

Report of Director Environment and Neighbourhoods

Report to Executive Board

Date: 5th September 2012

Subject: Gypsy and Travellers Site Options

Are specific electoral Wards affected? All If relevant, name(s) of Ward(s): Farnley and Wortley	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Summary of Main Issues

1. The Executive Board in December 2011 gave approval for officers to assess available and potentially available Council owned sites, against agreed criteria, to determine suitability for use as Gypsy and Traveller accommodation.
2. The conclusion of officers is that none of the sites are currently suitable for such use.
3. In light of this given the pressing need to resolve the immediate issues associated with the cycle of encampment and eviction approval is sought to the recommendation that work is undertaken to determine how Cottingley Springs can be expanded.
4. Any expansion of Cottingley Springs would be complemented by a programme of modernisation to improve the housing offer made to existing residents.
5. Subject to approval a further funding bid will be made to the Homes and Communities Agency (HCA) to part fund the modernisation programme.
6. It is proposed that Cottingley Springs is included within the Housing Revenue Account (HRA) Business Plan so that HRA funding can be used to 'match fund' any further HCA award and to finance long term investment at Cottingley Springs.

7. Work with the Cottingley Spring's residents and other Council/voluntary sector services is proposed to improve the service offer made to residents The review will include; Health, Adult Social Care and Children's Services.
8. A Gypsy and Traveller Lettings Policy, which will be a satellite policy of the Leeds City Council Lettings Policy, will be developed in partnership with the Gypsy & Traveller Community.

1.0 Purpose Of This Report

- 1.1 To set out the findings of officers involved in the assessment of Council owned sites for potential use as Gypsy and Traveller accommodation provision.
- 1.2 To propose an alternative solution involving the expansion of the current provision at Cottingley Springs.

2.0 Background Information

- 2.1 In December 2011 Executive Board gave approval for officers to carry out assessments, using prescribed criteria, on the suitability of using Council owned land as Gypsy and Traveller accommodation.
- 2.2 The report submitted to the December 2011 Executive Board placed an emphasis on addressing the housing needs of the Leeds based 'roadside' Gypsy and Traveller families. The 'roadside' families are invariably encamped on land (principally Council owned land) in the city without the consent of the landowner. A cycle of eviction and further encampment has persisted. The absence of sufficient Gypsy and Traveller accommodation sites and pitches, means the families must resort to trespassing on land that they have no legal interest in occupying.
- 2.3 The Council has secured funding from the Homes and Communities Agency (HCA) of £1.074m to develop twelve new pitches for Gypsies and Travellers. This funding has to be drawn down by the end of March 2015.
- 2.4 A multi disciplinary project team, utilised the site assessment criteria set out in the December 2011 Executive Board report. The criteria reflects and responds to government guidance relating to the planning and development of Gypsy and Traveller accommodation sites.

Site Type and Status

- 2.5 Executive Board agreed in December 2011 that only Council owned sites would be assessed as no funding had been identified to purchase land. The Council has secured £1.074m from the HCA to develop twelve new pitches and the expectation is that the Council would complement this funding with the release of land for the development. Executive Board agreed that the priority should be the assessment of land that is available or likely to be available within the next twelve months.
- 2.6 The December 2011 Executive Board report prioritised brownfield residential sites (paragraph 3.3).

Site Assessment

- 2.7 The site assessment process consisted of four elements: housing, planning, technical and asset management.
- 2.8 The housing assessment criteria related to whether a site option would be sustainable, safe and easy to manage/maintain and whether it would promote good community relations between the Gypsies and Travellers and the settled community.
- 2.9 The planning assessment criteria focused on a site's designation on the Unitary Development Plan Review, site type (brownfield/green belt), flood risk rating, accessibility to services, facilities and public transport.
- 2.10 The technical assessment criteria centred on vehicle and pedestrian access to a site, land contamination, noise pollution, capacity to alleviate or mitigate lower levels of flood risk, size of site, likely costs, delivery times and utility infrastructure provision.
- 2.11 The Asset Management criteria considered site value and alternative options for site usage.
- 2.12 The site assessment process was further supplemented by contributions from Regeneration Services.

Site Assessment Programme

- 2.13 In December 2011, the Executive Board approved the general criteria by which sites would be considered. An initial list was compiled comprising sites and properties from the Capital Receipts programme, regeneration sites identified by Environment and Neighbourhoods, and other miscellaneous sites that were known to be potentially available. The 224 sites/properties were put into the following categories of "currently available", "being prepared for marketing in the next 12 months", "allocated/earmarked for other Council initiatives" and "occupied/tenanted". Of these sites/properties 87 were within the category of "currently available" and "being prepared for marketing in the next 12 months" and were given further consideration on a 'desk top' basis using the criteria approved by Executive Board. This desk top assessment to determine the potential suitability of the sites reduced the list down to 65 and site inspections of these were then undertaken.
- 2.14 In considering these sites Officers had regard to Government DCLG guidance and also the comments from the Traveller Liaison Team. Whilst much of the Government guidance can be seen to equate to the criteria for a site to a "social housing site" it was clear to Officers that there are additional elements to identifying an appropriate permanent site. These include identifying a location with appropriate access for traveller vehicles, sites offering a degree of privacy where caravans, vehicles will not be obtrusive and locations where there is the opportunity for Traveller families to carry out their business activities and also contain

unauthorised overspill, refuse collection and live stock grazing and at the same time promote harmonious relations between Gypsies and Travellers and the local community. The general thrust of Government guidance favours sites being predominately located in residential areas.

- 2.15 Following the site inspections 35 of the 65 were considered as potential sites and were given further detailed consideration in line with the site assessment criteria listed above.

3.0 Main Issues

- 3.1 Following the application of the prescribed assessment criteria, the conclusion is that none of the 35 assessed sites are currently suitable for use as accommodation provision for Gypsies and Travellers. The table in Appendix A sets out the reasoning for reaching this conclusion for each of the 35 sites.
- 3.2 Officers advise that this exercise was undertaken with a view to identifying a site or sites suitable for occupation in the very near future. The Council will need to provide for longer term (up to 2028) Gypsy and Traveller site need within the Site Allocations Development Plan Document.
- 3.3 The conclusion that none of the 35 assessed sites are currently suitable for use as Gypsy and Traveller accommodation provision leaves the Council with the unresolved challenges associated with the cycle of encampment and eviction which leads to adverse impact on local communities, ongoing unmet housing need of Gypsies and Travellers and the costs of legal action.

Alternative Options

- 3.4 Officers are therefore seeking Executive Board approval to the following alternative course of action:
- 3.4.1 To identify how Cottingley Springs can be expanded.
- 3.4.2 Any expansion of Cottingley Springs to be complemented by a programme of modernisation to improve the housing offer made to existing and new tenants.
- 3.4.3 A further funding bid is made to the HCA to part finance the modernisation programme.
- 3.4.4 Cottingley Springs to be included within the Housing Revenue Account (HRA) Business Plan to enable 'match funding' of any further HCA grant and to finance longer term investment at Cottingley Springs.
- 3.4.5 Work to be undertaken with the Cottingley Spring's residents and other Council/voluntary sector services to improve the service offer made to residents. including a review of access to facilities and services which will specifically include Health, Adult Social Care and Children's Services.

- 3.4.6 Development of a Gypsy and Traveller Lettings Policy, which will be a satellite policy of the Leeds City Council Lettings Policy, in partnership with the Gypsy & Traveller Community.

Expansion of Cottingley Springs by 12 pitches

- 3.5 An initial assessment of the Cottingley Springs site has indicated that approximately twelve new pitches could be delivered on the site and adjacent land that is owned by the Council.
- 3.6 The HCA has awarded Leeds £1.074m grant funding to develop twelve new pitches. The Council submitted a funding bid on the expectation that the pitches would be developed on new sites. Discussions have taken place between Council officers and representatives from the HCA and they have indicated that they would be content with a proposal to expand Cottingley Springs.
- 3.7 Officers acknowledge that a report to the July 2011 Executive Board, in response to a Scrutiny Board recommendation, set out a view that the expansion of Cottingley Springs was not a preferred option at that point in time and it was appropriate to explore other options first. There are issues associated with this option: government guidance states that sites should not exceed more than 20 pitches and there remain concerns, relating to management of an expanded site. There are also challenges associated with Cottingley Springs being located in the Green Belt and the flood risk status which require resolution.
- 3.8 Government Planning policy for Gypsy and Traveller sites issued in March 2012 has the following to say about locating sites in the Green Belt:
- 3.8.1 *Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development.*
- 3.8.2 *Green Belt boundaries should be altered only in exceptional circumstances. If a local planning authority wishes to make an exceptional limited alteration to the defined Green Belt boundary (which might be to accommodate a site inset within the Green Belt) to meet a specific, identified need for a traveller site, it should do so only through the plan-making process and not in response to a planning application. If land is removed from the Green Belt in this way, it should be specifically allocated in the development plan as a Traveller site only.*
- 3.9 Whilst it is a matter for the Council as planning authority to consider (or the Secretary of State in the event that a planning application is called in for his consideration), the fact that a site search has not identified suitable alternative sites coupled with the pressing need to address unmet need can amount to the very special circumstances justifying what will be inappropriate development' in the Green Belt. The pressing need to progress also means that it is simply not practicable to seek to allocate the site through the development plan process and the only realistic option would be to submit a planning application.

- 3.10 The Council has recently lost an appeal against an enforcement notice relating to the development of a small Gypsy and Traveller site, located in the Green Belt, in Allerton Bywater. Planning permission was granted for three years. Although the land is in the Green Belt, the Planning Inspector felt that the substantial unmet need for Gypsy and Traveller sites within the Leeds district, and the absence of a 5 year supply plan, amounted to very special circumstances there was justifying inappropriate development and an exception to the presumption against Gypsy and Traveller site development in the Green Belt.
- 3.11 The flood risk status of Cottingley Springs, surrounding land that the Council owns and for access roads will be of critical importance to the expansion proposal. Any development proposals will fully assess all the risks.
- 3.12 Officers are of the view that the design of an expanded site is capable of being managed effectively and sensitively and site expansion can amount to an effective and sustainable option and be regarded as a positive development.

Modernisation of Cottingley Springs including funding options

- 3.13 Linking the expansion to the modernisation of the existing site is a positive development for both new and existing residents. Discussions have taken place with the HCA regarding the possibility of securing further grant funding to modernise Cottingley Springs. The pitches, amenity blocks and communal space at Cottingley Springs require substantial investment to meet a standard which ensures housing provision for Gypsies and Travellers is commensurate to that enjoyed by social housing tenants. The HCA has advised that there will be an opportunity from September 2012 for the Council to bid for a further round of £13m funding for Gypsy and Traveller accommodation provision. Priority will be given to bids delivering new pitch provision so a bid to refurbish existing pitches would in all likelihood be considered more favourably if it included complementary plans for new pitch provision.
- 3.14 A provision within the 2008 Housing and Regeneration Act was implemented in April 2011 that strengthened the tenancy rights of Cottingley Springs residents. The residents of Cottingley Springs have security of tenure that means they cannot be evicted without the Council securing a court order on the grounds of a specific breach of the tenancy agreement. This security of tenure is commensurate to that enjoyed by council tenants, and given the tenancy relationship is between a site occupant(s) and the Council, then the Cottingley Springs' residents are essentially Leeds City Council tenants¹. Officers are investigating the feasibility of including Cottingley Springs within the Housing Revenue Account (HRA) Business Plan and sourcing investment to modernise the site through this route. Site rental income, forecast to be £265k in 2012/13, would be included in the HRA Business Plan. The HCA has advised that any refurbishment funding bid would need to be 'match funded' and the HRA could be the source of this investment.

¹ Residents of Cottingley Springs do not have the same right of succession or assignment enjoyed by council tenants.

- 3.15 Securing funding to modernise Cottingley Springs will be one element of a wider plan to improve the service offer made to residents. Council services, including Childrens Services and Adult Social Care Directorates, will draw up a service improvement plan with the residents, advocates and other voluntary sector services to look at how appropriate services can be delivered and targeted at residents.

Site Development Process

- 3.16 The development of the site is, of course, subject to planning permission being granted.

Pitch Allocation

- 3.17 Available pitches at Cottingley Springs are let in accordance with the Leeds City Council Lettings Policy. The development of a new policy will be undertaken in partnership with the residents to support the management of the site.

Core Strategy

- 3.18 The Planning Act 2004 permits government to intervene if it is believed that a local authority is not adequately addressing site requirement in its area. The Council is currently in the process of developing a Core Strategy and Site Allocation Development Plan Document (DPD) with the latter document setting out the need for Gypsy and Traveller pitches up to 2028. The Core Strategy and DPD is not likely to be adopted before 2014 and the intention would be to expand Cottingley Springs before the adoption of these plans.
- 3.19 It is therefore intended that the DPD will cater for the longer term housing needs of Gypsies and Travellers after the immediate housing need of the current 'roadside' Gypsies and Travellers is met. Consideration will be given to the housing needs of all Gypsies and Travellers who wish to live on pitch based provision. Nevertheless, greater consideration will be given to those Travellers who are predominantly Leeds based, live on the 'roadside', who are over-occupying pitches at Cottingley Springs and new households formed out of any these groups.

4.0 Corporate Considerations

4.1 Consultation and Engagement

- 4.2 Preliminary consultation has been undertaken on the proposal to expand Cottingley Springs with the 'roadside' Gypsies and Travellers, those living at Cottingley Springs and GATE: Gypsy and Traveller advocacy service. Views have been sought, through face to face interviews on expanding Cottingley Springs.
- 4.3 The consultation gained 7 responses from 'roadside' Travellers, and 24 from residents at Cottingley Springs.
- 4.4 The view of the 'roadside' travellers was mixed with half happy to move to the existing Cottingley Springs site, the others stating they would move to Cottingley if the new

pitches were separate from the existing site and the overall site was well managed. Two respondents stated they would not wish to live at Cottingley Springs.

- 4.5 The responses from Site A Cottingley Springs showed a higher level of concern regarding the proposal for expansion, with the majority of respondents not wanting an expansion of Site A but suggesting that there was potential to expand Site B and on the boundaries of the current site.
- 4.6 On Site B 70% of respondents were in favour of expansion but wanted to see improved facilities and greater influence over the management of the site and lettings. The remaining 30% were not in favour of expansion.
- 4.7 Subject to Executive Board approval the development process will be led by a project team involving lead members, residents of Cottingley Springs and roadside travellers. The process will include continuing consultations with local ward members.
- 4.8 Local Ward members for Farnley & Wortley have been consulted, the Green Party councillors concerns were regarding the size of the development and potential tensions within the community. The Labour Councillor is prepared to support the proposal subject to the site and service improvements being undertaken.

5.0 Equality and Diversity / Cohesion and Integration

5.1 An equality, diversity, cohesion and integration screening exercise has been carried out. This has affirmed that equality, diversity, cohesion and integration considerations have been effectively considered in relation to developing proposals to better meet the housing needs of Gypsies and Travellers. The distinct housing needs of Gypsies and Travellers (that a nomadic lifestyle is part of many Gypsy and Traveller's cultural expression), the need to ensure that accommodation options for Gypsies and Travellers are commensurate with the standard of housing offered to social housing tenants in conventional accommodation and the need to promote harmonious relationships with settled communities have been highlighted in this report.

6.0 Council Policies and City Priorities

6.1 Action to address the housing needs of Gypsies and Travellers in the city specifically reflect two of the aims of the Vision for Leeds: 'Leeds will be fair, open and welcoming' and 'All Leeds' communities will be successful'. This work will especially contribute to the 'Safer and Stronger' Communities Plan priority around 'Increasing a sense of belonging that builds cohesive and harmonious communities' and those relating to reducing crime and anti-social behaviour.

7.0 Resources and Value for Money

From a resources perspective, the expansion and modernisation of Cottingley Springs will be dependent upon HCA funding being released. No alternative Council funding has been identified or has been requested if the HCA funding is not released.

Between 2003 and 2010, the Council incurred costs of £1.994m in responding to unauthorised encampments. A more positive engagement with the Gypsy and Traveller community has reduced activity over the last two years.

It is forecast that rental income of £265k will be generated from the current provision at Cottingley Springs in 2012/13. A pro rata calculation suggests that approximately £77k income could be additionally generated through the provision of 12 more pitches.

8.0 Legal Implications, Access to Information and Call In

There is no legal requirement for the Council to provide sites for Gypsies and Travellers although the Council does have a duty to consider and make reasonable provision for the accommodation needs of this group.

If the option to expand Cottingley Springs is approved by Executive Board, then a planning application will need to be made. On the assumption that it is not called in by the Secretary of State for his determination, any planning application will be considered on its merits by the Council in its role as planning authority. This is a separate and distinct role and will not be influenced by any decision made by the Executive Board to support the proposals.

The report does not contain any exempt or confidential information.

The report is open to call-in.

9.0 Risk Management

There is a significant likelihood that a planning application to expand Cottingley Springs could result in objections. There is a risk that planning approval will not be forthcoming. There is also a risk that the planning application will be called in by the Secretary of State for his determination given the fact that the proposal would be in conflict with government planning policy as it would represent inappropriate development in the Green Belt.

10.0 Conclusions

The site assessment process has not identified any sites that are suitable to provide accommodation for the roadside families within an appropriate timescale. The challenges associated with the cycle of encampment and eviction (cost, impact on communities and unmet housing need), remain. Officers therefore believe that the most appropriate option is to expand the existing Cottingley Springs site. Initial discussions with government have indicated that agreed funding can be used to expand Cottingley Springs. Officers intend to submit a further bid to the HCA to try to secure additional funding to start the modernisation of Cottingley Springs.

11.0 Recommendations

Members are requested to support the following:

- To note that none of the Council owned sites, detailed in the table in Appendix A, are currently suitable for use as Gypsy and Traveller accommodation provision.
- To request that officers identify how Cottingley Springs can be expanded with the development of twelve new pitches.
- On the assumption that the expansion of Cottingley Springs proceeds:-
 - That such expansion is complemented by a programme of modernisation at the site to improve the housing offer made to existing tenants.
 - That a further funding bid is made to the HCA to part finance the modernisation programme.
- Cottingley Springs is included within the Housing Revenue Account (HRA) Business Plan so that HRA funding can be used to 'match fund' any further HCA award and to finance longer term investment at Cottingley Springs.
- Work with the Cottingley Spring's residents and other Council/voluntary sector services proceeds to improve the service offer made to residents. The review of access to services to include Health, Adult Social Care & Children's Services.
- To authorise the development of a Gypsy and Traveller Lettings Policy, which will be a satellite policy of the Leeds City Council Lettings Policy,

12.0 Background documents 1

12.1 Equality Diversity, Cohesion and Integration Screening Document.

12.2 Appendix A: Table of site assessment findings.

¹ The background documents listed in this section are available for inspection on request for a period of four years following the date of the relevant meeting. Accordingly this list does not include documents containing exempt or confidential information, or any published works. Requests to inspect any background documents should be submitted to the report author.