

Petition – Proposed Traveller Site at Russell Street

RECOMMENDATION

1. That the Commission note the actions taken and planned in relation to the establishment of the proposed Traveller site at Russell Street.

SUPPORTING INFORMATION

2. In late 2004 a group of Travellers moved onto Council owned land at Glossop Street, Osmaston. They had previously occupied land on a nearby church site at St. Bartholomew's. The group consisted of 2 extended families comprising up to 15 households at any one time.
 - 2.1. The Council started proceedings to recover possession of the site, however legal advice at that time concluded that eviction action would not be supported in the Courts until the House of Lords had reached determination in the case of Price v Leeds City Council, known as the Leeds case.
 - 2.2. When the Leeds case was determined in April 2006, the Council wrote to the Travellers advising that it was reserving rights to obtain possession of the Glossop Street site, but would allow the Travellers to remain in situ while it undertook consultation with the Travellers themselves and local residents.
 - 2.3. Through the consultation, the Travellers expressed a preference to remain on the Glossop Street site, but were willing to consider other sites within the city boundary particularly if their children could remain in their current schools.
 - 2.4. A postal survey of local residents was sent to 1208 local households. 246 of those households replied and the majority, 86%, of these indicated that they were opposed to the site at Glossop Street being made permanent. 4.5% stated they had no preference and 9.5% considered that it should be made into a permanent site.
 - 2.5. The Leeds case was significant to local authorities as it made an effective distinction between short and longer term accommodation. Whether Travellers are able demonstrate that the land they are encamped upon has become their home, for example whether they've integrated sufficiently into the local community would have to be central to a Council's decision to pursue possession proceedings. In the event, advice to the City Council was that any decision to take action to evict the Travellers from the Glossop Street site could be considered in conflict with current Government policies should the Council pursue possession proceedings without adequate alternative provision being made available.

- 2.6. In response to the above advice, the Council elected to review suitable sites in order to establish an authorised site within the city, having resolved at Council Cabinet on the 28th November 2006 to seek to recover possession of the site but to seek an alternative elsewhere in the city. In order to fund a new authorised site a competitive bid would need to be submitted to the Regional Assembly by October 2007.
- 2.7. Officers commenced an initial assessment of possible sites across the City. In July 2007 CDN Planning were instructed to conduct a more detailed and independent assessment of the most suitable sites. In view of tight timescales, all the sites except one site owned by Rolls Royce, were within Council ownership as these could be progressed more quickly. The consultants proposed 3 'top-performing' sites as being suitable for an authorised Traveller site. Council Cabinet on the 2nd October 2007 selected the site at Russell Street as it's preferred option.
- 2.8. An event was held with residents on 25th October 2007 to outline the proposals for the Russell Street site and to seek residents' views on a number of design, layout and management issues.
- 2.9. In the meantime the Travellers had submitted a planning application to make a permanent encampment on the Glossop Street site and this is likely to be considered in the next couple of months. Residents continue to periodically raise concerns relating to the state of the site and the length of time involved in recovering possession of the site.
- 2.10. A number of local residents have formed a pressure group, called Action Group Osmaston, to campaign against the selection of the Russell Street site. A petition including 227 signatures objecting to the selection of the site and an accompanying letter setting out a number of queries and concerns in relation the site's selection was sent to MP Margaret Beckett who requested a response to these queries. The Council's response which addresses each of the six questions raised in petition is attached to this report.

2.11. Future Proposals

- The Council submitted a capital funding bid for Gypsy and Traveller sites grant in October 2007 to fund the development costs of the site. The outcome of this bid should be known by the end of this financial year.
- 2.12. Subject to the bid for funding being approved and the conclusion of successful negotiations with Rolls Royce, it is proposed that a planning application for the use of Russell Street as a permanent Traveller site be submitted.
- 2.13. Local residents and indeed the Travellers will have the opportunity to express their views during the consultation process relating to the application. In addition to the normal statutory planning consultation process, the Council has undertaken to conduct an additional consultation event, through the Osmaston Residents Forum. This should ensure that the Community is fully aware when the application is submitted, what it involves and give residents a full opportunity to make their views known.
- 2.14. This further consultation will also make the point that the proposed authorised site will be a vast improvement compared to the current illegal encampment. It will demonstrate that the proposed site will be a quality well laid out development within an attractive boundary treatment bearing no resemblance to the current Glossop Street encampment. The exercise will also endeavour to re-assure residents that the new site will be well and firmly managed which in itself will overcome many of the issues currently raised by residents and will also ensure that the Travellers contribute appropriately towards the services they receive.
- 2.15. Subject to the approval of the planning application it is proposed that detailed preparations be undertaken with a view to a start on site being made in the autumn of 2008.

- 2.16. In the meantime, the Council will continue to provide residents with an update on progress at the Osmaston Residents Forum where this issue is a standing item.
- 2.17. The Council recognises that this is a controversial issue that polarises local opinion. It is committed however to addressing the concerns of residents relating to the existing unauthorised encampment at Glossop Street. It also wishes to address the accommodation needs of the Travellers on Glossop Street.
- 2.18. Expert legal advice is clear that the Council is only likely to be successful in recovering possession of the Glossop Street site if it has a suitable alternative site to offer the Travellers. Cabinet has considered a number of alternative sites, that were ranked by independent consultants and has determined that the most appropriate way to meet both the needs of local residents and the Travellers is through the establishment of a permanent site at Russell Street.

For more information contact
Background papers
List of appendices

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Letter of response to Margaret Beckett MP
Appendix 1 - Implications

IMPLICATIONS

Financial

- 1.1. None directly arising from this report

Legal

- 2.1. None directly arising from this report

Personnel

- 3.1. None directly arising from this report

Equalities Impact

- 4.1. Gypsies and Travellers are one of the most excluded ethnic minorities in the country, with, for example, a higher than average incidence of limiting long- term illness and lower than average educational attainment. One of the keys to overcoming this exclusion is through the provision of permanent authorised sites

Corporate Priorities

- 5.1. The provision of a well designed, well managed permanent site for Gypsies and Travellers and the repossession of the Glossop Street Site promotes the Council's priorities **of making us proud of our neighbourhoods** and **Leading Derby towards a better environment**.