

Equality Commission

FOR NORTHERN IRELAND

# Outlining Minimum Standards for Traveller Accommodation



Research Undertaken by  
the Chartered Institute of Housing and the University of Ulster

**March 2009**



## **Foreword**

For everybody, a place to call home is a vitally important part of our lives. It provides the place in which we build our families, shape our futures and approach the world. For most people, that precious place can almost be taken for granted; it is part of our experience and it provides for most, if not all, of our needs.

For many, however, there can be no such easy assumptions. Having a place to live, feeling at home, being secure, having the basic modern necessities are not always readily guaranteed. The Equality Commission knows the importance of good accommodation and it features in a significant way in our work. The realisation of the potential that everyone has and the enjoyment of the access to equal opportunity that the law seeks to secure are never matters of one issue only, never amenable to one-dimensional solutions. They require a variety of factors to be taken into account. Accommodation is one of those crucial ingredients for a full life.

This research report adds a valuable contribution to our understanding of the position of Travellers in Northern Ireland. It takes its place as part of a mosaic that presents to us a clear picture of how things are and of how they might be. Travellers experience a well-documented range of difficulties in their lives – marginalisation, segregation, social exclusion, under-attainment, unemployment, ill health are all too familiar parts of daily life.

Much has been promised over the years; much still waits to be delivered. There are, however, indications of movement. A Taskforce is looking at the educational needs of Traveller children and there are positive developments in housing. It is in this latter context that this report will have real value. It seeks to document contemporary experiences and to set out what should be minimum contemporary expectations for all who live in Northern Ireland. It offers insights and explores international developments. It suggests minimum standards and offers areas for legislative amendment.

It is an important contribution. I welcome its publication, thank those who produced it and assisted in the work and I commend it to all with an interest in this area of social policy.

**Bob Collins**

*Chief Commissioner*

*March 2009*



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**It is clear that the lack of provision of suitable sites for Gypsies and Travellers is the root cause of most, if not all, of the difficulties that they face...today.**

Johnson, C. and Wilers, M. (2007) *Gypsy and Traveller Law* London: LAG

This project, commissioned by the Equality Commission for Northern Ireland and carried out by the Chartered Institute of Housing and the University of Ulster, outlines minimum standards of accommodation for Travellers, as defined by existing domestic and international legislation and policy commitments.

The standards apply variously to temporary and permanent accommodation. For the purposes of the research, the term 'temporary accommodation' applies to tolerated or co-operation sites, emergency sites, and transit sites. Permanent accommodation refers to serviced sites, grouped housing and conventional 'bricks and mortar' accommodation in the social and private sectors.

## Context

Addressing the needs of Travellers in terms of their accommodation is central to tackling the deep-seated social exclusion experienced by this diverse group. Adequate provision is imperative in facilitating access to employment opportunities, formal education, healthcare and other key services.

The role of government, both at a central and local level, and of key government agencies is critical to the provision of adequate and suitable accommodation for Travellers that meets their needs, promotes their equality of opportunity and promotes good relations among Traveller households and between Travellers and others members of a community.

Despite the priority attached to Travellers in 2002 through the Promoting Social Inclusion policy (PSI), the resultant thirty-three recommendations aimed at action to improve the quality of life for Travellers, and the transfer of responsibility for Traveller accommodation to the Northern Ireland Housing Executive (NIHE), the provision of accommodation in terms of its supply and the level of standards remains inadequate.

The 2008 Needs Analysis published by the NIHE identified 1,486 individuals in 449 households across Northern Ireland <sup>1</sup>. The needs analysis confirms what many contributors to this research argued; that Travellers are a 'defined' population, and that this fact should make the provision of sufficient levels of adequate and suitable accommodation for Travellers an achievable policy objective.

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1 NIHE (2008), Travellers' Accommodation Needs Assessment in Northern Ireland 2008

## Project Objectives

This project outlines minimum standards to be applied variously to forms of Traveller accommodation, both permanent and temporary.

For the purposes of the research, the term ‘temporary accommodation’ applies to tolerated or co-operation sites, emergency sites, and transit sites. Permanent accommodation refers to serviced sites, grouped housing and conventional ‘bricks and mortar’ accommodation in the social and private sectors.

The project objectives, as established by the Equality Commission for Northern Ireland, were as follows:

- Analysis of the current international legislative framework and resultant obligations on the development of accommodation standards for Travellers
- Analysis of the current policy environment
- Define the various categories of Traveller accommodation
- Analysis of whether current Traveller provision meets legislative requirement
- Take account of wider impact on the good relations duty and racism
- Identification of good practice initiatives in GB, ROI and Europe
- Outline minimum standards
- To outline minimum standards for Traveller accommodation in Northern Ireland

## Project Methodology

The project involved the following:

- Completion of a review of current legislation and of policy documents and peer review journals; consideration of the existing research base related to minimum standards in Traveller accommodation in Northern Ireland, the Republic of Ireland, and Britain and identification of case study examples with relevance to the Northern Ireland context.
- Face to face interviews with nineteen key stakeholders at policy and practice level involved in the development and management of Traveller accommodation, including those with an interest and expertise in the legal and policy landscape and those working with Travellers to meet their housing needs.

- Face to face interview with Travellers. The research team held a number of meetings with Travellers to enhance and inform the findings of the research. Overall, fourteen Travellers were interviewed as part of the research.
- Site visits to nine distinct Traveller sites, across a range of forms of accommodation, i.e. emergency sites, transit sites, serviced sites, group housing, and private permanent accommodation. Site visits took place at (1) Legahory Green and (2) Burnside in Craigavon, (3) Monbrief Road, Craigavon, (4) Glen Road, Belfast, (5) Monagh Road Belfast, and (6) Glen Heights Belfast, and (7) a permanent site near Craigavon, (8) a permanent site in Mahon, Co. Cork and (9) a halting site at Knocknaheny, Co. Cork.
- Desk based case study analysis of selected examples within the island of Ireland, Britain and further afield, including the consideration of stakeholder experiences, views and opinions.

## Key findings

### Undersupply of suitable accommodation

There remains a severe undersupply of decent, culturally sensitive accommodation for Travellers, which provides meaningful choice for households regarding their way of life. Travellers interviewed as part of the study reported that the lack of supply of transit and serviced sites has resulted in some Travellers feeling forced to accept ‘bricks and mortar’ accommodation, and a perception that their right to a nomadic way of life was not understood or supported by authorities.

### Standards in Relation to Site Provision

While supply remains an issue across all forms of accommodation, and is particularly acute for accommodation enabling a nomadic lifestyle, standards remain a particular issue with regard to site provision.

The research found that where Grouped Housing or ‘bricks and mortar’ housing has been provided for Travellers, it has generally been of a decent standard; however, standards on many sites were unacceptable. There have been a number of instances where sites which had been provided on a temporary basis, but have since become de-facto permanent. One Traveller told the research team that he had been living with his family ‘on and off’ one temporary site for nine years, awaiting a pitch on a serviced site.

Researchers carried out a number of site visits and found very poor standards on several existing sites, with very basic facilities being provided to some households. Lack of facilities such as mains electricity is forcing some Traveller households into poverty, as they meet the high cost of fuel to power generators or for shower facilities. A Traveller living on benefits reported spending fourteen pounds a week to bring her family to the local pool to use the shower facilities.

The concentration of high numbers of households on some temporary sites for long periods has resulted in these sites becoming de facto permanent sites. The long term use of facilities intended for temporary use has resulted in living conditions that are at best minimal, at worst below that which should be provided for human beings at the beginning of the twenty first century.

### **Delays in development of new sites**

Considerable delays and obstacles have been encountered in the development of new sites. Identification, acquisition and allocation of land for site development remains a key factor in contributing to delays. Of the four outstanding transit sites on the NIHE Accommodation Programme at September 2008, three required land to be identified.

Consultation with councils regarding planning applications in respect of sites for Traveller accommodation has significantly added to the length of time taken to bring forward new sites. Interviews as part of the research found an overwhelming view among officials and individuals working with Travellers that decisions at Council level regarding planning permission remained a key stumbling block to site development. One senior official described a lack of leadership among local government councillors, and another suggested that until a statutory obligation to provide sites was introduced, practice would not change.

The majority of interviewees agreed that the contentious nature of site provision in local areas prevents planning decisions being made that would allow sites to be developed.

### **Impact on Traveller Households**

Delays in site development have had considerable adverse impact on Traveller households. Interviews with Travellers found that delays in the development of sites have led to some families living in very poor conditions on temporary sites. Some households reported accepting 'bricks and mortar' accommodation, which is not culturally sensitive, and often in areas where there is no previous local connection. Some families reported that their names were removed from the waiting list for a site once they had accepted alternative accommodation. There was a strong view among Travellers interviewed as part of the research that they had little choice in terms of accommodation offered.

### **Governance Issues**

In carrying out the research, the team found that to some extent, there has been an increased recognition and acceptance by agencies of their statutory functions in meeting the needs of Travellers. Interviews found senior staff keen to enhance living conditions and standards for Travellers. However, the existence of goodwill has not been reflected in terms of practical outcomes for Travellers.

However, the research team also found a fragmented approach to the provision of accommodation for Travellers across a range of departments and agencies, which had strongly influenced the effectiveness of measures to meet housing

need. No single department or agency has policy and operational responsibility for the development and delivery of accommodation, and as a result, there lacks a single driver capable of ensuring that all departments and agencies work together.

## Recommendations

### Changes to legislation

It is recommended that a number of legal changes are required:

- Homelessness legislation should be amended to require authorities to provide culturally sensitive accommodation for Traveller households who are statutorily homeless.
- Measures should be taken to clarify the law in respect of use of site accommodation both for Travellers who are owner occupiers and for those who are tenants, and in particular to strengthen security of tenure for Travellers living on sites as tenants. A review of existing legislation should include an examination of the Caravans Act (Northern Ireland) 1963, and the compatibility of the existing framework with the European Convention on Human Rights (ECHR) <sup>2</sup>.
- Consideration should be given to bring forward legislation to expedite the identification, acquisition and allocation of land for site development. Lessons should be learned from other jurisdictions, e.g. implementation of the Planning and Development Act 2000, in the Republic of Ireland in this respect <sup>3</sup>.

### Changes to policy

A number of recommendations are made in relation to changes required to the policy environment to enable the development of accommodation for Travellers:

- The role of planning authorities in speeding up the planning application process is fundamental to increasing the supply of accommodation for Travellers. The Programme for Government is committed to fundamental planning reform by 2011. This review should consider options for making the planning process aligned to housing need, and enhancing the effectiveness of the planning system in contributing to the delivery of site accommodation for Travellers.
- While there has been considerable progress in meeting the recommendations of the PSI Working Group in terms of accommodation, the lack of a single driver has meant that opportunities for progress have

2 The 2007 Legal Action Group publication suggested that the differences in security of tenure enjoyed by those living on authorised sites and those protected by the Mobile Homes Act 1983 (which applies in England), and local authority secure tenants in 'bricks and mortar' accommodation 'might be thought to be incompatible with the ECHR. It is the view of researchers that given similarities between the legal framework in England and NI, a similar situation may exist here. While security of tenure was outside the scope of this project, the researchers are strongly of the view that maintenance of standards on sites are inextricably linked with security of tenure and a sense of ownership and belonging among residents.

3 NIHE vesting powers exist but tend not to be used regularly because of their onerous nature.

been missed. The Department of Social Development (DSD), should direct work in this area, formalise the relationship between the various authorities and agencies in the identification, acquisition and development of land, and the development and maintenance of sites. DSD should play the lead role in driving forward multi-agency working in this matter.

- The research team found that previous land assessments may be out of date, and that land previously considered unsuitable for Traveller accommodation may now prove feasible. A review of all NIHE land and of public land and its suitability as a site for Travellers accommodation should be carried out as a matter of urgency. This would be led by the NIHE with input from other agencies.
- Severe undersupply remains across the range of forms of accommodation. The forthcoming NIHE programme, based on the 2008 Needs Assessment should therefore make provision for a range of forms of accommodation i.e. grouped housing, serviced sites, transit sites and temporary sites.
- The development of transit sites should proceed as a matter of urgency. The provision of a sufficient number of transit sites of sufficient standards will reduce the number of unauthorised encampments and co-operated sites.
- Consideration should be given to the case for ring-fencing funding the provision of Traveller accommodation. Publication of the 2008 Needs Analysis and a forthcoming Accommodation Programme should enable key departments and agencies to identify resources required. Consideration should be given to ring-fencing funding to expedite site development in the coming spending period.
- All sites should be used for their intended purpose; i.e. temporary accommodation for short periods only.
- Guidance for planners should be developed to replace the 1999 DOE NI guidance. It is recommended that this should be based on the Welsh Assembly Government circular 30/2007 “Planning for Gypsy Traveller Caravan Sites”.

### **Minimum Standards**

The report sets out detailed minimum standards required for both permanent and temporary forms of accommodation.

**The provision of electricity, water, sewerage, hard standing and safe and well located sites should be considered minimum standards of accommodation for Travellers, with the exception of the most temporary or stopping places, whereby the provision of electricity and hard standing may not be feasible.**

The standards have been informed by the current legal, policy and practice framework. The key starting point is the need for standards in Traveller accommodation to be comparable to those for other forms of social housing. The standards have been informed by the contents of the Housing Association Guide, which contains the rules and procedures for Housing Associations in receipt of capital grant/allocation from the Department for Social Development<sup>4</sup>. This includes design requirements with regard to, e.g. safety, security and building practice. The research team has also taken account of best practice in terms of management standards and consultation with stakeholders, through the literature review completed as part of the research.

In developing accommodation for Travellers a number of *key principles* should be adhered to:

- Accommodation for Travellers should be planned and developed in a proactive manner, on the basis of robust needs assessment and regular consultation with Travellers.
- It should be sustainable and well managed, and its design should promote the health, safety and well being of Travellers.
- It should have decent physical standards, equivalent to standards that would be expected for social housing in the settled community.
- It should promote the social interaction of Travellers within the local community and promote good relations within the Traveller community and between Travellers and the rest of the community.
- Water, sewerage, and refuse disposal should be provided on all forms of accommodation, including sites, irrespective of its nature, or length of use by households. The means of provision of these services, i.e. the nature of connection points, the extent to which facilities are portable or mobile, will depend on the form of accommodation, and further detail is given in the body of the report. However, the principle that all Travellers should have access to clean water and access to washing and waste facilities remains fundamental.
- The provision of electricity, drainage and hard standing must be provided on all forms of accommodation except the most temporary stopping places; the nature of this provision will be determined by the form of accommodation. Further detail is provided in the body of the report<sup>5</sup>.
- All forms of accommodation should be fit for purpose in terms of the provision of facilities and amenities to Travellers.
- All forms of accommodation should be developed in consultation with Travellers.
- The standards developed in the report for Travellers accommodation are minimum standards which are deemed reasonable in the current policy

4 DSD Housing Association Guide [www.dsdni.gov.uk](http://www.dsdni.gov.uk)

5 CLG Guidance (2008), WAG Guidance (2008)

and practice environment and what can be developed in a cost effective manner. Providers should take steps over time to enhance these standards.

- The standards recommended in this report should be applied to existing as well as future sites; an audit of standards in sites would be useful to identify where refurbishment of sites is required.
- Given the defined population, and the relatively small number of Travellers who wish to continue to live on sites, the emphasis should be on exceeding these standards, and promoting the equality of opportunity and good relations of Travellers through the provision of accommodation that improves their health and well being and ensures their integration in the community.
- Accommodation provided should in no way lead to the diminution of the traditional way of life for Travellers. Accommodation should be provided sufficient to allow informed choice for Traveller households between a nomadic way of life, or living on permanent sites in the long term.

In early 2008, the Equality Commission for Northern Ireland made a call for proposals from external organisations or individuals to draft a paper outlining minimum standards for Traveller accommodation as defined by existing equality legislation international standards and policy commitments. As the professional body for people involved in housing, the Chartered Institute of Housing considers the provision of decent and safe accommodation for Travellers to be a public policy priority. The School of the Built Environment at the University of Ulster brought considerable experience in research into standards of accommodation to the project.

The marginalisation, social exclusion and spatial segregation experienced by the Traveller community in Northern Ireland is well documented, and spans across their education, health and housing. However, it is in the area of accommodation where needs are particularly acute. Irwin and Dunne (1997) found that Travellers were eight times as likely to live in over-crowded conditions in comparison with the general population in Northern Ireland <sup>6</sup>.

Some 92% of Travellers leave school with no qualifications, only 11% of the community is in paid employment, the infant mortality rate is ten times the national average and life expectancy is considerably lower than for the non-Traveller population. Little progress has been made in alleviating this situation and the level of legal protection afforded to Travellers, particularly in relation to provision of accommodation, conditions of occupancy and security of tenure has to date been wholly unsatisfactory <sup>7</sup>. The Traveller minority also experiences hostility and discrimination; a recent survey revealed that 40% of the public did not believe the nomadic way of life traditionally followed by many Travellers to be a valid one that should be supported by Government <sup>8</sup>.

The provision of accommodation for Travellers, similarly to their settled counterparts, is intrinsic to their health and well being, their education and their integration in their local community. In 2006, research undertaken by Craigavon and Banbridge Community HSS Trust links the provision of accommodation and the standards of this accommodation with the health and well being of Travellers. The research found that 68% of Travellers lack appropriate accommodation with no access to basic facilities such as water, sanitation, laundry facilities, electricity or rubbish collection, 'which affects their physical and mental wellbeing'<sup>9</sup>.

The role of government, both at a central and local level, and of key government agencies is critical to the provision of adequate and suitable accommodation for Travellers that meets their needs, promotes their equality of opportunity and promotes good relations among Traveller households and between Travellers and others members of a community.

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6 Irwin, G. and Dunn, S. (1997) *Ethnic Minorities in Northern Ireland* (Belfast: University of Ulster Coleraine, Centre for the Study of Conflict).

7 Johnson, C and Wilers, M. (2007) *Gypsy and Traveller Law* London: LAG

8 Response of the Northern Ireland Human Rights Commission to the Draft Unauthorised Encampments (Northern Ireland) Order 2004

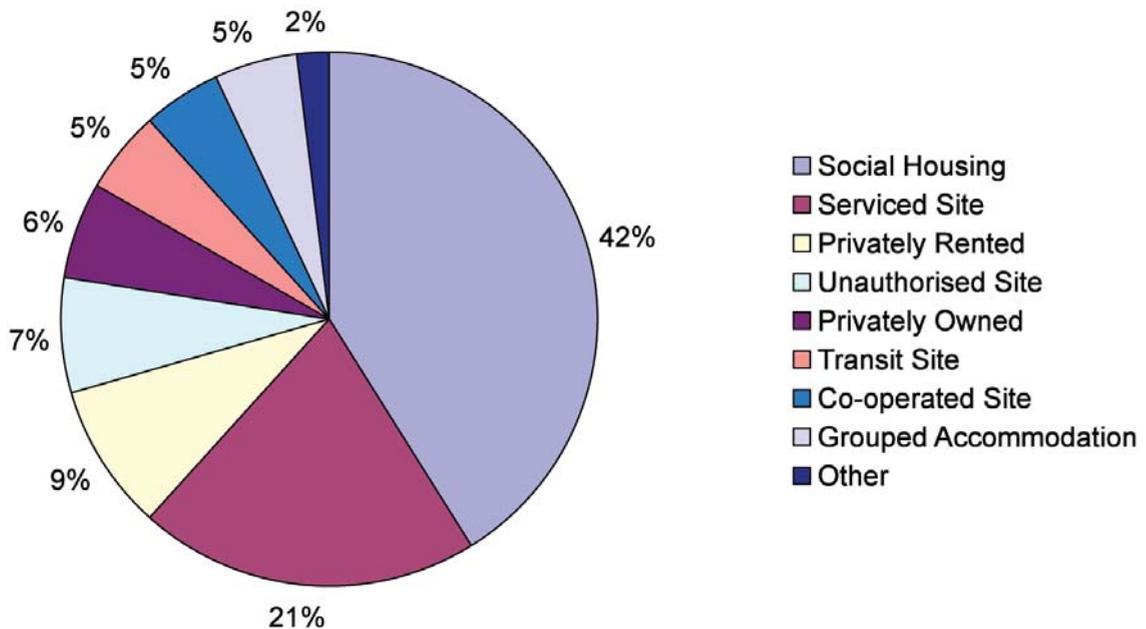
9 Craigavon and Banbridge Community HSS Trust (2006) *Health and Social Needs Assessment of the Traveller Communities in Craigavon and Banbridge Community Health and Social Services Trust Area*

In carrying out the research, the team found that to some extent, there has been an increased recognition and acceptance by agencies of their statutory functions in meeting the needs of Travellers. Interviews carried out in this research found senior staff keen to enhance living conditions and standards for Travellers. However, the existence of goodwill has not been reflected in terms of practical outcomes for Travellers. There remains a severe undersupply of decent, culturally sensitive accommodation for Travellers, which provides meaningful choice for households regarding their way of life.

### Existing Level of Need

In response to the PSI Group's recommendation, the Housing Executive carried out the first comprehensive analysis of Traveller accommodation needs in Northern Ireland in 2002<sup>10</sup>. A further needs assessment was completed in 2008<sup>11</sup>. The 2008 research identified a total of 531 Traveller households across Northern Ireland and, through face-to-face interviews with representatives from 449 of these households, found that 42% were living in social housing, 21% at serviced sites, 9% in private rented accommodation and 7% in unauthorised sites.

**Figure 1: Travellers Current Accommodation (2008)**



**Source: Northern Ireland Housing Executive<sup>12</sup>**

High levels of housing need were found, with only 27% of respondents saying they did not need accommodation. Respondents were asked their preferred type of accommodation. One-third (30%) said they would prefer social housing, 19% would prefer grouped accommodation and a further 19% said they would prefer to live in a serviced site.

<sup>10</sup> NIHE (2002), Travellers Accommodation Needs Assessment in Northern Ireland 2002

<sup>11</sup> NIHE (2008), Travellers Accommodation Needs Assessment in Northern Ireland 2008

<sup>12</sup> Travellers Accommodation Needs Assessment in Northern Ireland 2008, p10

From the findings of the survey, it was concluded housing need is greatest in the four council areas of Belfast, Craigavon, Derry/Londonderry and Dungannon. The report concluded that

*There is a gross need for 83 units of grouped accommodation, 57 serviced site pitches and 57 units of social housing. The knock-on effects of developing, for example, a new grouped accommodation scheme may be the release of a number of units on a serviced site, which in turn may release a number of units on a transit site, etc. The net housing need is a much more complex calculation, which is outside the scope of this research project and will be undertaken by Strategic Partnerships in consultation with the Traveller community<sup>13</sup>.*

### Existing Categories of Accommodation

This section sets out the range of forms of accommodation for Travellers, and current plans to meet need. At the time of writing, the 2008 Needs Assessment has been completed, and a future Accommodation Programme from the NIHE is being progressed.

Following interviews and review of documentation, the scale of accommodation currently planned, or already in operation by the NIHE is:

1. Seven Group Housing Schemes comprising 70 units
2. Six serviced sites comprising 77 units
3. Five transit sites comprising 40 units
4. Three Emergency sites comprising 18-24 units
5. Two cooperated sites on the Monagh Road and Glen Road in Belfast<sup>14</sup>

### Group Housing

A relatively new development is the provision of ‘Group Housing’ – ‘residential housing developments with additional facilities and amenities specifically designed to accommodate extended families of Travellers on a permanent basis’<sup>15</sup>. The then-Minister, Lord Dubs, announced early in 1999 that four pilot group housing schemes should be provided in Northern Ireland – two in Belfast and two in ‘rural’ areas (Omagh and Toome). Following completion of the two rural schemes (which are owned and managed by a housing association) the Housing Executive carried out an evaluation, which also took account of the experiences of families still living at the two ‘co-operated’ sites in Belfast. While the evaluation focused mainly on the partnerships and processes involved in instigating and developing this new form of accommodation, it also elicited some views on the suitability of the housing for the needs of its occupants:

The Traveller families in both schemes responded very positively to the question of whether the aims of group housing had been met and they reported noticeable improvements to their standards of living. The main improvements cited by both families were in terms of security, comfort, heating, electricity and sanitation:

13 Travellers Accommodation Needs Assessment in Northern Ireland 2008, p27

14 Accommodation Update for Traveller Consultative Forum, 12th September 2008

15 Evaluation of Traveller Grouped Housing, p4

*'We've always lived here and now we're set here. We don't have anybody coming and telling us what to do. I've no complaints about the scheme. We have all the space that we need. We have the comfort thing as well'<sup>16</sup>.*

The current NIHE Accommodation Programme contains provision for seven Group Housing schemes, made up of 70 units. Of each of the forms of accommodation in the programme, most progress has been made in the case of Group Housing, with schemes in Ballyarnett, Londonderry and Glen Road, Belfast. The scheme in Ballyarnett, which was completed in June 2008, was described by one Traveller interviewed for this research as a 'model scheme'.

## Sites

Traveller sites generally fall into two broad types – which reflect their legal status rather than the form of the accommodation – either “authorised” or “unauthorised”. Authorised sites have planning permission to be used as accommodation sites for Travellers, and tend to have a reasonable level of services. “Unauthorised” sites, on the other hand, exist where Travellers have established a site – whether on their own land or that of another party – without planning permission.

Whether authorised or unauthorised, there are a number of different types of sites where Travellers may remain for varying periods of time, generally living in caravans.

## Permanent or Serviced sites

These provide Travellers with a permanent home, and there is no limit on the length of time residents can stay; within the United Kingdom (UK), most socially rented sites are designed for long-term usage. In England, the 2007 caravan count revealed around 300 (authorised) sites owned by local authorities or Registered Social Landlords (RSLs), accommodating about 6,600 caravans; a further 6,500 caravans were located on authorised private sites<sup>17</sup>. The bidding guidance for Communities and Local Government's Gypsy and Traveller Site Grant explains that for permanent sites ownership should remain with the local authority or registered social landlord and continue in use as a Gypsy and Traveller site for at least ten years, although consideration will be given to sites of a shorter term nature where there is a sound business case that demonstrates value for money (Communities and Local Government, 2008).

In Northern Ireland, authorised permanent sites are sometimes referred to as 'Serviced Sites'. The term describes a range of managed accommodation where Traveller families have a permanent base to park their caravan or erect timber framed sectional buildings (sometimes known as 'Park Homes'). Electricity, water and sewage infrastructure should be provided, and other facilities such as communal or individual amenity units (providing toilet, washing and daytime living arrangements) may also be available<sup>18</sup>. Since 2003, the Housing Executive has had responsibility for five serviced sites in Belfast, Londonderry, Omagh,

<sup>16</sup> Evaluation of Traveller Grouped Housing, p21

<sup>17</sup> Out in the Open, p9

<sup>18</sup> Evaluation of Traveller Grouped Housing, p50

Coalisland and Craigavon. At the time of writing, land has been identified for an additional site in Craigavon, at Lake Road, which would reduce demand currently being met at the co-operated site and emergency site in Legahory and Burnside, however, considerable work is required, in terms of securing planning approval, initiating and completing consultation with local residents etc.

## Transit sites

These are permanently operational sites that provide temporary accommodation for Travellers, and are not intended for use as a permanent base for individual households. In the UK the length of stay varies but is usually set at between 28 days and three months, although practice on private transit sites tends to be more relaxed in respect of the amount of time people are permitted to stay (Communities and Local Government, 2008). Only around 6% of pitches on socially rented sites in England (300 in total) were classified as ‘transit’ in January 2007<sup>19</sup>. There are currently two transit sites in Northern Ireland, at Greenbrae, Strabane and Ballyarnet, Londonderry.

The existing Accommodation Programme includes provision for three additional transit sites, in Belfast, Craigavon and Newry. There has been considerable delay in progressing with provision of these sites. In Belfast, the NIHE has encountered problems in identifying land considered to be suitable. Planning approval and consultation will then be required. In Craigavon, four potential sites are currently being investigated. It is possible, on the basis of the recent Needs Assessment that plans for a transit site in Newry will be revisited.

## Emergency sites

These sites are in temporary use as authorised short-term (less than 28 days) stopping places for all travelling communities. They may not require planning permission if they are in use for fewer than 28 days. The requirements for emergency stopping places reflect the fact that the site will only be used for a proportion of the year and that individual households will normally only stay on the site for a few days (Communities and Local Government, 2008).

## Tolerated/co-operation

Both these types of sites are unauthorised. Tolerated sites are not subject to enforcement action, whilst co-operation sites are, or may be, subject to enforcement.

In Northern Ireland, Co-operated sites (formerly known as tolerated sites) describe those set up on land where Travellers are located on a temporary basis<sup>20</sup>. The Co-Operation Policy, managed by the Housing Executive, allows camping on a temporary basis, but is clear that such arrangements are not to be seen as a substitute for permanent or transit sites. As such, the policy ‘is meant as a way of dealing with a humane requirement rather than an alternative to permanent sites’<sup>21</sup>. Once the Co-Operation Policy is in place for a given site, Travellers should be allowed to remain, subject to a number of conditions:

19 Out in the Open, p10

20 Evaluation of Traveller Grouped Housing, p50

21 [www.nihe.gov.uk/index/yh-home/advice\\_for\\_travellers/co-operation\\_policy.htm](http://www.nihe.gov.uk/index/yh-home/advice_for_travellers/co-operation_policy.htm)

- Occupation does not constitute a measurable public health hazard or cause pollution to water supplies. District Councils should liaise with the landowner, support groups and Traveller families to ensure services (e.g. refuse collection) are in place to eliminate any public health hazard.
- Occupation does not create a traffic hazard.
- Occupation does not create a right to long-term use of the site. The situation should be reviewed at regular intervals not exceeding three months.
- There is no current or immediate use for the land.
- The Travellers behave in a reasonable and orderly manner <sup>22</sup>.

In Great Britain – as in Northern Ireland – it is widely accepted that there is a national shortage of authorised sites. The Communities and Local Government department has established a new framework of housing and planning systems designed to increase site provision and better meet the accommodation needs of Gypsies and Travellers, reducing the number of unauthorised sites and promoting good relations with the settled community.

Guidance states that it is important to ensure that these sites:

- are sustainable, safe and easy to manage and maintain;
- are of a decent standard, equitable to that which would be expected for social housing in the settled community; and
- support harmonious relations between Gypsies and Travellers and the settled community.

### Existing Standards of Accommodation

‘That generator costs us a tenner a day on petrol to keep the fire going and us warm. I bet you don’t have to pay a tenner a day for your fire? I bet the politicians in the council don’t neither’

*Traveller, Belfast*

Researchers carried out a number of site visits while undertaking the study. The visits were intended to give researchers an overview of the kind of standards on site, so the following assessment is not intended to provide a comprehensive analysis of standards for Traveller sites across Northern Ireland, rather a flavour of the issues identified in the visits, supplemented by interviews with Travellers. In general, standards on Group Housing Schemes were very good. However, researchers found very poor standards on a number of existing sites, with basic facilities provided to many households.

- Standards at an emergency site in Craigavon were particularly poor. Households had individual access to Portalooos, but vans were not plumbed for running water. Two outdoor cold water taps were available to the ten vans using the site. There were no communal washing facilities, and parents reported having no facilities to wash their children. No electricity was provided to vans; some individual vans used oil powered generators to heat their homes. Refuse was provided on a communal basis and collected weekly, however, over the period of two weeks during which the researchers made two visits, the refuse skips had not been replaced and refuse was spilling onto the ground. There was no allocated space to play for children, no car parking spaces for cars etc. In an interview with one household, the cost of laundry facilities in the local area can be as much as ten pounds per medium sized bag. Washing facilities for adults and children are at a premium.
- One family reported living at the co-operated site in Craigavon ‘on and off for four years’. The site, which has become de facto permanent accommodation for a number of households, is surrounded by recently erected boulders which act as a barrier between the Traveller community and the neighbouring households. A Portaloo is provided to each household; however, vans are not connected to electricity and water supply, and only have access to water through outdoor cold water taps on site. Households living on site report that outdoor taps regularly freeze during the winter. No hard standing has been provided; there is no allocated space for children to play, and no allocated space for horses or other animals.
- Standards at serviced sites were generally superior to those on emergency or co-operated sites; however, some of the amenities were basic. The researchers visited a serviced site, for permanent use, whereby hard standing was provided for each van, with individual pitches. Improvement works had been carried out to include a new electrical supply. Each individual van had access to their own portaloo, however, communal washing facilities were shared between the whole site. Some households had plumbed a washing machine into outside huts, which posed significant health and safety risks. There was no communal space to play for children; children were playing on the main concrete route through the site when the researchers visited.
- The researchers visited a Group Housing Scheme in Belfast which provided excellent amenities including electricity, water, sewerage, drainage and hard standing on a pitch by pitch basis to a high standard. There was space to play for children, however limited, and residents reported high levels of satisfaction.

‘Group housing is fine for older people, or people who want to give up Travelling. I want to be able to go on the road during the summer, and I want the trailer close to the house. Group housing wouldn’t be for me at all.’

- Group Housing Schemes provide a high standard of accommodation for Travellers. The scheme visited by the researchers (Glen Road, Belfast) comprised accommodation units which were broadly similar to conventional ‘bricks and mortar’ accommodation, with space outside homes for trailers and vans. In some instances the Travellers on sites no longer park vans on site and have reduced travelling to a minimum. However, in many cases, caravans and trailers are parked next to homes. There appears to be mixed views among Travellers towards Group Housing; many of the Travellers interviewed as part of the research stated their preference for group housing, but a significant number argued that group housing was ‘too settled’.
- *Cooperated sites* are by nature difficult to assess because encampments can change within a matter of days. One cooperated site was briefly visited by the research team, but residents were not prepared to contribute to the research, and therefore a more comprehensive assessment could not take place. However, interviews with Travellers contributing to the research did provide an insight into standards on these sites as some had lived on the sites previously. The key issue for Travellers living on these sites is the ability to find a site that will not risk health and safety, particularly for children. One Traveller argued that ‘the police and the housing people think that we deliberately park in people’s way. But if we go away from main roads, we can’t sometimes find a place to park, or it’s not safe for the kids.’ The NIHE did receive praise from some families who said their staff were polite and tried to help, and did ensure the provision of portaloos.
- Lack of facilities such as mains electricity is forcing some Traveller households into poverty, as they meet the high cost of fuel to power generators or for shower facilities. A Traveller living on benefits reported spending sixteen pounds a week to bring her family to the local pool to use the shower facilities.

‘We do go to use the council pool for a shower, but you have to pay £2 for each person. For us, that’s £8 a wash. For families with six or eight kids, I don’t know how they do it’.

There have been a number of instances where sites which had been provided on a temporary basis, but have since become de-facto permanent. One Traveller told the research team that he had been living with his family ‘on and off’ one temporary site for nine years, awaiting a pitch on a serviced site. The long term use of facilities intended for temporary use has resulted in living conditions that are at best minimal, at worst below that which should be provided for human beings at the beginning of the twenty first century.

The NIHE 2008 Needs Analysis identified 1,486 individuals in 449 households across Northern Ireland<sup>23</sup>. The needs analysis confirms what many contributors to this research argued; that Travellers are a ‘defined’ population, and that this fact should make the provision of sufficient levels of adequate and suitable accommodation for Travellers an achievable policy objective.

The project aims to outline minimum standards for the different types of Traveller accommodation: tolerated/co-operation; emergency; transit and permanent; as defined by existing equality legislation, international standards and policy commitments.

The project objectives, as established by the Equality Commission for Northern Ireland, were as follows:

- Analysis of the current international legislative framework and resultant obligations on the development of accommodation standards for Travellers
- Analysis of the current policy environment
- Define the various categories of Traveller accommodation
- Analysis of whether current Traveller provision meets legislative requirements
- Take account of wider impact on the good relations duty and racism
- Identification of good practice initiatives in GB, ROI and Europe
- To outline minimum standards for Traveller accommodation in Northern Ireland



This section gives a full description of the methods used by the research team to complete the research. This includes a description of the various forms of quantitative and qualitative research used, and the timescale over which the research project was completed.

The study was undertaken between August and December 2008 using the following methodology:

- Completion of a review of current legislation and policy documents and peer review journals to consider the existing research base related to minimum standards in Traveller accommodation in Northern Ireland, Republic of Ireland, and Great Britain and to identify case study examples with relevance to the Northern Ireland context.
- Face to face interviews with nineteen key stakeholders at policy and practice level involved in the development and management of Traveller accommodation, with those with an interest and expertise in the legislative and policy landscape and those working with Travellers to meet their housing needs.
- Face to face interview with Travellers. The research team held a number of meetings with Travellers to enhance and inform the findings of the research. Overall, fourteen Travellers were interviewed as part of the research.
- Seven Travellers were interviewed in their homes.
- The remaining seven Travellers agreed to be interviewed while attending a regular meeting of the Women's Group facilitated by Craigavon Travellers Support Network.
- The Travellers taking part in the study live in a variety of forms of accommodation:
  1. A family living on a permanent site. The family bought the land on which the site is located and applied for planning permission to stay on the land permanently. At the time of writing, planning permission has been refused, and the family is currently considering the range of legal options available to them.
  2. A family living on green space outside the boundary of the emergency site in Legahory in Craigavon. The family is made up of the mother and father and their six children, aged ten, eight, five, four, three, two and nine months. This family had previously lived on the emergency site, but moved to the green space next to the site. They have put their names on the waiting list to return to the site when amenities are provided such as electricity, water etc.

3. Another family living on the emergency site in Legahory in Craigavon. This family consists of the mother and father and their two children, aged five and two. This family has remained on the emergency site.
4. An extended family renting in the private rented sector. This family originally applied for pitches on the permanent site on Monbrief Road, however, did not secure a place. They did not wish to live on the emergency site in Legahory and as a result chose to move into the private rented sector.
5. An extended family living in social housing provided by the Northern Ireland Housing Executive. Related by marriage to the previous family, this household currently lives in bricks and mortar NIHE accommodation.

Each of the families interviewed as part of the research had previously lived in other forms of accommodation, or currently have extended family living in other forms of accommodation. Eight separate interviews were held on the 5<sup>th</sup> September, 30<sup>th</sup> September, 3<sup>rd</sup> October and the 15<sup>th</sup> October. The Travellers participating in the study have asked not to be named.

- The research team carried out site visits to nine distinct Traveller sites, across a range of forms of accommodation, i.e. emergency sites, transit sites, serviced sites, group housing, and private permanent accommodation. Site visits took place at (1) Legahory Green and (2) Burnside in Craigavon, (3) Monbrief Road, Craigavon, (4) Glen Road, Belfast, (5) Monagh Road Belfast, and (6) Glen Heights Belfast, and (7) a permanent site in Craigavon (8) a permanent site in Mahon, Cork and (9) a halting site at Knocknaheney, Cork.
- Desk based case study analysis of selected examples within the island of Ireland, Britain and further afield, including the consideration of stakeholder experiences, views and opinions.

The research team would like to thank all of the individuals who gave their time to contribute to the research. Particular appreciation is owed to the Travellers who gave their time, and those who agreed to be interviewed in their homes. Their input has been invaluable to the research findings and recommendations.

**We want a site...I'd like a kitchen I could cook and the kids could have some space...they go running out there when it's raining and come back covered in muck. So I can't keep the place clean. So I have to keep them indoors. Two kids in a van all day. We're all going mad with ourselves...will we have a site by Christmas do you think? I can't imagine cooking a turkey...**

*(Mother of two, Craigavon, 2008)*

**37% were dissatisfied/very dissatisfied (with the standard of their current accommodation)... The main reasons for dissatisfaction were poor living conditions and overcrowding.**

*(Travellers' Accommodation Needs Assessment 2008, Northern Ireland Housing Executive)*

**Travellers endure some of the worst living conditions in Northern Ireland, with high levels of overcrowding or unsuitable accommodation, which lacks basic amenities.**

*(A Response to the PSI Working Group on Travellers, Office of the First Minister and Deputy First Minister, 2003)*

**Site provision is the single most important means of tackling the problems faced by Gypsies and Travellers, and the difficulties associated with unauthorised encampments and developments.**

*(The Road Ahead: Final Report of the Independent Task Group on Site Provision and Enforcement for Gypsies and Travellers, December 2007)*

**The provision of decent, well-managed and fully serviced sites helps the settled community to recognise that Gypsies and Travellers are responsible members of the community.**

*(Out in the Open: Providing Accommodation, Promoting Understanding and Recognising Rights of Gypsies and Travellers, 2007)*

Public policy across the UK and Ireland in relation to Travellers and their accommodation has increasingly reflected the need to base provision on robust needs assessment. As a result of recent changes to legislation, most local authorities in England have now published Gypsy and Traveller Accommodation Assessments, which concentrate primarily on establishing baseline information and suggesting the amount, location and broad type of accommodation that is required in the short to medium term within a given area. Following the publication of the PSI Working Group recommendations, the NIHE has since based its provision on a wide-ranging needs assessment of Traveller accommodation.

However, less attention has been paid to the identification of good practice or setting out guidelines on the design, layout and optimum size of Travellers' sites. The most recent substantive document on the issue in Northern Ireland came from the Department of the Environment in 1999, and focused solely on the design of permanent sites and is no longer in regular use.

Despite a lack of attention to the design and delivery of standards in Traveller accommodation, it is increasingly clear that provision of good quality, well designed accommodation is critical to overcoming many of the barriers faced by members of the travelling community, as well as the misunderstanding and animosity that can arise because of the very nature and form of Travellers' living conditions and lifestyle, when juxtaposed against that of the settled community.

This selective literature review considers the main relevant legislation and case law in relation to Travellers, the policy environment, types of accommodation that meet their varying needs, and recent research findings and guidelines concerned with the appropriate standards of accommodation for Traveller households. It is important to note that the term 'Gypsies and Travellers', as quoted above, is frequently and officially used in the English context. Case law in England established Romany Gypsies as a recognised racial group in 1988 and Irish Travellers in 2000<sup>24</sup>, and in Great Britain the two groups tend to be viewed as distinct – with little mixing between them – but with similar needs<sup>25</sup>. In Northern Ireland, reference is generally made only to 'Travellers', and where the term 'Gypsies' is used alongside 'Travellers' in this report, it is as a result of reference to other publications.

## LEGISLATIVE & POLICY FRAMEWORK

***This section provides an analysis of the current international legislative framework and resultant obligations on the development of accommodation standards for Travellers.***

### International Law

A number of international standards focus on a duty on states to be proactive in protecting certain racial groups, including minority racial groups, and their way of life.

#### **International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)**

Article 2(2) of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) provides that:

*States Parties shall, when the circumstances so warrant, take, in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms. These measures shall in no case entail as a consequence the maintenance of unequal or separate rights for different racial groups after the objectives for which they were taken have been achieved.*

Article 5 of ICERD asserts the right to non-discrimination in the enjoyment of civil and political, and economic, social and cultural rights:

*In compliance with the fundamental obligations laid down in Article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:...*

*(d) Other civil rights, in particular:*

*(i) The right to freedom of movement and residence within the border of the State; ...*

*(e) Economic, social and cultural rights in particular:...*

*(iii) The right to housing;*

*(iv) The right to public health, medical care, social security and social services;*

*(v) The right to education and training;*

*(vi) The right to equal participation in cultural activities.*

The Northern Ireland Human Rights Commission is clear that in the context of Article 5, 'housing' should be read as culturally appropriate provision including the accommodation of nomadism <sup>26</sup> .

The Committee on the Elimination of Racial Discrimination has provided some useful guidance on the implications of the law in respect of the development of standards on Traveller sites. The General Recommendation advises that sites have all necessary facilities, that they should be geographically located so that Travellers have access to health and social security services, and should not be in isolated and unpopulated areas.

### **European Framework Convention on National Minorities**

The European Framework Convention for the Protection of National Minorities (entered into force in 1998) sets a number of principles according to which States must develop specific policies to protect the rights of minorities.

Article 4.1 of the Convention sets out the fundamental principles of non-discrimination and equality, while Article 4.2 emphasises that a State's obligations may extend beyond abstention from discrimination and into the realm of affirmative action on the part of the government. The Convention recommends that States adopt, "where necessary", measures to promote "full and effective equality between persons belonging to a national minority and those belonging to the majority" taking "due account of the specific conditions" of national minorities.

Other provisions to which the States agree include:

- Promotion of the conditions necessary for minorities to maintain and develop their culture and identity (Article 5)
- Encouragement of tolerance, mutual respect, and understanding among all persons living on their territory (Article 6)

States are obliged to submit periodic reports for examination by the Committee of Ministers, which is assisted by an Advisory Committee of experts in the field of minority protection.

### **European Convention on Human Rights**

The European Convention on Human Rights has also been shown to have application to Traveller households; their rights under Article 8 of the Convention (respect for an individual's private and family life, home and traditional way of life) have been tested and clarified in at least one UK case. The findings were that Gypsies and Travellers have a right not only to respect for their home, but also for their traditional way of life, including the ability to live in caravans. After *Chapman v. United Kingdom* (2001), it became clear that the UK, along with all other European States, has a positive duty to facilitate the Gypsy way of life<sup>27</sup>.

On 2 October 2000, the Human Rights Act (passed in Westminster in 1998) became enforceable and made the European Convention on Human Rights (ECHR) part of the law of Northern Ireland (and of the rest of the UK). Departments, agencies, and public authorities in Northern Ireland are public bodies for the purposes of section 6(3) of the Human Rights Act (HRA) 1998 and

<sup>27</sup> Out in the Open, p31

are therefore subject to the duty imposed by section 6(1) of the HRA 1998 to act compatibly with the European Convention on Human Rights when dealing with applications for planning permission made by Gypsies and Travellers.

In 2001 the European Court of Human Rights (ECHR) ruled in *Chapman v United Kingdom*, a case brought by a Gypsy family in England that had been prosecuted for breach of planning laws in circumstances where they had developed a site in the Green Belt without planning permission. The applicants complained that the enforcement action taken against them breached their rights protected by Article 8 of the Convention.

The Court stated that:

*‘... the applicant’s occupation of her caravan is an integral part of her ethnic identity as a Gypsy, reflecting the long tradition of that minority of following a travelling lifestyle. This is the case even though, under the pressure of development and diverse policies or from their own volition, many Gypsies no longer live a wholly nomadic existence and increasingly settle for long periods in one place in order to facilitate, for example, the education of their children. Measures which affect the applicant’s stationing of her caravans have therefore a wider impact than on the right to respect for home. They also affect her ability to maintain her identity as a Gypsy and to lead her private and family life in accordance with that tradition.’*

The judges disagreed on whether the interference by the State was justified as ‘necessary in a democratic society’. A majority of 10 of the 17 judges held that it was and dismissed the application. The dissenting judges disagreed and when giving their judgment referred to the difficulties faced by Gypsies, stating:

*‘The long-term failures of local authorities to make effective provision for Gypsies in their planning policies is evident from the history of implementation of measures concerning Gypsy sites, both public and private ... the Government is already well aware that the legislative and policy framework does not provide in practice for the needs of the Gypsy minority and that their policy of leaving it to local authorities to make provision for Gypsies has been of limited effectiveness ... it is in our opinion disproportionate to take steps to evict a Gypsy family from their home on their own land in circumstances where there has not been shown to be any other lawful, alternative site reasonably open to them. It would accordingly be for the authorities to adopt such measures as they consider appropriate to ensure that the planning system affords effective respect for the home, private life and family life of Gypsies such as the applicant.’*

Significantly, however, all the Judges of the ECHR agreed that:

*‘... the vulnerable position of Gypsies as a minority means that some special consideration should be given to their needs and their different lifestyle both in the relevant regulatory planning framework and in arriving at the decisions in particular cases ... To this extent there is thus a positive obligation imposed on the Contracting States by virtue of Article 8 to facilitate the Gypsy way of life ...’*

According to the human rights organisation Liberty, ‘though the applicants in Chapman were unsuccessful, the principles derived from that case are of general application and will be relevant in almost every case where Gypsies and Travellers seek planning permission for use of land as a caravan site.’

The organisation also asserts that the case of *Chichester BC v FSS and Doe* proves the point. In that case the Court of Appeal upheld a planning inspector’s decision to allow a Gypsy family’s appeal against the refusal of planning permission, and supported the inspector’s view that the refusal of planning permission would breach the family’s rights protected by Article 8 of the Convention<sup>28</sup>.

### **International Covenant on Economic, Social and Cultural Rights**

Article 11(1) of the International Covenant on Economic, Social and Cultural Rights guarantees adequate housing and social assistance to all. ‘The States Parties to the present Covenant recognise the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realisation of this right, recognising to this effect the essential importance of international co-operation based on free consent.’ In its response to proposals to enact legislation on unauthorised encampments, which would empower police officers to direct ‘trespassers’ to leave unauthorised camps and to remove their vehicles and other property from the land, the Northern Ireland Human Rights Commission cited Article 11(1) in its argument against any ‘justification for the commencement of this Order before adequate alternatives have been put in place.’

In the same document, the Commission argues that ‘it is clear from the international standards that the right to housing extends beyond the right to ‘conventional’ housing usually required by those who choose to live a sedentary lifestyle. The corresponding duty on States, arising from the standards quoted above, is that they must endeavour to meet the accommodation needs of all within their jurisdiction.’

### **Application of International Law**

International standards and instruments provide substantial protections for Travellers as a distinct racial group, in terms of their right to culturally appropriate housing, and their right to a particular way of life. They do not, however, give direction on the specific obligations owed to Travellers by local authorities in respect of the conditions of their occupation of authorised sites<sup>29</sup>. What’s more, the treaty monitoring bodies have shown their concern at the application of treaties and standards in practice.

On the first point, a lack of direction regarding specific standards, it is perhaps understandable that international law would not endeavour to proscribe standards of accommodation to be provided at a national level. However, there has been little testing of the compatibility of national laws in the area of standards

28 [www. http://www.yourrights.org.uk/yourrights/rights-of-gypsies-and-travellers/planning-permission-for-caravan-sites/the-european-convention-on-human-rights.html](http://www.yourrights.org.uk/yourrights/rights-of-gypsies-and-travellers/planning-permission-for-caravan-sites/the-european-convention-on-human-rights.html)

29 Johnson, C and Wilers, M. (2007) *Gypsy and Traveller Law* London: LAG, p.75

under Convention rights. In the landmark case of *Connors v UK*, the matter at issue was security of tenure rather than physical standards<sup>30</sup>, however, the European Court of Human Rights ruling was useful in reiterating the positive obligation on the UK to facilitate the Traveller way of life, and recognising the increasingly permanent nature of many sites.

On the second point, the application of treaties and standards in practice, the Advisory Committee which monitors application of the European Framework Convention for the Protection of National Minorities has reported twice on Ireland; in the first Opinion, the Committee noted a lack of accommodation for Travellers. The Second Opinion, however, noted that a number of measures had been undertaken to address Travellers' accommodation problems, and commented that the adoption of local Traveller Accommodation Plans was an important step. In particular, the Committee noted that, according to authorities, the number of families in unauthorised sites has decreased. In addition, it has now become a mandatory duty for local authorities to provide halting sites. However, the Advisory Committee commented that the implementation of Traveller accommodation plans had not been uniform, and had been inadequate in a number of localities, with many local authorities failing to meet their own targets. While noting the persistent delivery shortcomings in terms of permanent housing, the Advisory Committee considered that the lack of appropriate transient halting sites continues to be one of the key problems relating to accommodation of Travellers.

As recently as October 2008, the UN Committee on the Rights of the Child, in its Consideration of Reports Submitted by States Parties Under Article 44 of the UNCRC, expressed its concern that 'in practice certain groups of children, such as Roma and Irish Travellers' children...continue to experience discrimination and social stigmatisation<sup>31</sup> .

## Domestic Law- England

The direction of travel in legal terms in England since 1994 has been away from a general duty on local authorities to provide sites for Gypsies and Travellers, with the expectation that these communities would provide for themselves. Practice in England has seen the growth in partnerships between the public and private sectors in the development and delivery of accommodation for Travellers. There is also evidence of practical outcomes arising from recent changes to equality legislation.

The 2004 Housing Act introduced a new obligation on local housing authorities to assess the accommodation needs of Gypsies and Travellers in their area, as they do for the rest of the population and to develop a strategy to address these needs. Communities and Local Government has produced Guidance on carrying out Gypsy and Traveller Accommodation Assessments (GTAAs)<sup>32</sup> . Alongside the obligation to assess need, the provisions of the Planning and Compulsory Purchase Act (2004) altered the land use planning framework, with the

30 Case of *Connors v. United Kingdom* (2004) ECHR 223

31 Committee on the Rights of the Child (2008) Consideration of Reports Submitted by States Parties Under Article 44 of the Convention

32 Communities and Local Government, Gypsy and Traveller Accommodation Needs Assessments: Guidance, CLG, 2007

introduction of requirements for Regional Spatial Strategies and Local Development Frameworks and associated Local Housing Strategies and Development Plan Documents, all of which should take account of the needs of Gypsies and Travellers.

The Office of the Deputy Prime Minister Circular 01/2006 placed a requirement upon Regional Planning Bodies to determine how many pitches are needed and, through the Regional Spatial Strategy, how many are needed in each local authority area. Local planning authorities, in turn, must identify sites in Development Plan Documents and if they fail to do so the Secretary of State may direct them to act in this regard. This circular therefore forms the basis for the bulk of the accommodation need assessment activity carried out for or by local authorities, and for its purposes, 'Gypsies and Travellers' means:

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, but excluding members of an organised group of travelling show people or circus people travelling together as such <sup>33</sup>.

While local authorities may provide sites for Gypsies and Travellers, Circular 01/06 and relevant legislation does *not* confer a *duty of provision* upon local authorities; their duty is instead to allocate sufficient land for the pitches that need to be provided.

The Communities and Local Government Gypsy and Traveller Site Grant (in total £56 million for allocation to local authorities and Registered Social Landlords (RSLs) for the period 2006-2008 and £97 million for the next 3 years) has funded the provision of new sites, and the refurbishment of existing ones. Under the provisions of the grant, where potential developers had little experience in the provision of Gypsy and Traveller sites, they were permitted to work with neighbouring local authorities or other RSLs that have greater experience in this area. The Homes and Community Agency (established by the Housing and Regeneration Act 2008) will take on responsibility for the Gypsy and Traveller Site Grant from 1 December 2008.

**Planning Policy Statement 3: (PPS3)** sets out the Government's national planning policy framework for delivering its housing objectives. It applies equally to site accommodation provided for the Gypsy and Traveller communities.

#### **Housing and Regeneration Act (2008) / Mobile Homes Act (1983)**

The Mobile Homes Act (1983) provides certain standards and conditions for all mobile home sites apart from local authority Gypsy and Travellers sites. Under the Act:

- Site owners are obliged to comply with various issues, including repairing the pitch and ensuring the utility supplies are maintained, and maintaining the common parts of the site in a clean and tidy condition.
- Residents can give or sell their mobile home to anyone, therefore transferring their pitch agreement.

- Upon death of a site resident, the Act provides certain succession rights to a pitch.
- The Act also gives site residents security of tenure for their whole life (providing they meet certain tenancy condition, which is decided by a court), whereas residents on local authority Gypsy and Traveller sites could be evicted from their pitch with 28 days notice.

This Act has been amended under section 318 of the Housing and Regeneration Act (2008) to bring local authority Gypsy and Traveller sites under the Mobile Homes Act (1983). The Department for Communities and Local Government has published a consultation document<sup>34</sup> to seek views on whether any provisions in the Mobile Homes Act (1983) need to be amended for local authority and gypsy sites.

Significantly, despite a number of recent changes to housing planning legislation, legislation regarding the assessment of needs among Travellers, and the development and delivery of sites, the law in England has not strengthened the obligations of authorities in terms of standards of amenities or facilities for Travellers. In *Berry v Wrexham Maelor*<sup>35</sup>, the court held that obligations on the local authority were implied, using the principle of ‘necessary implication’ from contract law<sup>36</sup>, i.e. to mark out pitches and provide hard standing, to manage the site etc. Some of these standards have been incorporated in recent guidance from Communities and Local Government, however, it is likely that further time is required in order to assess the impact of the guidance on practice.

Despite lack of specific legal obligations on public authorities in respect of standards, authorities are obliged actively to promote race equality and good race relations since an amendment to the 1976 Race Relations Act in 2001. The RRA further prohibits discrimination in a number of areas, including public functions, planning and housing. However, notwithstanding the existence of these protections, an inquiry launched in 2004 by the Commission for Racial Equality into local authorities’ arrangements for planning, providing and managing sites, found significant ongoing problems in the provision of sites for Gypsies and Travellers. Among the findings were:

- A failure by authorities to deal with continuing tensions between Travellers and the rest of the public and to promote good relations
- A significant lack of leadership among elected officials and senior staff within authorities
- Weak organisational arrangements within authorities
- Lack of a coherent policy framework for provision of sites, and poorly informed policies
- The provision of sub-standard or uncoordinated services<sup>37</sup>

34 Implementing the Mobile Homes Act on local authority Gypsy and Traveller sites, September 2008

35 *Berry v Wrexham Maelor County Borough Council* August 2001 Legal Action 25

36 See Johnson, C and Wilers, M. (2007) *Gypsy and Traveller Law* London: LAG, p.76

37 Commission for Racial Equality (2006) *Common Ground: Equality, Good Race Relations and Sites for Gypsies and Irish Travellers*

## Domestic Law- Republic of Ireland

Silke (2007)<sup>38</sup> has described the evolution of policy and legislation on provision of accommodation for the Travelling community in the Republic of Ireland; the current framework has its basis in the early 1990s, with the establishment of a Task Force to review and make recommendations on Government policy in relation to Travellers. An Inter-Departmental Working Group formed to consider the Task Group's final report – which was published in 1995 and included 380 recommendations – subsequently put forward a number of suggestions, including that local authorities should prepare and adopt five-year plans for provision of accommodation; that a dedicated unit on Travellers should be formed within the Department of the Environment; and that a National Traveller Accommodation Consultative Group should be established.

The Housing (Traveller Accommodation) Act 1998 took account of this body of recommendations and set out various provisions, including a number governing local authorities' duties to:

- require relevant housing authorities, in consultation with Travellers, to prepare and adopt accommodation programmes to meet the existing and projected accommodation needs of Travellers in their areas; and
- require planning authorities to include objectives concerning Traveller accommodation in county/city development plans.

The first five-year local authority Traveller Accommodation Programmes were adopted from March 2000, placing responsibility for identification of Travellers' accommodation needs in the hands of local authorities, as part of the broader housing needs assessment process.

However, housing legislation signed into law in 2002 was greeted with strong opposition from Travellers and organisations working with and representing Travellers. The Housing (Miscellaneous Provisions) Bill (No 2), 2001 made trespass on land a criminal offence for the first time in the Republic. While government argued that the provision was intended to deal with 'large-scale unauthorised Traveller encampments by traders, Traveller organisations criticised the law on the basis that it allowed local authorities to evict Travellers indiscriminately without having to fulfil their responsibilities to provide halting sites or other suitable accommodation<sup>39</sup>.

The Department of Environment, Heritage and Local Government recently (August 2008) issued advice to local authorities on the preparation, adoption and implementation of the third phase of Local Authority Traveller Accommodation Programmes<sup>40</sup>, which are to cover the period 2009-2013. Housing authorities are required to consider needs across a range of accommodation options including '...standard and group housing, permanent residential sites for caravans, and transient sites provided directly by the housing authority or by approved housing bodies or individuals, with or without the assistance of the housing authority'<sup>41</sup>.

38 'Accommodating the Traveller Community' in M. Norris and D Redmond (eds.), *Housing Contemporary Ireland*, pp268-288

39 Donahue, M et al. *Misli, Crush, Misli: Irish Travellers and Nomadism*, ITM, 2003

40 Memorandum on the Preparation Adoption and Implementation of Local Authority Traveller Accommodation Programmes 2009-2013

41 Memorandum on the Preparation Adoption and Implementation of Local Authority Traveller

The National Traveller Accommodation Consultative Committee undertook a review of the Housing (Traveller Accommodation) Act 1998 in 2004<sup>42</sup>, and made 36 recommendations, all of which were accepted by the minister.

The Irish Government has also issued guidelines on the provision of a number of different categories of accommodation for Travellers, which are discussed in more detail in section 5.0

- Permanent Residential Parks for Caravans
- Basic Services and Facilities for Caravans pending the Provision of Permanent Accommodation
- Guidelines for Accommodating Transient Traveller Families
- Guidelines for Group Housing for Travellers
- Guidelines on Consultation Mechanisms Concerning Traveller Specific Accommodation Projects

Similarly to other jurisdictions, equality legislation in the Republic of Ireland affords protection to Travellers by prohibiting discrimination, prohibiting victimisation and promoting equality. However, the Republic of Ireland is unique among the jurisdictions in Britain and Ireland in specifying Travellers as a distinct equality ground. The Equal Status Acts 2000 and 2004 prohibit discrimination on the grounds of membership of the Travelling community in relation to buying or selling goods, Use or provision of a wide range of services, obtaining or disposing of accommodation and attending or being in charge of educational establishments<sup>43</sup>. Silke argues that

...this appreciation of difference is...important...because it is generally recognised that there is a tendency for the majority culture to be taken as the norm, with a risk that other cultures are viewed as outside that norm. In this situation, minority groups can end up being labelled as 'outsiders' rather than just different, and this has important implications for their relationship with and treatment by others<sup>44</sup>.

Annual counts of the number of Traveller families by area and accommodation type provide evidence on the living arrangements of Traveller households in Ireland. Table 1, adapted from Silke (2007)<sup>45</sup> and updated using figures published by the National Traveller Accommodation Consultative Committee<sup>46</sup>, shows a general upward trend in the number of Traveller families who live in, or require, accommodation provided by the local authority. The figures for 2005 suggested that around a further 1,500 families were accommodated in owner occupied or rented private sector accommodation, bringing the total estimated number of Traveller families in Ireland at that time to almost 7,300.

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43 Equal Status Act 2000, Equal Status Act 2004

44 'Accommodating the Traveller Community' in Norris, M. & Redmond, D.; p270-271

45 'Accommodating the Traveller Community' in Norris, M. & Redmond, D.; p280

46 National Traveller Accommodation Consultative Committee Annual Report 2005, p22-23

**Table 1:**  
**Results of the Annual Counts of Traveller Families by Accommodation Type, 2000-2005 (adapted from Silke, 2007)**

	2000	2001	2002	2003	2004	2005
<b>Local Authority Housing</b>	2,653	2,941	3,208	3,554	3,785	3,974
<b>Halting Sites</b>	1,152	1,192	1,314	1,398	1,321	1,203
<b>Unauthorised Halting Sites</b>	1,093	1,017	939	788	601	589
<b>Total</b>	4,898	5,150	5,461	5,740	5,707	5,766

## Domestic Law- Northern Ireland

### Accommodation Provision

Strategic responsibility for the development of sites for use by Travellers lies with the NIHE, following transfer of this responsibility from District Councils under the Housing (Northern Ireland) Order 2003. The Order stipulated that the Housing Executive should:

- provide such caravan sites as it deems necessary for the accommodation of members of the Irish Traveller community, managed by either the Executive or another agency/organisation;
- where necessary, acquire land on which to construct caravan sites, or which is in use or has been laid out as a caravan site; and
- make ‘such provision as appears to it desirable in connection with caravan sties...’ and ‘provide for the use of those occupying such sites, any services or facilities for their health of convenience that appear to it to be appropriate<sup>47</sup>.’

This legislation added further aspects to the Housing Executive’s role as the organisation with strategic responsibility for provision of accommodation to meet the needs of the Traveller Community in Northern Ireland, a function that it had taken over from the Department of the Environment (NI) in 1999.

Informed by its 2002 Needs Assessment, and in fulfilment of its strategic role, the Housing Executive subsequently drew up a programme of Traveller-specific accommodation to cater for the identified need. While the NIHE has strategic responsibility for ensuring the delivery of accommodation, housing associations remain the main providers of this form of accommodation. The NIHE programme includes group housing for extended families, serviced sites for those who wish to live at a permanent location in ‘mobile home’ type accommodation, and transit

sites for those who wish to pursue a nomadic lifestyle. While there has been some progress on this programme – for example in the provision of new group housing schemes and upgrading of serviced sites transferred into the ownership of the Housing Executive – delivery of new serviced and transit sites has been hampered by a range of difficulties including problems identifying and acquiring sites at suitable locations, and objections from local residents and elected representatives to most proposals.

The NIHE published its 2008 Needs Assessment in December 2008. It is the understanding of researchers that this assessment will form the basis of a new Accommodation Programme for Travellers, which will also take account of the previous programme and outstanding developments not currently completed.

### Unauthorised Encampments

In 2005, the Government brought Northern Ireland law into line with other parts of the UK, with the Unauthorised Encampments (Northern Ireland) Order 2005. The Department for Social Development's guide to the Order <sup>48</sup> explains its main provisions:

- The police may evict trespassers intent on residing on land in a vehicle provided there is a suitable alternative site for them to move to within a reasonable distance. Where trespassers are from the Irish Traveller community the police are required to consult with the Northern Ireland Housing Executive, for other trespassers they must consult with the relevant district council. Reasonable distance is not defined in the legislation as it was considered impracticable to come up with an all-embracing definition.
- Where a suitable alternative site is not available the police may only evict trespassers intent on residing on the land if they have six or more vehicles, or have used threatening, abusive or insulting language or behaviour, or caused damage to the land.
- Those who refuse to leave may have their vehicles seized and, if prosecuted, face imprisonment and a fine of up to £2,500.

The Guide further advises that public authorities need to be able to demonstrate that they have taken into account any welfare needs of unauthorised campers prior to making a decision to evict, including Travellers' personal circumstances such as age, pregnancy, disability and so on. A lawful, reasonable, balanced and proportionate approach to actions taken in connection with unauthorised encampments is advocated<sup>49</sup>.

During consultation on the proposed legislation considerable concerns were raised with the government regarding the potential impact of the legislation. In its written response, the Equality Commission for Northern Ireland stated its concerns 'at the potential disproportionate impact of the legislation in respect of Irish Travellers'. The Commission went on to warn of the legality of the proposals, 'if enacted in its present form... (it) may constitute a contravention of both international human rights standards and the Race and Ethnic Origin Directive

48 Guide to the Unauthorised Encampments (Northern Ireland) Order 2005, Section 1.10-1.12

49 Guide to the Unauthorised Encampments (Northern Ireland) Order 2005, Sections 1.17, 1.18 and 1.23

(REOD)<sup>50</sup>. The Northern Ireland Human Rights Commission expressed its concern that the legislation ‘represents a regression in the provision of rights for the Traveller community. While current halting sites and encampments are by no means sufficient in terms of the facilities and services available to Travellers, the Order would essentially reduce even that current unsatisfactory provision by removing Travellers from those encampments on which they have set up homes... There appears to be no justification for enacting the legislation before culturally appropriate provision for Travellers becomes available<sup>51</sup>’.

While government did progress with the legislation in similar form to the original proposals, its enforcement was delayed to give the Housing Executive time to provide a number of sites across the Northern Ireland. However, on the basis of interviews with Travellers regarding their knowledge of the provision of accommodation, with individuals working with Travellers, and documentation regarding provision, it is the view of the research team that the provision of ‘suitable alternative accommodation’ as directed by the legislation has not sufficiently increased to enable Travellers to move on from these encampments. Information obtained from the Northern Ireland Housing Executive indicates that seventy two unauthorised encampments were recorded between July 2006 and April 2008. Comparing the first four months of 2007 with the first four months of 2008, there has been an 87.5% increase in the number of encampments<sup>52</sup>.

On the basis of interviews, and the information supplied by the NIHE, it appears that authorities have not taken a ‘heavy handed’ approach to enforcing the legislation. With regard to the forty eight distinct families living on encampments between 2006 and 2008, the information provided by the NIHE states that each family was provided with advice on the availability of other sites. That said, the lack of alternative accommodation available resulted in a minority of families accessing permanent or transit accommodation. Two families were eventually accommodated on the serviced site in Monbrief Road, Craigavon. One family was provided with accommodation on a site in Londonderry and another family accessed a transit site in Greenbrae, Strabane. Another family accessed the emergency site at Daisyfield and was subsequently housed. The final family accessed the emergency halting site at Legahory Green, Craigavon for a period of time. Seventeen families stated that they did not require any type of NIHE accommodation. Many of these groups said that they were travelling for a short period and had permanent accommodation elsewhere. Eleven families expressed interest in social housing, eight of which were assisted in making housing applications. Three of the seven encampments recorded during the period January to April 2008 involved the same family grouping of Travellers. One member of the family has social housing and two other members have applied for social housing. They do not wish to access any of the available emergency/transit sites. Three encampments recorded in the Craigavon area during July, August and October 2007 involved members of two family groups, both of whom are awaiting permanent site provision in the area. The majority of both groups have now been accommodated on the emergency halting site at

50 Equality Commission for Northern Ireland (2004) Response to the Department of Social Development’s Draft Unauthorised Encampments (NI) Order 2004

51 Northern Ireland Human Rights Commission (2004) Response of the Northern Ireland Human Rights Commission to the Draft Unauthorised Encampments (Northern Ireland) Order 2004

52 The NIHE records the number of Unauthorised Encampments in Northern Ireland since 2006, and action taken to find suitable alternative accommodation. This information was passed to the research team and is contained in Appendix C

Legahory Green whilst the search for land for permanent serviced sites is ongoing.

Implementation of the legislation has had a number of consequences for the provision of accommodation for Travellers. First, it may have led to an increase in the number of so-called 'Co-operated' sites. Co-operated sites are described by the Department for Social Development as those where Travellers are allowed to 'camp on a temporary basis'. The Department is clear that the policy is 'not a substitute for permanent or transit site provision. The policy is still seen, therefore, as a humane requirement and necessary addition to adequate permanent provision'<sup>53</sup>. However, despite the existence of this policy, whereby cooperated sites are not intended as a substitute for transit or permanent sites, site visits and interviews by the researchers have highlighted the extent to which cooperated sites now provide accommodation for many Travellers who would otherwise have lived on Unauthorised Encampments following enactment of the legislation. A number of interviewees stressed their concern that provision has not increased sufficiently following enactment of the legislation to ensure that 'alternative' accommodation is provided to families moved along under the legislation. Second, the legislation appears to have had the unintended consequence, in theory at least, of focusing the minds of policy makers on the need for additional accommodation provision, as unless this is available, agencies may be subject to challenge by a household or households who have been affected by the legislation, but where alternative accommodation has not been provided. It is the understanding of the research team that no case is currently being considered by a household to challenge application of the legislation in this context. Thirdly, the legislation has placed additional emphasis on the potential for existing NIHE land to be used for site provision. The researchers understand that the NIHE is committed to assessing potential options from its own land bank for Traveller sites. The success of this strategy will depend on the extent to which additional sites are developed.

A study of the application of unauthorised encampments legislation in other jurisdictions has shown that once sufficient accommodation is available, the legislation can be of use to agencies in terms of effective management of authorised and unauthorised sites. Research carried out by the Joseph Rowntree Foundation and published by the Chartered Institute of Housing found that 'where existing sites were well managed, and seen to be well managed, this can lead to a more positive local understanding of Gypsies and Travellers and helps the community to trust the council when it proposes new sites. Where unauthorised sites are managed appropriately, this also helps to build trust with all members of the local community'. However, the research does not promote the use of enforcement in isolation. It points to best practice whereby the authority utilises its different roles of providing services to Travellers and taking enforcement action on unauthorised encampments and developments. On the basis of the literature review and interviews carried out, it appears that the Unauthorised Encampments Order is an ineffective tool for policy makers. Due to the lack of available accommodation, agencies cannot use powers of enforcement. This prevents good management of sites, the provision of decent and safe accommodation for Travellers, and progress in promoting good relations between Travellers and local communities. For Unauthorised Encampments legislation to work, it must be

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53 [http://www.dsdni.gov.uk/index/hsdiv-housing/travellers.htm#co-op\\_policy](http://www.dsdni.gov.uk/index/hsdiv-housing/travellers.htm#co-op_policy)

one of the range of tools available to government when providing accommodation for Travellers, and must work alongside the provision of services, sufficient to the needs of Travellers.

On the basis of the qualitative research carried out as part of this work, the failure on the part of authorities to provide suitable alternative accommodation has left Travellers at an unfair risk of sanction under the legislation, and has resulted in the legislation failing to provide a management tool for authorities in the future.

## Planning Legislation

The planning framework in Northern Ireland is a central aspect of provision of accommodation for Travellers. The Department of the Environment assumed responsibility for a key Planning Policy Statement (PPS), PPS 12: Housing in Settlements on the 15<sup>th</sup> January 2008. Planning policy statements are prepared in accordance with the statutory responsibility of the relevant department to provide policy guidance and advice under the Strategic Planning (NI) Order 1999.

PPS 12 is the main planning policy guidance in relation to residential development in Northern Ireland, and is a material consideration for DOE Planning Service in preparing development plans and dealing with individual planning applications. It stipulates that the Northern Ireland Housing Executive will provide Housing Need Assessments (HNAs) in relation to identified areas of the housing market, to assist DOE Planning Service in preparation of development plans. Among a number of categories including social, affordable and supported housing, Housing Need Assessments are also expected to consider and analyse data and trends in relation to accommodation for Travellers. Based on this analysis – primarily drawing on the Travellers’ Strategy documents – HNAs are expected to highlight the number, type and location of accommodation required to meet Travellers’ identified needs in any given area.

Within PPS12, Policy HS3 elaborates on provision of, and release of land for, Travellers’ Accommodation; it stipulates that:

Where a local housing needs assessment identifies that there is a demonstrable need for Travellers specific accommodation, planning permission will be granted for a suitable facility which meets this need. This may be provided through either a grouped housing scheme, a serviced site or a transit site where the following criteria are met:

- adequate landscaping is provided;
- the development is compatible with existing and proposed buildings and structures in the area paying particular regard to environmental amenity; and
- where appropriate, the provision of workspace, play space and visitor parking is provided.

Where a need is identified for a transit site and this cannot be accommodated within a settlement, a site adjoining, or in close proximity to a settlement; other areas subject to policies of restraint, such as the Green Belt, should be considered. The exceptional release of land for such a facility should take full account of environmental considerations.

Justification: Travellers have distinctive needs which will be assessed as part of the local housing needs assessment undertaken by the Northern Ireland Housing Executive. Where a need is identified and a development plan is under preparation, this should identify a suitable site(s). In other cases, proposals will be considered under this policy. Where a suitable site within a settlement is not available, exceptionally, a site adjoining or in close proximity to a settlement will be considered<sup>54</sup>.

PPS12 does not apply to dwellings in the countryside, 'except in exceptional circumstances in respect of Travellers accommodation, as outlined in HS3'<sup>55</sup>. Dwellings in the countryside are dealt with through a separate Planning Policy Statement, draft PPS21 Sustainable Development in the Countryside currently out to consultation. PPS21 replaces a previous rural planning policy, PPS 14, which was successfully challenged through judicial review.

Within draft PPS21, Policy CTY1- Development in the Countryside stipulates that planning permission will be granted for a transit site for Travellers where this is in accordance with Policy HS 3 of PPS 12. Policy CTY5- Social and Affordable Housing stipulates that Planning permission may be granted for a small group of dwellings (no more than 14 dwellings) to provide social housing for the rural community where a demonstrable need has been identified by the NIHE which cannot readily be met within an existing settlement in the locality<sup>56</sup>. In an interview with senior staff at the NIHE, followed up with email correspondence, it was confirmed that the Housing Executive deems that a grouped housing scheme for Travellers is social housing and, therefore, grouped housing should be covered by this policy. This, however, is yet to be tested<sup>57</sup>.

The existence of PPS12 and draft PPS21 highlight the potential options for planners and policy makers in respect of developing land for use by Travellers, in terms of their accommodation. On this basis, the researchers would question the extent to which planning law or policy is responsible for obstructing or 'holding up' the availability of development land for Travellers sites; it is far more likely to be the case that decisions on planning permission are acting as a barrier.

Decisions on planning applications are made by the Department of the Environment following statutory consultation with the local district or borough council. The role of elected representatives is therefore key in supporting and promoting the development of sites for use by Travellers in a local area. Research by the Joseph Rowntree Foundation, published by the Chartered Institute of Housing, found that strong leadership and political will were key 'foundation stones' in taking forward site provision and addressing potential opposition from the wider community. It cited leadership by council leaders, with support from chief executive officers and multi agency leadership as important in reducing local tension, and critically, in 'enabling productive debate on site provision'<sup>58</sup>.

54 Department of Regional Development (2005) Planning Policy Statement 12: Housing in Settlements p.35

55 Department of Regional Development (2005) Planning Policy Statement 12: Housing in Settlements p.4

56 Department of the Environment (2008) Draft Planning Policy Statement 21: Sustainable Development in the Countryside p.10

57 Interview with Paddy McIntyre and Stewart Cuddy, NIHE on 6th October 2008 followed by correspondence on the 7th October 2008

58 Richardson, J. (2007) Providing Gypsy and Traveller Sites: Contentious Spaces, Coventry: CIH

## Equality of Opportunity, Good Relations and Race Relations

The Race Relations (Northern Ireland) Order 1997 defines Travellers as “a community of people commonly so called who are identified (by themselves and others) as people with a shared history, culture and traditions, including historically, a nomadic way of life in the island of Ireland”. This definition identifies some key issues including ‘nomadism’ and the ‘island of Ireland’ dimension, and underlines the separate identity of Travellers with its range of cultural and traditional characteristics. Writing about the experiences of Travellers in the Republic of Ireland, Silke has also explored the notion of a Traveller culture that is distinct from that of the settled community and evidenced by nomadism, the importance of the extended family, the Traveller language (the Cant) and the organisation of the Traveller economy, as well as other less tangible factors<sup>59</sup>.

Having been identified as a distinct racial group, Travellers therefore also come within the scope of Section 75 of the Northern Ireland Act 1998, which requires designated public bodies to have due regard to the need to promote equality of opportunity, and to have regard to the desirability of promoting good relations, between persons of different racial groups.

### Policy Context- Northern Ireland

The majority of current policies, processes and legislative arrangements for provision of accommodation for Travellers in Northern Ireland have been developed within the last decade, representing – as in other jurisdictions – a relatively high degree of recent attention to the issue in terms of analysis and the policy framework. The work has been driven and guided by research evidence showing that Travellers have generally experienced some of the worst living conditions in Northern Ireland, as well as poor health, low educational attainment and literacy levels, long-term unemployment, intimidation and harassment.

In an attempt to move forward on this wide range of issues affecting the Traveller community, and as part of the Targeting Social Need (TSN) Initiative, the Promoting Social Inclusion (PSI) Working Group on Travellers was set up in 2000 ‘to consider factors which would cause Travellers to be at risk of social exclusion and to develop an integrated strategy of policy and action to tackle them.’<sup>60</sup> The Working Group’s report, published for consultation in January 2001, included 33 recommendations, five of which related specifically to accommodation; their main essence was that:

1. The Northern Ireland Housing Executive should undertake a comprehensive strategic needs assessment of current and projected accommodation requirements of all Travellers.
2. Government should consider whether responsibility for transit sites should remain with District Councils or be transferred to the Housing Executive.
3. Funding should be made available to take forward a comprehensive programme to meet all the accommodation needs of Travellers.

59 ‘Accommodating the Traveller Community’ in Norris, M. & Redmond, D.; p270

60 A Response to the Recommendations in the Promoting Social Inclusion Working Group Report on Travellers, p46

4. The Planning Service should undertake a detailed review of the planning process as part of its Equality Scheme with regard to Traveller planning applications.
5. In terms of design and management of specific accommodation schemes:
  - The preferences of extended family groups should be taken into account in planning who is to be accommodated in which schemes;
  - Close consultation with and participation of Traveller families is needed in terms of the specific design and layout of proposed accommodation, group housing and other accommodation schemes;
  - Accommodation should contain play and community facilities where needed;
  - Designs should incorporate space for economic activity where required alongside living areas;
  - Costs should be affordable to Travellers; and
  - Traveller families should be encouraged to participate in the management of their accommodation.

The Working Group recommendations acted as a significant policy driver, with substantial needs assessment completed by the NIHE and used to inform its accommodation programme. However, it has not led to fundamental change in the provision of accommodation, either in terms of scale or nature. The reasons for this are two-fold. Firstly, the main obstacles to the provision of accommodation, the acquisition of land and the timely receipt of planning permission, have not been reformed. Secondly, there remains a fragmented approach to the provision of accommodation for Travellers across a range of departments and agencies, which had strongly influenced the effectiveness of measures to meet housing need.

The transfer of responsibility for Traveller accommodation to the NIHE allowed for a streamlined approach to be taken towards the development of sites by a single agency. However, responsibility for these sites will return to local government under forthcoming changes to public administration. As is reflected in the recommendations to this report, no single ring fenced funding stream exists for the development of accommodation for Travellers. Traveller accommodation is currently funded out of the NIHE budget allocated by the Department for Social Development. In the breakdown of this budget an amount is specifically allocated to Travellers, which covers all annual expenditure on Traveller sites but the sum is not ring fenced. Spending on Group Housing for Travellers come from the Social Housing Development Programme Budget similar to any other new social housing scheme<sup>61</sup>. The Planning Service has failed to fundamentally reform its system of planning decisions in respect of Traveller accommodation, and the process of consultation with local government on planning applications remains a considerable obstacle to the delivery of sites.

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61 Confirmed in a written response to the research team from an official at the Department of Social Development, 17th November 2008.

The lack of progress in terms of provision of new sites has left an assessment of design and management of new schemes difficult, however, the research team has notes some instances of strong consultation with Travellers, and one example of Travellers being encouraged to manage the accommodation.

Two main strategy documents set out the Government's aspirations in terms of equality and good relations in Northern Ireland:

**A Shared Future – Policy and Strategic Framework for Good Relations in Northern Ireland:** this framework, published by the Office of the First Minister and Deputy First Minister in 2005, is designed to provide a mechanism through which government departments and agencies can more effectively mainstream good relations considerations under Section 75 of the Northern Ireland Act 1998. The main strategy document does not specifically mention the Traveller community, but stresses the importance of promoting good relations between persons of different religious belief, political opinion or racial group.

The 2008 Programme for Government embedded 'a shared and better future' as a cross-cutting theme with a focus on proactive measures by government to change existing patterns of social disadvantage. During the consultation period, a number of respondents referred to an enhanced programme for cohesion, sharing and integration on an inter-departmental basis to drive the achievement of outcomes in this area, and it is expected that this work will progress in 2009.

**A Race Equality Strategy for Northern Ireland 2005-2010:** also published by the Office of the First Minister and Deputy First Minister in 2005, this document states the Government's intention to foster a 'zero tolerance' attitude towards racism in all its forms, with the aim of achieving a society where different racial groups live together, not just side by side. Among a wide range of priority areas for action identified during the consultation that informed the strategy, a number of issues in relation to the Travelling community were raised, including the need for provision of Traveller sites <sup>62</sup>.

In its 2007 Statement on Key Inequalities in Northern Ireland, the Equality Commission sought to re-emphasise what equality means, and to identify those areas where – in spite of policy, legislation and some progress – people continue to encounter inequality in their daily lives. With particular reference to Travellers, the document states that:

The lack of adequate housing and accommodation for Travellers is central to the high level of social exclusion and poverty they experience. There has been a series of unrealised commitments to make adequate accommodation provision for the Traveller community over the last thirty years, with the acquisition of suitable sites one of the key issues preventing the full implementation of the current Traveller accommodation plans, resulting in temporary provisions lasting for the medium to long term <sup>63</sup>.

Similar difficulties in relation to the speed of delivery have been identified in both GB and Ireland. A recent edition of Inside Housing (3 October 2008) reported on

62 A Race Equality Strategy for Northern Ireland 2005-2010, p79-80

63 Statement on Key Inequalities in Northern Ireland, p23

delivery through the CLG Gypsy and Traveller Site Grant during its first period of operation (2006-2008), and found that 21 new sites (413 new pitches) had been built and 120 refurbished. While refurbishment is helpful and new sites welcome, Travellers' representatives have emphasised that this level of provision has come nowhere near to addressing the scale of identified need. Silke, meanwhile, describes how new accommodation delivery in Ireland has been slow for a number of reasons including difficulties in sourcing affordable land for Traveller specific accommodation; weaknesses in driving implementation of programmes; and difficulties arising due to delays in the consultation process<sup>64</sup>. While this analysis demonstrates that the issues outlined are common to various jurisdictions, it could be argued that there is very limited comfort to be gained from shared lack of progress.

The existence of a strong legislative framework in terms of equality of opportunity, good relations and race relations should act as drivers for the provision of accommodation for Travellers. However, an examination of documents from key agencies involved in the provision of accommodation suggests that despite the nature of the legislation, i.e. to mainstream the promotion of equality of opportunity and good relations, some organisations do not see provision of accommodation for Travellers as central to this work. For example, an analysis of all twenty six District Housing Plans 2008/09 found that no actions in relation to Travellers were set out as part of part of district office work on race relations. The documents tended to refer to action in relation to Travellers as part of work with 'vulnerable groups' without recognising the need to promote race relations between Travellers and other groups<sup>65</sup>.

Accommodation need assessments carried out in Northern Ireland, the Republic of Ireland and Great Britain all demonstrate that Travellers' lifestyles are not uniform. They have varying propensity to travel (generally more so during the summer months, if at all), and are found in all tenures and types of accommodation. For reasons of desire, necessity or economic and societal change, many Traveller households now live in permanent 'bricks and mortar' accommodation, as social or private rented tenants or, more rarely, owner occupiers. There are indications, however, that a proportion of those occupying fixed housing would prefer to return to a more communal form of on-site and/or nomadic living if appropriate accommodation was available – a factor that, as well as being apparent in Northern Ireland, has been identified by Crawley in relation to the situation in England and Wales<sup>66</sup>.

### **Good Relations and Mediation**

The Building and Social Housing Foundation's report, *Out in the Open* observed that:

The factors that make it so difficult to deliver appropriate accommodation for Gypsies and Travellers are not primarily housing or planning issues; they are much wider and more deep-seated, relating to the prejudice and negative attitudes towards Gypsies and Travellers in the wider community<sup>67</sup>.

64 'Accommodating the Traveller Community' in Norris, M. & Redmond, D.; p285

65 NIHE (2008) District Housing Plans and Local Strategy

66 Moving Forward, p7 & p17

67 Out in the Open, p21

While such attitudes – and the sometimes mutual mistrust between the Traveller and settled communities – cannot necessarily be overcome quickly or easily, it is nevertheless important to create opportunities to foster the better relations and understanding that could help the two communities live side by side more successfully. Silke has highlighted interesting findings in relation to this issue, commenting that ‘reports on a survey found the level of concern settled people would have if a halting site were to be developed in their area seemed to be greater the further away they lived from existing halting sites<sup>68</sup>.’ The research appears to indicate that there is some potential for attitudinal change among the settled community – as those who are more familiar with living in close proximity to Traveller families appear to be less concerned about it – and that greater public awareness of good practice could play an important role.

Overall, an increased public policy focus on living standards, conditions of accommodation and the achievement of equality of opportunity and good relations for Travellers has resulted in an recognition by public authorities of their central role in improving life chances for Travellers. In carrying out interviews during this study the research team found unanimous acceptance among officials and individuals of the importance of robust standards of accommodation for Travellers. However, site visits by researchers demonstrated the extent to which these aspirations have failed to translate into practice. The recommendations made in this report are intended as proposed solutions to achieve fundamental changes in practice.

## RECOMMENDATIONS FOR MINIMUM STANDARDS OF ACCOMMODATION FOR TRAVELLERS

The development of recommendations regarding standards of accommodation for Travellers has been informed by the views of Travellers acquired through face to face interviews, the views of housing professionals and others working in policy and practice in this area, a range of guidance documents available<sup>69</sup> and a number of pieces of secondary research<sup>70</sup>. They have also been heavily informed by the protections that currently exist for Travellers under equality and human rights legislation. It is the view of the research team that the recommendations made comply with the current legislative framework.

### Availability of Guidance

Guidance produced by government, or government agencies, in other jurisdictions has concentrated primarily on the need for a speedy and significant increase in the provision of suitable accommodation for Travellers, and ensuring these meet robust physical and management standards (Communities and Local Government, 2008, Welsh Assembly Government, 2008, Scottish Office, 1997).

Guidance documents have tended to promote a flexible approach to provision, i.e. advocating against a 'one size fits all' approach, and stressing the need for consultation with Travellers and the development of sites based on needs assessments (CLG, 2008). They also stress that guidance should be used as a basis to facilitate authorities in making decisions specific to their own particular local circumstances (Welsh Assembly Government, 2008). In making these recommendations, the research team advocates such an approach.

### Key Principles

In developing accommodation for Travellers, authorities<sup>71</sup> in Northern Ireland should adhere to the following key principles:

- Accommodation for Travellers should be planned and developed in a proactive manner, on the basis of robust needs assessment and regular consultation with Travellers.
- It should be sustainable and well managed, and its design should promote the health, safety and well being of Travellers.
- It should have decent physical standards, equivalent to standards that would be expected for social housing in the settled community.

69 CLG Guidance, 2008, draft Welsh Assembly Government Guidance, 2008, Scottish Office Guidance, 1997, DOE Guidance on Permanent Sites, 1997

70 Developing Minimum Standards for Permanent Sites, Tribal, 2006, South Yorkshire Local Authorities, 2007

71 While the NIHE is currently the sole provider of accommodation for Travellers, the intended transfer of responsibilities to local authorities for Transit sites will introduce an additional mode of governance for this form of provision. As a result, the recommendations use the term 'authorities' to reflect the future role of local government in provision of accommodation for Travellers. It also reflects inter-agency responsibilities for the provision of accommodation for Travellers.

- It should promote the social interaction of Travellers within the local community and promote good relations within the Traveller community and between Travellers and the rest of the community.
- Water, sewerage, and refuse disposal should be provided on all forms of accommodation, including sites, irrespective of its nature, or length of use by households. The means of provision of these services, i.e. the nature of connection points, the extent to which facilities are portable or mobile, will depend on the form of accommodation, and further detail is given in the body of the report. However, the principle that all Travellers should have access to clean water and access to washing and waste facilities remains fundamental.
- The provision of electricity, drainage and hard standing must be provided on all forms of accommodation except the most temporary stopping places; the nature of this provision will be determined by the form of accommodation. Further detail is provided later in this section <sup>72</sup>.
- All forms of accommodation should be fit for purpose in terms of the provision of facilities and amenities to Travellers.
- All forms of accommodation should be developed in consultation with Travellers.
- The standards developed are *minimum* standards which are deemed reasonable in the current policy and practice environment and what can be developed in a cost effective manner. Providers should take steps over time to enhance these standards.
- The standards recommended should be applied to existing as well as future sites; an audit of standards in sites would be useful to identify where refurbishment of sites is required.
- Given the defined population, and the relatively small number of Travellers who wish to continue to live on sites, the emphasis should be on exceeding these standards, and promoting the equality of opportunity and good relations of Travellers through the provision of accommodation that improves their health and well being and ensures their integration in the community.
- Accommodation provided should in no way lead to the diminution of the traditional way of life for Travellers. Accommodation should be provided sufficient to allow informed choice for Traveller households between a nomadic way of life, or living on permanent sites in the long term.

## Scope of Recommendations

The standards recommended aim to provide clarity for authorities regarding minimum standards to ensure compliance with existing legislation. While the majority of standards relate to the physical nature of the accommodation, recommendations regarding management standards have also been included. In making the recommendations the research team has aimed to reflect guidelines equivalent with publicly funded developments for the settled community. The standards have been developed on the basis of what is reasonable in the current policy and practice landscape, and what can be developed in a cost effective manner. The standards recommended are the minimum to be expected across a range of forms of accommodation. Providers should take steps over time to enhance these standards, to reflect continuous improvement in design, management and physical standards in other forms of social housing and to reflect the aspirations and preferences of Travellers.

The recommendations cover a range of forms of site accommodation, including:

- Permanent sites- group housing and serviced sites
- Transit sites
- Temporary sites- emergency sites and co-operated sites

The recommendations promote flexibility in the development of forms of accommodation, to allow authorities to consult Travellers as to their preferences, and to reflect local circumstances and size, geography and other characteristics of individual sites.

Given that basic minimum standards should be provided on all sites, the distinction between these sites should therefore be seen in terms of:

1. The length of time the site will be used by a household
2. The extent of communality of facilities
3. The presence of children on the site
4. The number of pitches
5. The availability of soft and hard standing
6. Density and spacing between vehicles
7. Proximity to local services, e.g. transport, schools etc.

## Scale and Nature of Provision

Taking account of identified needs arising from a robust needs assessment, different lifestyles and travelling patterns, authorities should work to ensure provision of a range of forms of accommodation, i.e. grouped housing, serviced sites, transit sites and temporary sites<sup>73</sup>. It is also important, in facilitating a range of accommodation, to consider the phasing of provision, given the potential difficulty that where there is a shortfall of long-term residential pitches, transit pitches provided early in the programme could end up being used on a more long-term basis than intended<sup>74</sup>. The need for an urgent and significant increase

73 The Road Ahead, p21

74 Gypsy & Traveller Accommodation in Northamptonshire, p8

in a range of forms of accommodation, in particular transit sites is apparent from the NIHE Needs Assessment, interviews with Travellers, and the NIHE record of Unauthorised Encampments.

The availability of a range of forms of accommodation will be a key success factor in the operation of sites. In their site visits, the researchers found that due to a lack of alternative accommodation, some emergency sites have become de facto permanent sites. Physical standards on some of these sites, and on Legahory Green in particular, are below the minimum to be expected on any form of accommodation for Travellers. Authorities should in particular make the development of transit and serviced sites a priority, to complement the existing programme for grouped housing.

## PERMANENT SITES: GROUPED HOUSING AND SERVICED SITES

### Site location

... authorities should ensure that the planning process addresses the wider sustainability of sites in the same way it would for bricks and mortar accommodation, addressing factors such as travel to work, access to services and public transport, amongst others, and does not cause sites to be developed in areas which would not be acceptable for bricks and mortar accommodation due to environmental and health risks<sup>75</sup>.

*The Building and Social Housing Foundation*

The location of a permanent site is a key success factor in the sustainability of the site and its long term use, and in the ability of Travellers to access local services, and to promote good relations between Travellers and the local community.

The following points set out the range of considerations to be taken into account when selecting a site.

Consultation with Travellers will be particularly important in this respect. In the course of this research, the team found that Travellers had different views on the proximity of the site to local services and the local settled community. Some Travellers stated a preference to be some distance from local services and amenities, that use of their personal transport could enable them make trips to school and shops, the preference in this case was to have space sufficient to their needs, and an expectation that this would be more readily available outside of 'built up' areas. Other Travellers felt that proximity of the site to workplaces was a priority.

- **Health and Safety:** Sites should not be identified for use in locations that are inappropriate for other forms of residential dwellings, unless exceptional circumstances apply, and best practice would dictate that Travellers should be in agreement in this instance. If a location is considered inappropriate for residential use, either private or social, then it should not be considered appropriate for a Traveller site. The location of the site should not endanger

the health and safety of the residents or visitors to the site. Sites should not be located next to or near hazards which present specific risks to children and adults such as dual carriage-ways, industrial sites, river or canals. Risk assessments should be carried out on the site to determine its suitability for use as a Travellers site. Sites should not be built on contaminated land, unless the land has been subject to full decontamination.

- **Access to services:** Sites should have reasonable access to services in the local area. Location of the site should not prevent, or adversely impact reasonable access to public transport, shops and schools, and other community services and amenities, including places of worship <sup>76</sup>. If transport links do not exist the authority should consider very carefully providing links<sup>77</sup>.
- **Public Access:** The site should have safe and easy means of access to a public road.
- **Good Relations:** Sites should support harmonious relations within the Traveller community and between Travellers and the settled community. On the basis of face to face interviews with Travellers and organisations supporting Travellers, the issue of compatibility was highlighted as a key success factor in developing sites. In some instances it will not be possible to place Traveller families in close proximity to each other, and in such cases, engagement and meaningful consultation with Travellers is critical. Design of the site is important here, where it may be possible to have separate entrances for use by different families. This is explored in greater detail later.
- **Land:** The land on which the site is located should be flat and fit for purpose. A site survey should be undertaken to identify possible problems such as water logging, risk of flooding, landfill contamination etc. Sites should not be located in areas of high flood risk.
- **Environment:** The site should be located in acceptable surroundings or where the surroundings can be made pleasant at a reasonable cost. It should have characteristics that are sensitive to the local environment. It is recommended that wherever possible, the site should not be located in areas in need of regeneration, where regeneration is not planned for the short term.
- **Proximity to housing developments:** Where possible, sites should be located close to other residential developments. The research team recommends that consideration is given to exploring options for the inclusion of Traveller sites within new build developments; housing associations will have a key role to play in identifying and developing land where this is possible.
- **Noise and disturbance:** Consideration should be given to the scale and nature of noise and disturbance to Travellers from the surrounding area,

76 DOE Guidance (1997) made specific reference to proximity to churches

77 This recommendation reflects the Welsh Assembly Government Guidance (2008) on the provision of transport links, p 12

and potential noise and disturbance to the local area of use of the site by Travellers, e.g. movement of vehicles, caravans and mobile homes. The site should be located and designed in such a way to minimise disturbance to Travellers and the local community.

- **Planning Guidance:** Relevant Planning Policy Guidance should be adhered to in respect of the identification of land and location of site.

## Size and Layout

- **Land usage:** Given the nature of their use, the movement of caravans and large vehicles and the need for space for turning points, Traveller sites require a greater level of land usage per household than other forms of accommodation. In designing the layout of a site, land usage must be taken into account, in particular the need for space to manoeuvre large vehicles, caravans and mobile homes, which can be up to 25 metres in length.
- **Needs Assessment:** The size of the site will be determined by the scale of need identified in the needs assessment. However, consideration should be given to the potential for an increase in demand for additional pitches on site, should families living on site grow in household size. Future proofing the site in terms of predicting future levels of demand is therefore critical, and consultation with Travellers should be an important part of this work.
- **Flexibility:** Various sizes, layouts and pitch numbers operate successfully, and work best when they take account of the size of the site and the needs and demographics of the families resident on them. Consultation with the Traveller community is crucial in deciding how best to proceed with the overall layout of the site and to get full value from the investment in it; it is a key element in obtaining the trust and full support of the prospective residents at the very outset of the project. Innovative site design can facilitate growth in number of pitches on an established site, for example, where possible, a 'horse-shoe' shaped design can be amended to a circular shape to increase the number of pitches on the site. Such a change should not undermine health and safety considerations, standards of proximity between pitches, emergency access routes etc.
- **Pitch Numbers:** The number of pitches on site will be determined partly by need, by compatibility between distinct families, and by health and safety issues. Rather than be prescriptive regarding the number of pitches per site, it is recommended that twenty pitches should be the maximum number on site<sup>78</sup>. Where a larger site is unavoidable, where this is the stated preference of Travellers, or where one exists already, good site design can ensure that health and safety standards are adhered to, and that the site is well managed. For example, 'closes' can be designed to accommodate distinct families, separate entrances where possible may also be added to the design. This can also accommodate 'inner-site transfers'.

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78 The Road Ahead, p13 , p40 and p47; Gypsy and Traveller Accommodation Assessment in Northamptonshire, p7; A Study and Assessment of the Accommodation Needs of Gypsies and Travellers in South Yorkshire, p7; Cornwall Gypsy and Traveller Accommodation Assessment

- **Use of small plots of land:** Smaller sites of 3-4 pitches can also be successful, particularly where designed for one extended family. These can be advantageous in making good use of small plots of land, whilst retaining the qualities described in this guidance and expected by families on modern sites.
- **Consultation:** Meaningful consultation with Travellers is crucial in deciding how best to proceed with the overall layout of the site.
- **Layout:** Interviews with Travellers highlighted their preferences in terms of layout; most Travellers expressed a preference for a design that would give maximum space per pitch and space for children to play. An analysis of literature and practice in other jurisdictions has shown that 'horse-shoe' shaped designs, or circular designs work well, and promote a sense of community on site, and this is of particular benefit where a single extended family is living on the site. Sites where pitches are laid out in linear form or in 'tree branch' form can reduce a 'whole community' approach to the operation of the site, but may be a preference for families who wish to live in distinct groups or families.
- **Use of site by households:** The site should be designed to provide sufficient space for individual households and ensure their privacy, in terms of use of individual pitches. However, it is recommended that the site is designed to promote and maintain a sense of community.
- **Site Boundaries:** The boundary must clearly mark the location of the perimeter of the site. It should take into account adjoining land use, and be designed with the safety and protection of children and other residents in mind. The boundary should be in keeping with the local environment; metal boundaries or railings are not recommended. The site should be contained on all sides, and practice would suggest that the boundary should be approximately 1.8m high. The views of Travellers and local residents living in close proximity are important in agreeing the height of boundaries. A balance must be achieved between ensuring the safety of children on the site, providing privacy to residents on site, and encouraging interaction with households in the rest of the community. A boundary that acts as a barrier or 'shuts in' Travellers is not acceptable.
- **Preventing Unauthorised Parking:** Measures can be taken to discourage or prevent unauthorised parking on site. Empty or free space, which does not have a clear use, or is not fenced off, should be discouraged, as it could promote unauthorised parking, or lead to the appropriation of a space for a purpose not intended. Erecting a barrier will need to be considered and the views of residents and or potential residents should be sought if possible. If a barrier is erected it should be robust in design and situated in such a way as not to be a hazard to vehicles entering and leaving the site.
- **Health and safety:** The design of the site should promote the health and safety of residents, and in particular should ensure that playing areas for children are in a safe place on site. Traffic calming measures should be

installed, and this may include speed bumps or a speed restriction. Effective signage is essential – in graphical form, in addition to the written word.

- **Access for Emergency Vehicles:** All routes into and through the site must allow easy access for emergency vehicles and sufficient space for turning. Caravans and trailers must not be more than 50 metres from a road. Roads should not have overhead cables less than 4.5 metres above the ground. Vehicular access and gateways must be at least 3.1 metres wide and have a minimum clearance of 3.7 metres<sup>79</sup>. A risk assessment should be carried out to identify fire risks or hazards when refurbishing or developing a site. The Northern Ireland Fire and Rescue Service should be contacted for advice during the development of a new site.
- **Security:** Attention should be given to the need to design the site with a view to preventing crime. Depending on the strength of the relationships between the residents on the site, it is recommended that the site has as many ‘walk through’ areas as possible, and few secluded areas. However, a balance has to be struck between such an approach and privacy of residents. Housing Associations should consult the Housing Association Guide Part 6 Appendix 2 Annex F for information on Designing Out Crime.
- **Safe spaces to play:** It is strongly recommended that a safe space to play for children is provided on site. A communal play area should be in a central part of the site, within easy view of residents, and away from access routes, etc. Low perimeter fencing around the play area should be considered to ensure the safety of children from passing vehicles. It is recommended that design of the play area is carried out in consultation with children and their parents.
- **Car Parking:** Interviews with Travellers highlighted a strong preference for safe and secure car parking facilities, with at least one space per pitch and additional spaces on site for use by visitors.
- **Spacing of caravans and trailers:** In adherence to good practice in design it is recommended that there should be a three metre gap between the perimeter and caravans, and that every trailer or caravan should be no less than six metres from any other trailer that is occupied by another household.
- **Workspaces:** The development of permanent sites is principally for residential use, and therefore it is not recommended that workspaces are included in site design. However, there may exceptional occasions where space is included, and this should be with the agreement of each household that will live on the site.

## Site services and facilities

- **Water supply:** Mains water supply suitable for drinking should be made available to each pitch on the site, with water pressure sufficient for use of fire hydrants in cases of emergency. Interviews with Travellers indicated a

preference for an outside tap on each pitch, and this is recommended. Supply should comply with NI regulations and standards.

- **Electricity supply:** Each pitch should have its own electrical supply adequate to meet the needs of the pitch residents and this should be metered separately, i.e. per pitch. Supply should comply with NI regulations and standards and be laid underground. Regular inspections by qualified personnel should take place to ensure compliance with current regulations.
- **Gas supply:** Mains gas supply should be considered for provision to amenity blocks, and it supplied should be compliant with current gas installation regulations. Regular inspections should take place with qualified personnel to ensure compliance with current regulations.
- **Drainage:** Surface water drainage and storm water drainage should be installed as a matter of course, and should comply with regulations.
- **Sewerage:** Each pitch should be connected to mains sewerage disposal. In exceptional circumstances, a properly constructed, and regulation-compliant, sealed septic tank may be used; however, the ultimate aim should be eventual connection to a public sewer.
- **Lighting:** Street lighting on site should aid effort to prevent crime, and ensure the health and safety of residents. It is recommended that external lighting is also provided on each amenity block to ensure safe use of the pitch for residents.
- **Waste disposal:** Standard domestic waste disposal should be in place for each pitch. A recycling point should also be installed on site, in a safe, fenced off area. Residents living on permanent sites should receive council services for waste disposal equivalent to households in the settled community.
- **Postal services:** Each pitch should be provided with an address, which is similar to those for the settled community. Post should be delivered to each pitch separately, and each pitch should be provided with a separate post box. Interviews with Travellers have indicated that the ability to receive their own post is of great value to them.
- **Communal facilities:** Interviews with Travellers indicated a strong preference for communal facilities on site. A bricks and mortar building, which could also house the site manager, should include a communal facility for use by residents. The facility should include a communal room, with male and female toilets and a kitchen. Good practice would recommend that baths also be installed in this facility, as households will tend to have shower facilities installed on the pitch.

## Individual Pitches

- **Layout:** Each pitch should have a clear boundary, which is sympathetic to the local environment. In determining the height of the boundary a balance should be struck between good neighbourliness and privacy <sup>80</sup>.
- **Consultation:** Interviews with Travellers found a strong preference for their inclusion in the design of individual pitches, including their size, shape and layout. To ensure good relations between neighbours, and enable a successful transition into a new home for Traveller households, effective consultation and involvement in this aspect of site development is strongly recommended. The benefits of early consultation will be seen in terms of management and maintenance of the site.
- **Hard standing:** Each pitch should include an area of hard standing, large enough on which to place the primary vehicle in which the household will live. Site developers should be aware that many modern mobile homes can be as long as 25 metres and hard standing should accommodate this.
- **Size of pitch:** As with any household living in bricks and mortar housing, there is no 'one size fits all' approach to the size of pitches, and it is therefore recommended that these are based on the needs assessment, as well as an assessment of the potential future size of the household, and should take into account the views of the household. Where possible, the site should contain a range of different sizes of pitches; this would allow for diversity in terms of the kind of households living on site, and accommodate inter-site transfers. An 'average' family size pitch should accommodate an amenity building, a large (principle) caravan, trailer or mobile home, an additional trailer, space for clothes drying, a small shed, a small garden/grassed area and at least one parking space. The DOENI Design Guide (1999) recommended that each pitch should have an area of 225 square metres. Rather than be prescriptive, it is recommended that pitch size should accommodate the range of amenities set out above, and any additional square footage depending on the size of the household.
- **Amenity buildings:** An amenity building should be provided on each pitch as a matter of course. Buildings could be detached, or provided across two pitches, i.e. semi-detached; this is the highest density recommended. Each building should include a WC and separate hand basin in a bath/shower room with hot and cold water supply, and electricity supply. A separate entrance should lead to a kitchen and dining area, with storage, connection for a fridge/freezer, cooker and washing machine. Interviews with Travellers found an overwhelming demand for kitchen facilities, in particular connection points for a washing machine and a bathroom with washing facilities and hot and cold water. Best practice would dictate that amenity blocks would also include space for a day room that would also have electricity supply, and a source of heating. Day rooms are recommended in this research as a particular necessity to enable children and young people to have space to play and a quiet room for school work and study. Construction and supply of services to amenity blocks must comply with building and other regulations.

- **Access for wheelchair users and people with mobility needs:** Site design and development must take account of the needs of Travellers in respect of access for the mobility impaired, or wheelchair users. Consultation with Travellers and a robust needs assessment will indicate where amenity blocks require adaptations or where ramps are required for access to caravans and additional hard standing, or decking. These should be considered as a matter of course in site design and development.

## TEMPORARY SITES: TRANSIT SITES

The nature of use of Transit sites can determine the physical standards required on site, as a minimum. While Transit sites are often described as temporary accommodation, the temporary nature of the sites stems from the length of time spent on site by Traveller households, rather than the site itself. The site is often permanent, but the people who live there do so on a temporary basis.

**At no time should transit sites be used as permanent accommodation for Travellers.** The standards to be developed for these sites reflect that they are intended for short term use. Similarly to short term/emergency conventional housing provided to other social housing tenants, e.g. hostels and B&Bs, transit sites are distinct in that there is a high level of communal use of amenities. While these standards are appropriate for short term use, they are not reasonable forms of accommodation over the long term.

### Size and Layout

- **Site selection and location:** The same considerations that are applied to permanent residential sites should be applied to transit sites. The importance of proximity to community facilities is primarily in respect of the need for access to schools <sup>81</sup>.
- **Proximity to Permanent Sites:** It is recommended that transit sites are not mixed within permanent sites; practice in other jurisdictions has found such arrangements to be unsuitable. On occasion, transit sites have been developed adjacent to permanent sites; however, engagement with Travellers will identify whether this is feasible, and whether issues of compatibility may arise.
- **Number of pitches:** The authors recommend that there should be no more than 15 pitches on a transit site. This is primarily to ensure good standards of management, given the transitory nature of the accommodation.
- **Site Boundaries:** The guidance for permanent sites applies equally to transit sites.
- **Orientation of Pitches:** The recommendations for permanent sites apply equally to transit sites.
- **Health and Safety:** The recommendations for permanent sites apply equally to transit sites.

81 CLG Guidance, 2008 p. 45

- **Access for Emergency Vehicles:** The recommendations for permanent sites apply equally to transit sites.
- **Security:** The recommendations regarding permanent sites apply equally to transit sites.
- **Hard standing:** Hard standing is particularly important on transit sites given the level of movement of mobile homes and caravans that takes place. Where hard standing is not used, the ground becomes soft, and the risk of movement of vans is high, causing a health and safety risk.
- **Car Parking:** Similarly to permanent pitches, it is recommended that space for at least one vehicle is provided per pitch and that space for car parking is also provided elsewhere on site, to enable visitors to park on site.
- **Density and spacing of caravans.** Interviews with Travellers indicated that space between caravans on transit sites is a critical factor in determining whether they stay on site, or move to another form of accommodation, or an unauthorised encampment. It is recommended that, for health and safety reasons, and in the context of fire safety, no caravan should be within six feet of another.
- **Workspaces:** As with permanent sites, it is recommended that provision is not made for workspaces on transit sites.

### Site services and facilities

- **Private amenities:** The provision of private amenities for each household, to include a toilet, wash hand basin and shower with hot and cold water supply is recommended as essential. Where permanent amenities (i.e. amenity blocks) are not feasible, portable facilities should be provided to each pitch and these should be well managed and maintained. Where portable facilities are used regularly, it is recommended that permanent waste and water points are used; this would also reduce the cost of use of contractors to manage the facilities. An illustration of a portable amenity block for use on a transit site is contained in Appendix D.
- **Water supply:** The recommendations for permanent pitches apply equally to transit sites; the provision of water supply to each pitch is essential.
- **Electricity supply:** Electricity should be supplied to each pitch as a matter of course. On some sites it may be necessary to provide a central electricity supply to the site, whereby site management meters each household, allowing bills to be paid on a household by household basis.
- **Drainage:** The recommendations for permanent sites apply to transit sites.
- **Sewerage:** The recommendations for permanent sites apply to transit sites.
- **Lighting:** The recommendations for permanent sites apply to transit sites.

- **Waste disposal:** It is recommended that each pitch has separate facilities. Where this is not possible, communal refuse disposal should be used; it must be well managed and not cause a health and safety risk.
- **Safe spaces to play:** The recommendations made in respect of permanent sites apply to transit sites.
- **Site management:** Site management is a critical success factor for the operation of transit sites. It is strongly recommended that a site manager works on site, and depending on the size of the site and the number of pitches, and the time of year, it may be necessary for the manager to live on site. Provision should therefore be made for a permanent amenity building, which would house the manager, laundry facilities, communal facilities for site users etc.

## TEMPORARY SITES: EMERGENCY SITES

The provision of emergency sites can help to reduce numbers of unauthorised encampments<sup>82</sup>. Minimum standards should apply to emergency sites.

- **Site location:** An emergency site should be located in a safe place with good access to public roads. There should be minimal disruption to surrounding communities and the local environment. Careful consideration should be given to the presence of young children, either Traveller children living on site or children from the local community, who may be at risk due to movement of large vehicles on site. The nature and use of adjoining land should be assessed in terms of its impact on the site and its temporary occupants.
- **Site Size:** The number of families resident, the frequency of visitors and the potential for expansion of the site over time should be considered when determining the size of the site.
- **Boundaries:** Boundaries marking the perimeter of emergency sites are critical. This will prevent unauthorised encampment on the site. Markings should set out clearly where residents should park, and vehicles should be within a safe distance from each other. In the case of emergency sites, a distance of six metres between vans is recommended, from a fire safety perspective. Space is also critical in order to allow access to emergency services.
- **Access:** The road to and from the site, and through the site, should be sufficient to enable access on and off site by heavy vehicles.
- **Water supply:** Cold water supply must be provided for the use of site residents. Portaloos should be provided and there must be separate provision for men and women. Consideration should be given to the provision of portashowers.

- **Sewerage:** A sewerage disposal point should be provided.
- **Refuse disposal:** Refuse disposal should be provided and regularly serviced.
- **Health and safety:** The recommendations for permanent sites apply to emergency sites.

## TEMPORARY SITES: COOPERATED SITES

While emergency sites can be provided by authorities, cooperated sites are those sites selected by Travellers, and whereby agreement is made with authorities to stay for a short period. However, there are minimum standards that should apply, and the application of these standards should determine whether agreement is made for the site to be cooperated.

- **Site location:** An emergency site should be located in a safe place with good access to public roads. There should be minimal disruption to surrounding communities and the local environment. Careful consideration should be given to the presence of young children, either Traveller children living on site or children from the local community, who may be at risk due to movement of large vehicles on site. The nature and use adjoining land should be assessed in terms of its impact on the site and its temporary occupants.
- **Site Size:** The number of families resident, the frequency of visitors and the potential for expansion of the site over time should be considered when determining the size of the site.
- **Boundaries:** Boundaries marking the perimeter of emergency sites are critical. This will prevent unauthorised encampment on the site. Markings should set out clearly where residents should park, and vehicles should be within a safe distance from each other. In the case of emergency sites, a distance of six metres between vans is recommended, from a fire safety perspective. Space is also critical in order to allow access to emergency services.
- **Access:** The road to and from the site, and through the site, should be sufficient to enable access on and off site by heavy vehicles.
- **Water supply:** Cold water supply must be provided for the use of site residents. Portaloos should be provided and there must be separate provision for men and women. Consideration should be given to the provision of portashowers.
- **Sewerage:** A sewerage disposal point should be provided.
- **Refuse disposal:** Refuse disposal should be provided and regularly serviced.
- **Health and safety:** The recommendations for permanent sites apply to emergency sites.

## MANAGEMENT STANDARDS

Across the range of accommodation types, careful consideration should be given to ongoing management arrangements. Effective maintenance and management can be a critical success factor in building the support of the local community for a Traveller site. Crawley's comments encapsulate the findings and recommendations of various reports in relation to this issue:

For local communities to accept authorised sites, they will need to see that provision in their area is proportional to need and matched by provision in other areas; and that sites are managed in a way that avoids – or remedies quickly – any negative impact on neighbouring areas<sup>83</sup>.

The Welsh Assembly Government (WAG) has recently published guidance on management standards, this has informed the following recommendations, along with interviews with policy makers and professionals working in practice. Research by Tribal (2006) for authorities in South East London has also provided a helpful insight into management standards to be developed in the provision of site accommodation for Travellers.

There are no specific legal requirements for the management of Traveller sites in Northern Ireland, and this is not unique when a comparison is made with neighbouring jurisdictions. However, the principles of effective management of accommodation apply in a similar fashion to Traveller sites as to other forms of social housing, and these are set out below.

- Ownership of responsibility for site management is key. The relevant authority should ensure that management takes place; this can be contracted to a housing association, a private company, a voluntary or community organisation or to Travellers living on site. It is recommended that site residents are consulted when deciding management arrangements. Good practice suggests that some residents should be invited to take part in the recruitment of a site manager.
- Each site should have an appointed site manager who can be contacted by residents as necessary. The site manager may have responsibility for a number of sites, and where this is the case, or where the manager does not live on site, regular visits - at least twice a week - should be made to the site.
- The site manager should familiarise him/herself with the families living on site, through direct engagement with residents, with the licensing agreement, payment procedures etc. The site manager should play a proactive role in the management of the site and be visible to residents and approachable.
- The site manager has a central role in preserving health and safety standards on site. This must be carried out proactively, and in discussion with residents, who should know and understand the benefits of measures in place to protect their health and safety.

- The publication of an allocations policy, which is presented in oral and written form to residents, is an important step in building trust between residents and management. Allocation of pitches should not take place informally, but should follow the terms of the allocations policy to ensure fairness in approach. An appeals process should be available to residents who wish to challenge a decision.
- Residents should be invited and encouraged to play a central role in the way the site is run. Travellers should be asked about their preferred methods of consultation, and these should be accommodated wherever possible.
- Security of tenure is a key issue for residents living on Traveller sites. License agreements rather than tenancies tend to be issued to Travellers, offering far less protection than a tenancy agreement. Good practice suggests that site rules should be developed in consultation with Travellers. The NIHE has developed a Code of Conduct, which is agreed with Travellers living on Cooperated sites. The Code sets out criteria under which Travellers are permitted to park on a temporary basis in accordance with the co-operation policy. It is recommended that for permanent sites an agreement is made between Travellers on the site and management, and that the terms of the agreement sets out the rights and responsibilities of both parties. It is recommended that a licence agreement should be in place on all sites which gives a minimum notice period that reflects the nature of provision (i.e. a lesser period for transit and emergency sites) that sets out the rights and responsibilities of occupants and the conditions of occupation. The terms of the written agreement should be explained verbally to all new residents. The agreement should set out the option for making payment by residents, and the arrears procedure. It should also set out responsibilities of residents for animals owned that live on site, as well as the procedures to be taken where enforcement action is required, including informal warnings and formal warnings.
- Effective and efficient repair and maintenance is a central obligation on site management, and will play an important role in the smooth operation of the site. A contact number should be provided for residents to report faults either to their own pitches or communal areas.
- Good service standards and performance monitoring will also play a central role in ensuring high standards of management, and contributing to the well being of residents living on the site.

## **CONSULTATION WITH TRAVELLERS**

Analysis of practice elsewhere and face to face interviews with Travellers as part of this research has highlighted the need for effective and meaningful consultation with Travellers, and liaison with the local community in the development of sites for Traveller accommodation.

In research reports and Government guidelines from both Great Britain and the Republic of Ireland, the importance of consultation with Travellers themselves, and the settled community, is advocated from the very outset of any proposed scheme, in order to ensure that schemes are as successfully integrated as possible into the local community and meet the needs of the families to be accommodated. The Republic of Ireland's National Traveller Accommodation Consultative Committee<sup>84</sup> (2006) provides a useful example of the over-arching yet localised approach that can be taken.

The benefits of consultation will be realised in terms of the development and delivery of sites:

- It will supplement a needs assessment and provide information on the demographic profile of Travellers who will use the site. This should inform the development of the site; the number and size of pitches, the size of play areas, the need for facilities adapted for use by disabled people, etc.
- Effective consultation is a two-way conversation between authorities and Travellers. It will therefore provide Travellers with knowledge and understanding of the processes involved in developing a site, the timeframe to work to, and manage expectations regarding delivery etc.
- Effective consultation with future residents is a core principle of tenancy management and sustaining tenancies. In other aspects of social housing provision, tenants are more likely to remain in accommodation when engagement with authorities takes place at an early stage.
- Effective consultation and engagement can alert authorities to support and other needs required by households who will live on the site.

Interviewees in England and the Republic of Ireland explained that many Travellers are reticent about representing the whole community, instead preferring to speak on behalf of their own family. This should be borne in mind in developing effective consultation.

Key principles of consultation have been developed in guidance by the Equality Commission for Northern Ireland within the context of its duty to provide advice under Section 75 of the Northern Ireland Act 1998. It is recommended that these principles are applied in consulting with Travellers:

### **Good consultation practice**

- deploying a range of consultation methods;
- not relying exclusively on written consultation;
- developing personal contact with relevant groups;
- going to external groups early in the formulation of policy;

- ensuring specific needs are met e.g. information in alternative formats, interpreter service, provision of child care facilities, travel assistance and targeting of groups;
- showing willingness to outreach and visit consultees in their localities;
- consultations that are more focused on users who are directly affected by services;
- consultation using existing links with service users, voluntary and community groups;
- pre-consultation letters to ascertain level of interest following up telephone calls to consultees to encourage participation/attendance;
- providing brief focused documentation with use of plain language;
- documents sent out before workshop/seminar to form basis of open discussion about the proposed policy;
- face-to-face focus groups that allow some informal discussion and questioning;
- providing details of responses to consultees as to how comments were taken on board;
- when a poor response, reminder issued to all consulted and deadline extended by three weeks;
- publishing a summary of responses received;

### **Poor consultation practice**

- general 'mailshots' with no targeting and no follow-up;
- continuously consulting the list when little feedback coming;
- public authorities adhering to the traditional two-way written consultation process and ignoring other methods of consultation to directly engage with the affected groups;
- not requesting information on specific requirements of consultees - parking, directions, signers;
- failing to take account of the needs of specific groups e.g. mothers with young children, disabled people;
- public meetings which produce disappointing attendance and are not always a productive means of consultation with considerable cost in terms of time, people and other resources often outweighing benefits;

- viewing EQIA consultation as a one-off event rather than a process to start at policy making;
- documents presented as a fait accompli without any chance to change;
- EQIAs that do not attempt to gather further data/research;
- artificial separation of policies e.g. driving theory, practical test and obtaining a provisional licence;
- issuing huge complex and technical consultation documents which were not relevant to consultees' work;
- bulky and jargon-filled documents where there is no possibility of having face-to-face information sharing /discussions;
- issuing another document draft after some slight revision thus confusing consultees;
- neglecting to include consultee name and address in screening report consultation;
- assuming that all consultees are starting from the same knowledge level with respect to their awareness of the issues under discussion;
- comments apparently ignored or no feedback on consultation exercise, no information about how the policy area is progressing, usually get feedback in form of finished document difficult to see if and where consultee response has been taken on board;
- use of external consultants who act as a barrier to direct contact between consultee and policy maker and prevent partnership building;
- lack of interest from category groups and little preparation by them before attending the sessions;
- consultees sending generic responses which are of limited value; and
- limited consultation feedback indicating consultees have limited interest in UK body because of its 'small role in Northern Ireland'.

Equality Commission for Northern Ireland (2005) *Guide to the Statutory Duties - A guide to the implementation of the statutory duties on public authorities arising from Section 75 of the Northern Ireland Act 1998*



The provision of accommodation for Travellers has had a profound effect on their health, education and well-being, their ability to integrate with local communities, and has contributed significantly to their social exclusion.

### Undersupply of suitable accommodation

There remains a severe undersupply of decent, culturally sensitive accommodation for Travellers, which provides meaningful choice for households regarding their way of life. Travellers interviewed as part of the study reported that the lack of supply of transit and serviced sites has resulted in some Travellers feeling forced to accept ‘bricks and mortar’ accommodation, and a perception that their right to a nomadic way of life was not understood or supported by authorities.

The development of transit sites is urgently required, in particular in Belfast and Craigavon. The provision of sufficient numbers of these sites of decent standards will reduce the number of unauthorised encampments and co-operated sites. There is therefore a business case to be made for investing in transit sites. Savings will be made on the cost of clean up and the provision of short term amenities such as Portaloos by private contractors<sup>85</sup>.

The research found a number of examples of good practice in the provision of Traveller accommodation in Northern Ireland, notably Monbrief Road in Craigavon, a serviced site, and Ballyarnett in Londonderry, a Group Housing Scheme. A number of Travellers participating in the research referred to these sites, and expressed a desire for accommodation such as these. One Traveller, currently living on emergency accommodation for over nine years, referred to serviced sites in the Republic of Ireland, whereby amenity blocks are provided on each site as his ‘dream site’. He had visited family in Ballyarnett, and described the site as well kept and ‘the kind of site I would want for my family. I don’t know why we have to live like this here, and there’s a great site up there that we won’t ever get.’

‘It’s very hard for the children... there’s nowhere to play, we have to bring them up to the park. They get bored hanging round here, and in the van. And it’s not safe for them here.’

Traveller, Craigavon

### Standards in Relation to Site Provision

Site visits enabled the research team to view existing standards. While emergency sites were clearly below the standard that should be provided, other sites did have a range of amenities. However, consistency is required in terms of delivery, and standards across the range of sites should reflect the nature of the accommodation. For example, the Glen Heights in Belfast, a serviced site for 11 pitches, comprises hard standing and individual pitches, fenced off, in many

85 Richardson, J. (2007) Providing Gypsy and Traveller Sites: Contentious Spaces, CIH

respects providing a decent standard of accommodation. Individual post boxes are provided for each household and individual metering of electricity. However, pitches do not have individual showers; instead there is a communal shower block on site.

While supply remains an issue across all forms of accommodation, and is particularly acute for accommodation enabling a nomadic lifestyle, standards remain a particular issue with regard to site provision.

The research found that where Grouped Housing or 'bricks and mortar' housing has been provided for Travellers, it has generally been of a decent standard; however, standards on many sites were unacceptable. There have been a number of instances where sites which had been provided on a temporary basis, but have since become de-facto permanent. One Traveller told the research team that he had been living with his family 'on and off' one temporary site for nine years, awaiting a pitch on a serviced site.

Researchers carried out a number of site visits and found very poor standards on several existing sites, with very basic facilities being provided to some households. Lack of facilities such as mains electricity is forcing some Traveller households into poverty, as they meet the high cost of fuel to power generators or for shower facilities. A Traveller living on benefits reported spending fourteen pounds a week to bring her family to the local pool to use the shower facilities.

The concentration of high numbers of households on some temporary sites for long periods has resulted in these sites becoming de facto permanent sites. The long term use of facilities intended for temporary use has resulted in living conditions that are at best minimal, at worst below that which should be provided for human beings at the beginning of the twenty first century.

### **Delays in development of new sites**

Considerable delays and obstacles have been encountered in the development of new sites. Identification, acquisition and allocation of land for site development remains a key factor in contributing to delays. Of the four outstanding transit sites on the NIHE Accommodation Programme at September 2008, three required land to be identified.

Consultation with councils regarding planning applications in respect of sites for Traveller accommodation has significantly added to the length of time taken to bring forward new sites. Interviews as part of the research found an overwhelming view among officials and individuals working with Travellers that decisions at Council level regarding planning permission remained a key stumbling block to site development. One senior official described a lack of leadership among local government councillors, and another suggested that until a statutory obligation to provide sites was introduced, practice would not change.

The majority of interviewees agreed that the contentious nature of site provision in local areas prevents planning decisions being made that would allow sites to be developed.

## Impact on Traveller Households

Delays in site development have had considerable adverse impact on Traveller households. Interviews with Travellers found that delays in the development of sites have led to some families living in very poor conditions on temporary sites. Some households reported accepting 'bricks and mortar' accommodation, which is not culturally sensitive, and often in areas where there is no previous local connection. Some families reported that their names were removed from the waiting list for a site once they had accepted alternative accommodation. There was a strong view among Travellers interviewed as part of the research that they had little choice in terms of accommodation offered.

## Governance Issues

In carrying out the research, the team found that to some extent, there has been an increased recognition and acceptance by agencies of their statutory functions in meeting the needs of Travellers. Interviews found senior staff keen to enhance living conditions and standards for Travellers. However, the existence of goodwill has not been reflected in terms of practical outcomes for Travellers.

However, the research team also found a fragmented approach to the provision of accommodation for Travellers across a range of departments and agencies, which had strongly influenced the effectiveness of measures to meet housing need. No single department or agency has policy and operational responsibility for the development and delivery of accommodation, and as a result, there lacks a single driver capable of ensuring that all departments and agencies work together.

### 1. Required Changes to the Law

International standards and instruments provide substantial protections for Travellers as a distinct racial group, in terms of their right to culturally appropriate housing, and their right to a particular way of life. They do not, however, give direction on the specific obligations owed to Travellers by local authorities in respect of the conditions of their occupation of authorised sites<sup>86</sup>.

Domestic legislation is more helpful in setting out the kind of obligations on public authorities in terms of the promotion of equality of opportunity and good relations. However, generally speaking the law has moved away from a general duty to provide accommodation to Travellers, and gives little direction to authorities regarding minimum standards. Perhaps unsurprisingly, existing legislation, and particularly so in Northern Ireland, has not had a positive impact on the provision of accommodation for Travellers.

A central issue is the under-supply of accommodation that is suitable for a nomadic lifestyle. The lack of sites that enable a nomadic lifestyle has resulted in a number of Travellers feeling forced to accept forms of settled accommodation, e.g. in social housing or the private rented sector. Interviews carried out as part of this research found some Travellers believed that their right to a particular way of life was not understood or accepted by authorities. For this reason, it is the view of the research team that Article 5 of the International

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86 Johnson, C and Wilers, M. (2007) *Gypsy and Traveller Law* London: LAG, p.75

Convention on the Elimination of All Forms of Racial Discrimination (ICERD) may have been breached in respect of some Travellers.

Where accommodation has been provided, it has often been at a standard that is below the minimum level that should be provided. Site visits to the emergency site at Legahory, where a water pipe, a small number of Portaloos, and no electricity supply is provided on site for a pitch for twelve households underlines how provision is nowhere near a level of parity with people from the settled community. The lack of basic amenities on emergency sites and the level of permanence of this provision would strongly suggest that the rights of Travellers enshrined in the International Covenant on Economic, Social and Cultural Rights may have been breached. However, should a challenge be possible under either domestic or international law, it is unlikely as interviews with Travellers highlighted a lack of awareness of their rights, and a resistance to challenge decisions made by authorities or seek redress under the law.

On this basis, there is a strong argument to be made for changes to domestic legislation to ensure a greater supply of culturally sensitive accommodation for Travellers. The research team is concerned that policy makers do not misinterpret a reduction in the amount travel by some households with a desire to live in 'settled' accommodation. Recent research from the University of Birmingham makes this point,

*'For many (Travellers) nomadism is a state of mind as much as a physical phenomenon now...Among the settled community, mobility is associated with moving house. Because caravan-dwelling Gypsies and Travellers travel with their home, the distinction between moving and travelling is sometimes less obvious for Gypsies and Travellers...Relative settlement does not, however, mean that many Gypsies and Travellers want to lose their identity or to move to bricks and mortar accommodation'*<sup>87</sup>.

A key issue at the heart of the development of accommodation for Travellers is that it does not lead to the diminution of identity for Travellers.

- Homelessness legislation should be amended to require authorities to provide culturally sensitive accommodation for Traveller households who are statutorily homeless.
- Measures should be taken to clarify the law in respect of use of site accommodation both for Travellers who are owner occupiers and for those who are tenants, and in particular to strengthen security of tenure for Travellers living on sites as tenants. A review of existing legislation should include an examination of the Caravans Act (Northern Ireland) 1963, and the compatibility of the existing framework with the European Convention on Human Rights (ECHR)<sup>88</sup>.

87 Housing Corporation (2008) Gypsy and Traveller Financial Toolkit for RSLs

88 The 2007 Legal Action Group publication suggested that the differences in security of tenure enjoyed by those living on authorised sites and those protected by the Mobile Homes Act 1983 (which applies in England), and local authority secure tenants in 'bricks and mortar' accommodation 'might be thought to be incompatible with the ECHR. It is the view of researchers that given similarities between the legal framework in England and NI, a similar situation may exist here. While security of tenure was outside the scope of this project, the researchers are strongly of the view that maintenance of standards on sites are inextricably linked with security of tenure and a sense of ownership and belonging among residents.

- Consideration should be given to bring forward legislation to expedite the identification, acquisition and allocation of land for site development. Lessons should be learned from other jurisdictions, e.g. implementation of the Planning and Development Act 2000, in the Republic of Ireland in this respect<sup>89</sup>.

## 2. Required Changes at a Policy Level

‘The day they put me in that flat (in the private rented sector), they may as well put me in prison. I don’t want to stay there... I don’t belong there. I want a site. It’s not too much to ask.’

*Traveller, Craigavon*

On the basis of the qualitative research undertaken there are some key changes required to the policy environment to enable the development of accommodation for Travellers, both in terms of the number and type of sites, and a decent standard of accommodation.

- The role of planning authorities in speeding up the planning application process is fundamental to increasing the supply of accommodation for Travellers. The Programme for Government is committed to fundamental planning reform by 2011. This review should consider options for making the planning process aligned to housing need, and enhancing the effectiveness of the planning system in contributing to the delivery of site accommodation for Travellers.
- While there has been considerable progress in meeting the recommendations of the PSI Working Group in terms of accommodation, the lack of a single driver has meant that opportunities for progress have been missed. The Department of Social Development (DSD), should direct work in this area, formalise the relationship between the various authorities and agencies in the identification, acquisition and development of land, and the development and maintenance of sites. DSD should play the lead role in driving forward multi-agency working in this matter.
- The research team found that previous land assessments may be out of date, and that land previously considered unsuitable for Traveller accommodation may now prove feasible. A review of all NIHE land and of public land and its suitability as a site for Travellers accommodation should be carried out as a matter of urgency. This would be led by the NIHE with input from other agencies.
- Consideration should be given to the case for ring-fencing funding the provision of Traveller accommodation. Publication of the 2008 Needs Analysis and a forthcoming Accommodation Programme should enable key departments and agencies to identify resources required. Consideration should be given to ring-fencing funding to expedite site development in the coming spending period.

89 NIHE vesting powers exist but tend not to be used regularly because of their onerous nature.

- All sites should be used for their intended purpose; i.e. temporary accommodation for short periods only.
- Guidance for planners should be developed to replace the 1999 DOE NI guidance. It is recommended that this should be based on the Welsh Assembly Government circular 30/2007 “Planning for Gypsy Traveller Caravan Sites”.
- The NIHE has confirmed to the research team its intention to develop a programme of action on accommodation for Travellers, and to use the guidance development by the Communities and Local Government Department in England to inform guidance on standards. This is a welcome development. It is recommended that this work is completed as a matter of urgency, and that the provision of Transit accommodation is given priority.
- Severe undersupply remains across the range of forms of accommodation. The forthcoming NIHE programme, based on the 2008 Needs Assessment should therefore make provision for a range of forms of accommodation i.e. grouped housing, serviced sites, transit sites and temporary sites.
- The development of transit sites should proceed as a matter of urgency. The provision of a sufficient number of transit sites of sufficient standards will reduce the number of unauthorised encampments and co-operated sites.
- As the strategic housing authority, the NIHE has a number of powers and obligations in respect of the provision of Traveller accommodation, including the identification and acquisition of land, development of sites and provision of amenities. It also remains the authority with statutory responsibility for housing homeless people under homelessness legislation. However, there are a number of other authorities and agencies with powers and obligations in relation to the provision of accommodation. Key among those are local councils, who are consulted on planning applications for sites, the Department of the Environment which establishes planning policy in Northern Ireland, and the Planning Service which implements these policies. Other agencies include those with responsibility for roads and other infrastructure, environmental health, etc. The Department of the Environment therefore has a central role to play in meeting the accommodation needs of Travellers and driving compliance by the Planning Service with its obligations under equality legislation. The research team would strongly recommend greater contribution by the Planning Service to the development and delivery of an Accommodation Programme for Travellers.
- The planning system in Northern Ireland has a central role to play in ensuring the supply of suitable land on which to develop Traveller accommodation. To date, the literature and policy focus regarding Traveller accommodation has focused insufficiently on the role of the planning system, and current planning policies in bringing forward land for use by Travellers. Guidance for planners to replace the 1997 guidelines is critical. It is recommended

that this should be modelled on the Welsh Assembly Government circular 30/2007 “Planning for Gypsy Traveller Caravan Sites”, which contains guidance on the planning aspects of finding sites for Gypsies and Travellers and how local authorities and Gypsies and Travellers can work together to achieve this aim. This guidance has recently been revised and takes into account new legislation.

- An increase in the number of sites across the range of forms of accommodation should play a part in reducing unauthorised encampments, and should ensure that the relevant legislation plays a more effective role in managing the location of encampments and sites. When suitable alternative accommodation is required, agencies can use the legislation to greater effect.

‘There has been very little progress...I have been critical of the Housing Executive in their provision. It was 2003 they were given the responsibility and here we are five years on and we are very sparse in what we have provided...we can’t afford to rest on our laurels...we haven’t done enough to reach the minimum, never mind going beyond that. It’s about standards and meeting expectations of Travellers.’

*Local Councillor*

## Minimum Standards

The report sets out detailed minimum standards required for both permanent and temporary forms of accommodation.

**The provision of electricity, water, sewerage, hard standing and safe and well located sites should be considered minimum standards of accommodation for Travellers, with the exception of the most temporary of stopping places, whereby the provision of electricity and hard standing may not be feasible.**

The standards have been informed by the current legal, policy and practice framework. The key starting point is the need for standards in Traveller accommodation to be comparable to those for other forms of social housing. The standards have been informed by the contents of the Housing Association Guide, which contains the rules and procedures for Housing Associations in receipt of capital grant/allocation from the Department for Social Development<sup>90</sup>. This includes design requirements with regard to, e.g. safety, security and building practice.

The research team has also taken account of best practice in terms of management standards and consultation with stakeholders, through the literature review completed as part of the research.

In developing accommodation for Travellers a number of *key principles* should be adhered to:

- Accommodation for Travellers should be planned and developed in a proactive manner, on the basis of robust needs assessment and regular consultation with Travellers.
- It should be sustainable and well managed, and its design should promote the health, safety and well being of Travellers.
- It should have decent physical standards, equivalent to standards that would be expected for social housing in the settled community.
- It should promote the social interaction of Travellers within the local community and promote good relations within the Traveller community and between Travellers and the rest of the community.
- Water, sewerage, and refuse disposal should be provided on all forms of accommodation, including sites, irrespective of its nature, or length of use by households. The means of provision of these services, i.e. the nature of connection points, the extent to which facilities are portable or mobile, will depend on the form of accommodation, and further detail is given in the body of the report. However, the principle that all Travellers should have access to clean water and access to washing and waste facilities remains fundamental.
- The provision of electricity, drainage and hard standing must be provided on all forms of accommodation except the most temporary stopping places; the nature of this provision will be determined by the form of accommodation. Further detail is provided in the body of the report<sup>91</sup>.
- All forms of accommodation should be fit for purpose in terms of the provision of facilities and amenities to Travellers
- All forms of accommodation should be developed in consultation with Travellers.
- The standards developed in the report for Travellers accommodation are minimum standards which are deemed reasonable in the current policy and practice environment and what can be developed in a cost effective manner. Providers should take steps over time to enhance these standards.
- The standards recommended in this report should be applied to existing as well as future sites; an audit of standards in sites would be useful to identify where refurbishment of sites is required.
- Given the defined population, and the relatively small number of Travellers who wish to continue to live on sites, the emphasis should be on exceeding these standards, and promoting the equality of opportunity and good relations of Travellers through the provision of accommodation that

improves their health and well being and ensures their integration in the community.

- Accommodation provided should in no way lead to the diminution of the traditional way of life for Travellers. Accommodation should be provided sufficient to allow informed choice for Traveller households between a nomadic way of life, or living on permanent sites in the long term.



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## PERMANENT SITES

SITE LOCATION	
<b>Consultation with Travellers</b>	Travellers have different views on the proximity of the site to local services and the local settled community.
<b>Health &amp; Safety</b>	Should not be located on contaminated land Should not be near refuse sites, industrial sites or other hazardous places.
<b>Access to services</b>	Sites should have reasonable access to services in the local area. Including shops, schools and places of worship. If transport links do not exist the authority should consider providing links.
<b>Public Access</b>	The site should have safe and easy access to a public road.
<b>Good relations</b>	If deemed necessary after consultation with Travellers, the option of different separate entrances for use by different families should be explored.
<b>Land</b>	Land should be flat and sites should not be located on areas of high flood risk.
<b>Environment</b>	The site should be located in acceptable surroundings or where the surroundings can be made pleasant at reasonable cost.
<b>Proximity to housing developments</b>	Where possible, sites should be located close to other residential developments.
<b>Noise</b>	The site should be designed and located to minimise disturbance to Travellers and the local community.
<b>Planning guidance</b>	Relevant planning guidance should be adhered to.

## SIZE AND LAYOUT

<b>Land usage</b>	Land usage must be taken into account, in particular the need for space to manoeuvre large vehicles and caravans which can be up to 25 metres in length.
<b>Needs Assessment</b>	The size of the site will be determined by the scale of need identified in the needs assessment. Consideration should be given to the potential for an increase in demand for additional pitches on site.
<b>Flexibility</b>	For example, a “horse-shoe” shaped design can be amended to increase the number of pitches on a site.
<b>Pitch numbers</b>	Determined partly by need, compatibility between families and health and safety issues. However, 20 pitches should be the maximum number on site. Where a larger site is unavoidable, good site design is essential, such as “closes” designed to accommodate distinct families.
<b>Use of small plots of land</b>	Smaller sites of 3-4 pitches can also be successful, particularly where designed for one extended family.
<b>Consultation</b>	Consultation is crucial in deciding the overall layout.
<b>Layout</b>	Travellers have expressed preference for a design that gives maximum space per pitch and space for children to play. “Horse-shoe” designs, or circular designs work well and promote a sense of community. Sites where pitches are in linear form or in “tree branch” form can reduce the sense of community, but may be a preference for some families.
<b>Use of site by household</b>	Sufficient space should be provide for individual households and ensure privacy in term of individual itches, although the site should be designed to promote a sense of community.

## SIZE AND LAYOUT

<b>Site boundaries</b>	<p>The boundary must clearly mark the perimeter of the site, it should take into account adjoining land use and be designed with the safety and protection of children in mind. A gap of 3 metres within the boundary is essential for fire safety. The boundary should be in keeping with the local environment – mental boundaries or railings are not recommended. The site should be contained on all sites and the boundary should be approximately 1.8m high.</p>
<b>Preventing unauthorised parking</b>	<p>Space which does not have a clear use or is not fenced off should be discouraged. Erecting a barrier should be considered and the views of residents sought.</p>
<b>Health and Safety</b>	<p>Play areas for children should be in a safe place on site. Traffic calming measures should be installed, and may include speed bumps or a speed restriction. Effective signage is essential, both in graphical and word form.</p>
<b>Access for Emergency Vehicles</b>	<p>Emergency vehicles must have easy access into and through the site and have space for turning:</p> <ul style="list-style-type: none"><li>• caravans and trailers must not be more than 50m from a road;</li><li>• roads should not have overhead cable less than 4.5m above the ground;</li><li>• access route must be at least 3.1m wide and a min clearance of 3.7m</li><li>• Roads must not be less than 3.7 m wide (or 3m if one way)</li></ul> <p>Clear vehicle/pedestrian segregation with footpaths of at least 0.75m. Consider the need for separate vehicle/pedestrian access Where possible, internal roads should be wide enough to allow two vehicles to pass each other. Where this is not feasible, other design approaches, such as one way loops or 'pulling in' areas, should be considered.</p>

## SIZE AND LAYOUT

<b>Safe spaces to play</b>	A safe space for children to play should be provided and should be in a central part of the site within easy view of residents and away from access routes etc.
<b>Car Parking</b>	At least 1 space per pitch and additional spaces on site for visitors, each space must be a minimum of 2.4 x 4.8m.
<b>Spacing of caravans and trailers</b>	There should be a 3m gap between the perimeter and caravans, and every caravan should be no less than 6m from any other caravan.
<b>Workspaces</b>	Workspaces are not recommended for permanent sites. Exceptionally where there are included, this must be in agreement with each household.
<b>Security</b>	Consultation should take place with residents, e.g., some prefer lockable gates, but this can act as a barrier to social inclusion.
<b>Landscaping</b>	Soft landscaping, with grassed area and shrubs preferable to hard landscaping such as paved area.

## SERVICES AND FACILITIES

<b>Water</b>	Mains water supply is essential for each pitch, and must comply with current regulations. An outside tap on each pitch is recommended.
<b>Electricity</b>	Each pitch should have its own electrical supply laid underground and should be metered per pitch. Must comply with current regulations. Regular inspections with qualified personnel should take place.
<b>Gas</b>	Any gas supply or storage must be inspected and certified as safe. Mains gas supply should be considered for amenity blocks.
<b>OFCH</b>	Oil fired central heating should meet building regulations (Part L Building Regs 2007)
<b>Drainage</b>	Surface water drainage and storm water drainage essential and must meet with current regulations.
<b>Sewerage</b>	Each pitch should be connected to mains sewerage disposal.. Otherwise, there should be a sealed septic tank which meets current regulations.
<b>Lighting</b>	Lighting should illuminate access roads and access to individual sites, helping to prevent crime and promoting health and safety whilst avoiding light pollution issues for individual homes. External lighting should also be provided on each amenity block.
<b>Waste disposal</b>	Standard domestic waste disposal must be provided for each pitch, and there must be space for refuse collection vehicles. Residents on permanent sites should receive council services for waste disposal equivalent to that for the settled community.
<b>Post</b>	Post should be delivered separately for each pitch. To facilitate this, an individual box at the entry to each pitch is desirable, as is allocating a site and pitch address.
<b>Pre-School Facility</b>	Proposals for larger sites may include facilities for pre-school if the numbers and age of children and distance from other facilities justify this. Where pre-school facilities are not provided on site, space could be provided in the layout for a mobile unit.

## SERVICES AND FACILITIES

<b>Communal facilities</b>	Provision of a communal building (such as community room, kitchen, baths and male and female toilets) is recommended.
<b>Telephones</b>	Irish Guidance suggests provision of a public telephone, close to the caretaker's office, for calling the emergency services, or alternatively an audible alarm that would also automatically alert the emergency services upon activation.

## INDIVIDUAL PITCHES

<b>Layout</b>	Each pitch should be clearly demarcated, and consideration given to issues of privacy/good neighbourliness when using fencing/hedging; Irish guidance suggests that bays should be surrounded on three sides by low boundary walls.
<b>Consultation</b>	Consultation and involvement with Travellers on this aspect is essential.
<b>Hard standing</b>	Each pitch must include a hard standing area of concrete or similar material which covers the area occupied by a caravan.
<b>Size</b>	Depends on size of family, in the design of a new pitch account should be taken of the size of the families to be housed on the site. Generally, an average family pitch should accommodate: an amenity building, a trailer and touring caravan (or 2 trailers), space for drying clothes, a shed, parking space for at least 1 vehicles and a small garden area. The DOE Design Guide (2007) recommended that each pitch should have an areas of 225 square metres.
<b>Amenity buildings</b>	Each pitch should include an amenity building. An amenity building can be provided detached or across two pitches as two separate self contained semi detached units. Amenity buildings Should include a WC and separate hand basin in a bath/shower room

## INDIVIDUAL PITCHES

with hot and cold water supply, and electricity. A separate entrance should lead to a kitchen/dining area, with storage, connection for a fridge/freezer, cooker and washing machine. A day room is also recommended for children and young people to play and study.

Recommendations are similar in both Britain and Ireland, where a minimum floor area of 30m<sup>2</sup> is recommended for amenity buildings.

## TRANSIT SITES

### SITE LOCATION

<b>Site selection and location</b>	The same considerations that are applied to permanent sites should be applied to transit sites. The importance of proximity to community facilities is primarily in respect of the need for access to schools.
<b>Proximity to Permanent Sites</b>	It is recommended that transit sites are not mixed with permanent sites. On occasion, transit sites may be located adjacent to permanent sites, however, engagement with Travellers will identify if this is feasible

### SIZE AND LAYOUT

<b>Number of pitches</b>	There should be no more than 15 pitches on a transit site.
<b>Site Boundaries</b>	The guidance for permanent sites applies equally to transit sites.
<b>Orientation of pitches</b>	The recommendations for permanent sites applies equally to transit sites.
<b>Health and Safety</b>	The recommendations for permanent sites applies equally to transit sites.
<b>Access for Emergency Vehicles</b>	The recommendations for permanent sites applies equally to transit sites.
<b>Security</b>	The recommendations for permanent sites applies equally to transit sites.
<b>Hard standing</b>	Particularly important on transit sites given the movement of caravans that takes place.
<b>Car Parking</b>	The recommendations for permanent sites applies equally to transit sites.
<b>Density and spacing of caravans</b>	No caravan should be within 6 feet of another.
<b>Workspaces</b>	The recommendations for permanent sites applies equally to transit sites.

## SERVICES AND FACILITIES

<b>Private amenities</b>	It is essential to provide private amenities for each household to include a toilet, wash hand basin and shower with hot and cold water supply. Where permanent amenity blocks are not feasible, portable facilities should be provided to each pitch. Where portable facilities are used regularly, it is recommended that permanent waster and water points are used.
<b>Water supply</b>	The recommendations for permanent sites applies equally to transit sites.
<b>Electricity</b>	Electricity should be supplied to each pitch. On some sites it may be necessary to provide a central electricity to the site, where site management meters each household.
<b>Drainage</b>	The recommendations for permanent sites applies equally to transit sites.
<b>Sewerage</b>	The recommendations for permanent sites applies equally to transit sites.
<b>Lighting</b>	The recommendations for permanent sites applies equally to transit sites.
<b>Waste disposal</b>	It is recommended that each pitch has separate facilities. Where this is not possible communal refuse disposal should be used. This must be well managed.
<b>Safe spaces to play</b>	The recommendations for permanent sites applies equally to transit sites.
<b>Site management</b>	This is a critical success factor for transit sites. A site manager should work on site, and depending on the size of the site etc, it may be necessary for the manager to live on site. Provision should be made for a permanent amenity building, which could house the manager, laundry facilities etc.

## EMERGENCY SITES

### SITE LOCATION

<b>Site location</b>	Should be located in a safe place with access to public roads. The nature of the adjoining land should be assessed in terms of the impact on the site.
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### SIZE AND LAYOUT

<b>Number of pitches</b>	The number of families resident, the frequency of visitors and the potential for expansion of the site over time should be considered when determining the size of a site.
<b>Site Boundaries</b>	Boundaries marking the perimeter of the site are crucial as this will prevent unauthorised encampments. Markings should set out clearly where residents should park. In the case of emergency sites, a distance of 6 metres between caravans is recommended.
<b>Health and Safety</b>	The recommendations for permanent sites applies equally to transit sites.
<b>Access</b>	The road to and from the site and through the site, should be sufficient to enable access on and off the site by heavy vehicles.

### SERVICES AND FACILITIES

<b>Water supply</b>	Cold water supply must be provided for the use of site residents. Portalooos should be provided and there must be separate provision for men and women. Consideration should also be given to the provision of portashowers.
<b>Sewerage</b>	A sewerage disposal point should be provided.
<b>Waste disposal</b>	Refuse disposal should be provided and regularly serviced.

## COOPERATED SITES

### SITE LOCATION

<b>Site location</b>	Should be located in a safe place with access to public roads. The nature of the adjoining land should be assessed in terms of the impact on the site.
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### SIZE AND LAYOUT

<b>Number of pitches</b>	The number of families resident, the frequency of visitors and the potential for expansion of the site over time should be considered when determining the size of a site.
<b>Site Boundaries</b>	Boundaries marking the perimeter of the site are crucial as this will prevent unauthorised encampments. Markings should set out clearly where residents should park. In the case of emergency sites, a distance of 6 metres between caravans is recommended.
<b>Health and Safety</b>	The recommendations for permanent sites applies equally to transit sites.
<b>Access</b>	The road to and from the site and through the site, should be sufficient to enable access on and off the site by heavy vehicles.

### SERVICES AND FACILITIES

<b>Water supply</b>	Cold water supply must be provided for the use of site residents. Portaloo's should be provided and there must be separate provision for men and women. Consideration should also be given to the provision of portashowers.
<b>Sewerage</b>	A sewerage disposal point should be provided.
<b>Waste disposal</b>	Refuse disposal should be provided and regularly serviced.



# B

## Appendix B List of Interviewees and Participants in the Study

### List of Interviewees:

- Deidre Brady, *Community Development Worker, Craigavon Travellers Support Network*
- Jim Beecher, *Head of Housing Section, Cork City Council*
- Cllr. Jim Brown, *Carrickfergus Council*
- Bob Collins, *Chief Commissioner, Equality Commission for Northern Ireland*
- Stewart Cuddy, *Deputy Chief Executive, Northern Ireland Housing Executive*
- Brian Cullen, *Traveller Resource Worker, Cork City Council*
- Brian Doherty, *Assistant Director- Housing Division, Department for Social Development*
- Jim Ganley, *Principal Officer, DOEHLG, Dublin*
- Donal Guerin, *Social Inclusion Unit, Cork City Council*
- Derek Hanway, *Project Manager, An Munia Tober*
- Mary McDonnell, *Head of Traveller Unit, Northern Ireland Housing Executive*
- Paddy McIntyre, *Chief Executive, Northern Ireland Housing Executive*
- Lisa Moore, *Project Manager, Craigavon Travellers Support Network*
- Heather Moorehead, *Chief Executive, Northern Ireland Local Government Association*
- Finbar Murphy, *Chairman Mahon Community Centre, Cork*
- Eilish O'Neill, *Department of Social Development Housing Division*
- Viv Saad, *Co-ordinator, Community Development Partnership, Cork*
- Carmel Sherry, *Assistant Principal Officer, DOEHLG, Dublin*
- George Summer, *Head of Department, Communities and Local Government*

**Correspondence with:**

- Daniel Holder, *Policy Worker, Northern Ireland Human Rights Commission*
- Sarah Laidlaw, *Social Housing Division, Scottish Government*



## Appendix C- Summary of Encampments

From July 2006 To April 2008.

*Information provided to the research team by the Northern Ireland Housing Executive.*

### NUMBER OF ENCAMPMENTS BY MONTH

<b>2006</b>	JULY	5
	AUGUST	7
	SEPTEMBER	5
	OCTOBER	2
	NOVEMBER	0
	DECEMBER	4
<b>2007</b>	JANUARY	2
	FEBRUARY	2
	MARCH	2
	APRIL	2
	MAY	0
	JUNE	6
	JULY	7
	AUGUST	5
	SEPTEMBER	2
	OCTOBER	3
	NOVEMBER	2
	DECEMBER	1
<b>2008</b>	JANUARY	2
	FEBRUARY	3
	MARCH	8
	APRIL	2
	<b>TOTAL</b>	<b>72</b>



## LOCATION BY COUNCIL AREA

ANTRIM	8
DOWN	3
LISBURN	3
NEWRY & MOURNE	6
BALLYMENA	4
FERMANAGH	4
CRAIGAVON	14
STRABANE	2
NEWTOWNABBEY	3
MAGHERAFELT	3
DUNGANNON	2
MOYLE	3
LARNE	2
ARMAGH	2
NORTH DOWN	1
OMAGH	1
COOKSTOWN	1
BELFAST	6
CARRICKFERGUS	1
COLERAINE	2
DUNGANNON	1

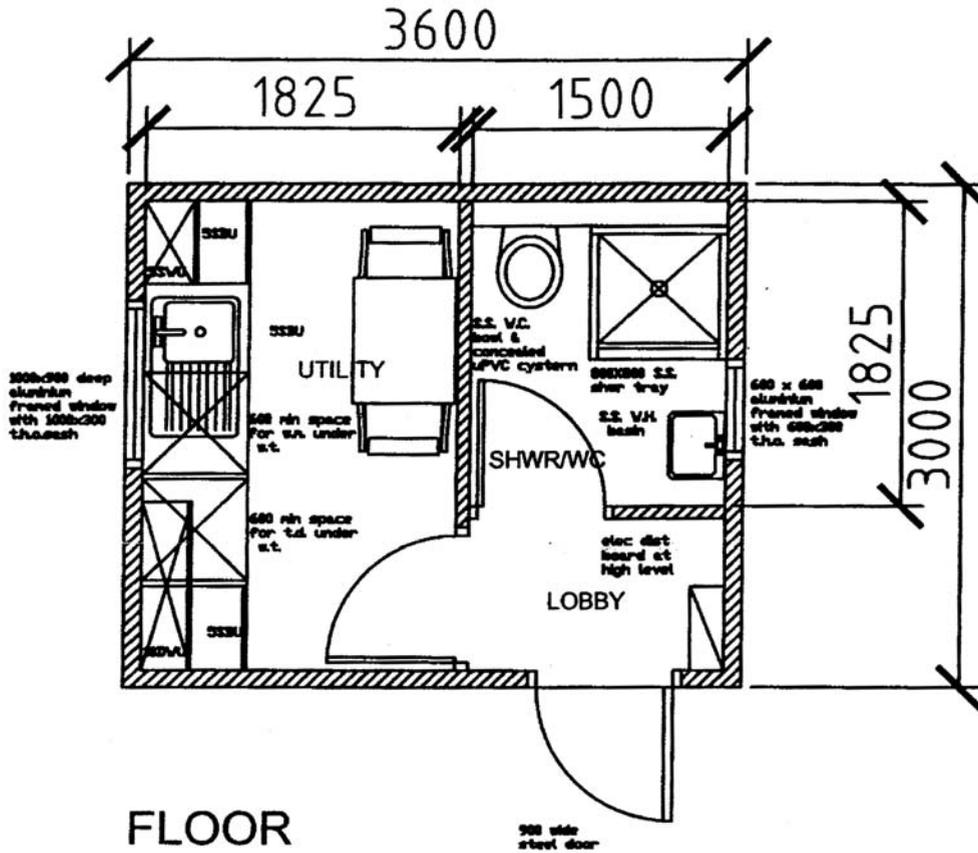
## OWNERSHIP

DRD – ROADS	9
PRIVATE	20
INVEST NI	13
COUNCIL	12
NIHE	3
DHSS	1
NIE	2
DEPT. OF AGRICULTURE	1
UNKNOWN	7
D.O.E.	3
DSD	1

## Summary

- The 72 encampments involved 48 different family groups.
- Each family was advised of the availability of transit/emergency accommodation at Belfast, Londonderry and Strabane. One family accepted access to accommodation at the Daisyfield site, L'Derry. The majority of another family group moved to the Greenbrae site at Strabane. This group advised that they have permanent accommodation elsewhere but are travelling for the summer.
- Seventeen families stated that they did not require any type of NIHE accommodation. Many of these groups said that they were travelling for a short period and had permanent accommodation elsewhere.
- Eleven families expressed interest in social housing, eight of which were assisted in making housing applications. The other three families were also advised of the application process but did not wish to make an application at that time.
- Five families expressed interest in Traveller sites, two of which had been allocated pitches on the Monbrief Road serviced site and were accommodated under the co-operation policy by Invest NI until development of the site was completed in December 2006. Another other family accessed the emergency site at Daisyfield and was subsequently housed. The final family accessed the emergency halting site at Legahory Green, Craigavon for a period of time.
- One family expressed interest in transit/emergency sites at Greenbrae, Strabane and Daisyfield, L'Derry but chose not to avail of either.
- The preferences of six families are unknown as they had moved on before an assessment could be completed.
- Three of the seven encampments recorded during the period January to April 2008 involved the same family grouping of Travellers. One member of the family has social housing and two other members have applied for social housing. They do not wish to access any of the available emergency/transit sites.
- Three encampments recorded in the Craigavon area during July, August and October 2007 involved members of 2 family groups, both of whom are awaiting permanent site provision in the area. The majority of both groups have now been accommodated on the emergency halting site at Legahory Green whilst the search for land for permanent serviced sites is ongoing.
- Two encampments during March 2008 involved a group who identified themselves as Scottish Travellers who stated that they were travelling in NI for a few weeks.





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