help" - *New Traveller*