

Green lanes as an accommodation resource for Nomadic People – A Paper by Tony Thomson BSC Dip Arch

Introduction

The ‘needs assessment’ process has so far been biased towards property development solutions to address the accommodation crisis which confront nomadic people on a regular basis. The proposal presented below sets out the argument for a commons regime rather than spatial and cultural segregation

The text below comprises of 4 chapters

1 context.

2 Instruments.

3 costs.

4 opportunities

Context

Customary use rights of fringe benefits of common and greensward are the most significant to the livelihood of the poor and the marginalised.’ Registration processes and definitive map procedures have never been an exhaustive account of the actual practice of common rights because of the systemic exclusion of those without property right or feudal title to the land they inhabit.

The expansion of monocultures into the commons environment has led to violent assaults on customary practices on a global scale. Statute has not been impartial in this process. The establishment of private and exclusive ownership of land has been one of its core functions.

One could characterise indigenous issues as an unresolved part of this legacy.

Nomadic dwelling brings these antagonisms into high relief, the conflict between market forces and customary practice, the continuing enclosure of the commons environment, (this includes rights of way), the quasi-feudal hegenemonies that operate behind our democracy, and the movement of refugees generated by poverty related conflicts.

The stimuli to Nomadic dwelling are perennial and form a continuous thread of human experience reaching back into prehistory It is not some anachronism, but a continuing response to social, environmental, spiritual and economic need.

The traditionally used camping places which evolved alongside the highway network as it developed have witnessed nomadic dwelling for millennia. That they remain amongst the most beautiful places in the landscape surely offers us some lessons in the nature of sustainable development

Green lanes are habitat to a diversity of life, including human. For the Traveller, whatever his race or origin, Rights of Way are Human Rights. For it is his relationship with land, greensward and common, that defines his heritage and culture.

‘Customs rights and beliefs are mostly kept alive by tradition.... The owe their preservation partly to the fact that great masses of people do not belong to the civilisation which towers over them and which is never of their own creation’¹

The disparity between custom and statute invokes crisis that are cultural

The Human Rights Committees General Comments to Article 27 of the International Convention on Civil and Political Rights have made it clear that ‘culture manifests itself in many forms, including a particular way of life associated with the use of land resources’

Discourse on nomadic land use within State Authorities is confined within the parameters of 'unauthorised sites', 'emergency sites', 'tolerated sites' and 'illegal camping'. Nomadism is preconceived as something criminal or extraordinary.

'There is concern that planning standards and the rules of thumb inevitably reflect the values of social groups who have been historically influential to British society. The standards may not recognise the diversity of multi-cultural society, and its plurality of culture and values, put crudely 'overlooking' for example, may not be identifiable as a 'problem' for some cultures, let alone be something to trade off against other potential benefits. However might not 'relaxing' standards or adopting new ones, in time create a second class environment, perhaps for people too vulnerable or lacking in influence to resist it.' Planning and Ethnic Minorities. TCPA 1993

Customary use rights have been routinely extinguished by a different and dominant culture.

The defined extremes of 'traditional housing' and 'land with services' excludes customary practice and life in accordance with heritage and custom. Land use planning if it is to serve social needs must accommodate shared usages.

'Institutional racism consists of the collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice ignorance, thoughtlessness and racial stereotyping which disadvantage minority ethnic people' McPherson Report to the Stephen Lawrence Enquiry

The cumulative effect of piecemeal enclosure has been catastrophic to Nomadic culture, a negative cycle of social exclusion, habitat loss and overuse of the resources which remain has been set into motion.

The indiscriminate sanction of eviction and site closure is facilitating an 'unofficial' policy of ethnic cleansing. Rather than deploy statute addressing the act or the individual to some reforming purpose, injury is inflicted upon a population,

Recent research indicates a loss of between 80 and 90% in areas surveyed in Somerset and Hampshire between 1986 and 1993. (See appendices) In the early 90's the British Horse Federation estimated that 18000 miles of bridleway had been 'lost' since WW2

Sites around the periphery of market towns have been particularly vulnerable because of their proximity to anticipated urban expansion and the perceived threat of the Traveller to 'property values'

The emphasis on exclusion as a sanction of first resort to 'protect' the environment and as instrument of social control has led to the underdevelopment of integrated and socially inclusive systems of resource management and environmental law.

This has been 'the tragedy of the commons'.

Agenda 21 Section 3; Strengthening the role of major groups

26.5 (c) Strengthen research and education programmes aimed at achieving a better understanding of indigenous peoples knowledge and management experience related to the environment, and applying this to contemporary development challenges.

Customary practices facilitate shared usages within an ecologic discipline. By learning from the traditional nomadic models of land use that have developed over the centuries sustainable practices can be arrived at through inclusive management measures.

Customal site usage offers the opportunity for population dispersal, discreet location, geographic choice and rotational conservation.

Sites are used seasonally and in sequence to eventually create a cycle. Practice informs us that a 6 dwelling site of six month duration within a 2 year cycle is sustainable. The greater the amount of sites in reserve, the greater the tolerance margin of the landscape concerned. Market towns form a nucleus for green lane networks. Topographical features such as estuaries, marshes and hills determine cross country routes.

A rotational conservation approach involves newer Travellers in a custodial approach to land use, an approach which conflict has to often thwart.

Movement and dispersal within an inclusive management regime avoids situations escalating into crisis.

The virtues of customary site models are many:

- 1. The settled community (if any) in proximity to sites are likely to be more tolerant of transitory occupation of known duration.**
- 2. There would exist the facility of geographic choice, population dispersal and discreet location**
- 3. Most of the sites are already there. A green lane is not an alien feature on the landscape. Hedgerow, as well as being a visual screen, offers protection from strong wind and sun, creating temperate micro-climates in otherwise exposed locations.**
- 4. Orthodox local authority site provision is budgeted at £65,000 a pitch, traditional site models could translate this into miles of mixed species hedgerow, of reinstated green lanes and accommodation for 10 dwellings at least.**
- 5, Cross funding for tree and hedgerow planting, shelter belts, set aside, restoring historic landscapes, enhancing public amenities and highways will help allay costs.**

6. The knowledge that there is fresh ground in the vicinity after the expiry of the site presently occupied would engender a spirit of cooperation between the settled and the nomadic community and obviate recourse to expensive legal action.

7 Vacancy enables winter frosts to kill of pathogens, and an undisturbed spring and summer promote floral regeneration

8. It meets an identifiable need for traveller site provision within both the parameters of DOE 1/94, The Cripps Report, The McPherson Report, Agenda 21, ECHR, ICCPR and International Convention for the protection of Rights of the Child

9. In having networks in the orbit of market towns, access to employment, education, health and social assets could be sustained.

10 Most of the sites are already there

Instruments

Where an analytical framework for sustainable multiple use and multiple user commons has been developed, through the work of Ostrom, Buck and others the shortcomings of our existing institutions become clear.

8 design principles have been identified:

1 clearly defined boundaries

2 operational rules congruent with local conditions

3 Collective choice arrangements

4 Monitoring

5 Graduated sanctions

6 Conflict resolution mechanisms

7 Rights to organise regimes

8 Nested enterprises

In addition for multiple use commons:

- 1 Resource domain must be able to support all uses**
- 2 All users must be represented**
- 3 Knowledge of operational rules must be shared**

Essentially in this context:

- 1 Survey of the resource**
- 2 Communication between the users**
- 3 Graduated sanctions**

1. The Countryside and Rights of Way Act, 2000 (CROW) sets a deadline of January 2036 for the completion of the definitive map, 5 years into the process, bureaucratic delay has generated a 10 year backlog for pending registrations in some areas.

The Countryside Agency's 'Discovering Lost Ways' response to CROW 2000 seeks to inform and galvanise engagement with the registration processes

Partnership working with Travellers offers an opportunity to engage with the community creatively in identifying where needs and opportunities are for networks and cross country routes. Within communities the survey will also be a vehicle for inter-generational transmission of customal knowledge.

2 Communications

Traditional site survey, with a view to enhancement and inclusive management forms a positive entry point for community development agencies to engage with disparate groups and individuals.

First impressions do count and they do operate both ways It is unfortunate that the role of Gypsy Liaison Officer is to often compromised in this regard acting as he does as bailiffs executive on the point of first contact. A separation of roles

one with the accent on community development may well be necessary.

At introduction information on fresh water sources and waste disposal facilities would be helpful, the assurance of secure medium term tenure on the basis of clear and shared operational rules and credible sanctions offers a form of contract binding the parties. Assuring both the settled and disparate nomadic people of the sustainable management of their commons resource.

Operation rules should also be shared amongst all users Rights of Way Improvement Plan Fora (CROW 2000), parish and district councils so that monitoring can be effective.

3 Graduated Sanctions

Customal practice functions within a framework of reciprocal obligations between people and requires the observation of certain mores on which reasonable people can agree as being 'commons sense'.

The stock response to conflict over 'unauthorised camping' has been wholesale eviction followed by site obstruction and enclosure, causing injury to innocent parties present and future. A destructive cycle of social alienation and environmental damage is set into motion as a 'solution' to the 'Traveller problem'.

The fact that legal instruments exist which do address the individual and the act over issues such as litter offences, lack of dog control and noise pollution, but which have never been deployed in favour of indiscriminate measures of mass eviction and site obstruction brings the law into contempt. This is in no ones interest. CROW 2000 Pt 3 S 63 and S 64 powers to remove obstructions have yet to be meaningfully applied to address the green lane closures of recent years (see appendices)

The effect in the changes in Agricultural subsidy through the farm single payment scheme, a condition of which being that

Rights of Way be properly accessible, will be monitored with interest.

The Environmental Protection Act 1990 grants LA officers the authority issue litter abatement notice then a fixed penalty fine and the authority to bill the person responsible for the cost of the clean up, the Clean Neighbourhood Act (CNA) 2005 offers street litter abatement notice for highways then a fixed penalty fine. The CNA 2995 similarly gives power to an LA officer to issue dog control orders and fixed penalty fines.

In considering Travellers capacity to lay by as a parking problem, Local Authority Traffic Orders (procedures) Regulations 1996 part4 S22, gives LA's authority to make 'experimental' Traffic orders to enable new parking arrangements to be tested.

Costs

Running parallel to and supplementary with CROW 2000 processes the Caravan Sites and Control of Development Act 1960 gives LA's the power to compulsorily purchase land for Travellers,

In the present context costs are investments in a commons asset to enhance, complete or complement the green lane network.

The specifications below are based on minimal 'provision' with no services on the understanding that an overarching commons regime is in operation and there is sufficient parking for 6 dwellings. As a yardstick for comparison Local Authority Sites are budgeted at £65,000 a pitch.

Existing - enclosure roads, 9 to 13ms wide, redundant turnpike roads, some of the above have metalled surfaces and adequate drainage

Reinstated – where a hedge has been removed and there is no surface or drainage

Mixed species hedgerow.....100m @ £5 p.m.....500
Fencing.....100m @ £3.50 p.m.....350
Surfacing*400m² @ £20 p.m².....8000
Ditching.....100m @ £5 p.m.....500

Site.....£9,350
Network of 4 sites (6 pitches)£37,400
LA Site (6 pitches)..... £390,000

New Green Lane

Mixed species hedgerow.....200m @ £5 p.m.....£1000
Fencing.....200m @ £3.50 p.m.....700
Surfacing*400m² @£20 p.m².....'8000
Ditching.....200m@ £5 p.m.....1000
Land.....1/4 acre @ £2500 p.acre..... 825

Site.....£11750
Network of 4 Sites (6 pitches).....£47500
LA Sites (6 pitches).....£390,000

***Surfacing is taken to be aggregate ranging from 30mm to dust over a geotextile substrate**

More than likely networks would comprise of a mixture of the options above.

The costs above do not factor in the subsidies available for hedgerow planting, maintaining heritage features of the landscape, or in improving public access.

In sustaining around 50 sites of commons resource for the equivalent investment in one LA site we can compare as to which delivers Best Value.

Opportunities

Changes in agriculture brought about by mechanisation and globalisation have adversely affected traditional sources of income for nomadic people, this, compounded by the loss of traditional sites and insecurity of tenure on those which remain mean that Travelling People suffer serious disadvantage across a whole spectrum of education, employment and health indicators.

Where a training programme is moulded to meet the needs, aspirations and opportunities afforded by the lifestyle, such as Friends, Families and Travellers' "Woodland Skills Training" (1998 – 2000) it is enthusiastically subscribed to. Training to service changes in agriculture towards environmental management and restoration, countryside skills, could be as popular and could act as engine for development,

Agenda 21 Section 2 Integrated approach to the planning and management of land

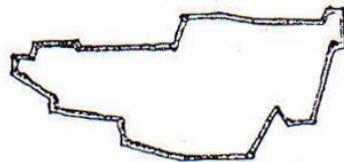
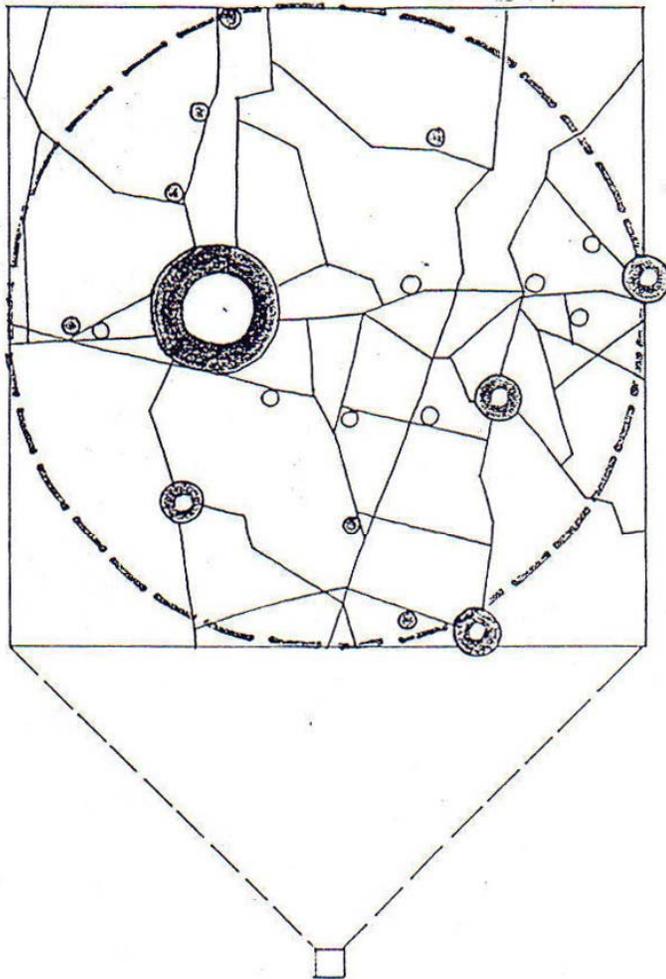
para 10.1 By examining all uses of land in an integrated manner it makes it possible to minimise conflicts, to make the most sufficient trade offs, and to link social and economic development with environmental protection and enhancement, thus helping achieve the objectives of sustainable development.

A commons sense approach is an integrated approach, it is in the commons environment that multi cultural practices can develop and evolve.

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Appendices

Typical Site Distribution in Rural Areas



○ TRADITIONAL SITES

Green lanes and common land with a history of usage over the last 30 years. 6 of the 8 shown have been gated or ditched within the past 10 years.

● DERELICT LAND, 6 of the sites shown are privately owned, all have been used within the past 10 years.



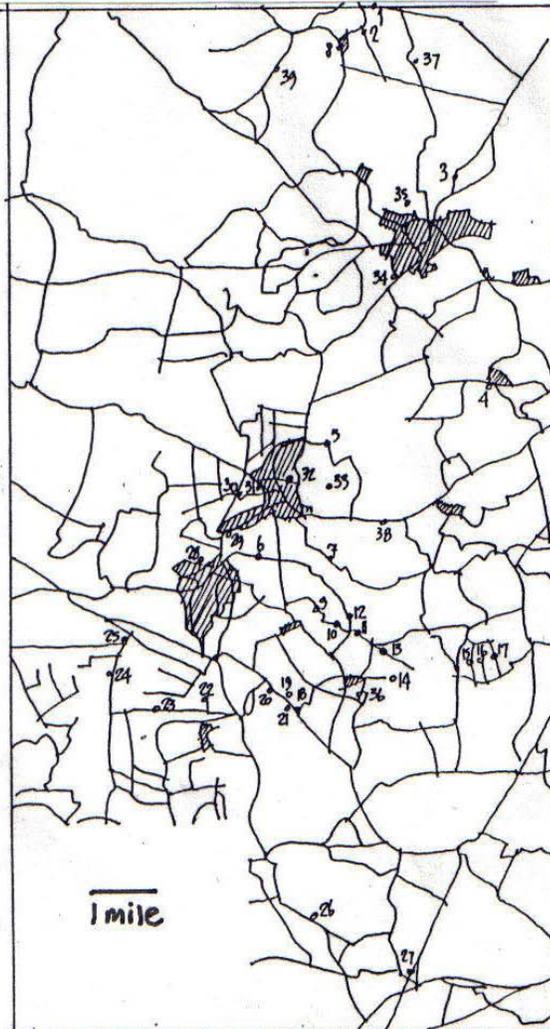
MARKET TOWN

VILLAGES

5 Local Authority sites to meet the needs of the whole community in the county.

Survey of Site Loss 1986 - 93. Somerset

1. Wide verge - densely planted with saplings.(SWEBB grant). 1990
2. Lane - blocked off 1990.
3. Old turnpike - abusive neighbour.
4. Drove - encroached by field 1987.
5. Verge layby - prone to vigilantism since 1987.
6. Verges lost to road widening - (named Gypsy Lane).
7. Deep verge.
8. Bridleway - blocked 1987.
9. Drove - blocked 1992.
10. Drove - blocked 1992.
11. Waste of the Manor - blocked 1992.
12. Deep verge - shielded by trees.
13. Disused field access - blocked 1992.
14. Unknown ownership - access blocked 1992.
15. Bridleway - blocked 1987.
16. Bridleway - blocked 1987.
17. Bridleway - blocked 1987.
18. Verge/layby prone to vigilantism.
19. Layby prone to vigilantism.
20. Common - access blocked 1987.
21. Layby prone to vigilantism.
22. Verge.
23. Verge.
24. Verge.
25. Verge.
26. Forest track.
27. Podimore - disused road, blocked 1993.
28. Disused chippings yard - blocked 1993.
29. Private site - planning application withdrawn.
30. Derelict industrial land - access blocked 1992.
31. Derelict industrial land - access blocked 1993.
32. Derelict house and grounds.
33. Private site - planning permission refused.
34. Derelict development land.
35. Lane - access blocked.
36. Private site - planning granted for short term use, now expired.
37. Forestry land.
38. Private site - planning permission refused.
39. Private site - planning permission refused.



THE 39 SITES IDENTIFIED COMPRISE:-

- 72% TRADITIONAL SITES - LONG HISTORY OF USE (28)
- 28% RECENTLY OCCUPIED (11)

OF THE 28 TRADITIONAL SITES 72% ARE NOW UNUSABLE DUE TO BLOCKED ACCESS OR VIGILANTE ACTION.

OF THE 11 NEW SITES:-

- 45% WERE/ARE WITH THE OWNER'S PERMISSION
- 36% MADE PLANNING APPLICATIONS
- 27% WERE REFUSED PLANNING PERMISSION
- 9% WERE GRANTED PLANNING PERMISSION

Survey of Site Loss 1986 - 92. Hampshire



1. Drove: Traffic Regulation Order 1990
2. Drove: Traffic Regulation Order 1990
3. Common: Requisitioned by RAF, sold to council for 1,000 pounds, part sold piecemeal.
4. Gated 1992
5. Drove: entrance ploughed and gated 1992
6. Verges: ditched 1991
7. Drove: Traffic Regulation Order 1990
8. Drove: access blocked 1990
9. Drove: access blocked 1990
10. Drove: access blocked 1990
11. Drove
12. Verge: encroached 1992
13. Drove
14. Drove
15. Verge: ditched 1991
16. Drove: encroached 1991
17. Common: lost to road development 1992
18. Drove: Traffic Restriction Order 1991
19. Redundant road: fenced 1991
20. Derelict MOD land: ditched 1992
21. derelict development land
23. Highway verge: ditched 1992
24. Derelict development land
25. Private land: occupation tolerated by owner.

Site usage since 1986:
 72% traditional
 28% private
 Since 1990 60% on private land
 90 % traditional sites lost since 1990.

Scale  1 mile