



NORTHERN  
IRELAND  
HUMAN  
RIGHTS  
COMMISSION

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Dear Jenny,

**Re: Consultation on draft Design Guide for Travellers' Sites in NI**

We welcome the Department's publication of the draft Design Guide for Travellers' Sites in Northern Ireland and the opportunity to provide our views.

As you will be aware, a full overview of public authorities' human rights obligations are provided within our investigation report 'Out of Sight, Out of Mind: Travellers' Accommodation in Northern Ireland'. Specific to this consultation, to ensure that the Design Guide is effective in fulfilling, respecting and protecting the right to adequate housing for Travellers, the main recommendation from the investigation was that:

the Department for Communities should carry out a prompt and thorough review of the 'Design Guide for Travellers' Sites in NI' and ensure the minimum standards are sufficiently prescriptive and reflective of human rights. It should ensure the updated guide includes the requirements that accommodation is accessible to

persons with disabilities; children's play areas are provided; facilities necessary for a nomadic way of life are available; and traffic safety measures are in place. The updated guide should be published and be subject to a commitment to further periodic reviews within a reasonable timescale.

The Commission welcomes a number of developments within the draft Design Guide. The Commission has also identified a number of areas for improvement and makes a number of recommendations for how the required improvement can be achieved.

### **Supported Developments**

The Commission would like to particularly welcome that the guide aims to "support the provision of appropriate, cost effective facilities for Travellers living in Northern Ireland" with a focus on design and management, which meets the "traditional and cultural needs" of Travellers.

The Commission welcomes the move away from including serviced/transit sites as an option within paragraph xix. These are sites that are split into two, with a section of permanent pitches and a section of temporary pitches. As the investigation report identified, these types of sites are not appropriate.

The Commission welcomes consideration of how information should be disseminated to Travellers in the context of health and safety, fire safety and consultations.

The Commission further welcomes clarity as to who is the responsible body regarding specific actions, and the inclusion of provision for children's play areas and traffic safety measures.

### **Areas for Improvement**

The Commission would also like to highlight a number of areas that could be improved to ensure the above recommendation is fully implemented.

### **Consultation**

An extensive exploration of consultation on pages 48-51 is welcomed. However, to ensure that the message is clear that effective participation of Travellers should be at the heart of designing Travellers' sites, the Commission recommends that this section is moved to the front of the design guide.

Further to the section on consultation, the Commission welcomes the reference that Travellers and/or their relevant representative organisations should be consulted throughout all stages of the design process and that there is a requirement to feedback on the outcome of the consultation in an appropriate manner. However, the Commission recommends that paragraph 184 is extended to include specific reference to including such stakeholders in designing the consultation process, to ensure it is effective and culturally appropriate.

The requirement to consider where, when and how to facilitate consultation meetings is welcomed (paragraphs 187, 189, 191 and 192). However, the Commission recommends that the wording is rephrased to not only indicate the identified options as possibilities with advantages and disadvantages, but that a decision for the best approach should be made in consultation with Travellers and their representative organisations. It should also include clarification that different approaches may be required for different Travellers, with consultation required to determine the most appropriate approach.

The Commission also recommends that, within paragraph 185, consulting with existing Traveller support groups is identified in addition to the NI Housing Executive. Furthermore, we would suggest that the wording in paragraph 190 is changed to state that "at an early stage the NI Housing Executive should provide an 'awareness raising' session..."

### ***Language***

The Commission recommends that any reference to the 'Traveller community' in the draft Design Guide is amended to 'Traveller communities', to ensure the non-homogenous nature of Travellers is reflected.

### ***Site licence and fire safety***

The Commission welcomes reference to site licences in paragraph 20 and the fire safety section; however, it is recommended that the laws and guidance governing site licences and fire safety are set out in similar terms at the front of the document as those explaining the Travellers' Accommodation Needs Assessment and the planning policy context.

The Commission understands that steps have been taken to ensure that, where relevant, there is consistency across the Model Conditions on Site Licences, NI Fire and Rescue Service's fire safety guidance and the Design Guide. The Commission welcomes these steps, but stresses the importance that the published version of all three documents are consistent and complement each other.

## ***Review***

The Commission reiterates its recommendation that “the updated guide should be published and be subject to a commitment to further periodic reviews within a reasonable timescale”. The Commission recommends that a commitment to a further periodic review at least every five years is set out within the Design Guide.

## ***Site design***

The Commission welcomes the acknowledgement that flexibility, taking into account the needs of the intended tenants, is required when designing each individual Travellers’ site (paragraphs 18, 25 and 27). However, the Commission recommends this is expressly required in relation to the hard standing material (paragraph 78), design of amenity buildings (paragraphs 81 and 82), provision of community building (paragraph 92), number and location of water and electricity outputs (paragraphs 112-114), geographic location of serviced, transit and emergency halting sites (paragraphs 1, 140 and 170), and site landscaping (paragraphs 153).

## ***Accessibility***

The Commission welcomes the section on accessibility; however, the Commission would like to see the principle of accessibility mainstreamed throughout the draft Design Guide. For example, in the case where no need has been identified, paragraph 139 refers to ensuring at least one pitch per site is constructed to meet the needs of a tenant with disabilities. The Commission recommends that this is extended to require that all pitches are accessible or are constructed in such a way that they can be easily adapted. The Commission also recommends that a similar approach is taken in relation to amenity buildings (paragraph 89).

## ***Site security***

The Commission welcomes consideration of how best to secure Travellers’ sites. Regarding the concern raised that a lockable gate would hinder access to emergency services, postal deliveries and refuse collection (paragraph 72), the Commission recommends considering how such issues are addressed in gated accommodation within the private sector and if the identified practices could be adopted on a Travellers’ site.

## ***Amenity buildings and portable services***

The Commission is concerned that its finding that “the use of steel pods as amenity blocks on Travellers’ sites is inappropriate” and recommendation that such pods should be “fit for purpose and appropriate for Northern Ireland’s climate” is not reflected in the draft Design Guide. The Commission recommends that paragraphs 80 and 156 should be amended to include a requirement that amenity buildings and portable services are constructed using materials that are suitable for Northern Ireland’s cold and wet climate. The Commission also recommends that paragraph 88 requires that the economical heating system that is chosen for amenity buildings is not only at a low cost to the provider, but involves low heating costs for the tenant.

The Commission also recommends that any reference to installation of amenity buildings or portable facilities includes a suggested timeframe for installation to ensure that there are not undue delays.

### ***Space for work and animals***

Within paragraph 106, it is stated that “where there is demand for space for animals Travellers should be encouraged to rent grazing land from neighbouring land owners if possible”. It continues that “the provision of space on site for keeping animals will only be provided where it is reasonable and practicable to include this”. The Commission appreciates the practical challenge of providing land for non-domestic animals on a Travellers’ site; however, the reliance on grazing land within the current draft Design Guide ignores the investigation report’s finding that “there is a lack of grazing land available for Travellers’ non-domestic animals”. The Commission recommends that further consideration is given to this, including considering examples of where having facilities for non-domestic animals on-site has worked well within grouped housing schemes. The reality is that unless such a planned approach is taken in consultation with Travellers to meet this need then, non-planned and structured provisions will occur.

### ***Management***

The Commission welcomes the section on management, particularly given that effective management of Travellers’ sites is key to ensure such accommodation is safe and adequate. The Commission recommends that paragraph 203 is amended to state that “regular visits – minimum of twice a week and increase as required to effectively handle any issues – should be made to the site”. This paragraph should also be amended to include a line that “a designated officer should ensure that tenants understand the rights and responsibilities set out in the Allocations Policy” and that a contact is provided to a tenant for any further queries.

The Commission further recommends that an additional bullet point is added to paragraph 203 that requires the development of an effective and transparent process for signing on to a pitch, including pitches on a transit and emergency halting site. This could be achieved through an advance booking system, with a set deadline for booking a pitch relevant to the type of site. This is to avoid undue delays in being assigned a pitch and receiving access to services for that pitch, which was an issue identified in the Commission's investigation report. Travellers should be consulted on how such a system should operate. It is also worth considering examples of good practice, such as in Scotland.

***Key documents***

The Commission would appreciate if the investigation report could be listed as a key document, given that it sets out the human rights obligations for providers of Travellers' sites.

The Commission is looking forward to the prompt publication and effective implementation of an up-to-date Design Guide that reflects relevant stakeholders views, particularly Travellers.

If any issues arise from this feedback or the Commission can be of any further assistance, please do not hesitate to get in touch.

Yours sincerely,

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

**Les Allamby**  
**Chief Commissioner**