

**Council – 14 December 2023**

## **GYPSIES AND TRAVELLERS - UPDATE**

### **Report of the Director of Housing**

#### **Report Author and Contact Details**

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#### **Wards Affected**

District wide

#### **Report Summary**

The report provides an update on the implementation of the 28<sup>th</sup> September 2023 Council resolutions and seeks specific approval of revised site search and assessment criteria to be adopted in the search for permanent and temporary tolerated Traveller sites.

#### **Recommendations**

1. The site search and assessment criteria set out in Appendix 1 are adopted.
2. The Council formally discontinues work in relation to the Woodyard, Homesford.
3. That expenditure of £3,623 in relation to the Woodyard, Homesford is noted and that the unspent revenue budget of £21,377 is re-designated for the appointment of land agents.

#### **List of Appendices**

Appendix 1 Site Search and assessment criteria

#### **Background Papers**

Updated report of the Traveller Working Group presented to Council on the 28<sup>th</sup> September 2023.

**Consideration of report by Council or other committee**

No

**Council Approval Required**

Yes

**Exempt from Press or Public**

No

## **GYPSIES AND TRAVELLERS – UPDATE**

### **1. Background**

1.1 At the Council meeting on the 28<sup>th</sup> September 2023 Members considered a report from the cross-party, member led Traveller Working Group proposing a range of measures in order to progress the identification of suitable sites for Gypsy and Traveller families to whom the District Council has a statutory homelessness duty.

1.2 At the meeting, Council approved the following:

1. That the Council approves and adopts a requirement to undertake online consultation for a minimum of six-weeks, supplemented by public meetings on proposals to allocate land for use as temporary or permanent Traveller sites with relevant consultation materials being made available on the Council's website and in other formats to enable a wide level of response.
2. That the Council approves and adopts the decision-making processes outlined in Section 3 of the report in respect of permanent and temporary traveller sites with the additional requirement that Stage 1 includes as its first step, the preparation of evaluation criteria to be applied in all cases and the process by which those criteria are to be applied.
3. That the Council recommends the Planning Policy Manager to amend the assessment of Clifton Road Coach and Car Park against Local Plan Policy HC6 in view of the representations received from a member of the public.
4. That the Council agrees to undertake a period of six-weeks of online consultation supplemented by public meetings in respect of designating The Woodyard, Homesford as a temporary or permanent Traveller site post completion of the RIBA stage 3 assessment.
5. That following positive engagement with the Traveller families and confirmation that the site is a viable option, authority be delegated to the Director of Housing to commission the necessary works up to RIBA Stage 3 (planning submission) and that a supplementary revenue budget of £25,000 be financed from the General Reserve to facilitate this work.
6. That the Council appoints land agents to proactively seek suitable locations and undertake targeted engagement with local landowners and organisations, such as the NFU, to establish whether any landowners would be willing to enter into negotiations.
7. That the Council approves a supplementary revenue budget of £33,000 to be financed from the General Reserve to establish a 2 year fixed term contract position(s) as recommended by the Corporate Leadership Team to assist with the search for sites and manage any future designated sites.

8. That the Council adopt Tenancy Agreements to establish agreed standards of behaviour and outline what action the Council will take in the event of breaches of the agreement.
- 1.3 This report provides an update on the work that has been undertaken to date in progressing a number of these decisions.
- 1.4 Members will be very familiar with the ongoing need to find suitable permanent sites for the two families the Council owes a homelessness duty to. The September report covered much of the history and key issues for the Council to address and so it is not proposed to repeat these here.

## **2. Actions Update**

### Recommendation 3: Clifton Road, Ashbourne

- 2.1 The Planning Policy Manager has amended the assessment of Clifton Road Coach and Car Park against Local Plan Policy HC6 in view of the representations received from a member of the public.

### Recommendation 5 : The Woodyard, Homesford

- 2.2 On 14<sup>th</sup> September 2023, the District Council resolved to grant planning permission (23/00630/FUL) for the change of use of land to 8no pitch traveller site with associated new access. Prior to the site being granted planning permission, enquiries were made with the landowner and agent in regard to a number of issues including access to services and facilities such as water and drainage.
- 2.3 Immediately following the 28<sup>th</sup> September Council meeting, arrangements were made to commission a development appraisal and site design works.
- 2.4 On 6<sup>th</sup> October, representatives of the Traveller Working Group accompanied by officers, the Council's Architect and the agent for the landowners met on site to evaluate the potential of delivering a Traveller site. Following this site meeting, the Council's Architect initiated quotes for various essential surveys including a topographical survey, tree survey, drainage design, highways design including new access, soft and hard landscaping, acoustic fences and site investigations stages 1 and 2 in order to establish whether there were any issues with the land given that it has been made up in the past.
- 2.5 The Architect also commissioned a services check which revealed that, despite reassurances to the contrary, there is no clean water connection, no foul sewerage and no provision for surface water drainage. The nearest clean water connection is 200m away and requires access across at least 2 parcels of land in private ownership.
- 2.6 In order to undertake the necessary surveys outlined at 2.4 above, the Council needed to secure the agreement of the landowner to enter onto the site since without these surveys, the architect cannot develop a detailed design. Without a detailed design, Officers cannot estimate the costs of construction and without a construction costs estimate, a realistic offer for the site could not be made.

- 2.7 A number of approaches were made via email to the landowners in order to secure their agreement to enter the site in order to undertake the necessary surveys. Despite these requests, approval was not forthcoming.
- 2.8 On 9<sup>th</sup> of November, the landowners emailed the Director of Housing advising that they had sold the site and requested that the Council stop contacting them.
- 2.9 The planning application submitted by the owners was basic and, despite assurances from their agent that services were available, this has proved not to be the case. Any future owner wishing to develop that site would need to go to some considerable expense to provide water to the site. A sewage connection will also be expensive since, despite the presence of the nearby sewage treatment works, the nearby sewer pipe is pressurised and can't be connected to. In summary, the site has significant constraints that are not easily overcome. These issues were not addressed by the applicant within their planning application. The landowners have not given consent to access the site and undertake surveys, believing instead the Council would simply purchase the site without undertaking necessary due diligence evaluations and costings. The level of expenditure on the site work came to £3,623, resulting in an underspend of £21,377 against the budget of £25,000.
- 2.10 Given the sale to a third party and the reported constraints, there is no immediate prospect of this site being deliverable and all evaluation work has ceased. No further consultation is therefore required relating to Recommendation 4.

#### Recommendation 6 : Appointment of Land Agents

- 2.11 In order to appoint land agents, the Council needs to agree the site assessment criteria to be employed in the search for, and identification of potential sites for further consideration.
- 2.12 Historically, a number of approaches have been adopted. The Traveller Working Group has reviewed the criteria taking in to account Local Plan Policy HC6 and learning from the most recent sites searches. The revised criteria are set out in Appendix 1 for Members to consider with a view to adoption.
- 2.13 The Council's Contract Standing Orders require 3 quotes to be obtained for contracts with a value of less than £30,000. The approved criteria will inform the specification against which land agents will need to review sites and their estimate for the cost of the work. Officers are collating a list of suitable organisations able to deliver this contract. Subject to the approval of the site assessment criteria, a contract will be awarded to commence this work.
- 2.14 There is currently no approved revenue budget for this purpose. It is recommended that the underspend of £21,377 from the Woodyard works budget (see paragraph 2.09) be re-designated for the appointment of land agents.

### Recommendation 7 : Additional Officer Resources

- 2.15 In accordance with the Council's recruitment policies, a person specification and job description for this new role has been produced and is currently being progressed through the Job Evaluation process. Recruitment is planned for early 2024.

### Recommendation 8 : Proposed Licence / Tenancy Agreement

- 2.16 Members will recall that in relation to Recommendation 8, some concerns were expressed by the Derbyshire Gypsy Liaison Group at the previous meeting of the Council, relating to the term 'Licence Agreement'. Officers are keen to ensure that before issuing the agreement, the Derbyshire Gypsy Liaison Group has the opportunity to comment on the agreement. A draft copy has therefore been provided for their consideration.

## **3. Options Considered and Recommended Proposal**

- 3.1 This report provides an update on recommendations previously approved by Council. The planning criteria to be applied in assessing the suitability of land for traveller sites are set out at Policy HC6 of the December 2017 Adopted Derbyshire Dales Local Plan, which is informed by the Joint Derbyshire Gypsy and Traveller Accommodation Assessment 2015, the National Planning Policy Framework, and the national Planning Policy for Traveller Sites 2015.
- 3.2 The HC6 criteria, (a) to (i), were applied by the previous Gypsy & Traveller Working Group in November 2022 to assess the suitability of sites within DDDC ownership. However, it is agreed that, on their own, the criteria do not adequately address the particular needs of the families to whom DDDC owes a duty, and further refinement of the assessment criteria is needed.
- 3.3 The criteria serve 2 purposes. Firstly, to provide search parameters for the external agents to apply in bringing forward potential sites for consideration, and secondly, to provide objective criteria against which those sites can then be evaluated by the Council. Some of the HC6 criteria are a matter of judgment and subjective evaluation, rather than a tick box exercise, so it will not be helpful to try to use exactly the same list for both purposes. For example, it will be a matter for the Council to decide whether, on balance, a particular proposal would have a detrimental effect on neighbouring residential amenity. This is not an issue which can be determined by the agent, although information relevant to that assessment will need to be provided in order to inform the Council's assessment.
- 3.4 It is therefore necessary to identify the "must have" elements, so that the agents can target their searches appropriately. The criteria also need to specify the information needed from the agents on the key criteria, to enable the Council to make an assessment. Some criteria will be entirely a matter of judgment for the Council, based on knowledge of the particular families involved, which cannot, for reasons of confidentiality, be published in a set

of written criteria. Set out in Appendix 1 is a suggested list of criteria for the search and for the assessment stages by reference to the related HC6 criteria. “Must have” elements are highlighted, and these should be emphasised in the instructions to the agents.

- 3.5 The consultants appointed to deliver the site identification should also have regard to the 2008 ‘Designing Gypsy and Traveller Sites’ good practice guide published by government. Although this was withdrawn in 2015 and replaced by the ‘Planning policy traveller sites’ document, it remains a useful guide setting out broad principles to consider. The more recent ‘Places we’re proud of’, provides a short guide to providing and managing sites for Gypsies and Travellers, published in 2021 by the National Policy Advisory Panel on Gypsy and Traveller Housing.

#### **4. Consultation**

- 4.1 The work going forward to deliver each of the recommendations outlined in the report will have differing levels of consultation with those affected. Initially DGLG will be consulted in relation to the Licence agreement and the proposed site search criteria.

#### **5. Timetable for Implementation**

- 5.1 The actions set out in section 2 of this report contain a number of pieces of work that are currently underway and continuing in to 2024. Subject to confirmation by Council, an invitation to quote will be prepared and sent out consultants before the Christmas break. Bids received will be assessed and consultants appointed in January 2024.
- 5.2 The provision of facilities to help residents with mobility issues will need to be assessed and quantified. Temporary measures that ease the impact of the cold weather can be installed relatively quickly.

#### **6. Policy Implications**

- 6.1 The District Council has accepted a homelessness duty to two families. The existing temporary sites remain challenging. Permanent sites are required to ensure the Council can both discharge its homelessness duty and have a compliant Local Plan.

#### **7. Financial and Resource Implications**

- 7.1 At the Council meeting on 28 September 2023 approval was given for the following supplementary revenue budgets:
- £25,000 to facilitate the necessary works up to RIBA Stage 3 (planning submission) for The Woodyard, Homesford; and

- £33,000 to establish a 2-year fixed term contract position(s) as recommended by the Corporate Leadership Team to assist with the search for sites and manage any future designated sites.
- 7.2 As indicated in this report, the level of expenditure incurred on the Woodyard site was £3,623. This results in a revenue budget underspend of £21,377.
- 7.3 The financial risks associated with the recommendations in this report are assessed as low.
- 7.4 There will be other resource implications, with officer time spent delivering the recommendations of this and the previous report.

## **8. Legal Advice and Implications**

- 8.1 This report provides members with an update on the implementation of the 28<sup>th</sup> September 2023 Council resolutions.
- 8.2 There are 3 recommendations contained within this report. The legal risk of challenge when taking these decision as recommended has been assessed as low.

## **9. Equalities Implications**

- 9.1 The Gypsy and Traveller community are one of the most vulnerable and disadvantaged communities in society. Gypsies and some Traveller ethnicities have been recognised in law as being ethnic groups protected against discrimination by the Equality Act 2010.

## **10. Climate Change Implications**

- 10.1 There are no direct climate change considerations at this stage. Permanent sites yet to be developed will have climate change implications, which will be considered a later stage.

## **11. Risk Management**

- 11.1 The Traveller Working Group report presented to Council on the 28<sup>th</sup> September 2023, established several key principles and processes in the identification and delivery of permanent sites. Following these key principles and processes will help to reduce the level of risk associated with the delivery of permanent sites. However experience shows that such work is controversial and each potential site will bring fresh challenges.



## Report Authorisation

Approvals obtained from Statutory Officers:-

	<b>Named Officer</b>	<b>Date</b>
Chief Executive	Paul Wilson	06/12/2023
Director of Resources/ S.151 Officer (or Financial Services Manager)	Karen Henriksen	06/12/2023
Monitoring Officer (or Legal Services Manager)	Helen Mitchell	6/12/2023

## Appendix 1

**Minimum plot size (for whole site):** The DCLG 2008 guidance advises that pitches should allow space for a mobile home and touring caravan as well as amenity building, parking and vehicle turning room. Parking, visitor spaces and play areas also feature in more recent guides. Data from other districts in the west midlands shows that councils typically use a minimum pitch size of 500-550sq m for residential sites and 300-350sq m for transit sites. **Two sites between 2500sq m (0.25ha) and 3500sq m (0.35ha) are therefore sought.**

HC6 Criteria	Must have / Information needed from agents	Issues for Council to assess
(a) the proposal will not have a significant <b>detrimental impact</b> on neighbouring residential amenity or other land uses;	Comment on neighbouring land use, potential impact the number of dwellings within 100m of the site	<ul style="list-style-type: none"> <li>• Nature and extent of impact</li> <li>• Viability and cost of appropriate mitigation</li> </ul>
(b) the site has safe and satisfactory <b>vehicular and pedestrian access</b> to the surrounding principal highway network and would not result in a level of traffic generation which is inappropriate for roads in the area;	Must have: <ul style="list-style-type: none"> <li>• vehicular access</li> <li>• pedestrian access</li> </ul> Comment on any highway issues	<ul style="list-style-type: none"> <li>• Road safety for site users, road users and pedestrians</li> <li>• Viability and cost of appropriate mitigation</li> </ul>
(c) the site is situated in a suitable location in terms of <b>local amenities</b> and services including schools, shops, health services, and employment opportunities to allow access by sustainable means;	Comment on access to: <ul style="list-style-type: none"> <li>• Bus route</li> <li>• Shops</li> <li>• Schools</li> <li>• GP</li> <li>• Other health services</li> </ul>	<ul style="list-style-type: none"> <li>• Relative importance of individual amenities to the likely site occupants</li> </ul>
(d) the site is capable of providing adequate on-site <b>services</b> for water supply, mains electricity, facilities for recycling and waste disposal and foul and surface water drainage and storm water drainage;	Must have: <ul style="list-style-type: none"> <li>• A water supply on site or that can be brought to site without impacting viability</li> <li>• An electrical supply on site or that can be brought to site without impacting viability.</li> <li>• mains sewerage connection or if not</li> </ul>	<ul style="list-style-type: none"> <li>• Viability and cost of bringing services to site</li> <li>• Viability and cost of installing adequate surface water drainage</li> <li>• Any impediment to regular waste / recycling collection</li> </ul>

	<p>possible septic tank or other facility such as a reed bed.</p> <p>Comment on surface water drainage including storm drainage, and any issues re waste disposal / recycling</p>	
<p>(e) the site will enable vehicle movements, parking and servicing to take place, having regard to the number of pitches/plots and their requirements as well as enabling access for service and <b>emergency vehicles</b>;</p>	<p>Must have:</p> <ul style="list-style-type: none"> <li>• Ability to provide demarcated site boundaries per pitch</li> <li>• Ability to provide easy access and exit for emergency vehicles</li> <li>• Ability to provide adequate site security including gates</li> <li>• Ability to provide communal recreation area</li> <li>• Ability to provide 2 vehicle spaces per pitch</li> <li>• Ability to provide 6m separation between trailers</li> <li>• Ability to provide space for keeping dogs / small animals outside trailers</li> </ul>	<ul style="list-style-type: none"> <li>• Whether these criteria are adequately met, from the point of view of the needs of the likely occupants</li> <li>• Any identifiable risks arising from layout, by reference to the needs of the likely occupants</li> <li>• Viability and cost of works</li> </ul>
<p>(f) the site is not situated within an area at high <b>risk of flooding</b>;</p>	<p>Must be within a low flood risk area, preferably Zone 1</p>	<ul style="list-style-type: none"> <li>• Whether satisfactory evidence of flood risk is available</li> <li>• Viability and cost of appropriate mitigation</li> </ul>
<p>(g) the development is <b>well planned</b> and incorporates soft landscaping measures in order to mitigate the impact upon the character or appearance of the local area, the landscape or sites/areas of nature conservation value or heritage assets;</p>	<p>Comment on any issues likely to impact on future development and landscaping of site</p>	<ul style="list-style-type: none"> <li>• Viability and cost of good quality development scheme</li> <li>• Viability and cost of mitigation measures</li> </ul>

<p>(h) the site is capable of providing adequate levels of <b>privacy and residential amenity for site occupiers</b>;</p>	<p>Must have</p> <ul style="list-style-type: none"> <li>• Ability to provide adequate fire safety measures with pitches no more than 30m from a defined 'Fire Point'</li> <li>• Ability to provide visual privacy</li> <li>• Ability to provide for needs of disabled residents and children</li> </ul> <p>Comment on</p> <ul style="list-style-type: none"> <li>• Ability to provide acoustic privacy</li> <li>• Ability to orientate pitches to provide privacy between trailers</li> </ul>	<ul style="list-style-type: none"> <li>• Specific safeguarding and safety needs of likely site occupants, including <ul style="list-style-type: none"> <li>○ Privacy</li> <li>○ Security</li> <li>○ Disabled access</li> <li>○ Parking for carers</li> <li>○ Play area</li> </ul> </li> <li>• Overall attractiveness of site</li> <li>• Viability and cost of mitigation / improvement measures such as screening</li> <li>• Fire safety measures recommended by the Fire Safety Officer</li> </ul>
<p>(i) the site is suitable taking account of <b>ground conditions</b>, land stability and other <b>environmental risks</b> and nuisances, with appropriate mitigation secured prior to occupation.</p>	<p>Comment on</p> <ul style="list-style-type: none"> <li>• any known contaminants</li> <li>• ground stability</li> <li>• Ability to provide a concrete hardstanding for each pitch</li> </ul>	<ul style="list-style-type: none"> <li>• Whether satisfactory evidence of ground conditions, land stability and other environmental risks is available</li> <li>• Viability and cost of mitigation</li> </ul>