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## **GYPSY / TRAVELLER PROVISION IN SCOTTISH BORDERS**

**Report by Director Social Work & Practice**

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### **SCOTTISH BORDERS COUNCIL**

**16 December 2021**

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#### **1 PURPOSE AND SUMMARY**

- 1.1 This report provides Council with information in relation to the facilities and amenities for Gypsy / Traveller families in Scottish Borders. It has become apparent that the Council needs to review the arrangements in place for this group, specifically the provision of stopping places and sites that will ensure that there is compliance with Scottish Government guidance (Appendix A & A0.2). Experience during the COVID restrictions has confirmed existing provision is neither adequate nor flexible enough to meet our requirements.**
- 1.2 For some time the designated site for Gypsy/Travellers in Scottish Borders has been an area at the Tweedside Caravan Park, Innerleithen. Prior to the pandemic there were ten specific pitches for Gypsy/ Traveller families, however, this reduced to five pitches in line with COVID restrictions and updated fire regulations. It is also of note that this provision is a seasonal site with restricted access during the winter months, it is therefore designated as temporary provision.
- 1.3 In 2019, Scottish Borders Council formalised the approach to Gypsy/Traveller unauthorised encampments by appointing an officer in a support role as Gypsy/ Traveller liaison officer. Based within the Safer Communities Team, this role was to ensure a consistent approach and compliance with Scottish Government guidance (Appendix B). That member of staff has recently moved to a new post and officers are currently in the process of progressing recruitment into the now vacant post.
- 1.4 During the COVID restrictions in 2020/21 Scottish Government issued the *COVID-19 Framework for Local Decision Making on Gypsy/Traveller Support – June 2020*. This set out the need for access to sanitation, services and healthcare while minimising unnecessary travel. An update on the guidance has been expected for some time but to date this has not been published.
- 1.5 The LiveBorders site at Victoria Park, Selkirk has been used to temporarily accommodate the families arriving / located within Scottish Borders in line with the need for compliance with the current government guidance.

- 1.6 Officers have been investigating alternative longer-term options for a site/s for Gypsy/Traveller families in Scottish Borders, with a view to ensuring that we are compliant with national guidance. There was a member briefing in relation to this, which was followed by further information on potential sites.
- 1.7 The following information details the scoping that has taken place, potential sites identified thus far and indicative costs for converting these sites into suitable provision. Of note is that sites and indicative costings are difficult to quantify because of the variables in potential work that would be required due to variations on each site location. For example, there is a significant difference between the indicative costs of converting an existing Scottish Borders Council car park site compared to the cost of decontaminating a larger site that had previous industrial use.

## **2 RECOMMENDATIONS**

### **2.1 I recommend that Scottish Borders Council: -**

- a) Note the use of Victoria Park, Selkirk as the most viable option as a temporary Gypsy/Traveller site during the COVID response.**
- b) Agree the continued scoping of Etterick Mill, Selkirk as an alternative site that may be more suitable in the short to medium term and allow for Victoria Park to be returned to a commercial site as early as possible next year.**
- c) Agree that the land at Galafoot, Galafoot Lane, Galashiels be subject to a full feasibility study regarding its suitability as a longer term option for the Gypsy/Traveller community.**
- d) Agree that officers should continue to scope alternative sites in the event that the Galafoot site costs prove prohibitive as a viable long-term option.**
- e) Agree to progressing negotiations with the current tenant at Tweedside Caravan Park regarding the Scottish Housing regulators requirement for tenant rights for Gypsy / Traveller families on this site.**
- f) Agree to a consultation process with existing Gypsy / Traveller families and national Gypsy / Traveller representatives as part of the design process.**

### **3 BACKGROUND**

- 3.1 Tweedside Caravan Park, Innerleithen is owned by Scottish Borders Council and leased to the current tenant. Existing provision for Gypsy/Traveller families has been the provision of pitches on this site in a specific set aside area. Access to the site is at the discretion of the site operator. The site is closed during winter months. This arrangement has been managed through the SBC Assets and Infrastructure and Homelessness Service. The physical standards set by the Housing Regular are met while the governance standards regarding tenant rights and obligations have still to be concluded with the current tenant.
- 3.2 A number of documents have been published relating the Gypsy/Travellers and both the Scottish Government and COSLA have recognised the disadvantage and discrimination felt by this community. In particular this relates to the provision of accommodation, education (Appendix C), health and access to services.
- 3.3 In the last few years the number of unauthorised encampments in Scottish Borders has varied and it is recognised that families moving between a series of unauthorised encampments is not beneficial to them or the communities in which they are located.
- 3.4 As part of 'Housing to 2040', the Scottish Government has created a £20m Gypsy/Traveller Accommodation Fund which is intended for "both significant renovation and improvements of standards on existing sites and the building of new sites over the five years 2021-26.
- 3.5 It would be the intention for Scottish Borders Council to apply for funding from this National fund to support the provision of a suitable Gypsy/Traveller site/s.

### **4 RESPONSE DURING COVID PANDEMIC**

- 4.1 As COVID restrictions across Scotland and the United Kingdom began, a number of Gypsy/Traveller families arrived in the Scottish Borders and established unauthorised encampments. This created obvious risks in relation to the provision of good hygiene in a pandemic but also access to general services which had been curtailed due to restrictions.
- 4.2 A lack of capacity on designated Gypsy/Traveller sites across the country as COVID-19 restrictions began has compounded this position. Coupled with an inability to access goods, services and employment in areas the families would normally visit.
- 4.3 Scottish Government produced the *COVID-19 Framework for Local Decision Making on Gypsy/Traveller Support*, to assist council's. The site operated by LiveBorders, at Victoria Park, Selkirk did operate as a commercial site and the decision was taken to direct the families from unauthorised encampments to that location. Toilets, showers and other services could

realistically be provided. This remained in place from April 2020 until August 2021 when the families vacated Victoria Park.

- 4.4 As a significant positive to the community in Selkirk, some of the Gypsy / Traveller families children who were staying at Victoria Park were encouraged to enrol at the local Primary school. These children continue to attend the local school.
- 4.5 In August 2021, the families left Victoria Park and established unauthorised encampments in a number of Borders locations including the car Park opposite Council HQ in Newtown St Boswells, Galafoot in Galashiels and various sites on the industrial estate in Selkirk.
- 4.6 At various times throughout the pandemic officers have considered alternative site options. Recently over 85 locations (Appendix D) were considered in central Borders. These have principally been rejected due to location, access to services and community impact.
- 4.7 The LiveBorders site at Victoria Park, Selkirk presents as the most suitable interim option to meet the needs of the Gypsy/Travellers. A site at Ettrick Mill, Selkirk offers a temporary alternative to Victoria Park, though an assessment of the ground recommends additional surface soil sampling for potential contamination, no disturbance or excavation, and delineation of an agreed area. A more detailed assessment would be necessary for longer-term occupancy.
- 4.8 Based upon previous experience at Victoria Park an occupancy agreement, controlled access, a daily fee paid, preventing access onto the sport pitches and active site management have been agreed.

## **5. FUTURE PROVISION**

- 5.1 The Scottish Government are in the process of developing a *Design Guide for Gypsy/Traveller Sites in Scotland Provided by Local Authorities and Register Social Landlords*. It is intended that this provides considerations around long and short term use. In the interim a similar guide produced in 2008 has been used as a point of reference (Appendix E).
- 5.2 Given the restrictions on pitches at Tweedside Caravan Park for Gypsy/Traveller families, it is essential that we identify some additional facilities within the Central Borders. Previous unauthorised encampments have clustered in this area.
- 5.3 As highlighted earlier, officers have sought to identify a suitable location for the Gypsy/Traveller families as an alternative to Victoria Park, enabling it to revert back to a commercial venture as the general COVID restrictions eased. The intention is for the site to re-open in 2022.
- 5.4 **Ettrick Mill** has been identified as one potential short-medium term site. Due to the background of the site, a survey was commissioned regarding potential land contamination. A report has been received which indicates that further testing should be undertaken if the site is to be used for anything other than short-term temporary provision.

- 5.5 The following timescales and costs are subject to Council agreement for this option to progress:
- 5.6 Scoping welfare facilities and public utilities connections will progress (subject to Council agreement) but I am advised that this may take some time. Public utility connections are dependent on suppliers.
- 5.7 Building Warrant application is targeted for early next year, once the outline design has been developed. High level assessment of costs, with design still emerging is circa £370,000.
- 5.8 **Galafoot, Galashiels** has been identified as a potential suitable location due to its central location, impact upon the wider community and access to amenities and services that could be provided.
- 5.9 The Galafoot site itself was previously used for industrial purposes (former gasworks) and at present is not suitable for residential occupation. A site report from 2013 indicates issues in relation to potentially high levels of contamination including possible tar contaminated groundwater. This site would require significant investigation into the suspected contamination and an indicative cost of rectifying the contamination issue has been estimated at approximately £400,000 - £500,000.
- 5.10 The timescale for this action would mean that there would likely be a significant period of time before this site could be made suitable as a permanent site for Gypsy/ Traveller families. Current estimates indicate potential years before this would be achievable.
- 5.11 Before accurate costings can be obtained additional testing and monitoring of the site would be required in consultation with SEPA. Planning consent would also be necessary for any change in use and provision of appropriate amenities.
- 5.12 Other site options have been identified and were highlighted in the member update dated 26/11/2021. These options mainly consist of Council owned car parks and other similar type pieces of land. As these sites are predominantly already heard-standing, the costs associated with these being used as Gypsy/ Traveller sites is considerably lower than those mentioned above. Basic fencing and temporary welfare / sanitation facilities would cost in the region of £30,000 - £50,000, dependant on accessibility of relevant services.
- 5.13 Following the above site options being highlighted, some alternative sites have been suggested by members. As an illustration of the difficulties presented by some locations Lowood, for example, would require a mixed use planning allocation, road access points, availability of public utility infrastructure, and taking cognisance of the high quality build and natural heritage of the site. At the moment a number of these factors are not in place and therefore at this time does not seem a viable option to take forward.

## **6. PLANNING**

- 6.1 It is important to note that the use of land for the purposes of a future Gypsy/Traveller sites would require planning permission (Appendix F).
- 6.2 Once an application is registered and validated, all neighbours within 20M of the site boundary will be formally notified and consultees have 21 days to respond, 28 days for community councils.
- 6.3 The council has a 2 month period in which to determine a planning application, this can be extended depending upon the complexity.
- 6.4 The level of supporting information required to supplement an application will vary depending on specific site constraints.

## **5 IMPLICATIONS**

### **5.1 Financial**

- a) COVID provision for Gypsy/Travellers has been paid for from the Scottish Government funding relating to the Pandemic.
- b) Scottish Borders Council have received £50,330 from Scottish Government to physically improve Tweedside Caravan Park Gypsy/Traveller facilities.
- c) The Scottish Government have set aside a £20m Gypsy/Traveller Accommodation Fund for improvements or new facilities for Gypsy/Travellers across Scotland.
- d) An initial assessment of Ettrick Mill suggests a cost of £370,000.
- e) Re purposing existing car parks or other similar areas would have an associated cost of £30,000 - £50,000.
- f) A planning application is £401.00.
- g) Using the Gypsy/Traveller site design guide, and industry standard costs, a bespoke 10 pitch site with 200M squared per pitch plus individual service hut is expected to cost circa 2M. This does not include the public utilities or additional groundworks.

### **5.2 Risk and Mitigations**

- a) Gypsy/Travellers are protected under equalities legislation.
- b) There is strong support and expectation from COSLA and the Scottish Government regarding improving the lives of Gypsy/Travellers.
- c) The Tweedside Caravan Park does not currently meet the Housing Regulator minimum standards for Gypsy/Traveller sites in relation to tenant's rights and obligations. The council does have a proposed tenancy agreement for approval with the existing tenant.

- d) In the absence of a designated site for Gypsy/Travellers to use as they enter and pass through the Borders they set up as unauthorised encampments. Often these are in unsuitable locations or impact upon the settled community and businesses. This places the council in a situation in which it can offer no alternative and weakens the case should enforcement action be necessary.
- e) Unauthorised encampments on council land can be subject to enforcement action if unsuitable. In the case of private land this falls to the landowner.
- f) Based upon recent experience there is strong community expectation in relation to the councils ability to manage the situation.

### **5.3 Integrated Impact Assessment**

This will be necessary given the designation of Gypsy/Travellers. They are a minority group and consultation would be essential to inform the proposal.

### **5.4 Sustainable Development Goals**

The land in question at Galafoot is former industrial land. The process would intend to make the land suitable for residential use and remove any substances harmful to human health. This would improve the general amenity of the area.

### **5.5 Climate Change**

Within the planning process there are opportunities to harness green energy such as wind and solar power. Clean up land previously used for industrial purposes making it fit for residential use. All existing and current guidance would be adhered to.

### **5.6 Rural Proofing**

N/A

### **5.7 Data Protection Impact Statement**

There are no personal data implications arising from the proposals contained in this report.

### **5.8 Changes to Scheme of Administration or Scheme of Delegation**

None.

## **6 CONSULTATION**

6.1 Corporate Management Team have been consulted.

6.2 Equalities and Diversity Officer, Chief Legal Officer, Chief Officer Audit and Risk have been consulted.

6.3 An Integrated Impact Assessment will be required.

**Approved by**

**Name Stuart Easingwood      Director of Social Work and Practice**

**Author(s)**

Name	Designation and Contact Number
Graham Jones	Safer Communities & Community Justice Manager

**Background Papers:**

**Previous Minute Reference: N/A**

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