

Whitecraig Traveller Site

Report by Kevin Anderson, Executive Director - Place

Report for Decision

1 Recommendations

Council is recommended to

- a. Authorise the Executive Director – Place, or nominee, to seek an early termination of the Whitecraig Traveller Site lease with Buccleuch Property Estate Office.
- b. Midlothian Council to agree a formal unauthorised encampment process between colleagues from housing, education, health, social work and Police Scotland.
- c. Midlothian Council to develop a code of conduct for those living on unauthorised sites to be highlighted and implemented as part of initial site visits.
- d. Commence discussions between Midlothian Council, University of Edinburgh and Police Scotland to ensure future unauthorised sites are managed following Scottish Government guidance.
- e. Any future Gypsy/Traveller site requirement and search can be undertaken through the development of the Local Development (LDP2) Proposed Plan which will allow a decision to be taken on whether a site is needed through LDP2 preparation.
- f. If demand exists, any future Gypsy/Traveller housing provision should have five or more pitches for both short or longer term use.
- g. If evidence suggests that a site is required, touring caravan facilities may be considered.

2 Purpose of Report

- 2.1 The purpose of this report is to evaluate Gypsy/Traveller accommodation options which meet need and demand based on current guidance and stakeholder data. The report will include recommendations on future housing provision(s) for Gypsy/Travellers in Midlothian.

- 2.2 It should be noted that local authorities are under no legal duty to provide sites for Gypsy/Travellers or for Travelling Showpeople. Local Authorities have a legal duty to provide an assessment of housing need and demand (HNDA), and the providing related services, within the Housing (Scotland) Act 2001.
- 2.3 The HNDA3 includes an assessment of the housing needs and demand for the provision of sites and pitches for Gypsy/Travellers and Travelling Showpeople in the Midlothian area. This report will incorporate those findings with a current evidence base.

Date: 10 June 2024

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3 Background

- 3.1 There is one Gypsy/Traveller site in Midlothian, it is situated on the boundary of East and Midlothian near the village of Whitecraig. The site is situated on land owned by the Buccleuch Estate with East Lothian Council and Midlothian Council acting as joint tenants. The lease between the Buccleuch Estate and East and Midlothian Councils started on 28 May 2013. It is a 21 year lease with a stated expiry date of 27 May 2034. The site lease does not contain break clause conditions for either Local Authority. The next and final leave clause for the Buccleuch Estate is in 2028 (with 12 months written notice).
- 3.2 In 2018/2019 remedial works were undertaken to ensure the site met the Scottish Government's minimum standards. The work included resurfacing the road to the site, resurfacing and installation of a new play area and the installation of a new fence around the perimeter. Midlothian Council was responsible for 50% of the cost of the remedial works. In April 2019 East and Midlothian Council's received confirmation from the Scottish Government that the site met minimum standards.
- 3.3 The Whitecraig Gypsy/Traveller Site was closed in June 2021 due to extensive vandalism caused by tenants on site. The site is not safe to be inhabited and no longer meets the minimum site standards.
- 3.4 The site had eight active pitches with East Lothian Council Housing Service responsible for the management of the site whilst Midlothian Council was responsible for education, health and social care. Midlothian Council continues to be responsible for 50% of the site fees; Midlothian Council's share was £17,060.00 in 2022/23.

- 3.5** The South East of Scotland Housing Need and Demand Assessment 3 reported that when in use, the Whitecraig site had the lowest public site pitch occupancy rate with 63% of the pitches let on average.
- 3.6** East Lothian Council wish to pursue alternative Gypsy/Traveller site options within their own boundary and are currently in the process of seeking authorisation for an early termination of the site lease. It is recommended that Midlothian Council should similarly authorise an early termination of the site lease and seek alternative Gypsy/Traveller accommodation options which meet current need and demand.

4 Unauthorised Encampments

- 4.1** Unauthorised encampments are where a person or group camps (in vans, trailers or any other moveable accommodation) on land that they do not own, and where they do not have permission to stay. An unauthorised encampment process is in place whereby officers from Housing, Education, Health, Social Work and Police Scotland work effectively together in relation to their respective roles, to meeting the needs of Gypsy/Travellers living on an unauthorised site. Midlothian Council does not have a Gypsy Traveller Liaison Officer and initial site visits tend to be carried out by Police Scotland.
- 4.2** This proposed strategic needs (Appendix B) assessment recommends that a full unauthorised encampment process is formalised and agreed to ensure good relations are fostered amongst all parties, gives due regard to equality duties and complies with Scottish Government guidance. Guidance further recommends that Local Authorities develop a code of conduct for those living on unauthorised sites to be highlighted and discussed as part of initial site visits.

5 Report Implications (Resource, Digital and Risk)

5.1 Resource

Resources required for undertaking the assessment will be met from existing budgets.

5.2 Digital

There are no digital implications from this report.

5.3 Risk

Council officers have historically found there is limited evidence on the experiences of Gypsy/Travellers living in the area and it is likely that the community is under-reported due to historical and current fears of discrimination and stigma. The actual number of Gypsy/Travellers is thought to be higher than reported both internally and externally.

5.4 Ensuring Equalities (if required a separate IIA must be completed)

An integrated impact assessment (IIA) is not required for this report.
An IIA will be prepared as part of the preparation of MLDP2.

5.5 Additional Report Implications (See Appendix A)

See Appendix A

Appendices

Appendix A – Additional Report Implications

Appendix B – Background information/Links

APPENDIX A – Report Implications

A.1 Key Priorities within the Single Midlothian Plan

Not applicable

A.2 Key Drivers for Change

Key drivers addressed in this report:

- Holistic Working
- Hub and Spoke
- Modern
- Sustainable
- Transformational
- Preventative
- Asset-based
- Continuous Improvement
- One size fits one
- None of the above

A.3 Key Delivery Streams

Key delivery streams addressed in this report:

- One Council Working with you, for you
- Preventative and Sustainable
- Efficient and Modern
- Innovative and Ambitious
- None of the above

A.4 Delivering Best Value

An independent Site Condition Survey Report was carried out in January 2022 and estimated that costs to fully reinstate the site to the Scottish Government's minimum site standards were £222,000. A reinstated site would require the employment of a full-time warden as per clause 14 of the site lease.

A.5 Involving Communities and Other Stakeholders

Legislation states that land can be allocated to ensure the provision of accommodation for Gypsy/Travellers and Travelling Showpeople where need is identified. In order to identify the needs of Gypsy/Travellers in Council officers attended the Lothian Gypsy Traveller Forum, carried out a visit to North Cairntow Gypsy/Traveller Site and have attempted to establish evidence on the lived experience of Travelling Showpeople.

A.6 Impact on Performance and Outcomes

Not applicable

A.7 Adopting a Preventative Approach

The Local Development Plan 2 Housing Evidence Report recommends that any future Gypsy/Traveller site search can be taken through the LDP2 Proposed Plan with a decision on whether a site is needed to be taken forward through LDP2 preparation.

A.8 Supporting Sustainable Development

The Local Development Plan 2 (LDP2) is under development and once adopted, will allocate land for development and guide the future development of Midlothian. Legislation states that local authorities must:

- set out a summary of the action taken by the planning authority to meet the accommodation needs of Gypsy/Travellers in the authority's area
- Provide an analysis of the extent to which the action has helped to meet those needs.

APPENDIX B

Strategic Needs Assessment for Gypsy Travellers June 2024