

THE HIGH COURT

Record Number: 2006 No. 958 JR

BETWEEN

MARTIN GAVIN AND OTHERS

APPLICANTS

AND
DUBLIN CITY COUNCIL

RESPONDENTS

Judgment of Mr Justice Michael Peart delivered on the 10th day of June 2008

1. By order of the High Court stated 31st of July 2006 the applicants were granted leave to seek a number of reliefs by way of judicial review. None of those reliefs are now being pursued save one, namely:

"A declaration that the first named respondent has a duty to take any reasonable steps necessary to provide the applicants with group housing in accordance with its assessment of their need and with the provisions made to meet that need in its Traveller Accommodation Programme 2005 -- 2008".

2. The grounds upon which that relief is sought on the present application of those at paragraph E., sub-paragraphs 6 and 7 of the Statement of Grounds as follows:

"6. The first named respondent, having assessed the applicants' need for accommodation and made provision for that need in the form of a group housing development in its Traveller Accommodation Programme 2005 -- 2008, is acting contrary to Housing Acts 1966 -- 2004, in particular section 16 of the Housing (Traveller Accommodation) Act 1998, by now failing and/or refusing to accept that it had made any such provision for the applicants and or failing or refusing to provide them with group housing.

7. The first named respondent, its servants or agents, by making/giving unambiguous and unqualified representations/assurances to the applicants that they would be provided with group housing and by acting in a manner which confirmed these representations/assurances, gave the applicants a legitimate expectation to be provided with group housing, which they relied upon, and to now fail/refuse to provide them with group housing would be to act in a manner which is unjust and/or lacking in proportionality and/or amounting to an abuse of its powers and/or contrary to the principles of good administration and as such, ultra vires."

Background

3. The background to the present application is contained in my judgment in related proceedings, namely *Fingal County Council v. Gavin and others*, unreported, High Court, 14th of December 2007. It is unnecessary to repeat that background in any detailed way, but a brief outline is desirable. All of the applicants are members of the extended Gavin traveller family, many of whom previously resided at the Dominick's Park site within the functional area of Dublin City Council ("the respondent") for a period of about 25 years up to February 2005. They say that as a result of attacks upon those members at that site by members of another traveller family, they were forced to leave that location. They moved en masse to a derelict site in Belfast which was sufficient to accommodate them all, and they say in these proceedings that they left in the hope and expectation that the respondent herein would make available to them alternative appropriate accommodation acceptable to them.

4. In November 2005 the applicant family returned to County Dublin, and unlawfully occupied an unauthorised site within the functional area of Fingal County Council at Lusk, where they remained until they vacated that site following this Court's judgment to which I have already referred, and in which the applicants' claims against Fingal County Council were rejected, and following which this court ordered, inter alia, that they vacate the site in question by a certain date.

5. In those proceedings, Fingal County Council had sought injunctive relief to remove the present applicant extended family from that site; but by way of a counterclaim made in those proceedings, the applicants had asserted that Fingal County council were under a statutory obligation to provide them with suitable housing. That local authority had made a number of offers of accommodation even though they felt under no legal obligation to do so, given that the extended Gavin family are not indigenous to that functional area. Those offers were rejected for reasons which are set out in the said judgment. Having vacated that site pursuant to the said order of this Court, the extended Gavin family moved onto another unauthorised site, but this time within the functional area of, and in the ownership of the present respondent, Dublin City Council, where they still reside, as I understand the position. Injunctive proceedings to have them vacate that site are presently in train.

6. It is relevant to state at this point that by the time the applicants had delivered their counterclaim in which that claim against Fingal County Council was unsuccessfully asserted by way of Counterclaim, the present proceedings were already in existence having been commenced in July 2006 wherein it is claimed, inter alia, that it is Dublin City Council which is under a duty to provide accommodation to them. Be that as it may, the applicants seek to pursue similar relief in the present proceedings against the respondent.

7. The first named applicant, in his grounding affidavit in these proceedings sworn on the 31st July 2006 states that after the family moved to Belfast he regularly came back to Dublin in an effort to sort out the family's accommodation difficulties with the respondent. He states that meetings took place, and that telephone calls were made to the respondent's offices but that no progress was made, so that in October 2005 he engaged a firm of solicitors to act on their behalf with the respondent. He states also that in correspondence received by those solicitors from the respondent, the respondent appeared not to recognize the extended Gavin family, or accept that it ever had or has a continuing responsibility to provide them with an emergency site or, in the longer term, with group housing.

8. In paragraph 23 of his grounding affidavit, the first named applicant states that representations/assurances were given by the respondent prior to their departure for Belfast in February 2005 that they would be provided with group housing in a single development but that this has not been implemented. The applicants have referred to the Draft Traveller Accommodation Programme 2005-2008, and to the Traveller Accommodation Programme 2005-2008 which was adopted in May 2005 by the respondent, and states that these documents provide for group housing for the extended Gavin family. In as much as this accommodation has not been provided to date, the applicants contend that the respondent is acting ultra vires the Housing Acts 1966 -- 2004 by failing to

provide them with group housing, and by failing and/or refusing to accept that it made any such provision for the applicants in that Programme. These representations and assurances which they say were given by the respondent are said to have given rise to a legitimate expectation on the part of the applicants that they would be provided with group housing.

9. The respondent has filed a Statement of Opposition and replying affidavits. The respondent denies that it has acted *ultra vires* the Housing Act, 1966 and in particular section 16 of the Housing (Traveller Accommodation) Act 1998 in the manner alleged by the applicants, and states, on the contrary, that at all material times in its dealings with the applicants, it has acknowledged its own Traveller Accommodation Programme 2005-2008, and, in addition, has actively engaged with the applicants in relation to their accommodation needs and is in the process of dealing with the applicants' applications for Traveller Specific Accommodation pursuant to certain application forms and additional information furnished by the applicants to the respondent.

10. The respondent refers to the fact that by letter dated 4th July 2006 from the applicants' solicitors, they applied formally to the respondent for housing and furnished the respondent with the appropriate application forms. At the time of swearing the first replying affidavit on 8th December 2006, it was stated that the applicants' application for housing were being processed. Prior to the 4th July 2006, the respondent's solicitor had informed the applicants' solicitors that as the applicants were not resident in the functional area of the respondent at that time and as they had not applied for housing from the respondent at that time, they could not be considered for housing until such time as they completed the appropriate procedures in that regard. The respondent states that at all times therefore the applicants were on notice of the fact that they were not in the respondent's functional area and that, even if they were, they were required to submit the requisite application forms. It is stated therefore that at the time that leave was granted by this Court to apply for judicial review, the applicants were already engaged in applying to the respondent for accommodation and were following the procedure required by the respondent. It is stated also that since at that time, the applicants had departed to Belfast and some 32 of the applicants had applied to the Northern Ireland Housing Executive for permanent housing in that jurisdiction, as well as at that time being in unauthorised occupation of certain lands in the functional area of Fingal County Council, the respondent found it virtually impossible to address the matter. It is denied also that representations or assurances were given by the respondent that the applicants would be provided with group housing in 2004 on the site at St Dominick's Park to which I have referred, although it is accepted that there were numerous meetings between the respondent and members of the extended Gavin family. It is stated also that there is no question of the respondent attempting to resile from any undertaking in that regard, since no such undertaking was ever given. Reference is made to the minutes of one of these meetings and it is submitted that on any reasonable reading of those minutes of the meeting which took place on the 3rd June 2004, it could not be said that any such representations or assurances were given by the respondent to the applicants and that nothing was ever finalised. I will deal with the details of these meetings in so far as they are evident when reaching my conclusions in due course. It is also contended by the respondent that neither the Draft Traveller Accommodation Programme 2005-2008 nor the Traveller Accommodation Programme 2005-2008 as adopted, makes provision for group housing *for any extended family*. Mr Cunningham in his affidavit sworn on the 7th May 2007 has stated that "*at no time was the St. Dominick's Park contemplated housing ever to be for the Applicants solely*" and that this would be a policy which the respondent could never pursue since to do so would be to discriminate against other members of the travelling community.

11. In this regard I would mention that at paragraph 25 of the applicants' first grounding affidavit it is stated that the Draft Traveller Accommodation Programme 2005-2008 and the Traveller Accommodation Programme 2005-2008 provide for group housing for "our extended family". In response to that paragraph, Mr Cunningham in his affidavit sworn on the 8th December 2006 at paragraph 23 thereof states that neither of these documents "*makes provision for group housing for any extended family*".

12. A number of other affidavits were filed by the applicants and the respondent but it is unnecessary to set out the contents of those affidavits in any detail. I have set out sufficient detail of the issues arising in order to deal with the legal submissions made by each side on the present application.

13. Dara Dowling BL. on behalf of the applicants has referred to s.6 of the Housing (Traveller Accommodation) Act, 1998 which provides at the subsection (1):

"(1) a relevant housing authority, when making an assessment under section 9 of the Act of 1988, shall, in addition to such assessment and that as such other times as the Minister may by direction specify, make an assessment of the need for sites in the functional area concerned."

14. For the purpose of this provision, the term "site" is defined in section 2 of that Act as being "*any other site for caravans for travellers provided or managed with or without the assistance of a housing authority*".

15. She has referred also to section 7 (1) of that Act which provides:

"7. -- (1) a relevant housing authority shall adopt as respects their functional area an accommodation programme not later than the date specified by the Minister, or within 21 days of that date as provided under section 13, and shall specify in that accommodation programme the accommodation needs of travellers and the provision for accommodation required to address those needs for the period specified in section 10 (1)."

16. She has referred also to the provisions of section 10 of that Act which makes provision for the manner in which a housing authority shall prepare the accommodation programme and in particular to subsection (3) thereof which provides:

"Without prejudice to the generality of subsection (1), a relevant housing authority, in preparing an accommodation programme, shall have regard to --

(a) the needs specified under paragraphs (a) and (b) of subsection (2) and any matter which may be specified under paragraph (f) of subsection (2),

(b) the distinct needs and family circumstances of travellers,

(c) the provision of sites to address the accommodation needs of travellers other than as their normal place of residence and having regard to the annual patterns of movement by travellers, and

(d) such other matters as the Minister made by direction specify from time to time."

17. In accordance with these provisions, the respondent prepared and adopted the Traveller Accommodation Plan 2005 -- 2008 and at paragraph 3 of the Policy Statement contained therein it is stated:

"3. The accommodation programme will address the provision of standard local authority housing, Traveller specific accommodation such as group housing, permanent halting sites, a transitional halting site and the maintenance and upgrading of existing accommodation. The objective being to facilitate Travellers to access a range of housing choices without ghettoisation."

18. Ms Dowling has referred also to the paragraph in this Programme which addresses "Future needs over the 4 year period" and which refers at paragraph (a) thereof to the site at St Dominick's Park, and states in that regard:

"Dublin City Council at the request of the Traveller Residents in St Dominick's Park have agreed ultimately to convert the existing 23 bay halting site into 30/34 group housing scheme. It is envisaged that this together with a proposed 4 house extension of Cara Park will eliminate the overcrowding of 13 families in St Dominick's Park and Cara Park."

19. Ms Dowling has referred also to a section in that Programme under the heading "Proposed Programme over the period 2005 -- 2008 which states that during 2007 work will commence on the conversion at St Dominick's Park, Belcamp Lane of the 23 bay halting site to a 32 unit group housing scheme.

20. Ms Dowling submits that the evidence on this application is that work has not commenced in this regard and refers to the judgment of O'Caoimh J. in *Ward and others v. Donegal County Council*, unreported, High Court, 30th November 2000 in which the learned judge stated:

"When one examines the provisions of the 1998 Act it will be seen that it is not sufficient in itself for the housing authority to adopt an accommodation programme but it is required under the terms of the Act to implement such a programme and in that regard to take any reasonable steps as are necessary for the purpose of such implementation."

21. She submits that while the Respondent complied with its duties under the Act by assessing the needs of the applicants as part of its assessment of Traveller accommodation needs in 2004, and identified and provided for them in the Traveller Accommodation Programme 2005-2008, the Respondent has refused, or has failed to provide the applicants with group housing accommodation in accordance with its assessment of this need and the provision for that need in the Programme, and accordingly that the Respondent is in breach of its obligations under section 16 of the Act.

22. Section 16 of the Act provides as follows:

"16. -- (1) a relevant Housing authority shall, in securing the implementation of an accommodation programme, or an amendment to or a replacement of an accommodation programme, take any reasonable steps as are necessary for the purpose of such implementation.

(2) a housing authority, other than a relevant housing authority, shall take such steps as are necessary for the implementation of proposals for the functional area of that housing authority which have been specified in an accommodation programme, or in an amendment to or replacement of it, adopted by the relevant housing authority or under section 14 for the functional area of that relevant housing authority within which such housing authority is situate.

(3) a housing authority, other than a relevant housing authority, shall, in the performance of a function concerning the provision of accommodation for travellers, have regard to the provisions of the accommodation programme, or an amendment to or replacement of it, adopted by the relevant housing authority or under section 14 for the functional area of that relevant housing authority within which such housing authority is situate."

23. Ms Dowling refers also to the provisions of section 17 of the Act which provides that a relevant housing authority shall review an accommodation programme at least once in each three-year period, may review an accommodation programme at any time during the period to which the accommodation programme relates, and may amend or replace an accommodation programme at any time or following a review under subsection 17 (1) of the Act. In that regard she submits that it was open to the respondent, as events unfolded during the currency of the programme, to adapt it as necessary to any changed circumstances arising from time to time.

24. In support of her submission that the representations and assurances which are said to have been given to the applicant family by the respondent in the meetings and conversations already referred to amount to a legitimate expectation as to the provision of group housing at St. Dominick's Park, Ms. Dowling has relied upon the judgment of Clarke J. in *Lett & Company Limited v. Wexford Borough Corporation and others*, unreported, High Court, 23rd May 2007. She refers to the positive and negative factors which are stated therein to be essential pre-requisites for reliance upon the doctrine of legitimate expectation, and submits that in the present case these matters are satisfied. In that regard she submits that the Traveller Accommodation Programme coupled with the representations and assurances said to have been given satisfy the requirement that it must be shown that the respondent has made a statement or adopted a position amounting to a promise or representation. She submits that the evidence is clear that this promise or representation was conveyed either directly or indirectly to an identifiable person or group of people, and, lastly, that the promise or representation was such as to create an expectation, reasonably entertained, that the respondent would abide by the representation to the extent that it would be unjust to permit the respondent to resile from it.

25. Conleth Bradley SC on behalf of the respondent has emphasised the provisions of s. 16 of the 1998 Act requiring the respondent to take "any reasonable steps as are necessary" for the purpose of implementing the Traveller Accommodation Programme. He submits that there must be a considerable margin of appreciation allowed to the respondent in carrying out this duty. He submits that in the circumstances of this case the respondent must be seen as having complied with its statutory obligations. In that regard he refers to the fact that in January 2005, and therefore before the 2005-2008 Programme was even formally adopted by the respondent in May 2005, the members of the Gavin family, who had been accommodated at St. Dominick's Park, left that location and moved to Belfast because of attacks and intimidation against them from members of another traveller family at that location. He states that the respondent had no responsibility for the fact that the Gavin family decided that they should depart to Belfast. He refers to the fact that in November 2005 the Gavin extended family then returned to this jurisdiction, but to an authorised site at Lusk, County Dublin which is outside the functional area of the respondent, and remained there until ordered by this Court to leave that site. He refers also to the fact that in the proceedings against them by Fingal County Council to which I have referred, the applicants had attempted to assert that it was Fingal County Council which was under a statutory duty to provide them with accommodation, which claim was unsuccessful, and to the fact that, even though not under any obligation in this regard, Fingal County Council on two occasions in November 2005 and in February 2006, made offers of accommodation to the applicants, both of which were rejected by them. Mr Bradley relies on various findings of this Court in its judgment in the Fingal case delivered on the 14th December 2007. He refers also to the fact that in the Fingal proceedings the applicants had given an indication that they did not wish to return to the respondent's functional area and in particular to the site at St. Dominick's Park, and had indicated to the Court that in the event that their claims

against Fingal County Council were successful, they would not be proceeding with the present case against the respondent. He submits that such a position ought not to be permitted, but, in addition, that it would be manifestly unreasonable for the respondent to be found to have breached its statutory obligations in relation to providing accommodation for the applicant extended family in circumstances where their own actions had created such uncertainty about their wishes and intentions.

26. Mr Bradley submits that it is not open now for the applicants to contend that the respondent have failed and/or refused to accept that it made any provision for the applicants or have failed to provide them with group housing. He points also to the fact that the number of family members now comprising the extended Gavin family has increased considerably from the number which had been taken into account by the respondent when drawing up the 2005-2008 Programme, and that such an increase would in any event have necessitated a review of the current programme or the adoption of a new Programme to take account of these changed numbers of families seeking such accommodation.

27. While Mr Bradley accepts that it was anticipated in the Programme that in early 2007 work would commence on the conversion of the 23 bay halting site to a 32 group housing scheme, he submits that it is not the function of this Court to direct a housing authority, such as the respondent, as to how it ought to deploy its resources, or as to the manner in which it should prioritise the performance of its statutory functions. In that regard he refers to the judgment of Laffoy J. in *Ward v. South Dublin County Council* [1996] 3 IR 195, and to her judgment in *O'Donnell and others v. South Dublin County Council*, unreported, High Court, 22nd May 2007, as well as this Court's judgment in the Fingal case referred to already.

28. Mr Bradley has referred to the fact that the 2005-2008 Programme is now coming to an end and that work on a new programme is under way.

29. It has been submitted that all the evidence in the present case is that the respondent made an appropriate assessment of current and foreseeable needs at the time when it prepared and adopted its 2005-2008 Programme, and that there is no evidence whatsoever that it has failed to take reasonable steps to implement it, including in relation to the needs of the applicants, given the facts and circumstances outlined above.

30. In relation to the claim by the applicants that they had a legitimate expectation arising from the alleged representations and alleged assurances said to have been made and given to the applicant family at the meetings and in the correspondence referred to, he submits that there is no evidence to support the contention that these meetings and correspondence amounted to any promise or undertaking such that a legitimate expectation could be found to exist.

31. Finally, Mr Bradley has submitted that judicial review is a discretionary remedy, and that no case has been made out for that discretion to be exercised in favour of granting the reliefs sought by the applicants, given the actions of the applicants themselves in producing a situation of uncertainty as to their wishes and intentions regarding their accommodation, and that the respondent must be seen as having done their best to address the situation as known to them at the time of preparing the Traveller Accommodation Programme in 2005, and when considering its implementation thereafter.

Conclusions

32. Having set forth the relevant evidence and submissions in some detail, my conclusions can be expressed more briefly.

33. Firstly in relation to legitimate expectation, the position is clear in my view. I am not satisfied that there is any sufficient evidence that anything amounting to a promise, an assurance or an undertaking was given to the applicants that they would be provided with a group housing accommodation at St. Dominick's Park, such that a legitimate expectation arises in that regard. Certainly a meeting took place on the 3rd June 2004 between the respondent's representatives and Mr. Liam O'Brien, who was and is Chairman of the Belcamp Estate Steering Committee ("BESC") which was well before the Gavin family left St. Dominick's Park site in January 2005. It was also well before the adoption of the 2005-2008 Traveller Accommodation Programme to which I have referred. The minutes of that meeting have been exhibited. They are brief, but it would appear that there were discussions about the possibility of a group housing development at St. Dominick's Park for the Gavin traveller family. The minutes seem to me to indicate that the number of houses which could or should be built on that site was uncertain, and that the amount of ground to be occupied by the scheme was equally undecided. These discussions appear from the minutes to have been of a somewhat preliminary or exploratory nature. At the end of the minutes, for example, it is stated that Mr O'Brien himself, who was trying to act in the interests of the Gavin family as well as of the Belcamp Residents' Association, *"said that the BESC would have to see the plans before forming any hard opinions and that there was a query as to the plans of Mr Moles. He also raised the issue of the design of the houses in Finglas described by Paddy McDonough..."*. Mr O'Brien has sworn an affidavit in this case on the 7th March 2007 to which I have not yet referred. In that affidavit he first of all explains that the BESC is a residents' association of the Belcamp area where St. Dominick's Park is situated. He explains also that those residents were concerned about travellers from different encampments spilling over into their estates and into Belcamp Park. He states that some of the traveller accommodation was in very poor condition, and they felt that it would be best for the neighbourhood overall if the travellers were provided with what he calls "proper accommodation". He explains also that the respondent council was happy to deal with BESC, as were the Travellers as BESC was trying to improve the quality of their accommodation. He explains that BESC considered the Gavin family to be residents of that area since they had been there for such a long period, and having had discussions with the family members, BESC decided to approach the respondent in order to seek group housing for them. That explains how it came to pass that the meeting with the Council in June 2004 was with BESC rather than with the Gavin family members.

34. Mr O'Brien states in his affidavit that the respondent had wanted to build houses at that location for more than the Gavin family, and that the Gavin family *"agreed to allow them build six houses for persons from the Cara park site at the opposite end of the St. Dominick's Park site"* and that *"this was when the trouble started"*. He goes on to state that he attended a meeting of all the members of the respondent council *"where they approved the proposal to build a group housing scheme for the extended Gavin family at the St. Dominick's park site and six houses for persons from the Cara Park site"*. He refers to other meetings which he says took place between the Gavin and McDonough family members, the respondent's architect department, and its Traveller section *"to agree certain details as to the design and number of houses to be built and also to address the concerns of the Travellers and determine the prospective tenants for the new houses, who were agreed with the Travellers themselves."*

35. He says that *"by June 2004"* (i.e. the date of the meeting referred to above) there had been significant progress in relation to the design, funding and planning in relation to these houses, and that were it not for the ensuing events they might well be built by the time he swears that affidavit. He expresses the view in that affidavit by way of conclusion that the position now being adopted by the respondent in relation to providing group housing for the Gavin family is a contradiction of its previous *"commitment to the project to provide the extended Gavin family with group housing accommodation at St. Dominick's Park site."*

36. Mr O'Brien corresponded with the respondent and certain T.Ds and councillors by letter dated 10th January 2005 after the violent

events of early January 2005 which eventually led a short time later to the Gavin family leaving for Belfast. That letter refers to the efforts which BESC had been making for a long period prior to that date in order to relieve the travellers' difficulties living adjacent to the Belcamp estate. He refers to what he describes therein as "*a situation where an exceptionally progressive programme of construction had been arrived at*". This refers back obviously to the meeting of the 4th June 2004 and subsequent meetings in that regard. He goes on to state that "*the results of the feud that had been festering for several months prior to their actual execution have now placed these plans in jeopardy*", and he states that if further serious consequences were to be avoided "*the only option to prevent such an outcome would be the relocation of one of the families to an alternative site*". The respondent responded by stating, *inter alia*, "*that the relocation of thirty families en masse is neither realistic nor feasible*". Further correspondence ensued in both directions in relation to the difficulties in resolving the problem.

37. It has to be borne in mind that at the time of this meeting of 4th June 2004 and the subsequent correspondence, the 2005-2008 Programme had not been adopted. That did not occur until May 2005. That programme must therefore be seen as having taken account of the situation as it had evolved at the beginning of 2005. That meeting and any other meetings can be regarded as part of the assessment of need carried out by the respondent prior to the preparation of that Programme. That meeting cannot amount to a commitment, representation or assurance such as to give rise to a legitimate expectation of the kind contended for by the applicants, namely that such accommodation would be provided for all the Gavin family members to the exclusion of all others, even if it is evidence of an effort at that time to address the difficulties which were existing between these two groups of families at St. Dominick's Park. The proposed scheme lacks any detailed concluded specificity, as to the type of houses to be constructed, the numbers of families to be accommodated, and which families would be accommodated. These features must mean that the requirements for a legitimate expectation to exist are totally absent.

38. It remained the case, of course, that the respondent in preparing its 2005-2008 Programme was obliged by the Act to have regard to the needs of, *inter alia*, the Gavin families. But it is evident from the Programme that it did so. But I accept that the Programme did not include a specific plan that the Gavin families alone would be provided with accommodation at St. Dominick's Park. In my view, the respondent, allowing the margin of appreciation which must be accorded to it in the implementation of that Programme, has not failed to comply with its statutory obligations in that regard. The respondent was faced with the events which have been set out earlier in this judgment, which threw such plans as existed in relation to St. Dominick's Park into considerable uncertainty, if not disarray. It would not be reasonable for the respondent to be found to have been aware of what the intentions and wishes of the extended Gavin family were after their departure to Belfast in January 2005, and following their return to another functional area within County Dublin in November 2005. This is particularly so given the decision by these families to seek to have Fingal County Council held responsible for accommodating them. These families at that time decided to "ride two horses" simultaneously, if I may use that expression. That alone caused considerable doubt as to what their intentions were during 2006 and thereafter, and in view of that and the other features of the case to which I have referred, it would be utterly unreasonable for this Court to find that the respondent was in such circumstances in dereliction of its statutory duties by failing to have implemented the plans contained in the 2005-2008 Programme. While the applicants contend that their departure was forced upon them in January 2005, it has to be accepted also by them that the reasons for their departure cannot be laid at the door of the respondent either. No doubt some further plans will be considered for inclusion in the forthcoming new Traveller Accommodation Programme to follow the expiration of the present plan, in order to take account of the current situation in so far as it is known, but I am not concerned in any way with any such future Programme.

39. In my view, the applicants are not entitled to the reliefs which they are seeking in these proceedings, and I must therefore dismiss the application.