

## READING BOROUGH COUNCIL

### REPORT BY EXECUTIVE DIRECTOR OF ECONOMIC GROWTH AND NEIGHBOURHOOD SERVICES

<b>TO:</b>	<b>POLICY COMMITTEE</b>		
<b>DATE:</b>	<b>1 NOVEMBER 2021</b>		
<b>TITLE:</b>	<b>GYPSY AND TRAVELLER TRANSIT SITE</b>		
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<b>SERVICE:</b>	<b>HOUSING AND COMMUNITIES</b>	<b>WARDS:</b>	<b>BOROUGHWIDE</b>
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#### 1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This report provides an update on the progress towards delivering a site to meet the transit needs for Gypsies and Travellers within Reading and to seek approval to submit a planning application.

##### 1.1.1 Appendix 1 - Gypsy and Traveller Site Appraisal

#### 2. RECOMMENDED ACTION

- 2.1 That Policy Committee note the current position on progressing the Gypsy and Traveller site, including matters relating to the Environment Agency and Atomic Weapons Establishment.
- 2.2 That Policy Committee approves the submission of a planning application whilst noting the above risks.

#### 3. POLICY CONTEXT

- 3.1 Periodically assessing the housing needs of people living in caravans or houseboats is a requirement for local housing authorities under the Housing and Planning Act 2016 (124). At the same time, examining the accommodation needs of Gypsies and Travellers and seeking to accommodate those needs is an expectation of national planning policy in preparing Local Plans

#### 4. CURRENT POSITION

- 4.1 Following a review of sites in 2019/20 the Council instructed Hampshire County Council (HCC) to undertake a site appraisal on two potential sites to accommodate the needs of Gypsies and Travellers within the borough. HCC provided an in-depth appraisal of the two potential sites which concluded that only one site at Smallmead was possibly suitable and then only as a transit site option. The appraisal indicates that the site can accommodate 7 pitches or up to 14 caravans and cars. The report on the options appraisal is included at Appendix 1. There are 3 main issues with the site: one, its location next to the recycling centre and water treatment works with odour and public health issues, two, it sits within a flood zone and three, its location on the edge of the Detailed Emergency Planning Zone for the Atomic Weapons Establishment (AWE) Burghfield.
- 4.2 HCC were instructed to carry out a detailed feasibility of the Smallmead site with the intention of enabling a planning application to be submitted.
- 4.3 Due to the pandemic and resourcing issues HCC have been significantly delayed in progressing this work. As the Smallmead site sits within a flood zone the work required to alleviate the issues has been complex. Further complications have arisen due to protracted discussions with the Environment Agency (EA). This is due to their view that the Gypsy and Traveller community are considered as a 'highly vulnerable' group when assessing flood risk. This effectively means that no technical solution to flood risk mitigation can overcome this in-principle objection.
- 4.5 National planning policy however in the National Planning Policy Framework (NPPF) states that sites used for holiday or short-let caravans and camping are 'more vulnerable' uses, subject to a specific warning and evacuation plan, as opposed to the 'highly-vulnerable' uses which include caravans, mobile homes and park homes intended for permanent residential use.
- 4.6 Officers consider that a transit use would fall into the 'more vulnerable' classification, which means that the sequential and exception tests are required but does not necessarily mean that development is automatically inappropriate. The sequential test demonstrates that a sequential approach has been taken to development, with sites at lowest risk of flooding considered first. If the sequential test is passed, the exception test is whether it fulfils both of the following criteria:
- (a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
  - (b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 4.7 HCC's flood consultant Ramboll's are currently in dialogue with the EA regarding this matter. The EA are currently indicating that if the Council were to seek planning approval for this site, they would raise an objection in principle, the Planning Applications Committee would then have to consider whether to override this objection.
- 4.8 In addition to the EA's concern, the site is also located on the edge of the Detailed Emergency Planning Zone (DEPZ) for AWE Burghfield. Although it sits outside of the 3.5km radius on which the DEPZ was based it is still located within the defined DEPZ albeit on the edge. This is due to the methodology applied to

the creation of the zones which tried to avoid the splitting of communities. Officers have discussed the use of this site with Emergency Planners (EP's). However, the EP's are still developing policy in liaison with West Berkshire Council for sites that are beyond the 3.5km radius but technically within the DEPZ. Therefore, a decision on whether this site can accommodate this use will need to be tested during the planning application.

## **5.0 OPTIONS CONSIDERED**

- 5.1 A Gypsy and Traveller, Travelling Showpeople and Houseboat Dweller Accommodation Assessment was carried out in 2017 to assess the needs for those living in caravans and houseboats. In summary, it identified needs of 10-17 permanent pitches and 10 transit pitches for Gypsies and Travellers up to 2036. There is currently no provision for this community within the borough. Officers have considered a number of sites for provision and none have been found to be suitable.

## **6.0 OPTIONS PROPOSED**

- 6.1 Despite the significant issues with the land at Smallmead officers propose that a planning application is submitted. This is currently the only option available to deal with the needs of Gypsies and Travellers within Reading.
- 6.2 In addition the Council continues to deal with continual unauthorised encampments in the borough, the majority of which are on Council land. This has significant financial costs in terms of legal, bailiff, clean-up costs and officer time as well as a detrimental effect on communities when the encampments take place within public spaces.
- 5.3 Powers under the Criminal Justice and Public Order Act 1994 to seize vehicles of those who have failed to comply with a direction to leave land rely upon a suitable pitch being available on a caravan site within a local authority area, which means that the ability to use these powers in Reading is currently restricted by the lack of sites.

## **5. CONTRIBUTION TO STRATEGIC AIMS**

- 5.1 The provision of a Gypsies and Traveller site will lead to:
- A Healthy Environment - by reducing the issues with unauthorised encampments in the town
  - Thriving Communities - by tackling the inequality that Gypsy and Travelling community face by the lack of a site and ensure that they have an equal chance to thrive. This community is one of the most marginalised groups in the borough.

## **6. ENVIRONMENTAL AND CLIMATE IMPLICATIONS**

- 6.1 Should a Planning Application be successful then the works to a deliver a site will be delivered to highly sustainable standards in line with the Council's climate change ambitions to be a net zero carbon town by 2030.

## **7. COMMUNITY ENGAGEMENT AND INFORMATION**

- 7.1 A planning application would be subject to a statutory planning consultation. In addition to this statutory consultation officers have previously engaged the community regarding the selection of sites when an alternative site at Cow Lane was consulted upon, and the results of this were reported to Policy Committee in June 2018 (Consultation on Gypsy and Traveller Provision).

## **8. EQUALITY IMPACT ASSESSMENT**

- 8.1 Detail on Equality Impact Assessment was considered as part of the policy report in June 2018. The assessment recognised that an adverse impact on racial groups would result of any decision not to provide for transit needs. However, it also considered that there would be a justifiable reason for this position, specifically due to the limited suitable and available sites in Reading to meet these needs.

## **9. FINANCIAL IMPLICATIONS**

- 9.1 Should a planning application be submitted and be successful the cost of building out the site is estimated at 2.54 million. It is anticipated that the site would be built out within the Housing Revenue Account. Officers have confirmed with Homes England that funding is available for Gypsy and Traveller sites however this usually applies to permanent sites only. Officers would need to submit a bid following planning approval to enable Homes England to consider.

## **10. LEGAL IMPLICATIONS**

- 10.1 The Criminal Justice and Public Order Act 1994 is the main legal context for enforcement powers relating to unauthorised gypsy and traveller encampments. Section 61 is the direction to leave the land and S62 is the power to seize vehicles if the direction is not complied with.
- 10.2 Should trespassers refuse to adhere to a request to leave the land when asked to do so by the landowner or anyone acting on behalf of the landowner then sections 61- 62 of Criminal Justice and Public Order Act 1994 gives the police discretionary powers to direct trespassers to leave and remove any property or vehicles they have with them. The power applies where the senior police officer reasonably believes that two or more people are trespassing on land with the purpose of residing there, that the occupier has taken reasonable steps to ask them to leave and any of the following conditions have been met:
- a) that any of the trespassers have caused damage to land or property;
  - b) that any of the trespassers have used threatening, abusive or insulting words or behaviour towards the occupier, a member of the occupier's family or an employee or agent of the occupier; or
  - c) that the trespassers have between them six or more vehicles on the land.
- 10.3 In making their decision the Police must also consider whether there are other activities on the encampment such as serious breaches of the peace, disorder criminal or anti- social behaviour that would necessitate police involvement as well as the wider impact on the settled community

10.4 In addition the Police have powers (as above these are discretionary) under sections 62 A-E of Criminal Justice and Public Order Act 1994 to direct both trespassers and travellers to leave land and remove any vehicle and property from the land where the senior police officer reasonably believes that two or more people are trespassing on land with the purpose of residing there, that the occupier has taken reasonable steps to ask them to leave and there is a suitable pitch available on a caravan site elsewhere in the local authority area. The site must have a relevant site manager (Local authority, Social Landlord or Private registered provider of social housing). Provision of a transit site in the borough would make it much easier for the Police to move on unauthorised encampments.

## **11. BACKGROUND PAPERS**

### **11.1 Consultation on Gypsy and Traveller Provision June 2018**