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| <b>REPORT TO:</b>       | Executive Board                                     |
| <b>REPORT NO:</b>       | HHPP/01/14  |
| <b>DATE:</b>            | 14 January 2014                                     |
| <b>LEAD MEMBER:</b>     | Councillor Mark Pritchard<br>(Housing and Planning) |
| <b>CONTACT OFFICER:</b> | Mike Jenkins (Tel: 315508)                          |
| <b>SUBJECT:</b>         | Gypsy and Traveller Site Provision                  |
| <b>WARD:</b>            | All   |

## **1. PURPOSE OF THE REPORT**

- 1.1 For Members to agree the recommendations within the Gypsy and Traveller Accommodation Needs Assessment 2013; including the provision of additional Gypsy and Traveller sites as recommended within the assessment and the establishment of a Gypsy and Traveller stopping place.
- 1.2 For Members to agree future accommodation provision on the existing Ruthin Road Gypsy and Traveller site.

## **2. EXECUTIVE SUMMARY**

- 2.1 The Housing Act 2004 requires Local Authorities to carry out assessments of Gypsy and Traveller (G&T) accommodation needs and address those needs in Local Housing Strategies. Welsh Government (WG) Planning Policy Wales requires Councils to assess the accommodation needs of G&Ts and have policies for the provision of sites within Local Development Plans (LDP) where need is established.
- 2.2 The WG Housing (Wales) Bill November 2013 proposes the introduction of a statutory duty on Local Authorities to provide G&T sites where need is identified. This is expected to become law in 2015.
- 2.3 An assessment of the accommodation needs of the G&T community in Wrexham was carried out in 2008 by external consultants to inform the Local Development Plan (LDP). The LDP was subsequently withdrawn following examination and the examiner criticised the proposals in respect of G&T accommodation.
- 2.4 Work on a new LDP is now underway and as part of this process an updated accommodation needs assessment has been completed. The remit included an assessment of whether the current pitch provision in Wrexham meets the needs of the G&T community; to quantify any identified shortfall in terms of additional pitches

needed over the next 5 years; the production of robust evidence to enable appropriate provision and the importance of engaging with G&T community to produce meaningful conclusions.

- 2.5 The survey was co-ordinated by the Council Gypsy & Traveller Multi Agency Forum. Wrexham Citizens Advice Bureau was commissioned to undertake the survey which was carried out by the G&T Liaison Officer. The subsequent assessment was undertaken by the Housing Strategy Team and the methodology carried out in accordance with WG guidance.
- 2.6 The assessment makes ten recommendations including that the Council identify land and funding to provide 15 new socially rented pitches between now and 2018, work with the G&T community to identify land for at least 6 private pitches over the same period and also establish a basic stopping place in the County Borough for those G&Ts who are travelling to, or passing through the County.
- 2.7 A stopping place would help to prevent future unauthorised encampments by enabling the Council to move the encampment to a more appropriate site where their presence has less impact on the amenity of local residents, businesses or landowners and provides the occupants with a site where welfare needs can be addressed.
- 2.8 The process of site identification, followed by a planning application leading to the establishment of a stopping place can be progressed independently from the LDP process.
- 2.9 To supplement the Accommodation Needs Assessment (GTAA 2013) an appraisal of the Council owned G&T site at Ruthin Road was also undertaken. The appraisal assessed whether the site can meet the requirements in the WG "Good Practice Guide in Designing Gypsy Traveller Sites in Wales" (2009).
- 2.10 The appraisal identified that some issues affecting the site cannot be improved to meet WG guidance and considered a number of options for the long term future of the facility. It recommends that the existing site is retained with amenity blocks and pitches being systematically upgraded to meet WG guidelines.

### **3. RECOMMENDATIONS - That Members:**

- 3.1 **agree the recommendations contained within pages 23-25 of the 2013 Gypsy and Traveller Accommodation Needs Assessment shown in Appendix 6;**
- 3.2 **authorise the Head of Community Wellbeing and Development in consultation with the Head of Assets and Economic Development and Head of Housing and Public Protection to identify land for 15 additional socially rented pitches in the County Borough between now and 2018;**
- 3.3 **agree that the Gypsy and Traveller site at Ruthin Road be retained and pitches and amenity blocks upgraded to provide 9 pitches to meet the Welsh Government good practice guide in designing Gypsy Traveller sites in Wales subject to the availability of funding;**
- 3.4 **authorise the Head of Community Wellbeing and Development in consultation with the Head of Assets and Economic Development to identify land for any additional socially rented pitches arising from the upgrading of pitches and amenities on the Ruthin Road site,**
- 3.5 **agree to the establishment of a stopping place in the County Borough;**

- 3.6 **authorise the Head of Community Wellbeing and Development in consultation with the Head of Assets and Economic Development and the Head of Housing and Public Protection to identify land suitable for a stopping place, and**
- 3.7 **identify capital and revenue funding (if required) to develop and manage the additional social rented sites and stopping place.**

## **REASONS FOR RECOMMENDATIONS**

To meet the Housing Act 2004 and Welsh Government Planning Policy Wales requirements to assess the accommodation needs of Gypsies and Travellers and address those needs in Local Housing Strategies and Local Development Plans.

To ensure that all pitch sizes and amenity provision at the Ruthin Road site meet Welsh Government guidance and therefore improve the housing conditions for residents living on the site.

Establishing a Gypsy and Traveller stopping place within the County Borough will meet the need identified within the Wrexham Gypsy and Traveller Accommodation Needs Assessment 2013 – 2018 and will help to prevent and resolve future unauthorised encampments.

## **4. BACKGROUND INFORMATION**

### National legislative requirements

- 4.1 The Housing Act 2004 requires local authorities to carry out assessments of the housing needs of G&Ts and to address those needs in their local housing strategies.
- 4.2 Planning Policy Wales requires Councils to assess accommodation needs of G&Ts and where there is unmet need in the area, local planning authorities should allocate sufficient sites in LDPs to ensure that the identified pitch requirements for residential and transit use can be met.
- 4.3 Local Authorities have a power to provide sites whether temporary or permanent, under Part 5 of the Mobile Homes (Wales) Act 2013. While there is currently no duty for a local authority to provide G&T accommodation, following proposals in the WG White Paper 2012 'Homes for Wales' the Housing (Wales) Bill November 2013 proposes the introduction of a statutory duty on Local Authorities to provide G&T sites where need is identified. This is expected to become law in 2015.

### The Wrexham Local Development Plan

- 4.4 An assessment of the accommodation needs of the G&T community in Wrexham was carried out in 2008 by external consultants (Fordham Research) to inform the Council's LDP. The assessment identified a need for a further 27 additional pitches over the LDP period 2006 - 2021.
- 4.5 The LDP planned to meet this need through the provision of 15 pitches on a new Council site adjacent to the existing site at Ruthin Road with a review of further provision in 2013.
- 4.6 The LDP was subsequently withdrawn following examination and the inspector criticised the proposals in respect of G&T accommodation for the following reasons:

- Proposal to develop 15 additional pitches fell short of need identified.
- The Plan made no allocation to meet the need identified beyond 2013.
- Shortcomings of proposed site identified by the G&T community including poor accessibility to settlements, public transport, proximity to a busy main road.
- Assessment of the need for a transit site not addressed.

4.7 At an all Member workshop in January 2013 Members considered the issues around G&T housing need in Wrexham in the context of the LDP process. It was agreed that as the existing G&T accommodation needs assessment was out of date a new assessment was required to inform the new LDP and officers presented proposals for undertaking the new assessment.

#### Gypsy and Traveller Accommodation Assessment 2013-18

4.8 A copy of the assessment (GTAA2013) is available in the Members Room. The recommendations contained within the assessment are attached as Appendix 6. The remit of the study was to obtain accurate information to assess whether the current pitch provision in Wrexham meets the needs of the G&T community, and to quantify any identified shortfall, in terms of the total number of additional pitches needed during the next 5 years (the five year period is recommended in the Welsh Government Local Housing Market Assessment Guide)

4.9 In order to ensure that the new assessment produced robust evidence and engaged the G&T community to produce meaningful conclusions the survey was co-ordinated by the Gypsy & Traveller Multi Agency Forum. Wrexham Citizens Advice Bureau was commissioned to undertake the survey which was carried out by the Gypsy and Traveller Liaison Officer. The subsequent assessment was undertaken by the Housing Strategy Team and the methodology, including data collection and analysis, was carried out in accordance with the 2006 WG guidance 'Local Housing Market Assessment Guide'.

4.10 The assessment makes ten recommendations including:

- The establishment of a basic stopping place.
- Identification of land suitable for 9 socially rented pitches and funding to deliver.
- Between 2014 and 2018 identify land suitable for a further 6 socially rented pitches and funding to deliver.
- Between 2014 and 2018 work with the G&T community to identify land suitable for 6 private pitches.
- The Planning Department should encourage G&Ts, through the provision of advice and support, to develop their own sites.

4.11 Notwithstanding the requirement for 21 additional plots identified within the new assessment Members also need to consider the appropriateness of the existing site at Ruthin Road in the context of the LDP examination comments.

In order to minimise the impact of development of additional single large site/s, management issues often associated with larger sites and aid site identification it is proposed that new sites should aim to provide a range of between 5 and 10 pitches.

#### Gypsy and Traveller Accommodation

4.12 The definitions for G&T sites can be found at Appendix 1.

## Review of the Ruthin Road site

- 4.13 The Council site provides permanent socially rented pitches. It was originally developed in 1985 by Clwyd County Council and provided 10 pitches with capacity being increased to 19 pitches in 1999.
- 4.14 In 2009 WG issued the “Good Practice Guide in Designing Gypsy Traveller Sites in Wales”. The guidance is a useful benchmark for assessing the long-term suitability of sites and guidance makes suggestions in respect of pitch sizes, health and safety requirements, fire safety, play areas, communal areas and site management. While the guide does not impose any statutory requirements upon Local Authorities, it forms part of WG grant assessments. The guide recognises that it may be difficult for Local Authorities to implement all factors identified, but states that they should seek to phase improvements in accordance with the recommended standards.
- 4.15 In order to address the issue of caravans being parked too closely together and lack of space on plots, provision was reduced to 15 pitches in 2008 – 2009 with 4 pitches increased in size and new amenity blocks built providing improved kitchen and bathroom facilities. Works were funded through WG grant at a cost of £440,000 and carried out to accord with the good practice guide.
- 4.16 The site has recently secured additional WG funding totalling £282,656 in order to refurbish all of the older amenity blocks, both internally and externally, and to provide new fencing to plots. Works will include new kitchen and bathroom fittings, new floor tiling, roof space insulation, re-wiring and replacement of electric heating appliances. Work commenced on 4<sup>th</sup> November 2013.
- 4.17 Currently 12 of the 15 pitches are occupied. The remaining pitches are being kept available to enable residents to decant while the refurbishment work is being carried out. There is no waiting list of people who wish to move on to the site.
- 4.18 WG Guidance does not specify the exact size of pitch required on a site but makes suggestions for the facilities that should be provided on individual pitches.
- 4.19 The Ruthin Road site already meets some of the recommended standards and Appendix 2 provides an analysis of the site using the guidance as a benchmark. It identifies aspects of the site which currently meet the guidance, areas where work will be required, and site features that cannot be improved to meet the Guidance.
- 4.20 In the context of this guidance the Ruthin Road location would not be considered as a suitable place to develop a G&T site if being considered afresh. Residents have also expressed their dissatisfaction with some facilities and the location of the existing site in the past.
- 4.21 Following the appraisal of the existing site, officers considered the following options regarding the long term future of the facility:
- a. Retain existing site and existing 15 pitches and progressively improve older amenity blocks and other site amenities as funding becomes available.
  - b. Retain existing site and convert all existing amenity blocks and pitches to meet WG guidelines (reduction from 15 to around 9 pitches).

- c. Retain existing site with phased closure of old amenity block pitches – retain as a smaller site comprising 4 previously improved blocks. If funding becomes available extend plot 1 to provide a total of 5 pitches on the site.
- d. Close site

- 4.22 An assessment of the options is found at Appendix 3. Officer's recommend that option (b) is progressed. This will result in fewer but larger pitch sizes and good quality amenity blocks that meet WG guidance.
- 4.23 Option (b) will require the identification of funding, potentially through a bid to WG (if available) and/or allocation of Council capital funding to finance improvement works, involving the demolition of existing blocks and construction of new amenity blocks.
- 4.24 Based on current site occupation levels (12 pitches occupied and 3 vacant), a reduction to 9 pitches would require 3 families to be rehoused to alternative site provision or other suitable accommodation or, if the site becomes fully occupied up to 6 families.
- 4.25 Option (b) would also have implications on future pitch provision within the County Borough. The loss of 6 pitches at Ruthin Road would result in a potential corresponding increase of 6 pitches that need to be provided in addition to the 21 pitches already identified within the GTAA2013. Therefore the Council would have to identify sufficient land to make provision for 27 additional pitches in total over the next 5 years.
- 4.26 Given the recent refurbishment of the older amenity blocks on the site and in order to prioritise the provision of additional need identified within the GTAA2013 it is proposed that additional site provision (both social rented and private) be given priority with remodelling of the Ruthin Road site to follow. This will be phased as:
- Phase 1 - provision and facilitation of sites to meet immediate need as identified within the assessment
  - Phase 2 - provision and facilitation of further sites to meet the need between 2014-18, including remodelling of Ruthin Road site. This will also enable an assessment of any additional pitches required as a result of the remodelling to be accommodated within further site provision.

#### Privately Owned sites

- 4.27 There are currently 6 privately owned Gypsy and Traveller sites in the County Borough, these are made up of:
- Two sites with planning consent – one pitch on each site
  - Two unauthorised developments which do not have planning consent but could be described as 'tolerated', and
  - Two unauthorised developments which are not expected to receive planning consent.
- 4.28 Of the four unauthorised developments there is a long and complicated history and the Council's Community Well-Being and Development Department continues to work with these families.

## Transit sites / Stopping Places

- 4.29 Travelling remains an important part of the G&T lifestyle, and in order to facilitate this way of life, members of the community need temporary stopping places, or transit sites.
- 4.30 The survey that informed the GTAA2013 asked the G&T community if they thought there was a need for more transit sites in North Wales. 73% of the respondents said yes. This question was included to collect data which could be compared with information gathered by neighbouring authorities, as transit provision is usually determined at a cross-authority level.
- 4.31 There is no current transit site provision in North Wales however the need to have regard for transit provision has been recognised in the wider North Wales area. The North West Wales G&T Accommodation Needs Assessment recommends that relevant local authorities work together to consider providing three or four sites each accommodating seven pitches across the study area. Wrexham County Borough Council did not take part in this assessment but needs to consider this recommendation and officers continue to work together regionally.
- 4.32 There are no stopping sites or transit sites in the County Borough for G&Ts who are passing through and need to stay overnight or on a short term basis. They therefore often choose to make unauthorised encampments.

## Unauthorised encampments

- 4.33 Over the last 3 years, there have been 22 unauthorised encampments in the County Borough. Of these, 3 were on Council owned land and 18 were on private land. The number of caravans for each encampment varied from 1 to 16 caravans, however most unauthorised encampments were smaller with the majority containing 8 or fewer caravans.
- 4.34 The majority of unauthorised encampments are of short duration, as families stop off on their way through the County or visiting family.
- 4.35 Unauthorised encampments can be complicated to manage and the action taken will differ depending on the land ownership, location, intended length of stay, reason for the encampment, impact on the local community and behaviour of the occupiers.

### a) Process for dealing with encampments

- 4.36 WG recently consulted on the revised “*Managing Unauthorised Camping*” guidance and therefore new Guidance is expected in 2014. The guidance recommends processes, approaches and templates which local authorities can use when responding to encampments.
- 4.37 The Council does not currently have a formal written protocol for dealing with unauthorised encampments. However, officers are working towards establishing a Wrexham protocol between the Police, the Local Authority and Local Health Board. Discussions are also taking place regionally to develop a standard approach across North Wales.
- 4.38 The Council will visit an encampment as a matter of urgency to make contact with the occupiers. Land ownership is established and a welfare assessment is carried out to

direct the occupants to services e.g. medical or education needs. Bin bags are provided and rubbish collections take place on a regular basis. Checks are made on the tidiness of the site, the level of disruption to local residents/ businesses and an assessment of any obstruction of highways or public rights of way, as well as any activity the Police or others may have reported.

b) Council Powers

4.39 The Local Authority has powers under the Criminal Justice and Public Order Act 1994 to serve a notice directing the unauthorised encampments to leave land and remove vehicles and property. If the encampment fails to leave then the Authority can apply to the Magistrates Court for a removal order to enter land and remove vehicles.

4.40 As the landowner Local authorities can also take civil action against trespass using Civil Procedure Rules. This would involve the Council applying to the County Court to regain possession of the land.

c) Police Powers

4.41 The Criminal Justice and Public Order Act 1994 provide the Police with discretionary powers to evict unauthorised encampments. Generally, police powers will not be used unless there is significant disruption or impact, there is a danger to life or to prevent / stop crime.

d) Private land owners

4.42 If unauthorised encampments are on private land it constitutes trespass and is the responsibility of the land owner. If land owners do not want to tolerate encampments for short periods of time, they can consider taking legal action to obtain a Court order granting possession of the land or may employ private bailiffs to evict the trespassers under common law provisions of exercising "reasonable force".

Gypsy/ Traveller stopping place

4.43 The number of unauthorised encampments over the last three years points clearly to a need for G&Ts to have a place to stay when travelling to or through the County Borough. The issue of a transit site/s is one for all of the North Wales local authorities to consider jointly and the GTAA29013 has recommended that a temporary stopping place should be established to mitigate the occurrence of unauthorised encampments.

4.44 Transit sites are a legal concept established in the Mobile Homes Act 1983 and must adhere to a set of standards. Stopping places are, by contrast spaces which may have some basic facilities and are meant to be used for short periods to overcome the issue of unauthorised encampments. There is no legal definition of a stopping place, however it is widely accepted to mean "*a piece of land in temporary use as authorised short-term (less than 28 days) stopping place*" (Designing Gypsy and Traveller Sites Good Practice Guide, DCLG 2008).

4.45 A stopping place in this instance would normally be a local authority site or a piece of land where short term (usually 5 days or less) encampments are 'tolerated', and which would have facilities such as water, sanitation and refuse collection to minimise disruption. It would not be a constructed site with pitches. Charges could be made by the Council for use of the facilities.



4.46 The Local Authority has a power to provide a site whether temporary or permanent, under the Mobile Homes (Wales) Act 2013. If a stopping place is developed, this would enable the Council and police to direct an unauthorised encampment to the stopping place.

a) Site Identification and Planning consent

4.47 To keep costs to a minimum, the Council could aim to identify Council owned land that would be suitable to develop a stopping place. The size of land identified should be sufficient to provide 10 pitches. Each pitch should have space for 2 caravans and 2 vehicles. It is estimated that the size of land required would be around 0.5 hectares/5000m<sup>2</sup>.

4.48 Temporary stopping places should have safe and convenient access to road networks and be located so as to cause minimum disruption to surrounding communities. As children may be present, regard should be had to adjoining land uses.

4.49 When identifying an appropriate site for a G&T stopping place, regard should be given to WG Guidance contained within Circular 30/2007, "Planning for Gypsy and Traveller Caravan Sites", December 2007. Although this guidance specifically refers to permanent sites, the principles are generally relevant.

4.50 An application for planning permission would be required by the County Borough for the creation of a stopping place. The process of site identification, followed by a planning application leading to the establishment of a stopping place can be progressed independently from the LDP process.

b) Site Facilities

4.51 A temporary stopping place would not need to provide all of the features specified in the WG Good Practice Guide (see 4.14 above) as it is only intended to be used for short periods of time. The features to consider when providing a stopping place are detailed in *Designing Gypsy and Traveller Sites, Good Practice Guide*, DCLG, 2008 and WG "Model standards for Caravan Sites in Wales" 2008.

4.52 To safeguard health it is recommended that a cold water supply is provided e.g. stand pipe; lighting could also be considered to ensure safety on site. Other facilities such as portable toilets and refuse collections should be arranged and delivered to site when pitches are occupied. Culturally traveller families will not share toilets or washing facilities, therefore one toilet would need to be provided for each pitch.

4.53 Highways issues will also need to be addressed relating to ingress and egress from sites depending on highway status and location.

d) Site Management

4.54 It is anticipated that the site will be managed by the Council's Housing and Public Protection Department who are experienced in working with G&T families at the existing Ruthin Road site and dealing with unauthorised encampments. Subject to approval by Members the Gypsy and Traveller Multi-Agency Forum will also work with partners to develop a multi-agency approach and protocol to manage the process.

- 4.55 It would be expected that when an unauthorised encampment occurs, the Councils Gypsy Traveller Liaison Officer will visit the encampment and ask occupants to vacate to the temporary stopping site. If they refuse to leave, then the Police could enforce the Criminal Justice and Public Order Act 1994 to evict the unauthorised encampment and prevent the trespasser from entering any land in the County Borough within 3 months.
- 4.56 On entry to the site, the occupants would be required to pay a bond to cover weekly pitch fees and for hire of the toilet. A welfare and education assessment would also be carried out on arrival.
- 4.57 The Mobile Homes (Wales) Act 2013 requires that G&Ts are provided with an Occupation Agreement setting out the terms of their occupation and giving the date when the occupiers must vacate the pitch. The Act provides a list of terms that must be included within the Agreement.
- 4.58 If the occupation agreement is breached or the occupants do not vacate their pitch then the Council could invoke one of the powers as outlined in 4.39 and 4.40 above to remove the occupants by applying to court for a possession order. Providing procedures have been followed correctly, and the occupants do not oppose the court application then the eviction process could be reasonably swift with the occupants being evicted 3-4 days after their occupation became unlawful.

#### Case Study – Chester West and Cheshire Council

- 4.59 Chester West and Cheshire Council set up a temporary site in response to a large unauthorised encampment which has been operating successfully for the last 4 years. Details regarding operation, management and impact are detailed in the case study in Appendix 4.
- 4.60 **Policy Framework** – These proposals contribute to the following Council Plan Priority Outcomes:-
- Homes that meet people’s needs and aspirations;
  - An environmentally responsible place;
  - Communities with sustainable attractive settlements, neighbourhoods, buildings and spaces;
  - People want to live, work, visit and invest here;
  - People feel, and are, safe and secure;
  - Engaged and satisfied customers.

The proposals also contribute to Wrexham’s Local Housing Strategy 2013-2018 Commitments:-

- Implement agreed recommendations of Gypsy and Traveller Accommodation Assessment, including support needs

#### 4.61 **Budget –**

##### Provision of additional Council owned sites and refurbishment of Ruthin Road site

##### Capital

The GTAA2013 has identified a need for 15 socially rented pitches plus an additional requirement (up to 6 further pitches) to accommodate those displaced from the proposal to upgrade Ruthin Road between now and 2018. This will require significant capital cost.

Cost will vary depending on location and nature of site and access requirements however the proposal under the original LDP to provide a further site at Ruthin Road for 15 pitches was estimated at £2.5m (excluding significant highways improvement works).

There will be no capital cost requirement for the facilitation of the 6 private pitches identified within the report.

Any works to the Ruthin Road site will require capital funding for improvements to either extend or provide new amenity blocks (as appropriate) and ensure that the pitches on site are enlarged to meet WG guidance.

Of the existing 15 pitches on site, 4 meet WG guidance. These were provided in 2008/9 at a cost of around £440,000 by amalgamation of existing pitches and provision of larger amenity blocks. The remaining 11 pitches that currently do not meet WG guidance will reduce to around 5 pitches if similar works are undertaken. Based on 2008/9 costs on a pro rata basis cost of works is estimated to be in the region of £550,000.

Whilst WG currently provides G&T site grant that provides up to 100% funding for both improvement of existing Council owned sites and provision of new sites it should be noted that this funding is subject to availability. In 2013/14 grant funding of £1.5m was available for the whole of Wales, however it is understood that as a result of the requirements detailed in the Housing (Wales) Bill 2013 (4.3 above) WG are seeking to increase available resources.

The Council will need to consider whether WG funding will be sufficient to ensure provision of sites to meet the identified need within the lifetime of the LDP and whether to allocate capital funding for this purpose. Once sites are identified in the LDP, the Council must demonstrate at examination how they will be delivered, and onus will need to put on the WG to assist given the duty that is likely to come forward as a result of the Housing Bill.

In order to facilitate the provision of an additional Council site the Housing Strategy Section submitted a bid for allocation of capital resources of £2.5m for 2017/18 and advised WG of a likely bid for G&T Capital grant within the next five years.

##### Stopping place

Capital funding will also be required for the setting up of a stopping place however it is difficult to predict the cost until a site has been identified. The provision of a stopping

place will require works that may include provision of hard-standings, water supply, lighting and potential highways works.

To minimise costs it is suggested that Council owned land is identified and a site having adequate access for vehicles and caravans to avoid the need of costly highway improvements.

### Revenue

#### Provision of additional Council owned sites

The Cash limited budget for Ruthin Road site management in 2013/2014 is £89,523. It is anticipated that new permanent site/s will be managed by the Council's Housing Department as an extension to the management service at Ruthin Road. Additional resources may be required subject to location and numbers of additional sites.

#### Stopping place

The Council's Gypsy Traveller Liaison Officer will continue to visit unauthorised encampments. Revenue costs associated with the stopping place site are difficult to estimate as site usage is unknown. However, costs are expected to be associated with the water supply and officer time managing the site. Other facilities such as rubbish collections and portable toilets would only be arranged and provided when the site is occupied and recharged to site occupants.

## 4.62 **Legal –**

#### Provision of additional Council owned sites

Legal input will be required in preparing site licence agreements.

#### Review of the Ruthin Road traveller site

There are no legal considerations with regard to the proposal.

The Council's Corporate and Customer Services Department has been consulted and provided the following advice:

- Planning consent will need to be sought to change the use of land and establish a temporary stopping place.
- An occupation agreement will be required that provides G&Ts with the permission to occupy a pitch for a temporary period. This will need to set out the rights and responsibilities of the occupant and the Council.
- Documents will need to be produced to instigate legal action to remove occupants from the site if the occupation agreement is breached.

The legal issues associated with setting up a stopping place will need to be progressed in greater detail if Members agree to identify and establish a site.

#### 4.63 **Staffing –**

##### Provision of additional Council owned sites

It is anticipated that the initial additional site/s will be managed within existing staffing resources by the Council's Housing and Public Protection Department who currently manage the existing Ruthin Road site. If pitches on the Ruthin Road site are reduced in number in line with the recommendation this will free up capacity. In the longer term revenue funding may be required for additional staffing to manage further sites.

##### Review of the Ruthin Road traveller site

There are no additional staffing requirements for this proposal. Contractors will be required to manage and carry out improvement works, however, this could be facilitated by the Housing Renewal Team who have recently organised and managed improvement works at the Ruthin Road site.

##### Gypsy/ Traveller stopping place

It is anticipated that the site will be managed within existing staffing resources by the Council's Housing and Public Protection Department who are experienced in working with G&T families at the existing Ruthin Road site and dealing with unauthorised encampments.

4.64 **Equality/Human Rights** – An Equality Impact Assessment has been carried out and the reference number is HPP/EIA009.

4.65 **Risks** – There is a risk to the public image of the Council if the stopping place is not used or not sufficiently managed. However, as minimal facilities are being provided, it would be relatively simple to revert the land back to its original use if required.

Issues concerning G&Ts can result in lively debate and therefore it is suggested that a steering group is set up to mitigate potential risks and manage the project should Members agree for a stopping place to be developed. The steering group would consist of representatives from the Council Gypsy and Traveller Multi Agency Forum with other representatives included as required.

The GTAA2013 has identified a need for additional G&T accommodation within the County Borough over the next 5 years. The Housing Act 2004 requires local authorities to address these needs in local housing strategies. WG Planning Policy Wales requires councils to have policies for the provision of sites within Local Development Plans where need is established.

The WG Housing (Wales) Bill November 2013 proposes the introduction of a statutory duty on Local Authorities to provide G&T sites where need is identified. This is expected to become law in 2015. As the need for additional G&T accommodation has been identified.

The Council risks this element of the new LDP not being approved at examination if the identified needs are not addressed. The Council will be in breach of legislation from 2015 if the Housing (Wales) Bill requirements to provide G&T accommodation become law and the County Borough fails to provide and /or facilitate sufficient sites to meet identified need.

## **5 CONSULTATION**

- 5.1 Consultation with the G&T community was carried out as part of the GTAA2013 which also identified the need to assess the feasibility of the Ruthin Road site and provide a stopping place.
- 5.2 It is proposed that any future consultation e.g. when a potential stopping place has been identified is carried out with and in conjunction with the Gypsy Traveller Multi Agency Forum.
- 5.3 An application for planning consent for additional permanent sites and stopping place will involve the need to consult with the wider public through the standard planning application process.
- 5.4 As matters concerning the G&T community can be contentious it is also proposed that a communication strategy is developed to consult with local residents and businesses once preferred permanent sites/stopping place locations have been identified.

## **6. EVALUATION OF OPTIONS**

### Provision of additional sites

- 6.1 Option to not provide additional Council owned sites and identify sites suitable as private sites within LDP would result in the Council being in breach of current national and WG housing and planning guidance and planned legislation from 2015. Although there will also be a need for a criteria based policy to deal with any proposals for private sites that may come forward in the future once the LDP is adopted.

### Review of the Ruthin Road traveller site

- 6.2 Officers considered a number of options as listed in Appendix 3 and recommend that option (b) is progressed to retain the existing site provision and convert all remaining amenity blocks and pitches not meeting WG guidance to meet WG guidelines (reduction from 15 to around 9 pitches).

### Gypsy/ Traveller stopping place

- 6.3 The GTAA2013 recommends that a stopping place is established to provide a site for G&Ts who require a temporary place to stay when travelling through or visiting the County Borough.
- 6.4 Option to not provide a stopping place is likely to result in this element of the new LDP not being approved at examination if the identified needs of G&Ts are not addressed.

## **7. SCRUTINY COMMITTEE COMMENTS**

- 7.1 This issue has not been considered by Scrutiny Committee however all Member workshops were held on 29 January 2013 and 02 October 2013 to consider both the commissioning of, and the recommendations within the GTAA2013 and the future options for the Ruthin Road site.

| BACKGROUND PAPERS  | LOCATION | WEBSITE INFO  |
|--|----------|---|
| 2009 Welsh Government “Good Practice Guide in Designing Gypsy Traveller Sites in Wales”. | Internet | <a href="http://wales.gov.uk/topics/housingandcommunity/communitycohesion/publications/goodpractice/;jsessionid=8DBF8AC322F9E2DD3154389A461A9CAB?lang=en">http://wales.gov.uk/topics/housingandcommunity/communitycohesion/publications/goodpractice/;jsessionid=8DBF8AC322F9E2DD3154389A461A9CAB?lang=en</a> |

## Appendix 1 - Definitions

The Welsh Government has provided a formal definition of a Gypsy and Traveller as (as stated on [www.wales.gov.uk](http://www.wales.gov.uk)):

*“persons with a cultural tradition of nomadism or of living in a caravan; and*

*all other persons of a nomadic habit of life, whatever their race or origin, including:*

- a) such persons who, on grounds only of their own or their family’s or dependant’s educational or health needs or old age, have ceased to travel temporarily or permanently; and*
- b) members of an organized group of travelling show-people or circus people (whether or not travelling together as such)”*

The definitions for gypsy and traveller sites are found within Welsh Government (WG) commissioned report, *Accommodation Needs of Gypsy-Travellers in Wales, Niner 2006* and *Designing Gypsy and Traveller Sites Good Practice Guide, DCLG 2008*.

**Sites** – An area of land laid out and used for Gypsy and Traveller caravans. An authorised site will have planning permission; an unauthorised site lacks planning permission.

**Unauthorised Encampment** – Land where Gypsy-Travellers reside in vehicles or tents without permission. Unauthorised encampments can occur in a variety of locations (roadside, car parks, parks etc) and constitute trespass.

**Unauthorised Development** – Establishment of Gypsy-Traveller sites without planning permission, usually on land owned by those establishing the site.

**Temporary stopping places** – pieces of land in temporary use as authorised short-term (less than 28 days) stopping places.

Sites are usually classified by the type of pitches they provide, defined within section 55 of the Mobile Homes Act 2013

**Permanent pitch** - means a pitch which is not a transit pitch

**Pitch** - means the land, forming part of a protected site and including any garden area, on which an occupier is entitled to station a mobile home under the terms of an agreement

**Transit pitch** - means a pitch on which a person is entitled to station a mobile home under the terms of an agreement for a fixed period of up to 3 months



**Appendix 2 - Appraisal Of Ruthin Road Site**

|                       | <b>Guidance</b>   | <b>Comments</b>  | <b>Already Meets Guideline</b> | <b>Requires Work to Meet Guideline</b> | <b>Unable to Meet Guideline</b> |
|-----------------------|---|--|--------------------------------|--|---------------------------------|
| <b>Size Of Site</b>   | The ideal size of a site should generally be no more than 12 pitches.   | Site has 15 pitches.   |                                | <b>X</b>                               |                                 |
| <b>Accessibility</b>  | There should be access to a public road which is safe and direct  | Access to the site is directly on to the busy A525 Ruthin Road, and is situated in close proximity to A483 bypass. The current speed limit is 60mph, and there is a sharp bend close to the site entrance. |                                |  | <b>X</b>                        |
| <b>Local Services</b> | A site should be located within reasonable distance from school, shops, medical services and other community facilities. (This may not be possible if a rural site is the preferred option) | Appropriate services are located within a two mile radius of the site.<br>Issues around lack of public transport.  |                                | <b>X</b>                               |                                 |
| <b>Environment</b>    | Boundaries should be defined to provide privacy to the residents  | While there are boundaries between the pitches, the site location makes it difficult to provide adequate privacy to residents.   |                                | <b>X</b>                               |                                 |
| <b>Roads</b>          | All sites need to have traffic calming measures leading to and on the site.   | Traffic calming measures in place.   | <b>X</b>                       |  |                                 |
|                       | Public roads should have clearly displayed signs requesting cars to slow down for site access.  | None at present  |                                | <b>X</b>                               |                                 |
|                       | Internal roads should also have signs at alerting motorists to slow down and speed-   | Signs in place   | <b>X</b>                       |  |                                 |

|              |   |   |                              |                     |   |
|--------------|---|---|------------------------------|---------------------|---|
|              | ramps.  |   |                              |                     |   |
|              | Roads should be wide enough to allow two lorries to pass each other, and should be a minimum of 5.6 m wide which should accommodate vehicles towing caravans between 7-8 metres long.   |   |                              |                     | X |
|              | Roads leading to and on the site should allow easy access for emergency vehicles. Caravans and trailers must not be more than 50 metres from a road.  | Problem if vehicle parked on road.  |                              |                     | X |
|              | Provide 2 access points to the site where feasible  | Due to the location of the site this is not possible.   |                              |                     | X |
|              | Cul de sac locations should provide adequate turning room for emergency vehicles  | Turning is achievable by using side road but often blocked by residents parking.  |                              | X                   |   |
|              | There should be footpaths both on site and at the entrance off the public.  | The only pavement is on the opposite side of the A525, and there is no pedestrian crossing. There are no pavements on site due to insufficient space. |                              |                     | X |
|              | Provide signs at the entrance and throughout the site warning drivers of the presence of children.  |   |                              | X                   |   |
| <b>Pitch</b> | A pitch should contain: <ul style="list-style-type: none"> <li>• Service unit connected to water supply drainage, electricity and other facilities</li> <li>• hard surfaced level area with drainage falls</li> <li>• An area for drying clothes</li> <li>• A lockable shed.</li> <li>• A container for domestic refuse</li> <li>• Markings for caravans and parking</li> <li>• electricity hook-up points to allow for the different positioning of caravans and trailers</li> </ul> | In place<br><br>In place<br><br>Only on refurbished pitches<br>None at present<br>In place<br>Only on refurbished pitches<br>In place                 | X<br><br>X<br><br>X<br><br>X | X<br><br>X<br><br>X |   |



|                              |   |   |   |   |  |
|------------------------------|---|---|---|---|--|
| <b>Electrical Supply</b>     | Each pitch should have its own electrical supply adequate to meet the reasonable needs of the pitch residents and separate metres for each pitch  | In Place  | X |   |  |
| <b>Children's' play area</b> | An area for children and young people to play and gather is essential, especially if there is not suitable provision within walking distance on a safe route.   | Removed as a result of vandalism  |   | X |  |
| <b>Caretaker's facility</b>  | A structure close to the entrance of the site which can also accommodate private consultations with visiting professionals.   | In place  | X |   |  |
| <b>Public lighting</b>       | Public areas should be well lit for safety and security reasons.  | In place  | X |   |  |
| <b>Waste disposal</b>        | Each pitch should have standard waste disposal arrangements   | In place  | X |   |  |
| <b>Recycling</b>             | Households should have the same access to recycling facilities as other residents of the authority, for example green bags or boxes.  | In place  | X |   |  |
| <b>Telephones</b>            | A public telephone should be located near the warden's office for calling the emergency services  | None at present   |   | X |  |
| <b>Water provision</b>       | Each pitch must have mains water supply suitable for drinking, and should be billed to each pitch separately.   | In place, but the pitch is classed as non-residential by the Water Board, so residents are unable to have water meters fitted |   | X |  |
| <b>Gas Supply</b>            | All provision and services must comply with statutory requirements, relevant standards and codes of practice. All storage facilities provided for Liquid Propane Gas cylinders must meet health and safety regulations. | In place  | X |   |  |

**Appendix 3**

**Ruthin Road site - Assessment of options**

| <b>Option</b>  | <b>For</b>   | <b>Against</b>  |
|--|--|---|
| <p>a. Retain existing site and existing 15 pitches and progressively improve older amenity blocks and other site amenities as funding becomes available.</p>   | <p>Retains existing provision in terms of social rented accommodation to meet housing need.</p> <p>Older amenity blocks shortly to be refurbished.</p> <p>Although site does not meet a number of WG design guidance elements it is an established, well managed site.</p> | <p>Will still not meet a number of elements of WG design guidance for G&amp;T sites.</p> <p>Site not popular with existing residents.</p> <p>4 pitches previously reconfigured. Remaining 11 provide inferior standard in terms of amenity blocks and pitch sizes even after proposed improvements.</p>   |
| <p>b. Retain existing site and convert all existing amenity blocks and pitches to meet WG guidelines (reduction from 15 to around 9 pitches).</p>  | <p>All pitches and amenity blocks would be upgraded.</p> <p>Fewer residents and larger plots would provide better amenity value.</p>   | <p>Site access and location would still not meet WG guidance standards.</p> <p>Cost of works likely to be significant (construction of 5 new amenity blocks and demolition of existing blocks) subject to availability of WG grant unless WCBC agree to allocate funding.</p> <p>Requires around 3 families to be re-housed based on existing void rates therefore suitable alternative site provision will need to be provided and subject to availability of funding.</p> |
| <p>c. Retain existing site with phased closure of old amenity block pitches – retain as a smaller site comprising 4 previously improved blocks. If funding becomes available combine existing plots (1+2) to</p> | <p>Retains existing upgraded pitches and amenity blocks with requirement to upgrade only one further pitch.</p> <p>Fewer residents and larger pitches would provide better amenity value.</p> <p>Lower level of capital expenditure required</p>                           | <p>Site access and location would still not meet WG guidance standards.</p> <p>Cost of works to decommission existing pitches (including demolition of old amenity blocks) and convert plot X (including provision of new amenity block).</p>   |

|  |   |  |
|--|---|--|
| <p>provide a total of 5 pitches on the site.</p> | <p>than full upgrade of all pitches.</p> <p>Following demolition of older amenity blocks remaining pitches could be used for short term emergency accommodation.</p>                          | <p>Requires around 7 families to be re-housed based on existing vacancy rates.</p> <p>Suitable alternative site will need to be provided to enable families on existing pitches to be re-housed. Subject to availability of WG grant unless WCBC able to allocate funding.</p>                                 |
| <p>d. Close site</p>                             | <p>Closes existing site that is not popular with residents and cannot meet a number of elements of WG Guidance on site location and design.</p> <p>Potential to use as stopping off site.</p> | <p>Suitable alternative accommodation will need to be provided for all current residents.</p> <p>Requires around 12 families to be re-housed based on existing void rates.</p> <p>Cost of replacement site/sites significant and subject to availability of WG grant unless WCBC able to allocate funding.</p> |

## Appendix 4

### Case Study – Chester West and Cheshire Council

Chester West and Cheshire Council (CWaC) set up a temporary site approximately 4 years ago in response to a large unauthorised encampment.

The site has 7 pitches and is located in Ellesmere Port at the edge of an industrial estate. It has basic facilities, including water supply, lighting, refuse collection, and portable toilets.

Occupants are provided with a “Good Neighbour Code” that sets out the duty of the Council towards the occupants and the rules of the site that the occupants must follow. Terms of the code make reference to behaviour of occupants, children, animals, education of children, taxed and insured trailers and vehicles, safety on site, weekly payment of toilet hire, health and so on.

Council officers visit the site daily. Occupiers pay for toilet delivery charge, collection and 1 weeks hire in advance on first entering the site. Thereafter they pay for toilet hire weekly, paying at Council Offices. If a traveller leaves site then pitch is available for next person or encampment that arrives.

Should the occupants fail to adhere to the “Good Neighbour Code”, the Council will invoke its powers under s.77 and s.78 Criminal Justice and Public Order Act 1994 to evict the occupants. CWaC has successfully taken legal action against occupants who have behaved in an unacceptable manner e.g. non-payment or anti-social behaviour. CWaC officers have advised that the eviction process can happen relatively quickly, with approximately a 3 day turnaround.

The site has been used effectively to reduce the number of unauthorised encampments which are moved to the temporary site. The table in [Appendix 5](#) demonstrates that unauthorised encampments have significantly reduced over recent years.

## Appendix 5 –Encampment Table for the Cheshire and Warrington Partnership

| YEAR<br>(Jan-Dec)       | NORTH  |            | WEST   |            |         | EAST      |              |       |
|-------------------------|--------|------------|--------|------------|---------|-----------|--------------|-------|
|                         | Halton | Warrington | EP&N * | Vale Royal | Chester | Congleton | Macclesfield | C & N |
| 2012<br>(February 2012) | 2      | 16         | 2      |            |         | 2         |              |       |
| 2011                    | 7      | 28         | 17     |            |         | 30        |              |       |
| 2010                    | 6****  | 17         | 17     |            |         | 28        |              |       |
| 2009                    | 4***   | 24         | 9 *    | 4          | 10      | 7         | 11           | 6     |
| 2008                    | 10**   | 17         | 14 *   | 1          | 8       | 14        | 12           | 12    |
| 2007                    | 21**   | 58         | 37     | 14         | 36      | 17        | 14           | 27    |
| 2006                    | 66     | 63         | 41     | 21         | 48      | 24        | 15           | 12    |
| 2005                    | 83     | 54         | 32     | 17         | 28      | 21        | 15           | 9     |

- plus 'accepted' encampment numbers of between 9-13 trailers
- \*\* 'accepted' encampment of up to 17 trailers
- \*\*\* transit site opened in February 10 transit and 4 permanent pitches
- \*\*\*\* all of Halton's encampments moved within 2 hours (they either moved onto the transit site or left the authorities area and were unable to return for 3 months)
- 2011 Halton encampments - 4 were dealt with under police powers s62 (CJPO Act) and 4 went of their own accord



## Appendix 6

### Wrexham Gypsy & Traveller Accommodation Needs Assessment 2013 - 2018

#### Conclusions and Recommendations

##### Transit Site/Stopping Place

- 6.1 The research identified 22 unauthorised encampments over the past five years as well as a number of visiting families using the vacant pitches on the Ruthin Road site. This points clearly to a need for Gypsies and Travellers to have a place to stay when travelling to or through Wrexham. The issue of a transit site is one for all of the North Wales local authorities to consider jointly, but it is recommended that a basic stopping place be established in Wrexham rather than a transit site.
- 6.2 Transit sites are a legal concept established in the Mobile Homes Act 1983 and must adhere to a set of standards. Stopping places are, by contrast spaces which may have some basic facilities and are meant to be used for short periods to overcome the issue of unauthorised encampments. Establishing a stopping place would also enable Wrexham to comply with the Human Rights Act 1998 requirement to 'facilitate the Gypsy way of life' in relation to ethnic Gypsies.
- 6.3 A stopping place in this instance would normally be a local authority site or a piece of land where short term (usually 5 days or less) encampments are 'tolerated', and which would have facilities such as water, sanitation and refuse collection to minimise disruption. It would not be a constructed site with pitches. Charges could be made by the local authority for the facilities.

#### **Recommendation 1 – Establish A Basic Stopping Place in the County Borough**

##### Travelling Show people

- 6.4 It is good practice to consider the accommodation needs of any travelling show people in the area at the same time as the Gypsy and Traveller population and so it is recommended that a separate survey is carried out within the next 12 months.

#### **Recommendation 2 – Carry out a survey of the accommodation needs of the Travelling Show people within the next 12 months**

##### New Pitches

- 6.5 The survey has highlighted a shortage of site accommodation for Gypsies and Travellers living in Wrexham both now and over the next five years. This shortage equates to nine new pitches needed now and a further 12 over the

next five years. Some of the shortfall relates to families living in bricks and mortar housing where living on a site would be their preference and some of it relates to overcrowding or concealed households on the Ruthin Road site.

- 6.6 There is the potential for new private sites to meet some of the identified accommodation need. However, there will still be a need for the local authority to increase the social provision to meet the needs of those households unable to buy and develop their own sites.
- 6.7 Of these new pitches, the evidence suggests that the initial nine should be social rented pitches if no private applications come forward and, of the remaining 12, six could be socially provided.

#### Social Rented New Pitches Needed Now

**Recommendation 3 - Wrexham Council should identify land suitable for nine socially rented pitches and should identify funds to develop that site**

#### Social Rented New Pitches Needed 2014 - 2018

**Recommendation 4 - Between 2014 and 2018 Wrexham Council should identify land suitable for six 6 socially rented pitches and should identify funds to develop that site**

#### Private Sites

- 6.8 A number of respondents indicated that they may wish to purchase land and develop their own small family sites. Taking this approach would enable a number of small sites to be developed around the County Borough where the families themselves want to live and would also lessen the number of pitches that the local authority would need to provide.
- 6.9 Five households have indicated that they wish to develop their own family site and the evidence suggests they can reasonably expect to be in a position to do so. Considering the difficulties of finding land and gaining planning consent, this report suggests that out of the 12 new pitches required between 2014 and 2018 **six** could reasonably be provided through private development, although that would not be a maximum number. The LDP would be expected to set out criteria relating to new sites.
- 6.10 The survey responses also showed that for families in bricks and mortar wishing to move to a site, there was no real preference for a council owned site. The majority of responses suggested they could move to a either a council or private site.
- 6.11 Where sites are provided privately, this reduces the requirement on the local authority to fund and develop sites and private development should be encouraged. One of the main barriers to developing even small sites is gaining planning consent and there is a role for the WCBC Planning

Department to provide advice and support for those members of the community who wish to buy their own land to develop small family sites.

- 6.12 The report also notes that there are two single pitch sites in the County Borough which are not in line with current guidelines.

**Recommendation 5 - Between 2014 and 2018 Wrexham Council should work with the Gypsy and Traveller community to identify land suitable for at least six private pitches.**

**Recommendation 6 - Wrexham CBC Planning Department should encourage Gypsies and Travellers, through the provision of advice and support to develop their own sites.**

**Recommendation 7 – Wrexham Planning Department consider the issue of single plot sites in the light of the Local Development Plan Inspectors Findings.**

#### Site Location

- 6.13 One of the identified issues with the Ruthin Road site is its location, which is not in line with current guidance on the development of Gypsy and Traveller sites. To prevent this situation arising again, this report recommends that the local authority should work closely with members of the Gypsy and Traveller community to identify suitable locations for sites, both public and private.

**Recommendation 8 - The Housing and Public Protection and Planning Departments of Wrexham Council should work together with the Gypsy and Traveller community to identify suitable locations for new sites whether social or private**

#### Future Population Growth

- 6.14 Although it falls outside of the timescale of this report, it is clear that the family growth rate of Gypsies and Travellers means that the population could be much larger in the next 10 to 20 years. Wrexham Council is recommended to consider how best to meet the challenges in the accommodation needs that a larger population would bring.

**Recommendation 9 – It is recommended that Wrexham Council continually review the future accommodation needs of the Gypsy and Traveller population through monitoring and another accommodation assessment be carried out within 5 years. The results should then be accounted for in the production of the LDP or any revisions that may be required following its adoption.**

- 6.15 The report has highlighted the health and cultural issues that affect the mortality rates in the Gypsy and Traveller population. This report urges Wrexham Council to consider what measure can be put in place to support Gypsies and Travellers and redress the inequalities in life expectancy amongst this group.

**Recommendation 10 - Wrexham Council should review the services available to the Gypsy and Traveller community to address the inequality that this community faces through the Gypsy and Traveller Multi-Agency Forum.**