

WaterCon 2016

4th Annual Water Efficiency Conference



Water Frontiers: Strategies for 2020 and beyond

7- 9 September 2016
Coventry University, UK

To use or not to use enough water in Travellers' sites? What does the new planning framework do about water uses and misconceptions?

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Overview

- The author and her team in the UK had carried out visits to various sites; reports and recommendations have been written in relation to the latest developments in the planning framework which also regulates the construction of pitches for Gypsy and Traveller users in its special supplement.
- Some changes emerged after Law Court hearings and relevant decisions referring to accommodation arrangements for Gypsy and Traveller Communities. Although these arrangements were often established after consultation between local authorities and communities involved, rejections of planning applications were often based upon strong disagreements amongst members of local communities and neighborhoods in proximity of proposed new pitches.
- According to Gypsy and Traveller culture toilets, showers and kitchens should not be integral parts of their mobile homes and caravans; all these facilities should be grouped mainly in blocks of facilities (or blocks of facility rooms) according to the size of the site.
- Because of certain local petitions though opposing the size and view of caravans and facilities inside the pitches, the facilities' blocks do not provide enough space and equipment for water uses and drainage. The researchers had the opportunity to visit some sites providing facilities and accommodation and interviewed the inhabitants of the sites.
- It was also found that often rejections of extensions to planning applications of previously approved temporary sites for Gypsy and Traveller people, when challenged to the law courts, were hardly successful mainly because of planning inspectors and local residents' preconceptions on these groups' unsanitariness (not enough use of water) or, strange enough, because of overflows and waste of water during so-called extremely dirty works, such as recycling processes in pitches.

Background of Gypsy people in England

In a recent national report for a research with the title 'WE - Worlds which Exclude', the author and her colleagues/co-authors had the opportunity to discuss the historical background within English Law of the differing definitions of Gypsy and Travellers in relation to planning frameworks and legislation, with major emphasis to relatively recent amendments to housing acts which have been decisive for social, educational and cultural lifestyles of these ethnic groups.

<http://weproject.unice.fr/publication/project-description>

Adjustments to communication devices within law and planning frameworks dealing with Gypsy and Traveller accommodation in the UK

- The "WE: Wor(l)ds which Exclude" project has analysed documents produced by national, regional and local public institutions in six European Union Member States.
- In the UK the issues of Gypsy people in relation to their accommodation needs were studied rather than the wider Roma issue of housing. **Gypsy and Travellers were investigated by considering their needs for sites and culturally specific accommodation. Roma accommodation is included usually in social housing initiatives and does not imply the allocation of pitches in sites.** (Please note: This latter ethnic group is now being considered in another project of Urban Renewal in Derby, UK, in which the author and Derby City Council are going to organise self-build apprentice schemes for young Roma and new migrant population in a specific urban area in decline.)
- **In policies and legal instruments, there are times when the language used is blatant and overt against the communities or cleverly hidden (overt).** Analysis of the language and the measures proposed in legal, judicial and administrative texts has highlighted a number of critical issues, resulting from simplifications or prejudices observed in linguistic choices that can be decisive in limiting the effectiveness of the Acts themselves, and even can change their meaning and outcome.
- A series of recommendations has, therefore, been formulated, which are not presented as mandatory 'rules', but can be used as a guideline in regard to the interpretation of language; we wanted to contribute to the sharing of a language that is more considered, in relation to legal and administrative regulations regarding Gypsy and Traveller issues to accommodation and related facilities according to the latest housing and planning frameworks. We have lobbied politicians in the House of Lords and informed Gypsy and Traveller Communities during these meetings.

Main points on recommendations

- 1. A 'Gypsy and Traveller' Working Group representative of the people should be set up in relation to "gypsy status" so that a relevant definition can be discussed and agreed. A definition in relation to social and cultural heritage should be discussed in relation to UK small Romany Gypsy and Traveller minorities.
- 2. An Independent body to be established to monitor and benchmark needs assessments and site delivery and monitor the outcome of Gypsy and Traveller planning applications across the UK as a whole.
- 3. A duty to provide and facilitate the provision of sites. Wales has set an important example which should be followed in England, Scotland and Northern Ireland.
- 4. The use of new enforcement powers only to be permitted where local authorities have met their requirements to identify a 5-year supply of sites.
- 5. Funding to facilitate the increase of Gypsy and Traveller pitch numbers.
- 6. The Secretary of State for Communities and Local Government should not be recovering Gypsy and Traveller planning appeals in the Green Belt, this is discriminatory.
- 7. Urgent action to make legal aid accessible and inclusive and to restore legal aid for Housing Law (which incorporates Gypsy and Traveller accommodation issues).
- 8. A strategy for the inclusion of Gypsies, Travellers and Roma as separate categories in ethnic monitoring data is needed in order to understand the impact of government policies on Gypsy, Traveller and Roma communities.
- 9. A specific policy for Gypsy and Traveller communities in relation to cultural heritage land use should be contained within any strategy, separate to Roma accommodation issues which are different.
- 10. The Duty to Cooperate by Local Authorities could be used to provide a network of sites and stopping places.

'National Recommendations in the UK'

By Eleni Tracada, Siobhan Spencer and Siobhan Neary

<http://weproject.unice.fr/publication/recommendations-words-which-exclude-united-kingdom>

Legislation and frameworks related to Gypsy and Traveller definition

“In planning law there is a definition brought forward from the now defunct 1968 Caravan sites Act. Case law informed the definition the Mills v Cooper case 1967 whereby, subsequent **case law now requires that Gypsies are actively seeking work as a requisite to prove their ‘gypsy status’**. Please note that in planning law, Gypsy is spelt with a lowercase ‘g’ and this causes confusion, as Romany Gypsies are now recognised as an ethnic group.”

(Tracada, Spencer & Neary, 2014, p.19)

Statutory Housing Act 2004 (Chapter 34)

Intentions of a very comprehensive act:

“... to make provision about housing conditions; to regulate houses in multiple occupation and certain other residential accommodation; to make provision for home information packs in connection with the sale of residential properties; to make provision about secure tenants and the right to buy; to make provision about mobile homes and the accommodation needs of gypsies and travellers; to make other provision about housing; and for connected purposes. [18th November 2004]”

(Housing Act 2004, p.1)

National Planning Policy Framework (NPPF)

“The purpose of planning is to help achieve sustainable development. Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations.

Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate.”

(National Planning Policy Framework, Ministerial foreword. March 2012, Department for Communities and Local Government, p. i)

National Planning Policy Framework (NPPF)

“4. This Framework should be read in conjunction with the Government’s planning policy for traveller sites. Local planning authorities preparing plans for and taking decisions on travellers sites should also have regard to the policies in this Framework so far as relevant.”

(NPPF, Introduction, s4, p.1)

However:

- Latest research has recently produced evidence about extreme discrimination in the UK legislation which is related to urban growth and planning of many cities mainly in England.
- New changes to Planning Policy for Traveller sites came into force in August 2015; the Government published the **Housing and Planning Bill which contains measures that will remove the obligation on local authorities to assess the accommodation needs of Gypsies and Travellers for the purposes of planning for Traveller sites.**
- This policy will also abolish the only piece of legislation that recognises Gypsies and Travellers’ cultural tradition of nomadism. According to the policy, if a Gypsy or Traveller stops travelling permanently, even for the reasons of education, health or old age, they will cease to be a Gypsy or Traveller and consequently will no longer be eligible to apply for planning permission for a Traveller site.

Planning Gypsy and traveller sites – Facilities in sites



<http://weproject.unice.fr/photo-gallery/johannas-house>

Planning Gypsy and traveller sites – Facilities in sites



‘Designing Gypsy and Traveller Sites – Welsh Government
Guidance’ Digital ISBN 978 1 4734 2921 5 © Crown copyright
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Planning Gypsy and traveller sites-Good practice

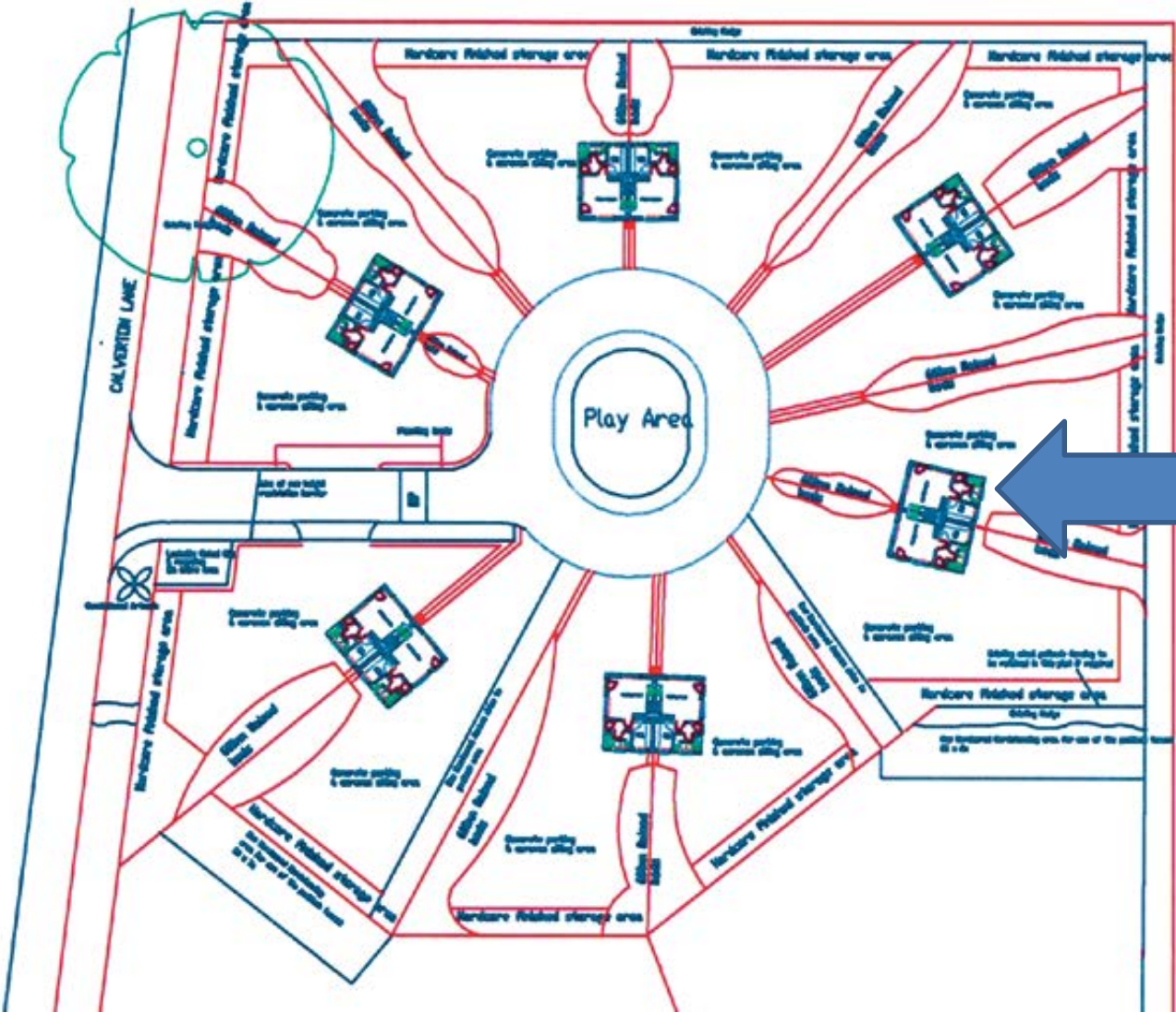
Determining planning applications for traveller sites in *Planning policy for traveller sites*, we find:

When considering applications, local planning authorities should attach weight to the following matters:

- a) effective use of previously developed (brownfield), **untidy or derelict land**
- b) sites being well planned or soft landscaped in such a way as to **positively enhance the environment and increase its openness**
- c) promoting **opportunities for healthy lifestyles**, such as ensuring adequate landscaping and play areas for children
- d) **not enclosing a site with so much hard landscaping**, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.

(Essex County Council. Uttlesford District Council Gypsy and Traveller Local Plan - Issues and Options Consultation. Sustainability Appraisal and Strategic Environmental Assessment. Environmental Report. December 2014)

General scheme of a site with facilities' buildings

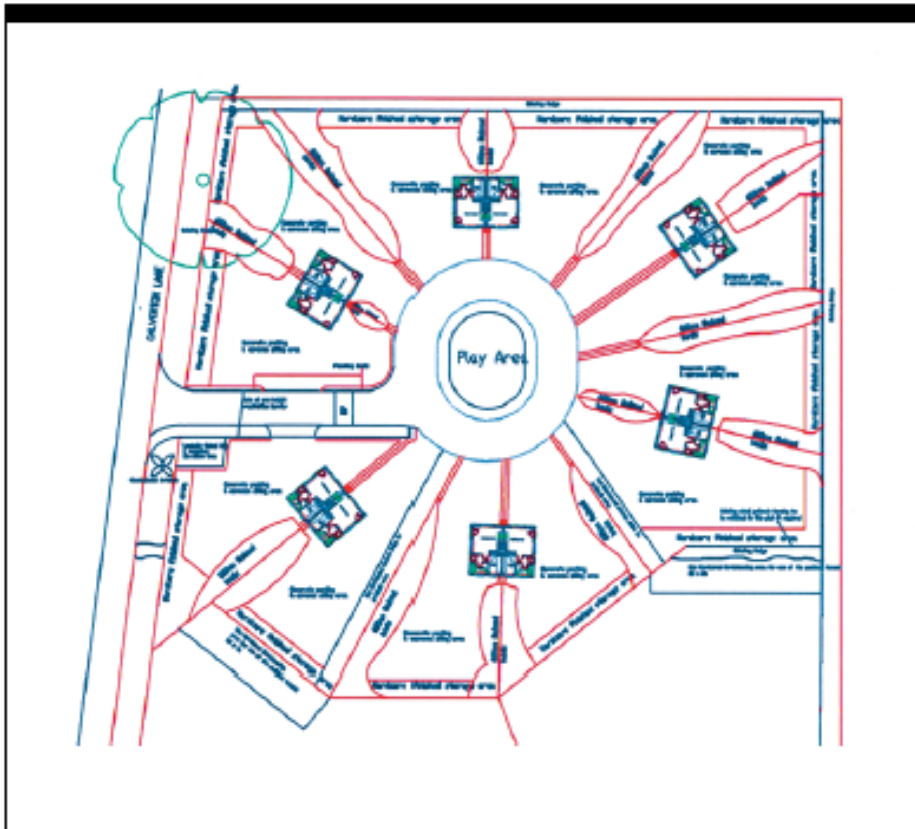


Facilities buildings
central to each one
of the pitches

Designing Gypsy and Traveller Sites
Good Practice Guide

May 2008

Department for Communities and Local Government



Communities and Local Government
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Website: www.communities.gov.uk

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Water supply-Local government policy

- 4.21 Each pitch must have a mains water supply suitable for drinking and its supply should be sufficient to meet the reasonable needs of residents. The water supply must comply with current legislation and British standards.

- 4.22 Water supplies must feed directly into individual amenity blocks. Individual meters should be installed for each pitch to ensure billing can relate directly to actual usage.

The relevant water company may allow individual connections for each new pitch, subject to meeting the water company's criteria. Outside taps and hook up points for caravans should be provided on each pitch with internal isolation valves and suitable backflow protection for security of the water supply, subject to the Water Supply (Water Fittings) Regulations 1999.

- 4.23 To ensure the water supply can meet required quality standards, the Local Authority should consult directly with the relevant water company regarding the proposed site design. The relevant water company may provide advice to ensure appropriate infrastructure can be installed.

- 4.24 Communal taps should be avoided to ensure appropriate billing for water usage can be made. If communal taps are installed, the responsibility for this supply will rest with the Local Authority.

Drainage and Sewerage-Local government policy

- **4.25** It is essential that surface water drainage is provided. The use of sustainable drainage (SuDS) should always be considered for the management of surface water. The SuDS approach aims to manage surface water as close to source as possible using a wide range of techniques, including rainwater harvesting and infiltration where appropriate. These techniques should reduce water consumption and customer bills. All provision must comply with current legislation, regulations and British standards and should take account of the Welsh Government Interim Standards for Sustainable Drainage²⁷. Surface water management must be given early consideration in the site design.
- **4.26** Where possible, connection to a public sewer should be made for foul drainage. The relevant water company must be consulted regarding construction standards and sewer capacity. A connection to a public sewer will not always be possible. In such circumstances, provision should be made for discharge to a properly constructed and maintained sewage treatment facility, either a sewage treatment plant or a septic tank. Provision must comply with current legislation, regulations and British standards and a permit will be required for the discharge from Natural Resources Wales. Sealed cess-pits or cess pools are not appropriate.

‘Designing Gypsy and Traveller Sites – Welsh Government Guidance’ Digital ISBN 978 1 4734 2921 5 © Crown copyright 2015 WG24279

Good practice of temporary accommodation: 'Negotiated Stopping wins accolade!'

by Helen Jones, General News, July 20, 2015

' ... As continues in too many towns and cities across our country, frankly **huge sums of money were being spent to shift families from camp to camp**, leaving those families making increasingly desperate choices about where to camp whilst suitable, **accessible ground was incrementally blocked off, leading to encampments on playing fields, cricket pitches and the like**. The problems this creates feeds into a wider anti-Gypsy narrative which is sadly prevalent in our society, and **leads to further exclusion and race hate, but no solutions**.

The work which Leeds GATE has done, largely in creating opportunities for the otherwise unheard communities living roadside to engage in the debate about how the issues can be resolved, has given the local authority tools and confidence to do things differently. Instead of viewing camps as one big problem with only one solution – removal, we have worked together to break things down into individual problems with individual solutions. Rubbish a problem? – Skips. Toileting? – portaloos. Anti-social behaviour? – address with individuals responsible instead of via eviction of the whole group. Vexatious complainants? deal proactively with genuine issues and ignore the rest.'

(<http://leedsgate.co.uk/negotiated-stopping-wins-accolade>, accessed 09/07/2016)

Good practice of temporary accommodation:

‘Negotiated Stopping wins accolade!’

by Helen Jones, General News, July 20, 2015

‘ ... Now, when an unauthorised encampment appears, **the local authority officers will engage in dialogue and offer negotiation**. Can the camp stay where it is? Will the camp residents make use of skips and portaloos? Could the camp move to a more suitable location? Benefits of this approach have been rapid and tangible. **The city council in Leeds calculates a cost saving of £2000 per week on expenditure before the policy change, over £250,000 and counting since this new approach was adopted.**

... Some of the families living roadside in Leeds are not ‘passing through’, they are Leeds families who have been homeless due to us not having enough socially rentable pitches (or privately provided ones, come to that). During the period of negotiated stopping the council has been able to identify a piece of ground suitable for longer term occupation. Planning permission has been granted to develop a new site for eight of the homeless Leeds families.’

(<http://leedsgate.co.uk/negotiated-stopping-wins-accolade>, accessed 09/07/2016)

The Traveller Movement in the UK - Statistics

‘Irish Travellers and Romany Gypsies are an **indigenous minority ethnic group**, documented as being part of Irish and British society for centuries. Their distinctive way of life, values, culture and traditions manifest themselves in **Traveller ‘nomadism’**, the centrality of the extended family, their own language and the entrepreneurial nature of their economy. Travellers traditionally travelled to seek work to survive.

Both, Irish Travellers and Romany Gypsies, (hereafter referred to as Traveller communities) are documented as the most disadvantaged ethnic groups in Britain today. It is estimated that there are **300,000 of Travellers in Britain** although this is thought to be an underestimate due to their lack of participation in the census.

The Traveller Movement (TM) was established in 1999 as a second-tier community development charity, following the recognition of a gap in service provision and the marginalisation of the Irish Traveller community in Britain. TM gained charitable status in 2003. Following a recognised demand and the capabilities TM expanded its remit in 2008 to include work with all other Gypsy Roma and Traveller communities in Britain.’

(<http://travellermovement.org.uk/index.php/about/our-ethos/>, accessed 10/07/2016)

The Traveller Movement in the UK

The key issues affecting Travellers are detailed below:-

- **Accommodation is a key issue for Travellers**, since sites tend to be situated in environmentally deprived areas – **on wasteland, floodplains or under motorway flyovers**. This has a negative effect on both physical and mental health which is compounded by a lack of access to services that are especially geared to Traveller needs.
- There are **not enough sites for Travellers**. As a consequence, many are housed in inappropriate 'bricks and mortar' accommodation which precludes the fundamental nomadic lifestyle central to Traveller culture. This can be a cause of psychological problems, including depression. It can also lead to neighbour disputes due to lifestyle differences.
- The media is almost universally negative about the Traveller community which has a detrimental effect on public attitudes, **resulting in racism, discrimination, exclusion and harassment**.

(<http://travellermovement.org.uk/index.php/about/our-ethos/>, accessed 10/07/2016)

References to WE-Wor(I)ds which Exclude International Project

- Tracada, E., Spencer, S. & Neary, S. (2014) Words which Exclude-Adjustments to Communication Devices within Law and Planning Frameworks dealing with Gypsy and traveller Accommodation in the UK, iCeGS - International Centre for Guidance Studies, University of Derby - ISBN 9780901437860. Available at: <http://weproject.unice.fr/publication/recommendations-words-which-exclude-united-kingdom>
- Tracada, E., Spencer, S. & Neary, S. (2014) WORKSTREAM 1 - UNITED KINGDOM NATIONAL REPORT in WE: WOR(L)DS WHICH EXCLUDE project JUST/2011/FRAC/AG/2716. Available at: <http://weproject.unice.fr/publication/national-report-united-kingdom>
- Tracada, E., Neary, S. & Spencer, S. (2014) 'The Gypsy and Traveller Communities' housing dispute against the Localism Te Tracada, E., Spencer, S. & Neary, S. net' in Wor(I)ds which Exclude - The Housing Issue of Roma, Gypsies and Travellers in the language of the Acts and administrative documents in Europe, Fiesole (FI): Fondazione Michelucci Press. ISBN 9788899210007. Available at: <http://weproject.unice.fr/publication/e-book>

References

- 'A history of Leeds GATE' at <http://leedsgate.co.uk/home/history-leeds-gate> accessed on 02/08/2016.
- 'Government changes to Planning Policy for Traveller sites' in the Traveller Movement journal at: <http://www.travellermovement.org.uk/wp-content/uploads/2015/09/New-Government-changes-to-Planning-Policy-for-Traveller-sites-September-20151.pdf> accessed on 18/01/2016.
- 'Housing and Planning Bill 2015-16' at: <http://services.parliament.uk/bills/2015-16/housingandplanning.html> accessed on 02/01/2016.
- 'Negotiated Stopping wins accolade!' at <http://leedsgate.co.uk/negotiated-stopping-wins-accolade>, accessed 09/07/2016.
- The Traveller Movement, 'Our Background', available at: <http://travellermovement.org.uk/index.php/about/our-ethos/>, accessed on 10/07/2016.

Thank you for your attention

Any questions?