



## OPEN REPORT COMMUNITY AND ENVIRONMENT COMMITTEE

---

Community and Environment Committee – 21<sup>st</sup> November 2024

### PERMANENT GYPSY AND TRAVELLER SITE IDENTIFICATION

#### Report Author and Contact Details:

Rob Cogings, Director of Housing

Tel 01629 761354 [robert.cogings@derbyshiredales.gov.uk](mailto:robert.cogings@derbyshiredales.gov.uk)

#### Wards Affected

All wards

#### Report Summary

ARK were engaged by the Council to undertake an initial search of potential permanent traveller sites. This project concluded in May 2024 and a further, more detailed assessment was then commissioned and concluded in October 2024. This report sets out the recommendations of the Gypsy and Traveller Working Group following consideration of the 2<sup>nd</sup> phase of work. Whilst ARK were unable to secure suitable sites, they have identified 3 potential sites that need further assessment. ARK have also reflected on the shortcomings of the traditional approach of councils to acquire land and recommend that the District Council revise its approach to include the use of auctions, subject to the development of an appropriate delegation policy.

#### Recommendations

1. That Members note the results of the ARK Phase 2 report set out below.
2. That in accordance with the recommendations of the Gypsy and Traveller Working Group, no further work is undertaken at the present time in regard to progressing the provision of a permanent Traveller site on land at the Woodyard, Homesford, Station Road Car Park, Rowsley and Watery Lane, Ashbourne.
3. That Council be recommended to approve a supplementary revenue budget of £25,000 to be funded from the General Reserve to take forward a further phase of work aimed at assessing the viability of the 3 privately owned sites set out in the report, any further sites that may emerge in the short term and further development support.
4. That a procedure for the potential acquisition of land at auction for the provision of permanent and/or temporary Traveller sites be developed and presented to a future meeting of this Committee for approval.

5. That subject to recommendation 4 above the consultation process relating to the identification and provision of permanent and temporary sites is amended to take into account the reduced timetable in relation to land purchased at auction. Further details to be developed and presented to a future meeting of this Committee for approval.

**Consideration of report by Council or other committee**

No

**Council Approval Required**

No

**Exempt from Press or Public**

No

# PERMANENT GYPSY AND TRAVELLER SITE IDENTIFICATION

## 1. Background

- 1.1 ARK Consultancy Limited (ARK) completed the first phase of the Gypsy and Traveller site identification process earlier this year, during the period March to early May 2024, on behalf of Derbyshire Dales District Council (the Council). The Council requested that two sites with an approximate site area of between 2500sq m and 3500sqm should be identified, to ensure that each pitch would allow space for a mobile home and touring caravan as well as amenity building, parking and vehicle turning room.
- 1.2 ARK developed a site assessment matrix taking into consideration these site area requirements and also the detailed site assessment criteria set out in the Local Plan Policy HC6 of the Derbyshire Dales Local Plan, which provides the planning policy basis for any decisions in relation to permanent Traveller sites. This first stage of the site identification process resulted in the identification of a shortlist of sites which were graded in accordance with the Council's own criteria and the needs identified of the households involved in the initial brief and also temporary sites for both immediate relocation and for transient households.
- 1.3 A final report summarised the outcomes of the first stage of the process and provided recommendations as to which sites were suitable to progress and which should be discounted. The list, although not exhaustive, provided a total of nine potential sites and seven possible alternatives for which ARK completed Title Deed searches. Following completion of Phase One of the process, ARK was asked to submit a methodology and resource proposal for Phase Two and was subsequently appointed by the Council to complete this project phase with a time limit of three months from June 2024
- 1.4 This report sets out ARK's workings in terms of further assessment of Phase 1 sites and the outcomes from their ongoing search for additional and new sites. Site viability assessments and sketch site layouts have been provided for those sites which are considered to potentially meet the Council's requirements.
- 1.5 In terms of practical progress measured against this methodology, ARK has identified an additional twenty-two sites, including one site arising from a search of existing caravan and camp sites, for which more information is provided below. In addition, where a site has been shortlisted due to it potentially meeting the Council's requirements and also having the potential to be purchased, site viability assessments and site sketch layouts have been provided. Six sites have met these criteria.
- 1.6 ARK has not progressed to discussion of Heads of Terms with landowners of identified suitable sites, largely due to a lack of engagement from landowners when approached. In addition, where landowners have engaged positively with ARK, there have been mitigating factors relating to site suitability and viability that ARK has not been able to fully address within the time confines of this Phase Two project. During the course of Phase 2, several potential sites came to the market via auction. However, ARK were

not able to progress without approval, authorisation, and funding to proceed to purchase.

## **2. Potential Sites**

- 2.1 Four sites from Phase 1 were reviewed and Pelham Architects produced draft design layouts for each site. Two of these sites are in private ownership and attempts have been made to contact owners and discuss the potential sale. In both cases this has so far proved unsuccessful. Given these sites are in private ownership, they will remain anonymous, to allow further discussions with the landowners to take place.
- 2.2 The other two sites identified in Phase 1 are in public ownership including the District Council car park at Rowsley and the County Council site at Watery Lane, Ashbourne. The Rowsley car park has previously had a consent for use as a temporary traveller site whilst Watery Lane had been included in the Local Plan. The Ashbourne site briefly appeared on the County Council's website seeking offers for a 2-year lease. The site was removed from the County Council's website following the approach by ARK. Further enquiries have been made with Derbyshire County Council however, it is unlikely the site will come forward in the short term.
- 2.3 Two additional sites were considered as part of Phase 2 including the Woodyard at Homesford, which remains the only site in the district with planning consent for use as a traveller site. This site is in private ownership and is often cited by residents as a suitable place for a traveller site. ARK undertook a detailed assessment of the costs involved in bringing this site forward, which amounted to £1.3m. This reflects the costs associated with acquisition, works and fees.
- 2.4 ARK commissioned an independent build cost estimate to provide a guide cost to develop the land to match the five-pitch feasibility drawing provided by Pelham Architects rather than the eight-pitch design for which the site was granted planning approval. The eight-pitch design does not match the Council's own requirements and specification for the permanent pitches. A 5 pitch site would encourage a sustainable tenancy with features provided such as individual amenity blocks which the eight-pitch design does not offer.
- 2.5 The vendors have a fixed value for the land and this sum has been used for the development appraisal. Normally there would be scope for negotiation on the price at a later date when a formal Red Book valuation has been carried out. Discussions between Ark and the Council have established the rents, service charge, grant levels / internal funding mix used in the appraisal. An independent valuation will also be required to establish the rent to be charged at completion so there is some potential for a positive or negative variation. Because of the Council's status, it has been assumed for the appraisal that neither VAT nor SDLT will be levied but this does need to be confirmed by the Council as it could have a significant impact on the total scheme cost.
- 2.6 Due to there being limited survey and other information available at this time, the build cost estimate carries several caveats and provisional cost sums and as more information becomes available it is possible that the build

cost may change positively. ARK used a social housing recognised appraisal tool (Proval) to establish the likely total scheme cost to the Council and how the scheme performs against industry recognised performance parameters. A scheme of 5 pitches was appraised using Proval and concluded such a scheme performed very poorly. As such, the Gypsy and Traveller Working Group have recommended that no further work be undertaken to progress this site at the present time.

- 2.7 The second private site followed a review of all existing caravan and camp sites in the Council's area to assess whether any would be suitable for purchase and conversion as temporary or permanent Traveller sites. One site is currently on the market, although the asking price is significant. This site will remain anonymous while further assessments are undertaken.
- 2.8 In summary ARK undertook a detailed assessment of 6 sites of which 5 are considered as 'green' and could be considered as potentially meeting the Council's requirements. The Gypsy and Traveller Working Group have recommended that at the present time, Council does not take any further action in relation to the Woodyard at Homesford due to cost considerations, Rowsley Car Park due to site constraints, and Watery Lane, Ashbourne due to landowner resistance. However, it is proposed to undertake further assessment of the 3 sites in private ownership and consider any further opportunities that may emerge from Phase 1 and 2 as owners consider their options. Resources will need to be secured to cover the costs of further investigations.

### **3. Options Considered and Recommended Proposal**

- 3.1 ARK state the Council is limited, in terms of approved processes and procedures, to enable agents to act speedily and progress to purchase where a potential suitable site for sale has been identified.
- 3.2 The barriers which ARK has identified and which the Council must urgently address in order to progress and resolve the issue of the provision of Gypsy and Traveller sites are:
- Lack of approved process and procedures to enable Officers and/or Council Proxy to act quickly to purchase when suitable sites are identified.
  - No access to direct funding for site purchase in these circumstances (though Council has recently set aside £200,000 in the capital programme).
  - Lack of broader Council assessment and acceptance within this context of the risks relating to site purchase.
  - More flexibility is required within the site viability assessment process.
- 3.3 Although ARK understands and accepts the need for checks and controls in relation to all of the Council's expenditure, if the Council is to respond quickly as opportunities arise, the Council does need to develop a process which allows the Council to;
- Authorise, implement and fund a process by which sites may be purchased quickly if it is to successfully address the issue of

provision of both interim and long-term Gypsy and Traveller accommodation in the District.

- This process should incorporate authorisation for purchase of land through auction, potentially utilising a proxy, in addition to land purchased via a Land Agent or directly with the vendor.
- The Council also needs to understand its viability parameters. ARK believe the Council is already absorbing considerable costs relating to senior officer time, clean-up operations at the current temporary sites and the cost of loss of parking spaces. The understanding of these costs could be weighed against the cost of the new sites thereby considerably aiding viability.
- The Council does need to put into place processes and procedures by which to progress site acquisitions promptly and efficiently, being able to react to the market. The ability to purchase sites at auction especially, could be vital in helping DDDC meet their statutory requirements.

3.4 In addition, ARK recommend the Council should also consider actively utilising the power to compulsorily purchase land (CPO) and to land-bank potential future sites and this could free up potential opportunities.

3.5 ARK recommend a further phase of work that;

- includes viability studies on all scoped sites to see how they work within Council budgets. These would cost up to £4,000 per site and focus on assessments as referred to in para 8.4 below. Surveys and legal searches etc are standard due diligence requirements necessary to protect the Council's position prior to agreeing heads of terms with owners of prospective sites. At this stage officers suggest this work focuses on the 3 privately owned sites and any others that emerge in the short term. In addition external technical support is also needed to assist officers to develop the necessary arrangements for the procurement and development of sites, commonly referred to as Development Agency services. A total budget of £25,000 is requested to undertake the viability studies and secure Development Agency support.
- Utilise the Council's Empty Homes Officer in searching for potential vacant buildings/land.
- Prepare for handover and future management arrangements of completed sites.

#### **4. Consultation**

Consultation with landowners, public agencies and the wider housing sector has taken place in an effort to bring forward potential sites.

#### **5. Timetable for Implementation**

Following this report to the Community and Environment Committee, a further report will need to be taken to Council in order to confirm the allocation of funds.

#### **6. Policy Implications**

- 6.1 There remains a continuing need to provide permanent sites in order to support 2 vulnerable families, discharge the Council's homelessness duties and support the adoption of the Local Plan. Members will recognise that despite significant work being undertaken, securing suitable land is very difficult. Additional approaches are needed to increase the opportunities available. Whilst auctions carry different risks, it is recognised that based on recent experience, more opportunities come through this route than simply relying on public appeals for land and talking to landowners. Compulsory Purchase is also an option. Whilst CPOs take can take longer to secure, they are a useful tool for public agencies when securing land for strategic purposes.

## **7. Legal Advice and Implications**

- 7.1 The ARK report contains a great deal of personal and 'business' information as defined at Schedule 12A of Local Government 1972 Act (Para 1 (Information relating to any individual), Para 2 (Information which is likely to reveal the identity of an individual), and Para 3 (Information relating to the financial or business affairs of any particular person (including the Council)). Data protection requirements apply so far as the information is also confidential in consequence of data protection legislation. In accordance with the advice of the council's Monitoring Officer, the full ARK report will not be published until such time that GDPR requirements can be addressed.
- 7.2 There are 5 decisions recommended to be taken as set out at the beginning of this report. It is without doubt that any path taken by the Council will have legal requirements and conditions. Should the decisions be taken in line with the recommendations, the legal risk of challenge to these isolated decisions has been assessed as low.

## **8. Financial Implications**

- 8.3 It will be necessary to seek approval from Council for a supplementary revenue budget in 2024/25 to reflect the proposed expenditure of £25,000 for the viability studies. This would be financed by the use of the General Reserve. As this expenditure is "one-off", the General Reserve is permitted under the Council's Medium Term Financial Strategy. This recommendation will be included in the Quarter 2 Revenue Monitoring report to be taken to full Council on 28 November 2024 to seek approval for this supplementary revenue budget and its financing.
- 8.4 Additional budget is required to fund the refinement of drawings, obtaining accurate build costs, ecology assessments, drainage solutions, assessing availability of key services, pre application advice fees, renewable energy solutions, undertaking desktop studies e.g. stage 1 land contamination reports, undertaking Proval viability appraisals and other necessary assessments determined by each site. These costs will be identified, and approval sought as part of the budget setting process for 2025/26.
- 8.5 Additional capital funding is likely to be required to acquire a suitable site, approval to include this in the Capital Programme will be sought at the appropriate time.
- 8.6 The financial risk of this report's recommendations is assessed as medium.

## 9. Equalities Implications

- 9.1 Gypsies and Travellers are legally recognised ethnic groups and protected from discrimination within the Equality Act 2010. Age and disability are also specifically protected characteristics. An Equalities Impact Assessment (EIA) will be required to inform any new policy approach adopted by the Council concerning the traveller families.

## 10. Climate Change Implications

- 10.1 None arising from this report.

## 11. Risk Management

- 11.1 Development and delivery of traveller sites is a high risk process with competing pressures and financial implications. The main significant risks currently include the identification of suitable sites, working with landowners willing to sell land, securing planning and grant support. Pursuing a route that involves acquiring land at auction will need oversight by Members and senior officers to ensure a collective understanding of the opportunities and risks.

### Report Authorisation

Approvals obtained from Statutory Officers:-

	<b>Named Officer</b>	<b>Date</b>
Chief Executive	Paul Wilson	13/11/2024
Financial Services Manager	Gemma Hadfield	13/11/2024
Legal Services Manager	Kerry France	13/11/2024