

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

**REPORT TO:** Leader and Cabinet

12 January 2006

**AUTHOR/S:** Strategic Officer Group on Traveller Issues

### TRAVELLER ISSUES AND FUTURE SITE PROVISION

#### Purpose

1. To update the Cabinet on the progress made on the Council's approach to Traveller issues in the last year and on the steps being taken to consider options for future Traveller site provision in the district and in the Eastern region more widely. The report also addresses budget matters relating to Traveller Issues and includes a recommendation to full Council in paragraph 32(d).

#### Effect on Corporate Objectives

2. Quality, Accessible Services	Traveller issues have implications for all four corporate objectives, especially 'Quality Village Life'. SCDC's Policy on Traveller Issues includes a commitment to "engage with Travellers and the local community in order to make available appropriate and authorised Traveller sites - identifying suitable additional sites, where necessary, and accommodating the service needs of Travellers, wherever possible."
Village Life	
Sustainability	
Partnership	

#### Background

3. The Council has made considerable progress in working towards a realistic and mutually acceptable solution to Traveller issues in the last twelve months.
  - a) The firm, fair and consistent approach to planning enforcement at unauthorised encampments has been reinforced by the Deputy Prime Minister's decisions, in March and December 2005, to require the unlawful occupants of Pine View and Victoria View, Smithy Fen, Cottenham to leave.
  - b) Last April, the Council agreed to take out injunctions against those individuals who persistently fail to comply with planning control regulations. The courts have granted injunctions against anticipated unauthorised development on land off Setchell Drove, Smithy Fen and an illegal occupant of Victoria View (who has since moved). The Council's application for an injunction against Travellers at Pine View is listed for a three-day High Court hearing from 14 February 2006.
  - c) A bid for over £12,000 in Government grant for repair works at the Council-managed Traveller site at Whaddon was successful.
  - d) Initiatives to promote greater mutual understanding and respect have included: the setting up of a Traveller Liaison Forum; support for a local drama presentation by the Romany Theatre Company; cultural awareness-raising for leading councillors and senior managers; and a tour of Traveller sites in the district.
  - e) The Council has continued to call on the Government for a clear national policy on Traveller issues. In response to official consultation, the Council last March highlighted the need for a duty on all councils to make provision for Traveller sites - not just those like SCDC that are already doing more than their fair share.

- f) The Council has also reiterated the call that sites should be kept to a sensible size. Previously, the Council has had 10 – 15 pitches in mind as an acceptable size of a site, but the ODPM lead Traveller Officer for the Eastern region indicated, last November, that 8 – 10 pitches would be reasonable. This revised level has informed SCDC's approach since then.
4. Alongside the continuing focus on tackling unauthorised development, increasing attention is being given to the issue of future site provision for Travellers. New guidance from the Office of the Deputy Prime Minister (ODPM), promised last July, is now expected early in the New Year. It is likely to call on councils to make more provision for Travellers in order to meet current and future needs. Government planning officers have already identified that meeting the housing needs of Travellers is one of the prime challenges facing the Regional Spatial Strategy.
5. Last month, the Cabinet received the initial findings from the Travellers' Housing Needs Survey, which highlighted a need for 170 – 220 approved pitches over the next five years. It was concluded that, **as South Cambridgeshire already has more caravans on authorised private plots than anywhere else in the country, this additional need would have to be addressed not just within the district, but more widely in the Eastern region.**
- a) The Needs Survey findings will inform the Council's representations to the Examination in Public on the East of England Regional Spatial Strategy (RSS), due to take place later this month.
- b) These conclusions will also be reflected in the development of supplementary guidance for the Local Development Framework (LDF) for South Cambridgeshire, which will need to set out the approach to identifying land that would be suitable for further Traveller sites in the district.
6. Other reports considered by the Cabinet last autumn are also relevant to the issue of future site provision.
- a) In November 2005, the Cabinet was briefed on a new ODPM grant-funding scheme offering up to £56 million nationally (and £18 million regionally) in 2006-2008 for the creation or refurbishment of Traveller sites run by councils or registered social landlords (RSLs). Officers promised to update Members at this January Cabinet meeting on the feasibility of compiling a bid by the end of this month. More details can be found in paragraphs 8 – 13.
- b) Following a Cabinet report last September, which ruled out the concept of 'land swap' at this stage, officers have carried out a more detailed analysis of Council-owned land in order to double-check whether there might be any SCDC land suitable (in terms of size and location) for Traveller sites. This was mentioned in passing at last month's Cabinet meeting and is addressed in paragraphs 14 – 17.
7. The Council's approach to addressing future Traveller site provision needs to be set in the context of the Council's Traveller Issues budget (which has allocated money for enforcement of unauthorised Traveller sites) and the Council's Medium-Term Financial Strategy (MTFS). The issues are considered in paragraphs 18 – 21.

#### **ODPM grant funding opportunities**

8. The Strategic Officer Group on Traveller Issues has now been able to consider the scope for ODPM grant-funding in more detail. A workshop run by the ODPM in late

November helped to clarify that the Council needs to focus on making an expression of interest in submitting a more detailed application for a future bidding round. From the ODPM's application requirements/selection criteria that have now been made available (see Appendix), it is clear that the Council would not yet be able to make a full bid without confirmation of exact locations, land ownership, dates of possible land acquisition, evidence of public consultation and formal planning approvals.

9. An outline bid is now being prepared and will be submitted by 31 January. It will be based on the proposals outlined to Cabinet in November – that is, an application for a couple of small sites (8 - 10 pitches) at Northstowe and another small site elsewhere in the district (see paragraph 12). The ODPM's lead officer for Travellers at the Government Office for the East of England has indicated that a bid for two such sites at Northstowe could be considered favourably, provided that any grant funding was spent before the end of 2009 (officers anticipate that this timescale is achievable). The Cabinet is asked to delegate authority to the Director of Development Services, in consultation with the Leader of the Council, to finalise this outline bid.
10. Preparations for a more detailed bid will be made over the next year, and will need to include public consultation.
  - a) Negotiations are on-going between SCDC officers and Gallagher's (the planning applicants for the development of Northstowe) regarding the specifics of allocating land for Traveller sites within the planning application.
  - b) A draft Section 106 agreement is being drawn up to include the need for two Travellers sites at Northstowe. This is a working document, which will need to be agreed before planning permission is granted.
  - c) Officers are also working on getting the sites included in the Northstowe master plan but, again, negotiations are ongoing.
11. A settlement of the scale of Northstowe will allow for the proper planning of such Traveller sites so that they relate well to the settlement and surrounding countryside. Future developments within South Cambridgeshire (such as the Southern fringe and the Marshall's site) will also be expected to make some provision for Travellers.
12. The outline bid for ODPM grant-funding will also raise the possibility that the Council may be able to make an application in future for a new small Traveller site (again 8 – 10 pitches) either on any suitable Council-owned land or other land in the district that might be identified through the preparation of LDF supplementary guidance. More work is needed to establish what might (or might not) be possible, but it is important not to rule anything out at this stage – particularly in the context of likely Government expectations that future site provision will be required.
13. At the same time as officers have explored the possibilities for making a grant bid, the Council Leader has met his opposite number at the County Council. Their meeting in mid-December helped to clarify that the County Council will not be making any bids, and that it was unlikely that the Cambridgeshire CC had any land-holdings suitable for Traveller sites. Separately, it was understood that the County Council would be willing to participate in discussions with a view to potential future uses of the County Council-owned closed site at Willingham but not the one at Meldreth.

#### **Search of Council-owned land for possible Traveller sites**

14. Following last September's Cabinet meeting, officers have interrogated the 'land terrier' database, containing information on all land in SCDC's ownership. To narrow the search to land that might be suitable for Traveller sites of 8 - 10 pitches, the

exercise focused on parcels of Council land measuring one acre or more. This identified 155 locations that were checked against the mapping database to identify their use. Of these, 147 land-holdings were found to be unsuitable because the land is used for Council-owned houses, recreation grounds, allotments or woodland.

15. This exercise revealed that eight parcels of land merited more detailed consideration. These have been assessed by the Assistant Director of Development Services against the eight criteria under Planning Policy HG23 (Gypsies and Travelling Showpeople) of the Local Plan that apply before any planning permission is allowed. This shows that seven of the short-listed plots are unsuitable. Only one (Option D) seems to satisfy all the criteria.

CRITERIA	SCDC-OWNED LAND: OPTIONS							
	A	B	C	D	E	F	G	H
1. The site is reasonably located for schools, shops and other local services.	✓	×	×	✓	✓	×	×	×
2. The site would have minimal impact on the amenities of existing local residents and adjoining land uses; concentration of sites will be avoided.	×	×	×	✓	×	✓	×	×
3. The site would not, either on its own or cumulatively, have a significant adverse effect on the rural character and appearance, or the amenities of the surrounding area.	×	×	×	✓	×	✓	×	✓
4. The site can be satisfactorily assimilated into its surroundings by existing or proposed landscaping; an approved landscaping scheme will be required.	✓	✓	×	✓	×	✓	×	✓
5. The use of the site would not give rise to unacceptable parking, highway access or service provision problems.	×	×	✓	✓	✓	✓	×	×
6. The site would not adversely affect any buildings of historic or archaeological importance, or sites of wildlife or nature conservation value.	✓	×	✓	✓	✓	×	✓	✓
7. The site has adequate infrastructural connections to local services including water supply.	✓	✓	✓	✓	✓	✓	✓	✓
8. The use would not detract from convenient, safe and enjoyable use of a public right of way.	✓	✓	✓	✓	✓	×	✓	✓

Note: The other criterion from Planning Policy HG23, which applies where planning permission is allowed, states that “built forms of development will not be permitted except for utility outhouses. Small stables will be considered on their merits depending upon need and the nature of the site.”

16. This land audit has been a desk-top exercise so far. The next step is for officers to contact the relevant local SCDC councillor and Parish Council to discuss practical considerations before reporting back to the Cabinet, probably next month. Clearly, there are likely to be local issues that will need to be taken into account before any recommendations can be made about whether or not to take this option forward.

17. In order to make sure that these initial discussions can be constructive, it is important that they can be undertaken away from the public spotlight. For this reason, rather than announcing the details now, the location of all eight short-listed parcels of land will be revealed in the follow-up Cabinet report. If the Cabinet were to decide that Option D was worth exploring further as a potential Traveller site, there would be wider consultation with the local community.

### **Financial implications**

18. The submission of an outline bid for ODPM grant-funding by the end of this month can be met within existing resources. However, the development of a full bid could require additional resources for commissioning consultants to carry out local consultation and develop specific plans. It has not been possible to produce detailed costings for this work, but it is estimated that this could be in the region of £20,000. The Council might be able to reduce some of the direct costs incurred by encouraging an RSL partner to make the full bid.
19. These costs would be in addition to those of employing consultants to develop LDF supplementary guidance on the provision of future Traveller sites. The Cabinet, in May 2004, agreed that £20,000 be ear-marked for these purposes. However, central government changes to the official timetable for the production of the LDF meant that this money was not spent, and it has subsequently fallen out of the budget. Not only does this funding need to be re-instated for 2006/07, but the budget for it also needs to be increased. Recent revised estimates of the likely cost of recruiting consultants for this specialist work are now in the region of £40,000 given growing demand for these skills.
20. Before the Council finalises its overall 2006/07 budget next month, Members are invited to consider ways in which this £60,000 for researching options for future Traveller site provision could be funded next year. Here is a reminder of the current budget arrangements for Traveller Issues.
  - a) The Council's Traveller Issues budget for 2005/06 includes £100,000 for legal costs and £450,000 for any form of appropriate planning enforcement action - including injunctive action - on any unauthorised traveller site in the District (as agreed by full Council on 23 June 2005). Effectively, this is £550,00 in total for enforcement action in the current year.
  - b) The Medium-term Financial Strategy, agreed by the special Council meeting last November, forecasts a Traveller Issues budget of £550,000 for 2006/07, reducing to £275,000 for 2007/08 and £138,000 per annum for later years. It was noted that, if the 2005/06 budget was not spent, a request would be made for the budget to be rolled forward. The latest predictions are that around £350,000 may be unspent at the end of the current financial year.
21. Members are asked to consider the following suggested approach.
  - a) Keep £550,000 in the Traveller Issues budget for 2006/07 for spending on all forms of enforcement measures (not just development control) at all Traveller sites in the district (funding has not previously been allocated for specific environmental health / pollution control measures at these sites).
  - b) Transfer that part of the 2005/06 budget that is not spent in the current year into a specific ear-marked reserve for spending on any aspect of addressing Traveller issues in the district.

- i. The use of this reserve would supplement the planned budget allocations for 2006/07 onwards under the Medium-term Financial Strategy (MTFS) and would enable the Council to respond to Traveller issues over a longer timescale. Since the MTFS was revised last November, the Deputy Prime Minister's decision in December 2005 to require unlawful occupants of Victoria View, Smithy Fen to move by December 2006 means that any injunctions that might be necessary in the event of non-compliance could not start until then.
  - ii. It would cover not only enforcement action but other activities which are reflected in the Council's policy on Traveller Issues, including:
    - planning for future provision of Traveller sites (and statutory duties for addressing homelessness with the Travelling community);
    - strengthening community relations;
    - lobbying for a clear national policy;
    - safeguarding and defending the local environment; and
    - raising cultural awareness.
- c) Approve in principle £60,000 for research into future site provision in 2006/07 from the specific ear-marked reserve. Even though the 2005/06 accounts will not be finalised until June 2006, it is clear that the money not spent from the 2005/06 budget allocation will exceed this amount.
- d) Extend the use of the current MTFS funding allocations for 2007/08 onwards to all types of activity reflected in the Council's policy on Traveller issues – not just enforcement action at unauthorised sites.

### **Legal implications**

22. The authority to provide, or enable registered social landlords to provide, Traveller sites in the district is based on the Council's Section 2 powers under the Local Government Act 2000. Developers can be asked to make provision for Traveller sites as part of major developments under the Planning and Compulsory Purchase Act 2004.

### **Equality Opportunities implications**

23. The Council has a statutory duty under the Race Relations Act 1976 and the Race Relations (Amendment) Act 2000 to eliminate unlawful discrimination and to promote race equality and good race relations. Romany Gypsies and Irish Travellers are officially recognised as ethnic minorities by the Commission for Racial Equality. Extrapolations from the January 2005 caravan count suggest that Travellers could make up around 1.7% of the district's population.
24. The three-year review of the Council's Race Equality Scheme (reported separately on this Cabinet agenda) identifies planning policy, development control, Traveller site management and other services related to Traveller issues as the Council's most relevant functions for fulfilling its general statutory duty for race equality. The preparations for LDF supplementary guidance on the provision of Traveller sites, plus a Council strategy on Traveller issues, are highlighted as key actions for 2006/07. The suggested changes to the Traveller Issues budget would be consistent with the Race Equality Scheme.

### **Risk Management implications**

25. Traveller issues feature prominently on the Council's corporate risk register, both in terms of the problems of unauthorised encampments and the challenge of future Traveller site provision. The initial results from the Travellers' Housing Needs Survey indicate that there is a need for more sites in this area. If the Council does not make any bid for ODPM grant-funding, it could be heavily criticised for not taking advantage of opportunities to help meet this need.

### **Staffing implications**

26. The Council's approach to Traveller issues involves staff from most Council services. In spite of council tax capping cutbacks, the drive to find a realistic and mutually acceptable solution has continued. These efforts are co-ordinated by a Strategic Officer Group of senior managers.
27. The workload involved in developing supplementary LDF guidance on future Traveller site provision and preparing more detailed bids for ODPM funding could not be met within in-house resources and requires the use of specialist consultants.

### **Consultations**

28. The Council has an on-going dialogue on Traveller issues with:
- Parish Councils (including meetings in recent months with Cottenham and Willingham PCs);
  - Travellers in the district and the Ormiston Children & Families Trust;
  - the lead officer for Travellers at the Government Office for the East.
29. Assuming that the Cabinet approves the recommendations below, further consultation will take place with the relevant SCDC councillor and Parish Council in connection with Option D from the land audit (see paragraphs 16 – 17).
30. Consultation with local communities will also take place next year as part of the search for possible Traveller sites and the preparation of LDF supplementary guidance.

### **Conclusions**

31. This report has outlined the considerable progress that has been made in 2005 in upholding the rights of all local residents and Travellers to live peacefully and safely, with mutual respect for the rights of others. It has set out how the Council is doing all it can, within the resources available, to explore future Traveller site provision. These needs will need to be addressed not just within the district, but more widely in the Eastern region.

### **Recommendations**

32. The Cabinet is asked to:
- a) Note the preparations being made to submit a provisional outline bid for Government funding for two or three new, small Traveller sites in the district to be managed by a registered social landlord (paragraphs 8 – 13);

- b) Delegate authority to the Director of Development Services, in consultation with the Leader of the Council, to finalise the details of this outline bid (paragraph 9);
- c) Note the findings of the search for SCDC-owned land that might be suitable for Traveller sites, and authorise officers to contact the relevant local Member and Parish Council in connection with Option D (paragraphs 14 – 17);
- d) Recommend to full Council that
  - i. use of the £550,000 allocated in the Medium Term Financial Strategy for planning enforcement on any unauthorised Traveller site in the district in 2006/07 be extended to all forms of enforcement action on such sites,
  - ii. money from the 2005/06 Traveller Issues budget that is not spent in the current year be transferred into a specific ear-marked reserve for spending on any aspect of addressing Traveller issues in the district,
  - iii. £60,000 for research into future Traveller site provision in 2006/07 (including the use of consultants to develop supplementary guidance for the Local Development Framework) be funded from the specific ear-marked reserve,
  - iv. use of the funding allocations in the Medium-Term Financial Strategy for Traveller Issues for 2007/08 onwards be extended to cover all types of activity reflected in the Council's policy on Traveller issues (see paragraphs 21 a - d).

### **Background Papers:**

The following background papers were used in the preparation of this report:

- Cabinet report on Traveller Housing Needs Survey, SCDC, December 2005;
- Cabinet report on Gypsy & Traveller Sites Grant 2006 – 2008, SCDC, November 2005;
- Cabinet report on Traveller Issues: Analysis of Land Swap concept, SCDC, September 2005;
- Council report on Traveller Issues, SCDC, June 2005;
- Gypsy and Traveller Site Grant Guidance 2006-2008, Government Office for the East, October 2005;
- More information on the Council's approach to Traveller Issues can be found on the SCDC website: <http://www.scambs.gov.uk/Environment/TravellerIssues/>.

### **Contact Officer:**

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## Gypsy and Traveller Sites Grant 2006-08

### SUMMARY OF APPLICATION REQUIREMENTS

#### Site details

- Is it for refurbishment, new residential site, new transit site, or new stopping place site?
- Full address of site including postcode & OS grid reference of location.

#### Checklist: Have you attached...?

- Copies of strategy/policy documents and protocols;
- Photographs of site, or proposed location of site;
- Site or land condition survey, if required;
- Ordnance survey map of the site or proposed site;
- Plans, elevations and sectional drawings of proposed work;
- Copy of completed needs assessment, or analysis of need and demand;
- Any necessary permissions/agreements, or evidence that processes are well advanced;
- Evidence of consultation;
- (*Refurbishment only*) Evidence of 25% funding being in place or that processes are well advanced.

#### Background Information

##### *Existing strategic and working arrangements*

Please outline briefly the strategic arrangements you have in place for dealing with Gypsy and Traveller issues. This should include:

- Any joint working carried out between different organisations (eg, police & councils) or across local authority areas (eg district/county working or other sub-regional/regional arrangements);
- Approach to needs assessment (whether needs assessments are planned or completed);
- Your overall strategy for Gypsy and Traveller provision, including any strategies and policies on enforcement against unauthorised sites;
- Any strategies in place relating to improving Gypsy and Traveller access to services;
- Current Local Plan policies relating to the allocation of sites for Gypsies and Travellers.

##### *Land Information*

- Ownership.
- Previous Land Use.
- Current Condition: Brown field / Green field; land condition survey.
- Project information: description; OS map; proposed layouts; size; plans/elevations/sectional drawings of proposed works.

##### *Evaluation Criteria*

- Analysis of need and demand.

- Aims of the Work: expected benefits and timescale; any disbenefits (justify); involvement of other service providers; contribution to Gypsy and Traveller strategies.
- Sustainability: long term (10+ years).
- Management: rent setting; allocation rights.
- Maintenance.
- Funding: future estimates of revenue and expenditure.
- Site location: alternatives considered; how does need, demand and consultation support this site?; relation to current and future work patterns; advantages and disadvantages in relation to
  - acceptability/desirability for potential residents,
  - access to services,
  - acceptability/desirability for surrounding community,
  - health and safety.
- How will disadvantages be overcome?
- Inspection: future arrangements for monitoring and inspecting the site.
- Any other issues.

### ***Value for money***

- Costs: full breakdown.
- Value for Money: alternative sites; methods of building; materials; land costs; tendering processes used; evaluation of tenders/costs.

### ***Deliverability***

- Provide a comprehensive project plan, Gant Chart etc.
- Provide a comprehensive risk assessment.
- Detail required consents, permissions, agreements (eg, planning, CPO, land acquisition).

### ***Consultation with stakeholders***

Detail the consultation processes used and outcomes. Supply supporting evidence. Include:

- Gypsy and Traveller community and representative groups;
- local residents and businesses;
- education, planning, social services, transport authorities;
- other agencies (eg, fire, police);
- neighbouring authorities;
- GO-East, Regional Housing Board.