

Traveller Accommodation Expert Review



July 2019

Prepared by an independent Expert Group on behalf of the Minister of the
Department of Housing, Planning and Local Government

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Foreword

This report sets out an integrated set of recommendations intended to improve the effectiveness of the arrangements for providing accommodation for members of the Traveller community, which were established by the Housing (Traveller Accommodation) Act, 1998. These recommendations address four key themes:

- delivery reflecting need,
- planning,
- capacity and resources and,
- governance.

The review concludes that the arrangements established by the 1998 Act have significant strengths and have enabled the delivery of significant amounts of accommodation for Travellers, but they have failed to meet the full scale of accommodation need among this community. This is evidenced by the extremely high rate of Traveller homelessness, the increase in numbers of Traveller households sharing accommodation and living in overcrowded conditions, and the uneven record of delivery of Traveller-specific accommodation among local authorities and also approved housing bodies. Therefore, it is time to overhaul the Housing (Traveller Accommodation) Act, 1998 and other relevant legislation and policies which impact on accommodation provision for Travellers.

A fundamental problem identified by the Expert Group Review relates to the lack of a strong evidence base for policy making. The current system for assessing the scale and nature of accommodation need is not working effectively, and this creates difficulty in reaching a consensus on the true need. The first theme discussed in this report is how to ensure that plans for delivery of Traveller accommodation reflect the actual needs and preferences of Travellers. The report sets out a series of recommendations intended to ensure that more robust evidence is generated to inform planning for Traveller accommodation provision, implementation of these plans and monitoring of the outputs achieved.

Monitoring of the implementation of Traveller Accommodation Programmes is required because the Expert Group's analysis identifies a clear implementation gap between the number of accommodation units planned for and the numbers delivered. Several local authorities had met or exceeded their targets, but others have failed to meet delivery targets, in some cases for an extended period. Opposition from residents' associations and councillors mean that the delivery of Traveller-specific accommodation is challenging, but the Expert Group's analysis indicates that the land use planning is also a significant factor in

delaying and blocking the delivery of accommodation. The functioning of the 'Part 8' planning mechanism, which is used to deliver local authority social housing, gave cause for particular concern, because the use of this mechanism requires the approval of councillors which they regularly fail to provide. In addition, the acquisition and disposal of land by local authorities also requires the approval of councillors and this is often not secured.

Declining funding for Traveller-specific accommodation provision was identified as a barrier to provision by the Expert Group, but wider developments in housing policy over the last decade have inhibited Travellers' access to accommodation too. In particular, increasing reliance on housing allowances for private renting households, such as Rent Supplement and the Housing Assistance Payment, to house low-income households creates problems for Travellers because they face particularly strong barriers in securing and maintaining private rented tenancies. The Expert Group were also concerned by the low delivery of Traveller-specific accommodation by voluntary sector approved housing bodies because these organisations have provided a large proportion of social housing in recent years. Reforms to arrangements for allocating social housing, such as the use of choice-based lettings and allocation on the basis of time on the waiting list, also raised concerns because they have the potential to disadvantage Travellers. Therefore, the outcomes of these mechanisms, in terms of access to accommodation for Travellers and other particularly vulnerable groups, should be monitored.

Finally, reforming national and local arrangements for governance of Traveller accommodation provision is vital if the accommodation needs of this community are to be met. At local level, the Expert Group recommends that Local Traveller Accommodation Consultative Committees (LTACCs) are replaced with Strategic Policy Committees for Traveller accommodation. This will ensure that arrangements for the governance of Traveller accommodation provision are more closely aligned with arrangements for the governance of local authorities' other functions. At national level, the Expert Group recommends that the representative structure of the National Traveller Accommodation Consultative Committee be maintained, but that its functions should be expanded and strengthened, and it should be converted into a National Traveller Accommodation Authority.

Sincerely

Expert Review Group

David Joyce (Chair)

Conor Norton

Michelle Norris

Executive Summary

Background

The Traveller Accommodation Expert Group was established in 2018, by Minister Damien English, to review the Housing (Traveller Accommodation) Act, 1998 and other legislation impacting on the provision and delivery of accommodation for Travellers. The aims of the Expert Group were to review the effectiveness of the 1998 Act and whether it provides a robust legislative basis for meeting the current and future accommodation needs of the Traveller Community, and to review other legislation that impacts on the delivery of Traveller-specific accommodation.

Approach

The work of this Review was undertaken between September 2018 and June 2019. This report sets out a summary of the approach and methodology employed, and describes, under four key themes, the barriers impacting provision and delivery of accommodation. Each theme describes the current context, the issues and challenges identified, and finishes with a set of short and long-term recommendations.

There were several steps taken to understand the issues and challenges to the delivery of Traveller accommodation:

- Reviewing the findings and recommendations made in key published reports.
- Collation of data from key sources; the Department of Housing, Planning and Local Government, Census data, Summary of Social Housing Assessments.
- A review of policy and practice in selected European countries, the results of which can be found in Appendix 1.
- Written and oral submissions from key stakeholders. A list of all those who provided written submissions and were met with can be found in Appendices 3 and 4.
- A roundtable stakeholder workshop consultation took place. See Appendix 5 for a list of who attended.
- Preparation of the report with recommendations based on an analysis of all the consultations and secondary data. Preparation was done in a collaborative fashion, with all recommendations being agreed by the Expert Group.

The report was submitted by the Expert Group to Minister English in July 2019.

Key findings

Delivery Reflecting Need

There are three aspects of ensuring that supply and delivery of accommodation reflects the needs of Travellers which the Expert Group agreed are of particular concern. These are the current methods of assessing Travellers' accommodation needs, supporting Travellers living in the private rented sector and the allocation of social housing to Travellers.

Planning

At a national level, the Expert Group identified three main problems with planning; the inadequate connection between the Housing (Traveller Accommodation) Act, 1998 and the planning legislation, a lack of adequate planning guidance for planning authorities concerning Traveller accommodation, and the lack of monitoring and reviewing of Development Plans and how they relate to Traveller accommodation.

At a regional level, the Expert Group found that Regional Assemblies currently have no role in the coordination or monitoring of local level delivery of Traveller accommodation; there is an inconsistent approach to policy for Traveller accommodation at regional level and, where regional policy is provided, it is very general in nature.

It was at the city, county and local level where the most issues in the planning system relating to Traveller accommodation were identified. These issues were based on the planning system and Traveller accommodation:

- A lack of integration between the Traveller Accommodation Programmes and the Housing Strategy/Development Plans;
- A misalignment of timing and cycles of Traveller Accommodation Programmes and Development Plans;
- Inconsistent approaches in different Development Plan policies and objectives for Traveller accommodation;
- No requirement to include relevant objectives for Traveller accommodation in Local Area Plans or Strategic Development Zones Planning Schemes;
- A lack of coordination of local policies and objectives between local authorities;
- Serious problems around delivery of Traveller-specific accommodation through the Part 8 process;

- Problems relating to the agreement, by Elected Members, to dispose of land for the purposes of developing Traveller accommodation.

Capacity and Resources

Ensuring the supply and delivery of accommodation reflects the capacity and resources to provide and manage adequate levels of appropriate accommodation for Travellers is a critical problem. There are five aspects of this issue of particular concern:

1. The adequacy of the funding available for Traveller-specific social housing and mainstream social housing occupied by Travellers;
2. The drawdown and use of the funding available for Traveller-specific social housing by local authorities;
3. The role of voluntary sector approved housing bodies in Traveller accommodation provision;
4. The quality of the design, management and maintenance of Traveller-specific social housing; and
5. Reporting of spending on the provision, refurbishment, management and maintenance of Traveller-specific social housing.

Governance

Structures governing the provision of Traveller accommodation at local and national level were established by the Housing (Traveller Accommodation) Act, 1998. It was acknowledged during the Review that the Act brought about significant improvements in the governance of Traveller accommodation. However, this Review points to the need for the establishment of a National Traveller Accommodation Authority which would be able to address the governance deficit highlighted during the Review.

Consultations also revealed to the Expert Group other legislation that impinges on the provision of Traveller accommodation, and the Group are calling for that to be reviewed, in particular; the Trespass legislation; the specific legislation for the removal of temporary dwellings as introduced in Section 10 of the Housing (Miscellaneous Provisions) Act, 1992 and Section 69 of the Roads Act, 1993.

The next section lists the recommendations under each of these four themes.

Recommendations

The following summary table contains the recommendations set out in this report.

Delivery Reflecting Need

Short-term recommendations

1. The DHPLG should amend the regulations which govern the methodology local authorities use to conduct Social Housing Assessments in order to:
 - a. Enable Travellers (and all other applicants for social housing) to specify their first, second and third preference in terms of accommodation type.
 - b. Introduce an 'ethnic identifier' so that Traveller applicants for mainstream social housing can be identified and progress in meeting their housing needs monitored effectively.
2. The implementation of the Social Housing Assessments by local authorities should be centrally monitored to ensure that the data generated are more robust and geographically consistent. This would require:
 - a. Revision and standardisation of the application form.
 - b. The provision of information and regular training for local authority officials to ensure that Social Housing Assessments are conducted consistently nationwide.
 - c. A quality review of each local authorities' Social Housing Needs Assessment data when it is being compiled into the Annual Summary of Social Housing Needs Assessments by the Housing Agency, and initiation of appropriate interventions in cases where the data quality are inadequate.

3. In addition to more robust and detailed Social Housing Needs Assessments data, more detailed data on Travellers who are not included in the Assessment and on future Traveller accommodation need are required for effective planning for Traveller accommodation provision. It is envisaged that these additional data would be compiled once during each Traveller Accommodation Programme cycle (Section 4 sets out recommendations regarding the duration of this cycle and the timeframe for gathering the data required to inform the content of the TAPs). These additional data would encompass:
 - a. Information on Travellers currently accommodated in RAS, HAP and Rent *Supplement* funded dwellings. This would require the inclusion of an ethnic identifier in applications for these housing allowances and the collation of data currently recorded by the Department of Employment and Social Protection (in the case of Rent Supplement) and on each local authority's 'transfer list' (in the case of RAS and HAP).
 - b. An in-depth nationwide survey of the characteristics of the Traveller population, their location and accommodation, commissioned from an independent, expert provider. This survey would provide more detailed information on Travellers' mobility patterns, family formation, existing accommodation tenure and conditions, and future accommodation preferences. It could also be used to inform the ongoing review of the accuracy of the Social Housing Assessments, as recommended above.
4. All data on Travellers from the revised Social Housing Assessment, claimants of RAS, HAP and Rent Supplement and the in-depth nationwide survey should be published, to enable review of the content and implementation of Traveller Accommodation Programmes devised on the basis of these data (Section 4 sets out recommendations regarding this review process).
5. The DHPLG should amend the regulations which govern the allocation of Traveller-specific social housing to enable Traveller occupants of HAP and RAS-funded dwellings and standard local authority or AHB social housing to apply to transfer to Traveller-specific social housing.

Long-term recommendations

6. Implement an ongoing programme of equality monitoring of arrangements for allocating social housing to assess their impact on Travellers and other vulnerable populations. This should examine the impact of using the time on the list and choice-based lettings allocations systems.
7. The Central Statistics Office should work with local authority social workers for Travellers and Traveller organisations to ensure that the Census better captures the characteristics of the Traveller population.
8. Commission research on homelessness among Travellers and ensure that the particular accommodation challenges and preferences of this group are addressed in relevant strategies to combat homelessness.

Planning

Short-term recommendations

1. In the immediate term, encourage local authority chief executives to use their emergency powers, where necessary, to bypass problems with decision-making by elected members regarding Traveller Accommodation.
2. Put in place the legislative provisions to suspend the reserved function of elected members for approval of Part 8 proposals for Traveller accommodation, and also to suspend the reserved function relating to the agreement to dispose of land for the purposes of developing Traveller accommodation and provide these as executive functions. This suspension should be reviewed after a period of five years.
3. Put in place the legislative provisions to provide an alternative and direct route for Traveller-specific accommodation to An Bord Pleanála in line with the processes established for Strategic Housing Development. This provision should be reviewed after a period of five years.
4. Carry out appropriate baseline studies on Traveller accommodation needs as part of integrated Housing Need and Demand Assessments for Development Plans.
5. Request research and a review by the Office of the Planning Regulator (OPR) of Traveller accommodation policies and objectives in statutory development plans.

6. Ensure that local authority Development Plans comply with provisions of the Planning and Development Act, (2000) as amended, particularly in relation to the requirement around Traveller accommodation [s10(2)(i)].

Medium and long-term recommendations

7. Update the Traveller accommodation and planning legislation to improve general alignment of the different mechanisms for planning for the provision of Traveller accommodation. Most importantly, the timeframe for the production, adoption and implementation of Traveller Accommodation Programmes should align with each local authority's Development Plan timing and cycles.
8. Provide comprehensive planning guidelines for Regional Assemblies and local authorities to ensure consistency and integration of the Traveller Accommodation Programme and the Housing Strategy section of Development Plan preparation and development management processes.
9. Provide the Regional Assemblies with a formal role in the advising on, coordinating and monitoring of the local level delivery of Traveller accommodation at regional level, and, in the shorter term pending this new role, designate local authorities in each Region as leads in the areas of review, policy, delivery, etc.
10. Ensure that any new national level agency/authority would incorporate a role in monitoring statutory plans and referrals, as necessary, to the Office of the Planning Regulator.

Capacity and Resources

Short-term recommendations

1. The Department of Housing, Planning and Local Government (DHPLG) should review the level of funding it provides for the provision of Traveller-specific accommodation, and consider increasing funding to the levels provided prior to 2008.
2. The DHPLG should review arrangements for disbursing funding for the provision and refurbishment of Traveller-specific accommodation to local authorities, with a view

to identifying and eliminating any procedures which delay output while maintaining necessary oversights over public spending.

3. The DHPLG should review and reform arrangements for reporting spending of Departmental funding for the implementation of Traveller Accommodation Programmes by local authorities.

These reforms should ensure that reporting is regular and standardised across local authorities, and that it generates robust data on output achieved compared to the plans set out in the TAPs and net of any dwellings demolished or vacant.

These reports are required to enable appropriate monitoring of output, and the initiation of action to ensure implementation of the TAPs, if necessary.

4. Research on good practice in the planning, design, management and maintenance of halting sites should be commissioned which takes account of changes in caravan design and size, and Travellers' needs and household size.

On the basis of this research and also consultation with Travellers and social landlords, up-to-date guidelines on the planning, design, management and maintenance of Traveller-specific accommodation should be issued.

5. The reasons why the approved housing bodies have not made use of the funding for halting site provision available under the Capital Assistance Scheme should be investigated, and reforms initiated as necessary to ensure that take-up increases.

6. The role of caretakers for Traveller-specific accommodation and the number of these staff currently employed by local authorities should be reviewed, with a view to expanding this role to encompass more comprehensive 'estate management' type responsibilities and increasing staffing levels in order to improve management and maintenance standards.

7. The DHPLG should examine the potential for funding for CENA housing association to provide advice to social housing landlords on the design, location and management of Traveller-specific accommodation and to conduct consultations on these issues with Travellers on behalf of social landlords.

Long-term recommendations

8. The 'shared services' model, whereby one local authority provides a service on behalf of others, has proved very effective in improving the delivery of specialist services such as the Housing Assistance Payment (led by Limerick City and County Council). The DHPLG should work with the Local Government Management Agency (LGMA) to examine its potential for use in the procurement, design and management of Traveller-specific accommodation. Under this arrangement, one local authority could act as the regional lead for the delivery of Traveller-specific accommodation for neighbouring local authorities.



Governance

Recommendations

Successful implementation of all of the recommendations set out in the previous sections will require significant reform of arrangements for the governance of Traveller accommodation provision nationally. The Traveller Accommodation Act, 1998 envisages that the National Traveller Accommodation Consultative Committee (NTACC) will contribute to this task. However, the NTACC's role is purely advisory, whereas the Expert Group's analysis highlights the need for active and ongoing monitoring of the planning and provision of Traveller accommodation and intervention when these functions are not being adequately performed.

1. The functions of the NTACC should be revised and strengthened to enable it to address this governance deficit. This revised role would encompass:
 - Overseeing and checking the annual Social Housing Needs Assessment (SHNA) process insofar as it relates to Travellers, data collection, processing and analysis, and providing training for local authorities and making recommendations as required regarding reform to the SHNA process.
 - Standardising and monitoring the Annual Estimate (Count) of Traveller families carried out by local authorities, ensuring the data gathered as part of this process reflects the SHNA.
 - Designing and commissioning the five-year national assessment of Traveller needs and preferences which will inform the content of Traveller Accommodation Programmes.
 - Monitoring the formulation and content of the Traveller Accommodation Programmes produced by each local authority and their implementation on an annual basis, and report the findings of this expertise to the Minister of Housing and the Oireachas Housing Committee on Housing and Homelessness.
 - On the basis of this evidence:
 - a. Ensuring that the content of all draft TAPs are adequate to meet the Traveller accommodation needs identified, and that the content of the TAP is adequately reflected in the housing strategy part of the local

authority Development Plans. Where gaps are identified, the TAPs and Development Plans should be referred back to local authorities and, if necessary, to the Office of the Planning Regulator.

- b. Ensuring that the implementation of TAPs is adequate, and where it is not, refer back to local authorities and, if necessary, to the Office of the Planning Regulator and the Minister for Housing.
- Commissioning and carrying out research on issues related to Traveller accommodation, as required, to inform policy formulation by the Department of Housing, Planning and Local Government.

The name 'National Traveller Accommodation Consultative Committee' would not be appropriate for this revised remit; therefore, the NTACC should be retitled: the **National Traveller Accommodation Authority (NTAA)**.

2. Carrying out the National Traveller Accommodation Authority's functions listed above would require the recruitment of a team of appropriate support staff. This would include research, planning and design professionals. It is vital that adequate levels of funding should be provided by the DHPLG for this purpose. Civil service recruitment and employment norms mean that the Department of Housing, Planning and Local Government would not be best placed to provide the type of specialist staff support required by the NTAA. Therefore, to enable the National Traveller Accommodation Authority to fulfill its remit, it would be necessary to establish it as an agency of the DHPLG with the power to employ its own staff, or to task one of the Department's existing agencies with providing the required staffing support. The latter model is employed, for instance, to support the Regulation Office for Approved Housing Bodies, which is housed within the Housing Agency but has its own board.
3. At local authority level, Local Traveller Accommodation Consultative Committees (LTACCs) should be replaced with Traveller Accommodation Strategic Policy Committees (TASPCs). Like all other local authority strategic policy committees (SPCs), the TASPC would be made up of elected members but it would also include Traveller representatives. The TASPC would have a decision-making role as well as an advisory role and would feed into the development of the housing strategy by being integrated into the Housing SPC. The two SPCs would be linked through a Traveller representative on the TASPC sitting on the Housing SPC.

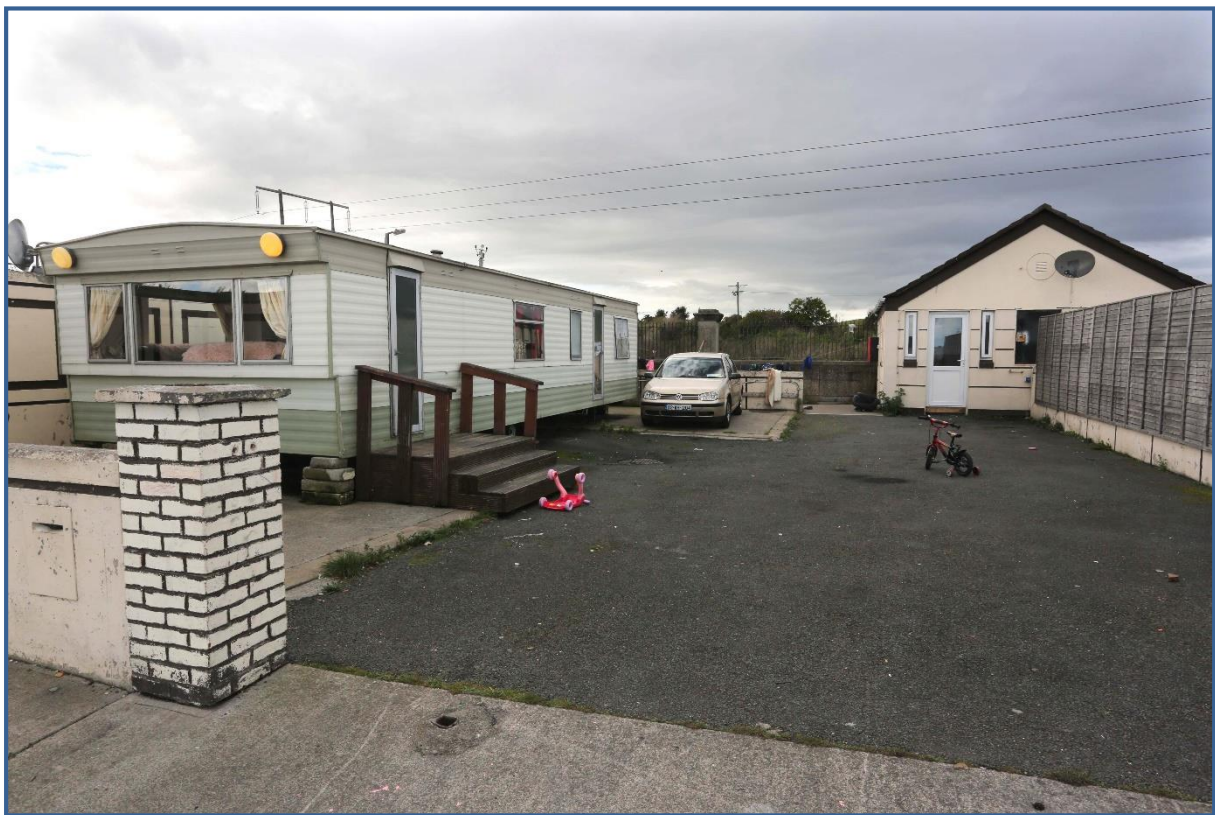
4. Repeal the Trespass legislation, in particular as it applies to publicly owned land, until an appropriate network of transient provision as envisaged in the 1998 Act has been provided.
5. The eviction procedure, which allows for the removal of families within 24 hours, needs to be reviewed with a view to providing an internal appeals procedure. This process can be utilised by families who are assessed under a local authority TAP, and should allow for appropriate submissions relating to the individual circumstances of families affected, with particular regard being given to the vulnerable members of those families, including children and their educational requirements, elderly and disabled family members, infant children or pregnant women.
6. Review Section 69 (1) (b) to provide for a system whereby Travellers parking on the roadsides, covered by the Section, should not have to seek consent for an initial period of time. The section could be amended to require consent be attained after a specified period and such consent could then be subject to such terms and conditions as necessary.

Acknowledgements

The Expert Group was composed of David Joyce, Dr Conor Norton and Professor Michelle Norris.

The Expert Group would like to thank all of the stakeholders who took part in the consultation for this Review. It would like to thank Dara Turnbull for his contribution on international policy, Kathy Walsh and Niamh Donohoe for their facilitation of the roundtable consultation, and Ben Simmons for his support with the written consultations. The Expert Group would also like to thank the Traveller Accommodation Support Unit in the Department of Housing, Planning and Local Government.

Finally, the Expert Group would like to thank Roslyn Molloy for her coordination of the work of the Expert Group and providing the secretariat and research to the Expert Group, and the Housing Agency for all its support throughout this Review.



Abbreviations and Glossary

AHB	<p>Approved Housing Body</p> <p>Also called housing associations or voluntary housing associations, they are independent, not for-profit organisations. They provide affordable rented housing for people who cannot afford to pay private sector rents or buy their own homes, or for particular groups, such as older people, or homeless people.</p>
AILG	Association of Irish Local Government
CCMA	<p>County and City Management Association</p> <p>It is the “representative voice” of the local government management network. Its members are chief executives of the county and city councils and the assistant chief executives of DCC.</p>
CDP	County or City Development Plans
CENA	<p>Culturally Appropriate Homes</p> <p>CENA is a housing association, led by Travellers and dedicated to the provision of Traveller-specific accommodation.</p>
DCC	<p>Dublin City Council</p> <p>The local authority responsible for local government in the City of Dublin.</p>
DHPLG	<p>Department of Housing, Planning and Local Government</p> <p>The Government department responsible for housing, planning and local government.</p>
LAPs	<p>Local Area Plans</p> <p>Prepared by a planning authority for any particular part of its functional area.</p>
LECP	Local Economic and Community Plan
LTACC	Local Traveller Accommodation Consultative Committee
MASP	<p>Metropolitan Area Spatial Plan</p> <p>These plans are prepared by the Regional Assemblies for larger cities in Ireland and are a constituent of the RSES.</p>
NPF	The National Planning Framework
NTACC	<p>National Traveller Accommodation Consultative Committee</p> <p>Established under the Housing (Traveller Accommodation) Act, 1998 to advise the Minister.</p>
OPR	The Office of the Planning Regulator
Part V	Refers to the provisions relating to Housing Supply in the Planning and Development Act 2000, as amended by subsequent legislation.

Part 8	Developments carried out by local authorities. Referencing Part 8 of the Planning and Development Regulations 2001 (as amended).
PRS	Private Rented Sector
RSES	Regional Spatial and Economic Strategy
RTB	Residential Tenancies Board Operates Ireland's National Tenancy Register and resolves disputes between landlords, tenants and third parties. Governed by residential tenancies legislation.
SDZ	Strategic Development Zone
SHNA	Social Housing Needs Assessment
SPPR	Specific Planning Policy Requirements
SSHA	Summary of Social Housing Assessments
TAP	Traveller Accommodation Programmes Under the Housing (Traveller Accommodation) Act, 1998, local authorities are obliged to adopt a Traveller Accommodation Programme for their area.
UNHCR	United Nations Human Rights Council

1. Introduction

The Traveller Accommodation Expert Group was established in 2018, by Minister Damien English, to review the Traveller Accommodation Act, 1998 and other legislation impacting on the provision and delivery of accommodation for Travellers.

1.1 Background to the establishment of the Traveller Accommodation Expert Group

- The ‘Programme for a Partnership Government’ committed Government to the establishment of a special working group to audit the current delivery and implementation of local authorities’ Traveller Accommodation Programmes and consult with stakeholders on key areas of concern. This commitment was underpinned in the Government’s 2016 housing policy statement - *Rebuilding Ireland*.
- On foot of this commitment, the Housing Agency commissioned an independent review of capital and current funding for Traveller-specific accommodation since 2000 on behalf of the Department of Housing, Planning and Local Government¹.
- The review compared the targets contained in the Traveller Accommodation Programmes (TAPs) to actual units delivered, the current status of the accommodation funded, and the funding provided for accommodation maintenance and other supports. Under the Housing (Traveller Accommodation) Act, 1998, local authorities are obliged to adopt a TAP for their operational area every four years; the formulation of which is directed by a Local Traveller Accommodation Consultative Committee (LTACC) which includes councillors, local authority officials and Traveller representatives.
- The final report was submitted to the National Traveller Accommodation Consultative Committee for their consideration (NTACC).²
- The NTACC advised the Minister to establish an Expert Group to review the Traveller Accommodation Act, 1998 and other legislation that impacts the provision and delivery of accommodation for Travellers.
- The Terms of Reference of the Group were drawn up in consultation with the NTACC.

¹ RSM (2017) *Review of Funding for Traveller-Specific Accommodation*, commissioned by the Housing Agency

² The NTACC was established, on a statutory basis, under the Housing (Traveller Accommodation) Act 1998. The role of the Committee is to advise the Minister in relation to any general matter concerning accommodation for Travellers; any matter referred to it by the Minister; the most appropriate measures for improving, at local level, consultation with and participation of, Travellers in the provision and management of accommodation and general matters concerning the preparation, adequacy, implementation and co-ordination of Traveller accommodation programmes

1.2 Terms of Reference of the Expert Group

- To review the effectiveness, implementation and operation of the Traveller Accommodation Act, 1998, with a view to examining whether it provides a robust legislative basis for meeting the current and future accommodation needs of the Traveller Community which takes effective implementation into account in the context of the recognition of Traveller ethnicity in 2017³.
- To examine national and international best practice in the provision of accommodation for nomadic communities in order to inform the legislative basis for meeting the current and future accommodation needs of the Traveller Community.
- To review other legislation that impacts on the provision and delivery of Traveller-specific accommodation, including transient accommodation.
- Consult with all relevant stakeholders at local and national level, including Traveller representative organisations and other stakeholder groups represented on the NTACC and LTACCs. Such consultation will include an invitation for written submissions and a series of meaningful national, regional and local workshops/focus groups.
- Draft and present a report and recommendations to the Minister within six months of commencement.

1.3 Composition of the Expert Group

The Traveller Accommodation Expert Group was composed of three members:

- David Joyce, Barrister, Mercy Resource Law Centre (Chair)
- Dr. Conor Norton, Head of School of Transport Engineering, Environment and Planning, Technological University Dublin
- Professor Michelle Norris, Head of the School of Social Policy, Social Work and Social Justice, University College Dublin

Secretariat and Research support for the Expert Group was provided by Roslyn Molloy, Researcher with the Housing Agency.

Further assistance and support was made available from officials in the Department's Traveller Accommodation Unit - David Kelly, Ann Gill, Deborah O'Sullivan and Alan Ryan.

³ On 1 March 2017, the then Taoiseach, Enda Kenny, stated in Dáil Éireann that he wished formally "to recognise Travellers as a distinct ethnic group within the Irish nation."

The Traveller Accommodation Expert Group met eleven times between September 2018 and May 2019.

- 18th September 2018
- 15th October 2018
- 28th November 2018
- 17th December 2018
- 21st January 2019
- 18th February 2019
- 20th March 2019
- 25th March 2019
- 1st April 2019
- 19th May 2019
- 29th May 2019

The Traveller Accommodation Expert Group also appeared at the Joint Oireachtas Committee on Housing, Planning and Local Government on the 6th November 2018, attended a Local Traveller Accommodation Consultative Committee/National Traveller Accommodation Consultative Committee cluster meeting in Tullamore on the 26th November 2018, and met with the Traveller Oireachtas Group on the 16th April 2019.

1.4 Structure of the Report

This report is divided into six Sections. Section one has detailed the establishment of the Expert Group, its terms of reference and composition. The next section outlines the approach and methodology employed by the Expert Group in undertaking the Review. The following four Sections (three to six) each focus on an issue which was identified by the Expert Group as a key barrier to meeting Travellers' accommodation needs. Each of these sections sets out the content relevant to the particular issue, examines how it acts as a barrier to meeting Traveller accommodation needs and contains a list of short and long-term recommendations intended to overcome this barrier.

Section three examines the theme of delivery reflecting need and covers the importance of the provision of strong, accurate, objective evidence on the numbers of Travellers, what Travellers current accommodation requirements are and, importantly, their preferences.

Section four examines the current planning system and how this impacts on the delivery of Traveller accommodation, and provides suggested changes to the planning system to improve on delivery of accommodation. Section five reflects on the current capacity and resources to provide for Traveller accommodation. It outlines the funding provided, the type and number of Traveller-specific accommodation units being funded, the quality of design and maintenance of Traveller-specific accommodation, and outlines the funding mechanisms to deliver accommodation. This section outlines the issues and challenges with the current system and, again, finishes with recommendations. The final theme examined in Section six looks at the current governance structures and the suggested changes to the current structures recommended by the Expert Group.

As part of this review, a comparative report on public policies in the area of provision of accommodation to nomadic people in a selected group of European countries was undertaken. This review can be found in Appendix I



2. Approach and Methodology

The Review's methodology comprised the following eight components:

- 1 A review of findings and recommendations made in key published reports. A list of the key reports reviewed can be found in Appendix 2.
- 2 Context setting, including a profile of current Traveller accommodation; examination of Census data, the Annual Estimate of Need, the Social Housing Needs Assessment, spending on Traveller Accommodation and planning information.
- 3 A review of policy and practice in selected European countries, results of which can be found in Appendix 1.
- 4 Face-to-face meetings with a range of stakeholders were carried out and 27 individuals were met with. Stakeholders were invited to meet with the Expert Group and discuss, from their perspectives, the challenges, barriers and solutions to provision of Traveller accommodation. A list of all stakeholders met with individually is contained in Appendix 3.
- 5 Written consultations were invited from stakeholders in December 2018. Submissions were sought from a range of interested parties and 38 submissions were received (Appendix 4). Questions were provided to help structure responses. Areas covered were: the Traveller Accommodation Act, 1998, providing the legislative basis to meet current and future accommodation needs of Travellers; what has and hasn't worked well with the implementation and operation of Traveller Accommodation over the last 20 years; what are the key barriers to improving Traveller Accommodation; and what areas the Traveller Accommodation Expert Review Group should prioritise to improve the provision of accommodation for Travellers in this country.

Written submission responses were invited via the following groups:

- Local authority Housing Directors
- Local Traveller Accommodation Consultative Committee members (via Chairs)

- Local authority Social Workers for Travellers
- National Traveller Women's Forum
- National Traveller MABS (Money, Advice and Budgeting Service)
- Irish Traveller Movement
- Pavee Point
- Minceirs Whiden

Each written submission was reviewed and key themes analysed by the Expert Group.

- 6 Building on written submissions received, a roundtable stakeholder workshop consultation was carried out on the 5th February 2019, facilitated by independent facilitators, at which the Expert Group were present. Over 30 individuals, representing over 25 bodies, attended the workshop. The consultation was structured around key themes emerging from the written and individual consultations, which were: assessing Travellers' accommodation needs; legislation/policy and planning framework; governance; and capacity and resources.

A report was prepared which detailed the actions and enablers identified by the participants of the workshop consultation and a list of attendees can be found in Appendix 5.

- 7 The Expert Group presented to the Joint Oireachtas Committee on Housing, Planning and Local Government on the 6th November 2018. A member of the Expert Group also attended the National Traveller Accommodation Consultative Committee/Local Traveller Accommodation Consultative Committee cluster meeting in Tullamore on the 26th November 2018 to inform the review, and the Expert Group met with the Oireachtas Traveller Group on the 16th April 2019.
- 8 Finally, the Expert Group prepared the report with recommendations based on an analysis of all the consultations and secondary data. Preparation was done in a collaborative fashion, with all recommendations being agreed by the Expert Group. The report was submitted to Damien English TD, Minister of State at the Department of Housing, Planning and Local Government with special responsibility for Housing and Urban Development, in June 2019.

3. Delivery Reflecting Need

Ensuring that the correct number and type of units of accommodation needed by Traveller households are identified is the first of the four key barriers to meeting Traveller accommodation need examined by the Expert Group. Strengthening practice in this regard is vital for improving planning and governance of Traveller accommodation provision and, therefore, to improving the level, quality and suitability of accommodation output.

This section of the report provides an overview of the numbers of Traveller households, how they are currently accommodated, and explains the mechanisms that are used to assess social housing need and to allocate social housing. The issues and challenges associated with accurately assessing Traveller accommodation need are then set-out, and the section finishes with recommendations for short-term and long-term actions intended to ensure that the delivery of Traveller accommodation can better reflect the need of the community.

3.1 Context

3.1.1 Profile of the Travelling Community in 2016

Census 2016 recorded 8,717 Traveller households (defined as households containing at least one Traveller) resident in the State; an increase of 12.3% on 2011. These households included 30,987 individuals identified as 'White Irish Traveller' - an increase of just over 5% on the number of Travellers recorded in the 2011 Census (29,495)⁴. The number of recorded Travellers has increased by 185% since 1996, and in 2016 Travellers accounted for 0.7% of the total population of Ireland.⁵

Census 2016 reveals that Travellers tend to live in larger family units, are younger, and more likely to live in more urban settings than the general Irish population. There was 78.6% of the Traveller population living in cities or towns in 2016 (compared to 62.4% of the general population). In 2016, the average Traveller household size was 5.3 persons (compared to 2.75 persons for the general population) and more than one in four Irish Traveller households had six or more persons, compared with less than one in twenty households in the State overall (see Table 3.1). 60% of Travellers were aged under 25 years (compared to 33.4% of the general population) and only 3% of Travellers were aged 65 years or older compared to 13.3% of the general population.

⁴ Census 2016 Table E8001

⁵ Visser, A (2018) *Traveller Accommodation: The Challenges of Implementation*, Houses of the Oireachtas

Table 3.1 Census 2016 Household Size, Traveller versus All Households

Household Size	Traveller Households (N)	Traveller Households (%)	All Households (N)	All Households (%)
1 person household	956	11.0	399,815	23.5
2 person household	1,394	16.0	486,536	28.6
3 person household	1,342	15.4	297,565	17.5
4 person household	1,508	17.3	288,328	16.9
5 person household	1,235	14.2	154,841	9.1
6 person household	995	11.4	54,016	3.2
7 person household	596	6.8	14,282	0.8
8 person household	329	3.8	4,459	0.3
9 or more person household	362	3.7	2,447	0.1
All private households	8,717	100	1,702,289	100

Source: Census 2016, tables E8047 and E4023

Detail of numbers of spatial distribution of Travellers in 2011 and 2016 and how this has changed during the last intercensal period is set out in Table 3.2. Dublin city and suburbs had the largest number of Irish Travellers (5,089 persons). This was followed by Galway city and suburbs and Cork city and suburbs.⁶ Longford recorded the greatest increase, in percentage terms, (39.3%), in Travellers between the last intercensal period.

⁶ Census 2016

Table 3.2 Annual Census 2011 and 2016 Numbers of Travellers by Local Authority area

LA Area	2011	2016	% change
Galway County	2,481	2,647	6.7
South Dublin	2,241	2,208	-1.5
Dublin City	1,856	2,057	10.8
Limerick City and County	1,476	1,658	12.3
Galway City	1,673	1,598	-4.5
Wexford	1,510	1,508	-0.1
Fingal	1,351	1,315	-2.7
Mayo	1,404	1,303	-7.2
Cork County	1,082	1,255	16
Tipperary	1,155	1,235	6.9
Longford	753	1,049	39.3
Westmeath	859	1,008	17.3
Meath	977	977	0
Kerry	875	968	10.6
Offaly	1,057	910	-13.9
Clare	870	910	4.6
Cork City	764	882	15.4
Wicklow	726	778	7.2
Louth	659	772	17.1
Laois	661	761	15.1
Kildare	870	743	-14.6
Donegal	724	588	-18.8
Kilkenny	491	554	12.8
Waterford City and County	419	520	24.1
Roscommon	381	514	34.9
Carlow	419	507	21
Cavan	425	475	11.8
Dún Laoghaire-Rathdown	403	421	4.5
Sligo	418	384	-8.1
Monaghan	251	271	8
Leitrim	264	211	-20.1
Total	29,495	30,987	5.1

Source: Census 2016, table E8001

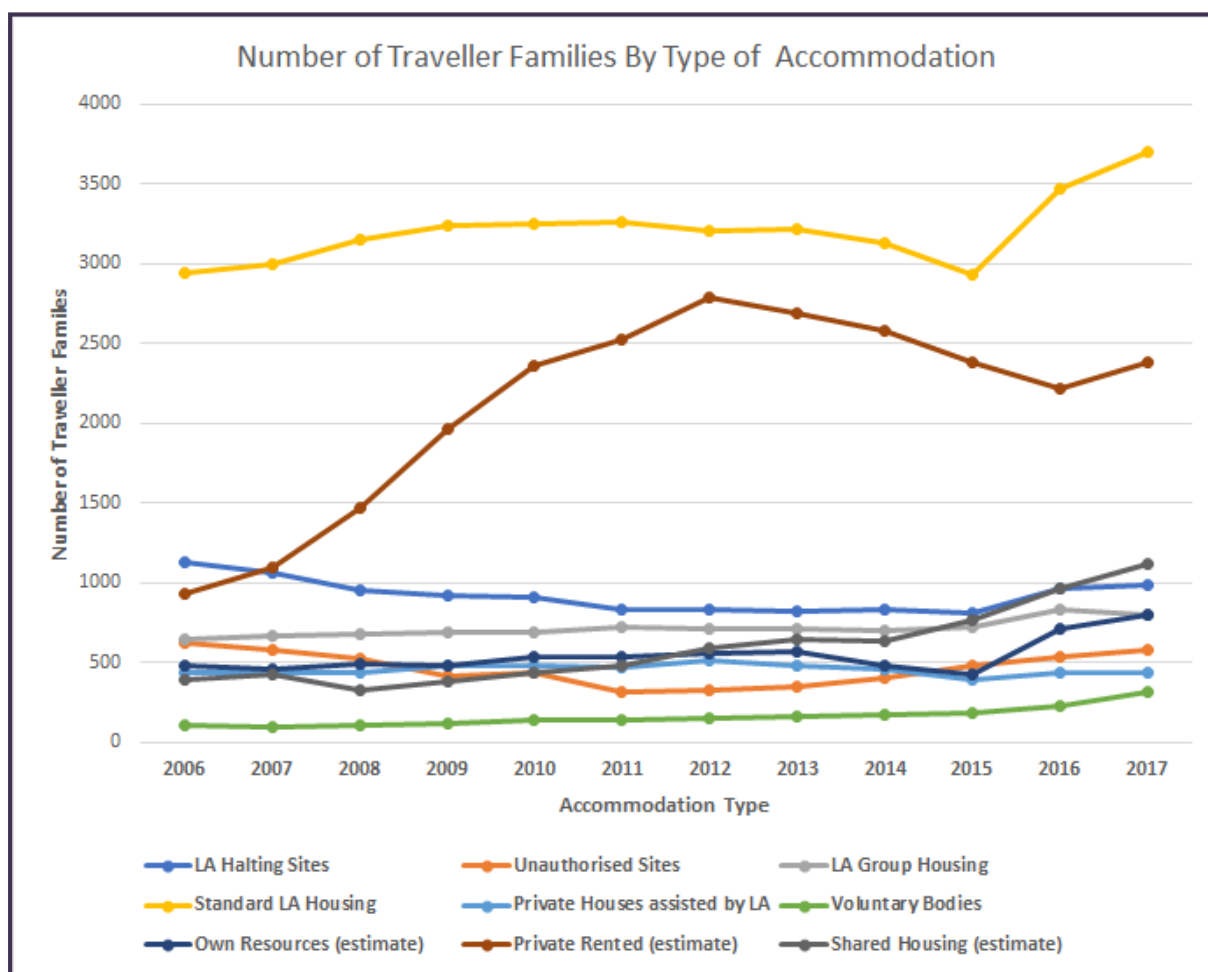
3.1.2 Annual Estimate (Count)

Each year, an Annual Estimate (Count) of the number of Traveller families and the type and tenure of their accommodation in each local authority operational area is undertaken by local authorities on the last Friday of November. The Annual Estimate (previously known as

the 'Annual Count') is undertaken by local authority staff (often social workers for Travellers), based on local authority records and a working knowledge of the local Traveller community. Estimate returns are submitted electronically to the Department of Housing, Planning and Local Government, with each category and subcategory of accommodation clearly set out in the return form. Each local authority conducts its count independently and, as such, interpretations of the categories of accommodation may vary. However, the estimate has been conducted by local authorities for many years and so it does provide a valuable long-running source of data on Travellers.

The most recent results from 2017 show that there were 11,116 Traveller families counted by local authorities (notably, this estimate is significantly higher than Census 2016, which counted 8,717 households). Figure 3.1 outlines trends in accommodation types and tenures occupied by Traveller households between 2006 and 2017 according to the annual estimates (counts). These data reveal that, in 2017, 36.1% of Traveller households lived in standard social housing - mainly provided by local authorities (33.3% of all Traveller households) and, less commonly, by voluntary sector approved housing bodies (AHBs) (2.9% of all Traveller households). 16% of Travellers live in Traveller-specific social housing - just over half of these live on halting sites and just under half in group housing schemes - the vast majority of which are provided by local authorities. A further 25.4% of Traveller households were living in private rented housing - 3.9% of all Traveller households receive subsidies from local authorities for this private housing (presumably the Housing Assistance Payment). Figure 3.1 also reveals that 7.2% of Traveller families were accommodated using their 'own resources' and a further 10.0% live in shared accommodation (i.e. of which they were not the registered tenant or owner).

Figure 3.1 Annual Estimate (Count) of Traveller Families⁷ by Accommodation Type, 2006-2017



Source: Expert Group's Analysis of DHPLG data

An analysis of the Annual Estimate (Count) data shows that, in 2017, the most common form of accommodation that Traveller families were living in was standard local authority social housing, with 33% of all families housed. This is followed by 21% of all Traveller families living in private rented accommodation. There were 9% of families living in local authority halting sites and just 7% living in local authority group housing. The voluntary housing bodies housed just under 3% of Traveller families. Appendix 6 contains a table with the full dataset from the Annual Estimates (Counts) over the period 2006 to 2017.

The Annual Estimate (Count) is a source of historical data which shows trends over time.

⁷ For the purposes of the Annual Count, a "family" is considered to be a family unit; "Family" can consist of one individual

Comparing these data to the 2006 Annual Estimate (Count) estimates in Figure 3.1 reveals that, in absolute terms, the private rented sector provided the largest amount of additional accommodation for Traveller households over these eleven years (+1,452 households). This is followed by standard local authority social housing (+760 households - the number of Travellers in AHB-provided social housing increased by 213 concurrently) and shared accommodation (+724 households). Conversely, the number of households living on local authority provided halting sites declined by 13% over this period (-149 households), while the numbers living in group housing schemes increased marginally (+156 households).

In part, these trends among the Travelling community mirror developments in the population at large. The proportion of all Irish households accommodated in the private rented sector increased from 10.3% in 2006 to 18.8% in 2016 and the numbers of households claiming government housing allowances to enable them to pay their private rents (i.e. Rent Supplement, Housing Assistance Payment (HAP) and Rental Accommodation Scheme (RAS)) increased from 62,699 to 91,917 concurrently. Homeownership rates also contracted between 2006 and 2016 (from 77.2% to 70.1% of households), but among Travellers homeownership rates have historically been consistently well below these rates (recorded as 21% of Traveller households in 2006 and 20% in the 2016 Census). The growth in overall social housing tenancies among Travellers differs from trends among the population at large. The proportion of Irish households in social housing (provided by local authorities and approved housing bodies) fell from 11.0% to 9.7% of households between 2006 and 2016, although in actual terms the total numbers of households in this tenure increased by 3,954 currently.

3.1.3 Assessing Traveller Accommodation Needs, Social Housing Needs Assessment
Under Section 21 of the Housing (Miscellaneous Provisions) Act 2009, the Minister for Housing may direct each local authority to prepare a summary of the social housing assessments carried out in its administrative area. This summary brings together information provided by local authorities on households in their functional area that are qualified for social housing support but whose social housing need is not being met. It is a point-in-time assessment of the identified need for social housing support across the country and is used to inform policy and plan for the funding and provision of the right types of housing support. The assessment criteria that local authorities use to determine social housing need is set out in Regulation 23 of the Social Housing Assessment (Amendment) Regulations 2011.

Arrangements for conducting the annual Social Housing Needs Assessments have changed significantly over the last two decades; therefore, it is not possible to produce comparable long-term data on changes in the level of need for social housing support. Furthermore, the information collected as part of the Annual Social Housing Needs Assessments does not include an 'ethnic identifier' or, in other words, does not identify the ethnicity of applicants for social housing support and, therefore, the number of Traveller households in this category. Only figures for households requesting Traveller-specific housing (i.e. halting sites or group housing schemes) are available. The 2018 Summary of Social Housing Needs Assessment indicates that 1,295 households (or 1.8% of the total number of households assessed as in need of social housing support) require Traveller-specific accommodation, while the comparable figure for 2017 was 1,472 or 1.7% of the total.⁸ As mentioned earlier, the 2017 Annual Estimate (Count) of Travellers by local authorities identified 11,116 Traveller households in the country - this indicates that 13% of these households had been assessed as being in need of and were awaiting the allocation of Traveller-specific accommodation.

The Annual Summary of Social Housing Assessments includes private renting households in receipt of Rent Supplement to enable them to pay their rent, but it excludes households supported by the two main government housing allowance supports; Housing Assistance Payment (HAP) and the Rental Accommodation Scheme (RAS). This is because HAP and RAS recipients' need for social housing support is deemed to have been met. Therefore, Traveller households in receipt of these allowances are not currently captured in the Social Housing Assessments data.

3.1.4 Traveller Accommodation Programmes' Assessments of Travellers' Accommodation Needs

The Housing (Traveller Accommodation) Act, 1998 sets out that each local authority is to prepare, adopt and implement five-year Traveller Accommodation Programmes (TAPs). Currently, the 2019 to 2024 Traveller Accommodation Programme is being prepared by local authorities.

In drawing up the TAPs, the 1998 Act provides that local authorities:

⁸ Housing Agency (2018) Summary of Social Housing Assessments 2018

- Prepare and adopt accommodation programmes to meet the existing and projected accommodation needs of Travellers in their areas
- Carry out broad public consultation in the preparation and amendment of accommodation programmes
- Take appropriate steps to secure implementation of programmes
- Include objectives concerning Traveller accommodation in County and City Development Plans and Local Area Plans

A date is set by the DHPLG for adoption of the programme by the Minister, which is a reserved function.

When preparing the estimate of need for the Traveller Accommodation Programmes as set out in Section 6 of the Housing (Traveller Accommodation) Act, 1998 (as amended in the Housing

(Miscellaneous Provisions) Act 2009) a local authority is required to have regard to:

1. The estimate of the number of Travellers for whom accommodation will be required during the course of the programme
2. The Summary of Social Housing Assessments prepared under Section 21 (c) of the Housing (Miscellaneous Provisions) Act 2009 as it relates to Travellers
3. The need for transient sites
4. Consideration by the local authority of the views of the Local Traveller Accommodation Consultative Committee

The Social Housing Needs Assessment at (2) above is carried out annually by the local authorities and reported on by the Housing Agency in the Summary of Social Housing Assessments. Guidance is issued to local authorities by the Housing Policy section of the Department.

3.1.5 Traveller Homelessness

Census data indicates that Travellers are more likely to be homeless than the general population. There were 517 Travellers counted as homeless in Census 2016; this equates to 7.5% of the total number of homeless persons counted in the Census, and 2.5% of the recorded Traveller population. Homeless Travellers are slightly more likely to be female - women accounted for 56% of homeless Travellers.

More detailed data provided to the Expert Group on homelessness in Dublin City and County confirms that homelessness among Travellers is a serious problem in this region (see Tables 3.3 and 3.4). On October 31st 2018 there were a total of 504 homeless Travellers in emergency accommodation in Dublin City and County including adults and children. This includes 100 families with children, which is approximately 9% of the total number of families and 9% of the total number of children in emergency accommodation at this time. The picture of Traveller homelessness in other parts of the country is less clear, but some research exists which indicates this is a significant problem in other regions. For instance, the Offaly Traveller Movement's research on Offaly found that 19.1% of people who presented themselves as homeless to the local authority in 2015 were Travellers.⁹

Submissions to the Expert Group from several Traveller representative organisations also argued that these data may underestimate the scale of homelessness among Travellers, because Travellers may experience difficulties in accessing emergency accommodation if they move between local authority operational areas. These submissions also pointed out that these data on households in homelessness accommodation fail to capture the extent of 'hidden homelessness' which is widespread among Travellers. They suggested that the marked growth in sharing of accommodation highlighted in the Annual Estimate (Count) of Traveller Families is evidence of this. In this vein, for instance, the submission from a Traveller representative group argues: *'These numbers obscure the reality of homelessness and accommodation conditions within the Traveller community. The term 'sharing' of houses and halting bay sites is a euphemism for Travellers living in chronic overcrowding'*. Meanwhile, a joint position paper from several Traveller organisations in Cork and Kerry¹⁰ which was submitted to the Expert Group argued: *'Many Traveller families are trapped 'couch surfing', in severely overcrowded houses, or living in caravans in parents' yards and driveways or other unauthorised areas without facilities'*. Submissions from several local authorities acknowledged that sharing of bays on halting sites by several households (which they stressed is unauthorised) is a significant problem. For instance, one local authority's submission raised concerns about overcrowding, and in particular fire risk, caused by unauthorised sharing, and pointed out that managing this situation and removing unauthorised occupiers from halting sites is a significant challenge for local authorities.

⁹ Murphy, N (2016). *Travelling Through Homelessness: A Study of Traveller Homelessness*, Offaly: Traveller Movement

¹⁰ Cork Traveller Women's Network, Traveller Visibility Group Ltd, West Cork Travellers Centre, Travellers of North Cork, Kerry Travellers Health and Community Development Project, Southern Traveller Health Network (undated). *How the Government Can Solve The Crisis In Traveller Accommodation*, Cork: CTWN

Table 3.3 Traveller Families in all Emergency Homeless Accommodation on the 31st October 2018 in Dublin City and County (across the four local authorities)

	No. of adults	No. of families	No. of dependent children
Individuals with dependent children	34	34	81
Couples with dependent children	131	66	184
Total	165	100	265

Source: Data submitted as part of the Expert Review

Table 3.4 Travellers (all Adults and Children) in all Emergency Homeless Accommodation on the 31st October 2018 in Dublin City and County

Dublin Region bookings into EA	No.
Adults without children	74
Adults with children	165
No. of children	265
Total ALL	504

Source: Data submitted as part of the Expert Review

3.2 Key issues and challenges

The submissions made to the Expert Review Group, their meetings with representatives of relevant organisations and review of the research and data on Traveller accommodation indicate that three aspects of ensuring that supply and delivery of accommodation reflects the needs of Travellers are of particular concern. These are: assessing Travellers' accommodation needs, supporting Travellers living in the private rented sector, and the allocation of social housing to Travellers.

3.2.1 Assessing Travellers' Accommodation Needs

Section 3.1, above, flagged marked shortcomings in the quality of the information on the size, characteristics and accommodation of the Traveller population available from the three main sources of these data, namely:

- The Census of Population conducted by the Central Statistics Office twice each decade
- The Annual Estimate (Count) of Traveller families conducted by local authorities every year
- The Annual Summary of Social Housing Needs Assessments

There is a large difference in the size of the Traveller population identified in the Census of Population and the Annual Estimate of Traveller families, for instance. Watson, Kenny and McGinnity (2017) suggest that the Census undercounts the size of the Traveller population, which they attribute to a reluctance by Travellers (especially if living in standard housing) to identify themselves as Travellers¹¹. Several submissions to the Expert Group raised concerns about the accuracy of the data generated by the Annual Estimate (Count) of Traveller families. This view was supported by representatives from the Department of Housing, Planning and Local Government, who pointed out that these data are estimates and not the result of a systematic effort to count Traveller families, in most cases. These estimates are often compiled by local authorities' social workers for Travellers, but the exact methodologies used to conduct the count vary between local authorities; therefore, the results may not be comparable.

In contrast, the methodology used to assess social housing needs is more uniform across the country because it is underpinned by legislation and statutory instruments, and this data is collated centrally by the Housing Agency and then compiled into a nationwide Annual Summary of Social Housing Assessments. Therefore, these data are more robust, but not entirely consistent across the country, and also provides an incomplete picture of Travellers' accommodation needs.

In relation to the former issue, an analysis of the Social Housing Assessments requested by the Expert Group from the Housing Agency revealed that not all of those classified as Travellers by some local authorities had requested Traveller-specific accommodation. This contravenes the Department of Housing, Planning and Local Government guidelines on the collation of the Social Housing Assessments. In December 2018 the Joint Oireachtas Committee on Housing, Planning and Local Government examined local authorities' management of social housing applications, and the report highlighted 'high levels of inconsistency and areas where clarity is lacking'¹². This report offered 13 recommendations for resolving this situation, the first of which is that the social housing application process be simplified.

A key reason why the Social Housing Needs Assessments provide an incomplete picture of Travellers' accommodation needs is that Travellers who have applied for, and have been

¹¹ Watson, D., Kenny, O., McGinnity, F., (2017), *A Social Portrait of Travellers in Ireland*, Dublin: ESRI

¹² Houses of the Oireachtas, Joint Committee on Housing, Planning and Local Government, *Examination of Local Authority Housing Lists (2018)*, p. 1

assessed as being in need of, standard social housing can't be disaggregated from all other households in this category because these applications don't include an 'ethnic identifier'. Secondly, Travellers who have applied for and have been assessed as being in need of Traveller-specific social housing are disaggregated as a specific category in the Annual Summary of Social Housing Assessments, but submissions to the Expert Group from Traveller organisations argued that these applications underestimate the actual need for Traveller-specific accommodation because in most (but not all) local authorities Traveller applicants do not get to express a preference for a particular accommodation type (e.g. first preference is a halting site, second preference is standard social housing, etc.). These submissions argued that, as a result, Travellers feel pressured to apply for standard social housing because they are concerned that low output of Traveller-specific social housing means that they have no realistic prospect of securing it. Thirdly, until 2009 assessments of social housing needs included all social housing applicants. New regulations introduced under the terms of the Housing (Miscellaneous Provisions) Act 2009 amended this procedure and removed recipients of Housing Assistance Payment (HAP) and Rental Accommodation Scheme (RAS) from the assessment on the grounds that their need for 'social housing support' has been met (recipients of Rent Supplement - the other main government housing allowance for private renting tenants - continue to be included in the Social Housing Assessments). Consequently, the increasing numbers of Travellers (and other households) accommodated through RAS and HAP funded accommodation are not included in the Annual Summary of Social Housing Assessments. These households are included on a separate 'transfer list' which is not collated centrally, but rather is maintained separately by each local authority. This means that these households' accommodation needs may not be taken into account in Traveller Accommodation Programmes. In addition, submissions to the Expert Group from several Traveller representative organisations raised concerns that Travellers on the transfer list have no facility to express a preference to transfer to Traveller-specific social housing.

Due to these data shortcomings, there is a lack of clarity regarding the scale of Travellers' need for government-supported housing and also regarding their preference for standard social housing, Traveller-specific social housing and private rented housing. This was reflected in the lack of consensus on this issue in submissions made to the Expert Review Group about the scale and nature of Traveller housing need. For instance, every submission to the Expert Group from Traveller organisations argued that the Annual Summary of Social Housing Assessments underestimates the need for Traveller-specific housing. In this vein,

one submission argued *'Traveller families are being forced into standard housing and private rented accommodation because of the lack of choice of Traveller-specific accommodation'*.

Submissions from local authorities proffered the opposite view. They highlighted low levels of demand for Traveller-specific accommodation and, in meetings with local authority representatives, this was linked to changing lifestyles and also gender roles, particularly among younger Travellers. Vacancy rates in Traveller-specific accommodation in some parts of the country was also cited as evidence of low demand for this type of accommodation.

There was also a strong consensus among all of the organisations, groups and individuals consulted by the Expert Group that the lack of clarity regarding the scale and nature of accommodation need among the Travelling community is undermining the accuracy of planning to meet these needs in the Traveller Accommodation Programmes (TAPs). In addition, it has reduced the potential for accurate monitoring of the implementation of the TAPs.

3.2.2 Supporting Travellers Living in Private Rented Accommodation

As mentioned, over recent decades there has been a marked expansion in the proportion of Travellers (and of the wider Irish population) who are accommodated in private rented accommodation. However, the Traveller organisations and local authorities consulted by the Expert Group agreed that these data understate the proportion of Travellers accommodated in HAP, RAS and Rent Supplement supported private rented housing.

Several local authorities reported that these private rented housing subsidies were a popular and useful option among Travellers, but they also agreed with concerns expressed by Traveller representative organisations that Traveller households face stronger challenges in accessing this type of housing than their settled counterparts, particularly in high-demand and expensive urban rental markets, and that this is a major driver of the high rates of homelessness among Travellers.

For instance, representatives of the DHPLG pointed out that the Traveller households can find it difficult or impossible to secure private rented housing which is large enough for their needs, because such accommodation is not available at rents which the various housing allowances will cover or is not available at all.

Among other issues, one Traveller group's submission to the Expert Group highlights the role of discrimination in impeding Traveller's access to private rented accommodation. They argue that: *'The focus on the private sector and HAP in the provision of housing for social housing applicants has had a particular detrimental effect on Travellers. The additional barriers Travellers face due to discrimination are both huge and well documented'*. This view is supported by a recent report on *Discrimination and Inequality in Housing in Ireland* published by the Irish Human Rights and Equality Commission, which found: *'Travellers... are almost ten times as likely to report discrimination in access to housing as the White Irish population, even after education and labour market status are held constant'*¹³. A paper presented by Breda O'Donoghue from the Traveller Visibility Group and Anne Burke from the Southern Traveller Health Network to the 2016 National Traveller Accommodation Conference¹⁴ in Cork argues that Travellers sometimes *'... live in private rented houses, under the pretence that they are not Travellers, living in fear that once their identity is revealed they will be evicted. They also suffer from isolation and lack of support from their families because they can't allow their families to visit in case the landlord discovers they are Travellers'*.

3.2.3 Allocation of Social Housing to Travellers

Due to Travellers' lower incomes and higher unemployment levels compared to the population at large, coupled with the discrimination they face in accessing private rented housing, this community relies heavily on the social housing sector for accommodation¹⁵. Therefore, mechanisms for the allocation of social housing have a particularly significant impact on Traveller households.

As explained above, the Annual Estimate (Count) of Traveller families and the Census indicate that the size of the Traveller population has expanded significantly over the last decade, but the numbers accommodated in Traveller-specific social housing has expanded only marginally. The information supplied to the Expert Group by local authorities and the Department of Housing, Planning and Local Government indicates that this reflects low output of this type of accommodation primarily.

The different sources of available data provide different estimates of the total number of social housing units and of changes in the size of this sector over the last decade. According

¹³ Grotti, R. Russell, H. Fahey, E. and Maître, B. (2018), *Discrimination and Inequality in Housing in Ireland*, Dublin: IHREC, p. 2

¹⁴ National Traveller Accommodation Conference (2016) *Report*, Cork: Traveller Visibility Group

¹⁵ Watson, D., Kenny, O., McGinnity, F., (2017), *A Social Portrait of Travellers in Ireland*, Dublin: ESRI

to the Census of Population, the number of social housing dwellings occupied increased by 3,954 between 2006 and 2016 (from 155,989 to 159,943 dwellings). However, the Expert Group's own analysis of Department of Housing, Planning and Local Government¹⁶ data indicates that the social housing stock increased from 130,300 to 166,467 dwellings between 2006 and 2016 (or by 36,167 units). As detailed in Appendix 6, the Annual Estimate (Count) of Traveller Families indicates that the number of Traveller households living in mainstream social housing increased by 880 between 2006 and 2016. This means that Traveller households secured either 16.5% of the additional mainstream social housing tenancies provided during this period (if the Census data on the size of the social housing stock are correct) or 1.8% of the additional tenancies (if the Expert Group's estimate of the size of the social housing stock is correct). These two estimates are significantly different but, in view of the fact that Travellers make up 0.7% of the total population of Ireland, they both indicate that Traveller households secured proportionately more social housing than other categories of applicants.

However, the Expert Group's analysis identified several factors which could potentially impede Travellers' access to mainstream social housing and, therefore, require ongoing attention from policy makers and social housing landlords. These relate to:

- The marked differential between the size of the dwellings in the existing social housing stock and of Traveller households. Table 3.1 revealed that more than one in four Irish Traveller households had six or more persons according to Census 2016, compared with fewer than one in twenty households in the State overall. However, Census 2016 also reveals that a very small proportion of the social housing stock consists of large dwellings which would be suitable to accommodate these large households (see Table 3.5).
- The growing role of voluntary sector approved housing bodies in providing social housing. This sector has provided an increasing proportion of social housing units in recent years and, therefore, is likely to play an increasingly important role in accommodating Travellers in the future. However, the Expert Group's analysis suggests that Travellers have had less success in accessing AHB-provided mainstream social housing compared to that provided by local authorities. Comparing Department of Housing, Planning and Local Government data on standard social housing output to

¹⁶ Department of Housing, Planning and Local Government (various years), *Annual Housing Statistics Bulletin*, Dublin: DHPLG

data from the Annual Estimate (Count) of Traveller Households indicates that Travellers secured 2.0% of additional standard local authority housing provided between 2006 and 2016 but only 1.3% of the additional mainstream housing provided by AHBs.

- A statutory instrument issued in 2011 (SI No. 84/2011) introduced significant changes to arrangements for allocating social housing tenancies. For instance, this provision enables local authorities to take account of applicants' time on the waiting list in allocating social rented dwellings. Recently published research¹⁷ indicates that this measure is not used in every local authority, but its use is growing, particularly in urban local authorities where social housing is in particularly short supply. This research concludes that this approach has significant benefits from the perspective of efficiency and equity in the allocation of social housing, but it also highlighted some important risks which could potentially impact negatively on Travellers' access to social housing. This is because using time on the waiting list as a key criterion in social housing allocation decisions may disadvantage families who are at risk of homelessness because those living in overcrowded or inadequate accommodation no longer receive priority, and Travellers are more likely to be in these categories.
- A second statutory instrument issued in 2011 (SI No. 198/2011) enables local authorities to use 'choice-based lettings' to speed up the allocation of social rented dwellings. This measure allows social housing applicants to express their interest in occupying a vacant dwelling advertised by the local authority (usually on a website). The dwelling is then allocated to whichever of these applicants is highest placed on the council's scheme of letting priorities for allocating dwellings. Choice-based lettings has been very positively evaluated from the perspective of the efficiency and speed of social housing allocation¹⁸, and a recent National Oversight and Audit Commission¹⁹ (2017) report on local authority housing management recommends that it should be adopted more widely. However, one submission to the Expert Group from a Traveller representative group raised concerns about the impact of this system for Travellers' access to social housing. These concerns are also repeated in a paper presented by Breda O'Donoghue from the Traveller Visibility Group and Anne Burke from the

¹⁷ Norris, M. and Hayden, A. (2018), *The Future of Council Housing An analysis of the financial sustainability of local authority provided social housing*, Dublin: Community Foundation for Ireland

¹⁸ For instance, by Norris, M. and Hayden, A. (2018)

¹⁹ National Oversight and Audit Commission (2017) *A Review of the Management and Maintenance of Local Authority Housing*. Dublin: NOAC

Southern Traveller Health Network to the 2016 National Traveller Accommodation Conference²⁰ in Cork, which argues that choice-based lettings is ‘not suitable for families who are not computer literate and in many cases do not have access to electricity, never mind computers...’

Table 3.5 Number of Households renting permanent Social Housing provided by a local authority or Voluntary Approved Housing Body by number of rooms per dwelling, Census 2016²¹

Total number of rooms	No. Households in Social Housing Rented from a Local Authority	No. of Households in Social Housing Rented from a Voluntary Sector Approved Housing Body
1 room	4,319	810
2 rooms	17,284	3,837
3 rooms	30,190	4,603
4 rooms	22,606	2,451
5 rooms	47,311	3,370
6 rooms	10,448	655
7 rooms	2,221	221
8 rooms	699	101
9 rooms	183	41
10 or more rooms	106	37
Not stated	7,811	639
Average number of rooms	3.8	3.3
Total private households	143,178	16,765

Source: Central Statistics Statbank Database, table E1033:

3.3 Recommendations

Short-term

1. The DHPLG should amend the regulations which govern the methodology local authorities use to conduct Social Housing Assessments in order to:

²⁰ National Traveller Accommodation Conference (2016) *Report*, Cork: TVG

²¹ The *number of rooms* occupied by a private household is the total number used by the household. This includes kitchens, living rooms, bedrooms, conservatories you can sit in and studies, but excludes bathrooms, toilets, kitchenettes, utility rooms consulting rooms, offices, shops, halls, landings and rooms that can only be used for storage, such as cupboards

- a. Enable Travellers (and all other applicants for social housing) to specify their first, second and third preference in terms of accommodation type.
 - b. Introduce an 'ethnic identifier' so that Traveller applicants for mainstream social housing can be identified and progress in meeting their housing needs monitored effectively.
2. The implementation of the Social Housing Assessments by local authorities should be centrally monitored to ensure that the data generated are more robust and geographically consistent. This would require:
 - a. Revision and standardisation of the application form;
 - b. The provision of information and regular training for local authority officials to ensure that Social Housing Assessments are conducted consistently nationwide; and
 - c. A quality review of each local authorities' Social Housing Needs Assessment data when it is being compiled into the Annual Summary of Social Housing Needs Assessments by the Housing Agency, and initiation of appropriate interventions in cases where the data quality are inadequate.
3. In addition to more robust and detailed Social Housing Needs Assessments data, more detailed data on Travellers who are not included in the Assessment and on future Traveller accommodation need are required for effective planning for Traveller accommodation provision. It is envisaged that these additional data would be compiled once during each Traveller Accommodation Programme cycle (Section four sets out recommendations regarding the duration of this cycle and the timeframe for gathering the data required to inform the content of the TAPs). These additional data would encompass:
 - a. Information on Travellers currently accommodated in RAS, HAP and Rent Supplement funded dwellings. This would require the inclusion of an ethnic identifier in applications for these housing allowances and the collation of data currently recorded by the Department of Employment and Social Protection (in the case of Rent Supplement) and on each local authority's 'transfer list' (in the case of RAS and HAP).

- b. An in-depth nationwide survey of the characteristics of the Traveller population, their location and accommodation, commissioned from an independent, expert provider. This survey would provide more detailed information on Travellers' mobility patterns, family formation, existing accommodation tenure and conditions, and future accommodation preferences. It could also be used to inform the ongoing review of the accuracy of the Social Housing Assessments, as recommended above.
4. All data on Travellers from the revised Social Housing Assessment, claimants of RAS, HAP and Rent Supplement and the in-depth nationwide survey should be published, to enable review of the content and implementation of Traveller Accommodation Programmes devised on the basis of these data (Section four sets out recommendations regarding this review process).
5. The DHPLG should amend the regulations which govern the allocation of Traveller-specific social housing to enable Traveller occupants of HAP and RAS-funded dwellings and standard local authority or AHB social housing to apply to transfer to Traveller-specific social housing.

Long-term

6. Implement an ongoing programme of equality monitoring of arrangements for allocating social housing to assess their impact on Travellers and other vulnerable populations. This should examine the impact of using the time on the list and choice-based lettings allocations systems.
7. The Central Statistics Office should work with local authority social workers for Travellers and Traveller organisations to ensure that the Census better captures the characteristics of the Traveller population.
8. Commission research on homelessness among Travellers and ensure that the particular accommodation challenges and preferences of this group are addressed in relevant strategies to combat homelessness.

4. Planning

The planning system has a key role to play in planning for, and delivering, Traveller-specific accommodation in Ireland. Indeed, it has been identified as one of the main problem areas and cited as being a crucial blockage in delivering Traveller-specific accommodation²². This section will look at the planning system in Ireland and identify the key issues and challenges that it presents for Traveller-specific accommodation. It will also present a set of recommendations, both short and long-term, for improving plan-making and decision-taking for Traveller-specific accommodation.

4.1 Context

Traveller-specific accommodation interacts with the planning system in Ireland in different ways and at different levels. The planning system in Ireland is characterised by its processes, instruments and institutional structures. It is hierarchical, in a spatial and governance sense, operating at a national, regional and city/county/local level. The legislative basis for the planning system is contained in the principal act, the Planning and Development Act, 2000, as amended, and the associated regulations.

At national level, the relevant Minister and the Government Department, which is currently the Department of Housing, Planning and Local Government, have overall responsibility for legislation and higher-level plans, policy and guidance. The new Office of the Planning Regulator provides oversight of plan-making processes, along with other functions. At regional level, the Regional Assemblies are responsible for region-wide spatial planning policy through their Regional Spatial and Economic Strategies. At the local level, the local authorities (as Planning Authorities) provide extensive planning and development roles including plan-making, development management and carrying out their own development. An Bord Pleanála is Ireland's planning appeals body. Its principal purpose is to provide a review process for the development management decisions of local authorities. It has also been tasked with other functions such as assessing and determining applications for certain types of strategic infrastructure and, more recently, strategic housing.

²² Some groups referenced the 2017 RSM report 'Review of Funding for Traveller-Specific Accommodation and the Implementation of the Traveller Accommodation Programmes', commissioned by the Housing Agency. The '*planning process which is there for everyone to have a say in any proposal that is being made and on the face of it does give people the rights to have a say, however parts of the planning act has been used by settled residents to prevent Traveller accommodation being built.*' (Traveller Representative Group)

To understand the relationship between the planning system and Traveller-specific accommodation it is necessary to identify key points of interaction at the different levels in the hierarchy, which are:

- National;
- Regional; and
- City, County and Local level.

4.2 Planning at the national level

The underpinning legislation for the planning system, broad planning policy and planning guidance for lower level plans (at regional and local level) are developed and updated by the responsible Minister and the Department of Housing, Planning and Local Government.

4.2.1 Legislation

The Planning and Development Act, 2000, as amended, includes a comprehensive set of provisions, such as for plan-making, housing supply, development management, environmental assessment, enforcement and development. Notably, the legislation includes general provisions for housing supply, which include the preparation of a Housing Strategy and its alignment with the statutory Development Plan prepared by planning authorities. It also sets out provisions for securing and allocating social and affordable housing. Importantly, the legislation requires that a Development Plan shall include objectives for: ‘The provision of accommodation for Travellers, and the use of particular areas for that purpose.’²³

Although planning legislation does not specifically reference the Housing (Traveller Accommodation) Act, 1998, the connection is, nonetheless, made at a policy level by way of the planning guidelines for Development Plans (see 4.2.2 below).

The Housing (Traveller Accommodation) Act, 1998, provides the legislative framework within which the accommodation needs of Travellers should be met (this is discussed further in Section six of this report). The Act requires relevant local authorities, as the designated housing authorities, to prepare and adopt five-year Traveller Accommodation Programmes (TAPs) to meet the existing and projected accommodation needs of Travellers in their areas. The current TAP programme is 2019 to 2024.

²³ Section 10 (2) (i) of the Planning and Development Act, 2000, as amended

4.2.2 Policy and guidelines

General government strategy in related areas, such as climate change, energy, heritage protection and sustainable development, have general application to higher level planning policy in Ireland. The principal planning policy instrument in Ireland is the National Planning Framework (NPF)²⁴. The NPF includes a wide range of national planning objectives around sustainable development, regional, urban and rural development, and placemaking. It also makes specific reference to The Travelling Community under the policy on People, Homes and Communities²⁵. The NPF commits to meeting the housing needs of the travelling community as an ethnic minority and it states that local authorities will continue to address the specific needs of Travellers, ensuring targeted provision and incorporating this into housing and Traveller accommodation strategies, city and county development plans and local area plans. National Policy Objective 28 covers this commitment in its aim for a more diverse and socially inclusive society and communities.

Planning Guidelines are issued by the Minister and play a crucial role in guiding the planning processes, practices and decision-making of local authorities, An Bord Pleanála and the Regional Assemblies. Planning Authorities and An Bord Pleanála are required to have regard to planning guidelines and to apply any specific planning policy requirements (SPPRs) of the guidelines, within the meaning of Section 28 (1)(c) of the Planning and Development Act 2000, as amended, in carrying out their functions. SPPRs take precedence over any conflicting policies and objectives of Development Plans, local area plans and strategic development zone planning schemes. Where such conflicts arise, such plans/schemes need to be amended by the relevant planning authority to reflect the content and requirements of these guidelines and to properly inform the public of the relevant SPPR requirements.

There are no planning guidelines devoted specifically to Traveller-specific accommodation; however, general planning guidelines, dealing with sustainable housing and communities²⁶ have relevance, and planning guidelines for Development Plans²⁷ provide important provisions around plan-making and delivery. Planning guidelines clarify the relationship between the Traveller Accommodation Programme (TAP), the Housing (Traveller Accommodation) Act, 1998 and the Development Plan.

²⁴ The National Planning Framework, Department of Housing, Planning and Local Government, 2018

²⁵ Ibid. s.6.3

²⁶ Quality Housing for Sustainable Communities, Department of Environment, Heritage and Local Government, 2007a.

²⁷ Development Plans: Planning Guidelines for Planning Authorities. Department of Environment, Heritage and Local Government, 2007b

In addition, there is related departmental guidance for the development and delivery of Traveller-specific accommodation, covering basic services and facilities, group housing, transient sites and residential caravan parks²⁸. These were issued some time ago as separate guidance documents and are now in need of comprehensive review and update.

The Minister may also issue policy directives to planning authorities regarding any of their planning functions²⁹. Planning Authorities and The Board (where applicable) must comply with any such directives in the performance of their functions. Ministerial policy directives are uncommon and they must be approved by the Houses of the Oireachtas before they are issued. Similarly, the Minister may also issue a directive relating to a Draft Development Plan where he or she believes that it fails to set out an overall strategy for the proper planning and sustainable development of the area of a planning authority or otherwise significantly fails to comply with the legislation³⁰. In the absence of more comprehensive guidance for planning authorities on Traveller accommodation, directives are a potential route to addressing local planning problems around planning and delivery. Notably, the Office of the Planning Regulator will advise the Minister as to any Directions that may be required to uphold policy and regulatory requirements (see below).

4.2.3 Office of the Planning Regulator

The Office of the Planning Regulator (OPR) was formally established in 2019³¹. This independent office has a key role to play in providing oversight of plan-making processes and plans at local and regional levels. It is to be tasked with coordinating planning-related research. Clearly, the OPR could play an important role in monitoring the policies and provisions for Traveller accommodation in statutory Development Plans and other plans. Specifically, the OPR could review and monitor the robustness of local policies, local objectives and specific measures for Traveller accommodation. It may also advise the Minister as to any Directions that may be required to uphold policy and regulatory requirements around Traveller accommodation. In addition, the OPR could support or sponsor research in the area of planning for Traveller accommodation.

²⁸ Including: Guidelines for Residential Caravan Parks for Travellers; Guidelines for Traveller Accommodation, 1997; Basic Services and Facilities for Caravans pending the provision of Permanent Accommodation, 1998; Guidelines for Accommodating Transient Traveller Families, 2000; and Guidelines for Group Housing for Travellers, 2002, all issued by the Department of Environment and Local Government

²⁹ s.29, Planning and Development Act, 2000, as amended

³⁰ s.31, Planning and Development Act, 2000, as amended

³¹ On foot of the Planning and Development (Amendment) Act, 2018

4.2.4 Key issues and challenges

- There is a poor connection between the provisions of the Traveller accommodation legislation and the planning legislation;
- There is an inadequate level of planning guidance for planning authorities for Traveller accommodation, notably in developing proper methodologies for assessing need, preparing appropriate Development Plan policies and local objectives, preparing development management standards and dealing with Traveller-specific accommodation in the development management process;
- The robustness of Development Plans as they relate to Traveller-specific accommodation is not adequately monitored or reviewed at regional or national level; and
- There is a need for updated guidance for planning, designing, delivering and managing quality, sustainable Traveller-specific accommodation. Ideally, this should be in a single, comprehensive manual.

4.3 Planning at the regional level

Regional planning functions are delivered by the three Regional Assemblies. They were established on 1st January 2015 under the provisions of the Local Government Reform Act, 2014. Spatial planning and economic development are the principal functions of the Assemblies. The Assemblies are tasked with preparing Regional Spatial and Economic Strategies (RSEs), which set out broad planning policies at the regional level for a medium-term horizon (to 2030). The purpose of the RSEs is to refine national planning policy and relate it to the region, and to provide coordination of aspects of the planning functions of the region's local authorities. The RSEs also include Metropolitan Area Strategic Plans (MAPs) for the larger cities of Dublin, Waterford, Cork, Limerick-Shannon and Galway. The Planning and Development Act, 2016 provides a mechanism for updating Development Plans in the functional areas of the Assemblies to ensure alignment with RSE and NPF provisions. Notably, the Regional Assemblies have no statutory or formal role in development management or the monitoring of development management at local level.

The Draft Eastern and Midland RSE (2019), prepared by the Eastern and Midland Regional Assembly, references the different social and economic context for Travellers and makes reference to the requirement for local authorities to develop and implement five-year accommodation programmes for Travellers. It also includes a specific regional planning objective:

RPO 9.2: Support Local Authority and sectoral initiatives to increase active participation and social integration of minority groups, including non-Irish nationals and Travellers.

The Draft Northern and Western RSES (2019), prepared by the Northern and Western Regional Assembly, while supporting diverse and quality places and communities, includes no specific reference or policy for Travellers as a distinct community or accommodation for Travellers. Likewise, the Draft Southern RSES (2019), prepared by the Southern Regional Assembly, while supporting a diverse and socially inclusive society, makes no specific reference to Travellers as a distinct community, or to accommodation for Travellers.

4.3.1 Key issues and challenges

- There is an inconsistent approach to policy for Traveller accommodation at regional level;
- Regional policy for Travellers, where provided, is very general in nature; and
- Regional Assemblies currently have no formal role in the coordination or monitoring of the local level delivery of Traveller-specific accommodation.

4.4 Planning at the city, county and local level

Planning Authorities in Ireland carry out a range of planning and development functions which are highly relevant to Traveller-specific accommodation. These functions cover plan-making, development management and development of accommodation.

4.4.1 Plan-making

Planning Authorities produce different types of plans depending on context and need, as follows:

- County or City Development Plans (CDPs) - these are mandatory;
- Local Area Plans (LAPs) - these are both mandatory and discretionary;
- Strategic Development Zones (SDZ) Planning Schemes - these are designated by the Minister; and
- Non-statutory local plans and master plans - these are discretionary.

4.4.2 The Development Plan

The statutory County, or City Development Plan (the Development Plan) sets out a broad strategy for the functional area, and includes policies in a range of areas including urban

design and development, transport, local economy, employment, education and housing. The Development Plan also contains the detailed objectives for controlling and managing development, such as land use zoning. A key component of the Development Plan is the housing strategy, which sets out housing needs, variety of housing, mix of types and typologies and sizes to match needs, and the need to counteract undue segregation³². Housing Need and Demand Assessments (HNDAs) are an important methodology for the Housing Strategy, which should integrate the Social Housing Needs Assessment for Traveller accommodation.

Importantly, it is a requirement of the legislation that a Development Plan shall include objectives for: 'The provision of accommodation for Travellers, and the use of particular areas for that purpose.'³³

As discussed earlier, National-level planning guidelines for Development Plans³⁴ clarify the relationship between the Traveller Accommodation Programme (TAP), the Housing (Traveller Accommodation) Act, 1998 and the statutory Development Plan. They also require that the range and type of housing required and the land use aspects of the TAP are incorporated into the Development Plan. The Guidelines also state that this should take the form of '... objectives that clearly set out the approach of the Development Plan in addressing the accommodation needs of the Traveller community and an indication of the specific locations of known Traveller accommodation projects. To support the identification of additional locations for such projects, zoning policies should also be drawn up in a flexible manner to reflect the urgent need to secure additional Traveller accommodation over the lifetime of the plan.'³⁵

The research and consultation for this report has highlighted problems with the coordination of the TAP and the statutory Development Plan, particularly in relation to the ineffective transfer of the provisions of the TAP across to the statutory Development Plan, through its inclusion in the Housing Strategy.

Of more general relevance are the planning guidelines for quality housing for sustainable communities³⁶, which provide an appropriate set of essential requirements, and guidance

³² Section 94 (2) of the Planning and Development Act, 2000, as amended

³³ Section 10 (2) (i) of the Planning and Development Act, 2000, as amended

³⁴Section 4.56 of Development Plans: Planning Guidelines for Planning Authorities. DEHLG, 2007

³⁵ Ibid

³⁶ Quality Housing for Sustainable Communities, Department of Environment, Heritage and Local Government, 2007a

around site selection, meeting of particular needs, urban design and layout, that appropriately apply to Traveller-specific accommodation.

4.4.3 Local-level plans

Local Area Plans (LAPs) are required for settlements of a certain size and designation; however, Planning Authorities have the discretion to prepare a Local Area Plan for any part of their functional areas, if considered necessary. The LAP is required to be consistent with the Development Plan³⁷. However, unlike the Development Plan, there is no legislative or policy requirement to include specific objectives for Traveller-specific accommodation in LAPs.

SDZ Planning Schemes are more detailed local planning frameworks, with higher levels of prescription and a streamlined development consent process. As with LAPs, there is no legislative or policy requirement to include specific objectives for Traveller accommodation in SDZs.

Other local-level plans, such as master plans, are discretionary and non-statutory and can be prepared to provide greater guidance for the development or regeneration of key locations. They are usually referenced in the relevant Development Plan or LAP. Being discretionary non-statutory plans, they are not required to include any provisions or proposals for Traveller accommodation.

Local Economic and Community Plans (LECPs) are in place for each local authority³⁸. LECPs identify strategic assets, high-level goals, sustainable objectives, priorities and actions, and local community issues such as social inclusion. The Dublin City LECP³⁹ for example, includes a goal to work in partnership with local communities to improve social inclusion and makes specific reference to the challenges that the Travelling Community faces. LECPs have a role in informing the Development Plan and could support policy for Traveller-specific accommodation.

³⁷ Planning and Development (Amendment) Act, 2002

³⁸ Introduced by the Local Government Reform Act, 2014

³⁹ Local Economic and Community Plan, 2016-2021. Dublin City Council

4.4.4 Development, and Development Management

There are two relevant processes for applications and consents for development of Traveller-specific accommodation. These are local authority own development, and the normal planning application process undertaken by most other entities.

Local authority own development ('Part 8 development')

Part VI (s.179) of the Planning and Development Act, 2000, as amended, covers State Authorities and local authority own development. The detailed process around this is set out in Part 8 of the Planning and Development Regulations, 2001 (S.I. 600 of 2001), as amended. This is the time-limited process through which the vast majority of Traveller-specific accommodation is delivered. In essence, the Housing Authority, which is also the Planning Authority, sponsors, prepares and progresses proposals for Traveller accommodation. The process contains three main stages: preparation of proposals, display of proposals, and decision-making.

For many Traveller-specific accommodation projects, Part 8 planning consent is not necessary where projects involve refurbishment of existing sites rather than new developments. Many of these projects fall below the cost threshold noted for Part 8, and do not require significant changes that would involve public interest.

Reserved functions for Part 8 and land disposal

The decision to vary, modify or reject a proposal under Part 8 is a reserved function (i.e. reserved for Elected Members of the local authority) that may be performed⁴⁰. Decision-making on the disposal of land held by a local authority is also a reserved function to be performed⁴¹. This is significant, as most Traveller-specific accommodation proposals are located on local authority-held lands.

Taking the decision-making functions on Part 8 applications and land disposal together, local elected members of local authorities have very substantial control over the final approval of proposals for Traveller-specific accommodation. This control over delivery has been criticised for many years by many groups as being overly-politicised (in response to pervasive local opposition to the development of new Traveller-specific accommodation). It has also been a significant contributor to delay and, ultimately, the failure to deliver

⁴⁰ Under Schedule 3, Part 2 (reference 15) of the Local Government Reform Act, 2014

⁴¹ Under Schedule 3, Part 3, reference 13 of the Local Government Reform Act, 2014

Traveller-specific accommodation⁴². It has been suggested previously, and frequently during the consultation process for this report, that Traveller-specific accommodation should be removed from the Part 8 process, or that local Elected Members should no longer have a decision-making role in the case of Traveller-specific accommodation within the Part 8 process⁴³.

Emergency measures for approval

The Chief Executive of the local authority has the power to dispense with the formal Part 8 planning processes in emergency situations for the local authority's own development where a proposed development is seen to require immediate action. These powers, although used infrequently, have been used in the case of Traveller accommodation, as a last option in most instances.

Planning applications

The standard process for other entities is to apply for planning permission under Part III of the principal act. In this case planning applications are made to the planning authority where they are assessed and determined under executive functions of the Chief Executive. There is no formal decision-making role for the Elected Members in this process. There is a general right (third party) to appeal decisions to An Bord Pleanála, where a decision on an appeal will be made based on a range of matters such as planning merit, the statutory development plan or plans and planning guidelines.

Recent legislation has provided a more direct route to planning permission for strategic housing development (proposals of over 100 units)⁴⁴. These proposals can proceed to An Bord Pleanála for determination without a formal decision of the local Planning Authority. This is a temporary legislative measure considered necessary to increase the delivery of housing. It has been suggested in the consultation for this report that Traveller-specific accommodation by the local authorities and other entities should be treated in the same manner as strategic housing developments. This would remove decision-making on Traveller-specific accommodation from the current Part 8 process.

⁴² The 'planning process which is there for everyone to have a say in any proposal that is being made and on the face of it does give people the rights to have a say, however parts of the planning act has been used by settled residents to prevent Traveller accommodation being built.' (Traveller Representative Group)

⁴³ Notably, Traveller representative groups and some submissions from Local Authorities pointed out one solution as being the removal of Section 8 of the planning legislation for Traveller accommodation. 'Remove Section 8 of the planning legislation in respect of the delivery of Traveller-specific accommodation, as this planning legislation has been one of the key blockages in the delivery of Traveller Accommodation.' (Traveller Representative Group) or 'Part 8 of the Planning Act – this needs to be amended to remove public consultation and political intervention in planning and the identification of suitable sites for Traveller-specific accommodation' (Traveller Representative Group)

⁴⁴ Planning and Development (Housing) and Residential Tenancies Act, 2016

4.4.5 Key issues and challenges

- There is a lack of integration between Traveller Accommodation Programmes and the Housing Strategy/Development Plans;
- There is a misalignment in terms of the timing and cycles of the TAP and the Development Plan;
- There are inconsistent approaches taken in different Development Plans around policies and objectives for Traveller-specific accommodation;
- There is no requirement to include relevant objectives for Traveller-specific accommodation in LAPs or SDZ Planning Schemes;
- There is a lack of coordination of local policies and objectives between Local Authorities;
- There are serious problems around the delivery of Traveller-specific accommodation through the Part 8 process;
- There are often problems relating to the agreement by Elected Members to dispose of land for the purposes of developing Traveller-specific accommodation; and
- Emergency executive powers have occasionally been used to bypass problems with Part 8 decision-making.

4.5 Recommendations

Short-term recommendations are based largely on the delivery of Traveller accommodation, whereas medium and longer-term recommendations relate largely to improved legislation, policy and guidance.

Immediate and short-term recommendations:

1. In the immediate term, encourage local authority chief executives to use emergency powers, where necessary, to bypass problems with decision-making by elected members regarding Traveller accommodation.
2. Put in place the legislative provisions to suspend the reserved function of elected members for approval of Part 8 proposals for Traveller-specific accommodation, and also to suspend the reserved function relating to the agreement to dispose of land for the purposes of developing Traveller accommodation and provide these as executive functions. This suspension should be reviewed after a period of five years.

3. Put in place the legislative provisions to provide an alternative and direct route for all entities for Traveller-specific accommodation to An Bord Pleanála in line with the processes established for Strategic Housing Development. This provision should be reviewed after a period of five years.
4. Carry out appropriate baseline studies around Traveller-specific accommodation needs as part of integrated Housing Need and Demand Assessments for Development Plans.
5. Request research and a review by the Office of the Planning Regulator (OPR) of Traveller-specific accommodation policies and objectives in statutory Development Plans.
6. Ensure that local authority Development Plans comply with provisions of the Planning and Development Act, (2000) as amended, particularly in relation to the requirement around Traveller accommodation [s10(2)(i)].

Medium and longer-term recommendations:

7. Update the Traveller accommodation and planning legislation to improve general alignment of the different mechanisms for planning for the provision of Traveller accommodation. Most importantly, the timeframe for the production, adoption and implementation of Traveller Accommodation Programmes should align with each local authority's Development Plan timing and cycles.
8. Provide comprehensive planning guidelines for Regional Assemblies and local authorities to ensure consistency and integration of the Traveller Accommodation Programmes and the Housing Strategy section of Development Plan preparation and development management processes.
9. Provide the Regional Assemblies with a formal role in advising on, coordinating and monitoring of the local level delivery of Traveller-specific accommodation at regional level, and, in the shorter term pending this new role, designate local authorities in each Region as leads in the areas of review, policy, delivery etc.
10. Ensure that any new national level authority would incorporate a role in monitoring statutory plans and referral as necessary, to the Office of the Planning Regulator.

5. Capacity and Resources

5.1 Context

5.1.1 Funding of Traveller-specific Accommodation

Local authorities submit proposed capital programmes for the delivery of Traveller-specific accommodation in their operational areas, such as halting sites and group housing schemes, each year to the Department of Housing, Planning and Local Government (DHPLG). These are assessed by the DHPLG and, on the basis of an analysis of the viability of all of the programmes submitted, the national budget for Traveller accommodation is distributed between the local authorities.

The DHPLG funds 100% of the capital cost of Traveller-specific accommodation provided by local authorities. This includes:

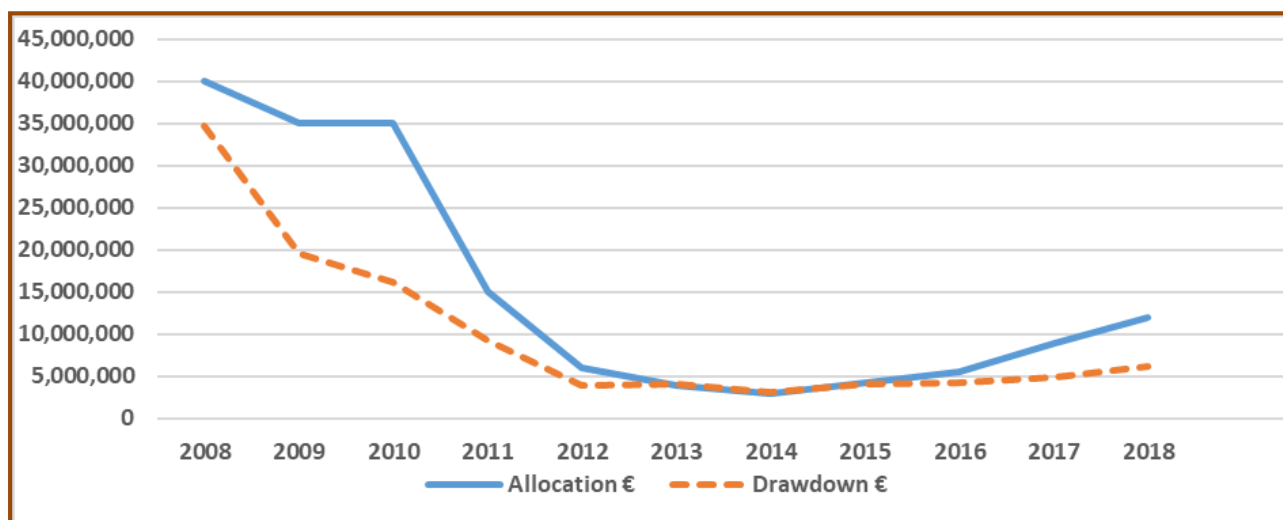
- Constructing, redeveloping and refurbishing serviced permanent residential caravan parks
- Providing temporary and transient residential caravan parks
- Constructing and refurbishing group housing schemes
- Constructing/acquiring housing for Travellers in certain circumstances, such as urgent medical needs and overcrowding
- Recoupment to local authorities of 50% of the cost of providing caravans to Travellers in emergency cases
- Recoupment to local authorities of a special grant of €3,810 payable to Travellers for the first time purchase of a house
- Recoupment to local authorities of a special grant to Traveller households purchasing a caravan for the first time. This covers 10% of the cost, up to a maximum of €640
- Recoupment to local authorities of 100% of the cost of work for the return to use of vacant Traveller-specific accommodation

Over the decade between 2008 and 2018, the DHPLG allocated a total capital budget of €168.8 million to local authorities for the provision and refurbishment of Traveller-specific accommodation. 66% of this total allocation (€110.6 million) was drawn down by local authorities, although if the proportion of this funding retained by the Department as a central reserve is excluded from this calculation local authorities' drawdown rate rises to 72%. Details of the funding allocated and drawdown in each year during this period is set out in Figure 5.1.

Figure 5.1 demonstrates that the total funding allocated by the DHPLG has declined by 70% over the last decade - from €40 million in 2008 to €12 million in 2018. However, the decline was particularly marked between 2008 and 2014 - funding fell to just €3 million by the latter date but it has increased significantly since then.

Analysis of trends in the proportion of funding allocated which was actually drawn down reveals that the mismatch between the two was particularly high in the years when funding was higher. During the three years when the funding allocated was lowest (2013, 2014 and 2015) drawdown exceeded or almost matched funding allocated, while in the years when the funding allocated was highest the opposite pattern pertained (see Figure 5.1).

Figure 5.1 Funding for Provision and Refurbishment of Traveller-Specific Accommodation Allocated by the DHPLG and Drawn Down by Local Authorities, 2008-2018.



Source: Data provided by the DHPLG.

Note: These data include funding retained by the DHPLG in a central reserve fund.

The Department of Housing, Planning and Local Government's Capital Assistance Scheme (CAS) also provides funding to enable approved housing bodies to provide halting sites for Travellers. This scheme provides funding of between 95-100% of the capital costs of accommodation provision (the lower level of funding is provided in cases where the AHB chooses to retain the right to nominate 25% of tenants rather than to accept all nominations proffered by local authorities). However, in response to queries from the Expert Group, the Department of Housing, Planning and Local Government clarified that there has been low take-up by AHBs in using this funding to provide halting sites. This was confirmed by a presentation made by the Irish Council for Social Housing (the representative

body for approved housing bodies) to the Expert Group, which acknowledged that there had been limited engagement, with a few exceptions, by the majority of approved housing bodies.

5.1.2 Planning for, and Provision of Traveller-specific Accommodation

Details of accommodation for Travellers, planned for and delivered, during each of the Traveller Accommodation Programmes since 2000 are set out in Table 5.1. These data are derived from the 2017 research commissioned by the Housing Agency and carried out by RSM Consultants.⁴⁵ This table reveals a marked increase in the number of units planned for in the TAPs - from 1,674 units in the 2000-2004 TAP to 3,056 units in the 2014-2018 TAP period. However, the rate of delivery of the units planned has declined, particularly in recent years. Between 80% and 90% of the units planned for in the TAPs produced between 2000 and 2013 were delivered, and data for the first two years of the 2014-2018 TAP period indicates that 39% of the units were delivered. Assuming this rate of delivery is maintained over the remaining two years of this TAP period, the delivery rate over the full TAP period is likely to be in the region of 80%.

Details of the types of Traveller-specific accommodation provision funded by this DHPLG capital funding between 2006 and 2018 are set out in Table 5.2. These data are not fully comparable for the whole period under review because the methodology used by the Department to measure output changed from 2017, but, nevertheless, they do give a useful

⁴⁵ RSM, 2017a. Review of Funding for Traveller-Specific Accommodation and the Implementation of Traveller Accommodation Programmes. Housing Agency, Dublin

Table 5.1 Actual versus Allocated Expenditure (€ million) and Accommodation Planned for and Delivered (N) Under the Traveller Accommodation Programmes, 2000-2018.

	2000 - 2004	2005 – 2008	2009 - 2013	2014 - 2018 ⁴⁶
Funding allocated	€127.3	€170.7	€78.2	€33.9
Funding Drawn Down	€135.2	€143.9	€55.8	€20.8 ⁴⁷
Accommodation Provision Planned in the Traveller Accommodation Programmes	1,674	2,150	2,510	3,056
Accommodation Delivered (units provided/families accommodated)	1,505	1,674	2,015	1,200

Source: RSM, 2017. Review of Funding for Traveller-Specific Accommodation and the Implementation of Traveller Accommodation Programmes, Dublin: Housing Agency

Table 5.2 Numbers and Types of Traveller-Specific Accommodation Provided by Local Authorities Using DHPLG Funding, 2006-2018.

	Halting Sites Bays	Group Housing	Single Purchase	Caravans - Emerg	Caravans - Grant	Special Grant	Refurb/ Extension	Total Units
2006	41	48	12	0	0	0	110	211
2007	75	48	10	0	0	0	70	203
2008	47	63	9	0	0	0	80	199
2009	14	50	2	0	0	0	69	135
2010	20	12	14	0	0	0	77	123
2011	1	22	8	0	0	0	109	140
2012	8	7	3	0	0	0	40	58
2013	3	8	1	0	0	0	33	45
2014	5	12	2	6	4	1	14	44
2015	19	10	4	8	2	3	20	66
2016	0	8	0	7	4	1	39	59
2017	1	4	0	20	28	1	146	200
2018	0	1	4	48	0	1	53	107
Total (N)	234	293	69	89	38	7	860	1,590
Total (%)	14.7	18.4	4.3	5.6	2.4	0.4	54.1	100

Source: Data provided by the DHPLG

Note: Prior to 2017, the data included the number of units underway and not the number of units completed; as a result, units not completed may have been carried forward from one year to the next. From 2017, only units completed are counted. The special grant is a grant for Traveller families who are purchasing a caravan for the first time. This is set at 10% of the purchase price or a maximum of €640.

⁴⁶ The 2014 to 2018 TAP was ongoing and, therefore, the table is incomplete

⁴⁷ Funds drawn down are from the period 2014 to mid-2017 when data for the RSM report was compiled. Data is subject to variables in local authority survey returns.

indication of the types of output which have been prioritised and the level of output achieved. Table 5.2 reveals that output of all types of Traveller-specific accommodation was high between 2006 and 2009 and then fell significantly during the years which followed before rising again from 2017. This pattern of output closely matches the availability of DHPLG funding, as outlined in Figure 5.1. Table 5.2 also reveals that 54.1% of output between 2006 and 2018 involved the refurbishment or extension of existing Traveller-specific units rather than new output. Only 14.7% of output involved the provision of new halting site bays, and 18.4% was for group housing scheme units. This level of new halting site output is surprising in view of the fact that the number of Traveller households accommodated in these types of dwellings declined by 13.2% between 2006 and 2017 according to the Annual Estimate (Count) of Traveller Families (see Figure 3.1 in Section three). This discrepancy may reflect inconsistencies in the output data which include works in progress and not just works completed prior to 2017. Alternatively, it may reflect the practice of demolishing halting sites and replacing them with group housing schemes, which the recent report by RSM (2017a: 32) and commissioned by the Housing Agency on Traveller-specific accommodation claims is regularly done.⁴⁸

5.1.3 Funding and Provision of Mainstream Social Housing and Housing Allowances for Private Renting Tenancies

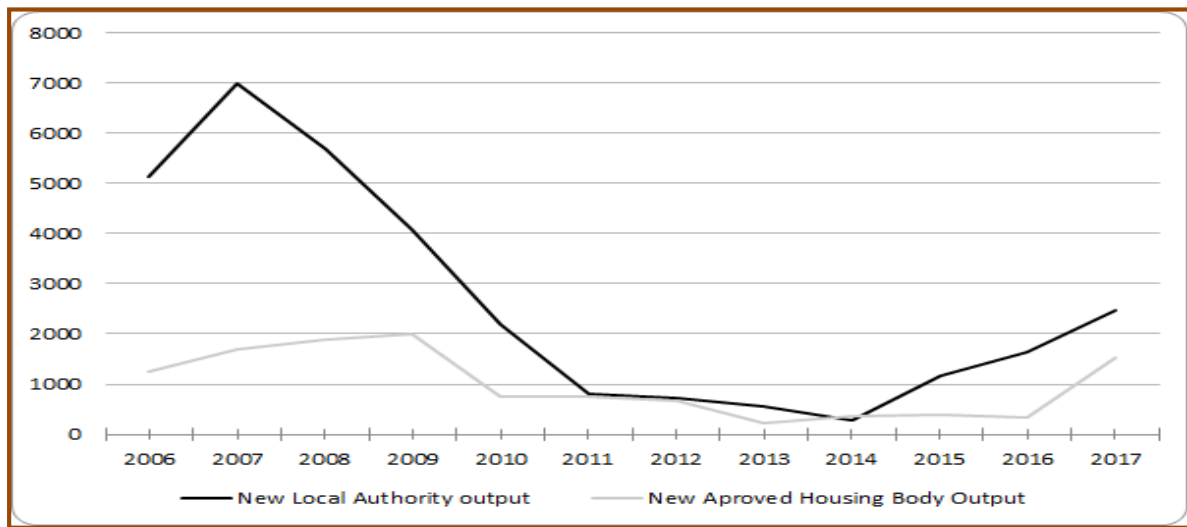
As explained in Section three, Traveller households have a much higher dependence on standard social housing provided by local authorities and approved housing bodies, and government housing allowances for private renting tenants (RAS, HAP, etc.) than the rest of the Irish population.

Therefore, arrangements for funding and providing this type of accommodation has a particularly big impact on the Travelling community.

Figure 5.2 outlines trends in capital spending on mainstream social housing since 2006 and Figure 5.3 details trends in the total number of tenants accommodated in this tenure, and also using social housing supports for private renting tenants over the same period. It is not possible to disaggregate the numbers of those households who are Travellers, but these trends do give an idea of the number of dwellings potentially available to Travellers in need of housing.

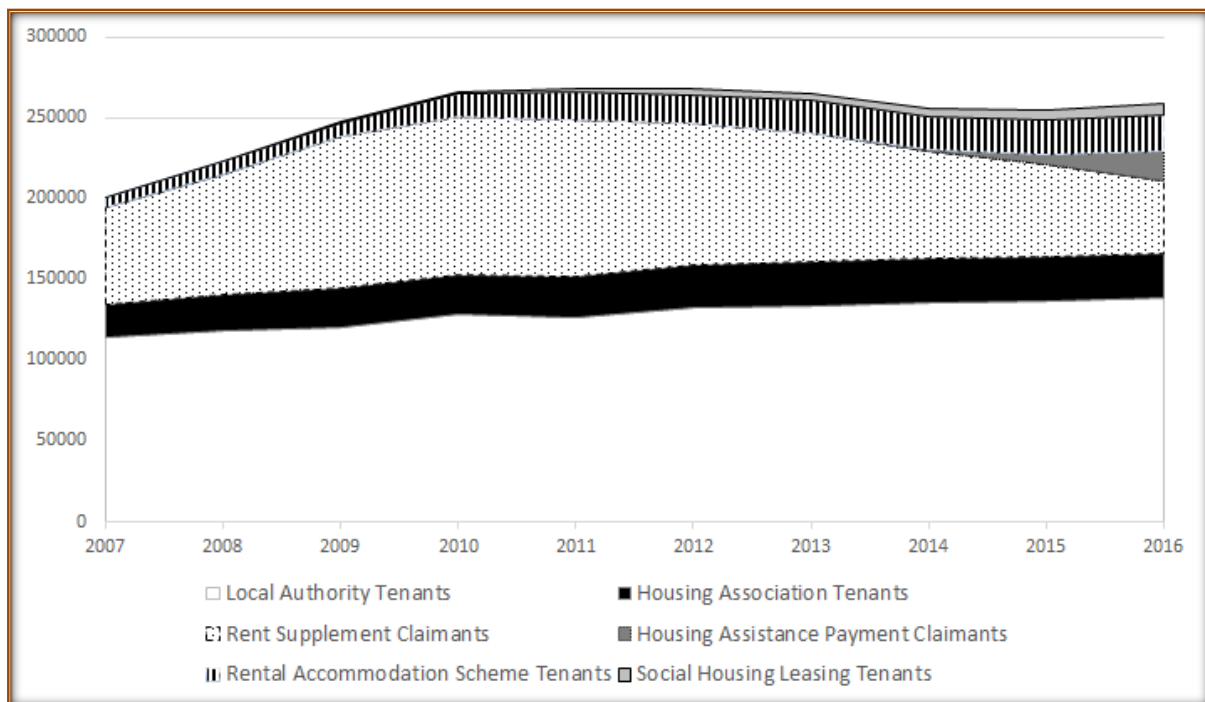
⁴⁸ RSM, 2017a. Review of Funding for Traveller-Specific Accommodation and the Implementation of Traveller Accommodation Programmes. Housing Agency, Dublin

Figure 5.2 Local Authority and Approved Housing Body New Mainstream Social Housing Output, 2006-2017



Source: Expert Group's Analysis of DHPLG data

Figure 5.3 Local Authority and Approved Housing Body New Mainstream Social Housing Output, 2006-2017



Source: Expert Group's Analysis of DHPLG data

Figure 5.2 reveals that the output of both local authority and AHB-provided social housing units fell significantly between 2007 and 2014 (from 8,673 dwellings in the former year to 642 in 2014) before rising again from the latter year (to 1,975 dwellings in 2016). This pattern of new housing output reflected severe cuts in capital funding for new social housing provision, which fell by 87% between 2007 and 2014. Capital funding for standard social housing is derived from three distinct funding programmes:

- All local authority social housing provision is funded mainly by capital grants from the DHPLG. Local authorities' own capital funds (derived mainly from sales of dwellings to tenants) also make a contribution to these costs.
- AHB housing for households with specific housing needs, such as older people and people with disabilities, is funded by a DHPLG grant scheme called the Capital Assistance Scheme. As mentioned above, this scheme funds the provision of halting sites for Travellers but not of other types of Traveller-specific housing, such as group housing schemes.
- All other AHB-provided social housing is funded by loans. 30% of these loans come from the DHPLG and this is topped up by borrowing from private banks, or in most cases, from a DHPLG agency called the Housing Finance Agency. These loans are repaid using tenants' rents and a Department of Housing, Planning and Local Government subsidy linked to a 'Payment and Availability Agreement'.

The reduction in mainstream social housing obviously reduced the number of social housing tenancies available to households in need of this accommodation, including Travellers. Figure 5.3 demonstrates that, as a result, the number of households reliant on government housing allowances for private rented dwellings has increased over the last decade - from almost 63,000 households in 2006 to almost 92,000 in 2016. However, the growth in the numbers of claimants was particularly strong in the years after the economic crisis commenced in 2007 (it reached a high of just over 116,000 households in 2011) and has declined over the period since the economy began to recover in 2012.

5.1.4 Design and Management of Traveller-Specific Social Housing

There was a consensus among the individuals, groups and organisations consulted by the Expert Group that high quality design and management of Traveller-specific accommodation is both critically important and challenging to achieve in practice. As mentioned above, almost all Traveller-specific accommodation is provided by local authorities, and to enable

them to design and manage these effectively the following supports are provided by central government:

- Guidelines on good practice in these tasks published by the DHPLG, the Housing Agency and the National Traveller Accommodation Consultative Committee (NTACC). The latest iterations of these are listed in Table 5.3 below.
- In 2019, the DHPLG provided funding of €4.7 million for current expenditure on the management and maintenance of Traveller accommodation by local authorities. This funding is devoted to:
 - 90% of the salary and expenses of social workers for Travellers. Currently, 57 social workers are employed by local authorities and voluntary bodies to work with Travellers to assist them in moving from unauthorised sites to Traveller-specific accommodation or to standard social or private housing
 - 75% of the salary of caretakers employed by local authorities to maintain halting sites and group housing schemes. Currently, 56 caretakers are employed by local authorities nationwide
 - 50% of actual expenditure on routine repair and maintenance costs (labour and materials) of halting sites for Travellers, minus rent and service charges received and subject to a maximum of €640 per halting site bay, per year.
 - 50% of actual expenditure on skips for halting sites, subject to a maximum eligible expenditure of €381 per bay, per year

Table 5.3 Guidance for Local Authorities on the Design and Management of Traveller-Specific Accommodation

Author	Date of Issue	Title
DHPLG	1998	Guidelines for Traveller Accommodation-Basic Services. Basic Services and Facilities for Caravans Pending the Provision of Permanent Accommodation
DHPLG	2002	Guidelines for Group Housing for Travellers
DHPLG/National Directorate for Fire and Emergency Management	2015	Guide to Fire Safety in Existing Traveller Accommodation
DHPLG	undated	Guidelines for Residential Caravan Parks for Travellers
DHPLG	undated	Guidelines for Accommodating Transient Traveller Families
Housing Agency	2008	Traveller-Specific Accommodation: Practice, Design and Management
National Traveller Accommodation Consultative Committee	undated	Consultation Guidelines for Traveller-Specific Accommodation Projects

Source: Compiled by Expert Group

5.2 Key issues and challenges

The submissions made to the Expert Group, their meetings with representatives of relevant organisations and review of the research and data on Traveller accommodation indicate that ensuring that supply and delivery of accommodation reflects the capacity and resources to provide and manage adequate levels of appropriate accommodation for Travellers is a critical problem. Five aspects of this issue are of particular concern:

1. The adequacy of the funding available for Traveller-specific social housing and mainstream social housing occupied by Travellers
2. The drawdown and use of the funding available for Traveller-specific social housing by local authorities
3. The role of voluntary sector approved housing bodies in Traveller accommodation provision

4. The quality of the design, management and maintenance of Traveller-specific social housing
5. Reporting of spending on the provision, refurbishment, management and maintenance of Traveller-specific social housing

5.2.1 Level and Disbursement of Funding for Provision of Traveller-Specific and Mainstream Social Housing

As explained above, funding for all categories of social housing provision, including standard and Traveller-specific provision, was cut very significantly between 2008 and 2012.

Although funding has increased again since the latter date, almost all of the submissions received by the Expert Group from Traveller representative bodies raised concerns that funding for Traveller-specific accommodation provision is now inadequate.

This view was supported by the *Review of Funding for Traveller-Specific Accommodation and the Implementation of Traveller Accommodation Programmes* in 2017, conducted by RSM Consultants⁴⁹ and commissioned by the Housing Agency (see Table 5.1). This review reveals that the level of Traveller-specific accommodation output planned has increased during each Traveller Accommodation Programme period since 2000, but the level of funding allocated by the DHPLG has fallen significantly since 2008 and is now below levels provided for in the early 2000s. €76,045 of funding was allocated per unit planned in the 2000 to 2004 TAP period, but by the 2014 to 2018 TAP period this had declined to €11,093 per unit planned. Even allowing for the increased focus on refurbishment of existing dwellings which RSM Consultants⁵⁰ report explains is evident in recent TAPs, it is likely that this reduction in funding per unit significantly depressed output.

As explained in Section three, Travellers have lower incomes and higher levels of benefit dependency compared to the rest of the population, and Travellers face much stronger challenges in accessing private rented accommodation and, therefore, using the housing allowances provided by government for tenants of this sector. Therefore, Travellers' need for social housing is particularly strong and the reduction in funding for and output of mainstream social housing provision since 2008 is also likely to have had a particularly negative effect on this community.

⁴⁹ RSM, 2017a. *Review of Funding for Traveller-Specific Accommodation and the Implementation of Traveller Accommodation Programmes*. Housing Agency, Dublin

⁵⁰ Ibid

5.2.2 Local Authorities' Drawdown of Funding for the Provision of Traveller-Specific Social Housing

A second key barrier to delivering Traveller-specific social housing is local authorities' failure to drawdown the funding available for Traveller-specific accommodation provision made available to them by the DHPLG. As explained in Section 5.1.1, approximately two thirds of the funding allocated for this purpose between 2008 and 2018 was actually drawn down.

Department of Housing, Planning and Local Government representatives explained to the Expert Group that the local authorities' failure to drawdown their full funding allocation, in part, reflects problems in expediting the delivery of Traveller-specific accommodation due to delays in securing planning permission and also in conducting consultation with Travellers and other residents living adjacent to proposed Traveller-specific accommodation developments. (These issues are also discussed in Section four).

The local authorities consulted by the Expert Group also linked funding drawdown delays to arrangements for the disbursement of funding by the DHPLG, and similar concerns are also flagged in the RSM Consultants' (2017a)⁵¹ recent report for the Housing Agency on Traveller-specific accommodation. One local authority representative raised concern about the extent of the Department's scrutiny of smaller scale funding applications for Traveller-specific accommodation, and also pointed out that project funding is initially provided from local authorities' own budgets and then recouped by the DHPLG after the project is complete, but the Departmental and local authority budgetary cycles are not aligned, which can contribute to delays in getting projects started. The local authorities consulted by RSM Consultants (2017a) raised concerns that they have to finalise detailed designs for Traveller-specific developments and consult with Travellers regarding the design before submitting a funding application to the DHPLG. Understandably, when project funding is not approved, this results in disappointment among the Travellers affected and can create tensions with local authorities.

It is also important to acknowledge that drawdown rates of funding for Traveller-specific accommodation vary significantly between the 31 local authorities in the country. This information is set out in Table 5.4, which reveals that three local authorities drew down more than 100% of the funding for Traveller-specific accommodation allocated to them

⁵¹ RSM, 2017a. Review of Funding for Traveller-Specific Accommodation and the Implementation of Traveller Accommodation Programmes. Housing Agency, Dublin

between 2008 and 2018 (these are Clare, Donegal and Monaghan County Councils). In addition, a further ten local authorities drew down over 80% of their allocated funding. Conversely, six local authorities drew down 50% or less of the funding available to them and, among these, Kildare and Longford County Councils are distinguished by particularly low drawdown rates of 20%, or less, of funding allocated.

Comparing these data on the drawdown of funding for Traveller-specific accommodation to the data on the spatial distribution of Traveller households, set out in Table 3.2 in Section three, reveals an additional concern. This is that drawdown rates were particularly low in some of the local authorities where the Traveller population has expanded most in the 2011 to 2016 intercensal period. The local authorities in this category include:

- Cork County Council: Where the number of Traveller households increased by 16% between 2011 and 2016 but only 20% of funding allocated for Traveller-specific accommodation was drawn down between 2008 and 2018
- Longford County Council: Which drew down 12% of available funds, but the number of Traveller households increased by 39%
- Cork City Council: Which drew down 46% of available funds, but the number of Traveller households increased by 15%
- Dublin City Council: Which drew down 46% of available funds but the number of Traveller households increased by 11%
- Waterford City and County Council: Which drew down 46% of the available funds, but the number of resident Traveller households increased by 24%

Table 5.4 Funding for Traveller-specific Accommodation Allocated by the DHPLG and Drawn down by Each Local Authority, 2008-2018.

Local Authority	Total Allocation 2008-2018	Total Drawdown 2008-2018	Drawdown as a % of allocation
Carlow	€ 1,676,000	€ 741,000	44%
Cavan	€ 262,000	€ 208,000	79%
Clare	€ 8,835,000	€ 8,918,000	101%
Cork City	€ 3,277,000	€ 1,502,000	46%
Cork County	€ 5,055,000	€ 1,011,000	20%
Donegal	€ 1,284,000	€ 1,476,000	115%
Dublin City	€ 15,185,000	€ 6,924,000	46%
Dun Laoghaire / Rathdown	€ 7,575,000	€ 7,314,000	97%
Fingal	€ 15,937,000	€ 8,865,000	56%
Galway City	€ 5,070,000	€ 4,335,000	86%
Galway County	€ 5,218,000	€ 2,850,000	55%
Kerry	€ 2,058,000	€ 1,745,000	85%
Kildare	€ 3,253,000	€ 611,000	19%
Kilkenny	€ 4,623,000	€ 3,117,000	67%
Laois	€ 1,689,000	€ 1,034,000	61%
Leitrim	€ 937,000	€ 596,000	64%
Limerick City & County	€ 11,275,000	€ 9,846,000	87%
Longford	€ 1,886,000	€ 235,000	12%
Louth	€ 2,159,000	€ 1,946,000	90%
Mayo	€ 1,547,000	€ 1,168,000	76%
Meath	€ 8,512,000	€ 5,885,000	69%
Monaghan	€ 1,300,000	€ 1,929,000	148%
Offaly	€ 1,998,000	€ 1,546,000	77%
Roscommon	€ 3,502,000	€ 2,386,000	68%
Sligo	€ 3,483,000	€ 2,213,000	64%
South Dublin	€ 19,716,000	€ 16,669,000	85%
Tipperary	€ 8,076,000	€ 7,089,000	88%
Waterford City & County	€ 5,066,000	€ 2,333,000	46%
Westmeath	€ 1,474,000	€ 1,307,000	89%
Wexford	€ 2,443,000	€ 2,355,000	96%
Wicklow	€ 2,730,000	€ 2,325,000	85%
Total allocation	€ 157,103,000	€ -	0%
Reserve	€ 11,697,000	€ -	0%
TOTAL	€ 168,800,000	€ 110,479,000	65%

Source: Data provided by the DHPLG

5.2.3 Approved Housing Bodies' Provision of Traveller-specific Social Housing

Section three flagged concerns that Traveller households have less success in securing mainstream social housing provided by approved housing bodies than they do in accessing local authority-provided mainstream social housing. That being said, this discussion did acknowledge that it is difficult to reach definitive conclusions on this issue because of data shortcomings.

Section 5.1.1 also mentioned that none of the DHPLG Capital Assistance Scheme (CAS) funding which enables voluntary approved housing bodies (AHBs) to provide Traveller-specific accommodation has been availed of, to date. The Expert Group was told of a number of barriers which inhibit AHBs' provision of Traveller-specific social housing. These include: objections to planning for these developments; lengthy consultations with Traveller representative bodies regarding the design and location of developments; and accommodation management costs and challenges.

In addition, the Expert Group was told that the *'lack of a mature specific-purpose'* AHB devoted to delivering Traveller-specific accommodation is a problem. It was suggested that an organisation of this type could *'drive the agenda and promote/facilitate delivery'* of this type of accommodation by partnering with larger AHBs who would drive the development of dwellings while the Traveller-specific AHB would provide the accommodation management function. An organisation of this type called CENA has been established on foot of a recommendation of a feasibility study into the establishment of a Traveller-led AHB, which was commissioned by the Irish Traveller Movement. Representatives of CENA met the Expert Group and explained that they are currently working to develop halting sites with two local authorities, and also explained the factors which have inhibited further activity on their part, to date.

While CENA's work is valuable and welcome, the less extensive involvement of the rest of the AHB sector in the accommodation of Travellers compared to local authorities is of concern. This is because AHBs have provided a large proportion of social housing output since 2008 (see Figure 5.2); therefore, it is unlikely that adequate levels of social rented accommodation can be provided for Travellers by their involvement. In addition, in large part due to the fact that AHBs are primarily government-funded, in March 2018, Eurostat reclassified larger AHBs (which own 300+ dwellings) as within the 'general government sector', rather than within the 'non-profit sector'. This means, in practice, that the AHBs which own 80% of dwellings in this sector are now classified as public bodies which suggests

that, like local authorities, they should be expected to achieve key government policy priorities, like providing Traveller-specific accommodation.

5.2.4 Quality of the Design, Management and Maintenance of Traveller Accommodation

There was a strong consensus among the individuals, groups and organisations consulted by the Expert Group that good quality design, management and maintenance of Traveller-specific accommodation is critically important. For instance, one government representative mentioned that poor practice in this regard is one of the drivers of objections to planning applications for Traveller-specific developments. A submission from a Traveller representative group highlighted the negative impact which poor design and maintenance of Traveller-specific accommodation has on residents quality of life. Other submissions from Traveller representative organisations raised concerns about fire risk on overcrowded halting sites and that, in the context of low output of Traveller accommodation, Travellers removed from overcrowded halting sites have nowhere else to go. However, there was also a consensus that improving the quality of the design, management and maintenance of Traveller accommodation is challenging, and several important barriers to achieving this were highlighted to the Expert Group.

One local authority highlighted the need to improve Traveller-specific accommodation design expertise and innovation to the Expert Group. It pointed to the need to revise halting sites design to take account of the increased use of mobile homes rather than caravans, and also to devise more higher density designs in urban areas where building land is in short supply. The need to consult Travellers on appropriate design was raised by other representatives, though concerns about the duration of this process, which can delay construction significantly and create challenges for approved housing bodies, was raised by another representative group consulted.

Several local authorities raised concerns about the level of funding for the maintenance of Traveller-specific accommodation provided by the DHPLG. For instance, one local authority's submission to the Expert Group argues that the DHPLG's allowance for maintenance costs have not been reviewed since 1997, and the current allowance of €640 per unit per year is inadequate. RSM Consultants (2017a)⁵² recent report also raises concerns about the maintenance and design of Traveller accommodation. For instance, it reports that the Traveller representatives consulted indicated that *'existing Traveller-specific*

⁵² RSM, 2017a. *Review of Funding for Traveller-Specific Accommodation and the Implementation of Traveller Accommodation Programmes*. Housing Agency, Dublin

housing is not properly maintained and falls below the standards of social housing' and it also highlighted poor response rates to maintenance complaints.⁵³ The report also highlights high levels of refurbishment of Traveller-specific accommodation by local authorities, which has increased in recent years. During the first two years of the 2014 – 2018 Traveller Accommodation Programme period, for instance, 72 occupied properties and 38 vacant dwellings were refurbished, whereas during the whole duration of the 2009 – 2013 TAP, 35 occupied properties and four vacant dwellings were refurbished. These refurbishment programmes often provide for the demolition and rebuilding of Traveller-specific accommodation - in many cases, the demolition of halting sites and their replacement with group housing schemes. While this report welcomes the widespread improvement of the standard of Traveller-specific accommodation, it raises concerns that the scale of investment in refurbishment (particularly of dwellings that are in the region of 12-16 years old) reflects significant deterioration of dwelling standards, and the widespread use of demolition reflects obsolescence in dwelling design. The local authority officials consulted for this research also raised concerns that the scale of the refurbishment work being carried out has limited the staff resources available to expedite supply of new Traveller-specific accommodation.

In terms of the most significant challenges associated with managing Traveller-specific accommodation, local authorities consulted by the Expert Group highlighted contradictory sets of challenges - managing overcrowding and under occupancy. One rural local authority's submission to the Expert Group highlighted problems of vacant Traveller-specific units. Other local authorities linked vacancy in this type of accommodation to disputes between different extended Traveller families and, on occasions, to anti-social behaviour. In contrast, one urban local authority's submission mentioned managing authorised occupation of halting site bays, associated overcrowding and fire risk as significant challenges.

5.2.5 Reporting of Spending on the Provision, Refurbishment, Management and Maintenance of Traveller-Specific Social Housing

RSM's (2017a) *Review of Funding for Traveller-Specific Accommodation* identifies significant weaknesses in local authorities' reporting of spending on the management and maintenance of this type of accommodation, and also on its construction and refurbishment. The weaknesses identified are: failure to record data on spending,

⁵³ Ibid, p. 34

inconsistent reporting of spending by different local authorities and also weak recording of longitudinal spending patterns. This research concludes that these reporting shortcomings mean that it is difficult to accurately monitor the implementation and outputs of the Traveller Accommodation Programmes. This is because, for instance, it is not always clear which projects are completed in the timeframe of one TAP, which projects are carried-over into the next TAP or are entirely new, and also which Traveller-specific accommodation units relate to additional supply and which have replaced existing dwellings (as mentioned above, halting sites are commonly replaced with group housing schemes). RSM (2017a) also report that the data available on current expenditure under the TAPs (i.e. on management and maintenance of accommodation) is particularly weak.

5.3 Recommendations

Short-term recommendations:

1. The DHPLG should review the level of funding it provides for the provision of Traveller-specific accommodation and consider increasing funding to the levels provided prior to 2008.
2. The DHPLG should review arrangements for disbursing funding for the provision and refurbishment of Traveller-specific accommodation to local authorities, with a view to identifying and eliminating any procedures which would delay output while maintaining necessary oversights over public spending.
3. The DHPLG should review and reform arrangements for reporting spending of Departmental funding for the implementation of Traveller Accommodation Programmes by local authorities. These reforms should ensure that reporting is regular and standardised across local authorities, and that it generates robust data on output achieved compared to the plans set out in the TAPs and net of any dwellings demolished or vacant. They are required to enable appropriate monitoring of output by the DHPLG and the National Traveller Accommodation Consultative Committee, and the initiation of action to ensure implementation of the TAPs, if necessary.
4. Research on good practice in the planning, design, management and maintenance of halting sites which takes account of changes in caravan design and size, and Travellers' needs and household size. On the basis of this research and also through consultation with Travellers and social landlords, up-to-date guidelines on the planning, design, management and maintenance of Traveller-specific accommodation should be issued.

5. The reasons why the approved housing bodies have not made use of the funding for halting site provision available under the Capital Assistance Scheme should be investigated, and reforms initiated as necessary to ensure that take-up increases.
6. The role and number of caretakers for Traveller-specific accommodation should be reviewed, with a view to expanding this role to encompass more comprehensive 'estate management' type responsibilities and also increasing staffing levels in order to improve management and maintenance standards.
7. The DHPLG should examine the potential for funding for CENA housing association to provide advice to social housing landlords on the design, location and management of Traveller-specific accommodation and to conduct consultations on these issues with Travellers on behalf of social landlords.

Long-term recommendations:

8. The 'shared services' model, whereby one local authority provides a service on behalf of others, has proved very effective in improving the delivery of specialist services such as the Housing Assistance Payment (led by Limerick City and County Council). The DHPLG should work with the Local Government Management Agency (LGMA) to examine its potential for use in the procurement, design and management of Traveller-specific accommodation. Under this arrangement, one local authority could act as the regional lead for the delivery of Traveller-specific accommodation for neighbouring local authorities.

6. Governance

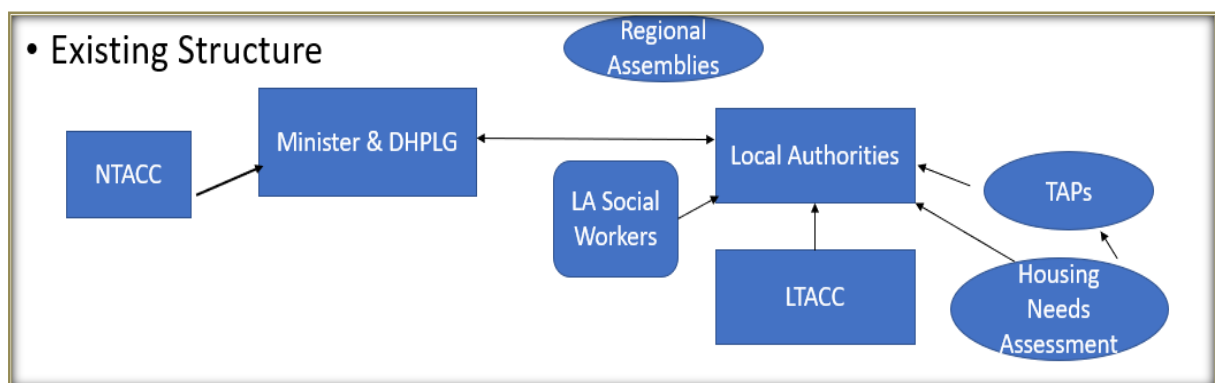
Implementing the recommendations regarding the assessment of Traveller’s accommodation needs, and planning for, and provision of this accommodation which are set out in the proceeding sections will require reform of the governance of Traveller accommodation provision. This section examines the current arrangements for governance of Traveller accommodation provision, discusses their strengths and weaknesses and sets out a series of recommendations intended to strengthen governance and, thereby, ensure that Travellers’ accommodation needs are met.

6.1 Context

Structures to govern the provision of Traveller accommodation at local and national level were established by the Housing (Traveller Accommodation) Act, 1998. Governance of provision of accommodation to this population is also influenced by other national and local government structures and policies.

At the national level, the key roles in the governance of Traveller accommodation are held by the Minister and the Department of Housing, Planning and Local Government, and the National Traveller Accommodation Consultative Committee. At local level, the key governance roles are held by local authorities (in their capacity as housing authorities) and the Local Traveller Accommodation Consultative Committees. The 1998 Act requires each local authority to establish an LTACC ‘to advise on the provision and management of accommodation for travellers’. These structures are summarised in Figure 6.1 below.

Figure 6.1 Structures for the Governance of Traveller Accommodation Provision established by the Housing (Traveller Accommodation) Act, 1998.



Source: Created by the Expert Review Group

6.1.1 The Housing (Traveller Accommodation) Act, 1998

The Housing (Traveller Accommodation) Act, 1998 introduced the primary infrastructure for the delivery and provision of Traveller accommodation, and included provisions to carry out assessments of need, to prepare programmes for Traveller accommodation, and to establish local and national level consultative structures. The key elements of the Act are:

- Part II of the Act, which deals with the Traveller Accommodation Programme, and provides that local authorities will assess the accommodation needs of Travellers in their functional areas (Section 6).
- Local authorities will adopt an accommodation programme by a date specified by the Minister (Section 7) for a five-year period, which will provide a range of accommodation to meet the identified needs (Section 10).
- Section 16 deals with the steps the authority needs to undertake to implement the programme. Each programme should be reviewed in each three-year period or at such time as directed by the Minister (Section 17).
- Local authorities can amend the accommodation programme, at its own initiative or on the direction of the Minister (Section 18).
- The Minister shall appoint a National Traveller Accommodation Consultative Committee (NTACC), to advise the Minister in relation to any general matter concerning accommodation for Travellers and any matter referred to it by the Minister (Section 19).
- The NTACC shall consist of not more than 12 members (section 20) and the term of office of a member shall not exceed three years.
- Local authorities shall appoint Local Traveller Accommodation Consultative Committees (LTACCs) (section 21), to advise on the provision and management of accommodation for Travellers.
- The Minister may issue directions in relation to the composition, term, terms of references and support for the LTACC. Members and officials of the authority will not exceed half of the members of the LTACC, and representatives of Traveller organisations will not be less than one quarter of the membership.

6.1.2 National Traveller Accommodation Consultative Committee

The National Traveller Accommodation Consultative Committee (NTACC) was established, on a statutory basis, under the Housing (Traveller Accommodation) Act, 1998.

The terms of reference of the Committee are to advise the Minister in relation to:

- any general matter concerning accommodation for Travellers;
- any matter referred to it by the Minister;
- the most appropriate measures for improving, at local level, consultation with and participation of Travellers in the provision and management of accommodation; and
- general matters concerning the preparation, adequacy, implementation and co-operation of Traveller accommodation programmes.

The Minister for Housing, Planning and Local Government has responsibility for appointing the committee of the NTACC, in accordance with sections 19 and 20 of the Housing (Traveller Accommodation) Act, 1998. These sections set out that the Minister will appoint a chairperson to the committee and thereafter:

- (a) one person who has been nominated to the Minister by the Minister for Justice, Equality and Law Reform
- (b) one person who has been nominated to the Minister by the General Council of County Councils
- (c) one person who has been nominated to the Minister by the Association of Municipal Authorities of Ireland
- (d) two persons who have been nominated to the Minister by the County and City Managers' Association
- (e) three persons who have been nominated to the Minister by bodies representing Travellers and are concerned with the accommodation for Travellers as the Minister may determine
- (f) one person from among the officers of the Minister who is an established civil servant for the purposes of the Civil Service Regulation Act, 1956
- (g) two persons who, in the opinion of the Minister, have experience in relation to accommodation for Travellers or are concerned with the general welfare of Travellers

6.1.3 Local Traveller Accommodation Consultative Committees

The Housing (Traveller Accommodation) Act, 1998, provides the statutory basis for the formation, remit, and membership of Local Traveller Accommodation Consultative Committees (LTACCs).

Under the Act an LTACC may:

- advise in relation to the preparation and implementation of any accommodation programme for the functional area of the appointing authority concerned;
- advise on the management of accommodation for Travellers; and
- provide a liaison between Travellers, and members and officials of the appointing authority concerned.

6.1.4 Traveller Accommodation Programmes

Pursuant to Section 6 of the Housing (Traveller Accommodation) Act, 1998, housing authorities have a statutory responsibility for the assessment of the accommodation needs of Travellers and the preparation, adoption and implementation of multi-annual TAPs in their areas. It is the role of the Department of Housing, Planning, and Local Government (DHPLG) to ensure that there are adequate structures and supports in place to assist the authorities in providing such accommodation, including a national framework of policy, legislation and funding. Part II of the 1998 Act sets out the provisions in relation to the TAPs.

Under Section 10 of the Act, all relevant housing authorities are required to prepare and adopt a Traveller Accommodation Programme (TAP) for their respective areas for a five-year period. TAPs are carried out across all local authorities on the same cycle (the current cycle is 2019-2024). TAPs are informed by a detailed assessment of needs for each local authority area and, normally, a review of the delivery of the preceding TAP. They set out a broad policy strategy which underpins investment priorities in relation to Traveller-specific accommodation (group housing and halting sites, for example) over the period. The TAP also includes specific measures and details around the range of housing to be provided, assistance to Travellers to provide accommodation for their own use and management of accommodation. TAPs will normally specify how housing need for Travellers will be met, and normally include figures or targets for new-builds and refurbishments of Traveller-specific accommodation, standard housing allocations and private rented accommodation. The structure and detail of TAPs can vary from one local authority to another.

TAPs form the basis for the allocation of funding from the DHPLG for Traveller-specific accommodation. Notably, a TAP can include any matter required in a direction by the Minister.⁵⁴ As discussed in Section four of this report, TAPs are incorporated into the planning process, through the Housing Strategy and statutory Development Plan.

⁵⁴ s.10(2)(f) of the Housing (Traveller Accommodation) Act, 1998

6.1.5 Other Legislation relevant to Traveller accommodation

The Criminal Justice (Public Order) Act, 1994, amended by Section 24 of the Housing (Miscellaneous Provisions) Act, 2002 provides for the eviction of persons 'entering and occupying land without consent'. This is the legislation which is used for the removal of temporary dwellings. The legislation permits the Gardaí to direct individuals to immediately leave land and remove all objects they have brought onto the land. While earlier housing legislation had restricted evictions if no alternative accommodation was available, such conditions are not included in the Public Order Act.

Specific legislation for the removal of temporary dwellings was introduced in Section 10 of the Housing (Miscellaneous Provisions) Act 1992. 'Temporary dwelling' is defined as 'any tent, caravan, mobile home, vehicle or other structure or thing (whether on wheels or not) which is capable of being moved from one place to another, and (a) is or was used for human habitation, either permanently or from time to time, or (b) was designed, constructed or adapted for such use'.

In 1998, this Act was amended by the Housing (Traveller Accommodation) Act, 1998 to ensure Travellers had access to sufficient alternative accommodation in the event of an eviction as prescribed for in the legislation. It was further amended in 2002 by the Housing (Miscellaneous Provisions) Act, 2002 to provide more precise clarification in Section 10, subsection (c), and, additionally, to extend the circumstances under which a housing authority may serve notice under that subsection to cases where only the 'use and enjoyment' of nearby amenities are affected.

Section 10 permits evictions of Travellers under certain circumstances. A housing authority can evict Travellers living in caravans in three circumstances under Section 10 (1) of the Act. First, if the caravan of the Traveller is located within five miles (8.05 kilometres) of an approved halting site that the housing authority believes could accommodate the Travellers (Section 10(1)(a)). Second, if the site on which the caravan is currently located is unfit for human habitation, obstructs a public or private amenity or constitutes a health and safety risk. However, the eviction cannot be carried out if the Traveller cannot 'appropriately be accommodated' on an official halting site (Section 10(1)(b)). Third, if the Traveller caravan is located within one mile (1.61 kilometres) of an approved halting site and the housing authority is of the opinion that the occupants of the caravan are causing nuisance to, or a risk to water supplies or public facilities of any dwellings within a one-mile radius, or are interfering with the use or enjoyment of private or public facilities within a one-mile radius

(Section 10(1)(c)). It is notable that there is no provision of alternative accommodation under the third scenario.

Section 69 of the Roads Act, 1993 empowers a member of An Garda Síochána, or an authorised person in a local authority, to order the removal of a temporary dwelling, which may be occupied by Traveller families, parked or placed on the site of a national road, motorway or bus lane without any exemptions. It also provides for the removal of temporary dwellings from all other roadside locations, where consent has not been obtained for the placement of the temporary dwelling. The provisions of Section 69 are comparable to Section 19 of the Public Order Act, although the roads legislation is less detailed.

6.2 Key issues and challenges

6.2.1 Strengths of the Housing (Traveller Accommodation) Act, 1998

The individuals and organisations consulted and written submissions received by the Expert Group mentioned that the Housing (Traveller Accommodation) Act, 1998 has some significant strengths. They acknowledge that the Act has brought about significant improvements in the governance of Traveller accommodation compared to the situation which had pertained prior to its introduction.

For instance, the local authority Social Workers Working Group pointed out that the Act has provided the framework for local authorities to prepare and adopt the five-year Traveller Accommodation Programmes. They highlighted several benefits of this arrangement. Firstly, the legislation compels local authorities to provide Traveller accommodation. Secondly, it facilitates active Traveller participation in the process of both developing and implementing TAPs and, finally, the Act has facilitated clearer policies and procedures by which delivery of accommodation can be benchmarked.

One of the individual local authority social workers in a submission to the Expert Group made the point that the legislation has provided assistance in *'assessing, quantifying and addressing local need both directly through its provisions and indirectly through such mechanisms as the Annual Traveller Count'*.

The Traveller representative groups also acknowledged the significant strengths of the 1998 Act in their meetings with and submissions to the Expert Group. For instance, a submission from one local Traveller representative group suggested that: *'The Act has fulfilled some*

useful purpose, in identifying Traveller Accommodation Needs (to varying degrees in different local authorities), and thus focussing attention on the issue...'. A further positive outcome of the 1998 Act identified by another Traveller representative group has been the consultation process it established. This group pointed out that the LTACCs 'provide a space for all organisations who work directly in the provision of Traveller accommodation and who also work with Travellers in an advocacy and support role to work together to develop Traveller accommodation.' This point was echoed by a national Traveller representative group, whose submission to the Expert Group argued that *'The 1998 act provided a framework for the delivery of Traveller accommodation and mechanisms whereby local and national groups could participate. It provided a space for dialogue between local authorities and local groups through the Local Traveller Accommodation Consultative Committees and through the National Traveller Consultative Committees.'*

6.2.2 National Traveller Accommodation Consultative Committee

Despite the strengths of the arrangements for governance of Traveller accommodation provision introduced by the Housing (Traveller Accommodation) Act, 1998, the consultations conducted by the Expert Group and the submissions received highlighted some significant weaknesses.

For instance, the following weaknesses were identified in the structure, mandate and operation of the National Traveller Accommodation Consultative Committee:

- The NTACC is an advisory body only; it has no power to instruct local authorities to implement their Traveller Accommodation Programmes.
- The NTACC has no function in relation to the assessment of the TAPs and the monitoring of their implementation.
- Staffing levels and specialisms in the Department of Housing, Planning and Local Government's Traveller Accommodation section are not currently adequate to provide the support required to enable the NTACC to expand its role. This, in part, reflects the restrictions on the recruitment of specialist staff by the civil service but it also reflects under-resourcing of this function by the DHPLG. For instance, in addition to Traveller accommodation, the Head of this section is also responsible for homelessness which raises concerns that this is an impossibly demanding brief for one individual to fulfill.
- Submissions from Traveller representative groups raised concerns about the composition of the NTACC (which is specified in legislation). Of particular concern was that there are three Traveller representatives on a 12 (maximum) member committee.

- Some concerns were raised about difficulties in reaching consensus within the NTACC, which can be problematic as the committee operates on a consensus basis.

To rectify these problems, the Expert Group recommends that the remit of the NTACC is revised to afford it a role in the assessment of Traveller Accommodation Programmes and monitoring of their implementation, enabling it to take action where these are found to be inadequate. This expanded remit would require the renaming of the NTACC as well as the provision of adequate staffing support, including the employment of specialist staff. It may also require the establishment of the NTACC as an agency of the Department of Housing, Planning and Local Government, or the provision of the staffing support required by the NTACC by one of the Department's existing agencies. In addition, the membership of the NTACC should be revised to increase participation by Traveller representative groups by including representatives of regional representative groups as members in addition to the national organisations currently represented on the Committee.

6.2.3 Local Traveller Accommodation Consultative Committees

The individuals and organisations consulted by the Expert Group and the submissions received highlighted some strengths of the Local Traveller Accommodation Consultative Committees. For instance, a local authority social worker representative identified the establishment of the LTACCs as being a *'positive aspect of the Traveller Accommodation Act'* and highlighted that the meetings *'have provided a forum for Travellers, Traveller representatives, Council officials and County councillors to identify the accommodation needs of their local Traveller population.'* Some of the local authorities consulted and the DHPLG confirmed that LTACCs are working well in many parts of the country.

However, there was a widespread consensus that these structures are operating in an uneven way nationally, and in parts of the country are not operating effectively or not operating at all.

One difficulty pointed to by Traveller representative groups was a lack of interest from councillors in the LTACCs. A related point was raised by the RSM (2017a, p. 33) *Review of Funding for Traveller-Specific Accommodation and the Implementation of Traveller Accommodation Programmes*, which reported that some Traveller representatives thought that some politicians are *'involved in LTACCs for the purposes of opposing Traveller*

accommodation'.⁵⁵ Several of the local authorities consulted also highlighted problems in securing representation from the Traveller community on LTACCs. Despite the concept of partnership being central to the operation of LTACCs, this partnership was not always viewed as operating well. A submission to the Expert Group from one Traveller representative group wrote that *'Travellers participating in these structures are not treated as equal partners and are frequently overlooked in terms of decision-making and agenda setting...'* and that *'...despite lengthy evidence-based submissions from Traveller projects, there is no requirement for local authorities to accept these submissions, or use them to shape the TAPs in any way.'* A submission from a local authority suggested that the operation of LTACCs can be *'confrontational and divisive'*, with Traveller representatives finding it difficult *'to separate personal need from community need.'*

Several submissions argued that the success of the LTACCs is strongly related to the commitment of the local authority officials assigned to support them. Committees can cease to function effectively if the supporting personnel change. Traveller representative groups also criticised the lack of investment by local authorities in the training of LTACC members.

More fundamental criticisms about the function and mandate of the LTACCs were raised, however. LTACCs are viewed as purely consultative and some submissions to the Expert Group make the point that LTACCs were not involved in the development of the TAPs, the content of which was presented as a *fait accompli*. Related concerns were raised about the lack of involvement of the LTACCs in the assessment of housing and accommodation need; a key input in the development of the TAP. In addition, criticisms were voiced by a large number of submissions to the Expert Group around the LTACC not having *'decision-making'* powers and being *'merely a representative body'* or a body with no powers to impose sanctions if the TAP targets are not met. The lack of a formal relationship between the LTACCs and the local government policy making infrastructure which operates via Strategic Policy Committees (SPCs) was also criticised. Unlike SPCs, LTACCs cannot initiate policy, for instance, and therefore cannot take a proactive approach to meeting Traveller accommodation needs. These points were also raised in the RSM (2017a) study, which found that LTACCs have been criticised for not being *'reliable spaces for policy cooperation'*, and they are not *'adequately accountable to, and engaged with the national policy infrastructure'*.⁵⁶

⁵⁵ RSM, 2017a. Review of Funding for Traveller-specific Accommodation and the Implementation of Traveller Accommodation Programmes. Housing Agency, Dublin

⁵⁶ *ibid*

6.2.4 Traveller Accommodation Programmes

Preceding sections have already examined most of the shortcomings identified by the Expert Group in the formulation and implementation of Traveller Accommodation Programmes (TAPs). These include:

- Lack of a strong evidence-base
- The disconnect between the TAP formulation and implementation timetable and Development Plan timing
- Lack of monitoring of TAP implementation
- Lack of sanctions where local authorities do not meet targets (see Section 5.2.2)

Another issue that the Expert Group finds at fault with the current assessment programme is that it does not support Travellers who want to make their own accommodation provision. Difficulties may be associated with planning. For example, rural housing guidance and directives are about ‘bricks and mortar’ solutions rather than alternatives for Travellers to purchase private sites to locate a mobile home or other temporary structure. In England, Wales and Scotland there is the practice of private operators operating halting sites. The most recent official data on the living arrangements of Travellers not in ‘settled’ accommodation in England and Wales show that in July 2018, 56% of caravans were located on recognised private sites, 30% on local authority sites and 14% on “unauthorised” sites.⁵⁷

6.2.5 Other legislation impacting on Traveller Accommodation

The implementation of Part II A of the Criminal Justice (Public Order) Act, 1994 (as amended), containing Sections 19 (A) 19 (B) 19 (C) and 19 (D) (‘Trespass Legislation’), has had a severe impact on members of the Traveller community who continue to live in caravans. This is the case where there has been a failure by local authorities to implement and provide appropriate provision in terms of permanent halting sites and, in particular, catering for transient provision recognising the nomadic traditions of the Traveller community. The use of Section 19(C) has attracted particular concern from Travellers and their representative groups. The primary concern relates to the manner in which arbitrary evictions can occur without any form of judicial oversight, monitoring or intervention.

The lack of procedural protection was recognised by the European Committee of Social Rights, who are responsible for monitoring and compliance with the European Social

⁵⁷ ‘Traveller caravan count: July 2018’ from the UK Department of Housing, Communities & Local Government and Stats Wales

Charter by signatory states of which Ireland is one. The Committee held in finding against Ireland published in May 2016 that Section 19 in Part II A of the 1994 Act is in violation of Article 16 of the Charter on the grounds that the Section provides for inadequate safeguards for Travellers threatened with eviction.

It is the Expert Group's view that, in light of the finding by the Committee, the provisions of Section 19 have had a disproportionate impact on the Traveller Community and should be repealed in its entirety or, in so far as it relates to lands owned by public authorities, it should be limited by providing an independent oversight mechanism to ensure that evictions effected by the Act are monitored and adequate procedural safeguards built in. It is further recommended that, given the recognition by the State of the ethnic status of the Traveller community and this ethnicity being partly founded on the nomadic tradition of the community, legislation, which in part can be interpreted as criminalising an element of the way of life of the community, should be reviewed and repealed.

It is the view of the Expert Group that in scenarios where Travellers place their home on public land and where it proves necessary that such homes should be removed, the powers of a public authority authorised to do so are adequately covered by a combination of the powers given to public authorities pursuant to the provisions of Section 10 of the Housing (Miscellaneous Provisions) Act and the Roads Act 1993.

Section 10 Housing (Miscellaneous Provisions) Act, 1992 as amended by the Housing (Traveller Accommodation) Act, 1998 and the Housing (Miscellaneous Provisions) Act 2002, is an administrative law which provides for the issuing of a notice to the Traveller occupants of a caravan, requiring them to remove the caravan or place such a caravan on a specified halting site within five miles of where the caravan is placed or any other halting site that is within the administrative area of the Housing Authority and where a suitable bay is available.

Where the caravan is placed within a mile of a halting site or other Traveller-specific accommodation, and there is no available space on that site or any other site in the local authority area, the caravan must be moved a distance of not less than a mile from the site or the owners face the possibility of having it seized and impounded.

Section 10, like Section 19 of Part II A of the Criminal Justice (Public Order) Act, 1994, as amended, was found by the Social Committee to be in violation of Article 16, as it too fails

to provide protection from arbitrary eviction. The Committee stated that it was a violation of Article 16 of the Charter on the grounds that Section 10 provided for inadequate safeguards for Travellers threatened with eviction.

The Committee particularly noted that the lack of a requirement for prior consultation with a family facing an eviction under the Section is a key concern. Of particular concern to the Committee was the minimum time period of 24 hours which is allowed for in the Section. The Committee held that 24 hours to comply with a notice issued was unreasonable, 'particularly in the context of Section 10 (1) (b) under which Travellers may be relocated some distance from where they are currently located, or under Section 10 (1) (c) where there is no obligation to provide alternative accommodation'.

It is the view of the Expert Group that local authorities should retain a mechanism within the overall governance of Traveller accommodation to control unauthorised encampments. However, the unrestricted and unmonitored use of Section 10 notices in circumstances where local authorities are failing to meet accommodation targets under their statutory accommodation programmes is a serious concern to the Expert Group.

The impact of Section 10, which is used extensively by local authorities, needs to be carefully monitored by a central authority. Of particular concern in the Section 10 provision is the power of the local authority to carry out evictions and the removal of homes without providing alternative accommodation to families assessed as in need of accommodation under the Traveller Accommodation Programme of the local authority concerned, or any other local authority. The power to serve a Section 10 notice on families who are assessed and awaiting accommodation provision should be restricted.

Where a notice is issued to families, an internal appeal procedure against such a notice should be established. The procedure would allow families affected to make submissions to the housing authorities concerned in a formal manner and the local authorities should be obliged to be cognizant of such submissions, particularly where the families concerned are assessed and awaiting the provision of permanent accommodation pursuant to the housing authorities accommodation programme, or where there are specific needs of vulnerable occupants of the caravans concerned, including children, pregnant women, or older people. The creation of such a mechanism should be modelled to meet the public duty of housing authorities placed on them pursuant to Section 42 of the Human Rights Act.

Section 69 of the Roads Act 1993 allows a member of An Garda Síochána, or an official of the local authority acting as road authority, to confiscate a temporary dwelling without prior notice, on certain types of road, and impose a restriction on caravans where they are placed on the side of a motorway or national primary route subject to Section 69(1) (a). The subsection takes no account of the reasons for the presence of the temporary dwelling, and there is no opportunity to provide a lawful excuse in advance of the seizure of the temporary dwelling.

Section 69(1) (b) creates a distinction between encampments on motorways and national roads, and encampments on other types of roads in the main national secondary road routes and rural roads. However, pursuant to Section 69 (1) (b), the Act envisages a consent system for camping on the side of these road types subject to certain conditions. A consent pursuant to the Section may 'be given by the road authority subject to such conditions, restrictions or requirements as it thinks fit'; however, failing to comply with any conditions, restrictions or requirements result in the person granted the consent committing an offence.

While the legislation states that it only applies to temporary dwellings located on the roadside without consent, and consent may be applied for, subject to conditions, there is, in fact, no known mechanism for Travellers to apply for such consent, and Traveller organisations are unaware of any Traveller who has successfully applied for consent.

The prohibition of roadside camping, provided for in the Roads Act, can be seen to have run counter to the States recognition of the Traveller community as a distinct ethnic minority in Ireland. The legislative prohibition disregards the cultural and traditional importance of roadside camping to the nomadic tradition of the Traveller community; a community defined in the legislation as 'persons who traditionally pursue or have pursued a nomadic way of life.' The Equal Status Act further defines the community of people who are commonly called Travellers as people who are identified (both by themselves and others) as having shared history, culture and traditions including, historically, a nomadic way of life on the island of Ireland. The legislative recognition of nomadism as a defining aspect of the cultural tradition of Travellers is, therefore, lessened by the continuing suppression of nomadism by the creation of offences, in all but limited circumstances, by the implementation of the Section 69 of the Roads Act.

It is the view of the Expert Group that Section 69 (1) (b) should be reviewed to provide for a system whereby Travellers who park on roadsides covered by the Section should not have to seek consent for an initial period of time; the Section could be amended to require consent be attained after a specified period and such consent to be subject to such terms and conditions as necessary, and that it would not be unreasonably withheld by a roads authority.

Such provision in the Roads legislation would give expression and be a positive re-enforcement of the nomadic tradition of the Traveller community by the State, and give effect to what was recognised by one previous legislator and Minister for Justice, General McEoin, when he described Travellers as *'persons whose people have been on the roads for centuries and that they have a prescriptive right to be on the roads'*.⁵⁸

6.3 Recommendations

Successful implementation of all of the recommendations set out in the previous sections will require significant reform of arrangements for the governance of Traveller accommodation provision nationally. The Traveller Accommodation Act, 1998 envisages the National Traveller Accommodation Consultative Committee will contribute to this task, but the NTACCs role is purely advisory. The Expert Group's analysis highlights the need for active and ongoing monitoring of the planning and provision of Traveller accommodation, and intervention when these functions are not being adequately performed.

1. The functions of the NTACC should be revised and strengthened to enable it to address the governance deficit. This revised role would encompass:
 - Overseeing and checking the annual Social Housing Needs Assessment (SHNA) process insofar as it relates to Travellers; data collection, processing and analysis, and providing training for local authorities and making recommendations, as required, regarding reform to the SHNA process.
 - Standardising and monitoring the Annual Estimate (Count) of Traveller families carried out by local authorities, ensuring the data gathered as part of this process reflects the SHNA.

⁵⁸ Minister for Justice, General McEoin, Dáil Debate, November 1950

- Designing and commissioning the five-year national assessment of Traveller needs and preferences which will inform the content of Traveller Accommodation Programmes.
- Monitoring the formulation and content of the Traveller Accommodation Programmes produced by each local authority and their implementation on an annual basis, and reporting the findings of this expertise to the Minister of Housing and the Oireachas Housing Committee on Housing and Homelessness.
- On the basis of this evidence:
 - a. Ensuring that the content of all draft TAPs are adequate to meet the Traveller accommodation needs identified, and that the content of the TAP is adequately reflected in the housing strategy part of the local authority Development Plans. Where gaps are identified, the TAPs and Development Plans should be referred back to local authorities and, if necessary, to the Office of the Planning Regulator.
 - b. Ensuring that the implementation of TAPs is adequate, and where it is not referring back to local authorities and, if necessary, to the Office of the Planning Regulator and the Minister for Housing.
- Commissioning and carrying out research on issues related to Traveller accommodation, as required, to inform policy formulation by the Department of Housing, Planning and Local Government.

The name 'National Traveller Accommodation Consultative Committee' would not be appropriate for this revised remit; therefore, the NTACC should be retitled: the **National Traveller Accommodation Authority (NTAA)**.

2. Carrying out the National Traveller Accommodation Authority's functions, listed above, would require the recruitment of a team of appropriate support staff. This would include research staff, and planning and design professionals. It is vital that adequate levels of funding should be provided by the DHPLG for this purpose. Civil service recruitment and employment norms mean that the Department of Housing, Planning and Local Government would not be best placed to provide the type of specialist staff support required by the NTAA. Therefore, to enable the National Traveller Accommodation Authority to fulfill its remit, it would be necessary to establish it as an agency of the DHPLG with the power to employ its own staff, or to

task one of the Department's existing agencies with providing the required staffing support. The latter model is employed, for instance, to support the Regulation Office for Approved Housing Bodies, which is housed within the Housing Agency but has its own board.

3. At local authority level, Local Traveller Accommodation Consultative Committees (LTACCs) should be replaced with Traveller Accommodation Strategic Policy Committees (TASPC). Like all other local authority strategic policy committees (SPCs), the TASPC would be made up of elected members but it would also include Traveller representatives. The TASPC would have a decision-making role as well as an advisory role, and would feed into the development of the housing strategy by being integrated into the Housing SPC. The two SPCs would be linked through a Traveller representative on the TASPC sitting on the Housing SPC.
4. Repeal the Trespass legislation, in particular, as it applies to publicly owned land until an appropriate network of transient provision as envisaged in the 1998 Act have been provided.
5. The eviction procedure, which allows for the removal of families within 24 hours, needs to be reviewed with a view to providing an internal appeals procedure. This process can be utilised by families who are assessed under a local authority TAP, and should allow for appropriate submissions relating to the individual circumstances of families affected, with particular regard being given to the vulnerable members of those families, including children and their educational requirements, elderly and disabled family members, infant children or pregnant women.
6. Review Section 69 (1) (b) to provide for a system whereby Travellers parking on the roadsides, covered by the Section, should not have to seek consent for an initial period of time. The Section could be amended to require consent be attained after a specified period and such consent could then be subject to such terms and conditions as necessary.

Appendix 1 A Review of Public Policies in European Countries

Summary of public policies in the area of housing for nomadic groups in select European countries

The cultural norms and preferences of various European ‘nomadic’ peoples mean that ‘mainstream’ public policies are often not suitable in adequately meeting their housing needs. These preferences have historically included a desire to live in caravans and other forms of movable accommodation, as well as the related cultural practice of moving from place to place, often in search of seasonal labour market opportunities.

This review aims to provide detailed, and yet concise, summaries of public policy and legal requirements in relation to meeting the housing needs of nomadic peoples in a select number of European countries; namely the United Kingdom (decomposed into Northern Ireland, Scotland, England and Wales), France, Sweden and Finland.

Northern Ireland

The most recent UK Census (2011) indicated that there were 1,267 members of the Traveller community living in Northern Ireland, or 0.07 per cent of the nation’s population.[1] However, given that this only accounts for people who are ‘Irish Travellers’, ignoring Travellers from the British mainland, as well as other nomadic groups, the actual number of Travellers is likely higher. Indeed, estimates by other bodies put the figure at around 4,000 (see for example, Abdalla *et al.*).

Since 2003, the provision of Traveller-specific accommodation by the public sector in Northern Ireland have been the responsibility of the Northern Ireland Housing Executive (hereinafter NIHE).[2] They had previously been the responsibility of local councils.

Analysis by the Northern Ireland Human Rights Commission has shown that uptake for ‘standard’ bricks-and-mortar social housing amongst Traveller families in Northern Ireland has increased (NIHRC). However, it is unclear if this reflects a lack of available places in Traveller accommodation or a change in housing preferences. Some Travellers’ groups have expressed the view that public policy has had the effect of ‘channelling’ them into more mainstream forms of social housing (see NIHRC).

In 2017, there were seven public halting sites in Northern Ireland.[3] Despite the relatively small number of sites, of the 72 available pitches only 40 (56 per cent) were occupied (NIHRC). This may partly reflect tensions between Traveller families or a lack of desire on the part of some Travellers to live on halting sites without members of their family.

All of these factors are taken into account by the NIHE, which is charged with assessing the accommodation needs of Travellers. The NIHE identifies suitable public lands on which to provide public accommodation for Travellers. Once such lands have been identified, a 'pre-application' is sent to the relevant local authority. If the plans have a good chance of proceeding, a full-application will be submitted.[4] In practice, various political and financing issues mean that Traveller accommodation projects in Northern Ireland are difficult to bring to fruition.

At present, there are two types of Housing Executive operated halting sites in Northern Ireland; transit and serviced (NIHRC). Transit sites allow a maximum stay of three months. Serviced sites are designed to accommodate longer stays and as such, offer a higher standard of amenities.

The framework for a third type of public facilitated halting site exists; known as a co-operated site. "This allows Travellers to camp on public land on a temporary basis. It is not a substitute for permanent or transit sites, but is a way of dealing with a humane requirement. Such a site can be accommodated as long as it does not create a public health hazard, is not a traffic hazard and there is no current or immediate use for the land...In November 2017, there were no co-operated sites in [Northern Ireland]" (NIHRC).

Other than halting sites, so-called 'grouped' housing for Travellers also exists in Northern Ireland. These are defined as being "residential housing developments with additional facilities and amenities specifically designed to accommodate extended families on a permanent basis" (DoRD). In effect, they are small clusters of bricks-and-mortar housing units with adjoining spaces for movable accommodation, which are designed to accommodate extended family groups. Space for stables and workshops may also be provided. In March 2017, the occupancy rate for the seven active grouped housing schemes in Northern Ireland was 98 per cent (NIHRC).

Group housing scheme tenants are allowed to vacate their property to travel for extended periods provided their "rent is paid, the property is left secure, and the landlord is able to

gain access for required maintenance” (NIHRC). However, in reality the practice of travelling from place to place has declined amongst Travellers in Northern Ireland and is now done by only a small minority of the community on an annual basis (NIHE, 2012).

Scotland

Figures from the most recent UK Census (2011) showed that 4,212 people living in Scotland stated that their ethnicity was “Gypsy/Traveller”.^[5] This equated to 0.08 per cent of the overall population. However, as with the Northern Irish case, experts and other studies estimate the actual figure to be higher, with one recent report putting it at 15,000-20,000 (EHRC, 2016).

As in Northern Ireland, there is evidence of members of the travelling community now choosing to live in more standard housing. This has been attributed to a number of “push” (e.g. tensions between Travellers living on halting sites) and “pull” (e.g. desire to improve health circumstances) factors (Scottish Parliament, 2013b).

The provision of public Traveller-specific accommodation is the responsibility of Scotland’s 32 local authorities. The Scottish Housing (Scotland) Act 2001 requires that local authorities draw up ‘Local Housing Strategies’, with guidelines specifying the requirement for an assessment of the particular needs of Travellers (Scottish Parliament, 2013a). However, analysis of these documents shows that only nine out of Scotland’s 32 local authorities have actually provided satisfactory consideration of Traveller accommodation in their housing strategies (Amnesty International).

The provision of halting sites and other forms of Traveller accommodation in Scotland is often hindered by public opposition. While civil servants working for local authorities may draw up plans and find available public lands, objections to the placement of proposed developments by residents from the ‘settled’ community and the related desire of local elected representatives to maintain positive relationships with constituents can combine to scupper the work of council staff. A lack of money for capital investment and maintenance also has a negative bearing on the potential for Traveller accommodation schemes to proceed (see Brown, 2015 and Amnesty International, 2012 for further discussion of these issues).

There are 29 public halting sites in Scotland, with pitches allocated on a first-come-first-served basis, or in line with local allocations policies (SHR, 2016 and SHR, 2018). Three of

these 29 sites are leased from local authorities by private companies, who manage them and collect rents. If no pitch is available, then applicants are added to a waiting list. Analysis by the Scottish Parliament (2013a) has found that the number of public halting sites in Scotland is “insufficient...for the current population”.

Standards, amenities and the policies of management at halting sites in Scotland are inconsistent. Some sites are also located in unsuitable environments, such as “under pylons, near industrial land or by major transport junctions” (EHRC, 2016).

In terms of the basic rights of tenants on halting sites, there are no limits to how long a pitch can be occupied. Most councils also allow tenants to hold onto their pitch if they choose to vacate them, usually for a period of up to 12 weeks per year (Shelter Scotland).

England and Wales

Around 58,000 people identified themselves as being gypsies and Travellers in England and Wales in the 2011 Census. However, as in Northern Ireland and Scotland, there are suggestions that these figures underestimate the true numbers (HCL). Analysis of these data shows that “the majority (76%) of Gypsies and Irish Travellers in England and Wales lived in bricks-and-mortar accommodation, and 24% lived in a caravan or other mobile or temporary structure” (ONS).

The most recent official data on the living arrangements of Travellers not in ‘settled’ accommodation in England and Wales show that in July 2018, 56 per cent of caravans were located on recognised private sites, 30 per cent on local authority sites and 14 per cent on “unauthorised” sites.[6] There are approximately 335 local authority and approved housing association halting sites in England and Wales (Richardson and Cadona). These are primarily permanent sites, with only a handful of transit sites. Group housing schemes, like those in Northern Ireland, are very uncommon. Although, they have gained more attention amongst policy makers in England and Wales in recent years, with a small number of group housing schemes having been built.

As in Scotland, Welsh local authorities must take reasonable steps to identify and deliver Traveller accommodation. However, since 2016, English councils have no such legal obligation. “Research by Gypsy and Traveller organisations in 2016 concluded that local authorities had made insufficient progress in identifying a five-year supply of sites to meet the accommodation needs of Gypsies and Travellers” (HCL). In addition, political opposition

or a lack of will on the part of elected officials to the development of housing for Travellers presents a “barrier”, which is “very hard to overcome” (Brown *et al.*).

As is the case in other nations, the quality and suitability of the land used for halting sites in England and Wales has been criticised. Sites are often found “for example, under motorways, next to sewage works or on poor quality land...[H]ealth hazards (such as contamination by vermin); decayed sewage and water fittings; poor-quality utility rooms; and failings in fire safety” are also issues (HCL, also see ECHR, 2009 for further discussion). Overall though, the research of Richardson and Cadona found that the quality of sites was generally of a decent standard.

As well as the provision on traditional council halting sites in England and Wales, frameworks exist to allow what is known as ‘Negotiated Stopping’. It is an alternative approach to dealing with unauthorised halting sites in which councils will identify lands that could be used by Travellers for short periods, provided both sides can agree on the terms of use. This method has the potential to save money on policing and other public administration costs, while also reducing disruption and stress for Traveller families (HCL). It is a similar approach to the aforementioned ‘co-operated sites’ in Northern Ireland.

France

The exact number of “gens du voyage” (literally ‘travelling people’) in France is unknown. This is largely a result of longstanding French state policy of not ‘monitoring’ the ethnic or religious characteristics of its inhabitants (Sachi-Noro). Academic estimates put the Traveller population at somewhere between 300,000 and 500,000 (Sachi-Noro). Another issue is that the term gens du voyage is very broad, being defined in French law as “all persons having had neither home nor fixed residence for more than six months in a member state of the EU” (Foisneau). Although, in practice, it is typically applied to gens du voyage and similar minority groups.

Housing policy for Travellers in France in recent decades has been broadly defined by two major pieces of legislation. The first came in 1990, followed by expanded legislation in 2000.[7] These are commonly referred to as the ‘Besson Laws’.

Amongst their many provisions, they mandated that every French municipality with a population of 5,000 or greater had to construct halting sites, known in France as “aire d’accueil”. The ambition was that a healthy supply of halting sites would allow France’s

Traveller population to continue its traditional migratory pattern based around seasonal labour (for example, grape picking in vineyards in the summer) and annual Traveller 'festivals', whilst stopping the practice of illegal halting sites on private land.

However, the scheme has proved to be less than ideal in meeting accommodation needs. For example, the French government's most recent report on meeting the needs of the travelling community noted that, while there had been a 25 per cent increase in halting site capacity between 2010 and 2015, halting sites nationwide were often only at about 55-60 per cent capacity (Cours de comptes).

The under-occupancy of halting sites has been attributed to the more 'sedentary' lifestyles of French Travellers in recent years. This is itself attributed to a number of factors, including a greater focus on the formal education of Traveller children and a lack of financial means (Cours de comptes). Tensions between Travellers or a desire to live with family members may also be factors.

Travellers' tendency to now stay in one place for extended or indefinite periods shows up a number of issues with the policies advanced under the Besson Laws. For example, that all municipalities with populations of 5,000 or greater build halting sites, even in areas that have no pronounced history of Traveller communities, transient or otherwise, is clearly flawed. As a result, there is possible over-supply of sites in some areas, while, having only the political will to meet minimum legal quotas, other areas will find themselves under-supplied. Add to this the fact that only 17 out of France's 96 metropolitan departments had met their most recent targets for provision of Traveller accommodation, primarily as a result of objections by 'settled' French people (Cours des comptes), has meant that illegal halting sites have remained pervasive.

In addition, the difficulty that many Travellers face in gaining a place in public halting sites has acted as a strong disincentive to leave an area once they have managed to secure a pitch (Cours des comptes, Sachi-Noro). In effect, halting sites which were designed for relatively short stays have become permanent places to live for many, meaning that residents are faced with infrastructure which is inadequate to meet their long-term needs. Oversubscribed sites also lead to tensions between residents, as they look to secure places for members of their family. This has led to highly stressful living arrangements for many Travellers (Sachi-Noro).

The French state has in recent years begun to reassess its Traveller housing policies. A so-called “habitat adapté”, or ‘adapted housing’ model has been supported by many organisations (FNASAT, Sachi-Noro, Cours des comptes). This takes the form of halting site like areas, which include houses for permanent residents, as well as additional space for residents’ caravans and for visiting friends and family (similar to grouped housing in Northern Ireland).

As well as providing better quality living conditions, permanent residents in adapted housing also become eligible for housing benefits and other social welfare payments, as caravans and similar dwellings are not classified as a ‘house’ under French law. However, a recent review of local area plans indicated that only a small fraction of municipalities have concrete plans in place for the future provision of Traveller appropriate accommodation of any kind (FNASAT).

Sweden

Sweden has been home to the traditionally nomadic Sámi people, known for practicing hunting, fishing and animal herding, for thousands of years. Today, the country is home to an estimated 20,000 - 40,000 Sámis (OECD). Exact figures are not known, as Sweden does not collect statistical information on ethnicity. Research conducted on behalf of the Sámi Parliament has noted that the “Sámi are no longer a nomadic people; they have settled down and are more and more assimilated to the Swedish lifestyle” (Borchert).

However, Sámi “still follow the reindeer when migrating from summer to winter grazing lands, though no longer by walking or skiing. Reindeer herding, although in modernised forms, is still the core of Sámi culture and the basis for existence of the Sámi reindeer herding communities” (Borchert). However, it is important to note that a minority of Sámi engage in reindeer husbandry today and thus, the annual migration. As such, Sámi workers are engaged in a variety of industries (food processing being the most significant) which are more in keeping with sedentary lifestyles (see OECD for more detail).

Thus, in effect, the Sámi in Sweden today live in bricks-and-mortar houses for most of the year, only making ‘camps’ as they move along traditional migratory routes with their livestock (Swedish Institute). Indeed, the modern Sámi living arrangements have been described as “transhumance pastoralism”, with members of the group who take part in the annual migration “alternating between two or more “permanent” dwellings on a regular basis, following the “reindeer seasons,”” in the summer and winter (Hahn, p.93).

The land which the Sámi claim as their traditional ‘homeland’ in Sweden equates to over one third of the gross area of the country (Hahn, p.87). Although, the Sámi do not own this land, as, traditionally, “they never needed to” (Borchert). The land is today owned by the Swedish state, private farmers, logging companies and other private interests.

Swedish legislation[8] provides for the free access of the Sámi to the lands and water traditionally used by them and their reindeer. However, what constitutes their traditional lands has never been set down in legislation. Private land owners have seized upon this legal ambiguity to deny the Sámi access to their lands (UNHRC, Borchert, Carstens).

This poses a significant risk to the future existence of the Sámi and their traditional way of life. Legally, the burden of proof lies with the Sámi people to show written records of their use of certain parcels of land (going back at least 90 years) in order to maintain access (Carstens, Borchert). However, as Borchert notes, until recent generations the Sámi language was purely oral, which is evidenced today by the common illiteracy of elderly Sámi people. This, combined with the lack of legal aid available to Sámi people to fight civil court cases, means that they often have little recourse against private land owners seeking to bar them access.

The UN has also been critical of Sweden for seeming to prioritise commercial interests over the well-being and continuation of Sámi traditions.

“In recent years, high mineral and energy commodity prices have driven an increase in natural resource investments in the Nordic countries. While locally that has been welcomed as a source of employment and development opportunities, it has also sparked conflict, especially in areas where Sami communities find themselves competing for their land with other interests, including the construction of buildings and roads, mining, windmills, hydroelectric dams, overhead power lines, oil and gas installations, forestry projects and tourism activities” (UNHRC).

The UN provided an example of this when discussing the recent granting of a mining licence that “would destroy key areas within [Sámi] traditional territory that are indispensable for the continued pursuit of their traditional livelihood”. The Swedish state argued successfully before the courts that while:

“Sami reindeer husbandry rights were constitutionally protected...restrictions on those rights were nonetheless permitted in cases where it was in the public interest. In the [mining case], the State considered that the public interest had been met in the form of substantial economic gain”.

The Swedish state has no legal requirement to consider the Sámi people when approving commercial activities or other meaningful changes to their ancestral lands.

Finland

Finland is also home to a Sámi population. This totals around 9,000 people (UNHRC). Unlike in Norway and Sweden, reindeer husbandry is not a right reserved for the Sámi people but is open to any EU citizen. The Sámi view this as a threat to their culture and livelihood and they have been lobbying for a change to the law for many years (UNHRC).

Overall, the situation for Sámi in Finland is more ‘favourable’ than in Sweden. About 90 per cent of Finnish land claimed by the Sámi as their traditional homeland is owned by the state. This makes it easier for the Sámi to lobby in their favour, as there are less private interests to take an opposing view.

Furthermore, recent legislation has been favourable to the Sámi position. The adoption of a new Mining Act in 2011[9] saw the introduction of a commitment to ensuring the rights of the Sámi as an indigenous people in the context of extractive activities, and the inclusion of several provisions to that end. Importantly, the Mining Act establishes that in the Sámi homeland region, all activities under the Act are to be adapted “so as to secure the rights of the Sámi as an indigenous people” (UNHRC).

While the UN has taken an overall favourable view of the recent developments in Finland, it points out that, as in Sweden, the somewhat ambiguous nature of the legislation could be used to undermine Sámi rights in the future. It notes that “the Mining Act does not clearly define conditions that undermine Sámi...livelihoods and culture or cause considerable harm to reindeer herding, leaving too much room for interpretation” (UNHRC).

Overall though, the Sámi in Finland now live in standard housing units. Strong levels of government intervention, particularly in the form of targeted housing finance schemes (providing cheap loans), means that “most Saami own their own homes, and few rely on

social housing. Indeed, in Lapland there is an excess of vacant, Government-subsidized rental housing” (Farha, p.169).

As well as the Sámi population, Finland is also home to a long established Traveller population, known as the Kaale and sometimes referred to as Finnish Roma. They are genetically and culturally related to other Traveller groups in Western Europe. While the Sámi live primarily in northern Finland, the estimated 10,000 Kaale (Friman-Korpela, Stenroos) live primarily in the south, concentrated in and around cities (Vuorela and Borin).

The living conditions and rights of the Kaale in Finland are generally quite positive, with the group “relatively well integrated” and “benefitting from public services equally to the majority Finnish population” (Stenroos). Stenroos attributes this to proactive efforts made by the government in recent decades to improve the conditions of Kaale.

For example, in regard to housing, the majority of Kaale in Finland lived in substandard accommodation or were homeless in the 1970s. Today, “their housing conditions are generally not dissimilar from those of the rest of the population” (EAFR). The group is, however, housed mainly in local authority accommodation, with only a small minority being owner occupiers. They are still discriminated against in the private rental sector (EAFR).

In practice, the Kaale are now a ‘sedentary’ people. As such, their public housing needs are “handled through the general legislation on housing” (EAFR). Finland has a strong level of social housing provision, while active strategies to combat homelessness have been very successful (see Kaakinen for discussion of this).

As in other countries, tensions between Finnish Kaale families lead to difficulties in public provision of accommodation. For example, when Kaale “plan to move from a particular location in a city or from one city in Finland to another...Finnish Roma culture obliges them to contact the local Finnish Roma living in the desired destination, and to ask their permission to move there” (Berlin). This has led to “housing officials illegally handing over their residence allocation duties to their areas’ powerful and influential Roma families and individuals” (Berlin).

This reflects the fact that, far from being one coherent group, the Kaale are communities made up of extended family lines and connections (Stenroos). Stenroos notes in his research that, while this practice of seeking approval when moving house garners an

unsympathetic view from non-Kaale Finns, it is a long-standing cultural practice which is essential for maintaining civil relations.

In addition to the granting of permission, Kaale culture dictates a number of further special requirements related to housing. These include “that one...family cannot live above another...family; after the death of a family member the remaining family has to move [and that] teenage boys and girls cannot use the same bathroom” (EAFR). These special requirements are taken into account only in as much as available resources allow for. In practice, it may mean that Kaale remain on social housing waiting lists for longer than average (EAFR).

Bibliography

- Abdalla, S. *et al.* (2010) *Our Geels: All Ireland Traveller Health Survey*. Dublin: University College Dublin.
- Amnesty International (2012) *On the Margins: Local Authority Service Provision for Scottish Gypsy/Travellers*. Edinburgh: Amnesty International.
- Berlin, J. (2015) The moving-permit custom of the Finnish Roma. *Romani Studies*, 25(2), 151-166.
- Borchert, N. (2001) *Land is Life: Reindeer Grazing Threatened in Northern Sweden*. Kiruna: The Sami Parliament. Accessed at http://library.arcticportal.org/554/1/Land_is_Life.pdf on 04/05/2019.
- Burchardt, T., Obolenskaya, P., Vizard, P. and Battaglini, M. (2018) *Experience of multiple disadvantage among Roma, Gypsy and Traveller children in England and Wales*. London: Centre for Analysis of Social Exclusion. Accessed at https://www.researchgate.net/profile/Polina_Obolenskaya/publication/330779259_Experience_of_multiple_disadvantage_among_Roma_Gypsy_and_Traveller_children_in_England_and_Wales/links/5c541a98a6fdccd6b5d8cb39/Experience-of-multiple-disadvantage-among-Roma-Gypsy-and-Traveller-children-in-England-and-Wales.pdf on 03/05/2019.
- Brown, P., Henning, S. and Niner, P. (2011) *Research report 68: Assessing local authorities progress in meeting the accommodation needs of Gypsy and Traveller communities in England and Wales: 2010 update Executive summary*. London: Equality and Human Rights Commission. Accessed at <https://www.equalityhumanrights.com/sites/default/files/research-report-68-assessing-local-authorities-progress-gypsy-and-Traveller-accommodation-england-and-wales-execsummary-2010update.pdf> on 07/05/2019.
- Brown, P. (2015) *Developing Successful Site Provision for Scotland's Gypsy/Traveller Communities*. Glasgow: Equality and Human Rights Commission.
- Carstens, M. (2016) *Sami land rights: the Anaya Report and the Nordic Sami Convention*. *Journal on Ethnopolitics and Minority Issues in Europe*, 15(1), pp.75-116.
- Cour des comptes (2017) *L'accueil et l'accompagnement des gens du voyage : des progrès lents et inégaux, des objectifs à redéfinir*. Paris: La documentation française.
- DoRD (2005) *Planning Policy Statement 12 (PPS 12): Housing Settlements*. Belfast: Department for Regional Development.
- EAFR (2009) *RAXEN Thematic Study - Housing Conditions of Roma and Travellers – Finland*. Vienna: The European Agency for Fundamental Rights. Accessed at https://fra.europa.eu/sites/default/files/fra_uploads/579-RAXEN-Roma%20Housing-Finland_en.pdf on 07/05/2019.

- EHRC (2009) Research report 12: Inequalities experienced by Gypsy and Traveller communities. Accessed at <https://www.equalityhumanrights.com/en/publication-download/research-report-12-inequalities-experienced-gypsy-and-Traveller-communities> on 03/05/2019.
- EHRC (2016) Gypsy Travellers in Scotland - a resource for the media. Glasgow: Equality and Human Rights Commission. Accessed at <https://www.equalityhumanrights.com/en/scottish-news/scottish-news/gypsy-travellers-scotland-resource-media> on 03/05/2019.
- Farha, L. (2004) Indigenous Peoples' Right to Adequate Housing: A Global Overview. Nairobi: United Nations Office of the High Commissioner for Human Rights. Accessed at <https://www.ohchr.org/Documents/Publications/IndigenousPeoplesHousingen.pdf> on 08/05/2019.
- FNASAT (2017) Ancrages et besoins des habitants permanents de résidence mobile. Paris: Fédération nationale des associations solidaires d'action avec les Tsiganes et les Gens du voyage.
- Foisneau L. (2017) Dedicated Caravan Sites for French Gens du Voyage: Public Health Policy or Construction of Health and Environmental Inequalities? *Health and human rights*, 19(2), pp.89–98.
- Friman-Korpela, S. (2014) Romanipolitiikasta romanien politiikkaan. Poliittisen asialistan ja toimijakonseption muutos 1900-luvun jälkipuoliskon Suomessa. *Jyväskylä studies in education, psychology and social research* 513. 168s.
- Hahn, T. (2000) Property rights, ethics, and conflict resolution: Foundations of the Sami economy in Sweden, PhD Dissertation, Uppsala: Swedish University of Agricultural Sciences.
- HCL (2017) Gypsies and Travellers. House of Commons Library Briefing Paper, Number 08083, 8 September 2017. Accessed at https://dera.ioe.ac.uk/29981/2/CBP-8083_Redacted.pdf on 03/05/2019.
- Kaakinen, J. (2019) Housing first: How Finland is ending homelessness. Featured article in the OECD Observer. Accessed at http://oecdobserver.org/news/fullstory.php/aid/6154/Housing_first:_How_Finland_is_ending_homelessness_.html on 07/05/2019.
- NIHE (2012) Traveller Accommodation Needs Assessment 2014. Belfast: Northern Ireland Housing Executive.
- NIHRC (2018) Out of Sight, Out of Mind: Travellers' Accommodation in Northern Ireland (Full Report). Belfast: Northern Ireland Human Rights Commission.
- OECD (2019) *Linking the Indigenous Sami People with Regional Development in Sweden*, OECD Rural Policy Reviews, OECD Publishing, Paris.

ONS (2011) What does the 2011 Census tell us about the characteristics of Gypsy or Irish Travellers in England and Wales? London: Office for National Statistics. Accessed at <https://www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/ethnicity/articles/whatdoesthe2011censustellusaboutthecharacteristicsofgypsyoririshtravellersinenglandandwales/2014-01-21/pdf> on 03/05/2019.

Richardson, J. and Codona, J. (2016) Managing and delivering Gypsy and Traveller sites: negotiating conflict. London: Chartered Institute of Housing. Accessed at <https://www.dora.dmu.ac.uk/bitstream/handle/2086/13665/Travellers%20Gypsies%20text.pdf?sequence=1> on 03/05/2019.

Sachi-Noro, R. (2017) Decline and Restructuring of Gypsies' Nomadism in France : Beyond the Nomadic/Sedentary Binary. *Senri Ethnological Studies*, 95, pp.87-116.

Scottish Parliament (2013a) Where Gypsy/Travellers Live: Equal Opportunities Committee 1st Report (Session 4). Accessed at http://www.parliament.scot/S4_EqualOpportunitiesCommittee/Reports/eor-13-01w.pdf on 02/05/2019.

Scottish Parliament (2013b) Gypsies/Travellers in Scotland: Summary of the Evidence Base, Summer 2013. Accessed at <https://www2.gov.scot/resource/0043/00430806.pdf> on 09/05/2019.

Shelter Scotland (2019) Council sites for Gypsies/Travellers. Edinburgh: Shelter Scotland. Accessed at https://scotland.shelter.org.uk/get_advice/advice_topics/finding_a_place_to_live/gypsiestravellers/council_sites_for_gypsiestravellers on 03/05/2019.

SHR (2015) Gypsy/Travellers in Scotland A thematic inquiry. Edinburgh: Scottish Housing Regulator.

SHR (2018) Gypsy/Travellers' sites in Scotland: An update. Edinburgh: Scottish Housing Regulator. Accessed at https://www.scottishhousingregulator.gov.uk/sites/default/files/publications/Scottish%20Housing%20Regulator%20-%20Gypsy%20Travellers%27%20sites%20in%20Scotland%20-%20An%20update_1.pdf on 03/05/2019.

Smith, D.M. and Greenfields, M. (2013) Gypsies and Travellers in Housing: The decline of nomadism. Bristol: Policy Press

Stenroos, M. (2018). Power and Hierarchy among Finnish Kaale Roma: Insights on Integration and Inclusion Processes. *Critical Romani Studies*, 1(2), 6-23.

Swedish Institute (2014) Sami in Sweden: Preserving Indigenous Culture in the Arctic. Swedish Institute Briefing Note. Accessed at <https://www.sweden.se/wp-content/uploads/2013/06/Sami-in-Sweden-low-resolution.pdf> on 08/05/2019.

UNHRC (2016) Report of the Special Rapporteur on the rights of indigenous peoples on the human rights situation of the Sami people in the Sápmi region of Norway, Sweden and Finland. United Nations Human Rights Council report HRC/33/42/Add.3. Accessed at <http://unsr.vtaulicorpuz.org/site/images/docs/country/2016-sapmi-a-hrc-33-42-add-3-en.pdf> on 04/05/2019.

Vuorela, K. and Borin, L. (1998) Finnish Romani. In: Ó Corráin, A. & S. Mac Mathúna (eds.) 1998, *Minority Languages in Scandinavia, Britain and Ireland*. Acta Universitatis Upsaliensis. Studia Celtica Upsaliensia 3. Uppsala. 51–76.

[1] NI Statistics and Research Agency, 'Census 2011: NI' - Table KS201NI

[2] Article 125 and Schedule 2, Housing (NI) Order 2003

[3] Letter from NI Housing Executive to Northern Ireland Human Rights Commission, 20 March 2017

[4] Based on discussions with NIHE staff in May 2019

[5] National Records of Scotland, 'Census 2011: SC' - Table KS201SC

[6] Author's calculations, based on 'Traveller caravan count: July 2018' from the UK Department of Housing, Communities & Local Government and Stats Wales

[7] Loi n°90 – 449 du 31 mai 1990 and Loi n°2000 – 614 du 5 juillet 2000

[8] Rennäringslagen (1971:437)

[9] Mining Act (No. 621/2011)

Appendix 2 Key Reports Reviewed

- Centre for Housing, 2008. Traveller-Specific Accommodation: Practice, Design and Management.
- KW Research & Associates, 2014. Why Travellers leave Traveller-specific accommodation? KW Research. NTACC & Housing Agency.
- National Traveller Accommodation, Consultative Committee, 2004. Review of the Operation of the Housing (Traveller Accommodation) Act 1998. Minister for Housing and Urban Renewal.
- RSM, 2017a. Review of Funding for Traveller-Specific Accommodation and the Implementation of Traveller Accommodation Programmes. Housing Agency, Dublin.
- RSM, 2017b. Research Report Experiences of Travellers in the Private Rented Sector. Housing Agency, Dublin.
- School of Public Health, Physiotherapy and Population Science, UCD, 2010. All Ireland Traveller Health Study: Our Geels - Summary of Findings. University College Dublin, Dublin.
- Watson, D., Kenny, O., McGinnity, F., 2017. A Social Portrait of Travellers in Ireland (No. 56), Research Series. ESRI.
- Visser, A., 2018. Traveller Accommodation: The Challenges of Implementation (Spotlight). Oireachtas Library & Research Service.
- Weafer and Associates Research, 2009. Research into the barriers to the provision of Traveller accommodation. NTACC.

Appendix 3 List of Stakeholders Met

Ann Gill, Traveller Accommodation, Department of Housing
Anna Visser, Oireachtas Research Service
Aodhán Ó Ríordáin, Senator, Traveller Oireachtas Group
Bernard Joyce, Irish Travellers Movement
Brian Dillon, CENA
Bridget Kelly, National Traveller Women's Forum
Bridgie Casey, CENA
Colette Kelleher, Senator, Traveller Oireachtas Group
David Kelly, Traveller Accommodation, Department of Housing
Derek Rafferty, Social Housing, Department of Housing
Eoin Ó Broin, TD, Traveller Oireachtas Group
Eoin O'Sullivan, Chair of the National Traveller Accommodation Consultative Committee
Eugene Cummins, Roscommon LA, The County and City Management Association
Fiona Corcoran, Clúid Housing
Gary Ryan, Office of the Planning Regulator
Gerry Adams, TD, Traveller Oireachtas Group
Grace O'Sullivan, Senator, Traveller Oireachtas Group
Greg O'Donnell, Roscommon LA, The County and City Management Association
Jacinta Brack, Irish Travellers Movement
Jack Keyes, CENA
Jan O'Sullivan, TD, Traveller Oireachtas Group

Jim Baneham, Head of Housing Supply, Housing Agency
Kathleen Sherlock, Minceirs Whidden
Kevin Ryan, Irish Council for Social Housing
Margaret O’Leary, Minceirs Whidden
Maria Donoghue, Limerick LA, The County and City Management Association
Maria Fitzsimmons, Oireachtas Research Service
Maria Joyce, National Traveller Women’s Forum
Martin Collins, Pavee Point
Niall Cussen, Office of the Planning Regulator
Pat Teehan, Head of Traveller Accommodation, Dublin City Council
Siobhan McAnulty, Clare LA, The County and City Management Association
TJ Hogan, Irish Travellers Movement
Tony Steed, Northern Ireland Housing Executive

Appendix 4 Written Submissions Received

Anonymous
Bray Travellers CDP
Carlow County Council
Cavan County Council
Clare County Council
Clondalkin Travellers Development Group
Cork Traveller Women's Network
Dublin City Council x2
Dún Laoghaire-Rathdown County Council
Galway City Council
Galway Traveller Movement
HSE Traveller Health Unit
Irish Travellers Movement
Kerry Traveller Health and Community Development Project
Kildare County Council x2
Kilkenny County Council
Leitrim County Council
Mayo County Council
Meath County Council
Minceirs Whidden
National Traveller MABS

National Traveller Women's Forum
On behalf of the Social Workers Working Group
Parish of the Travelling People
Pavee Point Traveller and Roma Centre
Roscommon County Council
Sligo County Council
South Dublin County Council x 4
St. Margaret's Travellers Community Association CLG
Tipperary County Council
TNC Travellers of North Cork
Traveller Visibility Group, Cork
Wicklow County Council

Appendix 5 Attendees at Stakeholder Consultation Workshop

Stakeholder	Name	Organisation
Expert	Conor Norton	Expert
	David Joyce	Expert
	Michelle Norris	Expert
Traveller organisations	Michelle Kearns	NTMABS
	Dermot Sreenan	NTMABS
	Ronnie Fay	Pavee Point
	Martin Collins	Pavee Point
	Bernard Joyce	Irish Traveller Movement
	Bridgie Casey	Irish Traveller Movement
	Jim O'Brien	Bray Travellers CDP
	Bec Fahy, Primary Health Care Coordinator	Travellers of North Cork
	Thomas Erbsloh	Traveller Visibility Group, Cork
	Jacinta Fay	Galway Traveller Movement
	Jack Keyes	CENA Housing Association
	Maria Joyce	National Travellers Women's Forum
	Colin Thomson	Parish of the Travelling People
	Winnie McDonnell	St Margaret's Traveller Action Group
Local Authority	Kathleen Holohan, Director of Services	Carlow County Council
	Shane Clarke, Social Worker	
	Pat Teehan, Manager, Traveller Accommodation Unit	Dublin City Council
	Anne Helferty, Social Worker	
	John Hanley, Housing Welfare Officer	
	Margaret Newport, Social Worker	Kilkenny County Council
	Cllr Paschal McEvoy	Laois County Council

	Eugene Cummins, Director of Services	Roscommon County Council
	Niamh Miliken, Social Worker	South Dublin County Council
	Clr Mary Hourigan	Tipperary County Council
	Frank Curran, Director of Services	Wicklow County Council
	Tommy Moylan, Director	Association of Ireland Local Government (AILG)
National	Eoin O’Sullivan	NTACC – Chair
	Rosemary Gibbons	Royal Town Planning Institute - Ireland
	Joe Corr (President)	Irish Planning Institute
	Rosalind Carroll	Residential Tenancies Board
	Ann Gill	DHPLG Traveller Unit
Secretariat and facilitators	Roslyn Molloy	Secretariat/Research to Expert Group, Housing Agency
	Ben Simmons	Housing Agency Administrative Support
	Niamh O’Donoghue	Facilitator
	Kathy Walsh	Facilitator

Appendix 6 Annual Estimate (Count) of Traveller Families⁵⁹

Year	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Accommodation Type												
LA Halting Sites	1131	1062	951	919	909	836	831	822	834	812	967	982
Unauthorised Sites	629	582	521	412	435	322	323	350	401	476	536	585
LA Group Housing	642	665	675	693	694	724	707	714	697	719	833	798
Standard LA Housing	2941	2997	3149	3246	3249	3260	3209	3218	3127	2930	3473	3701
Private Houses assisted by LA	433	441	442	478	480	469	510	478	460	398	437	436
Voluntary Bodies	104	92	108	123	141	138	152	158	175	190	224	317
Own Resources (estimate) ⁶⁰	485	457	488	486	536	538	555	574	480	426	709	795
Private Rented (estimate) ⁶¹	935	1098	1474	1965	2356	2527	2794	2691	2582	2385	2222	2387
Shared Housing (estimate) ⁶²	391	431	333	385	435	478	588	646	639	763	963	1115
TOTAL	7691	7825	8141	8707	9235	9292	9669	9651	9395	9099	10364	11116

Source: Expert Group's Analysis of DHPLG data

⁵⁹ For the purposes of the Annual Count, a "family" is considered to be a family unit; "Family" can consist of one individual

⁶⁰ Accommodation owned or rented by a Traveller family with local authority assistance

⁶¹ Accommodation rented from private landlords, not local authority or approved housing body/voluntary housing

⁶² Families sharing accommodation of any type with at least one other family

