



Gypsy/Travellers and the Scottish Planning System

A Guide for Community Councillors

#4 in a series of 5

Gypsy/Travellers and the Planning System - 2015

This guide forms part of a series of five on Gypsy/Travellers and the Scottish planning system, as listed below:

#1 Gypsy/Travellers and the Scottish Planning System - A Guide for Gypsy/Travellers

#2 Gypsy/Travellers and the Scottish Planning System - A Guide for Local Authorities

#3 Gypsy/Travellers and the Scottish Planning System - A Guide for Elected Members

#4 Gypsy/Travellers and the Scottish Planning System - A Guide for Community Councillors

#5 Gypsy/Travellers and the Scottish Planning System - A Briefing for the Media

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Acknowledgements

We would like to thank all those who contributed to this project and to the creation of this series of guides, in particular: PAS Associates and Volunteers (including Stewart Inglis, Dr Simon Ruston, Forbes Marr, Alan Seath, Irene Beautyman, Kathryn Hilditch and Brenda Clough), the Scottish Government (Directorate for Local Government & Communities, Directorate for Housing, Regeneration and Welfare), COSLA, SEPA, the four Local Authorities who engaged in this project (Perth & Kinross Council, Aberdeenshire Council, Fife Council and Inverclyde Council's Planning, Housing, Education and Environmental Health Departments), other Local Authorities who also contributed (Aberdeen City, East Lothian, South Lanarkshire), Article 12 in Scotland, MECOPP, the Equality and Human Rights Commission (EHRC), Damian Le Bas (Travellers' Times), representatives of the Gypsy/Traveller community, representatives from Community Councils in Fife and Aberdeenshire, Elected Members from Perth & Kinross and Aberdeenshire who participated in training sessions, Young Placemakers who took part in various training sessions (including young people from Mintlaw Academy, Peterhead Academy, Fraserburgh Academy and Kinross High School) and Young Placemaker volunteers (including Stephanie Simpson and Katy Rodger).

Funded by the Equality, Human Rights and Third Sector Division of the Scottish Government.

Ministerial Foreword



The Gypsy/Traveller community is an important Scottish community, with a long and proud history. Gypsy/Travellers have made, and continue to make, a significant contribution to Scotland.

Unfortunately, Gypsy/Travellers also face many challenges and barriers to accessing services and participating in society, in ways that most people take for granted. This includes securing good quality accommodation that meets their cultural needs and has the amenities that people need for everyday living.

The Scottish Government is fully committed to meeting the needs of Scotland's Gypsy/Travellers. Our role is to set a robust framework and promote good practice, so that those needs can be properly assessed and met at a local level. To this end, we are working to develop an overarching strategy and action plan for Gypsy/Travellers in Scotland.

As part of our work, we want to promote good practice in relation to Gypsy/Traveller sites. Dialogue is the best way of increasing trust, understanding and respect between our diverse communities. We have, therefore, been pleased to fund and support PAS in its Gypsy/Travellers as Young Change Makers project. The purpose of this project was to increase awareness and knowledge of the planning system and engagement between Gypsy/Travellers, planning professionals, elected members and community councillors.

These guides have been produced by PAS, and represent its advice and views on Gypsy/Travellers and planning in Scotland. Those views are, quite rightly, independent of the Scottish Government. The guides are the end product of the Gypsy/Travellers as Young Change Makers project and the result of engagement and wide ranging discussions. I hope the guides will be well-used and that they will give all concerned the information and knowledge to meet the needs of Scotland's Gypsy/Travellers.

Alex Neil MSP, Cabinet Secretary for Social Justice, Communities and Pensioners' Rights



Foreword



This series of guides has been developed by PAS to help raise awareness of Scottish Gypsy/ Traveller culture, and how this impacts upon land use planning for their needs.

I believe Gypsy/Travellers' unique culture should be celebrated and recognised in Scotland.

I very much hope you enjoy reading this guidance. It sets out clear and realistic means of improving Community Councillors good practice when considering the accommodation needs and expectations of Gypsy/Travellers, as a recognised ethnic group, living in Scotland.

Councillor Harry McGuigan, COSLA Local Government Spokesperson for Community Wellbeing and Safety



Photo: Damian Le Bas

Community Councils and the planning system

Community Councils were created by the Local Government (Scotland) Act 1973. Their primary role is to make the opinions and needs of the community they represent known to Local Authorities and other public bodies. Many also engage in other activities and initiatives, such as environmental improvements, maintaining and developing community assets and fundraising.

Most importantly from a planning perspective, Community Councils have a right to be consulted on applications for planning permission in their community. In practice they tend to focus on major applications, or those which are of significant interest to the community. They also have a role as consultees in the process of producing Development Plans. Community Councillors do not necessarily need to be experts in the workings of the planning system, but they do need to act as representatives of their community.

Planning aims to make housing, health, employment, education, other public services, shopping, leisure and recreational facilities available to all members of the community. The Scottish Government requires Local Authorities to make proper provision of accommodation for Gypsy/Travellers. Unfortunately, Scottish Gypsy/Travellers have all too often found that the planning system does not always provide their community with the service and outcomes due to them as citizens and as a recognised ethnic group.

This guide aims to raise awareness of Gypsy/Traveller culture and how this impacts upon land use planning for their needs, explains what guides planners when dealing with Gypsy/Traveller planning applications, and offers guidance on how Community Councillors can positively contribute to consultations for Gypsy/Traveller site applications.

2 | Background information

Terminology

The official Scottish Government term for people in the Travelling community is **'Gypsy/Traveller'** and that is what is used throughout this guide¹. Not all members of the Travelling community accept or identify with this term, which covers Scottish, English, Irish and Welsh Travellers. Many in Scotland choose to go by the terms 'Scottish Traveller', or simply 'Traveller'. It is important to understand that these are not a single group but a diverse set of communities, with differing identities, cultures, histories, lifestyles and languages².

Since 2008, the Gypsy/Traveller community has been recognised by the Scottish Government as an ethnic group, with consequent protection from discrimination³.

Those outwith the Gypsy/Traveller community are referred to as the 'settled community'.

History

There is uncertainty around the origins of the Gypsy/Traveller community in Scotland. What is known is that there has been a Gypsy/Traveller presence in the country for several centuries. Twelfth century documents mention itinerant smiths who travelled looking for work, and dealing with metals remains a significant business activity for Gypsy/Travellers.

Unfortunately, legal discrimination of the community also has a long history, with laws passed from the 16th century onwards which persecuted Gypsy/Travellers. In 1609 the Scottish Parliament passed the *'Act against the Egyptians'*, which made it lawful to condemn, detain and execute people solely on the basis of them being known or suspected Gypsies. The process of repealing such laws only began in the late 18th century⁴.

2 | Background information

More positively, Gypsy/Travellers are justly proud of their part in Scottish history, especially the service of the community in the armed forces and home front in both world wars. This is in addition to their varied contributions to Scottish culture, art and music⁵.

Population

The size of the Gypsy/Traveller population in Scotland is contested. In the 2011 Census, 4,200 people in Scotland identified themselves as 'White: Gypsy/Traveller'⁶. However, not all Gypsy/Travellers are willing to be identified as such. Organisations working with the Gypsy/Traveller community in Scotland have estimated the true figure to be in the order of 15,000-20,000 people, which may itself be an underestimate⁷.

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1. Scottish Government, accessed 28.10.14, 'Gypsy/Travellers', <http://www.scotland.gov.uk/Topics/People/Equality/gypsiestravellers>
 2. Cadger, B. (2012) 'What A Voice', Article 12 in Scotland
 3. Scottish Government, accessed 28.10.14, 'Gypsy/Travellers', <http://www.scotland.gov.uk/Topics/People/Equality/gypsiestravellers>
 4. Cadger, B. (2012) 'What A Voice', Article 12 in Scotland
 5. Equality and Human Rights Commission (2013) 'Gypsy Travellers In Scotland - A resource for the media'
 6. National Records of Scotland (2013) '2011 Census: Key Results on Population, Ethnicity, Identity, Language, Religion, Health, Housing and Accommodation in Scotland - Release 2A'
 7. Equality and Human Rights Commission (2013) 'Gypsy Travellers In Scotland - A resource for the media'

3 | Gypsy/Traveller culture

Members of the Gypsy/Traveller community are also members of the wider local community. They live and work in the same area, send their children to the same schools, drive on the same roads and use the same shops and GP surgeries. Many of the concerns of settled residents will be shared by the Gypsy/Traveller population.

Despite these common interests, Gypsy/Travellers present the planning system with a set of very specific needs. Various aspects of Gypsy/Traveller culture and an often difficult relationship with the settled community have an influence over planning and built environment matters.

Family

Family is highly important in Gypsy/Traveller culture, and it is common for extended families to live, work and travel together⁸. If they are to be of practical use then sites need to be able to accommodate these larger groups and their caravans, trailers and vehicles.

Education

Generally speaking, the Gypsy/Traveller community places emphasis on teaching practical and vocational skills to their children, which are usually passed on through practical learning and oral instruction⁹.

This does not mean that Gypsy/Travellers are not interested in their children receiving mainstream education. There is an increased recognition of the value of formal learning and qualifications, but this desire for children to attend school has been frustrated by discrimination and bullying, and through uncertainty over accommodation. Gypsy/Traveller families who have no secure base or reliable stopping places are at continual risk of being

moved on. As a result, children are often unable to attend school, or end up attending a string of schools in a short space of time. This severely disrupts their education and has a long-term negative impact on their skills and employment prospects¹⁰.

Health & hygiene

Overcrowded and substandard sites, the stress associated with being moved on, and discrimination and harassment from the settled community all contribute to diminishing health. For many, a lack of suitable and secure accommodation limits regular access to GP surgeries and clinics, worsening conditions and contributing to Gypsy/Travellers suffering a disproportionate level of physical and mental health problems. As a result of these conditions, many are forced to cease travelling and move into bricks and mortar housing. Gypsy/Travellers have a life expectancy between 10 and 12 years lower than the settled community average¹¹ and higher than average infant mortality rates^{12, 13}.

8. Cadger, B. (2012) *What A Voice*, Article 12 in Scotland

9. *ibid.*

10. Equality and Human Rights Commission (2009) *Inequalities experienced by Gypsy and Traveller communities: A review*

11. Lane, P., Spencer, S. and Jones, A. (2014) *Gypsy, Traveller and Roma: Experts by Experience*

12. Equality and Human Rights Commission (2009) *Inequalities experienced by Gypsy and Traveller communities: A review*

13. Cadger, B. (2012) *What A Voice*, Article 12 in Scotland

Cleanliness is considered to be very important in Gypsy/Traveller culture, and this manifests itself in their accommodation. Toilets and bathing facilities are usually separated from kitchen and food preparation areas. This means that separate utility and bathroom units are a common feature of sites¹⁴.

Employment

Self-employment is very prevalent among the Gypsy/Traveller community. Common occupations include construction, landscaping, gardening, and dealing in scrap metals and other goods^{15, 16}. These businesses usually require vehicles and often plant and other equipment. Therefore, sites should provide adequate parking and storage space.

Work is often seasonal, and employment opportunities are usually the reason behind the movement of Gypsy/Traveller families. Having secure accommodation ensures that they have somewhere to return when these periods are over, and can be sure of somewhere to safely store their vehicles and equipment.

Working patterns have evolved, and new sites are required in areas where there was perhaps less or no demand in the past. In the past, Gypsy/Travellers were well known for their seasonal agricultural work, but in recent years they have been largely displaced by mechanisation and other groups. Site provision needs to match these changed realities.

Discrimination

Unfortunately, discrimination has been an everyday fact of life for Gypsy/Travellers for centuries. While there have been some improvements, in many instances Gypsy/Travellers continue to be treated unequally. In the *Scottish Social Attitudes Survey (2011)*, 37% of respondents said they would be unhappy with a close family member forming a relationship with a Gypsy/Traveller, while 46% felt that a Gypsy/Traveller would be unsuitable for the job of a primary school teacher¹⁷. Approximately 90% of Gypsy/Traveller children have suffered racial abuse, and nearly two thirds have been subjected to bullying or physically assault¹⁸.

Even when no deliberate discrimination is intended, a lack of knowledge or understanding can be just as detrimental, especially when service providers work on the basis of assumptions and stereotypes.

14. *ibid.*

15. *ibid.*

16. Lane, P., Spencer, S. and Jones, A. (2014) *'Gypsy, Traveller and Roma: Experts by Experience'*

17. Scottish Centre for Social Research (2011) *'Scottish Social Attitudes survey 2010: Attitudes to discrimination and positive action'* (2011)

18. Lane, P., Spencer, S. and Jones, A. (2014) *'Gypsy, Traveller and Roma: Experts by Experience'*

Accommodation

A nomadic lifestyle is the most notable aspect of Gypsy/Traveller culture. Some Gypsy/Travellers are always on the move, while many may only have seasonal movement and a permanent base for the rest of the year. Others still for various reasons, such as age or health issues, have ceased to travel and reside full time in 'bricks and mortar' housing. It is worth stressing that, regardless of their current or future living arrangements, individuals should still be recognised as belonging to the Gypsy/Traveller community.

There are three principle types of Gypsy/Traveller site:

- **Permanent sites** provide residents with permanent accommodation. These can be run by Local Authorities or registered social landlords, or privately owned by their residents. Gypsy/Travellers typically stay on-site for the majority of the year, only travelling for a few weeks.
- **Transit sites** are permanent developments which are only used temporarily by their residents, usually when they are en route between more long-term locations. They provide more basic amenities than permanent sites.
- **Stopping places** are pieces of land where Gypsy/Travellers have traditionally stayed for short periods of time.

It is important to understand that Gypsy/Travellers pay for their accommodation. Public sites are not free, and in fact some Local Authorities charge more rent for Gypsy/Traveller pitches than they do for council houses. In 2012, the average pitch rental rate was £62 a week¹⁹. In some Local Authorities this sum includes council tax, while in others council tax is charged separately. In return for these payments, site residents get space to park their personal vehicle and caravan, and access to basic bathing and toilet facilities. Residents of private sites are also liable for council tax, and some also pay rent to the owners of their site.

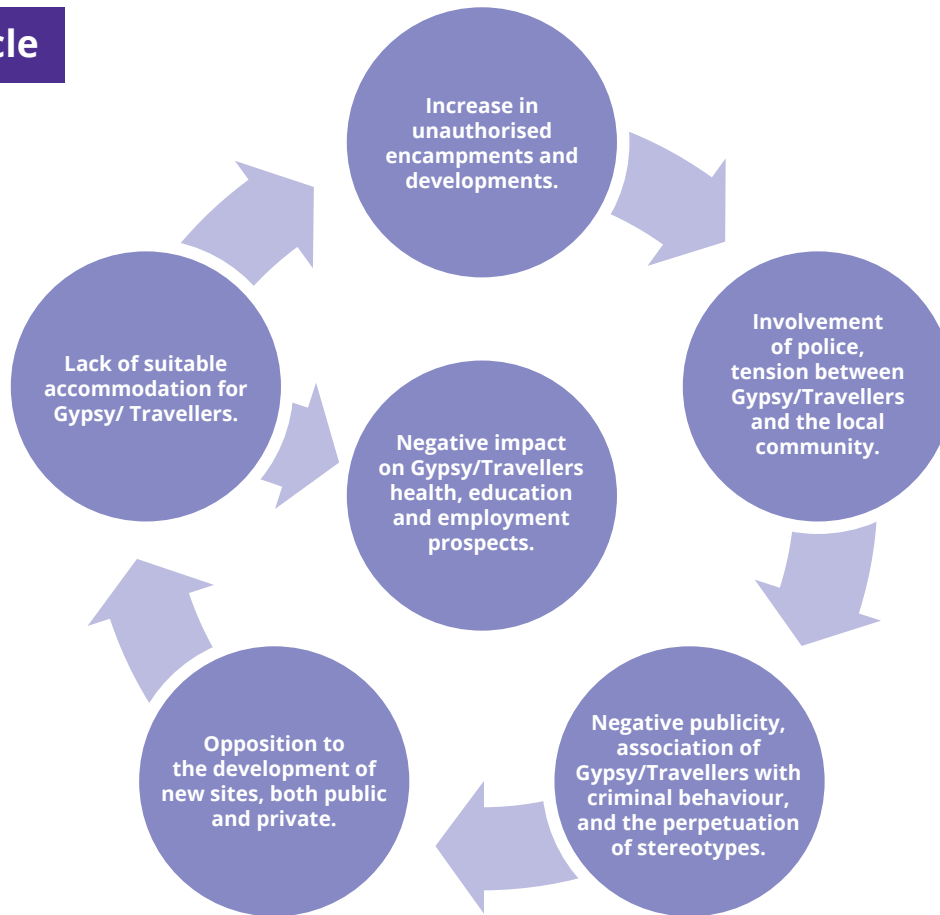
Research has indicated that there is a general preference among Gypsy/Travellers for private sites, with the desire for self-sufficiency and independence often cited as reasons for this. Furthermore, private sites are seen as giving a level of security to their residents, allowing them to avoid potential conflict with other Gypsy/Traveller families, which can occur on public sites, and to ensure that future generations will have accommodation when they form their own families²⁰.

However, as with the settled community, the circumstances of individual Gypsy/Travellers vary, and not all can afford to develop their own sites or pay private rental rates. There needs to be a range of tenure available, and there is a role for socially rented sites.

19. Equality and Human Rights Commission (2013) *'Gypsy Travellers In Scotland-A resource for the media'*

20. Brown, P. (2015) *'Developing Successful Site Provision for Scotland's Gypsy/Traveller Community'*, EHRC

Vicious Circle



Accommodation is one of the most important issues faced by the Gypsy/Traveller community, and has an impact on a wide range of other issues. A lack of permanent sites (both public and private), and the blocking of many traditional stopping places, has contributed to a rise in unauthorised encampments on accessible but often unsuitable land. This has caused tension between Gypsy/Travellers and landowners, the settled community and the authorities. These tensions generate press coverage, usually negative, which creates and enforces an association of Gypsy/Travellers as a whole with criminality and antisocial behaviour. This builds upon existing prejudice and creates resistance to the development of suitable accommodation for Gypsy/Travellers and opposition to applications to develop such sites^{21, 22}.

If no legal alternatives are approved, unauthorised encampments and developments may continue to increase. An ongoing need will remain unsatisfied, and community tensions will continue to be generated. Furthermore, and most significantly, Gypsy/Travellers will continue to lose out on equal access to health, education, employment opportunities etc. (see **Vicious Circle** diagram on previous page).

21. Equality and Human Rights Commission (2009) *'Inequalities experienced by Gypsy and Traveller communities: A review'*

22. Brown, P. (2015) *'Developing Successful Site Provision for Scotland's Gypsy/Traveller Community'*, EHRC

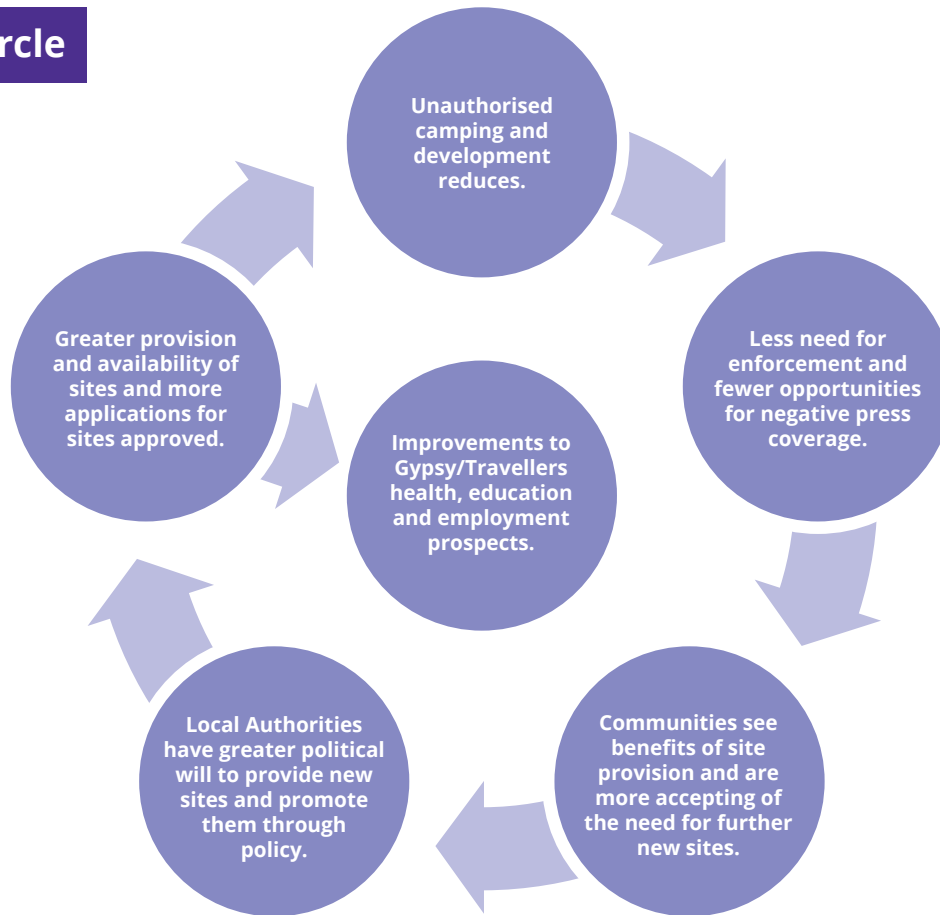
4 | The benefits of Gypsy/Traveller sites

As a result of the under-provision of sites, whether public or private, there are ongoing issues with Gypsy/Travellers camping on land which they do not own (unauthorised encampments) or developing their own land without planning permission (unauthorised developments). When unauthorised sites are discovered, those resident will be asked to submit an application for Retrospective Planning Permission. Should this be refused, enforcement action including eviction proceedings may follow.

Dealing with such cases costs time, money and effort for all concerned: Local Authorities, landowners, the police, courts and Gypsy/Travellers themselves. It creates negative impressions of the Gypsy/Traveller community as a whole, a problem often exacerbated by media coverage. This fuels community tensions, and ensures that Gypsy/Travellers will continue to lose out on equal access to public services and opportunities in areas such as employment and education.

The solution is to increase the supply and range of authorised sites, both public and private. The most obvious benefits of this are to provide secure accommodation, which should result in a reduction in unauthorised sites, and with it the source of much of the ill-feeling directed at the Gypsy/Traveller community. The wider benefits are that secure accommodation allows Gypsy/Travellers access to public services, amenities and opportunities for work, education and recreation. In time this contributes to reducing inequality within society, narrowing the gap between the settled community and Gypsy/Travellers and providing overall improvements in community relations (See **Virtuous Circle** diagram on following page).

Virtuous Circle



4 | The benefits of Gypsy/Traveller sites

As well as the very real improvements to community relations and equality of opportunity, investing in accommodation for the Gypsy/Traveller community can produce financial benefits. While public site provision presents some upfront construction and ongoing maintenance costs, it can also, in time, translate into significant savings for Local Authorities and police as enforcement, clean-up and other associated costs decline. By way of example, Bristol City Council used to spend an average of £200,000 per year on enforcement and clean-up. Following development of a residential and transit site, at a cost of £425,000, those enforcement costs declined dramatically to only around £5,000 per year²³. The savings can then be used more productively and to the benefit of the local community. Furthermore, new sites can be a source of revenue, through payments for socially rented accommodation, and through council tax charges for private sites²⁴.

Policies for private site development allow demand to be met as and when it emerges, with the Local Authority acting as facilitator rather than provider. The costs to Local Authorities are therefore minimal. Furthermore, development of more private sites can free up space in public sites and therefore help to address overcrowding and excess demand.

5 | The role of the Local Authority

Local Authorities are responsible for the delivery of a range of services, including housing, education, environmental health, and planning. Gypsy/Travellers are as entitled to benefit from these public services as the settled community.

In the field of planning, Local Authorities have a number of legislative duties and policy requirements in relation to planning for Gypsy/Travellers. Under the *Human Rights Act 1998* and the *Equality Act 2010*, they must have due regard to human rights, equality and diversity when exercising their functions. Under *Scottish Planning Policy (SPP) (2014)* they are required to plan for the current and future needs of the Gypsy/Traveller community and involve the Gypsy/Traveller community in the process of planning and decision-making which impacts upon them.

In comparison to the wider housing needs of the settled community, the scale of the accommodation required by the Gypsy/Traveller community is small, but it cannot be overlooked. Decent homes are needed for any sustainable community, and Gypsy/Traveller individuals and their families are no exception to this principle. Dealing with the accommodation needs of Gypsy/Travellers is the most direct means of tackling wider problems of inequality and social cohesion²⁵.

23. Department for Communities and Local Government, *'Local authorities and Gypsies and Travellers: a guide to responsibilities and powers'* (2007)

24. Brown, P. (2015) *'Developing Successful Site Provision for Scotland's Gypsy/Traveller Community'*, EHRC

25. Brown, P. (2015) *'Developing Successful Site Provision for Scotland's Gypsy/Traveller Community'*, EHRC



6 | The role of the Community Council

Community Councils get involved in a range of activities in their communities. Most important from a planning perspective is their statutory right to specify particular applications for planning permission in their area, on which the planning authority must consult them. They also have a role as consultees in the process of producing Development Plans. Community Councillors do not need to be experts in the workings of the planning system, but they have a responsibility to establish what the views of the community they represent are when formulating their consultation responses. Planning can be contentious and there can be differences of opinion. Community Councils need to consult widely to give a fair representation of public opinion, but they must also act to ensure that they focus on relevant matters and not encourage inaccurate or discriminatory opinions.

The responsibilities of Community Councillors

The Code of Conduct for Community Councillors (2009)²⁶ sets out what is expected of Community Councillors as they conduct the business of a Community Council. There are a number of Principles of the Code which are directly relevant to fair and balanced consultation on Gypsy/Traveller planning applications. These include:

Openness. *You should be able to justify your decisions and be confident that you have not been unduly influenced by the views and/or opinions of others.*

Honesty. *You have a duty to act honestly. You also have an obligation to work within the law at all times.*

26. Scottish Government (2009) 'Code of Conduct for Community Councillors', <http://www.scotland.gov.uk/Resource/Doc/1124/0079327.pdf>

Objectivity. *'You must endeavour to represent the overall views of your community, taking account of information which is provided to you or is publicly available, assessing its merit and gathering information as appropriate, whilst laying aside personal opinions or preferences'.*

Accountability and Stewardship. *'You are accountable for the decisions and actions that you take on behalf of your community through the Community Council'.*

Leadership. *'You have a duty to promote and support the principles of this Code of Conduct by leadership and example, to maintain and strengthen the community's trust and confidence in the integrity of the Community Council and its members in representing the views and needs of the local area. You must also promote social inclusion and challenge discrimination in any form'.*

Respect. *'You must respect fellow members of your Community Council and those that you represent, treating them with courtesy, respect and in a non-discriminatory manner at all times... Recognition should be given to the contribution of everyone participating in the work of the Community Council. You must comply with Equal Opportunities legislation and ensure that equality of opportunity be given to every participant to have their knowledge, opinion, skill and experience taken into account'.*

Taken as a whole, the Code of Conduct requires Community Councillors to not engage in or encourage racist or discriminatory behaviour and opinions, to challenge these where they exist and to work to promote positive community relations. Community Councillors have the power to make a positive difference to the lives of Gypsy/ Travellers and community relations through constructive engagement in planning for suitable accommodation. Part of that constructive role requires that Community Councillors take a lead in confronting the discrimination faced by Gypsy/Travellers.

Prejudices and stereotypes

There may be existing prejudices or stereotypes about Gypsy/Travellers held by some within the local community, which can be expressed in opposition to proposals or applications for sites. At times, that opposition can spiral into outright hostility. Of course, not all members of the settled community are prejudiced or opposed to Gypsy/Traveller sites, but there is always the potential for an active and vocal minority to overwhelm a passive or accepting majority.

Certain themes commonly emerge in opposition to Gypsy/Traveller sites. It is worth considering these in more detail, and directly addressing the inaccuracies that often form the basis of them:

Public services. One issue that is sometimes raised is that the development of Gypsy/Traveller sites can be linked to an increase in pressure on public services, such as local health and education. Such concerns are equally applicable to the development of mainstream housing. Research suggests that local schools usually adapt successfully to new intakes of Gypsy/Traveller children²⁷.

Law and order. The notion that the presence of Gypsy/Travellers in an area will result in an increase in violence, street crime and/or burglary can be common. However, this is simply not supported by the evidence. Police records demonstrate that Gypsy/Travellers are no more or less prone to criminal behaviour than any other section of the public, and that there is no change in the crime rate following the development of sites²⁸.

27. Duncan, T. (1997) *'Gypsy sites in their neighbourhood'*, Planning Exchange

28. *ibid.*

Taxation. Gypsy/Travellers are often accused of not contributing financially to society. On the contrary, Gypsy/Travellers do pay tax, and many operate successful businesses. As mentioned in the Accommodation section above, Gypsy/Traveller sites are not free and their residents pay council tax on their pitches.

Fear vs. reality

Research has been conducted which compares the opinions of residents on the proposed development of Gypsy/Traveller sites in their neighbourhoods with their views and experiences post-construction. It found that subsequent experiences had not matched initial fears, with many commenting that Gypsy/Travellers were good neighbours and that the sites were discreet. Most neighbours had no specific complaints and there was an acknowledgement that envisioned problems had not materialised²⁹.

Living on a permanent site enables Gypsy/Travellers to settle into an area and become a part of the local community. This closer relationship can break down barriers and challenge prejudices. There is a known correlation between positive and negative attitudes to minority groups and how much personal experience individuals have of their members³⁰.

The role of the media

The media can play a powerful role in determining whether or not Gypsy/Traveller sites are successfully developed. At times the reporting of such applications has compromised the planning process. Reporting can be inaccurate and sensationalist, and can place considerable pressure on planning officers and elected members³¹.

Community Councillors should avoid being drawn into such contentious media coverage. If asked for comment they should take the opportunity to challenge fears and prejudices.

Material considerations

In communicating the views of the community to Local Authorities, Community Councillors should bear in mind what is and what is not relevant to determining an application for planning permission. Decisions are made in accordance with the Development Plan, unless material considerations indicate otherwise. There are two main aspects to a material consideration: it should be related to planning, i.e. concerning the development and use of land, and it should fairly and reasonably relate to the application in question.

The Scottish Government *Circular 6/2013 Development Management* notes that statements in the following documents may be material considerations to be taken into account in development management decisions:

- National Planning Framework
- Scottish Planning Policy
- Creating Places
- Designing Streets
- Circulars

29. Duncan, T. (1997) *'Gypsy sites in their neighbourhood'*, Planning Exchange

30. Scottish Centre for Social Research (2011) *'Scottish Social Attitudes survey 2010: Attitudes to discrimination and positive action'* (2011)

31. Equality and Human Rights Commission (2013) *'Gypsy Travellers In Scotland-A resource for the media'*

6 | The role of the Community Council

In addition to these, relevant matters of law and case law are also material considerations. It is worth going over some of the main examples of what may be material considerations for Gypsy/Traveller applications in particular:

- Relevant legislation, including the Human Rights Act 1998, Equality Act 2010 and Children (Scotland) Act 1995.
- Scottish Planning Policy (2014) Paragraph 133 policies on Gypsy/Traveller sites.
- Development Plan policies on Gypsy/Traveller sites, including policies in any emerging plans.
- In the absence of any policies at the Local Authority level, the following guidance documents:
 - The Secretary of State's Advisory Committee on Scotland's Travelling People (ACSTP) *Guidance Notes on Site Provision for Travelling People* (1997).
 - ACSTP's *9th and Final Report* (2000).

It is also worth going over what are not material considerations. These include:

- The impact of development on property prices.
- Loss of views.
- Fear of crime.
- Moral or religious objections.

- Political beliefs or ideological objections.

Some more detailed information on material considerations can be found at: www.pas.org.uk/planning-information/

Racist representations

Some objections may be not only irrelevant but also illegal. Racist representations are comments, letters or emails whose content applies pressure to discriminate on racial grounds, is racially abusive or insulting, which could stir up racial hatred or contempt, or which is likely to be offensive to a particular racial or ethnic group. Unfortunately, these can be a significant feature of applications for Gypsy/Traveller sites.

The Local Authority, its staff and Elected Members have a legal responsibility to take measures against racist material. Racist correspondence will be returned if possible with an explanation that its content may be unlawful and, as such, ineligible for consideration³². If an individual continues to send racist representations, then the matter may be referred to the police. Community Councillors should likewise return any racist correspondence that they receive, as they have a duty not to spread such material.

If racist verbal comments are made to planning officers or Community Councillors, then the speaker should be informed that such pressure to discriminate on racial grounds is not acceptable and that their comments will have no bearing on the consideration of an application.

32. Public Order Act 1986, Section 19

If the Community Council organises any public events to discuss Gypsy/Traveller proposals or applications, it should be made clear to participants that threatening or racist language will not be tolerated. It may be beneficial to work with small groups, rather than large public meetings which can become heated and generate adverse publicity.

Consulting Gypsy/Traveller members of the community

Gypsy/Travellers are also members of the local community, and their views are just as important as the settled community. However, it is important to recognise that for Gypsy/Travellers, past experiences with public bodies and the settled community in general may have been largely negative. There are concerns that an application from a Gypsy/Traveller is not considered in the same way as one from a member of the settled community. These feelings are exacerbated by racist representations being made during consultation and the high rate of refusal for Gypsy/Traveller applications.

One way to tackle this perceived or actual discrimination is to consult directly with the Gypsy/Traveller community. Gypsy/Travellers generally prefer direct and personal forms of communication, meeting people face-to-face and presenting information orally. Some also have issues with literacy. Therefore, Community Councillors seeking to consult with Gypsy/Travellers need to be approachable.

Increasing Gypsy/Traveller involvement in Community Councils

Community Councils gain their legitimacy through democratic election. All members of the community should have an equal opportunity to participate in the elections and subsequent business of Community Councils. Unfortunately, many Community Councils have found it difficult to attract members, with work, family and other commitments limiting those who can devote their time to the business of a Community Council. As a result, studies have found that Community Councillors have a relatively high average age, with fewer younger and ethnic minority members³³.

With a lack of diversity comes the risk that Community Councils may come to be seen as representative of the views and concerns of its members, rather than the larger community it purports to represent. A more diverse membership does not guarantee that the decisions of the Community Council will always accord with those of the wider community, but it can increase the range of views expressed and potentially change outcomes.

Many Community Councils have the authority to co-opt members of organisations who represent particular groups within the community, who might otherwise not have any representation on the council. Where Community Councils have such powers, and Gypsy/Traveller members of the community are not represented, Community Councillors can discuss with the Gypsy/Traveller community the possibility of using those powers to ensure that representation.

33. Scottish Executive (2005) *What can we do to help Community Councils fulfil their role? – A discussion paper by the Scottish Executive*



7 | Summary

This guide has attempted to increase awareness of Gypsy/Traveller culture and how it impacts upon the planning system. It has considered the range of issues that Gypsy/Travellers face and the significant benefits to society as a whole which can result from a greater consideration of their needs. It has also looked at the responsibilities of Local Authorities, and the important role played by Community Councils as statutory consultees. Finally, it has sought to demonstrate how Community Councillors can take a positive and constructive approach to the consultation process, and in doing so improve relations between the settled community and the Gypsy/Traveller community.

Useful Contacts

PAS

3rd floor, 125 Princes Street
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EH2 4AD

Planning advice: 0845 603 7602

Email: office@pas.org.uk

Website: www.pas.org.uk

Other organisations who work with Gypsy/Travellers

Article 12 in Scotland

PO Box 7182
Montrose
DD10 9WW

Phone: 01674 674086

Email: respond@article12.org

Website: www.article12.org

MECOPP

172 Leith Walk
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EH6 5EA

Phone: 0131 467 2994

Email: info@mecopp.org.uk

Website: www.mecopp.org.uk