

**Submission in Response to**  
**Draft Waterford City & County Development Plan 2022 – 2028**  
**August 2021**  
**Waterford Traveller Community Development Project (WTCDP)**

The Waterford Traveller Community Development Project (WTCDP) welcomes this opportunity to contribute to the development of a new Development Plan and this opportunity to comment on the Draft Waterford City & County Development Plan 2022 – 2028 (dWCCDP).

## **1. Context**

### **1.1. Traveller Ethnicity Recognition**

Since the adoption of the last Development Plan, the Irish state has formally acknowledged the reality of Traveller ethnicity. This recognition needs to be actively carried into the new WCCDP, by

- the term **`Traveller` (or `Traveller/Travelling Community`)** should be capitalised in line with this recognition, and
- specific, appropriate reference should be given throughout the new WCCDP by naming Traveller-related objectives and action

### **1.2. National Planning Framework/`Project Ireland 2040`**

The National Planning Framework `Project Ireland 2040` states in Chapter 6.2. (p84):

*“The Travelling Community : **Travellers are recognised as an ethnic minority.** It is estimated that there are approximately 30,000 Irish people who identify themselves as travellers. While not all traveller lifestyles are the same, **some travellers have particular housing needs, related to economic activity and kinship.** There is also a requirement to **accommodate nomadism, for at least part of the year in some cases. Local authorities working with the travelling community will continue to address the specific needs of travellers, ensuring that targeted provision is achieved in line with those needs and that this is also incorporated into housing and traveller accommodation strategies, city and county development plans and local area plans.** ”* (our highlights)

We acknowledge that some of the Traveller-related aspects of the NPF/ `Project Ireland 2040` have been incorporated into the new WCCDP, while others (e.g. nomadism, economic activity, etc.) have not (nor are they addressed in the current Waterford City & County Traveller Accommodation Programme).

- **The Traveller-specific references in the NPF should be named in the new WCCDP.**

### 1.3. UN Geneva Charter on Sustainable Housing

The UN Geneva Charter on Sustainable Housing (2015) has been ratified by Ireland. It is relevant to the provision of Traveller accommodation, particularly in terms of its themes, of **“Cultural Adequacy” and “Social inclusion & Participation”**.

- The UN Charter should be named as informing the provision of Traveller accommodation in the new WCCDP

### 1.4. Report of Expert Group on Traveller Accommodation

The Report of Expert Group on Traveller Accommodation (2019) has made a number of recommendations to the Irish government, some of which specifically relate to City & County Development Plans. The Department of Housing Planning & Local Government has established a Programme Board to oversee the implementation of the recommendations.

- **The new WCCDP needs to take account of the relevant recommendations from the Expert Group on Traveller Accommodation.**

### 1.5. Equality Review of the Waterford City & County Traveller Accommodation Programme

The Irish Equality & Human Rights Commission/IHREC published its equality reviews of Traveller Accommodation Programmes (including the Waterford TAP) in June 2020.

- **The findings and recommendations of the IHREC Equality Review need to be incorporated by WCCC, including in the new WCCDP.**

## **2. Zoning for Traveller Accommodation**

We welcome the reference to the Waterford Traveller Accommodation Programme (TAP) in 7.5 in Chapter 7 (Housing & Sustainable Communities) and the specific reference to enhancing Traveller accommodation (in Kilbarry/Ballybeg area) in 3.3.2. WCity08 in Chapter 3 (Waterford City & MASP). However, given the failure of implementation of previous TAPs, as well as ongoing difficulties with implementing the current TAP, with a majority of

Municipal councillors preventing (TAP-designated) accommodation in Carrickpherish from proceeding, which in turn has led to the matter now being part of subsequent High Court proceedings, this is clearly insufficient.

- In view of all of this, **the new WCCDP needs to name all planned Traveller accommodation developments, and mark them explicitly on the maps accompanying the new WCCDP.**
- In line with the recommendation of the Expert Group (now being implemented through the `Programme Board` established by the DHPLG) **the new WCCDP needs to take account of the following recommendation (“*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.*”)** and **state explicitly, that the WCCC CEO will use his emergency powers to deliver Traveller accommodation if required**, where elected members block much needed Traveller accommodation via Part 8 (or in any other way) from proceeding.

The new WCCDP will run until 2028. Therefore it needs to provide for the current WCCC Traveller Accommodation Programme (TAP) 2019 – 2024, and the one after that.

- **Sufficient amounts of land need to be zoned for Traveller accommodation for both the current and the next TAP** to ensure compliance with the Planning and Development Act, (2000) as amended, particularly in relation to the requirement around Traveller accommodation in Section 10.(2)(i) of the Act, which states : “*the provision of accommodation for travellers, and the use of particular areas for that purpose*”. The Traveller Accommodation Expert Group has also specifically recommended “*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)].*”

Despite this statutory requirement in law, and the recommendations of the Expert Group (currently being implemented via a Programme Board in the DHPLG) the dWCCDP does not have any areas specifically zoned for Traveller accommodation.

Worse still, Section 11.0. and its `zoning matrix` does not allow for Traveller accommodation as “permitted in principle” in any zoning area, while allowing it to be “open for consideration” in just six zoning areas. This compares unfavourably with `general dwellings/principal private residences`, which are “permitted in principle” in six zoning areas, plus a further three zoning areas, where this is “open for consideration”. Zoning for Traveller accommodation is clearly more restrictive and discriminatory, when compared to zoning for other residential development.

- **The new plan needs to have the dedicated areas zoned for Traveller Accommodation.** This must include all existing Traveller-specific accommodation in Kilbarry, Carrickpherish, Williamstown, Green Road in Waterford City, and Shandon in Dungarvan and Bilberry. It also needs to allow for expansion to facilitate family growth in these areas. **Additional lands need to be zoned for Traveller accommodation to facilitate the implementation of the current TAP.**
- **The new WCCDP needs to be future-proofed** regarding evolving accommodation/housing needs of Traveller families for the periods **of this TAP and the one thereafter, including projected needs assessments** as a legal, statutory requirement under the Housing (Traveller Accommodation) Act 1998.
- **The new WCCDP will need to zone additional suitable lands for Traveller accommodation to meet current needs and the needs of new Traveller families being formed (to be estimated) to 2028.** This will have to take account of residents in any of the city's and county's official sites, any unofficial sites, private sites and backyards, the sites to be delivered under the current TAP + the one thereafter, as well as any Traveller families housed in standard housing who wish to opt for Traveller-specific accommodation.

Over the last number of years, a number of Traveller families in other parts of Ireland have acquired their own, private sites, but have found huge obstacles in the planning system in developing their sites as their own Traveller-specific accommodation (as there have been no models of such planning in the past, due to the state's denial of Traveller ethnicity and widespread discrimination).

- Following the state's reversal of this position, and the formal recognition of Traveller ethnicity, the recognition of Travellers' "*particular housing needs*" in 'Project Ireland 2040', **the development of such private sites needs to be facilitated and named in the new WCCDP and in the planning approaches of WCCC.** Anti-Traveller discrimination in the planning system prevented the development of approved, small private Traveller sites in the past, and therefore it has been impossible for such private Traveller sites to comply with 'traditional building patterns'. As discrimination barred Traveller sites from becoming part of the 'traditional pattern' in the past, any continuation of such requirements is incompatible with the formal recognition of Traveller ethnicity, as well as the spirit of the Irish Human Rights and Equality Commission Act, 2014.

Apart from the need to have a considerable number of lands zoned specifically for Traveller accommodation, zoning should not be prohibitive or discriminatory towards Traveller accommodation, and the new WCCDP needs to be flexible enough to allow for changing circumstances.

- **The provision of Traveller accommodation has to be a permitted use in all other areas, zoned for residential use, and be "*permitted in principle*" or "*open for consideration*"** the same as other residential dwellings.

### **3. Nomadism and Culturally specific Responses**

The provision of transient sites (to facilitate Traveller nomadism) has been a statutory requirement since the late 1990s, but has been casually ignored by WCCC.

Following the a) recognition of Traveller ethnicity by the Irish state, b) the explicit reference to Traveller nomadism in the National Planning Framework, c) the observations of the Expert Group on Traveller Accommodation (*“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.**”*) and d) the recommendation in the IHREC Equality Review of the Waterford TAP for the need to *“establishing and developing **a response to the needs of Traveller who are nomadic within and through the county through the provision of transient halting site bays**”*, this issue can no longer be casually ignored.

- **The new WCCDP needs to give an explicit commitment to the delivery of a minimum of three transient sites in the county** (Waterford City, Dungarvan & Tramore), and that the current TAP will be reviewed and is intended to be amended on this matter as part of its statutory mid-term review in 2022, taking into account the findings of the IHREC Equality Review.

In addition to the recommendations on Traveller nomadism and the provision of transient sites, the IHREC Equality Review went further regarding the need to facilitate Traveller culture. It noted *“The keeping of horses is a traditional aspect of Traveller culture. The reality is that where horses are kept, this needs to be factored in in assessing the accommodation needs of Travellers.”* and *“No steps are set out in the TAP or the Equality Review, to identify and respond to specific needs that arise from Traveller culture and identity in the provision of social housing, and in particular to address the need for sustaining integrated intercultural communities on estates where they might be allocated such housing”*

To give effect to the commitments in Chapter 7 of the dWCCDP regarding SC07 (*“Consider cultural diversity and ethnic minorities in planning for the needs of communities ...”*) and SC08 (*“To promote equality and progressively reduce all forms of social exclusion ...”*), this needs to be explicitly named in the new WCCDP regarding Travellers.

- **The new WCCDP needs to name specific commitments to facilitate Traveller horse ownership, and that WCCC will facilitate Traveller culture and economic activities in its accommodation provision** (ECON15). The UN Geneva Charter on Sustainable Housing and its commitments to `cultural adequacy` should be specifically named here.

Traveller horse ownership is common among many Traveller families in Waterford, with some of the horses passed on as heirlooms from one generation to the next one. Horse ownership is usually organised around members of the extended family, close to home.

- **Stabling of horses should be facilitated in close proximity of Traveller accommodation, and this should be a permitted use. Zoning of lands adjacent (or near) to existing and planned Traveller sites need to allow for this purpose.**

#### **4. Education & Community Facilities**

WTCDP welcomes the ambition of Waterford to become a UNESCO Learning City, the commitment to the concept of `lifelong learning` and the development of all learning institutions in Chapter 4 of the dWCCDP. We welcome the *“Support pathways to economic participation and opportunity”* and *“ensuring that Waterford develops a culture of learning opportunity and support”* (both in 4.11). However we note that most of the named actions refer to institutions almost exclusively in the formal education sector of schools and universities.

Travellers have experienced discrimination and exclusion from the education system over generations. To address this historical disadvantage, and to ensure it does not continue into the future, requires two key approaches. Existing educational institutions need to be equality proofed around their access, inclusivity and diversity, but victims of previous educational exclusion also need to be provided with an array of options in the area of Community and `Second Chance` Education. The dWCCDP – while giving general commitments in 4.11 and 7.17 – is largely silent regarding specifics on the matter of Community and `Second Chance` Education.

- Given the reality of Travellers` inter-generational disadvantage and exclusion from the education system, **the new WCCDP needs to name specific supports to Traveller education, inclusive of Community and `Second Chance` Education.**
- The contribution of the Yellow Flag Diversity Schools Programme to a diverse and socially inclusive education sector should be recognised, **and the new WCCDP should name an ongoing commitment to Yellow Flag** (or a potential successor programme).
- The WTCDP has been in existence since the mid 90s, and has had to move premises a number of times in the intervening period. It never had a dedicated premises for a Traveller Project in the city or the county. **In consultation with WTCDP, a dedicated premises for the Waterford Traveller Project should be identified and this should be named in the new WCCDP.**

We note the commitments to the `10-Minute-Neighbourhood` in Chapter 5 of the dWCCDP, and the subsequent availability/access to essential services within a 10 minute walk or cycle.

- Lands to be zoned **for Traveller accommodation need to be close to facilities/amenities** like schools, shops, community centres and sports facilities. If greenfield sites are being considered without easy access to same, **sufficient nearby lands need to be zoned for those type of services.**
- The footpath from the Kilbarry Halting Site to the National School in Ballybeg has been historically contested. **The footpath from Kilbarry to its local primary school needs to be named in the new WCCDP**

## **5. Public Sector Equality & Human Rights Duty (PSEHRD)**

The Irish Human Rights and Equality Commission Act, 2014 imposed a `positive duty` on the public sector, regarding its compliance with human rights and equality obligations.

There seems to be some, indirect acknowledgement of the PSEHRD, contained in 7.27 SC08 (*“To promote equality and progressively reduce all forms of social exclusion that can be experienced because of gender, gender identity, marital status, family status, age, race, religion, disability, sexual orientation, nationality, homelessness and membership of the Traveller Community and promote active participation. ”*). However there is no overt reference to any proofing of the dWCCDP itself, regarding compliance with the PSEHRD. Indeed the `zoning matrix`, which is clearly discriminatory towards Traveller accommodation, indicates that no PSEHRD-proofing of the dWCCDP has been undertaken.

- **A Human Rights & Equality Impact Assessment must be undertaken for the new WCCDP, and an outline of this assessment should be referenced in the published new WCCDP.** Representative groups of affected minority groups should be pro-actively included in this impact assessment.
- There is a need to have this **Human Rights & Equality Impact Assessment linked to a Poverty Impact Assessment.**