

Title: **Gypsy Encampment**

Portfolio Holder: **Cllr T James – Housing**

Reporting Officer: **Tim Darlsey, Corporate Director**

Key Decision: **No**

1. Purpose

The purpose of this report is;

- to update Cabinet on the unauthorised gypsy encampment at Challymead, Melksham and;
- to propose a way forward for implementing the court order arising from this case.

2. Background

On the 9 August 2005, 4 caravans entered and occupied land at Challeymead. Bridge in Melksham. Council officers visited the site to assess the situation. On 12 August, the Council obtained a temporary injunction which prevented any further persons occupying the land until the Court considered the request of the Council for an order to clear the site. On 16 August, officers visited the site to assess and record the welfare needs of the gypsies. On 23 August, at a hearing at the High Court, the temporary injunction was confirmed pending a full hearing on 22 September. The order of the court required that both the Council and the gypsies were required to use their best endeavors to find an alternative site for the gypsies to occupy.

At a hearing at the High Court on 22 September 2005, the Council was granted a 12 month injunction preventing the residential occupation of the land at Challymead. The order stated that the Council must provide temporary accommodation on land in its control for the family of gypsies. It required that the Council makes an offer of temporary accommodation as soon as reasonably possible. The site must enable the family to occupy land sufficient for their mobile homes and associated materials.

Updates on the encampment and on the outcome of the court hearing were provided in Members' Information Sheets 528 and 529.

3. Context

Councils have a number of duties relating to gypsies and travellers. These are mainly in the housing and the planning realms.

Housing

Under the Housing Act 2004, authorities must assess the accommodation needs of gypsies and travellers within their region. Authorities must draw up a gypsy and traveller strategy that shows how these accommodation needs shall be met over time. The strategy should deal with considerations of affordability, location and access to services.

Planning

The Planning and Compulsory Purchase Act 2004 requires authorities to deliver adequate land for gypsies and travellers. Authorities are required to identify suitable land within their development plan documents to meet need during the life of the plan.

These duties are being pursued by an inter-departmental working group as a medium term programme. This internal group is in turn working in partnership with the other councils in Wiltshire to co-ordinate activity and share information. Currently a jointly commissioned Needs Survey is being planned. The results of this will inform our work to identify and allocate sites through our forward planning process.

The court order means that we will have to act in advance of this work to offer a temporary site until longer term facilities have been planned for and made available.

4. Site Investigation

Following the order from the Court hearing on 23 August, land owned by the Council was reviewed and three sites were identified as possible sites for gypsy accommodation. An analysis of each was carried out in order to assess their suitability in either a temporary or permanent capacity. Two of the three sites were found not to be suitable following the initial site analysis. The first site is not currently in the Council's ownership but under an agreement for a potential transfer. The second site was found to be in an unsustainable location, remote from local services and facilities and in an Area of Outstanding Natural Beauty. Both of these are features that would make a site unsuitable for a residential development such as a gypsy site.

The third site is on the edge of Corsley Heath and was considered to be the site most likely to gain planning permission for gypsy accommodation when assessed in terms of the criteria for the Gypsy Caravan Sites Policy CF12 of the District Plan 1st Alteration. Further assessment was therefore carried out on this site. At around this time, the family came forward with a site that they had identified in Semington.

The proposed site at Corsley Heath and the site in Semington were fully assessed against the detailed site selection criteria contained within the Gypsy

Caravan Sites Policy CF12 of the District Plan 1st Alteration. The Highway Authority were also consulted for their views. Both sites performed moderately against the criteria. The main areas of potential concern at Corsley Heath appear to be the proximity to adequate local services and mitigating landscape impact. The main areas of potential concern at the Semington site are the proximity to adequate local services and the highway impacts.

The conclusion of the investigation was that the Council's land at Corsley Heath is the most realistic option for the Council to make a temporary site available as soon as reasonably possible, as required by the court order.

5. The Way Forward

To comply with the requirements of the court order, the Council will need to pursue a number of courses of action with immediate effect. These include:

- (i) Applying for planning permission for the temporary use.
- (ii) Surveying the site and specifying the physical works needed to make the site suitable for temporary occupation.
- (iii) Specifying the works and arranging contracts for their implementation.
- (iv) Liaising with the family and with the County Council's Gypsy Liaison Unit to ensure that the offer is suitable and appropriate.
- (v) Preparing a license for the temporary occupation, to include the setting of a reasonable rent to cover the Council's costs.

A detailed Action Plan covering these matters has been drawn up and work has started on all of the areas.

6. Financial Implications

Planning for and preparing the site for temporary occupation will incur some capital expenditure. Estimates for this are being prepared but are likely to be in order of £30,000. Where possible, expenditure will not be committed until it is clear that the gypsy family do wish to take up the Council's offer of temporary accommodation.

There is no existing budget for such expenditure. A change to the capital programme will require the approval of Council.

The ongoing management of the site will be undertaken by the County Council, alongside its other gypsy site management responsibilities.

The license to the family will require the payment of rent and this will be set to recover the Council's costs as far as is possible.

7. Recommendation

It is recommended that:

- (i) Cabinet approves the proposed way forward outlined in Section 5 above.
- (ii) Cabinet recommends to Council that capital expenditure necessary to establish the temporary site, up to a maximum of £50,000, be authorised.