

Local Development Framework Briefing Paper Gypsies and Travellers



Devon County Council's Advice to Local Planning Authorities

This is one of a series of briefing papers prepared by Devon County Council to assist the preparation of Local Development Documents.

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Local Planning Authorities are requested to take the following matters into account in preparing their Local Development Frameworks and other documents:

1 Provision of Gypsies and Travellers: To meet the accommodation needs of gypsies and travellers through the provision of authorised sites and to resolve the issues associated with unauthorised encampments by :

a) Determining the level of provision to be made by taking account of the findings of the Devon Gypsy and Traveller Accommodation Assessment (findings due in autumn 2006)

b) making sufficient site and other provision to meet the needs for providing authorised encampments for long term and short term and temporary stays in Devon, having regard to Devon County Councils policies and responsibilities, such as education, welfare, travel and transport.

c) Facilitating and promoting measures to enable early implementation of the sites to accommodate the necessary needs of the gypsy and traveller community.

2 Communication and Consultation: The County Council wishes to see:

a) Early dialogue regarding identification of potential sites, to allow alternative options for sites to be assessed for their impact on County Council services, statutory responsibilities and land holdings.

b) Effective consultation with the public and gypsy and traveller groups regarding options for site provision. The County Council's Gypsy and Traveller Liaison Service can assist with this.

c) A single point of contact for LDF issues relating to gypsies and travellers.

3. Partnership Working

Devon County Council wishes to work in partnership with District Councils, in further developing the above policy areas with colleagues and other organisations and would wish to be fully involved in any discussion relating to them.

1. Introduction

The County Council has statutory obligations to gypsy and travelling communities in relation to education, welfare, and child protection issues. Certain elements of the communities are recognised as distinct racial groups covered by the race relations act and, in certain circumstances the Human Rights Act may apply.

Responsibility for site provision now rests clearly with District Councils. The lack of provision in Devon has a direct correlation with the incidence of unauthorised encampments. Many of these are on County Council land and cause the Council problems as a landowner. The County Council finds it difficult to fulfil statutory responsibilities effectively and provide services to Gypsy and traveller families in an area with minimal authorised site provision. It is in the County Councils interest to facilitate and promote measures to increase site provision

There is a need to provide more authorised encampments, both for long term stays and for short term, temporary, stays within Devon. The lack of authorised sites also makes it more difficult for public bodies to move on or evict gypsies and travellers from unauthorised encampments on land owned by those public bodies.

The pattern of current pitch provision across the County is set out in Appendix 1.

2. Definition of Gypsies and Travellers

The Government is currently consulting on a new definition of gypsies and travellers. This new definition, if accepted, will apply in the context of regulations issued under s 225 and 226 of the Housing Act 2004. The proposed definition builds on the “planning definition” as set out in the Planning Circular “Planning for Gypsy and Traveller Caravan sites” (ODPM 01/2006) and extends this to capture a wider group whose accommodation needs have often been overlooked. The proposed definition will be:

“Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily or permanently, and all other persons with a cultural tradition of nomadism and/or caravan dwelling”

3. Key Issues to Address

- Increasing the level of authorised pitch provision across Devon at locations which meet the needs of the gypsy and traveller communities
- Recognising the diversity of culture and lifestyle within gypsy and traveller communities and their different requirements
- Addressing political and community resistance to site provision
- Improving data and information relating to gypsy and traveller housing/pitch provision and related support needs
- Understanding the diverse cultural and lifestyle differences within the gypsy and traveller communities, in terms of their requirements for site location, pitch provision and support needs
- Securing good site design and maintenance standards to ensure good living environments, utilities and services
- Integrating pitch provision with other community facilities and services
- Finding sites that facilitate the County Council’s approach that all families living a nomadic lifestyle are supported in accessing health, education and welfare services
- Securing sites that balance the requirement for sustainable development against impact on neighbouring land users.

4. The Preparation of Local Development Frameworks and Site Selection

The longer term view of the County Council is that by 2021 there should be sufficient site provision, across the whole County, to meet the needs of the Gypsy and Travelling communities for both long term and short term stays, including temporary/transit site provision. The absence of new authorised provision since 1970 suggests a need to accelerate provision of all types. The County Council would expect the need for greater provision to be reflected in LDF core strategies.

Additional provision is likely to be via a mixture of Local Authority and private sites. Gypsy and Traveller families will also be assured of equitable treatment by the planning system when making applications in relation to land which they already own.

Site selection should reflect the findings of the Gypsy and Traveller Housing Need Assessment being conducted for Devon, the timetable for which is set out in Appendix 2.

5. Liaison and Partnership Working

The County Council is a signatory to the Devon Protocol for Unauthorised Encampments, which sets out mechanisms for joint working to resolve issues relating to the gypsy and travellers communities and unauthorised occupation of land. A copy can be viewed on http://www.devon.gov.uk/index/democracymunities/decision_making/cma/cma_report.htm?cmadoc=report_cx0646.html.

Devon County Council wishes to work in partnership with District Councils, in further developing the above policy areas with colleagues and other organisations and would wish to be fully involved in any discussion relating to them.

To facilitate communication, the County Council wishes to see:

- Advance discussion with Districts regarding alternative options for gypsy and traveller sites, prior to their inclusion in LDF consultation documents. This will enable the authority to assess the impact of provision on welfare and education services and to determine other issues related to the County Council's statutory and land holding functions – for example, as Highway Authority.
- Effective consultation with the public and gypsy and traveller groups regarding options for site provision. The County Council's gypsy and traveller liaison officer can advise on this and facilitate discussion.
- A single point of contact for LDF issues relating to site provision. The Planning and Transport Unit at County Hall [David Parsons] will collate County Council responses, including those from the Gypsy and Traveller Liaison, Education and Welfare services.

Relevant Statistics/Information

Unauthorised Encampments

District	Gypsy/traveller groups	Number of Unauthorised Locations	Type of unauthorised location*			
			Emergency	Transit	Semi Permanent	Permanent
East Devon	Romany New Traveller	3	√		√	
Exeter	Irish Romany	4	√	√		
Mid Devon	New Traveller	1				√
North Devon	New Traveller	7		√	√	
South Hams	New Traveller	7	√	√		√
Teignbridge	New Traveller	1				√
Torridge	Romany New Traveller	4			√	
West Devon	Romany New Traveller	3			√	

Source: DCC Gypsy and Traveller Liaison Service statistics, May 2006

*Classification of site depends on length of time of occupation

Emergency: Up to two weeks
 Transit: Between two weeks and three months
 Semi-permanent: Between three months and 12 months
 Permanent: Over twelve months

Authorised Sites

Authorised sites in Devon are:

Coombe Goyle, Tipton St John 1 pitch, established 1968
 Elbury Close, Broadclyst 7 pitches, established 1970
 Moor Lane, Sowton 11 pitches, established 1968

Other Data Sources

Caravan count data and statistics can be found on:
<http://www.communities.gov.uk/index.asp?id=1153575>

The caravan count data, supplemented by experienced officer information, reveals a pattern of unauthorised encampments related to the main transport corridors through the County – the M5 corridor; A30; A38; A303 and A380

Further References:

- **Planning for Gypsy and Traveller Caravan Sites** – Planning circular 01/2006 which replaces DoE Circular 1/94 “Gypsy Sites and Planning”. This explains how the planning system operates in relation to site accommodation for Gypsies and Travellers
- **Conducting Gypsy and Traveller Accommodation Assessments** – Interim guidance for local authorities on undertaking assessment of Gypsy and Traveller accommodation need as required by s225 of the Housing Act 2004. The guidance discusses a range of methods which might be used to assess the accommodation needs of these communities and the particular issues which need to be taken into account in respect of caravan and site accommodation. It reflects methods used by some local authorities which have been particularly successful in addressing these issues so far.
- **Consultation paper on the “housing” definition of gypsies and travellers** - linked to the enactment of the provisions in the Housing Act requiring local housing authorities to undertake an assessment of the accommodation needs of gypsies and travellers. The consultation will enable a finalisation of the definition and commence the provisions in s225 of the Housing Act.
- **Local Authorities and Gypsies and Travellers - A guide to responsibilities and powers** – an information booklet which explains the new policy framework and the roles and responsibilities of local authorities in the process, both in terms of site provision and enforcement.
- **Effective enforcement against Unauthorised Encampments** – a joint ODPM/Home Office publication providing a step-by-step guide on how to enforce effectively against problematic unauthorised encampments by Gypsies and Travellers.

Gypsy and Traveller Housing Needs Assessment: Project Timetable

It is expected that the results of the gypsy and traveller housing needs assessment will help to further inform the development of policy prior to the adoption of the Regional Spatial Strategy. Plymouth Business School has been commissioned to undertake the work, to the project timetable set out below.

Month 2006	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
Activity											
Initial meeting of consultant and steering group											
Agree format and content of questionnaire											
Literature review											
Review of data and information sources											
Recruitment and training of interviewers											
Pilot of survey											
Main quantitative survey											
Analysis and report of quantitative data											
Qualitative research – Young people											
Follow up qualitative focus groups											
Analysis and report of qualitative data											
Interviews with service providers											
Draft report											
Workshops											
Final report											
Final conferences											
Additional steering group meetings											