

Response to:

**THE UNITED KINGDOM'S *DRAFT* 3RD REPORT TO
THE COUNCIL OF EUROPE UNDER THE
FRAMEWORK CONVENTION FOR THE PROTECTION
OF NATIONAL MINORITIES**

By the Traveller Law Reform Project (a consortium comprising Friends, Families and Travellers, Irish Traveller Movement in Britain and London Gypsy and Traveller Unit)

Meeting the accommodation needs of Gypsies and Travellers (para 5.18 et seq)

Whilst recognising the progress made in addressing these pressing issues which were highlighted in the Second Opinion on the United Kingdom, Advisory Committee on the Framework Convention for the Protection of National Minorities adopted on 6 June 2007, there remain serious continuing problems which require attention.

The UK Communities and Local Government Department Progress Report on Gypsy and Traveller Policy (July 2009) stated that :

The current position on site delivery remains unsatisfactory. It is clear that local authorities need to increase the pace at which suitable locations are identified that can be used as Gypsy and Traveller sites. Although the Government recognises the difficulties that can arise, it considers that with strong leadership at the local level, authorities can make rapid progress in addressing what is, in numerical and land-use terms, a relatively small level of need. The identification of suitable locations for authorised sites will help to reduce the number of unauthorised developments and encampments can create tensions between Gypsies and Travellers and the settled population.

Section 3 of the Progress Report deals with the Supply of Pitches and the Government has made a statistical release which has provided details of planning applications for 2008/9.

We have serious concerns about this - it claims (para 25) that the statistics provide a degree of assurance. We believe this comforting statement to be misleading. The London Gypsy and Traveller Unit have looked at details of planning applications for London for this period. Their note on this is appended (**Don't Hold Your Breath, LGTU, July 2009**). It found that the three major applications mentioned would only lead (at a maximum) to an additional 3 pitches and that at this rate of progress it would take 250 years to reach the London target. This is disquieting and in our view is likely to be repeated in places around the rest of the country due to the methods of reporting and

presentation of the data sets.

Three years have passed since the introduction of the Circular 1/2006; progress has been made but there remains much still to be done.

Needs assessments (Gypsy and Traveller Accommodation Needs Assessments - GTANAs) have been completed for most of England and three regions have completed the regional planning process and others have started on this process.

The GTAA process has been the subject of workshops with contractors and users and the results published as **GTAA's Perceptions of Progress, Findings of Workshops, Pat Niner CURS, (September 2008)**.

This study found, amongst other things, that:

Matters of particular concern to participants include:

Inconsistency between GTAA's in approach, survey methods and ways of estimating pitch requirements – and variations in quality of studies and their findings.

Inadequate involvement of Gypsy and Traveller communities and local elected members within the GTAA process.

Inability to say how many Gypsies and Travellers there are in an area, especially living in bricks and mortar housing but sometimes also on 'hidden' sites.

Generally poor assessments of transient needs requiring some form of transit site or stopping place provision.

Inability to quantify some important aspects of need, for example: the distinct requirements of different ethnic communities; how many of those in need could afford to provide their own sites and how many need social site provision; where people want to, or would be prepared to, live if there was provision; or how many housed Gypsies and Travellers need site provision.

Looking at engagement of the Travelling community the following emerged:

Effective GTAA's cannot be seen as one-off studies, carried out by contractors 'parachuted in' for the event and who then disappear. There must be a much longer-term engagement, probably involving some form of community development.

'Gypsies and Travellers' include diverse communities and all need to be engaged.

There are resource implications. Fully inclusive GTAA's are likely to be both more expensive and time consuming. Gypsy and Traveller community individuals and groups will need funding and support to help them to participate equally.

The chances of winning community trust will be greatly enhanced if something positive is seen to happen as a result of the first round of GTAA's – that is, if more sites are provided. The corollary is also true – if nothing is seen to happen, generating engagement and trust will be harder in future.

More significantly, both workshops highlighted issues around making sure that GTAA findings lead quickly into policy development and increased site provision. At present the local and regional processes are out of phase. Participants at both workshops felt that CLG should press all authorities to take action on site provision in advance of the full RSS review process.

There was clear support for revision of the Guidance:

There was consensus in both workshops that CLG Gypsy and Traveller Accommodation Needs Assessments: Guidance should be revised – and revised soon so as to allow time for planning the next round of GTAA's.

The report made some comments on needed changes which are worth repeating here:

Wider Changes

5.33 The following comments were made concerning wider desirable changes or recommendations:

There should be an examination, probably at national scale, of need for transient accommodation and how it can be met – whether by formal transit sites or other measures.

It is important that there is continuing central co-ordination to:

- o encourage national buy-in from Gypsy and Traveller communities.*
- o give the system 'teeth' in terms of getting GTAA's completed on time and to robust standards.*
- o enable/encourage/promote the transfer of good practice.*
- o keep contacts up to date.*

Issues around funding for Gypsy and Traveller bodies/individuals must be sorted out to enable maximum participation and full engagement.

Funding and support policies for provision of sites to meet identified requirements are also needed.

*5.34 The final point made is most important of all : **IT'S TIME TO STOP TALKING AND START DOING!** Specifically, unless Gypsy and Traveller communities see the supply of sites increasing soon, any goodwill engendered by the process to date will be lost, and it will be still more difficult to achieve engagement in future.*

The Equality and Human Rights Commission has also reported on progress with accommodation (**Assessing local authorities' progress in meeting the accommodation needs of Gypsy and Traveller Communities in England, Brown and Niner , EHRC, 2009**).

It identified the following priorities:

There should be greater leadership at national level not only signalling commitment to increasing site provision but also seeking to tackle the prejudice and racist stereotypes which underlie much of the resistance to site development.

The planning system seems not to be working as intended, or at least as quickly as intended. The regional level introduces uncertainty and gives an excuse not to act locally. Procedures for developing Core Strategies and Allocations Local Development Documents are lengthy and lack flexibility. If the system remains unchanged, there should be clearer guidance on how local authorities should or can respond to applications and move forward pro-actively in advance of formal policies being in place.

Both local authorities and central Government need to monitor temporary planning permissions. Such permissions on sites in 'unsuitable' locations simply defer difficult decisions, rather than providing a real answer for the long-term.

Local authorities need more guidance and sharing of good practice on many topics related to site provision such as: engaging effectively with Gypsy and Traveller communities, establishing forums through which the concerns of the settled community can be heard, managing public consultations on highly contentious issues, finding suitable site locations and then making allocations in ways that mean that Gypsies and Travellers can still afford to buy land and develop sites. At present, the knowledge and confidence infrastructure seems inadequate.

Local authorities should improve their monitoring of progress towards improving site provision for Gypsies and Travellers.

In the context of a national need for 5,733 new pitches in five years progress has been slow and the central government grant funding has mainly be used up in necessary refurbishment of existing sites.

The EHRC progress report looked at how the grant has been used.

The grant for 2006-8 of 54.6million pounds would create 165 additional pitches, bring 23 pitches back into use and refurbish 928 pitches.

The report concluded that since 2006 that a total of 43 new RSL pitches have been opened and 24 pitches have been brought back into use.

A report in 'Travellers Times' stated that the 26.4 million awarded in December 2008

comprised 46 grants but only six of the successful applications will go into new sites to provide for nationally about 50-60 families.

Recent uptake of available central government grants, now administered by the Homes and Community Agency has been disappointing. In the 2009 bidding round the East of England, which has the largest concentration of Gypsies and Travellers, produced only six bids for refurbishment of existing sites/new site development to the HCA. Unless further bids are forthcoming then there will be serious under spend. This seems to be prima facie evidence of the reluctance of public housing providers to become involved in site development.

The EHRC Progress report made the following conclusions:

There are currently an estimated 8,263 pitches for Gypsy and Traveller accommodation across England. GTAA's suggest that in the first five years another 5,733 new pitches are required; this is almost a 70 per cent increase in pitch provision. Progress has been made towards the provision of Gypsy and Traveller pitches since 2006. However, this progress is slow in the majority of local authorities. The rate of progress would need to double in order to meet the identified national pitch need, or quadruple if permanent planning permissions are to be achieved. The survey of local authorities has revealed considerable consistency in identified problems: these frequently result from a complex planning system and the process of bidding for Gypsy and Traveller Sites Grant. Although some 'barriers' to provision might be seen as excuses, or delaying tactics from insufficiently committed authorities, the survey provides evidence of real issues which need to be resolved if progress on site provision is to accelerate in future. Even respondents from the most obviously committed and pro-active local authorities mention significant barriers to be overcome.

In the light of these findings, the following appear to be priorities:

- There should be greater leadership at national level not only signalling commitment to increasing site provision but also seeking to tackle the prejudice and racist stereotypes which underlie much of the resistance to site development.*
- The planning system seems not to be working as intended, or at least as quickly as intended. The regional level introduces uncertainty and gives an excuse not to act locally. Procedures for developing Core Strategies and Allocations Local Development Documents are lengthy and lack flexibility. If the system remains unchanged, there should be clearer guidance on how local authorities should or can respond to applications and move forward pro-actively in advance of formal policies being in place.*
- Both local authorities and central Government need to monitor temporary planning permissions. Such permissions on sites in 'unsuitable' locations simply defer difficult decisions, rather than providing a real answer for the long-term.*
- Local authorities need more guidance and sharing of good practice on many topics related to site provision such as: engaging effectively with Gypsy and*

Traveller communities, establishing forums through which the concerns of the settled community can be heard, managing public consultations on highly contentious issues, finding suitable site locations and then making allocations in ways that mean that Gypsies and Travellers can still afford to buy land and develop sites. At present, the knowledge and confidence infrastructure seems inadequate.

• Local authorities should improve their monitoring of progress towards improving site provision for Gypsies and Travellers.

TLRP and its constituent organisations have great concerns about the lack of progress in much needed site provision. We urge the UK Government to develop a programme of actions aimed at speeding delivery of pitches in suitable locations. The evidence of the reluctance and slowness of local authorities to move forward on this issue is, we fear, evidence of prevarication by local authorities in the hope of a change of policy direction consequent on a change of government in the near future.

Appendix

LGTU Report on progress in London

London Gypsy and Traveller Unit

Don't hold your breath

Planning Approval for Gypsy and Traveller sites in London
(year ended 31st March 2009)

The recent Government publication of a new set of statistics on planning application for Gypsy and Traveller sites¹ reports that 3 applications in London were approved last year. This appears to be good news:

Major applications (10 or more pitches)

Kingston-upon-Thames

Southwark

Minor applications (less than 10 pitches)

Lewisham

But these permissions will lead to only 3 new pitches, (max):

Kingston-upon-Thames: (net gain = 3)

Application (ref 08/10201) approved for reconfiguration of the Swallow Park site with 3 extra pitches (from 15 to 18 pitches in total) and some refurbishment. This is coded as a major application because it affects a total of 18 pitches.

Southwark: (net gain = 0)

Application (ref 08/CO/0102) approved for refurbishment of Burnhill Close site, with no change in pitch numbers from 6. This is a miscoding – it should be a minor application.

Lewisham: (net gain = 0 or -4)

Application (refs DC/07/67610 & DC/07/67610A) approved for development of Church Grove site with 5 new pitches. But this scheme has now been put on ice pending another borough survey of suitable sites, the fourth² in recent years. Indeed, since this development was designed as a necessary replacement for a site needed for regeneration³ whose last four pitches were being closed just as the approval was granted, it can be claimed that this permission was instrumental in a net loss of 4 pitches.

At this rate it will take at least 250 years to reach the London target.⁴

London Gypsy and Traveller Unit
6 Westgate Street, E8 3RN
www.lgtu.org.uk
020 8533 2002
8th July 2009

¹ DCLG, 26th June 2009, Planning Statistical Release Table 8a
www.communities.gov.uk/documents/statistics/xls/1265898.xls

² NLP. 29 Nov 2007, Planning Report. Para 2.10
http://acolnet.lewisham.gov.uk/ACOLLATEDOCS/32300_13.pdf

³ The GLA report (Oct 2007) on the regeneration states: “alternative appropriate provision for the travellers is a prerequisite for redevelopment of the main Lewisham Gateway site..... Mechanisms to enable appropriate alternative provision are therefore in place.”

⁴ GLA Draft Housing Strategy (May 2009) sets a London target of 768 new pitches by 2017