

Cabinet

Date of Meeting: 1st December 2020

Report Title: Development of a Gypsy and Traveller Transit Site

Portfolio Holder: Councillor Nick Mannion – Portfolio Holder for Environment and Regeneration

Senior Officer: Frank Jordan – Executive Director Place

1. Report Summary

- 1.1 There are requirements under the Housing Act 2004, the National Planning Policy Framework 2019 and Planning Policy for Traveller Sites 2015 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. This requirement also includes the provision of transit site accommodation, which is the focus of this report.
- 1.2 Cheshire East Council is committed to producing appropriate accommodation solutions for all communities, offering equality to all. This paper sets out the process to bring forward a transit site for the Gypsy and Traveller communities who are travelling through our Local Authority area, to avoid the occurrence of illegal and unauthorised encampments.
- 1.3 The report outlines the process officers have undertaken to identify the recommended site. It also outlines the approach and costs which will be required to enable us to deliver the scheme.
- 1.4 Specifically the report seeks approval to award a construction contract for the scheme. This award will be subject to the outcome of the planning decision.

2. Recommendation

- 2.1. That Cabinet delegate authority to the Executive Director of Place to take all necessary steps to deliver the Cledford Hall Gypsy and Traveller Transit Site Project subject to obtaining planning approval. Within that overall authority, the Executive Director will be required to approve:
 - 2.1.1. The submission of the planning application,
 - 2.1.2. The final costs of the project and
 - 2.1.3. Award a construction contract to a preferred bidder in consultation with the Director of Governance and Compliance and the Portfolio Holder for Environment and Regeneration.

3. Reasons for Recommendation

- 3.1. The need for 5 to 10 transit pitches was identified within the Gypsy and Traveller Accommodation Assessment (GTAA) which was updated in August 2018. The GTAA has been published and provides a key part of the evidence base to justify the policies in the draft Site Allocations and Development Policies Document (SADPD) regarding Gypsy and Traveller accommodation provision.
- 3.2. Following completion of the GTAA, the Council undertook a site identification process, informed by a Call for Sites, to identify potential sites to meet the identified need. This included a review of sites which had been identified through previous studies and consideration of the potential to extend existing provision.
- 3.3. Cledford Hall in Middlewich had previously been identified for the provision of a transit site and was granted planning permission for this use in 2015. Due to issues on site, which have now been resolved, the development of the site did not proceed, and the planning application lapsed.
- 3.4. The site is proposed as an allocation for 10 transit pitches in the Revised Draft SADPD, approved by the Cabinet on 6th October for representations ahead of its submission to the Planning Inspectorate for examination. The site was similarly identified as an allocation for 10 transit pitches in the previous draft of the SADPD consulted upon in 2019. It is therefore the Council's preferred site for transit provision. The evidence on which the site was identified concludes that the Cledford Hall site is suitable and available for transit pitch provision. However, this would be subject to approval at the planning stage.

- 3.5. Due to the increase in unauthorised encampments across the Cheshire East area, consideration has been given to the best mechanism to meet this accommodation need and, in doing so, reduce the levels of encampments. The provision of a transit site is seen as the most effective approach.
- 3.6. A transit site would provide Gypsies and Travellers who are travelling through the borough a safe and suitable place to stay. It would help to reduce the health and education inequalities that many Gypsy and Traveller communities suffer.
- 3.7. The police are able to use their powers under Section 62a-e of the Criminal Justice and Public Order Act 1994. These powers allow the police to direct the Travellers from an encampment 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. Therefore, a transit site will enable Cheshire East and the Police to deal with encampments in a more proactive manner.

4. Other Options Considered

4.1. Do nothing

- 4.1.1. There is a requirement for the Council to identify sites to meet the needs identified within the Gypsy and Traveller Accommodation Assessment. The Gypsy and Traveller Accommodation Assessment 2018 identified the requirement for 5 to 10 transit pitches on a public site.
- 4.1.2 The Council could continue to deal with unauthorised encampments in the same way, however without a Transit Site, several existing adverse impacts will continue unresolved:
 - 4.1.2.1 the disruption to the use of public open space experienced by local residents and businesses.
 - 4.1.2.2 the insecurity and disruption experienced by the Gypsy and Travellers as they are evicted by court order from one unauthorised site after another.
 - 4.1.2.3 the community tensions experienced by all parties involved. The Council has a Public Sector Equality Duty to foster good relations between ethnic groups.
 - 4.1.2.4 the annual cost to the Council in dealing with unauthorised encampments, target hardening and court action.

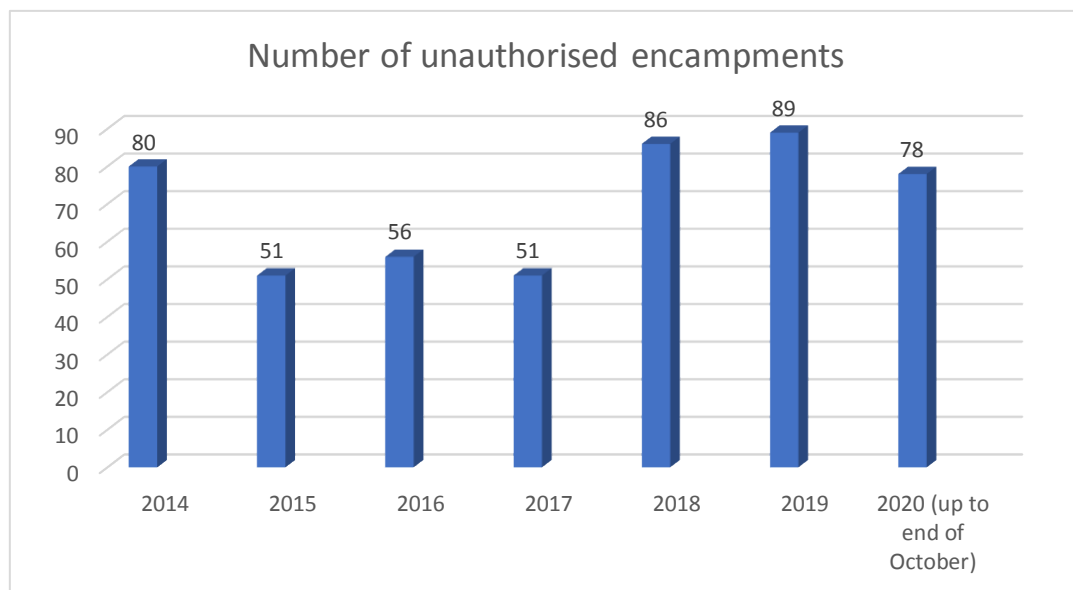
4.2. Tolerated Stopping Places

- 4.2.1. This option involves Local Authority officers making an agreement with Gypsies and Travellers on unauthorised encampments, allowing them to stay for a specified period of time. The terms of the agreement can vary depending on the situation but will usually include matters such as correct waste disposal and other things which can be described as 'good neighbourliness'.
 - 4.2.2. Provision and use of services, such as portaloos and household waste disposal, will often form part of the agreement. Some authorities also supply water where possible. The length of the agreement can also vary from 2 weeks to several months but tend to be around 28 days.
 - 4.2.3. The agreement can apply to the land which has been camped on, or if it is unsuitable the LA can direct the group to an alternative more suitable location where an agreement can be made. The police however cannot use their S62 powers to direct Gypsy and Travellers to a tolerated stopping place. The identification of a suitable site has been explored and continues; however it would have to be suitable and not have a significant impact on the adjacent land, businesses or residents.
- 4.3. Consideration has been given to measures which could also reduce the impact of unauthorised encampments, however they do not enable the Council to address the accommodation needs of Gypsy and Travellers, these include:
- 4.3.1. **Target Hardening and mitigation measures** - There are physical measures which can be installed to deter access to land for example, barriers, soil bunds, concrete bollards and fencing. Some measures can be effective, however on areas where there is a wide area of public open space with more open access, such measures may not be feasible or effective. An issue with target hardening is that whilst access onto one piece of land may be prevented, Travellers may simply move on to another, less secure piece of land. Target Hardening will only act as a limited deterrent and it is not practicable to incorporate target hardening measures on all accessible land.
 - 4.3.2. **Injunctions** - Cheshire East can apply to the Courts to seek an injunction to prohibit encampments on identified open land in the ownership of Cheshire East Council. This was an effective measure on The Barony in Nantwich, where the Council could demonstrate the

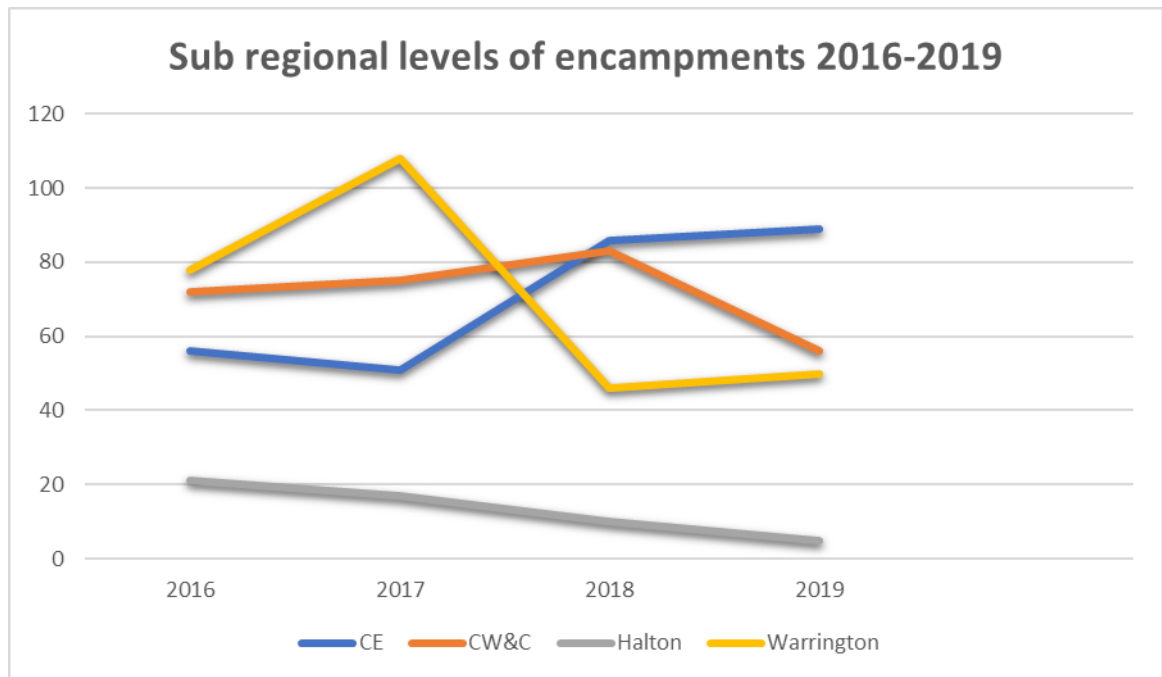
impact that encampments were having on the area. This however was only granted for a 2 year period to enable the Council to pursue transit or tolerated stopping places. It would be very unlikely that the Council would be able to secure an injunction prohibiting access to all open land across the authority area, particularly in the absence of an authorised transit site in the borough

5. Background

- 5.1. There is a need to secure transit provision on a public site in the borough to address the ongoing occurrence of unauthorised encampments and their associated impacts on the wider community and businesses. The level of unauthorised encampments has fluctuated over the last few years, however we are now seeing a significant increase, as the graph below demonstrates. Due to Covid 19 at the beginning of 2020, the levels of encampment were not as high but since the lifting of restrictions the levels have increased.



- 5.2 The Cheshire and Warrington Traveller Team manages unauthorised encampments on behalf of the sub regional authorities (Cheshire East, Cheshire West and Chester, Halton and Warrington) and provides data in relation to the number of encampments across the authority areas. The graph below provides a comparison, but also demonstrates the effectiveness a transit site can have within an area, as within Halton who opened their transit site in 2009.



The Cledford Hall site

- 5.3 Following evaluation of the options available for the site, it was determined that the site should firstly be cleared due to the health and safety risks posed by the deteriorating Listed Buildings. All the demolition and ecological works have now been undertaken and the site has now been cleared. Continued ecological monitoring is required on the site and works to repair any damage to the fencing.
- 5.4 A mini-competition for the design and construction of the Transit Site has been undertaken through the North West Construction Hub Low Value Construction Framework. This is a two-stage process and Manchester and Cheshire Construction have been appointed to undertake pre-construction services to carry out surveys, develop the design, prepare an application for Planning Permission and tender the work packages.
- 5.5 As previously stated, the site is being promoted as an allocation within the SADPD and has previously been granted planning permission. A revised scheme and application are due to be submitted for planning permission in December 2020 to seek permission to develop 10 transit pitches and an amenity block on the site. Subject to planning permission being granted it is recommended that this site is taken forward for development as set out in paragraphs 2.1 of this report.

6. Implications of the Recommendations

6.1. Legal Implications

- 6.1.1. There is a requirement for the Council to identify sites to meet the needs identified within the Gypsy and Traveller Accommodation Assessment. The Gypsy and Traveller Accommodation Assessment 2018 identified the requirement for 5 to 10 transit pitches on a public site.
- 6.1.2. Under Section 62A of the Criminal Justice and Public Order Act 1994, it states that the police can only direct those on unauthorised encampments to a suitable pitch on a relevant caravan site which is situated in the same local authority area as the land on which the trespass has occurred, and which is managed by a local authority, registered social landlord, or other person or body as specified by order by the Secretary of State. If the Travellers do not leave when directed to, or trespass on land within the local authority area, within three months after being directed, they are committing an offence. The development of a transit site would enable Cheshire East and the Police to deal with unauthorised encampments in a more proactive and effective manner.
- 6.1.3. The site identified is already within Council ownership and as such the Council can commit to the future use proposed in this report in its capacity as landowner. Legal Services have undertaken a full title review of the site.
- 6.1.4. The proposed use of the site cannot proceed until the Council, in its capacity as Local Planning Authority, has granted the requisite permission.
- 6.1.5. The proposed use of the site by individual occupiers would result in the Council granting occupation agreements of the plots. Such agreements would be entered into on the basis that individuals are given permission to be on the Council's land as opposed to tenancy agreements being entered into.

6.2. Finance Implications

- 6.2.1. A budget of £168,000 has been allocated to progress preconstruction activity to enable the Council to progress to the planning application stage.
- 6.2.2. Assets undertook an exercise to ascertain the estimated cost of a revised scheme, which only provides the minimum requirements. The total project costs were estimated at £2,219,142 of which the build costs are being estimated at £1,676,955.58.
- 6.2.3. A bid for Homes England funding of £550,000 has been submitted to contribute towards the cost of development (£1,676,955.58). To access the funding within the current funding round there is a requirement to start on site by March 2021. If the programme cannot achieve this then a further bid can be submitted through the new Affordable Housing Programme. We are continuing to engage with Homes England and advise them of progress on the project.
- 6.2.4. In addition to the Homes England Funding the scheme would require additional Cheshire East capital resources of £1,501,142. This is currently included in the addendum to the capital programme but will form part of the main capital programme in the Medium Term Financial Strategy 2021-2025.
- 6.2.5. The total budget required to develop the site (subject to Homes England approval) is £2.2m which is outlined below:

Total cost	£2.2m
Funding	
Homes England Funding (subject to approval)	£0.55m
Current budget – main capital programme	£ 0.16m
Current Addendum allocation	£1.5m

6.2.6. In relation to ongoing revenue costs, the site will be managed by the Cheshire and Warrington Traveller Team who have taken over the management of unauthorised encampments on behalf of Cheshire East. They would absorb this function at no additional charge, subject to an annual review. There would however be revenue costs including business rates, maintenance costs and utility charges. These costs are currently estimated at just over £27,000 per annum and would be offset by any rental income. These costs would also offset any costs for dealing with unauthorised encampments and are factored into the base budget for the place directorate for 2020/21 with any shortfall being covered from within the place directorate budget.

6.3. Policy Implications

6.3.1. The proposal set out in this report is consistent with the Council's decision to allocate the site for transit pitch provision in the draft SADPD.

6.3.2. The Housing Strategy 2018 -2023 outlines the requirement to assess the accommodation needs of Gypsy and Travellers and work with Strategic Planning to identify suitable sites to address the need.

6.4. Equality Implications

6.4.1. The Council has a duty under Section 149 of the Equalities Act to have due regard to the need to: eliminate discrimination; advance equality of opportunity between persons who share a "relevant protected characteristic" and persons who do not share it; foster good relations between persons who share a "relevant protected characteristic" and persons who do not share it.

6.4.2. An Equality Impact Assessment has been carried out to assess the impact of the proposals within this report and the impact on different groups within the community. A copy is available and is attached to this report.

6.5. Human Resources Implications

6.5.1. No additional human resources have been identified

6.6. Risk Management Implications

6.6.1. Without the provision of a transit site, the Council will have to deal with unauthorised encampments without the ability to move them on to a safe and secure location quickly. We have seen levels fluctuate and this could continue to increase, impacting negatively on local residents and

businesses and incurring further costs and the Council will not be fulfilling the requirement to address the needs of Gypsy and Travellers.

6.6.2. For the scheme to proceed, planning permission must firstly be obtained for it. Before proceeding further we will await the outcome of the decision.

6.6.3. Estimated costs could increase following tendering, due to the current environment we are now operating in, which has seen construction costs increase. We have built in a contingency sum and have built in the control of Portfolio Holder consultation at the award stage.

6.6.4. The Government announced on 6th February 2019 that they are planning to give police tougher powers to crack down on illegal traveller sites, including being able to direct travellers to alternative sites outside of the local authority area. These plans are subject to consultation on amendments to the Criminal Justice and Public Order Act 1994 and no decision has been reached.

6.7. Rural Communities Implications

6.7.1. The site is located in Middlewich and the development of, in itself, is not considered to have any significant implications for rural communities. The provision of a transit site would reduce the likelihood of unauthorised encampments which currently occur within built up areas and rural areas.

6.8. Implications for Children & Young People/Cared for Children

6.8.1. The provision of a transit site will provide a safe and secure environment in which young people and children can reside whilst in the Local Authority area. It enables other services to make contact and provide necessary services to safeguard the welfare of the young people and children who are part of the Travelling communities.

6.9. Public Health Implications

6.9.1. The provision of a transit site supports the health and well-being of Gypsies and Travellers. It gives them a safe and appropriate place to stay whilst travelling through the borough. It also provides an opportunity for health services to engage with the Travelling communities whilst they are resident in the area.

6.10. Climate Change Implications

6.10.1. The Council has committed to becoming carbon neutral by 2025 and to encourage all businesses, residents and organisations in Cheshire East to reduce their carbon footprint.

6.10.2. The ability to meet the BREAAAM Excellent standard has been considered for this project, however due to the nature and the type of provision it is not considered appropriate. Options are however currently being explored in relation to identifying a solution for the amenity block which would contribute to the carbon neutral requirement.

7. Ward Members Affected

7.1. Middlewich Ward Members

8. Consultation & Engagement

8.1. Residents will be given the opportunity to submit their comments on the proposed scheme through the planning application process.

9. Access to Information

10. Contact Information

10.1. Any questions relating to this report should be directed to the following officer:

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Job Title: Head of Housing

Email: Karen.carsberg@cheshireeast.gov.uk