

# **Appendix B – to MIQ's**

Topic Paper provided by  
Arc4 in relation to stop over  
sites.



## **Transit need topic paper prepared by arc4 Ltd on behalf of Nuneaton and Bedworth Borough Council**

### **Background**

The 2015 Planning Policy for Traveller Sites (PPTS) sets out the Government's planning approach to Gypsies and Travellers. An aim of the PPTS is to facilitate the traditional and nomadic way of life (PPTS paragraph 3). The planning definition at Appendix A of the PPTS requires that Travellers retain a nomadic habit of life. However, this can be challenging given the low number of transit pitches reported in the Department for Levelling Up, Housing Communities (DLUHC) January 2022 caravan count. This reported a total of 365 transit pitches on public sites located across 38 transit sites in 31 local authorities. This does exclude transit pitches on private sites for which no data are readily available and households travelling often 'pull on' to the residential pitches of family and friends for short periods whilst travelling.

Councils therefore need to consider how they can facilitate travelling to help meet the needs of Gypsy and Traveller communities.

### **Unauthorised encampment activity**

Information on unauthorised encampment activity helps to establish the extent to which transit provision is needed. Unauthorised encampments do vary in size. Broadly speaking, national evidence would suggest that small encampments of up to 5 caravans tend to be the most frequently reported Medium sized encampment (6 to 10 caravans) and large encampments (10 or more caravans) do occur, particularly when families are attending weddings and funerals.

### **Providing transit provision**

As part of the Local Plan preparation, NBBC need to consider how transit provision can be provided within the local authority area. There are a number of ways to delivery temporary places where Travellers can stop whilst passing through a local authority area. These include transit pitches, stop over places and negotiated stopping arrangements (see <https://www.negotiatedstopping.co.uk> for more information)

Transit sites are permanent sites intended for temporary use by Gypsies and Travellers. The length of stay is usually limited to a maximum of three months. In terms of pitches, 'Designing Gypsy and Traveller Sites: Good Practice Guide' (CLG, 2008) states:

- Size of pitch – sufficient to accommodate two touring caravans, two parking spaces and private amenities.
- Amenities should include electricity supply, toilet, wash basin and shower with hot and cold-water supply for each pitch.

- Depending on the level of use, portable facilities may be more appropriate, particularly if the sites are empty for lengthy periods of time and therefore at risk of vandalism.

A temporary stop over area is land which can be used on a temporary basis if unauthorised encampments occur or likely to occur. They can be fields, areas of hardstanding or a mixture of both. Temporary facilities can be provided when the temporary stop over is in use, for instance portable toilets and rubbish collection.

Negotiated stopping involves councils making an agreement with Gypsies and Travellers on unauthorised encampments. The terms of the agreement can vary but usually include the provision of portaloos, waste disposal and water. The length of the agreement can vary but tends to be around 28 days; and users agree to comply with rules for behaviour and use of the site. Negotiated stopping arrangements can be particularly helpful when supporting larger encampments.

Over the recent past, there has been an increased recognition of a need to provide safe places where people can stop but not necessarily on a transit site. Councils are increasingly adopting flexible options such as temporary stopping areas and negotiated stopping rather than the provision of transit sites.

When considering transit need, councils need to be mindful of new legislation through the Police, Crime, Courts and Sentencing Act (Part 4). This will make using land for stopping without permission a criminal offence rather than a civil offence. The Act gives police increased powers to act and introduces significant penalties (fines up to £2,500, impounding vehicles and prison sentences).

### **Evidence of need in Nuneaton and Bedworth**

The Gypsy and Traveller and Travelling Showperson Accommodation Assessment (GTAA) 2021 Update (CD 1.6) involved liaison with the Gypsy and Traveller Liaison Officer at Warwickshire Police and also feedback from Gypsy and Traveller communities in the Borough. During these discussions, the Gypsy and Traveller Liaison Office (Warwickshire Police) in 2020 stated (GTAA para 6.34) that:

*“Nuneaton and Bedworth have experienced a significant number of unauthorised encampments over the last few years, in the main these have been on the highway or on NBBC owned land. A small number have been on private land. Numbers of encampments and their general size has reduced over the last year and this is partly due to several families roadside acquiring land to settle. Last year saw the lowest number of encampments in Nuneaton and Bedworth at 12 compared to 24 in 2019 and 33 in 2018.*

*One of the main challenges is identifying land where negotiated stopping or transit provision can be offered for short stays and facilities provided. Another challenge is the political element that tries to influence the way that unauthorised encampments are dealt with contrary to the protocol.*

*Where disruptive groups trespassing on a highway there are currently limited powers available to expedite evictions. However, consultation with government is in process and anticipated that further powers to deal with this will be brought*

*into play in the near future. This will most likely provide additional powers under the criminal justice and public order act.”*

They then further commented that (GTAA para 6.36):

*“Like within the rest of the county, there is a need to provide transit provision for families who desire to travel to or through the borough and have nowhere else to set down for a short period effectively disadvantaging these recognised ethnic minority groups. It is recognised nationally and by government that Gypsies and Travellers have a right to a nomadic lifestyle, yet it becomes impossible for them to travel and set down with minimal provisions provided, meaning that families who wish to visit relatives or attend family or traditional events are forced to trespass. Transit provision would allow families to book on to established transit sites.*

*Transit provision also enables the ability for the police to instigate police powers under Sec 623A CJPO Act and enables the direction to groups who are occupying unsuitable land and having an evidenced negative impact on the local community to either accommodate the transit facility or vacate the county. This power is more effective than Sec 61 CJPO act that merely gives the police the power to move a group from a particular piece of land should it be proportionate.*

*Ideally a transit site with up to 15 pitches would suffice and should be located in an area that affords easy access to local facilities. The design and layout of such a site is something that needs to be considered carefully in the planning and consideration needs to be given to how the site will effectively be managed. With the relatively small number of transit sites nationally there are only a few that are effectively managed.”*

Regarding stop over provision and negotiated stopping, the Gypsy and Traveller Liaison Office at Warwickshire police commented (GTAA para 6.37):

*“Temporary stopping places or negotiated stopping are a priority across the county including in Nuneaton and Bedworth, they are something that is relatively cheap and simple to establish. The land should ideally be hard standing although this could include grassed areas during the summer period. Basic provisions would need to be supplied in fresh water, toilets and refuse disposal units.*

*Negotiated stopping places have been successful across other parts of the country and when choosing the right families and locating appropriately there are many benefits. Nuneaton and Bedworth have had unauthorised encampments with families that would have been suitable for this type of temporary accommodation.*

*The benefits including removing unauthorised encampment, meeting the needs of the families wishing to reside in the area temporarily and this includes effectively engagement from service providers to the families. It also provides an environment to help build community cohesion.”*

A majority of household respondents (56.3%, base=32) said there was a need to provide places where people can stop whilst travelling (GTAA para 6.35).

- 56.2% (base=32) said transit pitches are needed, with 7 respondents saying up to 10 are needed and 3 more than ten, with council ownership favoured.
- 43.8% (base=32) said stop over places are needed, with 6 respondents saying up to 10 are needed and 1 saying more than ten, with council ownership favoured.

Paragraph 7.7. of the GTAA concludes:

“There is currently no provision to address transit need but given unauthorised encampment activity, the Council will need to consider appropriate responses. These include transit pitches, stopover places and negotiated stopping arrangements. The Council should work with other Warwickshire local authorities to establish a coordinated response to the delivery of appropriate temporary accommodation options. The need to identify land for negotiated stopping is a priority.”

### **Policy response to transit need**

Following a number of unlawful encampments, the Council received approval in 2019 for a Court Injunction which forbids known individuals and persons unknown from occupying 141 areas of land within the boundaries of Nuneaton and Bedworth. This Injunction is still in place today.

However, where exceptional circumstances prevail, such as emergency medical needs are evidenced; the Council can work with individuals to provide an emergency stopover. The Council are currently reviewing Council owned sites to fit this criterion and it is expected that at least two or three sites can be provided within the Borough for emergency negotiated stopovers. The Council also has available outside of the Borough; but in relative proximity to it an emergency stopover site owned by Warwickshire County Council at Oldbury Road Nuneaton; which the Police Liaison Officer is aware of. This site has suffered vandalism in the past, but ultimately is available to the Local Authorities in the area as part of a wider sub-regional response to transit need.

The GTAA provided two key conclusions regarding transit need. Firstly, for the Council to work with other Warwickshire Authorities to establish a coordinated response to the delivery of appropriate temporary options. Secondly, a specific priority for the Council is to identify land for negotiated stopping.

In the event there is a negotiated stopover in the Borough, the Council has a draft stopping agreement which would need to be signed and agreed along with a requirement of a bond of £100 to ensure that the land and any facilities provided by the Council is left in the same condition as prior to the encampment. The Private Sector Housing Manager would be responsible in implementing this.