
**Manchester City Council
Report for Resolution**

Report to: Executive – 21 January 2015

Subject Gypsy and Traveller Sites

Report of: Strategic Director of Strategic Development

Summary

This report provides Members with information about the current condition of the Dantzic Street Gypsy and Traveller site and the need for work to identify alternative provision together with a set of criteria for finding a replacement facility. It also outlines the case for a new short term transit site together with the criteria for identifying a suitable location.

It also provides information on the report on behalf of the Association of Greater Manchester Authorities (AGMA) which attempts to identify the current and future needs of Gypsies, Travellers and Travelling Showpeople.

Recommendations:

The Executive is recommended to:

- a) Note the current condition of the Dantzic Street site.
- b) Approve the proposal to close the Dantzic Street site subject to identification and development of a suitable replacement and the relocation of the residents.
- c) Approve the proposal to cease letting any further pitches on the site forthwith.
- d) Approve consultation with the current residents of the Dantzic Street site to ascertain their future accommodation requirements.
- e) Approve priority rehousing as a 'Council Interest Mover' for any individual or family resident at Dantzic Street who chooses to move to permanent residential accommodation with a Registered Provider.
- f) Approve the criteria for identifying a replacement site for the families in Dantzic Street and any other permanent sites required as a result of identified priorities and needs, informed by the Greater Manchester assessment of needs.
- g) Agree the revised set of criteria for the location of a transit site to provide temporary short stay accommodation for Gypsies and Travellers.
- h) Delegate the decision-making responsibility for identifying a replacement site (and any further sites required as a result of the AGMA study) to the Deputy

Chief Executive (Growth and Neighbourhoods) in consultation with the Deputy Leader of the Council and the Executive Member for Housing and Regeneration.

Wards Affected: Cheetham

Community Strategy Spine	Summary of the contribution to the strategy
Performance of the economy of the region and sub region	Not applicable
Reaching full potential in education and employment	Appropriate accommodation is vital to ensuring that residents achieve their full potential. Children living in good quality housing are more likely to stay in good health and have suitable conditions and space for studying.
Individual and collective self esteem – mutual respect.	Quality accommodation is intrinsically linked to residents' health, well being and feeling about their community.
Neighbourhoods of Choice	A suitable new site will be selected using the criteria contained in this report and will be done in consultation with the Dantzic St residents and local stakeholders.

Full details are in the body of the report, along with any implications for:

- Equal Opportunities Policy
- Risk Management
- Legal Considerations

Financial Consequences – Revenue

The costs of operating the existing site are within the General Fund. The existing Gypsy and Traveller site is self financing, in that the costs of operating the site are covered by the rents and other charges made to the occupants. In instances where the bills are not paid and the outstanding accounts need to be written off a provision for bad debts will need to be made, and this will be a cost of operating the site.

During the period when no further lettings are being undertaken the rental income will reduce and this could result in the running costs not being recovered, which will lead to cost pressures within Corporate Property.

Project management costs will be met by existing allocated resources within the General Fund. Other revenue costs for specialist work such as site surveys and site

design are not yet fully costed and will depend upon the site selected. Costs in the event of a legal challenge or challenges have not been identified.

The total revenue expenditure for the project is not likely to exceed £250k.

Financial Consequences – Capital

A new Gypsy and Traveller site to replace the current 16 pitches may cost in the region of £1.5m based on available information from other Councils.

The Homes and Communities Agency (HCA) have a programme of funding for the provision of new Gypsy and Traveller sites for which the Council or a partner Registered Provider will be able to bid once a site is identified.

It is intended that Council resources will be used to match any HCA resources made available to fund the new development. The Gateway approval process has been initiated and a further report will be brought to Executive for funding approval if necessary.

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Background documents (available for public inspection):

Designing Gypsy and Traveller Sites Good Practice Guide – Department for Communities and Local Government - May 2008

Planning Policy for Traveller sites - Department for Communities and Local Government - March 2012

Manchester Core Strategy 2012-2027– Planning Policy H9 – Accommodation for Gypsies, Travellers and Travelling Showpeople

1. Introduction

Dantzie Street

- 1.1 The Council has one permanent Gypsy and Traveller site located on Dantzie Street off Collyhurst Road near Victoria Station in the Cheetham ward.
- 1.2 There are 16 pitches on the site, 5 of which cannot be used at present as they are dilapidated and would require significant investment to bring them up to a reasonable standard.
- 1.3 The case for relocating the site is as follows:
 - i) Significant investment of around £100,000 is required to bring 5 unused pitches back into use and at least a further £60,000 to upgrade the existing facilities.
 - ii) The current site sits within an area where the Environment Agency considers there is a 'medium' risk of flooding in the future, and caravans are a use that is considered 'highly vulnerable' to floods,
 - iii) The Council is developing a strategic residential investment proposition for the Irk Valley
- 1.4 Homes and Communities Agency (HCA) funding is available in the 2015-18 Affordable Homes Programme to assist local authorities in improving existing or constructing new Gypsy and Traveller sites. However, the guidance is clear that funding is for new sites and not for refurbishing existing sites.
- 1.5 It is, therefore, recommended that given the poor and deteriorating condition of the existing site that it is relocated and that reletting of pitches is ceased forthwith.

2. Unauthorised encampments

- 2.1 Whilst a nomadic lifestyle is lawful, the transient nature of the Traveller culture can sometimes lead to the establishment of unauthorised encampments, where a group enter land without the permission of the owner.
- 2.2 Every year the Council deals with a number of unauthorised Gypsy and Traveller encampments. There have been occasions where people who have established unauthorised encampments have caused damage to community relations and have created intimidating environments. These cause significant inconvenience to local residents. The Council, with Greater Manchester Police (GMP), has been successful in recent years in tackling such behaviour through a combination of directly challenging criminal behaviour and prosecution, where required, but the lack of an available temporary (transit) site does compromise the ability to move groups on from unauthorised encampments quickly. As a result, considerable resources are often required to persuade the occupants to vacate the site and to reinstate the land after

they have moved. The Council has incurred costs in the region of £100,000 since November 2011 in dealing with unauthorised encampments. This does not cover all officer time nor the costs incurred by Greater Manchester Police and does not take into account the impact such encampments have on communities.

- 2.3 Significant work has progressed in partnership with GMP which has led to a reduction in the number of encampments over the last 2 years as well as reducing the impact at a community level where encampments have occurred.
- 2.4 A clear draft protocol to better facilitate the tactical management of encampments has now been developed which will support all parties for the future. The joint protocol continues to acknowledge the protected characteristics of the Gypsy and Traveller community and during its development, the working group identified issues around vulnerability and the collective support offer available to this group. This coordinated response also supports better engagement with other services such as access to advice and information as well as Social Care, Health, Education, and Housing Support.
- 2.5 There is no legal right of trespass and as such the law provides a wide range of powers to remove such trespassers. It is often a delicate balance between the rights of the Traveller community to lead this lifestyle and those of the landowner and the settled community.
- 2.6 Every year the Council deals with a number of unauthorised Gypsy and Traveller encampments. These cause significant inconvenience to local residents and often require considerable resources to persuade the occupants to vacate the site and to reinstate the land after they have moved. The Council has incurred costs in the region of £100,000 since November 2011 in dealing with unauthorised encampments. This does not cover all officer time nor the costs incurred by Greater Manchester Police and does not take into account the impact such encampments have on communities.
- 2.7 One means of mitigating the costs to the Council and reducing the negative impact of unauthorised encampments is for the Council to provide a short-stay transit site. Whilst this does not, in itself, prevent unauthorised encampments, it does allow the Council and GMP to seek possession orders much quicker if we have a site for travellers to move to. The Gypsy, Traveller and Travelling Showperson Accommodation Assessment (GTAA) for Greater Manchester (see section 3) will include an assessment of the need for a transit site or sites across Greater Manchester.
- 2.8 It is, therefore, recommended that the Council identify a site in Manchester to enable the Council (and Greater Manchester Police) to offer unauthorised groups a temporary site before they move on.

3. Gypsy and Traveller accommodation needs assessment

- 3.1 The Council's Core Strategy currently indicates that approximately 60 new pitches for Gypsies and Travellers and approximately 20 new pitches for

Travelling Showpeople will be provided between 2011 and 2016. These figures were based on research by arc⁴ (consultants) on behalf of the AGMA authorities, which quantified the accommodation needs of Gypsies and Travellers and Travelling Showpeople as part of Manchester's Housing Needs Assessment.

- 3.2 In late 2013 arc⁴ (consultants) was commissioned to update the Gypsy, Traveller and Travelling Showperson Accommodation Assessment (GTAA) for the Greater Manchester Authorities of Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Stockport, Tameside, Trafford and Wigan. The overall objective of the research is to provide a robust evidence base covering Greater Manchester's needs, which can underpin work to determine the level of pitch and plot provision appropriate in each district. Any revision to the Council's requirements to provide additional pitches will be taken into account. If there is a requirement to provide more pitches overall, a report will be brought to Executive.

4. Guidance and criteria for Gypsy and Traveller sites

- 4.1 The Government has issued a comprehensive set of criteria for new residential and transit sites which local authorities are advised to follow. Experience elsewhere has shown that Councils not following the guidance lay themselves open to legal challenge from pressure groups such as the Gypsy Council which has led to significant costs and Councils having to rethink their approaches.
- 4.2 Appendix 1 provides detailed information on the legislative, policy and planning background to the provision of Gypsy, Traveller and Travelling Showpeople sites.
- 4.3 It also includes information on the Department for Communities and Local Government "Consultation on Planning and Travellers" issued in September 2014. This paper proposes measures to:
- Amend the definition of Travellers and Travelling Showpeople;
 - Amend the current planning guidance so that failure to seek permission in advance of occupation of land would count against a planning application;
 - Protect 'sensitive areas' including the Green Belt; and
 - Update guidance on how local authorities should assess future Traveller accommodation requirements.

5. Dantzic Street Consultation

- 5.1 Officers who deal with the Dantzic Street site report that residents acknowledge that the existing facilities are not up to standard and, whilst no formal consultation has taken place, early indications are that they accept that relocating the site would be a preferable option.
- 5.2 It is likely that during formal consultation some families or individuals may wish to move to permanent residential accommodation.

6. Relocation and Rehousing

- 6.1 Subject to Executive approval to relocate the site, it is proposed that formal consultation is undertaken with residents at Dantzig Street to determine their requirements. If a resident wishes to move into permanent residential accommodation it is recommended that they are given rehousing priority as a 'Council Interest Mover' (which is the priority given to tenants and residents in regeneration areas where we are demolishing their home and they have to move).
- 6.2 In addition it is recommended that no further lettings should take place on the Dantzig Street site given the condition of the site, the cost of making it fit for purpose and the intention to close it in due course.
- 6.3 It is recommended that the Dantzig Street site remains in use until a new site has been developed and any remaining residents from Dantzig Street who intend to move there have been relocated.

7. Proposed criteria for site selection

- 7.1 There are a range of policies and legal requirements that guide and restrict the choice of new site(s) and the full national and city policies need to be applied.
- 7.2 They are not all listed in this report - but for practical purposes the criteria listed below are the relevant ones which are recommended should be used in selecting a replacement site for Dantzig Street (and for any further sites which may be required following approval of the AGMA accommodation needs assessment).
- 7.3 The recommendation is that the facilities required for a transit site do not need to be as extensive as those for a permanent site and that those criteria in italics below are not required to be met.

Criteria for New Sites¹

- Proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well-being of any travellers that may locate there or on others as a result of new development
 - Sites should not be located in areas at high risk of flooding.
- 7.5 National²;
- The number of pitches/plots should reflect the size and location of the site and its surroundings

¹ Planning policy for Traveller Sites, Department for Communities and Local Government (DCLG), 2012

² Planning policy for Traveller Sites, DCLG, 2012

- Protect local amenity and environment
- Mixed residential and business use sites should be considered wherever possible
- Sites should be sustainable economically, socially and environmentally, and promote peaceful and integrated co-existence between the site and the local community
- *Sites shouldn't be enclosed to the extent that the site appears to be deliberately isolated from the rest of the community*

7.6 Manchester³:

- Prioritise previously-developed sites in sustainable locations
- Design and density should contribute to the character of the local area.
- Include usable amenity space
- Give privacy to the site's residents and its neighbours
- *Be large enough for parking, ancillary buildings or storage space, play and residential amenities and space for business activities*
- Contain water, drainage, rubbish and waste disposal facilities, and electricity
- Allow for safe vehicular and pedestrian access, including for vehicles used for business
- Be designed in accordance with Government advice

7.7 Other Essential Requirements

- Be suitable for residential use in general, and for families living in caravans in particular
- Not be overcrowded, or wasteful of space, and should be appropriate given the density of the surrounding area
- Be practical; e.g., not be on a steep hillside

7.8 Desirable requirements

- Be able to be managed effectively in the long-term, to ensure a good standard of living accommodation and avoid conflicts with neighbours
- *Be located and designed in consultation with the local community, and with Gypsies & Travellers/ Travelling Showpeople.*
- Avoid conflicts with other residents
- Be relatively small in size; normally a maximum of 15 pitches⁴
- *Allow the families to maintain their local connections if required*
- *Facilitate broader integration into the wider community; for example, by facilitating links with schools, faith groups, the political process, community relations and capacity building*
- Provide visual and acoustic privacy

³ Manchester Core Strategy 2012-2027 policies H1 and H9

⁴ Designing Gypsy and Traveller Sites Good Practice Guide, DCLG, 2008

- *Be capable of expanding to reflect changes in demand from long-term residents, e.g. children growing up and starting a family of their own*
- *Be in an area where there is a significant landlord with responsibility for neighbourhood management*
- Where private provision is not possible or appropriate, sites should ideally be in MCC, housing association or public ownership
- If not owned by MCC sites should be available for purchase at a reasonable cost with no private property interest involved and no known legal issues
- Areas which are not valuable amenity space for Manchester residents
- Areas which are already earmarked for future development will not be considered

8. Next steps

- 8.1 Following Executive approval officers will attempt to identify sites which meet the key criteria.
- 8.2 Formal consultation with residents on the Dantzic Street site will commence and new lettings at Dantzic Street will cease.
- 8.3 A further report with recommended sites will be considered by the Deputy Chief Executive (Growth and Neighbourhoods) in consultation with the Deputy Leader of the Council and the Executive Member for Housing and Regeneration.

9. Human Rights

- 9.1 It is recognised that there will be an interference with the human rights of the residents in the closure of the Dantzic St site and removal to a new site but, the benefits of the proposals, both to the residents and to the City in general, are set out in the report and are considered to outweigh any interference that may be suffered. Conditions on the current site are poor and the residents have given positive messages about a potential move. Residents will be consulted and their views taken into account in the identification of alternative sites. Potential new sites will be identified and selected in accordance with published Government guidance and the criteria at section 7 of this report.

10. Contributing to the Community Strategy

- (a)** Performance of the economy of the region and sub region

Not applicable.

- (b)** Reaching full potential in education and employment

Appropriate accommodation is vital to ensuring that residents achieve their full potential. Children living in good quality housing are more likely to stay in good health and have suitable conditions and space for studying.

(c) Individual and collective self esteem – mutual respect

Quality accommodation is intrinsically linked to residents' health, well being and feeling about their community.

(d) Neighbourhoods of Choice

A suitable new site will be selected using the criteria contained in this report and in consultation with the Dantzic St residents and local stakeholders.

11. Key Policies and Considerations

(a) Equal Opportunities

The term "Gypsies and Travellers" includes different groups who have their own customs and traditions; they are an ethnic minority group legally protected under the Race Relations Act. Case law has established that Roma gypsies and Irish travellers are covered by the protected characteristic of race under the Equality Act 2010.

The Council recognises that the closure of the Dantzic Street site and the relocation of its current residents may have an impact on individuals with protected characteristics. However, this report sets out the reasons why the closure and relocation of the Dantzic Street site are considered necessary and the benefits associated with such closure and relocation. It is considered that the benefits of the proposals set out in this report outweigh any impacts on individuals with protected characteristics. Further, the criteria set out in this report for identifying a replacement site and a transit site demonstrate that the Council has had regard to the requirements of the Equality Act 2010.

(b) Risk Management

There have been a number of recent examples where councils have been challenged on their decision making when identifying and selecting Gypsy, Traveller and Travelling Showpeople sites. To mitigate the risk of legal challenge officers will ensure that correct procedures and Government guidance on best practice are followed. Full consultation with the existing residents and all other stakeholders will be undertaken.

(c) Legal Considerations

Legal advice has been obtained and has been taken into account in drafting this report

12. Conclusion

- 12.1 Executive is recommended to approve the closure of the Dantzic Street site subject to finding a suitable alternative site which meets the key approved criteria. Priority rehousing status will be awarded to any resident wishing to move into permanent residential accommodation.

- 12.2 Executive is also recommended to agree that officers identify a transit site based on the revised criteria proposed.
- 12.3 Following conclusion of the AGMA needs assessment a further report will be brought to Executive if there is an overall requirement to provide more sites and/or pitches.
- 12.4 Executive is recommended to approve consultation with the current residents of the Dantzic St site, to ascertain their future accommodation requirements
- 12.5 Executive is recommended to delegate the decision-making on future Gypsy, Traveller and Travelling Showpeople sites to the Deputy Chief Executive (Growth and Neighbourhoods) in consultation with the Deputy Leader of the Council and the Executive Member for Housing and Regeneration.

Appendix 1

1. Legislative background

Since 1960, three Acts of Parliament have had a major impact on Gypsies and Travellers and Travelling Showpeople:

- Caravan Sites and Control of Development Act 1960;
- Caravan Sites Act 1968 (Part II); and the
- Criminal Justice and Public Order Act 1994.

The 1994 Criminal Justice and Public Order Act abolished all statutory obligations to provide accommodation, discontinued Government grants for sites and made it a criminal offence to camp on land without the owner's consent.

Since the 1994 Act, the only places where Gypsies and Travellers and Travelling Showpeople can legally park their trailers and vehicles are:

Council and Registered [Social Housing] Providers Gypsy caravan sites;

- Privately owned land with appropriate planning permission;
- Land with established rights of use, other caravan sites or mobile home parks by agreement or licence along with land required for seasonal farm workers.

The 1994 Act resulted in increased pressure on available sites. It eventually resulted in further reviews of law and policy, culminating in the Housing Act 2004 which placed a requirement (s.225) on local authorities to assess Gypsy and Traveller and Travelling Showpeople accommodation needs.

2. Policy background

A considerable range of guidance documents have been prepared by central Government to assist local authorities in discharging their strategic housing and planning functions and numerous research and guidance documents have been published by other agencies.

Some of the key themes to emerge from a review of relevant literature include:

- Recognising the long-standing role Gypsies and Travellers and Travelling Showpeople have played in society and how prejudice, discrimination and legislative change have increasingly marginalised this distinctive ethnic group;
- A recognised shortage of provision for Gypsies and Travellers;
- The importance of understanding Gypsy and Traveller issues in the context of recent housing and planning policy development;
- Recognition that Gypsies and Travellers are one of the most socially excluded groups in society and are particularly susceptible to a range of inequalities relating to health, education, law enforcement and quality of accommodation; and
- A need for better communication and improved understanding between, and within, Travelling communities themselves, and between Travelling communities, service providers and permanently settled communities.

3. Planning policy

In March 2012 the Government published both the National Planning Policy Framework⁵ and its accompanying 'Planning policy for traveller sites'⁶. These documents replace all previous national planning policy in respect of Gypsies and Travellers and Travelling Showpeople. This new national guidance is now a material consideration in determining planning applications and its overarching aim is '*to ensure fair and equal treatment for travellers*'.

Through Planning policy for traveller sites, local planning authorities are encouraged to make their own assessment of need for the purposes of planning, and plan for sites over a reasonable timescale. National policy aims to promote more private Traveller site provision '*while recognising that there will always be those travellers who cannot provide their own sites*' (paragraph 4).

The policy also states that⁷:

- Plan making and decision taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more effective;
- Planning policies need to be fair, realistic and inclusive; and
- Planning policies should increase the number of Traveller sites in appropriate locations with planning permission, to address under-provision and maintain an appropriate level of supply.

It is within this policy context that local planning authorities will have to plan future provision for Gypsies and Travellers and Travelling Showpeople across their respective areas. The National Planning Policy emphasises the role of evidence and how it should be used within this context.

Using evidence to plan positively and manage development, stresses the need for timely, effective and on-going community engagement (both with Travellers and the settled community); the '*use of a robust evidence base to establish accommodation needs to inform the preparation of local plans and make planning decisions*' is advocated. Paragraphs 8 and 9 of 'Planning policy for traveller sites' state that: '*Local planning authorities should set pitch targets for gypsies and travellers and plot targets for travelling show people which address the likely permanent and transit site accommodation needs of travellers in their area, working collaboratively with neighbouring local planning authorities*'.

'Local planning authorities should:

- a) *Identify and update annually, a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set targets;*
- b) *Identify a supply of specific, developable sites or broad locations for growth, for years 6 to 10 and, where possible, for years 11-15;*
- c) *Consider production of joint development plans that set targets on a cross-authority basis, to provide more flexibility in identifying sites, particularly if a local planning authority has special or strict planning constraints across its area (local planning authorities have a duty to cooperate on planning issues*

⁵ CLG National Planning Policy Framework March 2012

⁶ CLG Planning policy for traveller sites March 2012

⁷ CLG Planning policy for traveller sites March 2012 para 4

- that cross administrative boundaries);*
- d) *Relate the number of pitches or plots to the circumstances of the specific size and location of the site and the surrounding population's size and density; and*
- e) *Protect local amenity and environment.'*

Despite the revocation of the Regional Spatial Strategy, the need for strategic planning remains, especially to ensure coherent planning beyond local authority boundaries. To this end the Localism Act 2011 has introduced the Duty to Co-operate which the Planning Advisory Service⁸ advises:

- Requires councils and public bodies to engage constructively, actively and on an on-going basis in relation to planning of sustainable development;
- Requires councils to consider whether to enter into agreements on joint approaches or prepare joint Local Plans (if a local planning authority); and
- Applies to planning for strategic matters in relation to the preparation of Local and Marine Plans, and other activities that prepare the way for these activities.

The Localism Act and the National Planning Policy Framework set out a requirement for local authorities to fulfil the Duty to Co-operate on planning issues, including provision for Gypsies and Travellers and Travelling Showpeople, to ensure that approaches are consistent and address cross border issues with neighbouring authorities. The Duty is intended to act as a driver for change in order to enhance co-operation and partnership working to assist in delivering appropriate provision of future accommodation for Gypsies and Travellers, which can be contentious. In addition, the National Planning Policy Framework sets out a presumption in favour of sustainable development to guide local authorities in the delivery of new developments whilst the 'Planning policy for traveller sites' [sections 7-11] provides specific advice as detailed above.

4. Department for Communities and Local Government consultation – September 2014

In September 2014 the Department for Communities and Local Government issued a Consultation on Planning and Travellers. The paper proposes measures to:

- Amend the definition of Travellers and Travelling Showpeople to exclude those who have ceased to travel permanently;
- Make the intentional unauthorised occupation of land be regarded by decision takers as a material consideration that weighs against the granting of planning permission. In other words, failure to seek permission in advance of occupation of land would count against a planning application;
- Protect 'sensitive areas' including the Green Belt; and
- Update guidance on how local authorities should assess future Traveller accommodation requirements, including sources of information that authorities should use. The proposed 'Draft planning guidance for travellers' would replace current guidance, including that set out in 'Gypsy and Traveller Accommodation Needs Assessments – Guidance (2007), and 'Designing Gypsy and Traveller Sites – Good Practice guide (2008).

⁸ PAS A simple guide to Strategic Planning and the Duty to Cooperate
<http://www.pas.gov.uk/pas/core/page.do?pageld=2133454>