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# **Review of the Design Guide for Travellers Sites' in Northern Ireland Consultation Response Document**

October 2020



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# Glossary of Abbreviations

DfC	Department for Communities
DfI	Department for Infrastructure (formerly DRD)
DRD	Department for Regional Development
DOE	Department of Environment
DSD	Department for Social Development
ECNI	Equality Commission NI
HA	Housing Association
NGO	Non-Governmental Organisation
NIFRS	Northern Ireland Fire and Rescue Service
NIHE	Northern Ireland Housing Executive
NIHRC	Northern Ireland Human Rights Commission
SDC	Social Development Committee
SJT	Social Justice Trust

# 1. Introduction

## **Purpose of this document.**

- 1.1 This report summarises the responses from a review of the [Design Guide for Travellers' Sites in Northern Ireland](#) including a focussed consultation with key stakeholders distributed as widely as possible. These included responses from relevant government departments, Non-Governmental Organisations (NGO), the Northern Ireland Housing Executive (NIHE), relevant Housing Associations (HA), and advice and advocacy groups for Traveller communities. A full list of stakeholders consulted is provided in Annex 1.
- 1.2 The Department for Communities (DfC) currently has responsibility for publishing and maintaining the Design Guide for Travellers' Sites in Northern Ireland, which is a technical guidance document. The guide is intended to support the provision of good design for a new site or an existing site that is to be substantially redeveloped. As well as capturing electronic responses from stakeholders this report draws together views from a series of interviews and focus groups with Travellers which were held at planned events close to the Travellers communities with the assistance of their support groups and with support from the Social Justice Trust (SJT).

- 1.3 Stakeholders were asked their views on the existing Design Guide for Travellers' Sites in Northern Ireland and how it might be improved to ensure the key design elements necessary to create high quality sustainable Traveller sites which meet the residents' traditional and cultural needs.

## **Context.**

- 1.4 While the Department for Communities has retained responsibility for producing and updating the [Design Guide for Travellers' Sites in Northern Ireland](#), the Northern Ireland Housing Executive (NIHE) has the strategic role in the provision of accommodation for Travellers. The Department has oversight responsibility for the NIHE's strategic role in relation to Travellers' accommodation.
- 1.5 The NIHE completes a comprehensive survey of Travellers and their current accommodation every five years with the last one completed in January 2020. This research was vital to the development of the draft Irish Travellers Accommodation Strategy 2020-2025. While the research provided evidence of the housing aspirations of Traveller communities, actual projected need will be determined by the Housing Executive through an adaptation to their housing needs assessment tool. The Strategy

and 5 year action plan was launched for public consultation on 1st July 2020 for 12 weeks. The revised [Design Guide for Travellers' Sites in NI](#) will be part of the toolkit for any new or substantially redeveloped site resulting from identified need.

### **Recent developments.**

- 1.6 The Department had taken significant steps toward producing a new guide during 2013/14 including a formal consultation and a briefing to the then Social Development Committee (SDC). However, environmental changes including the Reform of Local Government and a new Northern Ireland Housing Executive (NIHE) survey of Travellers would have meant references within it were obsolete on publication, therefore publication was postponed. In 2016 the Department commenced work again on reviewing the Design Guide; engaging with internal and external stakeholders such as the Fire and Rescue Service NI, Department for Infrastructure (DfI), the Department of Finance's (DoF) Housing Advisory Unit and the NIHE.
- 1.7 In September 2016 the Northern Ireland Human Rights Commission (NIHRC) notified the Department that it was undertaking an investigation into Travellers' Accommodation in Northern Ireland. Completion of the review of the Design Guide was put on hold pending the outcome of the NIHRC Report.

### **Northern Ireland Human Rights Commission (NIHRC) Report**

- 1.8 The NIHRC report "Out of Sight, Out of Mind: Travellers' Accommodation in Northern Ireland" was published in March 2018. The report is structured around key United Nations (UN) and European human rights laws and standards identified by NIHRC as crucial in fulfilling, respecting and protecting Travellers' rights to adequate housing. Those include that such accommodation is affordable, accessible, habitable, and culturally adequate, has security of tenure and has adequate services, facilities and infrastructure. The report included the recommendation that the Department should move to complete the review of the Design guide, ensuring that minimum standards are sufficiently prescriptive and reflective of human rights.
- 1.9 Since 2018 Departmental officials have participated in a roundtable forum, chaired by Chief Commissioner Les Allamby, to monitor implementation of the NIHRC report recommendations. At the roundtable in April 2019, NIHRC and other roundtable participants indicated they would support the Department adopting a focussed consultation approach on the Design Guide, including meaningful consultation with Traveller families and/or their representatives.

1.10 In 2019 the Department completed its thorough and comprehensive review of the Design Guide, including an assessment of the guide against the commentary and recommendations in the NIHRC report. This review has been undertaken in consultation with the DoF Housing Advisory Unit, NIHE, local councils, NI Fire and Rescue Service, DfI (which has responsibility for Model Licence Conditions for all caravan sites, including Travellers' sites) and the Departmental Solicitor's Office (DSO).

1.11 The Design Guide has been further updated to include current health and safety requirements, fire safety guidance, legal and technical advice in relation to fitness standards, service provisions, adaptations and advice on site licencing. It is not the intention that the guide imposes uniform solutions but to take into account all relevant considerations in consultation with Traveller communities.

1.12 The focussed consultation ran from June to September 2019 as set out below. In December NIHRC published its 2019 Annual Statement in which the progress the Department had made with the guide was reported under Significant Developments 2019.

### **Equality Screening**

1.13 As the Traveller communities potentially include all categories of Section 75 groups, the Design Guide for Travellers' Sites in Northern Ireland has been

subject to a Section 75 Policy Equality Screening. The screening document can be accessed at the following link: <https://www.communities-ni.gov.uk/sites/default/files/publications/communities/dfc-design-guide-for-travellers-accommodation-2019-screening.pdf>

### **Alignment with existing guidance from the Department for Infrastructure (DfI) and Northern Ireland Fire and Rescue Service (NIFRS)**

1.14 At the time of this review the DfI Model Licence Conditions for Caravan Sites 1992 guidance was also under a review prompted by the NIHRC report. The use of land as a caravan site is controlled by relevant planning legislation, whereas the physical standards and layout, amenities and other standards within the site are controlled by a site licence issued by local councils under the Caravans Act (Northern Ireland) 1963, Section 5 of which enables councils to set licence conditions. These conditions apply to all caravan sites including Traveller sites.

1.15 Some of the specifications within the guides overlap therefore this was an opportune time to engage with DfI and NIFRS to resolve any conflict within the guidance and ensure alignment and consistency within the guides. Conflict between the guides and the need for consistency was a recurring response reported by stakeholders in the consultation.



## 2. Consultation methodology

2.1 Further to the recommendation to review the guide, the NIHRC report sets out that there is a duty to provide for the effective participation of persons belonging to national minorities, including Travellers. The report highlighted that efforts to ensure the participation of Travellers in decision-making processes regarding accommodation by Departments and the NIHE were ineffective and inadequate and Traveller support groups advised that good practice requires that Travellers are 'taken into consideration' and 'part of the plan' from start to finish. The Human Rights Commission was very clear that consultations with Travellers should be full and meaningful, with effective channels for communication aimed at providing continuing and substantive dialogue and that Travellers have a substantial influence on decisions.

### Responses from stakeholders

2.2 A matrix of relevant stakeholders was identified to review and provide comment on the revised Design [Guide for Travellers Sites in NI](#). These included as diverse a group as possible with links into the Traveller communities and experience of meeting their specific needs. The DfC Permanent Secretary wrote to key stakeholders in June 2019, seeking views on the updated guide. These included

government and non-government stakeholders, such as NIHRC, Equality Commission for Northern Ireland (ECNI), other Government Departments, relevant Housing Associations, local councils and advice and advocacy groups for Traveller communities. A full list of stakeholders consulted is provided in Annex 1.

2.3 The stakeholder consultation took place from June to September 2019. A total of 38 responses with 175 comments were received from government, non-government and other stakeholders with experience of meeting the needs of Traveller communities.

### Interviews and focus groups with Travellers

2.4 In the context of the NIHRC advice and in order to meet the specific needs of the Traveller communities within the consultation process, the Department sought an additional community based resource to work in partnership with. Departmental Housing Officials made contact with key Traveller support workers in relevant local council areas. The officials took advice on how best to engage with Traveller families, taking account of cultural preferences on appropriate venues, dates and times for participation. Important context was provided to help understand the

barriers to engagement, and officials commissioned an easy read version of the draft Design Guide for the purposes of the consultation.

- 2.5 In September 2019 officials delivered 11 consultation events throughout NI including Strabane, Derry/Londonderry, Dungannon, Coalisland, Enniskillen, Armagh, Craigavon, Newry, Belfast, and Omagh, using the matrix of contacts developed to invite and encourage attendance from as many Travellers and their Support Groups as possible choosing dates, times and venues for their convenience. On occasion it was more convenient to visit Travellers on site at home and on these occasions the home owners were very open to sharing their views and experiences. With the specialist support access to the Traveller communities' key voices within a range of families was enabled.
- 2.6 Each council area was represented with Travellers expressing their views on all aspects relevant to the design of a new Traveller site. Consequently the consultation process had a deeper reach into the communities with more meaningful engagement with views reflecting Travellers preferences and cultural needs. NIHRC indicated its support for the Department's approach to consultation with Traveller families.
- 2.7 The guide has been brought up to date with a number of technical issues that have been identified by respondents through consultation with the relevant Department. These include clarification around planning policy, building control regulations, and the provision of water, drainage and sewerage.

## 3. Key themes emerging from the consultation and DfC response.

### **SCOPE AND 'WEIGHT' OF THE NEW GUIDE**

- 3.1 Clarity was sought from respondents as to the scope and relative 'weight' of the Design Guide in relation to the Model Licence Conditions, and the NIFRS Caravan Site Operators Guide.

### **DfC response**

With regard to weight and relevance of the Design Guide, the revised guide will be part of the toolkit for any new or redeveloped site resulting from identified need. This toolkit will include the Department for Infrastructure (DfI) and Northern Ireland Fire and Rescue Service (NIFRS) guidance. Ultimately, it is a matter for the Council as the planning authority to determine individual planning applications for 'Travellers' Accommodation' on a case by case basis, taking into account all relevant material planning considerations, including the provisions of the local development plan, regional planning policy, the characteristics of the site and the Design Guide for Travellers' Sites NI.

### **DEFINITION OF 'SUBSTANTIALLY REDEVELOPED'**

- 3.2 An explanation with examples of what is meant by substantially redeveloped was requested.

### **DfC response**

The decision to apply the guide to new sites and sites that have to be substantially redeveloped is in line with the Housing Association Guide where new design standards are only applied to new built social homes. It is also in line with the Department for Infrastructure's review of the Model Licence Conditions for Caravan Sites, where the updated conditions are to be applied similarly.

It will be for the NIHE to determine which sites are capable of such redevelopment so this is out of scope of this guide. The guidance is sufficiently prescriptive to be used in the development of a new site and if the NIHE determines it is possible to redevelop an existing one. Any scope to redevelop will need to take account of the distinct geography, planning

restrictions and the needs of the families likely to be accommodated there.

The NI Housing Executive completed a comprehensive survey of Travellers and their current accommodation in January 2020 and the research findings were published on 30th June 2020. This research was vital to the development of the draft Irish Travellers Accommodation Strategy. While the research provided evidence of the housing aspirations of Traveller communities, actual projected need will be determined by the Housing Executive through an adaptation to their housing needs assessment tool.

## **CONSULTATION**

- 3.3 Throughout consultation responses it was recommended that the section on consultation should be repositioned to the front of the document to reflect the importance of consulting as earlier as possible.

### **DfC response**

Taking account of this recommendation the section on consultation has been repositioned to the front of the guide. This is also in line with the NIHRC recommendation to put consultation at the heart of the process with a decision for the best approach made in consultation with the Travellers and their representative organisations.

## **BEST PRACTICE EXAMPLES AND SITE DESIGN ILLUSTRATIONS**

- 3.4 Respondents remarked that The Design Guide contains no examples of site design, illustrations of existing site plans or examples of good practice in which to bring forward Traveller site accommodation in the future.

### **DfC response**

Including examples of site design was carefully considered. The Department is confident however that when drawing up a new site or when redeveloping an existing site the guide is sufficiently prescriptive.

## **FIRE SAFETY**

- 3.5 Responses advised that DfC should liaise with DfI, NIFRS and NIHRC to ensure that the Design Guide is appropriate and provides a consistent and compatible terminology and approach. NIFRS guidance for Traveller and Roma sites was highlighted for potential equality considerations in that it differs from that provided for on other residential sites.

### **DfC response**

DfC engaged throughout the consultation with DfI, NIFRS and NIHRC to ensure all relevant guidance are compatible. The Design Guide has been

updated to align with NIFRS guidance and with DfI Model Licence Conditions guidance and signposts readers to both guides.

### **SITE LOCATION**

3.6 Each Council area had a different preference for the best location for a serviced site. Typically, they were the location of a current serviced or transit site. Most were based on proximity to local amenities, access to main roads but not being on main roads. A respondent commented that sites adjacent to main roads, flyovers and railway lines should be more robustly ruled out. Several participants from the Traveller communities stated that they wanted sites to be located at quiet and remote locations, so as not to attract external attention.

### **DfC response**

The Department has stressed the need for consultation with Traveller communities on all aspects of site design including site location in the event that the NIHE identifies the need for a new site. It states that the needs and preferences of those who will live on the site should be given full consideration and should be met as far as is possible within available resources. Ultimately site location is a matter for a Council

as the planning authority to determine individual planning applications for Travellers' Accommodation on a case by case basis, taking into account all relevant guidance, all material planning considerations, and in consultation with relevant bodies including the NI Housing Executive.

### **SIZE AND LAYOUT**

3.7 Some Travellers felt 10 was around the right number of pitches per site. There was general agreement that each pitch would include a chalet, shower block, small kitchen, washroom, toilet facility, and external parking area for two cars in addition to the caravan bay. Most felt that each pitch should have its own walls with a gate in order to ensure the safety of small children. A number of safety and security issues were raised, including adequate lighting, fire safety and access for all emergency services. An entrance gate was the preferred option for most sites, with Travellers taking responsibility for locking and unlocking these themselves. Respondents wanted more references to be made to density and spacing requirements. Consistency was requested in that Traveller sites should be designed to allow the same level of fire protection as any other caravan site/park.

### **DfC response**

The guidance is not prescriptive to allow for a flexible approach to determine the preferred site size, layout, access and security options of a particular Traveller community through consultation. The Design Guide includes a section on fire safety this has been repositioned to the front and has been aligned with and signposted to NIFRS guidance which details density and spacing requirements for fire protection.

### **AMENITIES**

3.8 A number of Traveller families felt that a common area should be part of the serviced sites, with some stating this should include a play area for children and/or a gated park.

### **DfC response**

The Design Guide includes guidance on the best practice for a serviced site layout and amenities, based on health and safety considerations and NIHE management experience. This includes guidance on common areas and/or amenity buildings. As above the guidance is not prescriptive to allow for a flexible approach.

3.9 Clarification was requested from other respondents on what a reasonable walking distance would be to an existing recreational / play area for children

or to accessible public transport as an alternative to the provision of play facilities on the new travellers' site itself.

### **DfC response**

The Department has no fixed definition of a reasonable distance, as this will depend on the particular circumstances including the needs of the Traveller families.

3.10 Respondents sought assurance that serviced sites will have private amenities available in the same way as transit sites and laundry facilities in line with general tourist caravan sites.

### **DfC response**

Within the guide the provision of individual private amenities is deemed essential in serviced and transit sites. Provision is also made in the Design Guide for laundry facilities.

### **SPACE FOR WORK AND ANIMALS**

3.11 While for some Travellers the space for work and animals was not important, for others it was, and other respondents felt that this should be kept as an option. Animal enclosures were not felt to be a priority in any of the areas. Lighting was a priority in all the common areas. Most groups mentioned speed ramps and said that these were not wanted.

### **DfC response**

The Design Guide acknowledges that the provision of workspace and space for non-domestic animals can be problematic, as it has the potential to impact on the footprint of the site as well as on the neighbouring settled communities. Consequently the issue should be dealt with on a case by case basis with consultation taking account of planning, environmental and health and safety issues.

### **MAINTENANCE**

3.12 Respondents welcomed the inclusion of the section on management of Travellers' sites and some thought that it didn't go far enough and they sought more detail. Travellers stated that they were happy to report all necessary repairs and other issues themselves.

### **DfC response**

The Design Guide includes a section on Management Standards and details principles of effective management. Site management is the responsibility of NIHE and appropriate processes should be agreed by all parties on a site by site basis.

### **OUT OF SCOPE**

3.13 A number of issues were raised in the consultation responses that the Department believes are out of scope as they do not directly relate to the Design Guide. These are detailed in the paragraphs below.

### **PITCH ALLOCATION**

3.14 All groups felt that pitch allocation should be done in consultation with local Travellers in order to ensure compatibility of neighbours. After that, they were content with allocations being made through first preferences, waiting lists and the points system; however, they felt that local Travellers should be the first point of call for the Housing Executive or others in order to ensure that families are appropriately grouped in together.

### **DfC response**

This issue is out of scope as NIHE has strategic responsibility for the management of Traveller sites which includes pitch allocation.

## **THE UNAUTHORISED ENCAMPMENTS (NI) ORDER 2005**

3.15 A request for an update on the status of the order was requested by a respondent.

### **DfC response**

This issue is out of scope as it does not relate directly to the guide. The Unauthorised Encampments (NI) Order 2005 was made by the Department to set out the procedures for dealing with unauthorised encampments. There are currently no plans to repeal the 2005 Order and monitoring conducted by the Department indicates that the provisions of the 2005 Order have been applied sensitively, pragmatically and proportionately and are effective in balancing the rights of the Irish Travellers, landowners and the settled community.

## **SITE LICENCES**

3.16 Respondents requested that terms relating to the leasing and licencing of caravans be defined within the guide.

### **DfC response**

This is out of scope of the Design Guide. DfI has responsibility for the Model Licence Conditions for Caravan Sites. The physical standards and layout, amenities and other standards within the site are controlled by a site licence issued by local councils under the Caravans Act (Northern Ireland) 1963 ("the 1963 Act"). Section 5 of the 1963 Act enables councils to set licence conditions



## 4. Conclusion

4.1 The Department would like to acknowledge that the responses to the consultation have been extremely helpful. Respondents have highlighted issues on content with regard to rewording or repositioning to update outdated language, remove cultural assumptions, and place greater emphasis on consultation and fire safety. Technical inconsistency with other guidance has been highlighted. The Department would like to specifically acknowledge the advice and support provided by the Social Justice Trust during this consultation. The need for meaningful consultation

with Travellers from the outset of any proposed site design was repeatedly acknowledged and for flexibility which is expressly required taking into account the needs of the intended tenants to ensure quality culturally appropriate sites are designed for the Traveller communities.

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# Stakeholders consulted

## Annex 1

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# Annex 1: Stakeholders consulted

An Munia Tober	Lisburn and Castlereagh City Council
An Tearmann Travellers Support Organisation	Maureen Sheehan Centre
Antrim and Newtownabbey Borough Council	Migrant Centre NI – Lurgan
Apex Housing	Migrant Centre NI – Enniskillen
Ards and North Down Borough Council	Mid and East Antrim Borough Council
Armagh City, Banbridge and Craigavon Borough Council	Mid Ulster District Council
Armagh Travellers Support Group	Newry Travellers Support
Belfast City Council	Newry, Mourne and Down District Council
Causeway Coast and Glens Borough Council	Northern Ireland Local Government Association
Clanmil Housing Association	Northern Ireland Fire and Rescue Service
Community Restorative Justice	Northern Ireland Housing Executive
Craigavon Travellers Support Project	Northern Ireland Human Rights Commission
Creggan Community Collective Derry/Londonderry	Northern Ireland Local Government Partner on Traveller Issues
Department for Infrastructure	Omagh Sure Start
Derry City and Strabane District Council	Omagh Toybox
EALU (ex-prisoners project Dungannon)	Regional Travellers Health and Wellbeing Forum Armagh (HSCNI)
Equality Commission	Sinn Féin
Fermanagh and Omagh District Council	South Tyrone Empowerment Programme
Fermanagh Rural Communities Initiative	Strabane Action Youth
Fermanagh Toybox	Social Justice Trust
Focus Omagh Community House	The Executive Office
Fold Housing Association	The Find Centre Enniskillen
Foyle Travellers Trust	Tome Anosha
Housing Rights Service	



# Notes

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