

SOUTH HAMS DISTRICT COUNCIL

POLICY AND PRACTICE GUIDELINES RELATING TO PEOPLE OF A NOMADIC LIFESTYLE RESIDING IN OR RESORTING TO OUR AREA

1. References in this document to 'Travellers' generally include any Gypsies or other persons who have a nomadic lifestyle.
2. This document is to provide a policy framework for the Council in dealing with unauthorised encampments. It is intended to supplement the Joint Policy of Devon County Council and the Devon and Cornwall Constabulary ("the Joint Policy").
3. This document is mainly concerned with two situations:-
 - (a) Encampments on the District Council's own land. Management of land owned by the Council is the responsibility either of its Property services, or the specific service which uses the land (eg the Car Parks section). In addition, the Environmental Health section is likely to be involved because of health and safety matters.
 - (b) Encampments on private land with the owner's consent. Encampments will generally constitute a material change of use, and unless planning permission has been obtained will result in a breach of planning control. This is the responsibility of our Development Control section. As in case (a), the Environmental Health section may also get involved.
4. Other situations which can occur are:-
 - (c) Encampments on the highway (including highway verges). These will be the responsibility of Devon County Council, to deal with in accordance with the Joint Policy. The same applies where the encampment is on land owned by the County Council.
 - (d) Encampments on private land without the owner's consent. Primary responsibility remains with the landowner and the District Council will not normally become involved.
5. In dealing with unauthorised Traveller encampments, the Council will aim to act fairly in balancing the rights and needs of Travellers with those of others in the locality. The circumstances of the individual case will always be taken into account. The Council's Legal section will be involved in any legal proceedings including planning enforcement action, and their advice will be sought beforehand.
6. The Council's response must have regard to any relevant legislation, including the Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004, the Human Rights Act 1998, the Race Relations Act 1976 (in appropriate cases), and guidance issued by central government including Circulars 1/94 ("Traveller Sites and Planning") 18/94 ("Traveller Sites Policy and

Unauthorised Camping") and 01/06 ("Planning for Gypsy and Traveller Caravan Sites"). Devon County Council's Joint Policy will also be taken into account.

7. With regard to encampments on its own land, the Council's first response will generally be to assess the impact of the encampment on others, and the circumstances of the occupants. As an owner of land, the Council has a responsibility to its neighbours, as well as a responsibility to protect its assets for the benefit of its Council Tax payers. Normally therefore it will not be possible to permit encampments to remain other than in the very short term. Council officers will seek to discuss with occupants their plans for moving on, and will allow a reasonable period for the necessary arrangements to be made. Legal proceedings are seen as a last resort, but will be used where occupants indicate an intention to stay for more than a short period, in order to prevent nuisance to those who live, work in or visit the area.
8. Where private landowners allow Traveller encampments on their land, the Council can use its planning powers in the same way as for any other form of unauthorised development. In deciding whether to take enforcement action, the Council will have regard to the Local Plan, emerging policies in the Local Development Framework, the County Structure Plan, and to all other material considerations.
9. In exercising its powers in relation to Travellers, the Council will consider their personal circumstances, including their housing, health and education needs and general welfare, and may seek assistance from Devon County Council's Gypsy Liaison Officer. The Council will work together with Devon County Council, the police, surrounding local authorities and other relevant bodies in order to understand and address the issues relating to Travellers.