

Wiltshire Council

Cabinet

3 July 2018

**Subject: Gypsy and Travellers
Emergency Stopping Places Strategy**

**Cabinet Member: Councillor Toby Sturgis - Planning and Strategic Asset
Management**

Key Decision: Yes

Executive Summary

National planning policy requires local planning authorities to identify, and ensure the delivery of, sites to meet the permanent and transit accommodation requirements for travellers. Planning for permanent accommodation needs will be addressed through the Local Plan Review. There is currently no transit provision operating in Wiltshire, as the Council's only transit site located at Odstock in the south of the County it is currently closed.

There is a continuing problem of unauthorised encampments and lack of basic temporary accommodation for travellers passing through the county. Cabinet have previously agreed that an Emergency Stopping Places Strategy should be developed to manage unauthorised encampments, consistent with the approved Wiltshire Traveller Strategy. Such a network can allow for more effective management of unauthorised encampments and provide opportunities for short-term, safe stay for travellers.

This report seeks approval for an Emergency Stopping Places Strategy and the development of the network of sites using land in the Council's ownership. A report will be brought to Cabinet Autumn 2018, with proposals to bring forward sites.

Proposals

That Cabinet:

- (i) Approves the Wiltshire Emergency Stopping Places Strategy for Gypsy and Travellers set out at **Appendix 1**; and
- (ii) Agrees that the Director for Economic Development and Planning, in consultation with the Director for Finance and Cabinet Members for 'Planning and Strategic Asset Management' and 'Finance', prepare a subsequent report for Cabinet's consideration regarding the implementation of the Strategy including site proposals and assessments of delivery and maintenance costs.

Reason for Proposal(s)

Wiltshire Council currently has no operational transit site. Dealing with unauthorised encampments is a continuing issue for Wiltshire Council Highways Enforcement and Wiltshire and Swindon Police. Establishing a network of Emergency Stopping Places will enable unauthorised encampments to be dealt with more effectively, enable large groups of Travellers to be dispersed and fulfil the Council's statutory duties to provide for the transit accommodation needs of Gypsies and Travellers.

Alistair Cunningham
Corporate Director

Wiltshire Council

Cabinet

3 July 2018

**Subject: Gypsy and Travellers
Emergency Stopping Places Strategy (Part I and Part II
Report)**

**Cabinet Member: Councillor Toby Sturgis - Planning and Strategic Asset
Management**

Key Decision: Yes

Purpose of Report

1. To seek approval for, and agreement to, implement an Emergency Stopping Places (ESP) Strategy for Gypsies and Travellers.

Relevance to the Council's Business Plan

2. The Business Plan 2017-2027 'Forward Thinking' seeks to create strong communities in Wiltshire. Priorities in relation to stronger communities and protecting the vulnerable recognise the importance of early intervention and action. Agreeing the ESP Strategy and delivering sites for transit traveller accommodation responds to these challenges by providing a safe stopping place for young families and potentially vulnerable adults, and removing potential for conflict between the settled and travelling communities.

Background

3. In September 2017, Cabinet approved the Council's Local Development Scheme (LDS) 2017. As part of this, Cabinet agreed that a standalone Gypsy and Traveller Development Plan Document would no longer be pursued and planning for the permanent accommodation needs of travellers would be subsumed into the Local Plan review.
4. It was also agreed that a strategy for emergency stopping places would be developed to manage unauthorised encampments, consistent with the approved Wiltshire Traveller Strategy.
5. Dealing with unauthorised encampments is a continuing issue for Wiltshire Council Highways Enforcement and Wiltshire and Swindon Police. Where they occur, encampments can be a nuisance to landowners and the public.
6. Delivering and maintaining a network of emergency stopping sites would complement the review of Council owned gypsy and traveller sites considered by Cabinet under a separate agenda item; including providing

alternative provision to the Odstock transit site to enable investment in the adjoining permanent site at Oak Tree Field.

Main Considerations for the Council

7. Attached at **Appendix 1** is a draft Emergency Stopping Places (ESP) Strategy for Gypsy and Travellers which sets out the Council's role in meeting the transit accommodation needs of Travellers; clarifies the need for transit accommodation in Wiltshire and proposed location of ESP; the methodology for identifying sites; and considers how the strategy could be implemented. Each section of the Strategy reports on the main considerations for the Council, and are summarised below.

Policy requirements (Section 3, Appendix 1)

8. Local planning authorities are required by national planning policy enshrined in Planning Policy for Traveller Sites (PPTS)¹ to prepare and maintain an up to date understanding of the likely permanent and transit accommodation needs of their areas. In seeking to fulfil this duty the Council undertook a Gypsy and Traveller Accommodation Needs Assessment in 2014 (GTAA). This concluded that:

“The evidence also shows that as transit provision is required in a number of areas and suggests that a single transit site would not meet this need and would result in ongoing problems with encampments elsewhere in Wiltshire. We would therefore recommend that the Council seek to provide a number of shorter-term stopping places at locations across Wiltshire.”

(paragraph 7.5, GTAA)

9. The Wiltshire Traveller Strategy was adopted in 2010 and refreshed in 2016. The refreshed document was approved by Environment Select Committee on 13 September 2016. Action 2 relates to unauthorised encampments.

Unauthorised encampments (Section 4 and Appendix A in Appendix 1)

10. The Council's only transit site is currently closed pending a decision on its future. The Council and Police cannot currently move travellers from unauthorised encampments onto a dedicated site within the local authority boundary. Stakeholders on the Traveller Reference Group have confirmed that this reduces the ability to deal with encampments effectively within the powers of the Criminal Justice and Public Order Act 1994.
11. The ongoing occurrence of unauthorised encampments has implications for the Council in terms of:
 - Clean up costs when public spaces and roads are used and then abandoned by the traveller community.

¹ DCLG (2015)

- Reputational costs when public spaces are not available to the public or through nuisance complaints not quickly dealt with.

Emergency Stopping Places Site Requirements (Section 7, Appendix 1)

12. There is currently no guidance available on requirements for emergency stopping places. Practice from elsewhere suggests that emergency stopping sites can be relatively basic compared to a fully developed transit site. They should not be designed to encourage long stay beyond a period of 28 days. The ESP Strategy proposes that several small sites of 4-6 pitches would be better for managing larger groups, as opposed to a single large site.
13. The ESP Strategy proposes that once created, sites should only be available through the main travelling season from April to November and even then, only available when required. This will reinforce their temporary nature and reduce overall costs.
14. The site selection methodology for identifying sites reflects the expectation that the sites will cater for short term needs only. Table 1 in **Appendix 1** sets out the criteria for site assessment covering:
 - a. Policy and environmental constraints
 - b. Site size
 - c. Safe and convenient access to the road network
 - d. Impact on the strategic road/highway network
 - e. Vehicular access
 - f. The site causes minimum disruption to surrounding communities
 - g. Land quality
 - h. Health and safety
 - i. Deliverability
15. The criteria have been derived from Wiltshire Core Strategy Core Policy 47 which applies to both permanent and transit sites and develops the approach first discussed at Cabinet Capital Assets Committee on 20 May 2014 in relation to permanent Traveller accommodation.
16. Suitable sites on Council owned land will be identified using this methodology and the approach set out in the ESP. A report will be brought to Cabinet Autumn 2018, with proposals to bring forward sites. This will consider suitable sites on Council owned land, as well as land in other public sector ownership as appropriate.

Overview and Scrutiny Engagement

17. Overview and scrutiny engagement has taken place in relation to monitoring the progress of the former Gypsy and Traveller Development Plan Document. The Environment Select Committee received reports on its progress in June 2016 and February 2017.
18. Progress in relation to the Wiltshire Traveller Strategy was last considered by the Environment Select Committee on 19 September 2017.

19. At the request of the Chairman and in consultation with the Vice-Chairman, the Environment Select Committee (ESC) will be receiving information on this Cabinet report at its 26 June 2018 meeting

Safeguarding Implications

20. There are no safeguarding implications arising immediately from the proposal. However, once the network of emergency stopping places is in place the sites may be occupied temporarily by families with young children or vulnerable adults.

Public Health Implications

21. Optimal health and wellbeing is supported by planning for sustainable development to meet the employment, housing and infrastructure needs of communities. Well planned developments, including appropriate infrastructure, supports the health and wellbeing of local communities, for example through the provision of green infrastructure and infrastructure to encourage walking and cycling as means of travel. The provision of short-term safe stopping places could allow travellers (if required) to be able to stop to access local healthcare services.

Procurement Implications

22. The ESP Strategy is a process document and therefore has no direct procurement implications. However, in agreeing to take forward sites to be developed as ESP there may be implications in relation to maintaining the safety and security of the sites while they are occupied; services which may need to be procured.

Equalities Impact of the Proposal

23. The ESP Strategy has been developed through the Traveller Reference Group which brings together multiple departments within the Council with the aim to create resilient communities. The ESP Strategy is geared to improve the availability of stopping places. A network of emergency stopping sites is considered to be more effective in managing unauthorised encampments and improving the conditions for short-term stay for travellers by providing dedicated sites.
24. The Council must consider its duties under the Equality Act 2010 in taking the recommended decisions. Officers do not consider that the decisions or their implications will prejudice any particular group or groups of people defined by a protected characteristic. The Traveller Reference Group is committed to promoting equality and diversity and ensuring that everyone is treated fairly taking into account their individual needs and circumstances. The ESPs will improve the range of facilities available to gypsies and travellers, mitigate the impacts of enforcement action against them in other locations and reduce the risk of harm being caused to others in the community in consequence of the use of unsuitable stopping places. The provision of a safe managed environment, together with the services

that can be made available to users of the ESPs, will help to address the education and health and other particular needs of those staying on the ESPs Compatibility with the Human Rights Act 1998. The provision of ESPs ensures a balanced and equitable approach to ensure that duties are fulfilled appropriately in line with the Human Rights Act 1998.

Environmental and Climate Change Considerations

25. At the next stage, in considering candidate sites specialist officers will be consulted to ensure that environmental or climate change impacts can be minimised. There are no further environmental and climate change considerations arising from the proposal at this stage.

Risks that may arise if the proposed decision and related work is not taken

26. The principal risk is that there will continue to be incidents of unauthorised encampments which cannot be dealt with effectively given the absence of transit accommodation in the County to direct groups to an alternative site. Another risk may be further costs to the council of officer time, site visits and legal intervention with unauthorised encampments. The introduction of a network of ESP will not remove the problem of unauthorised encampments but it would help manage their impact by enabling the police to utilise their powers to move unauthorised encampments (providing there was adequate space) reducing their occurrence, minimising costs and improving community relations. There is a potential for challenge from third parties if the Council does not make provision to meet identified need.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

27. There is a risk that as awareness of new transit provision becomes known within the Gypsy and Traveller community it will attract more Travellers to the County. In reality, many Travellers follow a similar, traditional route each year. Making the network of ESP available for only part of the year and only when required should help mitigate against this possibility. Also, Dorset County Council's experience is that the number of encampments decreased since their stopping site at Piddlehinton opened several years ago.
28. Communities may be concerned about the nature and use of emergency stopping places. This would be mitigated by working with the Council's Communications Team to enable effective communication and engagement throughout the planning and implementation process. Consultation with gypsies and travellers will be undertaken as part of strategy implementation.

Financial Implications

29. To implement the ESP Strategy, as set out in its Section 7, costs will be incurred in relation to:
 - developing a site (planning, on site works)
 - maintaining a site (clean-up costs, basic facilities while site is occupied, potential security)
30. Site acquisition is currently not identified as a cost as the focus is likely to be on land already within the Council ownership. Delivering ESPs on Council owned site rather than purchasing or leasing a private market site will reduce the cost to the Council. There may be the option to consider land owned by the MoD or other public sector partners.
31. The assessment of site delivery and maintenance costs should include consideration of whether capital received from the proposed sale of the Council's Traveller sites at Oak Tree Fields and Dairy House Bridge can be used to invest in the ESPs in order to ensure there is sufficient transit provision in the County to meet needs in locations that are suitable for this purpose.
32. It would be possible to recoup some of these costs by charging travellers when occupying the site. When the transit site was last open, the Council charged travellers £20 pound per week plus electricity (on a card meter). Dorset CC charges more for the use of their site (a recent and relatively local example of providing ESPs). Some councils also ask for an initial bond as well before the traveller can move on to the site for example £200. Consideration will need to be given to what would be an appropriate charge once further details on individual set up cost are known.
33. It is envisaged that a cross-service departmental group would be formed to ensure effective Strategy implementation and management. Officers within Spatial Planning, Properties, Legal Services, Finance, Highway Enforcement and Gypsy and Traveller Liaison would be involved.

Legal Implications

34. Through the development and implementation of the Emergency Stopping Places Strategy the Council fulfils its stated intention in the 2017 Local Development Scheme report. This will further inform the Local Plan review and contribute to planning for gypsies and travellers consistent with national policy.
35. Other legal implications are detailed in the body of the report.

Options Considered

36. The option to encourage private transit sites to be provided alongside existing permanent traveller sites was considered as an option alongside the provision of ESP. This was discounted at an early stage because of the experience of tensions between the permanent and temporary residents. There were also concerns over availability should the permanent site owners retain transit pitches for personal friends and family fettering the Police's ability to respond to incidents of unauthorised encampments.
37. It was concluded that implementing a network of emergency stopping sites would be the most effective way of dealing with unauthorised encampments, providing safe stay for travellers and meeting national policy requirements. A network of stopping places would aid officers to react more flexibly in collaboration with the Police where necessary to deal with unauthorised encampments.

Next steps

38. Subject to Cabinet's approval of the ESP Strategy, the next steps relate to the identification of available and suitable sites, and delivery and maintenance costs. A report will be prepared for Cabinet's consideration regarding the implementation of the Strategy including site proposals and assessments of delivery and maintenance costs. It is anticipated that this will be in late Autumn 2018.

Conclusion

39. The Emergency Stopping Places Strategy sets out how the Council can respond to the ongoing need for temporary accommodation for Gypsies and Travellers in Wiltshire. It includes a methodology for identifying suitable and deliverable sites and explains why such a network is a reasonable response to the current lack of transit accommodation. A network of stopping places would also aid officers to react more flexibly in collaboration with the Police where necessary to deal with unauthorised encampments.
40. The proposal implements the agreed action of Cabinet that a Strategy for emergency stopping places should be developed to manage unauthorised encampments, consistent with the approved Wiltshire Traveller Strategy.

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Appendices

Appendix 1: Draft Wiltshire Emergency Stopping Places Strategy for Gypsies and Travellers (May 2018)

Background Papers

Wiltshire Traveller Strategy 2017 <http://www.wiltshire.gov.uk/sppolicy-wiltshire-traveller-strategy-2016-refreshed.pdf>

Wiltshire Gypsy and Traveller Accommodation Needs Assessment 2014
<http://www.wiltshire.gov.uk/wiltshire-gtaa-final-report.pdf>