

24 February 2020

Wards: Drypool

Provision of a Gypsy and Traveller Stopping Place and extension to the Permanent Site Provision

Report of the Corporate Director for Legal and Partnerships

This item is not exempt
Therefore exempt reasons are not applicable

This is a key decision. The matter is in the Forward Plan
Insert forward plan number reference (delete if not applicable)

1. Purpose of the Report and Summary

1.1 This report sets out how the Council will deliver its required commitment for Gypsy and Traveller sites (permanent and transit / stopping places) as set out in the Hull Local Plan.

2. Recommendations

2.1 That a planning application is made by the Director of Legal Services and Partnerships for the expansion of the existing permanent Gypsy and Traveller site at Wilmington by up to 10 pitches and also to establish a new site for up to 25 stopping places on land at Bedford Street / Mount Pleasant identified at Appendix A.

2.2 That the Assistant Director Neighbourhoods and Housing is authorised to commission NPS Humber to develop a design, undertake detailed feasibility and to undertake public consultation with the final approval of the design to be delegated to the Director of Legal Services and Partnerships in consultation with the Portfolio Holder for Neighbourhoods, Communities and the Environment.

2.3 That subject to the granting of planning consent and the costs of acquisition and delivery being within the agreed capital budget

that the land shown in Appendix A be acquired to deliver the scheme, and that the Assistant Director for Property and Assets is authorised in consultation with the Director of Legal Services and Partnerships and the Portfolio Holder for Economic Investment, Regeneration and Planning, Land and Property to agree the detailed terms of the acquisition and enter into any documentation required to complete the transaction.

- 2.4 That the Assistant Director (Property and Assets) is delegated authority to exchange a surplus Council land asset for the land identified as Site 1, subject to an independent valuation confirming land values and any additional payment that may be required and after consultation with the relevant Ward Members.
- 2.5 That subject to planning consent being granted and the overall costs falling within the available capital budget, the Assistant Director Neighbourhoods and Housing in consultation with the Director of Legal Services and Partnerships is authorised to invite tenders for a contract or contracts for the requisite works at both sites through the Yorbuild2 framework on a 60:40 (price: quality) split, and to appoint the contractor submitting the most economically advantageous bid.

3. Reasons for Recommendations

- 3.1 The recommendations support the delivery of the Hull Local Plan obligation to meet the need for Traveller sites (Policy 8) and provide new sites to reduce the number of unauthorised encampments.

4. Impact on other Executive Committees (including Area Committees)

- 4.1 The site is located in Drypool Ward in the Riverside area. The proposal would see an extension to the existing provision at the Wilmington site which is accessed from Bedford Street, alongside the development of a temporary site accessed from Mount Pleasant.

5. Background

- 5.1 The Local Plan highlights a shortfall in both permanent and transit Traveller pitches with the need to provide 3 Traveller permanent pitches by 2021, either in or beside the existing Traveller sites, and a further 3 in each of the periods from 2021 to 2026 and 2026 to 2032, (9 in total). The Local Plan also sets out a need for a 25-pitch transit / tolerated stopping place site to be identified and delivered during the Plan period.

- 5.2 Over recent years, there have been numerous occasions when the Council has had to take legal action to remove Travellers who have occupied Council land without permission. These unauthorised encampments have caused concern for local residents and have presented significant clean-up costs to the Council once the Travellers have left. In the majority of cases anecdotal evidence from the Travellers themselves indicates that they have settled homes elsewhere and travel to the city as part of their culture and / or to undertake work in the area.
- 5.3 This report seeks a solution to the number of unauthorised encampments arising from groups of Travellers visiting the city for relatively short periods of time, proposing the establishment of a temporary stopping place or transit site to which such groups can be directed with the report also addressing the need to provide extra permanent pitches.

6. Issues for Consideration

6.1 **Location, land assembly and consultation** –

6.1a - The available land in Hull for new Gypsy and Traveller site provision is limited. The Local Plan did not allocate a specific site for new Traveller provision but Policy 8 confirms that sites should be located within Flood Zones 1 or 2. Only where the pitch provision is seasonal could they be located within Flood Zone 3a.

6.1b - There are only a very small number of potential sites within Flood Zones 1 and 2 as the majority of undeveloped land in Flood Zone 1 has been allocated for residential development and has an outline or full consent for housing (e.g. off Wawne Road in Kingswood). The sites set out in Appendix A represent an opportunity to deliver both an extension to the existing traveller provision at Wilmington, and through an alternative access from Mount Pleasant a new site to accommodate a 25 pitch transit or stopping place site.

6.1c - The land set out in appendix A is in two different ownerships. The land owners of Site 1 have indicated a willingness to work with the Council and would be amenable to exchange this site for replacement land of an equivalent value elsewhere in the city. An alternative site has been identified and is currently for sale on the open market.

6.1d - The land parcel at Site 2 is currently on the market with Garness Jones. The Council currently has a one year option to purchase the site which can be implemented subject to scheme approval following positive site investigations and planning approval. This land has been the subject of renewed fly – tipping over recent years and is in a poor condition environmentally.

6.1e - Given the shortage of available land approaches were made across the city to identify any potentially suitable sites for permanent pitches and for the temporary use. Feedback identified the possibility of Clough Road as the only possible option at the time. The Council then approached the owners of the former gas cylinder site and they indicated such a use would not be appropriate given the wider aspirations for the site. The site remains the last significant employment allocation within the River Hull corridor and therefore is a priority for employment use. In addition some land opposite the Police HQ was possibly available but this has secured consent for a training facility for the fire service so is not available. As a consequence the sites available for Gypsy and Traveller accommodation needs is very limited and if the sites identified within this report are not developed out it is highly likely when the local plan is reviewed in 2022 the plan will be found wanting, having failed to meet the needs of the Gypsy and Traveller community.

6.1f - The sites are currently set out in the Local Plan for employment use with Site 1 being situated in Flood Zone 3a i and Site 2 in Flood Zone 3a iii. However, early discussions indicate that these sites may be acceptable in terms of planning use subject to any transit or stopping place provision being limited in time and improving the current flood risk position for the two existing traveller sites. Public consultation on the suitability of the sites would be undertaken as part of any planning application for the scheme.

6.1g - The Environment Agency has confirmed over recent years, and again in May 2018, that although they would not accept year-round Traveller provision in Flood Zone 3a they would consider the suitability of a seasonal permission within this zone, and the extension of existing sites where this would lead to improved flood protection measures across the site as a whole. The existing Wilmington site is located within Flood Zone 3a therefore any improvement works to extend the site would benefit the existing community.

6.1h - Engagement with the national Gypsy and Traveller Federation is essential in helping to determine whether the two different communities that would be located in the area (that is those on permanent sites and transient) can be accommodated with the sites separated, well designed and landscaped. This will form an important component of the design with the two sites sitting entirely independent of each other, with separate access to each alongside significant areas of landscaping and physical barriers preventing access between the two. In effect the two sites will be totally independent of one another.

6.1i - As part of the more detailed scheme design consultation will take place with the existing community to further shape the proposals and ensure that any concerns are taken into account at the planning stage.

Alongside this consultation will also take place with Humberside Police and the Environment Agency to develop detailed scheme designs.

6.2 **Type of site**

Early consultation with the Police confirms that they need to consider what actions they would be prepared to take in the event of an unauthorised encampment on Local Authority land should the Council have available spaces at a Transit site or a Temporary Stopping Place. As the scheme moves into a detailed design phase the Police will be closely involved to inform the level and type of provision. Alongside this a protocol will be developed to ensure that any new site is utilised in the event of an unauthorised encampment appearing in the city.

A transit site is a specifically built site, much like a permanent site, with hard standing, electric hook-up and a bathroom. On the transit site, residents have a clearly marked pitch which will usually have a fence around to mark it as separate from neighbouring pitches (sometimes also referred to as a 'slab' or a 'plot'). A transit site is indistinguishable from a permanent site in most respects, the only significant difference being that occupiers are not allowed to stay on a transit site beyond a defined period (usually between 28 days and 3 months). Residents of transit pitches will need to pay a returnable deposit and rent, as well as electricity and water charges.

Conversely, temporary stopping places do not require the same level of site facilities as transit sites, however, they must have a cold water supply and portaloos with a sewerage disposal point available. It is also advisable to provide waste disposal facilities such as skips. Travellers can be asked to contribute towards the cost of providing these facilities. Travellers may normally stay for up to 28 nights at a temporary stopping place, however as this is not a statutory designation the local authority can determine the length of license to occupy. Temporary stopping places accommodate intermittent needs for site accommodation for which a charge may be levied as determined by the local authority concerned. The experience of officers interacting with Travellers who camp without permission on public and private land is that most such Travellers are here for short periods of time, such as for cultural events.

6.3 **Scheme design, costs and risks**

NPS Humber were commissioned to undertake an initial feasibility study and have considered options for both the permanent and transit / stopping place sites. The sites shown in Appendix A can accommodate up to 10 permanent pitches including a mix of single and double pitches and a temporary site for 25 pitches with access from Mount Pleasant. The existing sites at Wilmington and Bedford provide between 230 to 300m² per pitch. The National Benchmark standard is

around 500m² per pitch which will be the aim for any new pitches delivered.

Risks to the delivery of the two sites include the potential costs to purchase both sites given both are in private ownership. These risks have been minimised through early engagement with one site owner to provide alternative land of equivalent value, and through seeking an option on the other land parcel to allow more time to develop scheme proposals and submit planning. The land identified is also in a high risk flood area. As stated earlier engagement with the LPA and EA suggested that flood risk issues can be mitigated through improvement to the current situation on the existing sites and through constraining the times of operation of the transit / stopping place site to months deemed less prone to flooding.

Other risks to consider with a Transit site are that any provision of electric and water supply points could be at risk of misuse and vandalism during periods of the site standing empty. Fly tipping to the site could be an issue as well as problems with the temporary travellers tethering their animals in dangerous locations near to the site. Finally there is the potential for conflict between the different site users due to the sites being adjacent to one another. The development of detailed designs will aim to mitigate these risks where possible. The two sites will be accessed from different locations with significant separation created between the two. Should a transit site be required with high levels of infrastructure consideration will also be given to the installation of CCTV to prevent damage and vandalism when unoccupied.

Future site management and maintenance is also essential to keep the sites in good order and ensuring the scheme delivers its proposed benefits. The extension of the permanent site will be managed in the same way as the existing with the rent charged for pitches used to cover the costs of management and maintenance of the sites. For a single pitch the weekly rent is currently £61.33 with double pitches costing £91.92 per week. These weekly rents are based on a 50 week rent year period. With the addition of up to 10 pitches it is not anticipated that additional staff resource above the existing 2.0 FTEs would be required to continue to deliver the service for this area. Demand is not considered to be a significant risk given the need set out in the local plan and that at present the 4 permanent sites are fully occupied.

With regards to the new temporary pitches although it is anticipated that significant savings will be recognised in the staff resource required to deal with unauthorised encampments, the teams and areas affected by this will not necessarily be in the same location. Further assessment will be required to look at the impact on time and resources with the potential need for further specific gypsy and traveller staff resource at times when the site is operational. This could

be found from existing team resources currently dealing with encampments or specific to the site. These temporary sites could be managed under a licence agreement.

A provision for the project has been made of £2.6m in the capital programme. Based on this and the projected scheme costs either option may be possible subject to detailed consultation with stakeholders, as well as unknowns such as ground conditions, land contamination and site assembly costs. In addition to stakeholder engagement the level of budget provision will be a key determinate in the type of site that can be delivered with a stopping place requiring less investment than transit provision.

6.4 **Scheme delivery / procurement options**

To deliver the scheme it is recommended that a suitable contractor is procured through one of the Council's available frameworks. It is proposed to use Yorbuild2 in line with the Council's procurement strategy and Contract Procedure Rules.

7 Options and Risk Assessment

- 7.1 **Option 1 - Do nothing** – this would not meet the requirements of the Local Plan. The provision of the extra permanent pitches would not be completed. Unauthorised Encampments would continue around the City with all of the associated costs involved to remove them and clean up afterwards, as well as the continued disruption to local residents.
- 7.2 **Option 2 - Only the Permanent Pitches** – subject to consultation, feasibility and seeking planning permission this would address either fully or in part the needs detailed in the Local Plan for extra permanent pitch provision in the City. This option would not deliver the temporary pitches required to help deal with unauthorised encampments around the City.
- 7.3 **Option 3 - Deliver both the Permanent and Temporary sites (Recommended Option)** – subject to consultation, feasibility and seeking planning permission this is the preferred option. This would provide the extra permanent pitches as required in the Local Plan either fully or in part, as well as the provision of the temporary stopping place.
- 7.4 **Option 4 – Reject these sites and continue site search around the City** – this option risks delay in providing the new Gypsy and Traveller sites by the target date as set out in the Local Plan. As set out in the report the number of suitable locations is limited within the City boundary making alternative options difficult to deliver. In recent years, other potential sites

around the city have been considered for Traveller pitches. However, to date none has progressed for a range of reasons. The Environment Agency requires sites to be located in areas at low risk of flooding and such sites are in short supply in Hull. Some potential sites are in or adjacent to housing regeneration areas where new development is already underway. Alternative sites recently considered are in North Bransholme and on Clough Road. However, potential sites in North Bransholme are tied in with regeneration plans for the area, and land at Clough Road is in private ownership with the land owners unwilling to allow part of their site to be developed for this purpose.

8. Consultation

- 8.1 The Hull Local Plan underwent significant consultation and Examination in Public before adoption. The detailed site proposals will be subject to consultation and a full planning application. Views will be sought as part of this process to shape proposals. The Drypool ward members have been notified of these proposals.

9. Comments of the Monitoring Officer (Director of Legal Services and Partnerships)

- 9.1 Although the Council has no statutory duty to provide traveller sites, it is required by the Housing Act 2004 to assess the need for accommodation of travellers in its district and by the Planning & Compulsory Purchase Act 2004 to include policies to address their needs in its local plans. Assessments in accordance with legislative requirements have resulted in the Local Plan provisions that the recommendations in this report seek to address.

The land needed for development may be acquired and exchanged under Ss. 120 and 123 Local Government Act 1972 and the expanded and new sites specifically for travellers may be provided under S. 24 Caravan Sites & Control of Development Act 1960, as amended by S. 80 Criminal Justice & Public Order Act 1994. All local authority traveller sites are subject to the provisions of the Mobile Homes Act 1983, which cover such matters as security of tenure and termination rights.

Use of the Yorbuild2 framework is supported by the Council's procurement strategy and Contract Procedure Rules. Whilst the works proposed will in themselves deliver social value, the nature of the work and the community objectives may provide opportunities to broker additional social outputs in terms of training, design and welfare provision

10 Comments of the Section 151 Officer (Director of Finance and Transformation)

10.1 The Director of Finance supports the proposal to develop designs for the site at Wilmington and the adjacent site at Bedford Street / Mount Pleasant. The approved capital budget, subject to Council approval, is presently £2.65m and the total cost of the land acquisition and works will need to be contained within this amount.

11 Comments of Assistant Director HR & OD & compliance with the Equality Duty

11.1 There are no staffing or equality issues affecting Hull City Council.

12 Comments of Overview and Scrutiny

12.1 The Forward Plan Entry relating to this report will be considered by the Overview and Scrutiny Management Committee at its meeting on Monday 3 February 2020. The Committee will decide whether the report should be subject to scrutiny and if so which Commission should carry out the work. (Ref: Sc5716)

13 Comments of the Portfolio Holders

13.1 Comments of the Portfolio Holder for Neighbourhoods, Communities and Environment (Cllr M Thompson)

I support the recommended option.

Comments of the Portfolio Holder for Land and Assets (Cllr Hale)

I fully support the proposal for the temporary transit site on Bedford Street and the related support to the Sikh community.

Contact Officer: Nicholas Harne –Head of Housing Strategy and Renewal Telephone No.: 615477

Officer Interests: None

Background Documents: - None.

Implications Matrix

This section must be completed and you must ensure that you have fully considered all potential implications

This matrix provides a simple check list for the things you need to have considered within your report

If there are no implications please state

I have informed and sought advice from HR, Legal, Finance, Overview and Scrutiny and the Climate Change Advisor and any other key stakeholders i.e. Portfolio Holder, relevant Ward Members etc. prior to submitting this report for official comments	Yes
I have considered whether this report requests a decision that is outside the Budget and Policy Framework approved by Council	Yes
Value for money considerations have been accounted for within the report	Yes
The report is approved by the relevant Assistant Director	Yes
I have included any procurement/commercial issues/implications within the report	Yes
I have considered the potential media interest in this report and liaised with the Media Team to ensure that they are briefed to respond to media interest.	Yes
I have included any equalities and diversity implications within the report and where necessary I have completed an Equalities Impact Assessment and the outcomes are included within the report	Yes
Any Health and Safety implications are included within the report	Yes
Any human rights implications are included within the report	Yes
I have included any community safety implications and paid regard to Section 17 of the Crime and Disorder Act within the report	Yes
I have liaised with the Climate Change Advisor and any environmental and climate change issues/sustainability implications are included within the report	Yes

I have included information about how this report contributes to the City Plan/ Area priorities within the report	Yes
I have considered the impact on air quality, carried out an appropriate assessment and included any resulting actions or opportunities necessary to improve air quality in the report.	Yes

APPENDIX A

