



Mid Devon Gypsy & Traveller Forum

3pm Friday 13th November 2020

Held via Zoom

Attendance by invitation only following expression of interest

Notes of Meeting

1.0 Welcome and Introductions

1.1 Welcome to this meeting of the Mid Devon Gypsy and Traveller Forum. This is an exceptional and difficult time facing everyone and we have all needed to make changes to the way we go about our lives in coping with the Covid-19 pandemic. We are unable to hold to face to face meetings at the moment for health and safety reasons and due to the current restricted opening hours of the Council's Phoenix House office. Therefore it has been necessary to hold this Forum meeting on-line through 'Zoom'. We apologise that this may not be suitable for everyone and will review the ability to meet face to face at the next Forum meeting which we hope to hold in the early spring next year.

1.2 Introductions:

Present:

Cllr Richard Chesterton, Cabinet Member for Planning and Economic Regeneration (MDDC)

Cllr Bob Evans, Cabinet Member for Housing and Property Services (MDDC)

Tristan Peat, Forward Planning Team Leader (MDDC)

Christie McCombe, Area Planning Officer (MDDC)

Jake Choules, Planning Assistant (MDDC)

Stephen Selley, Census Engagement Manager for the Office for National Statistics

A member of the Gypsy and Traveller community in Mid Devon

2.0 Local Plan policy update

2.1 The Mid Devon Local Plan 2013 – 2033 was adopted by the Council on the 29th July 2020. This follows its examination by a Planning Inspector and his modifications needed to the plan so that it is capable of being adopted.

2.2 The Local Plan includes policies to secure the delivery of new sites for Gypsies and Travellers as part of planned housing development at Tiverton (5 pitches), Cullompton (15 pitches) and Crediton (5 pitches). More information about this can be found in the Local Plan through the following link:

https://www.middevon.gov.uk/media/350631/local-plan-review-final-adopted-version_accessible.pdf

Relevant policies in the Local Plan about the provision of sites for Gypsies and Travellers include:

Policy S3 Meeting Housing Needs – page 25

Policy S14 Countryside – page 48

Policy TIV1 Eastern Urban Extension (Tiverton) – page 53

Policy CU1 North West Cullompton – page 70

Policy CU7 East Cullompton – page 77

Policy CRE5 Pedlerspool, Exhibition Road (Crediton) – page 95

Policy DM7 Traveller Sites – page 128

2.3 Policy DM7 makes it clear that Gypsy and Traveller pitches on allocated sites (at Tiverton, Cullompton and Crediton) should be provided as part of the planned housing development unless provision off-site will achieve an acceptable outcome for Gypsies and Travellers taking into account: the number of pitches, site facilities, access to services, including health and education, the early delivery of serviced pitches that are available for occupation, the way in which the delivery of pitches is secured, and other requirements of Policy DM7 are met. The pitches may be provided by the development or by a Registered Provider (e.g. Housing Association) or other private provider.

2.4 The Council will start to prepare a new Local Plan for Mid Devon next year. This will provide an opportunity to review the need for further sites for Gypsies and Travellers in the district. More information about this will be brought to future meetings of this Forum.

2.5 There is a need for the Council to have an accurate picture of sites across Mid Devon.

2.6 A concern was raised at the potential for authorised Gypsy and Traveller sites to be bought up by private land owners and kept unoccupied / taken out of use. How can the Council prevent this from happening?

2.7 The question was raised about how the pitches on site allocations would be made available to the Gypsy and Traveller community i.e. will these be available for rent or for purchase. It is not yet known for the site allocations in the Local Plan. These could be provided by the developer, or by a Housing Association.

2.8 It was agreed that a member of the travelling community would provide some notes with their thoughts about making pitches available. These notes can be brought before the next Forum meeting for discussion.

3.0 Local Government Association funded research on Gypsy and Traveller sites completed for the Council

3.1 Consultant, De Montfort University, has concluded a 9 month investigation of the challenges facing Local Authorities in seeking to include Gypsy and Traveller sites in planned urban extensions. The research is part of the IDeA Housing Advisers Programme and is the result of a successful bid made by the Council in 2018 for grant funding.

3.2 The 20 page report “Negotiating the delivery of Gypsy & Traveller sites through local planning” has found no substantive evidence to support the assertions made by some developers that the inclusion of pitches in housing schemes can impact on the viability of the development. This follows efforts to engage with mortgage lenders in the UK. The report has been informed by a survey of Local Authorities and an investigation of how residential property prices may be affected by the proximity of other land uses.

3.3 The report concludes that ‘certainty increases viability’ and points to how the well-scoped plans (such as site allocations in local plans, masterplans and design guides) can decrease the risk and uncertainty felt by developers and lenders. It is hoped the report can help Councils in their negotiations with developers to secure the delivery of much needed sites for Gypsies and Travellers.

3.4 The report is published on the Council’s website here:

<https://www.middevon.gov.uk/residents/gypsies-and-travellers/lga-funded-research-on-gypsy-and-traveller-sites-completed-for-the-council/>

3.5 It was felt the research by De Montfort University will help debunk the myth that the inclusion of pitches for Gypsies and Travellers will undermine private development sites.

3.6 It was suggested that De Montfort University’s research report should be sent to the organisation ‘Friends, Family and Travellers’.

4.0 Housing enabling and keeping in touch

4.1 The Council is establishing a new Housing Enabling officer role to help achieve more affordable housing in Mid Devon. This role will also help bring forward

sites and pitches for Gypsies and Travellers, including those sites identified in the Local Plan. Once the Housing Enabling officer role has been established it will become one of the Council's main contacts for Gypsies and Travellers in Mid Devon. We will provide the Forum with more information about the Housing Enabling officer role at the next meeting.

5.0 Occupancy of sites and availability of pitches

- 5.1 When planning permission is granted for a Gypsy or Traveller site, often this is subject to one or more conditions to make the development acceptable in planning terms. This can include restricting the occupancy of the site to a specific family, and not allowing occupancy by other Gypsies or Travellers.
- 5.2 The housing needs of households can change over time and this could lead to circumstances where existing pitches on sites may become vacant, or where additional pitches may be needed.
- 5.3 We are keen to understand where the occupancy of pitches on existing sites in Mid Devon may have changed. It is our intention to find out where there may be opportunities on existing sites to bring vacant pitches back into use, or space for new pitches to meet the housing needs of Gypsies and Travellers in Mid Devon. This will need to be looked at further in terms of whether the site is suitable in planning terms, what occupancy restriction is justified and necessary, and would be subject to planning permission being granted and compliance other relevant legislation.
- 5.4 Owners of sites in Mid Devon are welcome to contact Tristan Peat, Forward Planning Team Leader by email at GT@middevon.gov.uk or by phone 01884 234344 to find out more about this.

6.0 Census 2021

- 6.1 The Census is a national survey that gives the Office for National Statistics information about all the households in England and Wales. The Census is used by all kinds of organisations, from Councils to charities, to use the information to help provide the services we all need, including transport, education and healthcare. Without the Census it would be much more difficult to do this.
- 6.2 The Census takes place every 10 years and the next Census Day will be Sunday 21st March 2021. Every household in England and Wales must complete the Census by law.
- 6.3 The Council is supporting the Office for National Statistics to make sure the Census in 2021 is a success and that it is easy for every household in Mid Devon to take part. This includes Gypsy and Traveller households in the district.
- 6.4 Stephen Selley, who is a Census Engagement Manager for the Office for National Statistics, joined the Forum meeting and provided more information about the Census 2021. Gypsies and Travellers are a key population group,

as are Travelling Show People, that the census needs to reach. The Office for National Statistics are keen to know how these communities can be contacted, and so that Census officers can visit. There is a need to make people aware of next year's Census and how their data will be used how individual's data will be used. It was suggested that some information about the Census 2021 should be included on the Gypsy and Traveller page on the Council's website.

6.5 It was suggested the Office for National Statistics should also contact the organisation 'Friends, Family and Travellers' to promote the Census 2021.

7.0 Criminal Trespass legislation and proposals by Government

7.1 The Government published a consultation paper in late 2019 about strengthening police powers to tackle unauthorised encampments.

<https://www.gov.uk/government/consultations/strengthening-police-powers-to-tackle-unauthorised-encampments>

7.2 There was an opportunity from 5th November 2019 to 5th March 2020 for anyone to comment on the Government's proposed measures to criminalise the act of trespassing when setting up unauthorised encampment in England and Wales. The consultation also included what an alternative approach to this could be:

- amending section 62A of the Criminal Justice and Public Order Act 1994 to permit the police to direct trespassers to suitable authorised sites located in neighbouring local authority areas
- amending sections 61 and 62A of the Criminal Justice and Public Order Act 1994 to increase the period of time in which trespassers directed from land would be unable to return from 3 months to 12 months
- amending section 61 of the Criminal Justice and Public Order Act 1994 to lower the number of vehicles needing to be involved in an unauthorised encampment before police powers can be exercised from six to two or more vehicles
- amending section 61 of the Criminal Justice and Public Order Act 1994 to enable the police to remove trespassers from land that forms part of the highway

7.2 We understand that the Government is still looking at the feedback to this consultation and that it will publish a paper summarising the responses to the consultation in due course. We can bring this matter back to the Forum for discussion at a future meeting once the Government has published its paper.

7.3 A comment was made that the horse drawn travelling community may be most adversely impacted by the Government's proposed changes to the criminal

trespass legislation. Horse drawn travellers may not be able to travel between authorised sites due to the pace they travel, and will need to use grass verges.

- 7.4 National planning policy makes clear the requirement for Local Authorities to assess the need for traveller sites and to plan for these sites in a sustainable manner over a reasonable timescale. There is also a legal requirement placed on Local Authorities through the Public Sector Equality Duty to eliminate discrimination, advance equality of opportunity, and take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it. Compliance with the duties may involve treating some persons more favourably than others. Romany Gypsies and Irish Travellers are recognised as separate racial groups through the Equality Act 2010 and these groups are protected from discrimination by the Race Relations Act 1976 and the Human Rights Act 1998. The Race Relations (Amendment) Act 2000 places a duty on Local Authorities to promote race equality. It is in this context of national planning policy and legal duties that Local Authorities have a responsibility to develop fair and effective strategies to meet the housing needs of travellers through the identification of land for sites.
- 7.5 The adopted Mid Devon Local Plan forms an important part of the Council's approach to meeting the housing needs of Gypsies and Travellers in Mid Devon. This is through allocating sites at the three main towns of Tiverton, Cullompton and Crediton, and setting out policies for determining planning applications elsewhere in the district. There is currently no provision for a transit site in Mid Devon, although officers are investigating with other Councils, the potential for setting up negotiated and emergency stopping places in Devon for Gypsies and Travellers.
- 7.6 The Council has its own corporate policy and procedure for responding to unauthorised encampments on land in the ownership of Mid Devon District Council, including guidance for encampments on land in the ownership of Devon County Council. This corporate policy was adopted by the Council on 27th February 2019 and is published on our website here (pages 59 to 105):

<https://democracy.middevon.gov.uk/documents/g1001/Public%20reports%20pack%2027th-Feb-2019%2018.00%20Council.pdf?T=10>

Where the land is not owned by either Council the relevant land owner (where known) shall be notified.

8.0 Open Forum and Discussion

- 8.1 This is an opportunity for Gypsies and Travellers to let us know what issues matter to you most, for us to discuss these issues, and where there is a need to investigate these issues further.
- 8.2 No other issues were discussed.

9.0 Any other business

9.1 This is an opportunity for any other matters to be raised at the Forum meeting.

9.2 Two matters were raised as follows:

- How the level of attendance at Forum meetings can be increased. The use of 'Zoom' for an online meeting has worked. Hopefully this will provide an opportunity for other members of the travelling community to attend the next Forum meeting. It is not yet known when 'face to face' meetings will be possible due to restrictions on public gatherings.
- Can training and improved communication be provided to help members of the settled community better understand Gypsies and Travellers and avoid misconceptions? There may be an opportunity for Mid Devon District Council to provide some training for Town and Parish Councils. This could include training about the Local Plan policies for the provision of pitches in Mid Devon (including site allocations and windfall sites). This training will be need to be investigated further.

10.0 Date and time of the next Forum meeting

10.1 It was agreed that the next Forum meeting should be held in April / May 2021.