



YGMU



YOUNG GYPSY TRAVELLERS' LIVES

Planning processes in Scotland: a Gypsy/Traveller perspective



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With thanks to the young people from the YGTL project for their contributions.

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INTRODUCTION

Article 12 In Scotland's Young Gypsy/Travellers' Lives project has worked for the past four years to raise awareness of the culture and traditions of their community at both local and national government levels, to challenge the discrimination they face as a result of their ethnicity at all levels of society. From project inception, the media were identified as one of the worst perpetrators in inciting racial hatred towards their community and in causing conflict between them and the settled community, particularly while 'shifting' [on the road]. It is during this time that media portrayal of the community is at its worst, causing conflict between the Gypsy/Traveller and settled communities. Many Gypsy/Travellers feel this has led to the community having increasingly poor access to accommodation that suits their cultural needs as well as little opportunity in accessing fair and balanced representation within planning processes.

The purpose of this guide is to provide planning officials with an insight from the perspective of the Gypsy/Traveller community, as to how the lack of official sites, the blocking off of traditional stopping places and the discrimination many face when they try to camp on public campsites, result in Gypsy/Travellers often being forced into camping on unsuitable plots of land: next to busy roads, on industrial estates, near pollutants or in very remote locations so as to avoid victimisation. It is hoped that this guide may give greater understanding of the needs of the community [having been informed by their own experiences] to better inform practice in planning processes.

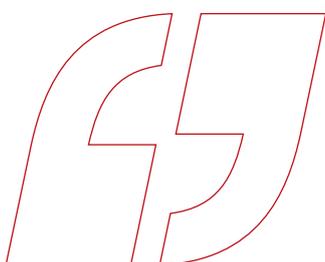
It is a well-documented fact that the significant lack of culturally sensitive accommodation i.e. trailer [caravan] and temporary halt sites coupled with poor access to basic provisions such as health and education is having a detrimental impact on the lives of Gypsy/Travellers. Current government policies are not adequate in exerting pressure on local authorities to take due regard of their duties under the *Housing [Scotland] Act [2014]* to allocate secure tenure for the community. Due to a lack of halting places, Gypsy/Travellers are being forced into bricks and mortar accommodation causing isolation and increased risk of mental ill health as a result of being separated from their culture, traditions, family and community.

TERMINOLOGY

The Scottish Gypsy/Traveller community is now recognised as an ethnic group - bringing them under the protection of the *Equality Act [2010]* - and is comprised of several distinct groups; each with their own rich cultural origins, traditions, histories and language.

The Scottish Government's official terminology 'Gypsy/Traveller' has been employed throughout this resource. However, it is important to note that this term is not accepted by all families. Indeed, many Scottish Gypsy/Travellers prefer to self-define as 'Traveller'.

Roma: Although not the subject of this resource, it is useful to point out that in Scottish and UK policy and practice the term Roma refers to 'new migrants' [mainly] from the Roma communities of Eastern Europe. However, at the European level [European Commission, Council of Europe] Roma is an all-encompassing term which includes Gypsy/Travellers.



We hear people say a lot that if you don't travel then you can't be a Traveller. That's like saying if you're Chinese and come to Scotland, you stop being Chinese! Born a Traveller, die a Traveller.

— Young Gypsy/Travellers' Lives Peer Educator, 2015.

EXPLORING THE MYTHS

It is often believed that the Gypsy/Traveller community wish to remain 'hidden' from mainstream society. This is an unfortunate misconception and one that has been continually used to justify poor provision for the community as a whole.

Our young Gypsy/Traveller Peer Educators say:

People always think we would rather live miles away from anyone and anywhere, who wants to walk for miles to get to the nearest shop for milk or have to drive for miles to get to a doctor?

Our sites are very far away from everything: swimming pools, school, [we don't get transport provided anymore] cinemas, shops and places to eat.

There is a lack of permanent Traveller sites. When you are moved on, you're told there are plenty of Traveller sites but people don't realise you have to put your name on a waiting list for local authority sites. It can take months, even years! People who own private sites are providing for their families, we couldn't just turn up and expect to be given a pitch - it doesn't work like that.

I would like to be part of planning processes affecting my community - it's the only way they'll get it right!

Don't people realise that if we weren't forced into sites that are miles away and if more were built there would be less conflict with the settled community? Then they could learn we're not as bad as the media makes us out to be and we could all get along.

PARTICIPATION

From evidence voiced by the Gypsy/Traveller community, it stands that free and meaningful participation in decision making processes is key to ensuring the community's views and concerns are taken into account so that planning can meet the needs of diversity across Scotland and elsewhere in the UK. Accommodation status should not cause or pose barriers to people accessing their fundamental human rights nor should it mean that a community who do not always 'fit' with the 'mainstream' be denied basic services and facilities such as water, sanitation, education, health, access to amenities and so on.

The UK ratified the *International Covenant on Economic, Social and Cultural Rights*, articles 2 and 11, on the 20th May 1976 – without reservation. Accordingly, the UK has obligations to take steps to ensure, and sustain, the progressive realisation of the right to adequate accommodation, making use of the maximum of its available resources.

Despite this, some of the views and concerns raised by the community in relation to planning and site provision give powerful testimony to the need for increased participation from the community so that their voice has influence. Examples of these concerns are listed below:



The population of the Gypsy/Traveller community is ever increasing and there is a distinct lack of culturally sensitive accommodation to meet the growing need [i.e. permanent pitches, bricks and mortar, geographical, temporary halt sites and so on].



Local authorities and community councils possess too much power in decision making processes that are potentially discriminatory towards the community as well as a need for greater transparency of process in relation to planning and accommodation.



Little opportunity to participate, especially in planning processes – poor access to information and/or representation.



Lack of knowledge by decision makers of Gypsy/Traveller culture.



Poor access to other important services such as health and education as a result of inadequate living standards and geographical setting of sites.



A fear that failing to be granted planning permission and a lack of adequate accommodation for the community is a direct tactic to eradicate Gypsy/Traveller culture and traditions.

In September 2013, *Article 12 in Scotland* facilitated the visit of Ms Raquel Rolnik UN Special Rapporteur on the Right to Adequate Housing to members of the Gypsy/Traveller community. In an interim summary of her visit, Ms Rolnik had the following to say about the accommodation needs of Gypsy/Travellers:



“In closing let me also mention that during my first visit I have received multiple testimonies on the shortage of sufficient, adequate and safe sites for Gypsy and Traveller communities across the UK, many of whom feel this is part of the stigma and discrimination they regularly face from Governments and society as a whole. Despite multiple efforts and policies put in place to address this situation, it is fair to say that leaving local authorities to make their own decisions with no accountability and national process to reconcile the Gypsy and Traveller communities with settled communities remains a source of concern. Gypsy and Traveller communities too should engage more in political debate and make efforts to ensure that their situations effectively changes.”

We welcome this statement from Ms Rolnik as powerful evidence of the need to ensure local authorities and decision makers take heed of the need to give due regard to their equality duties. It is important to note however, that having had poor access to mainstream structures, the community are often not able to access the skills or training necessary for participating in decision making processes in protecting their interests against a powerful majority. In addition, there are few mechanisms available to the community that will effectively represent their needs.

PLANNING

Many Gypsy/Travellers choose not to disclose their ethnicity for fear of discrimination. This means current statistics do not reflect the actual number of Gypsy/Travellers throughout the UK. Thus, it can make it very difficult to promote the need for adequate provision and to ensure equality within planning processes until it is too late. *The Equality and Human Rights Commission* estimated in 2013 that there are upwards of 20,000 Gypsy/Travellers in Scotland based on the work carried out by organisations in contact with the community. It is likely this is an under-estimate in itself taking into consideration those also living in bricks and mortar accommodation. In addition, the population of the community will have increased since this time. The estimate is also in stark contrast to the [now ceased] bi-annual Scottish Government estimate of around 2000 Gypsy/Travellers in Scotland.

The Gypsy/Traveller community rely on their nomadism as key to navigating their lives in relation to employment, family, relationships and community life as a whole. Regrettably the lives of Gypsy/Travellers are governed by a lack of halting places and planning laws that serve to restrict this important aspect of their culture. It is of concern that some recent UK planning laws have attempted to re-define Gypsy/Travellers despite this being a direct violation of several human rights conventions.

Finally, it is important to note that Gypsy/Travellers are not a homogenous group - as with the settled community, individual and family needs and preferences differ. A cognisance of this will deliver better informed planning decisions relative to the community.

TESTIMONIES FROM SCOTTISH GYPSY/TRAVELLER CHILDREN, YOUNG PEOPLE AND THEIR FAMILIES



“We shifted during the summer last year. Every time we stopped, even in places where there was no one around or using the land, we would be moved on by the police. We ended up in this old bit of land that must have been an old ruined hospital, the place was a mess; rubbish, broken glass and rubble everywhere, no running water or electricity. We didn’t want our children playing outside for fear of them being injured. It was miserable. Yet, count the number of caravan parks belonging to the ‘caravan club’ there are. We are not allowed onto these sites because our vehicles are mostly commercial for work. The people travelling and using these sites are accepted and provided for. Why? Because they are not Gypsy/Travellers”.



“Our rubbish doesn’t get lifted often enough and we get rat problems on sites. There aren’t enough parking spaces on our site, we need the site to be upgraded; the chalets are terrible and get damp, there needs to be better access to public transport, we need a better park to play in on the site, the one we have is rusty and dangerous because you slip”.



“Children lack places to play and the older children lack places to go. The shed gets used for nothing [on our site]. Our site is right beside a very busy and dangerous road which is especially concerning for families with younger children. You have to walk along this road to get to local amenities and it’s really noisy so we don’t get any peace”.



“Why do families get shifted in the first place if they haven’t harmed you [the settled community] or anything around you? Where are Travellers meant to go? How can Traveller Mams and Dads get water and make food? How will we wash? All children have the right to education - how will they go to school or get a job? Sites should be cleaned up, the council should take away rubbish, or Gypsy/Travellers should be able to go the council with rubbish. The settled community are also guilty of fly tipping yet because we are near where they dump it, we get the blame”.



“My husband is disabled, we have been asking the council for years to make changes to our chalet so that it is easier for me to help him wash and use the facilities. At the moment I have to lift him from his wheel chair up the steps because there is no ramp”.

[In this case, the woman’s husband died before any changes were agreed to by the local authority].



“Me and my family have had experience of buying land and applying for planning permission, once this is taken to the community councils our application is thrown out, even though the site is suitable for access, water etc. I believe this is because they don’t want to provide sites for our community”.

RECOMMENDATIONS

- Local authorities should ensure they consult with the community in planning sites and ensure participation from Gypsy/Travellers in planning meetings.
- Social media should be used as a means of making links with the Gypsy/Traveller community and in disseminating information about how they can influence decision making in planning processes in their area.
- Accessible, affordable legal representation and or mediation should be made available for members of the Gypsy/Traveller community so that they may gain equal access to decision making within planning processes/appeals.
- A ‘one size fits all’ mentality cannot work when you are dealing with different cultural needs - officials should take responsibility to learn about Gypsy/Traveller cultural needs and explore alternatives based on this knowledge.
- It should not be that ultimate decisions on planning applications are based on discriminatory, negative opinion of the community. All too often Gypsy/Travellers are denied access to land because they are Gypsy/Travellers.
- Planning officials and local authorities must be aware of the serious situation for Gypsy/Travellers in relation to a distinct lack of culturally sensitive accommodation and pledge to help, despite public opinion. People will not learn to accept each other if we are always to remain a ‘hidden’ community.

USEFUL LINKS

Anglia Ruskin University, *Experts by Experience*. October 2014.

Online at: <http://bit.ly/1I2paw7>

Scottish Government, *'Improving Gypsy/Traveller Sites' Guidance on Minimum Site Standards and Site Tenants' Core Rights and Responsibilities*. May 2015.

Online at: <http://bit.ly/1P2OFWQ>

Article 12 in Scotland, *I Witness: The UNCRC in the UK*. June 2015.

Online at: <http://bit.ly/1SOPys0>



**ARTICLE 12
IN SCOTLAND**



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