



FRIENDS, FAMILIES AND TRAVELLERS

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RESPONSE TO PLANNING GREEN PAPER

About Friends, Families and Travellers

Friends, Families & Travellers (FFT) was established during the passage through Parliament of the 1994 Criminal Justice & Public Order Act and is one of a number of leading organisations which have emerged seeking to address the problems facing the Traveller community. Over a small number of years, FFT grew from an informal support group and network helping to deal with crises faced primarily by new Travellers as and when they arose, to a formal advice, information and training organisation providing a wide range of services to all Travellers nationwide – whether traditional or new, settled or on the road.

Services Delivery

The FFT Advice & Information Unit, from which all our national work is done, carries out research, monitoring and mediation and remains very active in policy development through work with local authorities and government. In this capacity, FFT maintains an active presence on a number of local authority policy development working groups at district, county and regional levels. We work with individual councils nation wide for the development of specific policies regarding Travellers and are often requested to make submissions to policies at the draft stage. In addition to this, we are often invited to address conferences and seminars held by district and county councils as well as other agencies on Traveller issues.

FFT continues to be an official consultee to the Department of Transport, Local Government and the Regions Gypsy Sites Branch. In this role, the organisation continues to be involved in ongoing government funded research and maintains a regular exchange of correspondence with The Gypsy Sites Branch of the DTLR.

The Client Group

Travellers, due to their nomadic lifestyle and differing accommodation needs, can present a unique set of situations and difficulties which are often not appreciated by those in authority and professionals dealing with them. The Traveller community is unquestionably one of the most disadvantaged in the UK today, suffering from, among other things:

- the highest infant mortality rates,
- the lowest adult life expectancy,
- the highest levels of illiteracy,
- the most racist press coverage,
- and some of the poorest levels of accommodation provision of any community in the country, with over a quarter of Traveller families living on the roadside.

Planning Work

Our Advice & Information Unit has always been and still is involved with planning issues regarding Travellers. Following the repeal of the duty to provide sites under the 1968 Caravan Sites Act, government made it clear through Circular 1/94, that Travellers should provide their own sites through the planning system. However, the complexity of the planning system means that few Travellers are able successfully to manage their own cases. As most have to go through to the appeal stage, there is considerable need for advice, support and advocacy. We continue to supply a free service to Travellers and act as consultants to professionals representing Travellers as well as testifying in planning appeals as professional witnesses.

This Green Paper on Planning is therefore of considerable importance to us and we are submitting this response following your invitation for submissions from representative groups, especially those working with ethnic minorities or others directly affected by the proposed changes. We feel that this review of the planning system will impact very considerably on the Traveller community and would be grateful if you would carefully consider the following points.

Summary

- 1. We consider the Traveller community are a minority disadvantaged by the planning system**
- 2. We are opposed to a move towards Criteria based policy.**
- 3. We support proposals to make the Planning System more accessible to ordinary people**
- 4. We are opposed to charging individual applicants for pre-application discussions**
- 5. We are strongly opposed to the proposal to make development without planning consent an offence**
- 6. We are concerned about the advice that more decisions should be delegated**
- 7. We support the concept of a Statement of Community Involvement in principle, but need reassurance that minority groups will not be excluded**
- 8. We strongly urge the Government to reconsider its opposition to Third Party Rights to Appeal**

1. We consider the Traveller community are a minority disadvantaged by the planning system

In stark contrast to the figures given in 3.8, research commissioned by the DETR and carried out by ACERT (The Advisory Council for the Education of Romany and other Travellers) in 1998/99, indicated a 34% success rate for private Gypsy site applications being granted permission by local authorities. However, this figure, which resulted from a questionnaire sent out to local authorities nationally, contradicted research findings carried out by FFT in 1996 and the Department of the Environment figures for 1992, which put the success rate at the initial application stage at only 10%. The ACERT research concludes:

"Clearly, there are a number of factors which make precise figures difficult to obtain accurately because of technical and methodological problems for both the information collector and provider. As estimate, therefore, of success rates on a national basis is probably between those provided by local authorities (34%) and those provided by Friends, Families and Travellers Support Group (1996) and the DoE (1992) (10%)."

These figures give a clear indication of how the current planning system fails to serve Travellers in contrast to other sections of the community, who reportedly experience an overall success rate of 90%.

2. We are opposed to a move towards criteria based policy.

While we agree in principle to moves intended to simplify the planning system through a review of local and structure plans, we are strongly opposed to a move towards purely criteria based policy.

A heavy reliance on criteria based policy has been and remains one of the major obstacles to the Traveller community being able to meet the government's objectives as stated in Circular 1/94. The Circular states:

"The Government announced on 31 March 1993 its intention to introduce legislation to reform the Caravan Sites Act 1968 ...In particular, the Government proposes to repeal the statutory duty of local authorities to provide accommodation on caravan sites for gypsies residing and resorting to their areas. (paragraph 3) Gypsies make up a tiny proportion of the population of England and Wales, but their land-use requirements need to be met. (paragraph 6) Repeal of the statutory duty will make it all the more important that local planning authorities make adequate gypsy site provision in their development plans, through appropriate use of locational and/or criteria-based policies. (paragraph 9) With such policies in place in plans, there will be more certainty for all concerned when planning applications are determined by local planning authorities or appeals are considered by the Secretary of State." (paragraph 10)

The ACERT research mentioned above also indicates another very important factor with regards to success rates in private applications for Gypsy sites. It states:

...it is also worth considering how appropriate it is to compare local authority private Gypsy site application success rates with other forms of development proposals as a measure of equality. This is largely because most Gypsy site policies are criteria based, providing little certainty for both the authority and applicant in ascertaining where best to locate new Gypsy sites. Successful Gypsy site developments are, therefore, more 'hit and miss' than other forms of development. The high percentage of retrospective planning applications, availability of affordable land, high levels of non-literacy together with a planning policy knowledge required over and above the normal housing buying market, are factors stacked against higher success rates."

(Toby Williams – ACERT 1999)

The DETR has also issued a letter to all Chief Planning Officers (dated the 27th of May 1998) with regard to Gypsy sites policies in development plans, drawing their

attention to Circular 1/94 and stressing the requirement on local authorities to assess the need for Gypsy accommodation in their area. It states:

"The Government is concerned that the guidance in the Circular, on the continuing need for local planning authorities' development plans to include such policies, has not been taken up by many local authorities."

and further:

"I should like to take this opportunity to remind you that compliance with the guidance in Circular 1/94 is essential to fulfilling the Government's objective that Gypsies should seek to provide their own accommodation, applying for planning permission like everyone else. It is essential therefore, that adequate Gypsy site provision is made in development plans to facilitate this process."

In conclusion, although a predominance to criteria based policy may be appropriate for general planning policy, it has been proven to further marginalize Gypsies and other Travellers. We would therefore urge the government to place a greater emphasis on locational-based policies in relation to the Traveller community.