

CHESHIRE EAST COUNCIL

Cabinet

Date of Meeting:	21 st July 2015
Report of:	Executive Director for Economic Growth and Prosperity
Subject/Title:	Development of a Cheshire East Gypsy and Traveller Transit Site
Portfolio Holder:	Cllr Ainsley Arnold, Housing and Planning

1. Report Summary

- 1.1 Cheshire East Council aims to offer all our residents equity. This paper is part of a process of fulfilling our legal requirements with regards to Gypsy and Traveller provision, whilst supporting all our residents and businesses. **By ensuring we have a transit provision we can alleviate the stress on residents and businesses who have suffered the impact of unauthorised encampments.**
- 1.2 The absence of transit provision in Cheshire East is preventing the Police from using their powers under the Criminal Justice and Public Order Act 1994 (Section 62) to direct Travellers to a more suitable site. This is resulting in Cheshire East experiencing **unprecedented levels of unauthorised encampments** across the authority, with **81 recorded in 2014**, a significant increase on previously levels recorded.
- 1.3 Putting Cheshire East residents and businesses first, a proactive approach to tackle unauthorised encampments is being taken. On 15th April 2015 planning permission was granted to develop Cledford Hall, Middlewich as a transit site, which will allow the police to make full use of their powers and deliver significant benefits to the community including:
 - **Reducing the number of unauthorised encampments in the Borough**
 - **Dealing with unauthorised encampments when they do occur more quickly and effectively.**
 - **Improving health outcomes by providing safe, clean facilities for the Gypsy and Travelling community, including access to other services i.e. Health.**
 - **Reduction in anti-social behaviour resulting in improving relationships with the environment for local communities and businesses.**
- 1.4 Whilst Cledford Hall provides the Council with the opportunity to develop a much needed transit site, it also enables us to bring the listed barn back into use, preserving its heritage and providing not only amenities for the

site, but also offices and meeting room facilities for wider community benefits.

- 1.5 Approval is sought from Cabinet to progress to the construction stage of the project, with the intention to have the transit site ready by August 2016.

2. Recommendations

- 2.1 To approve the progression of the project to enable the scheme to be developed in line with the capital budget identified within the 2014-18 capital programme.
- 2.2 To delegate authority to the Executive Director of Economic Growth and Prosperity, in consultation with the Portfolio Holder for Housing and Planning, to enter into a construction contract with the preferred bidder and make related decisions to deliver the Cledford Hall project.

3. Other Options Considered

- 3.1 Commissioned by the Council, Peter Brett Associates considered a significant number of sites to be used as Gypsy and Traveller transit site. 8 sites were identified for further investigation and of these only one was identified as being feasible for a development as a transit site. The owners of this particular site took the decision to take forward a planning application for a permanent site in their own right, removing the potential for transit provision.
- 3.2 Cledford Hall in Middlewich was identified as having potential if the listed building status of the farm house was addressed. The owners of the site were successful in their application to the Secretary of State to remove the listed building status on the farm house, but the status still remains on the barns.
- 3.3 Cledford Hall became the preferred option when all other options had been exhausted and, with the permission of the owner, a feasibility study and surveys were undertaken to ensure that the site could accommodate the required number of pitches.

4. Reasons for Recommendations

- 4.1 Cabinet approval is necessary to enable the project to progress construction phase of the project enter into a contract with the preferred contractor.
- 4.2 A transit site would allow the police to use their powers under Section 62a-e of the Criminal Justice and Public Order Act 1994. This allows the police to direct the Travellers from the land to a suitable pitch on a transit site within the same local authority area. If the Travellers do not leave when directed to, or if they return to the authority within three months after being directed, they are committing an offence. Thus, a transit site will enable

Cheshire East and the Police to deal with encampments in a more proactive manner.

- 4.3 Experience has shown that the establishment of transit sites significantly reduces unauthorised encampments. Another local authority local to Cheshire East opened a transit site in February 2009 and their encampment numbers have greatly reduced, from 83 in 2005, 66 in 2006 to 4 in 2009 when the transit site opened. This low level has been maintained.
- 4.4 The transit site will provide a safe, clean environment on which Travellers can reside for a short period of time. During their period of residency they will be able to access services for example health services.
- 4.5 The costs associated with unauthorised encampments can be significant not only for Cheshire East who has to deal with those situated on Cheshire East owned land but also local businesses and other public services. The cost of unauthorised encampments on an annual basis could be as high as **£223,720** as outlined in **Appendix 1** which provides the approximate costs incurred during 2014/15 and also the social impacts on both the residential and travelling communities.
- 4.6 There is a legal requirement under the Housing Act 2004, the National Planning Policy Framework 2012 and Planning Policy for Traveller Sites 2012 for Local Authorities to identify accommodation needs for Gypsy and Travellers and Travelling Show people and to establish a five year land supply in order to address these needs.

5 Background/Chronology

- 5.1 Following completion of a site identification study for the provision of a transit site, it was evident there was no option but to progress to the procurement of a full and robust feasibility study on the Cledford Hall site to enable us to ascertain if the site could accommodate the required 10 pitches and amenities.
- 5.2 An advert was placed for expressions of interest from the Constructor partners on the North West Construction Hub (NWCH) for the Design & Construction of the Transit Site at Cledford Hall Farm. Mansell Construction Services Limited was appointed for the pre-construction stage of the project under a Letter of Intent to enable a design to be developed and a target cost agreed.
- 5.4 Upon completion of the feasibility study which provided detailed estimated costings, a business case was taken through the Gate 1 Project Management process. The estimated costs showed that the development of the site would be above the average cost for a transit site, which is due to the cost of bringing the listed barns into use, and the ecological mitigation works that are required prior to construction of the pitches.

- 5.5 A planning application was submitted and approval was given on the 15th April 2015. Following receipt of planning permission the Cledford Hall site was purchased, utilising a Section 106 contribution. At this stage a detailed business case was also submitted and endorsed through the Gate 2 Project Management process.
- 5.6 The project team are now at the final pre-construction stage, which includes the completion of surveys to assist in the detailed design process.
- 5.7 The costs of the pre-construction works have been provided for under the 2014-15 approved capital budget of £0.5m. The project is now seeking approval of the construction costs, which will enable us to enter into a contract with the preferred contractor.
- 5.8 The provision of a transit site forms part of our commitment to meet the needs identified within the 2014 Gypsy and Traveller Accommodation Assessment (GTAA). The study also identified a need for Residential and Travelling Show people site provision. Cheshire East are working with private owners and exploring further opportunities to bring forward suitable sites to ensure that we meet this need. Following successful planning applications we are close to fulfilling our 2013-2020 requirement to secure 32 residential pitches.

6 Wards Affected and Local Ward Members

- 6.1 Middlewich: Councillor Simon McGrory, Councillor Michael Parsons and Councillor Bernice Walmsley

7 Implications of Recommendation

7.1 Policy Implications

- 7.1.1 The project supports the Council's 3 year Business Plan in a number of ways:

- **Outcome 1** Our local communities are strong and supportive – Unauthorised encampments can have a significant negative impact on our communities. Providing a secure and safe location for our Gypsy and Traveller communities to reside whilst travelling through the area can reduce the impact and contribute towards the creation of cohesive communities.
- **Outcome 3** People have the life skills and education they need to thrive – The provision of a transit site will provide a safe location with facilities for children reducing the potential risks of residing on an unauthorised encampment.
- **Outcome 4** Cheshire East is a green and sustainable place- Unauthorised encampments can have a detrimental impact on the

environment which incur clean-up costs. A transit site will ensure that Travellers can be directed to more appropriate provision.

- **Outcome 5** People Live Well and for Longer – Due to the transient lifestyle, Travellers do not always have access to amenities and health facilities, which can impact on their health. A transit site will enable Travellers to access facilities even for a short period of time, which could have a beneficial impact on their health.

7.2 Legal Implications

7.2.1 The legal comments are embodied in the report.

7.3 Financial Implications

7.3.1 There are both capital and revenue implications related to the scheme and these are outlined below. The overall budget for development of the site is £3.4m. This includes pre construction activity and fees. The £2.8m construction costs include c£1.8m for the site and pitches, and c£1m for the restoration of the listed barn. Funding is being sought from Homes and Communities Agency (HCA), which will reduce the level of required capital funding required.

7.3.2 There are £35,000 revenue costs related to ongoing maintenance and site management costs (subject to rental income). These cost would be further offset any cost for dealing illegal encampments, and are being considered further as part of the the 2016/17 business planning process.

Capital:		£000
Approved Capital Budget	2014/15	515
	2015/18	2,843
Total		3,358
Financed by:		
HCA grant (Subject to HCA approval)		900
Capital Receipts/Prudential Borrowing		2,458
Total		3,358

7.3.3 The estimated construction costs include the following.

Construction costs	£000
Preliminaries and Site preparation	597
10No. Pitches, access and site works	763
Restoration of barn for amenities & offices	777
Fees and Charges	120
Contingency	550
Total	2,807

- 7.3.4 The terms of appointment of the contractor are on a Design and Construct basis under a contract with tendered rates for Overheads and Profit – these are submitted as part of the Framework – with all other costs on an ‘open book’ partnering arrangement with the contractor seeking competitive quotes for each work package.

7.4 Equality Implications

- 7.4.1 An Equality Impact Assessment has been carried out on the scheme that has considered equality issues.

7.5 Rural Community Implications

- 7.5.1 The site is located in a rural position on the outskirts of Middlewich and has both commercial and residential premises in close proximity. Through the site design process the project team have taken care to ensure that the boundary treatment does not detract from its surroundings.

7.6 Human Resources Implications

- 7.6.1 Following completion of the project there will be a requirement to ensure that there is adequate site management in place.

7.7 Public Health Implications

- 7.7.1 The site will provide a safe environment for those Travellers passing through the area to reside. They will have access to amenities including clean drinking water and washing facilities. In addition they will be able to access appropriate health services if required.

7.8 Other Implications (Please Specify)

- 7.8.1 No further implications have been identified.

8 Risk Management

- 8.1 Failure to provide transit provision could result in further increases in unauthorised encampments across the authority impacting negatively on local residents and businesses, and incurring further costs.
- 8.2 The Protected Species mitigation measures need to be carried out prior to September, any delays will result in the mitigation window being missed and the construction commencement will be delayed for a further 9 months. The project team are in the process of applying to Natural England for a Protected Species Licence, if this is refused it will place the scheme at significant risk.

- 8.3 There is a risk of unforeseen works when surveys are undertaken on the listed barns that could increase the costs, however a small contingency sum has been incorporated into the budget to cover this eventuality.
- 8.4 An application has been made to the Homes and Communities Agency for grant funding towards the cost of the scheme. There is a risk that this will be refused or the maximum grant of £900,000 is not received.

9 Access to Information/Bibliography

9.1 *The following documents are available on the Cheshire East website:*

- *Gypsy and Traveller Accommodation Assessment*
- *Site Identification study*

If required a full copy of the Feasibility study can be provided.

10 Contact Information

Contact details for this report are as follows:-

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