



## EXECUTIVE

### 21<sup>st</sup> December 2023

<b>Report Title</b>	<b>Travellers Temporary Stopping Site Land at Junction 3 of the A14, Rothwell</b>
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<b>Lead Member</b>	Cllr David Howes – Executive Member for Rural Communities and Localism

<b>Key Decision</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Is the decision eligible for call-in by Scrutiny?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Are there public sector equality duty implications?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Does the report contain confidential or exempt information (whether in appendices or not)?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Applicable paragraph number/s for exemption from publication under Schedule 12A Local Government Act 1972</b>	

### List of Appendices

- Appendix A** – Site location plan and aerial map of site
- Appendix B** – Plan showing indicative layout of the site
- Appendix C** – Traveller Site Fund Budget Table
- Appendix D** - Survey and Design Work Costings Table
- Appendix E** – Project Plan (Scheme Delivery Profile)

### **1. Purpose of Report**

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- 1.1. This report details the rationale, work required, methodology and estimated costs to provide a Travellers temporary stopping site on land in the ownership of North Northamptonshire Council (NNC) adjacent to Junction 3 of the A14 close to the town of Rothwell.
- 1.2. The report seeks approval to add £1.3M to the Council's capital programme for 2024/25 and approve borrowing of said £1.3M to fund the project.

- 1.3. Approval is also sought to procure and contract the delivery of the project (including submitting for planning permission) so that the project can be delivered within the next two financial years.

## **2. Executive Summary**

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- 2.1. An unsuccessful bid was made to The Department for Levelling Up, Housing and Communities (DHLUC), Traveller Site Fund in June 2022 by the Council supported by partners for the provision of a Temporary Stopping Place at Junction 3 of the A14 on Council-owned land.
- 2.2. There remains a strategic need for temporary stopping place provision within the North Northamptonshire area, as demonstrated by the 2019 Gypsy and Traveller Accommodation Assessment (GTAA) as there are currently no such sites.
- 2.3. Provision of a temporary stopping place would provide a safe and secure place provided with suitable welfare facilities for groups of travellers passing through the Council's area to stop for a period of up to 28 days and would allow more directed support to be provided to such groups.
- 2.4. Such provision would also reduce the impacts of Unauthorised Encampments (UEs) on local communities camped at the roadside and on other public land via reducing their residency time using Police powers to direct traveller groups to go to the temporary stopping place or leave the Council area.
- 2.5. The report sets out the costs and benefits of providing a temporary stopping place at Junction 3 of the A14 and seeks the approval of the Executive to fund the £1.3M estimated capital cost of the project via borrowing and to add the project to the 2024/25 Capital Programme to enable the project to be delivered.

## **3. Recommendations**

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- 3.1. It is recommended that the Executive:
  - a) Recommend to Full Council the approval of the project being added to the 2024/25 Capital Programme to deliver the Travellers Temporary Stopping site and establish a budget of £1,300,000 to be funded through borrowing.
  - b) Delegates authority to the Executive Member for Rural Communities and Localism in consultation with the Executive Director for Place and Economy to submit an application for planning permission for the project and procure the necessary works to provide the Travellers Temporary Stopping site, and undertake any other actions required to deliver the project within the approved financial envelope.

### 3.2. Reason for Recommendations

- To procure and undertake the required works in line with the Council's constitution and financial regulations in relation to governance.
- There is a strategic need to make provision for temporary stopping places to serve the North Northamptonshire area, as demonstrated by the 2019 Gypsy and Traveller Accommodation Assessment (GTAA).
- Currently there are no temporary stopping places for transient travellers passing through the NNC area to use which would provide safe and secure places to stop with suitable facilities.
- Provision of a temporary stopping place within the Council's area would enable the Council and the Police to better manage UEs within the Council's area and limit the adverse impacts of UEs on settled communities.

### 3.3. Alternative Options Considered

- The only other option available is to do nothing, however this would not address the strategic need for a temporary stopping place within the Council area, which provides a safe and secure place to stop with suitable facilities and would not allow the Council and the Police working together to exercise 'direction' powers available to them in law to better manage UEs and their impact on settled communities.
- Alternative locations for temporary stopping places on land in the ownership of the Council were considered prior to submitting the DHLUC Traveller Site Fund bid and disregarded as being unsuitable.

## 4. Report Background

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- 4.1. This project proposes the development of a Travellers' Temporary Stopping site on land in the ownership of the Council, adjacent to Junction 3 of the A14, close to the town of Rothwell. An OS location plan and aerial map of the site are set out in **Appendix A**.
- 4.2. This location was identified as a proposed site for a temporary stopping site following a review in early 2022 of all Council land holdings to identify sites that may be suitable.
- 4.3. The proposed site is approximately 2.4 hectares in size and is poor pastureland in informal use with no immediate services/facilities (water, electricity and sewerage).
- 4.4. The Temporary Stopping site would provide up to 10 pitches and facilities including; drinking water, waste disposal, refuse disposal, toilet and washing provision, site lighting and management; and would be available for travellers to use on the payment of a fee similar to a weekly rent for the pitch they would be residing on for a period of up to 28 days. A plan showing the indicative layout of the site is set out in **Appendix B**.

- 4.5. The site is well located as it provides good access to local road networks being located immediately off the A14 with good onward travel routes east and west, north and south.
- 4.6. There is a strategic need to make provision for temporary stopping places to serve the North Northamptonshire area, as demonstrated by the 2019 GTAA.
- 4.7. Currently there are no temporary stopping places for transient travellers passing through the Council area to use which would provide safe and secure places to stop with suitable facilities.
- 4.8. Provision of a temporary stopping place at this location would enable the Council and the Police to better manage UEs within the Council's area.
  - 4.8.1 The Police would be able to move on travellers that arrive within the Council's area within hours of their arrival using powers of direction under Section 62A of the Criminal Justice Public Order Act 1994. The Council could ask the Police to make a direction to trespassers residing on public land or private land (on behalf of Private landowners) to leave that land and the Police would then request the travellers to move off and offer them the use of the temporary stopping place. It is an offence for a person not to comply with a direction under s62A and to return to the area subject to the direction within 12 months. If there is no suitable alternative pitch available on a caravan site elsewhere in the local authority area, then the power under s62A may not be used. Currently the Police use powers under Section 61 of the Criminal Justice and Public Order Act 1994 to move groups on which requires evidence of public nuisance and/or disruption to local communities and businesses.
  - 4.8.2 These powers differ from the powers most commonly used by the Council currently under Section 77 and 78 of the Criminal Justice and Public Order Act 1994 to evict UEs from Council-owned land. This process takes up to 10 days and has to be recommenced if the traveller group then move before or after being served, to a new location on Council owned land, which can sometimes occur numerous times.
- 4.9 A capital bid was made to the Traveller Site Fund, administered by The Department for Levelling Up, Housing and Communities (DHLUC), for the provision of a Temporary Stopping Place at Junction 3 of the A14 in June 2022, which was supported by the Council's Executive, local MPs, Northamptonshire Police and the Gypsy and Traveller forum for Parish Councils. DHLUC confirmed that the funding bid was unsuccessful in early 2023 (the fund was heavily oversubscribed).
- 4.10 The proposed project plan prepared as part of the DHLUC Traveller Bid estimates up to 78 weeks from start to completion of the project as set out in **Appendix E** ('Scheme Delivery Profile').
- 4.11 Delivery of the project is dependent on obtaining satisfactory planning approval, and the owner of the land entering into an agreement pursuant to S.278 of the

Highways Act 1980 to secure the creation of a new entrance to the site and new utility supplies to the site.

- 4.12 Pre- Planning application advice has already been sought for the project proposal which has not identified any major concerns from a planning perspective regards the principle of development.

## 5. Issues and Choices

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- 5.1 As stated in the alternative options concerned above an option is 'To do nothing'. However, this will not address the strategic need to make provision for temporary stopping places to serve the North Northamptonshire area, as demonstrated by the 2019 GTAA (noting that there is a lack of provision of this need both regionally and nationally which has always been the case). The provision of a temporary stopping place would be a real benefit to the travelling community in providing safe and secure place to stop with suitable facilities for travellers passing through the Council's area.
- 5.2 This 'do nothing option' would not allow the accelerated 'direction' provisions to be exercised by the Police to address UEs that occur within the Council's area, which would reduce the numbers and residency time of UEs. This would not deliver the positive community and crime and disorder benefits to local communities, the Council and the Police from delivering a temporary stopping site.
- 5.3 However, it should be noted that the level of UE activity generally around the country has reduced. Northamptonshire has been a traditional through-route for many travelling groups due to its central location and being adjacent to main routes like the M1, A14 and M6. However, the Covid pandemic (March 2020 – September 2021) and Brexit (31 January 2020) has had a significant impact on groups travelling and UE activity levels have not returned to pre-covid 2019 levels as indicated by the following data:
- In **2019** across West and North Northants there were 201 UEs, with 106 UEs being in the North Northants areas. (45 "Direction to Leave" Notices served across WNC and NNC in total)
  - In **2022** across West and North Northants there were 82 UEs, with 44 UEs being in the North Northants areas. (7 "Direction to Leave" Notice served across WNC and NNC in total)
  - To date in **2023** (18/10/23) we have had 19 unauthorised encampments within the North Northants area (1 "Direction to Leave" Notice has been served in NNC), this includes the 3 sites that have been in situ for some time at Stanier Close, Kettering; Hardwick Road, Wellingborough and Back Lane, Desborough (vacated 6 September 2023).
- 5.4 The above data indicates that investment in a temporary stopping place at this time would not potentially provide the same value for money as it would have

pre-Covid, based on current levels of UE's. However, the Council has no control over numbers of traveller groups that may visit our area and there is every possibility that numbers of UE's could increase upward towards pre-covid levels or beyond going forward.

- 5.5 The proposed temporary stopping place would also offer a real opportunity to provide better directed support to Traveller groups at a purpose-built, managed site with good access to local road networks which would really benefit this group of people. It would allow public health outreach work in the location and other Council services to engage more effectively with this recognised group resulting in better health outcomes and improved access to services.

## **6. Next Steps**

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- 6.1 If the Executive approve the recommendations in this report, the report will be taken to Council to approve the funding allocation.
- 6.2 If and when Full Council approval is obtained, the next steps will be to complete the necessary remedial works, surveys and drawings to apply for planning permission, and subject to planning approval being obtained consider the best procurement method to deliver the construction works. Once the construction works are complete the final stage will be to put in place the necessary site management arrangements to enable opening the site.

## **7 Implications (including financial implications)**

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### **7.1 Resources, Financial and Transformation**

- 7.1.1 The bid to the Traveller Site Fund administered by DHLUC for the provision of a Temporary Stopping Place in June 2022 estimated that the capital cost to deliver the project at that time was £990,672 (noting that bids to the fund were capped at £1 million).
- 7.1.2 A full breakdown of the project costs is set out in the project budget 'Traveller Site Fund Budget Table' at **Appendix C**.
- 7.1.3 These costings have been based on the indicative design and full detailed project costings would need to be confirmed once the final detailed design had been commissioned and agreed which would also likely be subject to an uplift due to contract cost inflation for building materials and construction costs (10-15% per annum) since the project was previously costed back on 17<sup>th</sup> May 2022 (circa 18 months ago), therefore assumed 22.5% increase in costs.
- 7.1.4 Additional provision will need to be made for survey/design work required pre-planning and building regulations approval, as estimates for the reports required following seeking pre-application planning advice, indicate that the original provision of £45k within the DHLUC Traveller Fund bid project costings are unlikely to be sufficient. The estimated cost of procuring these services,

reports and survey would be circa £80k as per the table set out in **Appendix D** (the full cost would not be confirmed until procured).

7.1.5 Therefore, the current estimated project cost to deliver the Travellers Temporary Stopping site is **£1,300,000 (£1.3 Million)**.

7.1.6 There are no other current Government funding streams that would support the delivery of a temporary stopping site in North Northamptonshire at this time/ However the Council will continue to seek other opportunities for government funding to support the project if new funding streams become available within the life of the project. Therefore, at this time the scheme will be underpinned by borrowing.

7.1.7 It is proposed that capital allocations previously set aside in the Place and Economy Capital Projects Development Pool will be repurposed to ensure the Council remains within its estimated Capital Programme funding envelope related to the costs of borrowing.

7.1.8 An indicative project plan prepared as part of the DHLUC Traveller Bid estimates up to 78 weeks from start to completion of the project. The project plan would be broken down into the following key milestones (assuming start date of 1st April 2024) if project receives appropriate approvals and budget is made available.

First milestone – Planning approval up to 26 weeks (30<sup>th</sup> September 2024)

Second milestone – Appoint main contractor up to 52 weeks (estimate 7<sup>th</sup> April 2025)

Third milestone – Completion of development up to 78 weeks (13<sup>th</sup> October 2025)

The scheme delivery profile is detailed in the ‘Project Plan’ in **Appendix E**.

As part of the project plan officers would continue with planning to ensure a prompt start to the project should the project be approved and explore potential opportunities to pursue work streams in parallel to seek to reduce the overall estimated project timeline.

7.1.9 The programme management of the design and construction works to deliver the project will be delivered by an NNC Project Officer (from the Capital Projects Team) within the Place and Economy Service. In addition, expert advice will be sought from procurement, legal, planning and communications where necessary to support the delivery of the project. External contractors will be procured to carry out the design and construction works and project management activities.

7.1.10 There are also revenue implications associated with the operation of the site which are not budgeted for within the service and would need to be met from growth via the Medium-Term Financial Plan (MTFP) as follows;

- Site running costs: including Business Rates, Electric, Water/Sewerage, refuse disposal costs, repairs and maintenance and site cleansing – estimated £50k per annum.
- Site management costs: assumed delivered via in-house Northamptonshire Traveller Unit (NTU) site management model linked to 24/25 £65k MTFP growth bid for Provision of Out of Hours Cover for NTU (This would provide two additional NTU staff when existing 1FTE staffing vacancy added in) which could also provide resource to absorb management of site. - estimated at £65k per annum

7.1.11 There is potential to generate income to offset the running costs above from occupation of the site and the proposed income model is to charge occupiers a gross rent of £120 per week per pitch in addition to a refundable damage deposit of £250. The occupier would be required to sign a licence agreement for up to 28 days (maximum duration of stay).

7.1.12 However, it is anticipated that the site will not be occupied for significant periods of time and when unoccupied site income will not be able to cover standing charges for utilities and other site management costs.

7.1.13 If Traveller groups choose to vacate the Council area when directed to the site rather than paying the gross rent and refundable damage deposit which will be required before site occupation, then there is a possibility the site will not generate any income.

7.1.14 It is also anticipated that there may be a small reduction in the cost of removal of fly-tipping should travellers relocate to the temporary stopping site rather than camping at the roadside or on public open spaces which is estimated at £8,500 per annum.

7.1.15 The impact costs associated with UE'S are expected to be a lot higher in terms of full site clearance, grounds and bollards/barrier reinstatement and/or repairs etc but these costs cannot be fully quantified.

7.1.16 The Council has also spent a significant amount of money in recent years on target hardening measures to public open space areas in the form of bollards, barriers and earth bunds to restrict access to UE's and the provision of a temporary stopping place would reduce the future need and associated costs of further similar target hardening measures.

7.1.17 The proposals in this report have been discussed at the Strategic Capital Board and the Executive Director of Resources has been consulted on and has agreed the financial implications arising from the proposed project

## 7.2 **Legal and Governance**

7.2.1 Procurement of the contractors to undertake the works will be undertaken in accordance with the requirements as set out in the Council's Constitution and the financial regulations as well as in accordance with the Public Contracts Regulations 2015 (as amended) and the Procurement Act 2023.



7.2.2 A member of the Council's in-house legal team will be an advisor throughout the process and up to the execution of any resulting contracts.

7.2.3 Provision of a temporary stopping site will enable the Police to use their powers under Section 62A of the Criminal Justice Public Order Act 1994 (as amended), to direct UE's residing on land within the Council's area to go to the temporary stopping place or to move out of the Council's area whereby they would be prevented from returning to the Council's area for twelve months

### **7.3 Relevant Policies and Plans**

7.3.1 The delivery of a Travellers Temporary Stopping Site will contribute to the Council's corporate priorities of creating safe and thriving places, green and sustainable environment, and provision of good quality and efficient modern public services. These priorities will be engaged through provision of appropriate facilities that meet the basic human needs of Gypsy and Traveller Communities travelling through the Council's area; and through delivering improved customer satisfaction to residents and communities of the Council through provision of a dedicated temporary stopping place to meet strategic need within the Council's area and by minimising impacts of UEs on local communities and the environment through reducing unauthorised camping and uncontrolled littering and/or fly-tipping, associated anti-social behaviour and nuisance.

### **7.4 Risk**

7.4.1 There are significant risks arising from the proposed recommendations in the report. There is a risk that there may be delays to the project or potential refusal of planning permission or that costs may increase and or additional works are identified. However, having identified a budget cost and included an uplift for contract inflation and a contingency of 15% and having already obtained Pre-Planning application advice which has not identified any major concerns from a planning perspective regards the principle of development, the likelihood of these risks occurring is minimised.

7.4.2 There are also potential risks in relation to community cohesion issues and/or impacts on community facilities and crime and disorder on the site which are included under the specific sections on Community and Crime and Disorder Impacts below.

### **7.5 Consultation**

7.5.1 A focused engagement exercise was undertaken as part of the capital bid that was made to the Traveller Site Fund, administered by DHLUC, for the provision of a Temporary Stopping Place at Junction 3 of the A14 in June 2022, which was based on the same proposal.

- 7.5.2 This exercise engaged with the following stakeholder groups; 3 Local MP's, 3 Ward Councillors, Parish and Town Councils within local proximity to the proposed site, Northamptonshire Police, Northamptonshire Fire and Rescue, Local Gypsy and Traveller Community, Director of Public Health and other relevant council officers/departments and the NNC Gypsy and Traveller Forum for Parish Councils.
- 7.5.3 Overall, the response to this engagement exercise with targeted stakeholders was positive and letters of support were received from the Police and 3 local MPs.
- 7.5.4 There were concerns raised regarding the proposal, primarily from the 3 Ward Councillors and the local Town and Parish Council representatives. Negative responses were focused on the locality of the site, the possible impact on wildlife in the area and the shortness of the engagement exercise timeframe for the DHLUC bid.
- 7.5.5 The area of development within the site will only result in approximately a third of the land being used so as part of the development there is the potential to make the rest of the site a natural green area to promote and encourage wildlife in liaison with the Town and Parish Council.
- 7.5.6 Further detailed targeted public consultation on the proposal would be carried out with all relevant stakeholders as part of the process of submitting the scheme for planning approval, which will also require detailed assessment of all material impacts of the proposal as part of that process.

## **7.6 Consideration by Executive Advisory Panel**

- 7.6.1 This report has not been considered by an Executive Advisory Panel as it is not policy or strategy related.

## **7.7 Consideration by Scrutiny**

- 7.7.1 This proposal has not been considered by the Place and Environment Scrutiny Committee, although the committee could choose to review the project during its development and once the site is open.

## **7.8 Equality Implications**

- 7.8.1 Romany Gypsies and Irish Travellers are legally recognised as distinct ethnic groups and protected by The Equality Act 2010 and the Human Rights Act 1998 from being discriminated against on the grounds of ethnicity.
- 7.8.2 An Equality Screening Assessment has been completed for the Travellers Temporary Stopping Site Capital Project which considered the impact of the proposals on the identified equality groups. This identified some positive impacts relating to;

- age and disability in terms of access to suitable facilities (pitches, parking spaces and welfare facilities) that met the requirements of the Equality Act 2010 and safer areas for play for children.
- pregnancy and maternity in terms of good local access to local maternity facilities at Kettering General Hospital.
- health and well-being in terms of better focused public health interventions and access to utilities and welfare facilities on a purpose built, safe and secure supported site.

7.8.3 With respect to the race/ethnicity of Romany, Irish and English, Travellers it is recognised that the moving on of travellers to a designated site may not be seen as favourable to this group in respect of their desire to choose where to site their encampments. However, the health, safety and welfare conditions and support available to these groups will be significantly enhanced as a result of movement to a specified purpose built, safe, secure and managed site. This will also help assist in removing some of the barriers these groups face in accessing services. Therefore, it was felt overall that the impact on race/ethnicity of the proposal was neutral.

## 7.9 **Climate and Environment Impact**

7.9.1 The proposed project and associated works will have limited ability to reduce carbon during the construction/creation stage of the project but as part of the procurement process tenderers will be asked to demonstrate what they can do to reduce carbon during the construction works.

7.9.2 There will some potential to achieve a limited reduction in carbon during the operational phase of the project from;

- Reducing travel time visiting and monitoring UEs by NNC and other partners.
- Reducing travel distance within NNC of Gypsy and Traveller Groups moving around the area in response to eviction rather than direction action.
- Meeting the demands of the Gypsy and Traveller Community to provide facilities which allow for controlled disposal of waste and potential for capture of recyclates via permanent site provision and a reduction in roadside fly-tipping.

## 7.10 **Community Impact**

7.10.1 The proposal has the potential to positively reduce community impacts of UEs on local residents and businesses from illegal camping on the roadside and on public land through the provision of dedicated, safe and secure pitch provision with suitable facilities for Gypsy and Traveller Groups passing through the Council's area.

- 7.10.2 The proposal has the potential to impact on communities in the vicinity of the proposed site in terms of community cohesion and pressure on community facilities, schools and primary care and these partners will be consulted as part of the planning process and measures considered to reduce potential adverse community impacts.
- 7.10.3 The site will be operated and managed by the Council under license conditions which will set out how the site will be used and how Traveller groups using the site need to conduct themselves. This will enable any impacts relating to site occupation and users of the site on neighbouring communities to be addressed promptly by site management in liaison with other partners i.e. Police, Public Health etc.
- 7.10.4 In addition, it is also our intention to establish a Traveller Forum, which will include relevant stakeholders (Executive Member, NNC Officers, Police, Fire, Ward Councillors and Town and Parish Council representatives) to discuss any related issues and impacts relating to the operation of the site and to facilitate a better understanding of the Gypsy and Traveller community for all (including the local settled community).

## **7.11 Crime and Disorder Impact**

- 7.11.1 The proposal has the potential to have a positive crime and disorder impact by reducing illegal camping on the roadside and on land within the Council's area through the provision of dedicated, safe and secure pitch provision with suitable facilities for Gypsy and Traveller Groups passing through the Council's area.
- 7.11.2 There are likely to be concerns in the locality from the proposal in terms of crime and disorder impact. These will need to be considered in relation to the management arrangements and site licence conditions that are put in place in liaison with Northamptonshire Police along with the proposal to create a Traveller Forum with relevant stakeholders as referred to in the community impact above.

## **8 Background Papers**

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- 8.1 None