
**SITE PROTECTION FOR LAND OCCUPIED BY, OR ANTICIPATED MIGHT BE,
OCCUPIED ILLEGALLY BY TRAVELLERS**

**Responsible Cabinet Member(s) - Councillor Chris McEwan,
Community Protection Portfolio**

Responsible Director(s) - John Buxton, Director of Development and Environment

Purpose of Report

1. To seek a decision from Cabinet in respect of requests for engineering works to prevent travellers illegally occupying recreation land and other sensitive sites within Darlington. The requested works are not covered by Delegated Powers to officers.

Information and Analysis

2. Darlington has a significant resident population of gypsies and travellers and the Council provides two permanent sites for travellers who wish to live in caravans, these are at Neasham Road and Honeypot Lane. In addition to the resident travellers, the Borough is a transit location for mobile travellers and, during the spring and summer in particular, they take up residence, usually illegally, on land predominantly in the Council's ownership.
3. In the years previous to the current year, the Council has been able to manage the travellers illegal occupation by following statutory procedures to remove them from the illegal sites but, in doing so, the travellers do move to alternative sites and the process of removal has to start again. In previous years the numbers of travellers involved have been manageable and, whilst there have been public complaints and complaints from Members in respect of the illegal encampments, the situation has been reasonably well contained.
4. This year there have been significantly more travellers who have stayed for a longer period of time on illegal sites which has caused additional difficulties as the travellers have moved from site to site and beyond those occupied in previous years as a result of the Council taking action to remove them.
5. A total of 9 sites have been occupied by travellers during the period from their first arrival on 7 April to the current date. The occupation has been in varying numbers, as low as 2 and as high as 49. There are currently 20 occupying one site at Redhall.
6. In previous years consideration has been give to providing engineered protection to vulnerable sites, in the form of either large natural limestone blocks or a continuous earth mound. In particular, the site that is occupied every year at the junction of Allington Way and McMullen Road has been considered for this type of engineered protection but has been considered as being inappropriate given the location at the entrance to the Yarm Road Business Park and the fact that the problem of travellers occupying the site has generally

only lasted for a few weeks. This year however, the site was occupied on two separate occasions and a lot of damage caused to the grass as a result of vehicles moving during heavy rain.

7. There is one location at John Dixon Lane where limestone blocks have been placed, largely to deter flytipping, and this year the travellers moved some of the limestone blocks to gain entry to the land and they took up illegal occupation of this land on 12 August. The travellers left following action by the Council on 9 September.
8. 7 travellers briefly occupied part of Springfield Park (off Salters Lane North) between 9 and 11 September, which was a site that was previously fully protected by a perimeter wrought iron fence and boulders and gates at gaps in hedges. The Council, due to the poor condition of the fence, removed it about 2 years ago and, at the time, residents were promised that if travellers occupied this site, urgent work would be undertaken to protect it. As a consequence, using delegated powers, this site is being provided with temporary protection with limestone blocks.

Other Site Protection

9. Members have requested that protection be extended to all sensitive sites, which have been defined as those that have been occupied by travellers this year, and for protection to be considered at sites which it is anticipated that travellers may use in the light of sensitive sites being no longer accessible to them.
10. Works that would be required to existing and other sites have financial implications beyond delegated powers. The costs to provide protection at the major sites occupied this year are identified in the **appendix** to this report. Delegated powers can only be exercised where there is no adoption of new policy and where the costs are within delegated powers and the matter is urgent. The revenue implications are not within delegated powers. The proposal to protect significant areas of open land with mounds or boulders is considered to be new policy and for the reasons outlined in this paragraph it is necessary for Cabinet to consider the issue.
11. There are large areas of open recreation land in the ownership of Darlington Borough Council and there are other sites that are accessible to travellers which are in private ownership and for which the Council cannot take responsibility for protection but could be considered as being likely to be occupied by travellers.
12. The total linear length of protective works that are required to give adequate protection to sites occupied this year is just over 1km. For most of this length, blocks would not be appropriate as some travellers have the means to move them and it would therefore be necessary to protect them with earth mounds or high quality fencing that has the ability to withstand being pulled over. The sites in question require access by grass cutting vehicles and tractors as well as other maintenance vehicles and therefore secure gates are required but no matter how secure they are made, it is always possible to remove the locks from them and gain entry. It happened this year when travellers gained entry to a privately owned site by cutting the lock off then accessing through the gate.
13. It is not possible to realistically judge where travellers might set up illegal encampments but if protection is to be provided to sites, other than where travellers have illegally encamped

this year, it is estimated that not less than 20km of protective works could ultimately be required. This estimate has been provided after a quick assessment of the larger recreation sites that are accessible to vehicles.

14. It is unrealistic to expect travellers will be deterred from coming to Darlington as a result of taking action to protect sites that have been occupied this year and, consequently, illegal encampments are likely to be set up in future years at other locations within the Borough. If sufficient transit spaces are provided by the Council at a suitable site and the travellers choose to use them or are directed to use them if they wish to stay in Darlington then the length of time and number of illegal encampments can be reduced.
15. The Council, with Government funding, is close to completing a ten space transit site at Honeypot Lane but, clearly, 10 spaces will be inadequate for future demand if similar numbers of travellers decide to come to Darlington as has been experienced this year. In order to cater for the more historic pattern of numbers, around 25 to 30 spaces would be required and it is intended to submit a further application to the Office of the Deputy Prime Minister for additional grant funding to increase the size of the transit site at Honeypot Lane to a minimum of 25 spaces but as there is only £16 million available nationally to fund bids made this year and as the Council has received more than £1 million to upgrade the existing site and provide a limited number of transit spaces it is likely that these resources will be directed to authorities in greater need.

Further Analysis

16. It is unlikely that the current travellers illegally occupying sites in Darlington will be here for more than a few more weeks. 5 of the travellers currently illegally occupying land at Redhall are waiting to go back to Honeypot Lane, which in addition to the transit site being built is also being improved, again with Government money, for the normal resident population that live there. As a result of these improvement works there has been a reduced number of spaces available this summer and, as a consequence, some of the permanent residents decided to leave and have been part of the larger number of travellers that have been occupying sites around Darlington since the early summer.
17. There is a need to review the actions and policies of the Council and to agree a joint strategy with the Police on how to deal with large numbers of travellers who are illegally encamped in Darlington over a longer period of time than is normally experienced. The adoption of such a strategy over the coming 3 to 4 months would enable balanced decisions to be taken with regard to the tactics to be used to manage future visits by mobile travellers and as part of this strategy there would be a full assessment of the need for protecting sites.
18. The Council has adopted a policy on managing illegal traveller encampments which was updated in 2001 in the light of the Human Rights Act. The Office for the Deputy Prime Minister has also issued revised guidance to take account of the Human Rights Act and this was made available in February 2003. As part of a review and establishing a strategy, the Council's policy needs to be reconsidered in the light of events and also in the light of revised guidance from the Office of the Deputy Prime Minister.
19. The travellers do have rights under Human Rights Legislation and Race Equality Legislation but this has to be balanced against the rights of residents and the rights that people have to use recreation land that is provided by the Council for generally free use by

any person for recreation purposes. Both the ODPM Guidance and Council policy make it clear that illegal encampments on recreation land will not be tolerated.

20. Estimates have been obtained to undertake protective work at Alderman Crooks Park, McMullen Road/Allington Way sites to the east and west of Allington Way, Redhall, Springfield Park and to improve the protection that is already provided at John Dixon Lane. The estimates for these works are set out in the appended table.
21. Planning permission for these works is not required as the Council has permitted development powers when carrying out certain of its own duties and this work falls within those powers.
22. It would take at least three weeks for sufficient blocks to be quarried to protect the sites that have been occupied this year.
23. The Council procurement procedures require 3 quotes for works below £35,000 and 4 quotes for work over £35,000 and under £75,000. Due to the extent of work required to protect the sites occupied this year, it is estimated that it would take in the order of 2 months to complete mounds and about 5 to 6 weeks to place blocks, from placing orders.

Outcome of Consultation

24. None

Legal Implications

25. This report has been considered by the Borough Solicitor for legal implications in accordance with the Council's approved procedures. There are no issues which the Borough Solicitor considers need to be brought to the specific attention of Members, other than those highlighted in the report.

Financial Implications

26. The total capital costs of £33,914 to protect the sites listed in the Appendix could be accommodated from capital resources already in place to fund the 2005/06 Capital Programme. However, the total additional annual revenue costs of £10,500 would need to be allocated from future projected headroom.

Section 17 of the Crime and Disorder Act 1998

27. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. It is not considered that the contents of this report have any such effect.

Council Policy Framework

28. The issues contained within this report do not represent change to Council policy or the Council's policy framework

Decision Deadline

29. For the purpose of the 'call-in' procedure this does not represent an urgent matter

Recommendation

30. It is recommended that :-

- (a) The actions of officers in respect of providing temporary protection to Springfield Park and improving the existing protection at John Dixon Lane be noted.
- (b) Consideration of further protective works to other sites in the Borough be deferred until a strategy for dealing with travellers has been adopted.

Reasons

31. The recommendations are supported by the following reasons :-

- (a) To reinstate protection to the site previously protected by wrought iron fencing.
- (b) To enable a full assessment of the effect of all measures that can be adopted by the Council to deter travellers from setting up illegal encampments be considered.

John Buxton
Director of Development and Environment

Background Papers

No Background papers were used in the preparation of this report.

John Buxton : Extension 2501
Jh

TABLE OF COSTS

Capital costs to provided perimeter blocks or mounds at sites approved under delegated powers and for the reasons set out in the report

Springfield Park	
Temporary blocks (89 required)	£3,684
Gate	£500
Plus 10% contingency:	£380
	£4,564

John Dixon Lane	
Blocks/mounds as appropriate	£1,500
	£1,500

Capital costs to provided perimeter blocks or mounds at sites significantly occupied illegally in 2004

Alderman Crooks Park	
Mound (460m)	£13,000
Gates	£1,500
10% contingency:	£1,480
	£15,980

Redhall	
Blocks (26 required)	£1,200
Gate:	£500
10% contingency:	£170
	£1,870

McMullen Road/Allington Way	
Mound (280m)	£8,100
Gates:	£1,000
10% contingency:	£900
	£10,000

Total capital and revenue costs to provide perimeter mounds or boulders at the above sites

Estimated cost of works approved under delegated powers	£6,064
Cost of capital works to protect other sites:	£27,850
Revenue costs of maintenance, grass cutting mounds:	£10,500

In the alternative, if blocks were provided (850 in total) instead of earth mounds, the total costs would be:

Estimated cost of works approved under delegated powers	£6,064
Capital works to protect (with blocks) sites other than Springfield and John Dixon Lane	£19,800
Additional annual maintenance (strimming)	£4,000