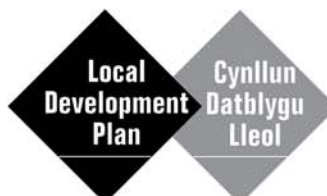




Vale of Glamorgan Council Examination Statement

February 2016



**Abbreviations:**

2004 Act - Housing Act 2004

2014 Act - Housing (Wales) Act 2014

DAM - Development Advice Maps

FCA - Flood Consequence Assessment

GTAA - Gypsy and Traveller Accommodation Needs Assessment

LDP - Local Development Plan

ORS - Opinion Research Services

PPW - Planning Policy Wales (edition 8 January 2016)

TAN 15 - Technical Advice Note 15 – Development and Flood Risk

WG - Welsh Government

WG Circular 30/2007 - Welsh Assembly Government Circular 30/2007: Planning for Gypsy and Traveller Caravan Sites (December 2007)

## **1. Introduction**

## **2. Procedural Matters**

### **3. Has a robust and credible assessment of Gypsy and Traveller accommodation needs been undertaken? What are the findings/ implications for the LDP?**

- 3.1 Yes. The Council is satisfied that the work undertaken in the September 2013 Gypsy and Traveller Accommodation Needs Assessment (GTAA) (SD32) to identify the accommodation needs for Gypsies and Travellers in the Vale of Glamorgan was in accordance with national policy at that time as set out in Planning Policy Wales and Welsh Government Circular 30/2007. The Council maintain that the 2013 GTAA was based on a robust evidence base.
- 3.2 Opinion Research Services (ORS) were commissioned by Vale of Glamorgan Council to undertake a GTAA to inform the Local Development Plan (LDP) and to meet the requirements of Sections 225 and 226 of the Housing Act 2004 and the advice set out in Planning Circular WG 30/2007 in respect of the Gypsy and Traveller community. The 2013 GTAA provides full details of the assessment process and findings.
- 3.3 The main objective of this study was to assess the need for authorised Gypsy and Traveller site provision within the Vale of Glamorgan, the need to plan for the provision of transit sites and to consider the need of Travelling Showpeople.
- 3.4 Completed in 2013 the report informed the findings of the Deposit Plan and concluded that a total of 18 pitches were required in the Vale of Glamorgan over the plan period.
- 3.5 It is noted that the need for the 18 pitches identified is to accommodate the 17 households identified on the Hayes Road Sully site and the single household identified on at Twyn Yr Odyn in Wenvoe (chapter 8 of the 2013 GTAA). Following the investigation, no households were identified as being in bricks and mortar (paragraphs 5.37 & 5.38 of the 2013 GTAA) and there was no evidence of any bricks and mortar households outside the area being in need of accommodation with the Vale (paragraphs 7.13 & 7.14 of the 2013 GTAA).
- 3.6 Furthermore, the 2013 GTAA did not identify any new household formation from within the existing households within the Vale. There are no children understood

to be living on the Llangan site, and all children on both the Twyn Yr Odyn and Hayes Road site were not of an age that they were likely to form new households (paragraph 7.18 & 7.19 of the 2013 GTAA). It was not, therefore, considered appropriate to apply the 3% per annum assumption used in other GTAA's.

- 3.7 Finally, there was again no substantiated evidence of any possible in migration to the Vale and, as such, there was no need identified to accommodate in-migrating households. Notwithstanding this, the Assessment does recommend regular monitoring to ensure that all needs are met during the plan period (see paragraphs 7.20 to 7.24 of the 2013 GTAA). This will, of course, be achieved in the current and any future GTAA's undertaken during the plan period.
- 3.8 With regard to transit provision, there was evidence of a gap in provision for a transit site or emergency stopping place within South East Wales. However it was believed that this facility could potentially be met by a number of authorities in the area, the need having been identified along the M4 corridor. A strategic cross-boundary planning approach would be required to achieve this and, as such, it was recommended that no transit sites be allocated within the Vale of Glamorgan Area at that time.
- 3.9 With regards to Travelling Showpeople and Circus Performers, beyond those households living alongside New Travellers at the unauthorised site at Sully the study found that there was no other known Travelling Showpeople in Vale of Glamorgan and that there is therefore no clear immediate need for this group.
- 3.10 Notwithstanding the above, the Council note that the Housing (Wales) Act 2014 has now superseded the Housing Act 2004 and, although the requirements of Sections 225 and 226 of the 2004 Act are present in sections 101, 102, 103 of the 2014 Act. In addition to this, the Council note that Welsh Government Guidance entitled 'Undertaking Gypsy and Traveller Accommodation Assessments' (May 2015) supersedes the previous 2007 guidance on 'Gypsy and Traveller Accommodation Assessments'. In accordance with section 101 of the 2014 Act and following Welsh Government instruction, the Council are in the process of preparing a new GTAA. The Council have again commissioned ORS to undertake the study and this is to be undertaken in accordance with the 2015 Welsh Government guidance. It is hoped that the final published version of the Assessment will be available prior to the Gypsy and Traveller LDP hearing

session. If not, it is hoped that a draft version of the Assessment will be available. In any event, it is anticipated that the new GTAA will be submitted to Welsh Government by March 2016 for approval later in Spring.

3.11 Whilst the Council maintain that the 2013 GTAA is a robust and credible Assessment, the new guidance on the undertaking of a GTAA is noted, particularly where it is suggested at paragraph 40 that *“the process for undertaking the review is substantially different”*. Having considered the new guidance, and in light of the Council’s understanding of the up to date position with regard to the known Gypsy and Traveller sites and households within the Vale of Glamorgan, it is likely that the need identified in the new assessment will not vary significantly from the need identified in the 2013 GTAA. It is anticipated that the need may increase by 1, however, that additional need is likely to result from the inclusion of the long term residents (counted as a single household) of a tolerated site within the Llangan Area of the Vale. If this additional need is identified, the Council propose to seek to accommodate that need in the long term, retaining the Hayes Road, Sully allocation for an 18 pitch site to meet what the Council perceive as the short to medium term need.

**a) Is the Plan and associated evidence consistent with the definition of the Gypsy and Traveller community as set out in the Housing (Wales) Act 2014? Does the Plan make reference to the most up to date legislation?**

3.12 No. The 2013 GTAA was undertaken in line with the extant legislation and guidance at that time (i.e. the definition given in section 225 of the 2004 Act and the associated Welsh Government Circular 30/2007).

3.13 The definition of a Gypsy and Traveller used in 2013 study is as follows (paragraph 3 of WG Circular 30/2007):

- *“persons with a cultural tradition of nomadism or of living in a caravan; and*
- *all other persons of a nomadic habit of life, whatever their race or origin, including:*
  - *such persons who, on grounds only of their own or their family's or dependant's educational or health needs or old age, have ceased to travel temporarily or permanently; and*

- *members of an organised group of travelling show people or circus people (whether or not travelling together as such)."*

3.14 The Housing (Wales) Act 2014 introduced the following definition for planning and housing purposes:

*"Gypsies and Travellers" ("Sipsiwn a Theithwyr") means—*

*(a) persons of a nomadic habit of life, whatever their race or origin, including—*

*(i) persons who, on grounds only of their own or their family's or dependant's educational or health needs or old age, have ceased to travel temporarily or permanently, and*

*(ii) members of an organised group of travelling show people or circus people (whether or not travelling together as such), and*

*(b) all other persons with a cultural tradition of nomadism or of living in a mobile home;*

*"mobile home" ("cartref symudol") has the meaning given by section 60 of the Mobile Homes (Wales) Act 2013".*

3.15 While the definition of gypsy and travellers now contained within the 2014 Act is a broader definition of the gypsy and traveller community than the previous definition, the Council considers that the definition(s) utilised for the purposes of the 2013 GTAA is equally wide-ranging and does not exclude any sector of the gypsy and traveller community including, as indicated at paragraph 1.2, 'the needs of Travelling Showpeople in the Vale of Glamorgan.'

3.16 To demonstrate this, the 2014 Act introduces additional wording which stipulates that *"all other person with a cultural tradition of nomadism or of living in a mobile home"* are included within the definition of Gypsy and Travellers. This broader definition could include for example, travelling show people and all other persons with cultural tradition of nomadism or of living in a mobile home living within the area. In this respect the 2013 GTAA considered such groups within the Vale of Glamorgan; those residing at the Hayes Road, Sully site.

3.17 Accordingly, while an amended definition has been introduced through the 2014 Act it is considered that the 2013 GTAA is consistent with that legislation and the

change in the definition will not have any implications for the need identified in that assessment.

3.18 Notwithstanding the conclusions above, as noted earlier in this evidence, a new GTAA is currently being prepared which will utilise the definition of gypsy and travellers contained within the 2014 Act and this is anticipated to be submitted to Welsh Government by March 2016 for approval later in Spring.

3.19 With regard to the Deposit LDP Written Statement, the Council notes that paragraph 6.38 of contains a reference to sections 224 and 225 of the 2004 Act, which has of course been superseded by sections 101, 102 and 103 of the 2014 Act. Accordingly, **the Council propose the following amendment to ensure that the Plan reflects current legislation in respect of Gypsy and Travellers:**

*“6.38 ~~Sections 224 and 225 of the Housing Act 2004~~ **101 to 103 of the Housing Act (Wales) 2014** require local authorities to assess the accommodation needs of Gypsy and Travellers within their area and that where there is an identified need sufficient site(s) should be allocated within the Council’s LDP to address that need.”*

**b) Should the Plan clearly identify the level of need and resulting pitch requirements for each of the different types of accommodation (permanent residential/ transit etc.)?**

3.20 The findings of the 2013 GTAA identified a need for 18 permanent pitches within the Vale of Glamorgan and 10 transit pitches located somewhere within the South East Wales region. While Policy MG 5 allocates a site for 18 pitches to accommodate the permanent need for Gypsy and Traveller pitches within the Vale of Glamorgan over the short to medium term, the Plan does not identify a transit site as the recommendation of the needs assessment was for a 10 pitch site close to the M4 to address a gap in provision in the South East Wales region.

3.21 In this regard the Council would advise the Inspector that the regional South East Wales local authorities have recently convened to consider the provision of an appropriate transit facility that will serve the identified need within the region however the future need for a transit site will obviously be further informed by the findings of the latest GTAA.

- 3.22 Notwithstanding the above, **the Council notes the comments made by the WG in respect of clarity in Policy MG5 and would propose the following amendment:**

*“POLICY MG5 - GYPSY AND TRAVELLER SITE*

*LAND IS ALLOCATED AT HAYES ROAD, SULLY FOR THE PROVISION OF **AN 18 PITCH** A GYPSY AND TRAVELLER SITE.”*

- 3.23 The Welsh Government have, in their Examination Hearing Statement, made reference to transit provision and the requirements of paragraph 17 of the WG Circular 30/2007. This is a matter that the Council will deal with in response to question 5.

**4. Does the proposed Gypsy and Traveller site at Hayes Road in Sully represent a sound allocation (Policy MG5: ‘Gypsy and Traveller Site’)?**

- 4.1 Yes. The Council considers that the identification of the site at Hayes Road, Sully represents a sound allocation that will enable the Council to address the identified accommodation needs for Gypsy and Travellers within the Vale of Glamorgan in the short to medium term of the Plan period.
- 4.2 While there are some matters associated with the site that will need to be addressed, the Council is of the view that these can be adequately addressed through appropriate site design and management and would not adversely affect the delivery or effective operation of the site.

**a) Has the allocation been subject to a clear and robust site assessment process?**

- 4.3 Yes. The Council’s Gypsy and Traveller Site Assessment Background Paper 2013 (SD33) provides details of the site assessment process which includes consideration of a range of likely constraints.
- 4.4 WG Circular 30/2007 suggests a number of ways in which a local authority might identify specific sites and make land available to meet the need identified in a LHMA or needs assessment. The circular states that in identifying a site, local authorities will need to demonstrate that sites are suitable and that there is a realistic likelihood that the specific sites allocated in a LDP will be made available for that purpose.



- 4.5 The Circular identifies a number of ways in which a local authority can approach identifying a site and making land available and one suggested approach is through making full use of any register of unused and under-used land owned by public bodies or vacant or under-used land in local authority ownership. As such, an assessment of Council's own land formed the basis of the Council's site assessment process. In addition, consideration was also given to private sites that had been promoted for development through the LDP candidate site process and which the owners and/or agents had indicated might be considered for such a use.
- 4.6 Paragraph 7.1 of the assessment confirms that 36 sites were considered to warrant further investigation. These sites were assessed against a range of constraints, including the size of the site so as to accommodate the identified need as a whole, flooding, and any other planning/environmental matters. The Council's findings in respect of each of the 36 sites is set out in the latter part of the Site Assessment. In the conclusion section of the Site Assessment the Council set out its reasons for the Hayes Road allocation, in the light of the Assessment findings.
- 4.7 Accordingly, the Council are of the view that the site assessment process utilised to identify the site is robust and accords with WG guidance.

**b) Is Policy MG5 sufficiently clear regarding the number of pitches being proposed and whether or not it would satisfy the identified need?**

- 4.8 The 2013 GTAA identified a need to provide for a total of 18 additional pitches in the Vale of Glamorgan to 2026 based on the evidence that was identified during the study period in 2013.
- 4.9 The LDP includes Policy MG5 which allocates land at Hayes Road, Sully for the provision of a Gypsy and Traveller Site for 18 pitches. Due to the 2013 GTAA being unable to capture detailed information about all households living in the Vale of Glamorgan the supporting text clarifies that the need figure of 18 pitches is based on the needs of identifiable households.
- 4.10 With regard to long term need, the Council has accepted the recommendations from the 2013 GTAA, which advocates that the Council follow principles that have

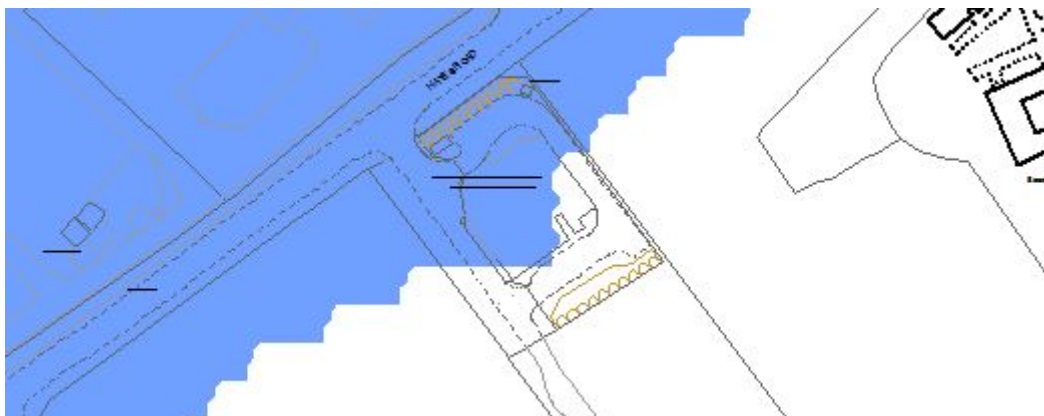
been set in nearby Neath Port Talbot. It will continue to closely monitor the prevailing situation for the latter period of the Plan to 2026. This position allows the Council to address clearly identified current needs, while also providing flexibility to address needs which cannot be substantiated at the current time.

4.11 Section 101 of the 2014 Act places a duty of all local authorities to carry out a review of the accommodation needs of gypsy and travellers residing in their area and to review this need each subsequent five year period. As noted above, the Council has recently commissions ORS to undertake an assessment to be submitted to the WG for consideration. The Council also note its obligations under the 2014 Act to meet the need identified and to review and meet any future need identified within subsequent reviews. This will accord with the LDP in terms of the 18 pitch site meeting the short to medium term need, and to be flexible in the long term to address needs that are identified (or substantiated) in future reviews, including any additional need that it is anticipated will be identified in the GTAA currently being undertaken.

**c) Is the allocation justified in light of national policy relating to flood risk (PPW, TAN15 and paragraph 19 of WG Circular 30/2007)?**

**- What is the extent of the area covered by the flood plain as identified on the current DAM Maps (January 2015)?**

4.12 A small section to the front of site along Hayes Road measuring approximately 0.18Ha is affected by zone C2 as identified on the Welsh Government's January 2015 Development Advice Maps. The area is illustrated on the plan below taken from the Council's GIS system.



- 4.13 As noted above, while the most recent DAM maps have informed the more detailed research in the FCA, the FCA has also benefited from a more detailed and comprehensive flood study of the Cadoxton River catchment (Cadoxton Flood Risk Study (2015)). This study prepared for Natural Resources Wales is expected to form the basis of a future update to the DAM map in this area.
- 4.14 Also, as noted below, in order to demonstrate site capacity an indicative site layout plan has been produced (document reference ED28.1) that carefully locates all Highly Vulnerable development (i.e. the pitches) within the Zone A area of the site. Each pitch and the site as a whole has been designed so as to comply with the WG Guidance on Designing Gypsy and Traveller Sites.

**- What evidence is there that a precautionary and sequential approach was taken to direct development away from those areas at risk from flooding?**

- 4.15 PPW and TAN15 in relation to flood risk directs planning authorities to adopt a precautionary approach when formulating development plan policies and to direct development away from areas subject to flooding. In considering flooding local authorities should consider the impact of climate change which is likely to increase the risk of coastal and river flooding as a result of sea level rise and more intense rainfall.
- 4.16 In addition to the above, the requirements of paragraph 19 of WG guidance 30/2007 are also noted. When identifying Gypsy and Traveller caravan site, it seeks to address issues of site sustainability which are identified as being *“important for the health and well-being of gypsy and travellers not only in respect of environmental issues but also for the maintenance and support of family and social networks”*. It is noted that the Circular directs that site sustainability should not only be considered in terms of transport mode, pedestrian access, safety and distances from services, but also in respect of the potential of the site to flood, suggesting that sites should not be located in areas at high risk of flooding, including functional flood plains, given the particular vulnerability of caravan.
- 4.17 It is accepted that the Development Advice Maps (DAM) indicate that a small proportion of the site, at its northern end, falls within flood zone C2. We also note that paragraph 11.1 of TAN gives some recognition to site that fall partially within zone C; *“Where a site falls partially within zone C it will be a matter for the*

*planning authority to judge whether to apply section 6, although it is probable that an assessment in accordance with section 7 and appendix 1 will be required.”* In the light of this, the Council commissioned JBA Consulting to undertake a Flood Consequence Assessment (FCA) for the allocation and to advise the Council in preparing suitable indicative layouts of the site. Their report, dated January, 2016, is produced as an examination document reference ED28.

- 4.18 In paragraph 3.2 of the FCA it is noted that the recently completed Cadoxton Flood Risk Study (September 2015) was used to inform the more detailed assessment of flood risk at the Hayes Road site. The FCA has provided a more accurate representation of the extent of the C2 Flood Zone in Figures 5 and 6. The FCA identifies the anticipated water levels in a 1 in 100 and 1 in 1000 year flood events, including allowance for climate change.
- 4.19 Having considered the findings of the FCA, it should firstly be noted that the site design has adopted a sequential approach, directing all Highly Vulnerable development away from flood zone C2 to zone A. The only development that will take place in zone C2 will be less vulnerable development (i.e. parking and recreation areas). The indicative site layout and design are provided as an examination document referenced ED28.1. It is accepted that the vehicular access and egress is located within the C2 area, although pedestrian access can be gained from the coastal path to the south of the site.
- 4.20 Notwithstanding the comments above, consideration has been given to the guidance provided in TAN15, with regard to the location of vulnerable development within zone C2. The Council understand that TAN15 provides a precautionary framework to allow flooding issues to be accorded appropriate consideration whilst recognising that development will continue to be necessary in these areas. Paragraph 31 of the TAN identifies that *“the overarching aim of the precautionary framework is, in order of preference, to:*
- *Direct new development away from those areas which are at high risk of Flooding.*
  - *Where development has to be considered in high risk areas (zone C) only those developments which can be justified on the basis of the tests outlined in section 6 and section 7 are located within such areas.”*

4.21 Section 6 of the TAN is understood to provide the Test which should be applied in order to establish development as justified in Zone C. In particular paragraph 6.1 states that *“some flexibility is necessary to enable the risks of flooding to be addressed whilst recognising the negative economic and social consequences if policy were to preclude investment in existing urban areas, and the benefits of reusing previously developed land”*. Section 7 seeks to ensure that, where development is justified in Zone C, the design of the development incorporates measures to ensure that it is as safe as possible.

4.22 Given the small area of the site within flood zone C2, and the sequential zoning of Highly Vulnerable development to areas of flood zone A only, the Justification Test has not been applied to the development. This is in part due to parts 6.2 (i) & (ii) being poorly aligned with the needs of Gypsy and Traveller sites, and also in part in consideration of paragraph 11.1 of TAN15 regarding sites partially within flood zone C. Consequently, a full and thorough FCA has been prepared in accordance with Section 7 and Appendix 1 of TAN15 in close operation with Natural Resources Wales.

4.23 This approach to the assessment of the suitability of the site is considered to accord with the WG Guidance on Designing Gypsy and Traveller Sites (May 2015). It suggests at paragraph 3.22, under the section of site location, that:

*“3.22 As with all developments, it is likely that Local Authorities will need to follow the ‘line of best fit’ when assessing potential sites. It may be that none of the potential sites can completely satisfy the guidance in this document. However, Local Authorities should first seek to identify such sites if they exist. The general themes Local Authorities should consider are:-*

- **Access** – *Local Authority residential sites should be located with access to public roads and footpaths leading to the site. Although access to public transport would be ideal, it may be unrealistic in close proximity to the site in rural settings;*
- **Suitability of land** – *A site survey should be undertaken which will identify possible problems such as drainage, risk of flooding, contaminated land etc. Local Authorities should consider whether remediation work to resolve any problems is financially viable. Mobile homes are considered to be highly*

*vulnerable to flooding so sites should not be situated in C2 flood zones. Locations in C1 flood zones should be subject to a justification test. 14*

- **Local Services** – *Ideally located within reasonable distance from education settings, health services and shops. If a site is located, or is going to be located, in a rural area this will not be achievable in many instances. Local Authorities must comply with the Learner Travel (Wales Measure) 2008 (as amended) and associated guidance. For further details please see the Learner Travel pages of the Welsh Government website 15;*
- **Environment** – *sites should not be located next to hazards such as rivers or canals, unless appropriate mitigation can be installed. Locating sites next to industrial sites or major roads should be carefully considered, which may require monitoring of noise and air quality and resultant design measures to reduce the impact.*
- **Utilities** – *water, electricity, sewerage, drainage and refuse disposal should be provided on all sites. This may require consultation with utility providers to ensure any essential criteria for new connections is understood.*
- **Sustainability** – *the site should be available for use as a Gypsy and Traveller site in the long-term (at least 21 years)."*

4.24 The allocation is considered to comply with all of the criteria set out above, including the suitability of the land, bearing in mind that the Council can demonstrate a site layout ensuring that all pitches are in the Zone A area, where TAN 15 suggests that there is little or no risk of flooding.

4.25 In addition to this, the Council note the guidance provided in TAN 15 at paragraph 3.4 which does allow for some flexibility in the application of the guidance where an authority are satisfied that the risks of flooding are considered to be acceptable.

4.26 With regard to evidence of a sequential approach, as noted earlier, the site assessment process detailed in SD33 included a wide range of sites and concluded that the Hayes Road site would be the most appropriate. Whilst acknowledging the zone C2 constraint associated with the site, and having considered all of the available evidence, the Council considers that the allocated site at Hayes Road, Sully remains the most suitable and appropriate location for a gypsy and traveller site within the Vale of Glamorgan. With regard to flooding, the

FCA demonstrates that this risk can be appropriately managed to an acceptable level through site design and layout and the implementation of emergency plans.

4.27 As is already noted, the Council has undertaken a site assessment and concluded that the site detailed at MG5 is appropriate for development as gypsy and traveller site to accommodate 18 pitches. Paragraph 5.4 (see below) of SD33 clearly illustrates that the impact of flooding on prospective sites identified in the assessment formed an integral part of the assessment process.

*“5.4 These were further filtered to remove sites that were either:*

- Sites affected by flooding.*
- Within green wedges against which there is a presumption against inappropriate development (WAG Circular 30/2007).*
- Sites currently utilised as formal open space, land that forms the grounds of schools or other educational institutions, allotments, land within the Glamorgan Heritage Coast, country parks or land identified as common land.”*

4.28 Whilst it is noted that the allocated site is affected by flooding, the site was not eliminated from the search in the light of both the extent of flooding (which it was determined required further investigation) and the benefits of this site. These benefits included, inter alia, its size, ownership by the Council, and current occupation of the site by those we are seeking to accommodate.

**- What evidence is there that satisfactory access/egress can be achieved?**

4.29 For clarification, under the prevailing (normal) site conditions access and egress is not a constraint. However, detailed flood risk modelling data illustrates that vehicular access to the site via Hayes Road is at risk of flooding in a fluvial event with a 1% (1 in 100) probability of occurrence in any one year with an allowance for climate change.

4.30 To effectively manage the risk of flooding to the vehicular access route it is proposed to instigate an Emergency Flood Plan linked into the NRW warning system to alert residents when a flood event is forecast to occur. Permanent signage will be installed throughout the site to ensure that residents are aware of

the potential flood risks with emergency access/egress available on foot via an emergency route that is proposed to utilise the existing coastal path.

- 4.31 While the Council notes that the site access may be susceptible to flooding during such an event, it is considered that through the introduction of an Emergency Flood Plan as detailed above, such an incident is capable of being appropriately managed so as not to cause an adverse risk to life and/or property.

**- What evidence is there to demonstrate that the site has sufficient capacity to accommodate the identified level of need in light of its flooding constraints?**

- 4.32 As mentioned earlier, in order to assess the ability of the site to accommodate the identified need, the Council has undertaken initial feasibility and design works and has prepared indicative site layout plans in accordance with Welsh Government guidelines contained within the Welsh Government updated guidance Designing Gypsy and Traveller Sites (May 2015). The results of this work are provided at document ED28.1.

- 4.33 This work illustrates that the identified need can be accommodated on the site at Hayes Road, Sully. While a small section of the site has been identified as being at risk of flooding in an extreme event, the Council considers that appropriate site design and layout will enable this to be managed to an acceptable level and need not prejudice the long term viability of the site.

**d) Are there any other constraints or barriers to the delivery of the site that cannot be addressed through detailed design and site management arrangements?**

- 4.34 The Council does not consider that the site is affected by any other constraints that cannot be resolved through appropriate site design and/or management.

**e) To what extent is the delivery of the site reliant on WG funding? What would be the implications for delivery in the absence of such funding?**

- 4.35 The Council is realistic in its approach to the funding for any future Gypsy and Traveller site provision and like most authorities in Wales in the current financial climate with competing financial demands, would primarily look to the Welsh Government for financial support for the development of the site at Hayes Road, Sully. The WGs continued commitment to deliver new gypsy and traveller sites is detailed in its recent release of guidance notes to local authorities in Wales for the



2016/17 round of Gypsy and Traveller Sites Capital Grant Programme for 2016-2017 Guidance Notes which identifies a total available fund of £2 million. Through the programme 100% funding can be awarded up to a maximum of £1.5 million per site.

- 4.36 While the Council accepts that the Gypsy and Traveller Sites Capital Grant programme is a relatively small funding stream when distributed across all 22 local authorities within Wales, it believes that it is the only significant funding available to develop a future Gypsy and Traveller site within the Vale of Glamorgan.
- 4.37 Notwithstanding the above the site itself is wholly owned by the Council and is not only seen as a significant contribution in kind towards the overall development cost of a site, but would also expedite site delivery once site development funding and appropriate approvals had been secured.
- 4.38 Should the Welsh Government Capital Sites Grant be unavailable, the statutory requirements on the Council under section 103 of the 2014 Act would remain and the Council would be required to prioritise financial resources as appropriate and provide a site or face a direction under section 104 of the Act.

**f) What are the anticipated timescales for delivery?**

- 4.39 While some important preparatory work has already been undertaken, e.g. a Flood Consequence Assessment and an initial site layout to demonstrate capacity, the Council would advise that no detailed design work that would support a planning application and/or a bid for Welsh Government funding has yet been undertaken.
- 4.40 Notwithstanding the above and the fact that the Plan remains subject to Examination, the Council would seek to progress delivery of the site following the Adoption of the Plan to meet the identified need.
- 4.41 The Deposit Plan's Monitoring Framework for Objective 7 includes a monitoring target and assessment trigger for the delivery of a Gypsy and Traveller site by 2021 to meet the identified need (PT23 refers). The Council notes the comments in respect of the Monitoring Framework and propose to modify the monitoring targets accordingly to make specific reference to the site at Hayes Road and

delivery of the site to meet the identified need. As an updated GTAA is currently being prepared to reflect the requirements of the 2014 Act the Council will work with the Welsh Government to consider appropriate monitoring criteria.

- 4.42 It is noted that the WG have sought clarification as to whether or not the delivery of the site will be phased. The Council have not determined whether or not the delivery of the site will be phased at this stage. It may well be the case that the WG funding is granted on the understanding that the site is delivered as one. However, a phased delivery may well be appropriate so as to allow the current occupiers to remain on the site whilst the each phase is delivered. This may also be appropriate in light of indications from some of the occupiers of the Sully site that they would move to another site if the site is 'legalised' (Paragraph 5.61 of the 2013 GTAA).
- 4.43 Having considered this matter, the Council propose to include a monitoring target to, in the first instance, approach the current occupiers of the Hayes Road site in order to establish whether there are any alternative methods for accommodating the need identified. Further information on this matter could also be included in the updated GTAA currently being prepared which can be considered as part of the revised monitoring framework of the Plan.

## **5. Is the Plan sufficiently clear in respect of transit site provision?**

- 5.1 Yes. Paragraph 6.44 of the LDP clearly states that no provision is made in the Plan for a transit site and that such provision will be progressed in conjunction with neighbouring authorities.

### **a) What is the level of need and how is it being addressed?**

- 5.2 The Council's 2013 GTAA (SD32) concluded that there was a regular but very low level of transit need identified. Paragraphs 7.27 - 7.33 provide details on the evidence and conclusions in respect of transit provision. The Assessment suggests that this would be best addressed through regional working with adjoining local authorities that experienced similar low levels of need.
- 5.3 In this regard and in response to the WG concerns with regard to clarity of the transit need identified, paragraph 7.32 of the 2013 GTAA concluded that there appeared to be *"a gap in provision for a suitably located and publicly provided*

*transit site or emergency stopping place of around 10 pitches near the M4. This [need] does not necessarily fall within the Vale of Glamorgan planning area....".* Whilst the Assessment is not specific, having sought clarification on this from ORS the Council would confirm that the need for 10 pitches is not solely in relation to the section of M4 that falls within the Vale of Glamorgan Council area. This is confirmed by the suggestion in the Assessment that when accommodating the need identified, *"cross boundary working could prove to be particularly effective and that the needs of Gypsy and travellers visiting South East Wales are an issue which should be considered at a strategic level"* (also in paragraph 7.32).

- 5.4 The Council maintain that, as the evidence suggests a low level of transit need (which has continued to be low since the 2013 GTAA), there is at present no need for the Council to allocate a transit site. This approach is consistent with paragraph 212 of the WG May 2015 guidance on undertaking Gypsy and Traveller Accommodation Assessments, which suggests that *"a need for transit sites would be identified through a significant number of encampments occurring in the area, particularly between March and October....."*
- 5.5 Notwithstanding this, and as noted above, the 2013 GTAA suggested that the provision of transit site to serve the South East Wales region was a matter where cross boundary working with adjacent local authorities could prove particularly effective (paragraph 7.32).
- 5.6 In this regard, the Council would advise that the regional South East Wales local authorities have recently convened to consider the provision of an appropriate transit facility that will serve the identified need within the region and the conclusions of this group along with the recommendations of the Council's latest GTAA will be considered and acted upon where necessary as part of the annual monitoring of the Plan. In addition to this, the Council will encourage the group to consider whether a network of agreed temporary stopping places would also be an appropriate approach to meet any need identified.
- 5.7 This approach is as suggested in paragraph 209 of the May 2015 WG Guidance document. The Welsh Governments latest Gypsy and Traveller Sites Capital Grant Programme for 2016-2017 Guidance Notes also actively encourages this collaborative approach on page 7 of that guidance note, as follows:

*“You are encouraged to consider a **regional approach** in relation to the development of new Gypsy and Traveller transit sites. It may be a shared resource is the most practical way for areas to meet their assessed needs. Funding applications for such sites should detail which authority will physically host the site, how running costs will be met and who will manage the site, as well as any other relevant information as to how the Local Authorities intend to work jointly in relation to the site.”*

**b) What evidence is there to suggest that such needs will be addressed at a more strategic / regional level?**

5.8 See above. The Council believes that this collaborative working illustrates commitment from all local authorities within the region and will result in the provision of a transit site capable of accommodating the need identified within the region and in an accessible location to serve the travelling gypsy and traveller community.

5.9 Should a regional transit site not be required the Council will investigate other options to accommodate the low and infrequent levels of transit provisions that may be required e.g. emergency stopping places, whether this be in conjunction with surrounding local authorities or independently.

5.10 As suggested by the WG, the Council propose to include in the monitoring framework its commitment to collaborative working with other Planning Authorities to achieve either transit sites or stopping places, as suggested earlier.

**6. Is the Plan sufficiently clear in relation to the needs of travelling show people and circus performers?**

6.1 Yes. Paragraph 1.2 of the 2013 GTAA (SD32) clearly states that the assessment considers the needs of Travelling Showpeople, and states:

*“1.2 The main objective of this study was to assess the need for authorised Gypsy and Traveller site provision within the Vale of Glamorgan. This required the identification of whether any extra site provision should be on permanent sites, and whether or not there was any need to plan for the provision of transit sites or emergency stopping places. We would also note this study considers the needs of Travelling Showpeople in the Vale of Glamorgan. However, they*

*represent a very small population; therefore we have referred to this study as a Gypsy and Traveller Accommodation Needs Assessment.”*

- 6.2 The 2013 GTAA indicated that while there were a number of travelling show people who used the proposed LDP site at Hayes Road, Sully as wintering quarters (paragraph 7.33), it did not identify any specific separate accommodation needs that might be required for travelling show people, concluding that any specific accommodation needs were therefore accounted for within the general identified need.
- 6.3 Similarly, the Assessment did not identify a need for the provision of accommodation specifically for circus performers. Accordingly, no specific reference is made within the Plan for addressing the specific accommodation needs of either group as the Council considers that based on the available evidence, such provision is not required. In this regard, the Council are of the view that it has fulfilled its statutory duties set out in the 2014 Act.

**7. Does Policy MD18: ‘Gypsy and Traveller Accommodation’ represent a sound policy framework for determining applications for new Gypsy and Traveller accommodation during the Plan period?**

- 7.1 Notwithstanding the amendments proposed below with regard to Criteria 1 and 2, the Council considers that Policy MD18 - Gypsy and Traveller Accommodation sets out a clear policy framework for the consideration of applications to determine future applications for Gypsy and Traveller sites within the Vale of Glamorgan. The Council considers that the Policy is consistent with national planning policy and Welsh Government Circular 30/2007 Planning for Gypsy and Traveller Caravan Sites and best practice guidance issued by the Welsh Government.
- 7.2 Further considerations on specific points within the policy are contained in the following section.

**a) Criterion 1 - Should proposals for new Gypsy and Traveller accommodation be required to demonstrate that such requirements cannot be met via Policy MG5?**

7.3 Policy MD18 permits proposals for additional gypsy and traveller accommodation subject to a number of criteria where criterion 1 requires the applicant to demonstrate their accommodation requirements cannot be met on the Plan's allocated site. The Council note the comments of the WG with regard to national policy and the restrictive nature criterion 1 of Policy MD18. As the Plan is making provision for identified needs it is considered that such justification would be appropriate as the Policy permits proposals where the allocated site would be unsuitable. However, the following amendment is proposed to ensure compliance with national policy:

**"1. IT IS DEMONSTRATED THAT THAT THERE ARE NO SUITABLE SITES AND/OR PITCHES ON THE ALLOCATED GYPSY AND TRAVELLER SITE, ON OTHER EXISTING AUTHORISED GYPSY AND TRAVELLER SITES WITHIN THE VALE OF GLAMORGAN, OR WITHIN EXISTING SETTLEMENTS IDENTIFIED IN THE SETTLEMENT HIERARCHY".**

7.4 It is considered that the amended criterion, together with the remaining requirements of the Policy, provides a fair and reasonable approach which could be effectively applied to permit additional sites where alternative sites and/or pitches are unsuitable.

**b) Criterion 2 – Is the requirement to be well located for schools, medical facilities, shops and other services consistent with WG Circular 30/2007 (paragraphs 19 and 26)?**

7.5 Welsh Government Circular 30/2007 paragraph 19 states:

*'Issues of **site sustainability** are important for the health and wellbeing of Gypsy and Travellers not only in respect of environmental issues but also for the maintenance and support of family and social networks. It should not be considered only in terms of transport mode, pedestrian access, safety and distances from services'*

7.6 Similarly Paragraph 20 of the circular states that when deciding on locations for Gypsy and Traveller Sites, "*local planning authorities should first consider*

*locations in or near existing settlements with access to local services e.g., shops, doctors, schools, employment, leisure and recreation opportunities, churches and other religious establishments.*

7.7 In this respect the Council considers that criterion 2 of Policy MD18 is consistent with this advice as the policy requires sites to be “well located” to services and facilities, rather than emphasising access to services by mode of transport or within a specified distance. Indeed paragraph 19 of WG Circular 30/2007 contains a list of other issues relevant to accessibility that need to be considered in respect of site sustainability, namely *“the wider benefits of easier access to GP and other health services; access to utilities including waste recovery and disposal services; access for emergency vehicles; children attending school on a regular basis”*.

7.8 Further guidance on accessibility to services is provided in the Welsh Government Good Practice Guide in Designing Gypsy Traveller Sites in Wales (2009). This approach and the wording of criterion 2 are considered consistent with paragraph 3.2.4 which states that:

*“It is important that if a location is considered inappropriate for residential use, either private or social then it should not be considered appropriate for a Gypsy Traveller site. A Gypsy Traveller site should receive the same considerations as other forms of accommodation and should not be located in areas which will have a detrimental effect on the general health and wellbeing of the residents. The location of a site should enable not hinder access to services such as health and education and shopping facilities”*.

7.9 This position is supported by the WG most recent Designing Gypsy and Traveller Sites Guidance (May 2015) at paragraph 3.2.1 which states:

*“3.21 If a location is considered inappropriate for conventional housing use on the grounds of health and safety, then it should also be considered inappropriate for a Gypsy and Traveller site. A Gypsy and Traveller site should not be located in areas which will have a detrimental effect on the general health and well-being of the residents. The location of a site should enable, not hinder, access to services such as health and education.”*

7.10 The Council notes the previous comments of the WG with regard to criterion 2 and consider that it remains an appropriate requirement. Notwithstanding the

national planning guidance above, the Council would propose the following amendment to Criterion 2 to read:

*“2. THE SITE HAS REASONABLE ACCESS TO LOCAL SERVICES AND COMMUNITY FACILITIES;”*

**8. Is the Plan sufficiently flexible to respond to changing circumstances? Does it include clear and appropriate mechanisms for implementation and monitoring?**

- 8.1 Yes. As mentioned earlier, the Policy MG 5 allocation is intended to meet the short to medium term need identified (paragraph 6.42). Both paragraph 6.42 and 6.44 clearly set out that need and provision for permanent and transit will be reviewed through the plan period, as is required under the relevant sections of the 2014 Act.
- 8.2 Furthermore, the Plan will be underpinned by a robust Monitoring Framework which will be used to monitor the implementation of policies and proposals contained in the Plan. This will directly feed into the Annual Monitoring Report (AMR) and, in turn, will be used to inform any future Plan reviews.
- 8.3 The Council is prepared to make changes to the Monitoring Framework to ensure it provides the best possible mechanism to monitor and take advantage of evolving best practice as incorporated in recently adopted LDPs.
- 8.4 In response to the Inspectors earlier requests for further information (ED03) the Council propose that a revised monitoring framework is submitted in advance of Hearing Session 23. Any required changes will be incorporated within a revised monitoring framework to take account of any matters arising from Hearing Sessions.

**9. Any Other Matters**

None