

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL
EXECUTIVE MANAGEMENT TEAM'S REPORT TO THE
CABINET

Date: 17 January 2018

1. **REPORT TITLE** **Traveller Encroachment on Wolstanton Common – Proposed Deterrent Measures**
- Submitted by:** **Head of Operations – Roger Tait**
- Portfolio:** **Environment and Recycling**
- Ward(s) affected:** **Wolstanton, May Bank**

Purpose of the Report

To seek the approval of Cabinet for a scheme to deter traveller encroachment onto Wolstanton Common.

Recommendation

That Cabinet approves the scheme and authorises the Portfolio Holder for Environment and Recycling to take all necessary steps to implement the scheme including the seeking of formal consent from the Duchy of Lancaster and appointment of a contractor with the scheme being financed from the funds secured via community donations and Staffordshire County Council.

That Cabinet authorises the Executive Director – Operational Services in consultation with the Portfolio Holder for Environment and Recycling to implement similar measures to other areas of the Common in the future should the need arise and funding be available.

Reasons

- (i) To seek to deter future encroachment onto Wolstanton Common by travellers.

1. **Background**

1.1 Over recent years, there have been a number of unauthorised traveller encampments on Wolstanton Common, the latest occurrence being in summer 2017. The encampments have caused considerable distress and upset to the local settled community and the ward councillors have received many requests for some form of barrier to be installed in an effort to deter further encampments.

1.2 The Portfolio Holder for Environment and Recycling, who is also a ward member for Wolstanton and a County Councillor, initiated a project in autumn 2017 to raise funding from the local community to pay for timber bollards to be installed at targeted locations around the boundaries of the Common. It is the hope of the community that the timber bollards would act as a deterrent to any future unauthorised encroachment, without detracting from the open and green nature of the Common.

2. Issues

- 2.1 A very good response has been received from the local community to the proposed project and a total of £875 has been received in donations from residents towards the scheme. Two County Councillors have also made funding available from their respective grant schemes, totalling £2500. There is now sufficient funding in place to implement the project on the two areas of the Common which have suffered from encroachments recently. There is also a sum included in the project for future maintenance, repair and replacement of any bollards which may become damaged.
- 2.2 The project consists of the installation of 450mm high timber bollards around the perimeter of the two areas of the Common which have been subjected to unauthorised traveller encampments in recent years. The bollards are situated in areas where access for vehicles has previously been possible. Areas which have existing deterrents such as embankments, kerbs, trees and other features will not require bollard installation. Plans, photographs and a construction detail for the proposed bollards will be on display at your meeting. It is recognised that in future, the need may arise to protect further areas of the Common by implementing similar measures. Ward members will continue to seek additional funding for this purpose, and if successful, further bollards can be installed at appropriate location to be agreed between officers and the Portfolio Holder for Environment and Recycling.
- 2.3 Wolstanton Common is owned by the Duchy of Lancaster and managed by the Borough Council as Conservator under the terms of an agreement made in 1898. The terms of the agreement allow the council to implement certain measures in the interest of managing the Common, but the status of the site as a Common places constraints upon measures such as enclosure and necessitates consultation with organisations including the Planning Inspectorate, the Duchy of Lancaster and the local community. This consultation has been undertaken by a local ward member and it appears that the project has the support of the local community and that it would not require consent from the Planning Inspectorate, falling under one of the specified exemptions. The Duchy of Lancaster has indicated support for the project in principle and advised that a licence agreement would not be necessary, and subject to Cabinet approving the scheme, formal approval will be sought from the Duchy of Lancaster.
- 2.4 The ward member has obtained a quotation for the work from a local contractor and if the scheme is approved, the contractor will be asked to provide all necessary documentation in relation to insurance and health and safety matters prior to commencement.

3. Options Considered

(i) Do nothing

The risk of further unauthorised traveller encampments on Wolstanton Common will remain unmitigated and dissatisfaction from the local settled community will continue. Additionally the Council is likely to incur unnecessary costs in removing the travellers.

(ii) Implement the scheme as proposed

The scheme would provide a deterrent to future unauthorised traveller encampments on Wolstanton Common and would provide some reassurance to the local settled community that reasonable measures have been taken to mitigate the risk.

4. Proposal

4.1 It is proposed to implement the scheme as proposed by installing timber bollards at targeted locations on the two areas of Wolstanton Common which have been subjected to recent traveller encroachment. Further areas of the Common may be added in future if the need arises and funding is available.

5. **Reasons for Preferred Solution**

5.1 To seek to deter future encroachments onto Wolstanton Common by travellers.

6. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

6.1 A clean, safe and sustainable borough

7. **Legal and Statutory Implications**

The council is the Conservator of Wolstanton Common under the terms of an agreement made in 1898 and has the power to implement measures to manage the Common. Consent is not required for the scheme under the Commons Act 2006 as it falls under one of the specified exemptions.

8. **Equality Impact Assessment**

8.1 It is considered that there are positive equality impacts in seeking to protect Wolstanton Common from unauthorised encroachment.

9. **Financial and Resource Implications**

9.1 The cost of the works is estimated to be £3360 which is to be met by the funding raised through community donations and grants from Staffordshire County Council. The ongoing revenue cost of repair, maintenance and replacement of bollards is also to be met from within the secured funding amount.

9.2 Implementation of the proposals should minimise the risk of the Council incurring unplanned expenditure in removing any future encampments.

10. **Major Risks**

In respect of the recommended preferred solution

- Damage to the timber bollards
- Unauthorised access persists to protected areas
- Unauthorised access is deflected to non-protected areas

11. **Sustainability and Climate Change Implications**

The project has no impact on climate change.

12. **Key Decision Information**

This report is not a key decision

13. **Earlier Cabinet/Committee Resolutions**

13.1 None

14. **List of Appendices**

None

15. **Background Papers**

None .