

Consultation Questions

Consultation Response Form

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Section 1 – Revision of the Welsh Government’s *Managing Unauthorised Camping* Guidance

Question 1 – Does the guidance fully explain the process necessary for responding to unauthorised camping? Is there further information that needs to be included?

Paragraph 108 - Locations where encampments may not be considered acceptable under any circumstance: We welcome the inclusion of SSSIs, sites where pollution or waste from vehicles could damage ground, water or watercourses, and areas with serious land contamination as areas where encampments may not be considered acceptable under any circumstance. We also suggest that the list in paragraph 108 should include:

- Sites at risk from flooding or coastal erosion*.
- National Nature Reserves, Special Areas of Conservation and Special Protection Areas. (Whilst NNRs, SACs and SPAs are generally also designated as SSSIs, for clarity, we also advise they are specifically referred to in the guidance).
- Sites where there is a potential for significant harm or disturbance to a protected species known to be present at, or in close proximity to, the site. This is because certain unauthorised encampments may also have an adverse effect on protected species present or their habitat**. Local Authorities are welcome to contact Natural Resources Wales for more detail on this.
- Where the campsite would be in conflict with the purposes of a National Park or Area of Outstanding Natural Beauty. (For more advice on the potential impact of encampments on the statutory purposes of National Parks and AONBs, officers should refer to the National Park or AONB Management Plan, Local Development Plan, national planning guidance, or seek advice from the authority’s planning officers).
- Public recreation sites - NRW manages many of such sites in woodlands. (This could be addressed by the fourth bullet point in paragraph 108 including the words, “or other land used for recreational purposes”).
- Public and private woodlands which have open access or allow public

access for recreational, educational, health and well-being purposes.

* We would strongly suggest that Local Authorities (LAs) are discouraged from allowing encampments in flood risk areas. Should a site flood, there could be negative impacts on safety to people and property. This could also result in economic and liability issues for landowners.

However, should any LA wish to allow camping, temporarily or permanently, then they should make every effort to give residents advice on flood resistance, resilience and evacuation. Our website contains more information (www.naturalresourceswales.gov.uk)

In terms of data, we advise LAs to consider flood risk from: Main Rivers and the sea (which we provide in the form of our Flood Maps); Ordinary Watercourses and surface water (which LAs may have data on); and culverts (available from Natural Resources Wales, the Internal Drainage Boards or the Local Authority).

** Please note that SSSIs may also be adversely affected by unauthorised encampments located outside, but in close proximity to, the protected designation. We therefore advise that the guidance should encourage the local planning authority to consult Natural Resources Wales where an unauthorised encampment is located in close proximity to a SSSI. We would be pleased to help Local Authorities to assess whether there is a potential adverse effect on the features for which a SSSI has been notified.

Question 2 – Would you find it helpful for the guidance to include a summary of each of the powers available to landowners to resolve incidents of unauthorised camping?

Whilst we welcome that the Code of Conduct requires that gypsies and travellers dispose of waste, the consultation is unclear on where responsibility lies for site clearance if unauthorised campers do leave waste on site. We believe this could be clarified in a summary of powers.

The Environmental Protection Act 1990 places the onus on landowners in certain circumstances to clear unauthorised deposits of waste if the perpetrator is not identified. Paragraph 105 of the consultation document suggests that eviction of travellers from sites often leads to large scale clean up costs incurred by local authorities. It is therefore unclear who would be liable for clean up costs if unauthorised travellers were to leave waste when leaving private land.

Natural Resources Wales is a landowner and land manager (for Welsh Government's Forest Estate). This clarification would be beneficial for private landowners such as ourselves. We are keen to ensure that any waste generated on unauthorised encampments on our land or the land we manage is disposed of in the most efficient and least costly way possible. We therefore advise that the guidance provides clarity for landowners on this issue.

Question 3 – The guidance seeks to provide examples of Good Practice when responding to unauthorised camping. Are there examples of Good Practice that you can share with other Local Authorities through this guidance?

We understand that Leeds City Council is speaking at an “Expert Learning Day” for Local Authority staff on 19 September, on best practice for managing unauthorised camping. More details can be found at www.ccclimited.org.uk .

Question 4 – Do you agree with the proposed universal Code of Conduct template? If not, how could it be improved?

The criteria set out in the Code of Conduct appear generally reasonable to us. However, we advise that specific reference should also be made to the need to avoid any damage to hedgerows and trees particularly, ancient woodland, trees protected under Tree Preservation Orders, and trees in areas which are protected (e.g. ancient woodland), or which may support protected species.

We recommend that there should be reference to the need to avoid polluting or blocking watercourses.

We advise that the second bullet point should be changed to the following to reinforce the status of woodlands which allow public access:

- “Camping on publicly used land, such as parks, school fields, woodlands which allow public access, car parks or play areas, may lead to immediate eviction proceedings.”

We advise that the Code of Conduct should include a bullet point to state that gypsies and travellers should not block access to:

- Recreational assets, such as National Trails.
- Flood defences and other operational assets. Natural Resources Wales may need to gain access for maintenance purposes.

We welcome that the need to manage waste correctly is included in the proposed Code of Conduct, and we note that this may include disposing of their waste at a local Civic Amenity Site. However, we are aware that some Local Authorities have recently introduced measures which restrict access to Civic Amenity sites to certain types of vehicles. For example, vehicles which may have a commercial purpose, such as 4x4s may be restricted access. Householders who are not using these vehicles for trade purposes can get permits from Local Authorities, but they require an address within the boundaries of the Local Authority in order to do so. Gypsies and travellers not on a permanent site are not likely to have a permanent address, and so may not be able to get the permit they need to demonstrate that they are not carrying trade waste. This may leave them unable to dispose of their waste. It will therefore be important for the Welsh Government Waste team to engage in this consultation.

To ensure consistency with provisions included within paragraph 108 of the draft guidance, we recommend that the Code of Conduct for Tolerated Stopping should also clarify that camping on SSSIs may lead to immediate eviction proceedings.

Question 5 – Do you think the proposed Initial Encampment Assessment covers all the necessary issues and is workable in practice? If not, how could it be improved?

We believe it would be useful to prompt the Local Authority point of contact to find out whether the site is subject to any environmental designations, or whether the encampment poses any particular risks to the environment. It would also be useful to establish whether there are any environmental issues that could cause a risk to those staying on the site.

We therefore recommend that the Initial Encampment Assessment (IAE) form (Annex 2) should include a requirement to establish the following:

- Is the site designated for nature conservation?
- Is the site within a flood risk area? (See Natural Resources Wales' website for more information www.naturalresourceswales.gov.uk). (Please see our comments on Question 1 for our advice on flood risk).
- Is the site within a flood risk area? (See Natural Resources Wales' website for more information)
- Are there any watercourses on site which could be at risk of pollution?
- How is foul and surface water being disposed of?
- Is the site on an area affected by land contamination?
- Are there any records of protected species being present at the site?

The Initial Encampment Assessment should also prompt consideration of whether an encampment is contrary to the purposes of a protected landscape. This could be done by seeking advice from the authority's planning officers and consulting local and national planning policies.

This information could be gathered from a desktop study and from observation of the site. We would be able to help provide data and information on the above, where necessary.

As part of the Initial Encampment Assessment, information should be given about waste disposal facilities in the area for their domestic waste and for commercial waste. This will provide clarity in case any of the 'residents' of an encampment are involved in any waste related businesses. It is important that they know how and where to dispose of different types of waste. This may help avoid fly tipping. It maybe useful for a protocol to be developed to ensure a consistent approach to this and to ensure that all these steps are covered as part of the visit.

Question 6 – Do you think the proposed Welfare Assessment covers all the necessary issues and is workable in practice? If not, how could it be improved?

We advise that the Welfare Assessment also includes questions on whether site residents have access to drinking water and toilets.

Question 7 – Would it be helpful to local authorities for the guidance to include any other templates to use when responding to encampments?

As stated in our response to Question 5, we believe environmental issues should be established through a desktop study and from observation of the site. A template for this would be helpful to include. We would welcome the opportunity

to work with you on this.

Section 2 – Other comments

Question 8 – Have we asked all of the most important questions? If not, on what other issues should we be seeking views?

Paragraph 120 – Options available to Local Authorities. We would request that the guidance makes clear that Local Authorities should consult Natural Resources Wales if the land in question is our land. We would also welcome consultation from Local Authorities if the Initial Encampment Assessment determines that the site has environmental constraints (see our response to Question 5).

Paragraph 140 – Who should be involved in Local Strategies? We welcome the reference to Natural Resources Wales being involved in a multi-agency way of working, as appropriate. We would welcome the opportunity to work with Local Authorities to develop Local Strategies.

Section 5 – Step-by-Step Guide to Resolving Unauthorised Encampments. We believe it will be important to involve all relevant Local Authority teams, once an encampment has been identified and logged. This may include any waste enforcement and pollution control teams within a Local Authority.

Section 6 – Communicating Decisions. We request that the guidance makes clear that Local Authorities should inform us of their decisions, where we are the landowner or land manager, or where there are environmental issues associated with the site (see our response to Question 5 for our comments on relevant environmental issues).

Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept confidential, please tick here: