

# Executive Decision Report

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## Gypsy and Traveller Sites

Decision to be taken by: City Mayor

Decision to be taken on: insert date here

Lead director: Andrew Smith/Ann Branson

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City Mayor

## Useful information

■ Ward(s) affected: All

### 1. Summary

Between February and July 2012, extensive public consultation was undertaken by the Council on three potential Gypsy and Traveller sites in the City. These sites were chosen by the Council's Executive from a shortlist of eight following an initial officer assessment of nearly 350 Council-owned sites. The search for potential sites is necessary to deal with the high number of unauthorised encampments taking place in the City in recent years, an identified need for Gypsy and Traveller accommodation and to comply with Government Guidance.

An analysis of the consultation exercise is set out in the report.

### 2. Recommendations

Following analysis of the consultation exercise and site assessment exercises outlined in this report it is recommended that:

2.1) Red Hill Way and Greengate Lane sites are both suitable for either permanent or transit sites containing up to 10 pitches on each;

2.2) Beaumont Way is potentially suitable for a transit site containing up to 6 pitches;

2.3) Should additional sites still be required at this stage, a review of potential sites considered as a result of the consultation exercise indicates that sites at Hoods Close and Braunstone Lane East would be suitable for more detailed assessment and consultation, respectively as a potential transit/temporary stopping place and a temporary stopping place.

### 3. Supporting information including options considered:

This section sets out all information gathered during the consultation exercise to support a decision on how to proceed with the identification of Gypsy and Traveller sites.

#### 3.1 Background

Unauthorised Gypsy and Traveller camping has been an issue in Leicester, and particularly in the north-west of the city, for many years. Between January 2009 and September 2012 115 unauthorised encampments have been recorded in the City. Repeatedly dealing with these camps on an ad hoc basis does not resolve the issue, but rather moves it from one location to another and incurs costs in cleaning up and securing sites.

At present, the City only has one authorised permanent Travellers site, at Meynells Gorse, which has capacity for 21 families. This Council-run site, which has previously been extended as far as is practicable, is full and there is currently a long waiting list.

This means that a number of local Gypsy and Traveller families cannot access an authorised permanent pitch.

The City currently has no authorised transit sites, which means that families visiting the City or passing through have nowhere authorised to park, and often end up on grass verges or open spaces, which causes conflict with the local settled community.

The lack of additional authorised sites is therefore an issue for both the Travelling and settled communities.

### **3.2 Planning Policy and Planning Applications**

The level of need for new Gypsy and Traveller sites in the City was identified in the Leicester and Leicestershire Gypsy and Traveller Accommodation Needs Assessment (2007) and carried forward into the City Council's Core Strategy planning document. This identifies a need for 24 new permanent pitches and 10 transit pitches from 2007-2012. No sites have currently been provided during this period, and no planning applications have been received by the Council. The Core Strategy also requires a further 12 permanent pitches and 5 transit pitches between 2012 and 2026. There is therefore currently an assessed need to identify sites to accommodate 36 permanent and 15 transit pitches by 2026.

National planning guidance on Travellers sites states that enough sites to accommodate a 5-year supply of pitches should be allocated in a Development Plan. At present the City Council has no adopted Development Plan Document which allocates specific sites for Gypsy and Traveller use, although criteria are set out in the Core Strategy to assess the suitability of proposals brought forward on non-allocated sites.

It remains the City Council's intention to allocate sites to meet identified need through the Development Plan process. However experience shows that it can take upwards of 18 months from the date of adoption of a Development Plan Document until a Gypsy and Traveller site is ready for occupation (planning application, discharge conditions, develop site, etc). Sites brought forward through the Development Plan process (which would usually take at least two years to reach adoption stage) would therefore not be ready for occupation for a very significant period of time.

There is an immediate need to deliver more Gypsy and Traveller sites in Leicester. The Council's housing and planning policies are unequivocal that this need must be met. Meeting the need for sites is not simply a matter for the Council as local planning authority, and the City Council and community face the continued tension and disruption caused by unauthorised encampments.

The need can only be met when sites are delivered / developed. Sites identified in an emerging draft Development Plan are likely to be controversial, attract objections and so the weight that can be given to such sites in decision-taking, according to the National Planning Policy Framework, is likely to be limited.

In reaching a decision on which, if any, recommended Gypsy and Traveller sites are to be taken forward through the planning process, the City Mayor should take into account the Council's planning policy requirements, achieving a balance between permanent and transit sites and funding provisions alongside the consultation responses and recommendations from the Council's Scrutiny Commission.

The site(s) would be brought forward by the Council through the submission of planning applications. The decision requested from the City Mayor in this report is for the selection of appropriate locations, types and sizes of sites only. The decision on whether planning permission will or will not be granted for the sites identified in this report to be taken forward will require detailed planning applications to be made that will be advertised in accordance with Development Control requirements and thereafter the decision as to whether or not to grant planning permission will be a matter for the Council's Planning Committee.

While the sites proposed should help to deal with the immediate need, there will need to be further provision in the future to meet the needs identified in the Core Strategy, as set out above. These should be identified and allocated through the development plan process, through which proposals will be subject to public consultation and independent examination.

### **3.3 Type of Sites to be Provided**

There are two main types of Gypsy and Traveller sites: Permanent and Transit.

*Permanent sites* provide residents with a permanent home and operate in a similar way to Council housing. Residents are responsible for paying rent, water, electricity and Council tax.

*Transit sites* can operate all year round but only provide temporary accommodation for their residents (usually no more than three months). The requirements for transit sites reflect the fact that they are not intended for use as a permanent base for an individual household and have more basic facilities (e.g. communal washing/utility facilities). Individual pitches need to be marked out and water and electricity supplied. Transit sites are also likely to require more management than permanent sites. Residents are responsible for paying rent, water and electricity.

In addition to permanent and transit sites, a third option is *Temporary Stopping Places*. These are pieces of land in temporary use as authorised short-term (usually less than 28 days) stopping places for the travelling community. They are generally used at times of peak demand (e.g. when fairs and cultural celebrations are taking place). They consist only of a barrier around the site, hardstanding (but no individually marked pitches) and a cold water supply. Portable toilet facilities need to be provided when the sites are in use, along with waste collection.

The need for new sites (up to 2012) set out in the Core Strategy can be split approximately 2/3 permanent to 1/3 transit. Analysis of the limited unauthorised encampment data (Jan 2009 – Sep 2012) available from Multi Agency Travellers Unit (MATU) estimates that alongside required new permanent pitches, a 6 pitch transit site would satisfy the remainder of demand approximately 85% of the time and a 10 pitch transit site would be enough to satisfy demand approximately 95% of the time.

### **3.4 Size of Sites**

Full site/scheme feasibility and costings required to take forward scheme delivery will need to be undertaken on any sites approved in principle for the submission of planning applications.

In order for any of the sites to be developed to provide new Gypsy and Traveller pitches (either permanent or transit), the proposed scheme(s) has to be both financially viable (in terms of both its initial development and its long-term management) and capable of achieving full planning approval.

Government guidance suggests that sites should generally contain no more than 15 pitches, for ease of management. Initial informal discussions with operators of social rented permanent sites indicate that sites with less than around 5 pitches may struggle to be financially viable.

### **3.5 Funding**

In January 2012, it was announced that both the City Council and Framework Housing Association had received funding towards the provision of Gypsy and Traveller pitches in the City.

Framework Housing Association has secured £1.3m of Home and Communities Agency (HCA) funds towards the provision of 15 permanent pitches in the city.

Leicester City Council has secured £270,000 of HCA funds towards the provision of 6 pitches in the city (in addition £468,000 has been allocated through the Capital Programme).

The City Council is in discussions with the HCA regarding the use of the Council's allocation towards the provision of 6 transit pitches rather than 6 permanent pitches. The HCA cannot offer the same flexibility on Framework Housing Association's allocation. HCA funding cannot be used to develop Temporary Stopping Places.

To receive the HCA funding, development is required to be completed by March 2015.

Whilst the initial capital costs of delivering transit pitches could be up to similar levels to those of delivering permanent pitches, incomes are likely to be lower as the sites will not be occupied all-year round. Revenue costs may also vary from those of permanent sites depending upon the specification and level of facilities provided.

### **3.6 Site Assessment Process**

In the summer of 2011, Council officers undertook an assessment to identify suitable sites within the City on which new Gypsy and Traveller sites could potentially be developed. This process involved the assessment of nearly 350 areas of Council-owned land and consisted of the following stages:

Stage 1 – Desk-based assessment (including assessment of biodiversity, size of site, access, landscaping/screening, residential amenity, distance to facilities)

Stage 2 – Flooding Assessment

Stage 3 – Land Availability Assessment

Stage 4 – Site Visits (using the same criteria as Stage 1)

Stage 5 – Biodiversity/Archaeology/Built Environment Assessment

The full site assessment can be found on the City Council website at [www.leicester.gov.uk/gypsyandtravellersites](http://www.leicester.gov.uk/gypsyandtravellersites).

Nine sites were considered as potentially being suitable for Gypsy and Traveller sites (although two of these sites would form one larger site, so in reality there were eight potential sites).

In November 2011, the results of the site assessment process were presented to the Council's Executive. The Executive decided to proceed to public consultation on three of the shortlisted sites – Beaumont Way, Greengate Lane and Red Hill Way. Plans showing the boundaries of these three sites can be found in Appendix 1.

### **3.7 Summary of Consultation**

The consultation period ran from 17<sup>th</sup> February 2012 to July 13<sup>th</sup> 2012. It was originally due to run for 6 weeks but was extended for a further 15 weeks in response to requests from the public. Details of the methods of consultation and where information was available from can be found in Appendix 2.

### **3.8 Questionnaire Responses**

In total, 1500 responses were received to the questionnaire. An analysis of this can be seen in Appendix 3. The responses were split almost equally between online responses (743) and paper responses (757).

The majority of respondents were from areas near to the three proposed sites. 51% of responses were either from Birstall Wanlip or Birstall Watermead wards, 21% came from Beaumont Leys ward and 17% came from Abbey ward. Only a very small number of responses came from elsewhere in the City (6%) or elsewhere in the County (6%).

Of those that responded to the question, 71% agreed that unauthorised camping by Gypsies and Travellers is a problem in their neighbourhood (either very big or fairly big). The percentage was highest in Beaumont Leys (78%) and Birstall (72%). Only 6% of respondents said that unauthorised camping was not a problem at all.

The majority of respondents disagreed with all three of the proposed sites, and there was not a significant difference between views on the three sites (69% objecting to Beaumont Way, 77% to Red Hill Way and 85% objecting to Greengate Lane). However it is clear that the highest level of objection came on sites nearest to where the respondents came from. This can be seen in the table below:

		Area respondent from		
		Beaumont Leys	Abbey	Birstall
<b>Sites most respondents disagree or strongly disagree with (most first)</b>	1.	Beaumont Way	Red Hill Way	Greengate Lane
	2.	Greengate Lane	Beaumont Way	Red Hill Way
	3.	Red Hill Way	Greengate Lane	Beaumont Way

In terms of possible alternative sites, the most popular answer by far was locating sites either in the countryside, or away from residential areas or individual respondents houses. This however, conflicts with some of the reasons given by respondents for objecting to the three sites proposed, which included waste/noise/pollution, impact upon green wedge and environment/countryside.

Over 50 specific sites were also suggested. Assessments of all of the specific sites are available in Appendix 4.

### **3.9 Petitions**

Four petitions were received from:

<b>Group/Individual</b>	<b>Number of signatures</b>
LE4 Action Group	713 verified signatures (Approx 2700 in total)
Birstall Parish Council	183 signatures
Trelleborg	48 signatures
Claire Bassett (Heacham Drive)	1708 verified signatures

The issues raised by all four petitions were discussed at Full Council during the consultation period.

Full details of all of the petitions can be found in Appendix 6.

### **3.10 Standard letters**

The LE4 Action Group also organised the distribution of standard complaint letters via their website. Various versions were received, objecting to either:

- i) Green Wedge;
- ii) Traffic;
- iii) Location of all three sites so close together; or
- iv) Lack of information on the site assessment process.

Nearly 800 of these letters were received in total. Full details of these letters can be found in Appendix 7.

### **3.11 Other letters and emails**

Over 150 additional letters/emails were received by the City Council during the consultation period. The most frequent issues raised in these letters were as follows:

<b>Issue raised</b>	<b>Number of people who raised issue</b>
Management of Greengate Lane 'tolerated' site	38
Impact of traffic/insufficient access	30
Dealing with unauthorised encampments	28
All sites in one area	27
Loss of Green Wedge	24

More detail of these issues and officer responses to them, can be found in Appendix 5.

### **3.12 Meetings**

A number of meetings were held during the consultation period. These included:

- Public meeting held by Liz Kendall MP
- Public meeting at Leicester Leys Leisure Centre
- County Council meeting at Birstall Social Club
- Meeting between City Mayor and LE4 Action Group
- Meeting between City Mayor and representatives of the Travelling Community

Further details of these meetings, including issues raised, can be found in Appendix 2.

### **3.13 Economic Development, Tourism and Scrutiny Commission Meetings**

Details of the Scrutiny process undertaken can be found in Section 4 of this report.

An officer response to the main recommendations made by the Scrutiny Commission can be found in Appendix 8.

### **3.14 Issues Raised during Consultation**

Throughout the consultation period, through the various methods of communication used, a relatively small number of issues were raised by many different people. The main issues (listed below) have been summarised in Appendix 5, along with an officer response to each issue:

- Impact upon residential areas/"my house"
- Tolerated site at Greengate Lane
- Traffic
- Unauthorised encampments
- All of the sites are in one area of the City
- Green Wedge
- Noise, Waste, Pollution
- Environmental Impact/Impact on countryside
- Loss of property value & unable to sell house/Impact upon house insurance
- Schools and Health Facilities



- Livestock
- Travellers should travel/rewards non-conformity
- Ashton Green/Hallam Fields
- Distance to facilities
- Crime/Intimidation
- Need for Sites
- Encourages more/poor management

### **3.15 Peak-Season Temporary Stopping Places**

After the consultation period had ended, and following meetings with both the settled and travelling communities, the City Mayor asked officers to investigate the possibility of using temporary stopping places in the peak-season for travelling (i.e. summer) as part of the solution to the issue of unauthorised encampments. Such sites are understood to have been used effectively in other parts of the country.

These sites can, for a limited period of the year during peak demand, help to address the incidence of unauthorised encampments which are always at their highest during this time of the year.

The criteria required for assessing the suitability of sites for temporary stopping place use are similar to those originally used to assess all of the 350 Council-owned sites in 2011. The only exception to this would be that temporary sites, to be used in summer months only and not involving the same level of development as transit or permanent sites, could potentially be permitted in higher-level flood zones.

When assessed against the other criteria used in the original assessment, none of the 13 sites initially discounted due to being in a high level flood zone are considered suitable for peak-season temporary stopping places. The assessment of these sites can be found in Appendix 10.

However the Hoods Close and Braunstone Lane East sites (see plans in Appendix 11), identified following suggestions made during the consultation period, are considered to have some potential as peak-season temporary stopping places.

## **4. Details of Scrutiny**

The proposals were subject to detailed Scrutiny during the consultation period, with the City Council's Economic Development, Tourism and Scrutiny Commission commissioned to undertake a review of the way the three proposed sites had been identified, the suitability of the sites and if any other sites could be delivered within the timetable.

The key recommendations made in relation to new site provision were:

- Redhill Way is considered suitable for use as a permanent site for up to 10 pitches.
- Greengate Lane is considered suitable for use as a permanent site for about 6 pitches.
- Beaumont Way was not considered suitable for a site.
- Hoods Close should be considered as a transit site.

An officer response to the key recommendations made by the Scrutiny Commission can be found in Appendix 8.

## **5. Conclusions**

This report sets out all the results of the consultation exercise including all of the main issues raised (and officer responses to these), as well as details of all appropriate assessments undertaken.

Having assessed all of these, it is considered that there are no technical issues that have been raised during the consultation that could not be addressed through limiting the size of the proposed sites, through appropriate design and layout, and provided that any sites developed are subject to strong and effective management.

To reflect the breakdown of need for new sites (up to 2012) set out in the Core Strategy, approximately 2/3 of new sites would need to be permanent and 1/3 transit. In addition, any pitches to be brought forward by Framework Housing Association would have to be permanent sites.

The following site-specific conclusions have also been drawn:

*Red Hill Way* – This site is considered suitable for either a permanent or transit site. The size of the site, its location, good access and self-contained nature suggest that it should be capable of accommodating up to 10 pitches.

*Greengate Lane* – This site is also considered to be suitable for accommodating up to 10 permanent or transit pitches without having a significant detrimental impact upon the small number of neighbouring residential units.

*Beaumont Way* – The shape of this site means that there are limits to how the available land can be used effectively. However it is considered that Beaumont Way could still be capable of accommodating up to 6 pitches. This site is considered more appropriate as a transit site due to the commercial/leisure uses nearby not lending the area to good residential amenity for permanent occupation.

The Scrutiny Commission recommended that Beaumont Way was not considered suitable for a site – due to size, exposure, lack of privacy, difficulty of screening, incompatibility with surrounding uses and width of the access road.

*Other sites* – Of the 50+ specific sites that were suggested by respondents to the questionnaire, two have potential and are worthy of further investigation and consultation if additional transit sites/temporary stopping places are required.

Hoods Close could be suited for short stay use in particular (its location near to the recycling centre means that residential amenity for permanent use would be limited, but it could be suitable for either transit use or as a peak-season temporary stopping place). This site was also recommended by the Scrutiny Commission as a potential transit site. A plan of the Hoods Close site can be found in Appendix 11.

Braunstone Lane East could potentially be used as a peak-season temporary stopping place. The location of this site within a high-level flood zone means that all-year round use is unlikely to be viable. However if it was only used in summer months, and there was very little permanent development on the site, then it could be considered to ease peak demand for temporary pitches. A plan of the Braunstone Lane East site can be found in Appendix 11.

## **6. Financial, legal and other implications**

### 6.1 Financial implications

The City Council has secured £270,000 for the provision of 6 Gypsy and Traveller pitches and Framework Housing Association have secured £1.3 million for the provision of 15 Gypsy and Traveller pitches in the City from the Homes and Communities Agency. The City Council has also allocated £468,000 out of the Capital Programme potentially to be used with the grant funding received.

Mark Astbury - Project Accountant

### 6.2 Legal implications

The Functions and Responsibilities Regulations specify amongst other things the responsibility for various aspects of decision making in relation to Council functions. Consideration of planning applications is not an executive function. This report is not concerned with planning applications rather the identification of sites owned by the Council which are recommended for consideration as sites to be taken forward through the separate planning application process. Endorsement of one or more of the sites being recommended therefore does not imply that planning permission will be granted. Any planning applications submitted will be dealt with in accordance with planning legislation and the decision whether or not to grant planning permission will be a matter for the Council's Planning and Development Control Committee.

The matters referred to in this report engage the Council's public sector equality duty specified in Section 149 of the Equality Act 2010. The City Council as a Public Authority must have due regard for the need to eliminate discrimination harassment and victimisation etc., advance equality opportunity and foster good relations. This

duty applies to the protected characteristics identified in the Act. One of these characteristics is race. Romany gypsies and Irish travellers are recognised under law as a distinct ethnic minority group.

As with all non-regulatory decisions any decision taken with regard to this report is amenable to judicial review. Judicial review is the process whereby the Court reviews a decision to decide whether or not it is unlawful, irrational or unreasonable etc. Legal advice has been provided in connection with the process the Council has undertaken in terms of selecting potential sites to be taken forward through the planning application process.

Anthony Cross - Head of Litigation x 6362

### 6.3 Climate Change and Carbon Reduction implications

This report does not contain any significant climate change implications and therefore should not have a detrimental effect on the Council's climate change targets

Anna Dodd - Environment Manager

### 6.4 Equality Impact Assessment

An Equality Impact Assessment has been undertaken and can be found in Appendix 9. The main equality outcomes are:

If permanent sites are developed, this will allow Traveller families to have a permanent address and increase their access to local services which will in turn reduce inequalities over time (e.g. health, education, employment).

If transit sites are developed, this will increase access to basic amenities (such as water, electricity, waste collection) that will improve quality of life.

## **7. Background information and other papers:**

Background information relating to the Gypsy and Traveller site identification process can be found at:

- Consultation webpages at [www.leicester.gov.uk/gypsyandtravellersites](http://www.leicester.gov.uk/gypsyandtravellersites)

- [Cabinet Session - 15 November 2011](#). To the extent of documentation from this private meeting that has been released by the Council in connection with FOIA requests.
- Economic Development, Culture & Tourism Scrutiny Commission  
- [14 June 2012 Report](#).
- Legal Services file 83979 containing in part exempt information.

## **8. Summary of appendices:**

Appendix 1 – Location Plans of Beaumont Way, Greengate Lane and Red Hill Way

Appendix 2 – Details of consultation (including meetings held)

Appendix 3 – Analysis of questionnaire results

Appendix 4 – Alternative sites suggested

Appendix 5 – Main issues raised during consultation

Appendix 6 – Petitions received

Appendix 7 – Standard letters produced by LE4 Action Group

Appendix 8 – Officer response to Scrutiny recommendations

Appendix 9 – Equality Impact Assessment

Appendix 10 – Re-assessment of sites within high level flood zones

Appendix 11 – Location Plans of Hoods Close and Braunstone Lane East

## **9. Is this a private report?**

No

## **10. Is this a “key decision”?**

Yes

## **11. If a key decision please explain reason**

The decision is significant in terms of its effects on communities living or working in two or more wards in the City.