
Gypsy Traveller Site Provision

Report by Stuart Easingwood

Scottish Borders Council

23rd June 2022

1 PURPOSE AND SUMMARY

- 1.1 This report provides Council with an update on the facilities and amenities for Gypsy/Traveller families in Scottish Borders. It had become apparent that the Council needs to review the arrangements in place for this group, specifically the provision of stopping places and sites. Experience during the COVID restrictions has confirmed existing provision is neither adequate nor flexible enough to meet our requirements. This builds upon the report to Council in December 2021 (contained with the background papers).**
- 1.2 For some time the designated site for Gypsy/Travellers in the Scottish Borders has been an area at the Tweedside Caravan Park, Innerleithen. There are nine specific pitches for Gypsy/ Traveller families. This is a seasonal site with no access during the winter months, it is therefore designated as temporary provision. The site is leased on a commercial basis to the site operator. Lease arrangements are commercially sensitive and confidential. Pitch numbers had reduced during the Covid restrictions. It is generally accepted that rent arrears and/or previous tenancy difficulties would be grounds to refuse access.
- 1.3 In 2019, Scottish Borders Council formalised the approach to Gypsy/Traveller unauthorised encampments by appointing an officer (Community Safety Policy Officer) in a support role as Gypsy/Traveller liaison. Based within the Safer Communities Team, this role is to ensure a consistent approach and compliance with Scottish Government guidance (contained with the background papers).
- 1.4 During the COVID restrictions the 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. Victoria Park, Selkirk was utilised for this purpose. Updated guidance and a lifting of restrictions has enabled the site to be decommissioned as a COVID response and returned for commercial tourism from 30th June 2022.

- 1.5 Since early 2020 much of the work relating to Gypsy/Travellers has been led from within the Safer Communities Team, the original remit was restricted to unauthorised encampments.
- 1.6 The pre-election period coupled with the establishment of the new Council has delayed the presentation of this report.

2 RECOMMENDATIONS

3.1 I recommend that Scottish Borders Council:-

- a) Note the use of Victoria Park, Selkirk as a temporary Gypsy/Traveller site during the COVID response will end on 30th June 2022.**
- b) Note the progress made with the operator of Tweedside Caravan Park, Innerleithen who has introduced an occupancy agreement for Gypsy/Travellers that meets the Scottish Governments minimum standards for Gypsy/Traveller sites, and Scottish Housing Charter requirements as regulated by the Scottish Housing Regulator.**
- c) Support the design of a consultation process with existing Gypsy/Traveller families and national Gypsy/Traveller representatives in developing the Local Housing Strategy and future need as per the requirements of the Housing (Scotland) Act 2001.**
- d) Agree that Galafoot ceases to be a credible option as a site to consider for additional Gypsy/Traveller capacity for the reasons outlined at 3.7 & 3.8.**

3 BACKGROUND

- 3.1 The Gypsy/Traveller liaison function is specifically for unauthorised encampments. There is an established policy group to maintain a consistent approach in dealing with such situations. The council will only enforce removal activity that is court mandated on council owned land.
- 3.2 Arrangements at Tweedside Caravan Park, Innerleithen have been in place for a number of decades.
- 3.3 The report presented to Council in December 2021 sought to update on the existing situation as it related to Gypsy/Travellers as they enter and travelled within the Borders.
- 3.4 A number of recommendations had been contained within the December 2021 Council report. Updates are as follows:
- 3.5 **Use of Victoria Park, Selkirk**, the occupants have been advised the site will close to them on 30th June 2022. This has been communicated both verbally and in writing. Work is underway to identify and put right any resultant wear and tear on the fabric of the site caused during the COVID response.
- 3.6 **Scoping of Ettrick Mill, Selkirk as an alternative site**, contamination testing has been undertaken and plans had been developed. A planning application would have been necessary had the site been used beyond September 2022. Following communication with Selkirk elected Members and the community council it was agreed not to proceed and instead utilise Victoria Park until 30th June 2022.
- 3.7 **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.** The site is a former gasworks, c.2.3Ha in size, and has been subjected to a number of phases of investigation and remediation, most recently 2013. The report is almost 10 years old and certain assessment approaches, analytical methodologies and general guidance changes have occurred in the intervening period. The report considers previous ground reporting dating from 1997 to 2010 which is similarly outdated in certain aspects. The previous assessments considered the site for a commercial end use. This end use is less sensitive than a residential use and a future residential use would require reassessment against more stringent thresholds. Other constraints relate to flooding, existing national grid infrastructure, access, noise/odour, perception.
- 3.8 Remedial works were undertaken in 1997 however these considered remedial targets based upon standards which have since been withdrawn. Further investigation undertaken in 2010 identified visual/ olfactory evidence of contamination in soils and groundwater and the report concluded "*any proposed redevelopment should be preceded by a further investigation including area-specific soil sampling, chemical analysis and human health risk assessment for any area(s) of the site where future redevelopment is to take place*". Should this site be considered for future redevelopment it would be recommend an updated assessment is undertaken. This would consider all the existing site investigation data and

the remedial actions that have been undertaken within the context of the end use that is proposed. Results could then be reassessed against current standards and any data gaps clearly identified. Landfill tax (est. £98.70 per ton), excavation costs, haulage, disposal and infill would generate significant cost in remediation, the site is c. 23,000m². Given the forgoing it is considered residential use of the site would be inappropriate and cost prohibitive.

- 3.9 **Scope alternative sites in the event that the Galafoot site costs prove prohibitive**, a variety of options had been considered as alternatives. In the main these consisted of car parks and other areas of vacant space owned by the council. All had been rejected due location, access to amenity or topography of the ground. There was a recognition that the Local Housing Strategy (LHS) offered the most credible mechanism to identify an appropriate location for additional site capacity. Consultation and engagement is being undertaken through the LHS development process led by Housing Strategy.
- 3.10 **Progressing negotiations with the current tenant at Tweedside Caravan Park regarding the Scottish Housing regulators requirement**, this is complete.
- 3.11 **Consultation process with existing Gypsy/Traveller families and national Gypsy/Traveller representatives**, this is being developed as part of the LHS. There has also been contact with Conyach Advocacy & Engagement regarding culturally appropriate accommodation, and consideration of the documents, Designing Gypsy & Traveller Sites - Good Practice Guide, and the Draft Design Guide for Gypsy/Traveller Sites in Scotland Provided by Local Authorities and Registered Social Landlords.
- 3.12 A draft LHS is expected to be out for public consultation by the end of this calendar year. The draft will be presented to the Executive committee for approval in advance of the formal consultation period (November/December time). Progress on the Gypsy/Traveller Needs is expected by October. The next stage in the process, should members agree, would be the identification of a site/s, mapped to the specific needs identified through the LHS. Community engagement and the views of elected members would be sought. Any additional site location would require planning consent.

4 Potential Land Requirement

- 4.1 Some illustrations for a permanent facility based around available guidance and minimum standards have been prepared. For a permanent site for transient occupancy, a single service block with individual facilities would require 200/250 square meters per pitch. For a permanent site with individual service blocks each pitch requires 250/300 square meters. With any location topography and access would influence capacity and cost (contained with the background papers).
- 4.2 Any location identified would be subject of a full planning application.

5 IMPLICATIONS

5.1 Financial

The Scottish Government have created a £20m Gypsy/Traveller Accommodation Fund. Plans can be presented to access a percentage of the total cost based upon proposals. There will be a percentage for the council to find if an application is made and successful.

5.2 Risk and Mitigations

- (a) There is already a shortage of culturally suitable accommodation nationally. By doing nothing there will be limited options for Gypsy/Traveller families travelling through or remaining within the Scottish Borders. Developing the LHS and mapping provision to identified need through that process may provide greater capacity for accommodating Gypsy/Traveller families.
- (b) Larger Gypsy/Traveller sites are seen as being less favoured than smaller sites given the movement of family groups. This will be further tested during development of the LHS in identifying specific needs and requirements to support families.
- (c) Unauthorised encampments are generally reported in central Borders. We have an existing process for dealing with unauthorised encampments and a liaison officer to support the council approach. There are regular policy meetings to ensure this remains credible and aligns to Scottish Government guidance.
- (d) Often unauthorised encampments 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. In the preceding few years numbers of unauthorised encampments have ranged between 15 and 30 annually. There is also the annual St Boswells Fair. During the summer months the liaison officer spends a high proportion of time on the Gypsy/Traveller function, including the Fair.
- (e) The LHS will identify need among the Gypsy/Traveller community that travels into and stops within the Borders. Any additional requirement would be for general use not a specific family or group.

5.3 Integrated Impact Assessment

The Scottish Government set out its plan, Improving the Lives of Scotland's Gypsy/Travellers 2019/20, in recognition of the inequality they experience. An assessment will be required should there be a decision to develop further accommodation options in the Borders.

5.4 Sustainable Development Goals

In any development the full range of sustainable materials, and ongoing site maintenance needs will be considered.

5.5 Climate Change

Sustainable energy sources such as solar and heat pumps can be considered.

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
No change.

6 CONSULTATION

6.1 The Director Finance and Corporate Governance, the Monitoring Officer/Chief Legal Officer, the Chief Officer Audit and Risk, the Director People Performance and Change, the Clerk to the Council and Corporate Communications have been consulted and comments received incorporated into the final report.

Approved by

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Background Papers: Scottish Government Guidance - Guidance for Local Authorities On Managing Unauthorised Camping By Gypsy/Travellers In Scotland

Previous Minute Reference: 16 December 2021

Note – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Graham Jones can also give information on other language translations as well as providing additional copies.

Contact us at Tel 0300 100 1800.