

Wiltshire Council Traveller Reference Group

Draft Gypsy and Travellers Emergency Stopping Places Strategy

June 2018

Spatial Planning Service

Economic Development and Planning

Email: spatialplanningpolicy@wiltshire.gov.uk

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1. Executive Summary

- 1.1 In Wiltshire there is currently no temporary accommodation available for travellers when they pass through the county. This Strategy (developed through the Council's Traveller Reference Group) sets out how a network of emergency stopping places will be delivered which provides for short-term, safe stay for travellers and helps managing unauthorised encampments more effectively. The network will consist of suitable council-owned sites in three broad locations in the north, south and west of the county, based on a robust but flexible methodology. Sites will be implemented through a cross-departmental delivery team and operated and maintained by the Council's Highway Enforcement Team together with the Gypsy and Traveller Liaison Service.

2. Introduction

- 2.1 In Wiltshire, there are no emergency stopping places which can provide safe short term stay to meet gypsies and traveller's temporary accommodation needs. One consequence of this is that travellers encamp on public and private land in Wiltshire, which can result in expenditure to landowners, local authorities and the police when dealing with encampments. Providing a network of emergency stopping places will aid in improving this situation.

3. Background

- 3.1 Local planning authorities are required by national planning policy 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 over the lifespan of their development plan, working collaboratively with neighbouring local planning authorities (PPTS para. 7b). Local planning authorities are required to set pitch targets for gypsies and travellers and plot targets for travelling showpeople which address the likely permanent and transit site accommodation needs of travellers in their area, working collaboratively with neighbouring local planning authorities (PPTS para. 9); and identify sites to meet those targets (para. 10).
- 3.2 The Council owned and operated a transit site with 12 pitches at Odstock near Salisbury. The site lies adjacent to the council-owned permanent site at Oak Tree Field. The Odstock site was used to accommodate travellers on a short term basis, including travellers who had encamped unlawfully within the county area. The site has been closed for several years and there are no plans to re-open it. As a result Council does not currently provide land in its area to accommodate travellers on a temporary basis.
- 3.3 Lack of transit accommodation also hinders the effective management of unauthorised encampments.
- 3.4 Wiltshire Council completed a Gypsy and Traveller Accommodation Assessment (GTAA)^{2 3} in 2014 to determine the need for new permanent and transit pitches in the county from 2014-29. The evidence in the GTAA is based, amongst other things, on interviews with key stakeholders and travellers. It was prepared to inform the review of the Wiltshire Local Plan. The study states at paragraph 7.5:

"Based on evidence provided by stakeholders and data from the Council the view of ORS is that it would not be economically feasible for the Council to provide and

¹ Department for Communities and Local Government (DCLG) (2015)

² Opinion Research Services, for Wiltshire Council (2014)

³ <http://www.wiltshire.gov.uk/wiltshire-gtaa-final-report.pdf>

manage more than one permanent transit site in Wiltshire. 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, and also to explore how best to meet the very short-term needs of those travelling to specific events and festivals. As such it [is] [sic] recommended that the Council to consider the provision of Emergency Stopping Places at locations near to Trowbridge, Salisbury and to the north of the county.”

- 3.5 The GTAA currently forms a material consideration in planning terms and its findings are considered in this Strategy.
- 3.6 Going forward, the Local Plan 2016-36 will include the strategy and policy for meeting permanent accommodation needs for travellers and travelling showpeople as per Planning Policy for Traveller Sites. This is set out in the published Local Development Scheme 2017. Its supporting report⁴ states that in order to address the relatively urgent need for emergency stopping provision an Emergency Stopping Sites Strategy should be developed.
- 3.7 Wiltshire Council has a dedicated Traveller Reference Group which brings together Wiltshire Council officers, members, and representatives from the Fire Service and the Police. The aim of the group is to improve the health and wellbeing of the traveller population of Wiltshire in line with the strategic objectives of Wiltshire Council to create stronger and more resilient communities and ensure those from traveller communities have healthy, high-quality lives. The group is accountable to the Council's Environment Select Committee.
- 3.8 The Traveller Reference Group developed a Wiltshire Traveller Strategy which was adopted in 2010 and refreshed in 2017. The Strategy also notes that there are currently no emergency stopping places where Gypsies and Travellers could stop for very short periods determined by the Local Authority.
- 3.9 The Traveller Strategy is accompanied by an action plan which aids in its delivery. Action 2 in the plan provides to gather intelligence on preferred travelling routes and locations of unauthorised encampments over time to understand the repeating patterns of accommodation needed to reduce unauthorised encampments in Wiltshire. Evidence collated as part of this work has informed the preparation of this Strategy.

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<https://cms.wiltshire.gov.uk/documents/s133636/Wiltshire%20Local%20Development%20Scheme%20update.pdf>

4. Management of unauthorised encampments in Wiltshire

- 4.1 An unauthorised encampment is when an individual or group of individuals move onto a piece of land that they do not own, without the permission of the landowner. Wiltshire Council's policy towards dealing with unauthorised encampments is published on its website⁵.
- 4.2 The Council's Highways Enforcement Team collects data on the number and location of unauthorised encampments in Wiltshire. The data shows that there are locations within Wiltshire which are regularly frequented by travellers for short-term stay. Reasons for this can be (non-exhaustively):
- Travellers know these places are accessible
 - They are on route to their destination
 - They are safer than other more isolated spots
 - Travellers may be tolerated there by the Council
- 4.3 Appendix A (all encampments data 2012- 2016⁶) shows the location and number of unauthorised encampments, and ethnicity. Some recorded encampments are connected with the same group of travellers but they also show that encampments can occur in the same area at the same time.
- 4.4 The analysis of number of visits per month indicates that most visits occur between April and November (Appendix A, Figure 2). This aligns with the travelling season which normally begins in the spring and ends in the autumn; but a proportion of travellers recorded are economic or new age travellers who travel all year round. Unauthorised encampments are mainly Irish or New Age Travellers.
- 4.5 The data further shows that there are a number of settlements in the county where unauthorised encampments concentrated in 2012-16. Table 1 in Appendix A summarises where more than 10 encampments were recorded in 2012-16 at respective settlements. These were Amesbury, Salisbury, Chippenham, Marlborough, Devizes (incl. Rowde), and Trowbridge. The largest numbers of encampments were recorded at Salisbury which could be due to the presence of the transit site (although this is closed) and the proximity to key travel routes.
- 4.6 Out of 244 encampments, 155 were recorded at those key settlements, and 89 were recorded elsewhere. Amongst the latter, the main areas where encampments occurred were Calne, Seend and Melksham.
- 4.7 The usually very large unauthorised encampments which occur during the summer solstice are not captured in these data. The summer solstice event attracts large numbers of new age travellers and other people to the south of Wiltshire and can

⁵ <http://www.wiltshire.gov.uk/gypsies-travellers-unauthorised-camping>

⁶ Note that 2016 monitoring data is only available for January-August.

result in dozens of caravans parked up adjacent to the highway, local byways, and car parks for a few days in late June. This is a single, large event and different from unauthorised traveller encampments occurring throughout the year. Also, visitor numbers are so large that provision of ESPs would simply be insufficient. Separate event management is undertaken for Avebury and Salisbury for these specific periods.

- 4.8 There is wide range of powers available to the police and local authorities to deal with unauthorised encampments. They are summarised in Government guidance⁷. The main legislation is the Human Rights and Race Relations Acts and Sections 61, 62, 62A-E, 77 and 78 of the Criminal Justice and Public Order Act 1994 (CJPOA). There also provisions in the Highway Act 1980 that can be applied in connection with encampments on highway land. CJPOA S.61 and S.62 are applied by the police whereas S.77 & 78 powers can be exercised by council officers.
- 4.9 Legislation was interpreted by the courts and there is guidance from government. Wiltshire Council follows a set procedure based on Government guidance which involves proving ownership of the land, obtaining details of the encampment, assessing an encampment's effects on the local area, serving notices and summonses that will enable necessary authority to be obtained from the courts to order the travellers to leave the site. In addition, officers will have to make enquiries regarding general health, welfare and children's education.
- 4.10 In certain circumstances the Council will work with Wiltshire Police and request use of S.61 powers to promptly remove encampments. The police will deal with crime when there is a complaint and evidence to support it; such as anti-social or unlawful behaviour. Fly-tipping and damages to property can also be reasons for eviction and potentially prosecution.
- 4.11 Unauthorised encampments may be tolerated up to an agreed deadline if the occupants are behaving in an acceptable manner and the site is being kept tidy. This approach can save the council costs and provides a period of stability to travellers.

Criminal Justice and Public Order Act 1994

- 4.12 Section 61 and 62 of the Act can be applied by the police to direct two or more persons to leave the land they have been trespassing if the landowner has asked them to leave; was subjected to abuse and trespassers caused damage to the land or property on the land; and if those persons have between 6 or more vehicles on the land. Non-compliance or return within 3 months constitutes a criminal offence and can result in imprisonment of up to 3 months, or a fine. The police can also seize vehicles under Section 62 if such persons return within 3 months or fail to remove vehicles having been issued with a S61 direction. Section 62A (5) requires the police officer to consult the local authority if there is a pitch for the caravan or each of the caravans on a relevant caravan site in the local authority's area. There are further provisions in the

⁷ Dealing with illegal and unauthorised encampments - A summary of available powers (DCLG, 2015). The Government is currently consulting if available powers should be strengthened.

Act dealing with unauthorised gatherings/raves on private land; and provisions enabling the local authority to direct unauthorised campers to leave any land forming part of a highway; any other unoccupied land; or any occupied land without the consent of the occupier (Section 77 and 78).

- 4.13 Section 62A (5) is particularly relevant here as the ability to move travellers onto a site managed by the local authority increases 'leverage'. Otherwise trespassers are likely to appear in other places following eviction. Council data show that repeat encampments at different locations by the same group of travellers have occurred before.
- 4.14 S62 powers are easier to do and are better in preventing further trespass within the local authority's area if persons can be moved onto a site within the area. If a suitable site is available within the local authority area, but persons refuse to leave or trespass on any land within the local authority area within 3 months, then an offence is committed. According to Wiltshire Police this would have a marked impact on not only dealing with the issue, but preventing reoffending and also quickly make Wiltshire an unattractive location to trespass as they could deal with the matter effectively. This was also confirmed by Dorset CC who operates an emergency stopping site. The provision of an emergency stopping site at Piddlehinton has resulted in a swift move of traveller encampments onto the new site under the legal powers held by the authority in collaboration with the police. Dorset CC officers confirmed that unauthorised encampments overall decreased since the site was put in place.
- 4.15 However in Wiltshire S62 powers cannot be used due to the lack of suitable sites, such as transit or emergency stopping places, where trespassers could be directed to.
- 4.16 In contrast, S.61 is only effective in preventing a person from returning to a specific location but does not stop them trespassing elsewhere.
- 4.17 Wiltshire Police provided rough statistics on dealing with unlawful encampments to give an idea about officer hours committed:
- For 2 months (June/July 2016) 30 unlawful encampments were recorded by the Police (21 in Wiltshire and 9 in Swindon) totalling approximately 600 Police hours (200 Wilts/400 Swindon)
 - Enforcement action was required on 7 occasions:
 - 5 in Wiltshire – approx. 140 hours
 - 2 in Swindon – approx. 235 hours (one very difficult group took over 200 hours)
- 4.18 These figures do not take into account any aspects outside of attending the site. Assuming that this is £50/hr (the Police charge £75/hr on events as this means working on rest days) this would equate to over £30,000 in 2 months.

- 4.19 Highway Enforcement colleagues advised that in the first three months of 2017, 17 unauthorised traveller encampments were reported resulting in 238 hours of officer time. The hourly rate of pay is £13.90 which results in total costs of £3,308. This does not include internal vehicle hire which has a recharge of £37 per day, and any clean-up costs.
- 4.20 In addition to officer time spent on dealing with encampments, they result in complaints from members of the public, especially where repeat encampments occur in the same location.

5. Summary

- 5.1 It is clear from the above that due to the lack of suitable sites, travellers do not have opportunities for short-term stay in Wiltshire when passing through the county. The lack of sites also reduces the ability of the Council and the Police to manage unauthorised encampments effectively. Assessing and meeting the accommodation needs of travellers is a national policy requirement for local authorities. The evidence shows that a network of ESPs would be an effective means of addressing this need in Wiltshire and to aid in managing unauthorised encampments. The following chapters set out how such a network will be brought forward.

6. Geographical Scope

- 6.1 This Strategy picks up the recommendations of the GTAA and considers the evidence gathered by the Council on the number and location of unauthorised encampments at Appendix A. Based on the Council's evidence a single stopping site should ideally be provided at or near Trowbridge, Devizes, Amesbury, Marlborough, and Chippenham. Again, the GTAA provides that the area around Trowbridge could be a broad location of an emergency stopping site.
- 6.2 The GTAA proposes provision of three emergency stopping sites in broad locations in Wiltshire (North; South; West) taking into account stakeholder evidence and key travelling routes in the county.
- 6.3 Based on the above this Strategy directs provision of a site in the north, south and west of the county as per 2014 GTAA in the first instance. The Strategy does not restrict site provision solely to these broad areas however as it needs to account for site availability constraints for example. So if additional sites at other locations are available and deliverable then they could be considered further. This also allows for more sites to come forward in the future should the need arise.
- 6.4 The suitability of sites will be tested using the methodology set out in Table 1 in the next Chapter.

7. Strategy implementation

Emergency stopping site requirements

- 7.1 There is currently no guidance available on requirements for emergency stopping places. Previously, local planning authorities were able to refer to 'Designing Gypsy and Traveller Sites Good Practice Guide'⁸. This document was rescinded by the Coalition Government but it can still provide a useful benchmark in the absence of any newer guidance. With this in mind, Wiltshire Council relies on its own interpretation of what is required. It also considers the recommendations in the 2014 GTAA.
- 7.2 Emergency stopping sites have different requirements to permanent sites in that access to essential services is not a priority. The 2008 DCLG Guidance states that emergency stopping sites should provide safe and convenient access to road networks and be located so as to cause minimum disruption to surrounding communities. When considering the suitability of different sites, the potential presence of young children and any risks that may arise due to adjoining land uses must be considered. This means that locations within easy reach of the main travelling routes will be preferred, and that they should be located outside settlements.
- 7.3 In terms of on-site infrastructure ESPs should be relatively basic in order to serve the purpose of a short stay for travellers. They should not be designed to encourage long stay. Effectively this would require equipping ESPs with hardstanding, fence and a skip for rubbish disposal.
- 7.4 In terms of spacing requirements, an emergency stopping pitch should be at least 250m² which is a suitable transit site pitch size evidenced in the Council's 2010 Gypsy & Traveller DPD site selection methodology, in the absence of any newer guidance.
- 7.5 There is no evidence about an appropriate number of pitches per site. The DCLG guidance advises that transit sites should not exceed 15 pitches to remain manageable. A similar figure could be applied to ESPs but a number of smaller sites would aid better in the management of large groups. Consequently a figure of 4-6 pitches would be more realistic.
- 7.6 In terms of total site size this would result in 1,500m² sites to host a maximum of 6 pitches, although additional space would normally be provided for landscaping and other requirements.
- 7.7 In terms of site selection the following methodology will be applied to find emergency stopping sites. Given the temporary nature of the sites, matters such as access, traffic, highway and health and safety are particularly relevant.

⁸ DCLG (2008)

Table 1: Site Selection Methodology for Emergency Stopping Sites

Criterion	Detail	Justification	Planning Policy and other evidence
Policy and environmental constraints	Sites should avoid any adverse impact on local/national designations (such as conservation areas and Areas of Outstanding Natural Beauty). Sites should avoid any hazardous areas (such as flood zones, contaminated land).	Candidate sites ought to be safe for users, and free of hazardous areas. Sites should avoid causing adverse impacts on local, national and international designations.	Gypsy and Traveller Site Allocations DPD Consultation Report 2010; Wiltshire Core Strategy Core Policy 47; PPTS Policies B, C, E
Site size	The site must meet space requirements for internal road(s) and parking and circulation space, and fire safety standards. The site should have additional space for facilities such as waste disposal.	There are no standards for emergency stopping site size. A transit pitch accounts for 250m ² and therefore represents the only benchmark	DCLG Guidance on Site Design (2008); Gypsy and Traveller Site Allocations DPD Consultation Report 2010
Safe and convenient access to the road network	The site should be near or adjacent to key travelling routes identified in the GTAA.	Proximity to key travelling routes is important as otherwise the site would not be easily accessible to travellers passing through Wiltshire.	Gypsy and Traveller Site Allocations DPD Consultation Report 2010; Wiltshire Core Strategy Core Policy 47; 2014 GTAA
Impact on the strategic road/highway network	The site should not have a detrimental impact on the safe and efficient operation of the strategic/highway road network, including junctions and land within the ownership of Highways England and/or Wiltshire Council required for operational purposes.		DCLG Guidance on Site Design (2008)
Vehicular access	The candidate site must be serviced by an independent vehicular access point that adheres to the Highway Authority's guidance and standards in terms of safe entry and egress. The road to and from the site must be of sufficient quality and size to enable access onto and off the site by heavy vehicles such as trailers.	The highway leading up to the site must be of sufficient width and standard to accommodate heavy vehicles. The site access must have sufficient visibility splays, and width to allow for safe access and exit.	Gypsy and Traveller Site Allocations DPD Consultation Report 2010; Wiltshire Core Strategy Core Policy 47
The site causes minimum disruption to surrounding communities	Access to candidate sites should avoid the need to use local roads within industrial areas, recognised commercial areas or housing areas. The site should not give rise to visual impacts or pollution on surrounding land uses and other receptors. Space for a clear barrier around the site is required to prevent unauthorised extension to	The use of an emergency stopping site is assessed in terms of its impact on the character/ appearance of the surrounding area, along with the impact on the residential amenity of nearby properties.	Gypsy and Traveller Site Allocations DPD Consultation Report 2010; Wiltshire Core Strategy Core Policy 47; PPTS Policy B and C

	the site.		
Land quality	Brownfield land is preferred over greenfield land. Where no brownfield land is available, greenfield land of poor agricultural quality (Grade 3b or poorer) is preferred.	In the interest of protecting best and versatile agricultural land.	Wiltshire Core Strategy Core Policy 47; NPPF para. 111-112; PPTS Policy H
Health and safety	All routes for vehicles on the site, and for access to the site, must allow easy access for emergency vehicles and safe places for turning vehicles.		Wiltshire Core Strategy Core Policy 47; DCLG Guidance on Site Design (2008)
Deliverability	The ease of commitment to bringing sites forward and the timing of land release.	The timely delivery of emergency stopping sites is key to the overall success of the strategy.	-

7.8 The above methodology is robust but flexible enough to enable a balanced view on candidate ESPs as it is conceivable that not every selection criterion can be met; and land availability may be problematic. Input from expert officers will be sought in the assessments, and to establish how any identified harm caused by development can be mitigated. Assessments should include the pre-application process as this would enable a coordinated response and early engagement. The pre-application response would enable project delivery to be based on a sound assessment of costs per item required for candidate ESPs.

7.9 Appropriate consultation with gypsies and travellers will be undertaken as part of Strategy implementation.

Notional costs of site provision

7.10 In order to test the deliverability of candidate ESPs the associated costs and revenues need to be identified. As described above the sites would be relatively basic and include hardstanding, fence and rubbish disposal. Development costs for candidate sites will be established for sites on an individual basis and for this reason cost details cannot be estimated in advance. The below gives a broad provisional indication.

7.11 One-off costs for initial provision of a 6 pitch site would typically involve:

- (Pre-) Planning application (where required) and consultation⁹
- Engineering works to prepare the site for development
- Construction of hardstanding, skip area, fencing
- Labour

7.12 Maintenance costs are difficult to estimate as this depends on how often a site is used and if damages or fly-tipping occur. Keeping sites relatively basic and providing a rubbish skip will aid in keeping costs manageable. In Dorset, an ESP has been

⁹ This excludes officer time spent on the planning application process.

operated for several years at Piddlehinton. The County Council confirmed that the number of unauthorised encampments has now significantly decreased.

- 7.13 In order to ensure a return from the use of sites setting a weekly charge could be considered. 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. Some councils also ask for an initial bond as well before the travellers can move on to the site, for example £200.

Site delivery and management

- 7.14 Emergency stopping sites would be delivered and managed by the Council in order to ensure effective operation and management, and that sites are available when needed. Private emergency stopping site provision is considered to be unrealistic because of the experience of tensions between the permanent and temporary residents and concerns about community cohesion at Odstock and Oak Tree Field. There would also be uncertainty over pitch availability should private site owners retain pitches for personal friends and family fettering the authorities' ability to respond to incidents of unauthorised encampments.
- 7.15 There is no guidance how long emergency stopping places remain open during the year. The transit site at Odstock was open all year round. Dorset County Council's site at Piddlehinton is available from March-August but only used when travellers are directed to it upon discretion by the Traveller Liaison Service in collaboration with the Police. Staffs within the Traveller Liaison Team hold the keys for the site. Travellers need to sign a basic 'transit site agreement' which restricts stay to 28 days.
- 7.16 Based on the above, emergency stopping sites will be available between 1 April and 30 November (8 months) and open when required – i.e. when a group is moved onto a site or for travellers who voluntarily want to use sites as they travel through the area.
- 7.17 Suitable ESP sites will be delivered by the Council's Properties (Estates) Team and appointed contractors, as sites will be in Council ownership. Other teams involved in the planning and delivery of sites will be Finance, Planning and Legal Services. A cross-departmental project delivery group will be established to plan and implement sites.
- 7.18 ESP operation and maintenance will be undertaken by the Council's Highway Enforcement Team in cooperation with the Gypsy and Traveller Liaison Team, to provide the ESPs to travellers quickly when the need arises, and deal with any issues.
- 7.19 A project budget will be identified and allocated to the Council's Properties Team.

8. Monitoring and Strategy Revision

- 8.1 This Strategy will be 'owned' by the Traveller Reference Group and an annual monitoring report will be provided with input from Housing, Highways Enforcement and Planning officers. A report will be presented to Environment Select Committee as an annual update or upon request.

Appendix A – Number and location of encampments in Wiltshire (2016)

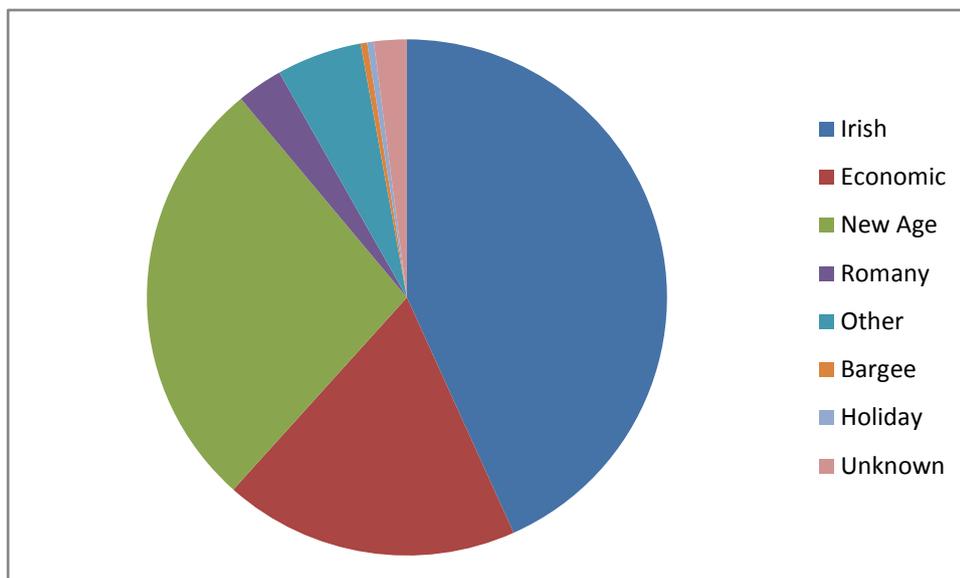
Table1: Unauthorised encampments by location 2012-16

	Ames- bury	Salis- bury	Chippen- ham	Marl- borough	Devizes (incl. Rowde)	Trowbridge	All other	Total
2012	6	19	0	3	11	3	22	64
2013	3	16	6	3	6	1	25	60
2014	4	7	4	4	7	6	20	52
2015	4	8	9	0	8	1	14	44
2016¹⁰	1	2	5	1	4	1	6	20
no date	2	0	0	0	0	0	2	4
Total 2012- 16	20	52	24	11	36	12	89	244

Source: Wiltshire Council Highway Enforcement Monitoring 2012-16

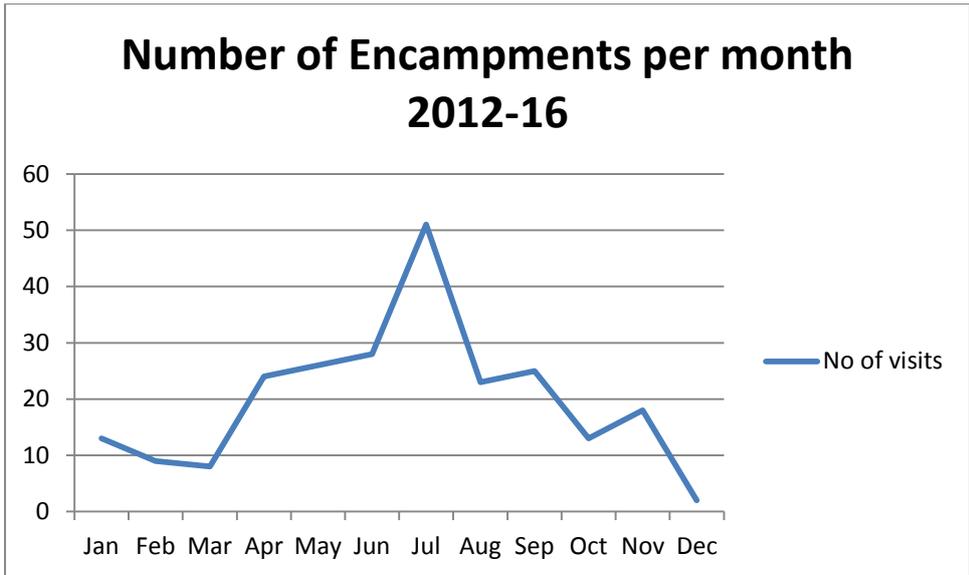
Settlements where more than 10 encampments were recorded in 2012-16 are listed above.

Figure 1: Encampments by ethnicity (all encampments = 244)



¹⁰ No monitoring data available for September-December 2016.

¹¹ 4 encampments were recorded with no date so they are not included here.



Source: Wiltshire Council Highway Enforcement Monitoring 2012-16