



NORTHERN
IRELAND
HUMAN
RIGHTS
COMMISSION

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Regional Planning Directorate
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30 July 2019

Dear Angus,

Re: Consultation on draft Model Conditions for Site Licences

We welcome the Department's publication of the draft Model Licence Conditions and the opportunity to provide our views. The Commission particularly welcomes specific mention of our investigation report 'Out of Sight, Out of Mind: Travellers' Accommodation in Northern Ireland' within the draft document.

The Commission largely welcomes the provisions set out within the draft Model Licence Conditions, but wishes to draw your attention to a number of areas that we would suggest further consideration.

Reference to Traveller or Roma Sites

Within the consultation document, reference is made to "Traveller or Roma sites". The Commission understand that there are currently Traveller, but not Roma, sites in Northern Ireland. The Commission appreciates that there are

benefits in including Roma to future proof the Model Conditions. However, the Commission wishes to highlight that through consultation with Travellers and Roma, it has been emphasised that these communities are two distinct groups and should be treated as such. The Commission recommends that this is made clear in the consultation document.

Different Types of Sites

The Commission notes that the draft Model Conditions are uniform, and do not set out the minimum standard of provision and safety requirements for each type of Travellers' site in Northern Ireland (serviced, transit and emergency halting), as set out by our recommendation:

the Department for Infrastructure should review the legal and policy framework concerning site licences. This should include the development of a model site licence setting out the minimum standard of provision and safety requirements for each type of Travellers site in NI, along with enforcement powers for any breach.

Through discussions with Department officials, the Commission understands that the Department's approach is to use conditions for serviced sites as standard, thus requiring a higher standard for transit and emergency halting sites. In theory, this is welcomed by the Commission. It is also particularly welcome in the current context where transit and emergency halting sites are being used as permanent sites in practice. This would be in line with the Commission's recommendation that:

the NI Housing Executive should ensure that provision of services provided to Travellers' sites reflects the actual use of this site. The public authorities should re-categorise sites when there is a change of usage to ensure that all parties are aware of the provision that is required.

However, the Commission also found during its investigation that there was a need for more Travellers' sites, including transit and emergency halting sites. The issue appears to be that there are not sufficient serviced sites to satisfy need, which is resulting in transient sites being used as permanent sites in practice. In the hope that provision of Travellers' sites improves and that any new transient sites retain their intended use, consideration will have to be given to whether it is practical for the provider of a transit or emergency halting site to

make provision equivalent to that on a permanent site and to do so in a timely manner. It also will need consultation with Travellers as to whether this is beneficial. As the Commission's investigation found some new tenants on Travellers' sites in Northern Ireland, including transient tenants, were subject to significant delays in accessing services on their assigned pitches.

The Commission also recommends that, if the uniform approach is deemed appropriate, that it is clearly set out within the introductory paragraphs of the Model Conditions that this is the approach that has been adopted across all Travellers' sites, including transient sites.

Health and Safety

As set out in the investigation report, one of the causes for concern for Travellers living on Travellers' sites was traffic hazards. The Commission recommends that Section 3 includes a requirement to clearly signpost the speed limit and, where relevant, that children are playing. The Commission further recommends that consideration should be given to whether a provision should be included that enables speed limiting or traffic reducing measures to be introduced when necessary.

The investigation also found that:

some Travellers were unhappy with the fire safety measures for their accommodation, particularly regarding Travellers' sites. Some Travellers were unaware if there were safety measures for their accommodation. If there were safety measures, some Travellers were unaware of what they were. If there were safety measures that tenants were aware of, some Travellers believed those measures to be inadequate.

The Commission recognises the NI Fire and Rescue Service's expertise on this issue; nonetheless, it is aware that the lack of physical fire safety measures on Travellers' sites is creating discomfort for tenants. The Commission would encourage, in consultation with the NI Fire and Rescue Service and tenants, a reconsideration of the current stance. As an example, the Commission would encourage a similar approach to fire safety as that set out in paragraph 133(b) of the current draft Design Guide for Travellers Sites, which states "water standpipes, hydrants or fire extinguishers should be provided on each site as determined by the risk assessment and as informed by consultation with the local fire officer. All equipment should conform to relevant British/European

standards". The Commission would also highlight that currently the fire safety measures for the Model Conditions and the Design Guide are not consistent with each other.

In either event, the Commission stresses that the Model Conditions should include a requirement for tenants of sites to be informed of the fire safety measures and what to do in the event of a fire. It should also be a requirement that this information is accessible and to ensure that it is fully understood.

Materials

During the investigation, Travellers highlighted that it was not uncommon for inappropriate materials to be used as a base for Travellers' sites. Also that there were insufficient electrical and water outputs available on each pitch and those that were available could be inappropriately located. This led to some Travellers setting up unsafe electrical connections. The Commission recommends that Sections 5, 8 and 9 include a requirement for site owners to consult with former, existing and prospective tenants as to what would be sufficient provision related to these matters.

The Commission found as a result of the investigation that "the use of steel pods as amenity blocks on Travellers' sites is inappropriate" and recommended that such pods should be "fit for purpose and appropriate" for Northern Ireland's climate. The Commission recommends that Section 10 includes a requirement that amenity buildings and portable services are constructed using materials that are suitable for Northern Ireland's cold and wet climate. The Commission also recommends that there is a requirement to ensure these amenity buildings are adequately and safely heated using a system that is not only at a low cost to the provider, but involves low heating costs for the tenant. The Commission also recommends that any reference to installation of amenity buildings or portable facilities includes a suggested timeframe for installation to ensure that there are no undue delays.

Drainage and Sanitation

The Commission welcomes the requirement in Section 10, paragraph (v) that caravans without their own water supply and water closets are provided with properly maintained communal toilet blocks. However, the Commission recommends that this is amended to ensure the cultural needs of existing and prospective tenants are supported, where relevant. For example, Travellers may live in caravans that have the ability to have their own water supply and water closets, but some Travellers culturally prefer that these services are located

separate to their caravan. Travellers may also prefer a number of smaller washhouses assigned to specific pitches, as opposed to communal facilities.

The Commission further welcomes the requirement in Section 10, paragraph (vii) to provide a deep sink with hot and cold water where laundry facilities are not available. However, the Commission recommends that this is amended to make clear that such facilities should also be provided on transient Travellers' sites, where relevant.

Space for Work and Animals

The Commission recommends that the Model Conditions consider space for work and non-domestic animals.

The Commission appreciates the practical challenge of providing land for non-domestic animals on a Travellers' site; however, as the investigation report found "there is a lack of grazing land available for Travellers' non-domestic animals". The Commission recommends that further consideration is given to this, including considering examples of where having facilities for non-domestic animals on-site has worked well within grouped housing schemes and how this could be applied to the Model Conditions.

The Commission also notes its finding that Planning Policy HS 3 allows for the provision of workspace on Traveller-specific accommodation, where appropriate. The challenge is that the NI Housing Executive's tenancy agreements prohibit trade within Travellers' accommodation. The Commission recommends further consideration and consultation regarding this issue to determine if such provision may be appropriate in certain circumstances and how this could be applied to the Model Conditions.

The reality is that unless a planned approach is taken, in consultation with Travellers, to provide space for work and non-domestic animals then, non-planned and structured provisions will occur.

Accessibility

The Commission would welcome an additional section within the Model Conditions that addresses the requirement to ensure sites are accessible. The Commission recommends that all pitches are accessible or are constructed in such a way that they can be easily adapted. The Commission also recommends that a similar approach is taken in relation to amenity buildings and portable services.

The Commission further recommends that Sections 14, 15 and 17 include a requirement to make any written notices also available in accessible formats as standard, including the use of graphic images.

Consultation

The Commission welcomes reference to consultation with site owners, residents or Residents' Association in paragraph 9 of the introduction and paragraph 26 of the explanatory notes. However, the Commission recommends that reference is also made to other relevant or representative organisations, such as Traveller support groups. It should also include a reference ensuring that residents or prospective tenants with specific needs, such as Travellers or persons with disabilities, are consulted.

Timeframes

The Commission welcomes the inclusion of paragraph 13 of the introduction, highlighting that reasonable timeframes should be allowed for alternations. However, the Commission recommends that this is amended to read "allow a reasonable and specified period of time", to ensure clarity and avoid delays.

The Commission further recommends that a commitment to a periodic review of the Model Conditions at least every five years is expressly set out within the Model Conditions.

The Commission is looking forward to the prompt publication and effective implementation of up-to-date Model Licence Conditions that reflect relevant stakeholders views, particularly Travellers.

If the Commission can be of any further assistance, please do not hesitate to get in touch.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Les Allamby', written in a cursive style.

Les Allamby
Chief Commissioner