

29 April 2009

Our Ref:
Your Ref:

Nick Brown
National Bargee Traveller Association

Dear Mr Brown,

1. Thank you for your recent correspondence with Communities and Local Government about the application of Government policy towards bargee travellers. This reply specifically addresses the issues you raise in your email below of 30 March to Melanie Sturtevant since this seems to set out your key concerns. We also spoke about these issues yesterday when I said that I would put my recent email to you into letter format. This is that letter.

2. You express concern that, in your opinion (and that of your Counsel) neither the definition contained within ODPM Circular 1/06 "Planning for Gypsy and Traveller Caravan Sites, nor that in "Definition of the Term "Gypsies and Travellers for the purposes of the Housing Act 2004"" applied to Bargee Travellers. With regard to the definition in the planning Circular, I would agree that the definition does not incorporate Bargee Travellers. This is because the purpose of the Circular is to address the particular needs of those Gypsies and Travellers living in caravans where there was strong evidence of a significant shortfall in authorised sites for Gypsies and Travellers (as compared to those individuals living in "ordinary" caravan sites), resulting in unauthorised camping and unauthorised development. The Circular provides a specific framework to help tackle that shortfall.

3. With regard to the question of whether the housing definition covers Bargee Travellers, I would suggest that there is no reason why Bargee Travellers could not be considered to fall within the appropriate definition. Paragraph 2(b) of the Housing (Assessment of Accommodation Needs) (Meaning of Gypsies and Traveller) (England) Regulations 2006 states that "gypsies and travellers" means-

.....
(b) all other persons of a nomadic habit of life, whatever their race or origin....."

4. Each case would need to be considered on its merits taking account of the individual circumstances that apply and, ultimately, it would be for the courts to determine whether a specific individual or family should be treated as "Gypsies or Travellers. However, I do not accept that Bargee Travellers are necessarily excluded from this definition.

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5. You state that a policy vacuum appears to exist since Barge Travellers have been missed out in both of these policy documents. For the reasons set out above, I do not accept that such a vacuum exists. Firstly, I consider that the appropriate definition is fully capable of incorporating Barge Travellers. Secondly, the planning circular addresses a specific need for more Gypsy and Traveller caravan sites, a need that was evidently greater than the need for caravan sites per se. I am not aware of any substantive evidence which suggests that the need for moorings for Barge Travellers is greater than those other individuals who are seeking moorings on the waterways.

6. Given this, we do not propose to issue amendments to the guidance, or to publish documents equivalent to the existing guidance and which would deal separately with Barge Travellers.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Peter Bates', followed by a period.

Peter Bates