

Representation Ref: 2272

Vale of Glamorgan LDP Examination

Hearing No: Session 16

Gypsy & Travellers - Tuesday 22 March 2016

THE EVIDENCE OF SULLY AND LAVERNOCK COMMUNITY COUNCIL

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BACKGROUND

The Welsh Assembly has a duty, under section 121 of the Government of Wales Act, 2006 to promote sustainable development in the exercise of its functions. The planning system has a key role to play in the delivery of sustainable development by providing for homes, infrastructure, investment and jobs in a way which is consistent with sustainable development principles (section 2.2 PPW). In doing so it must provide development which is sustainable in the long term and not create a legacy of problems for future generations.

The representations contained herewith on behalf of Sully and Lavernock Community Council (SLCC) relate to Policy MG5, which allocates land at Hayes Road, Sully for the provision of a gypsy and traveller site. My evidence contained in this Written Statement is designed to complement and expand upon the evidence already submitted in response to the Vale of Glamorgan Local Development Plan (LDP), which was published for consultation in November 2013. The original response was prepared by planning consultants, Turley.

My evidence highlights the Vale of Glamorgan Council's (VoGC) inconsistent approach to the allocation of sites for gypsies and travellers based on accepted criteria and guidance, and the shabby way in which it encouraged SLCC to develop the site as allotments to meet the clear and unmet need. Indeed it is contended through the offices of a senior Director that the VoGC would transfer the land to SLCC and would help financially in its development¹.

¹ See Appendix A - Notes of a SLCC meeting held on 5 February 2013 attended by Myles Punter – Director, Vale of Glamorgan Council

THE COUNCIL'S CASE (SLCC)

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

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?

In December 2007, sections 225 and 226 of the Housing Act 2004 were commenced in relation to Wales. These sections place a duty on local housing authorities to carry out an assessment of the accommodation needs of Gypsies and Travellers residing in or resorting to their district and to plan for these identified needs. The assessments will allow proper consideration to be given to the accommodation needs of Gypsies and Travellers and result in any provision being properly researched and therefore needs based rather than imposed.

The accommodation needs assessment has been undertaken twice, the 2011 and 2013 Gypsy and Traveller Site Assessment Background Papers, which informs the development of the local authority Housing Strategy and assists in the identification of sites for Gypsies and Travellers as part of the Local Development Plans process.

While there is no specific duty on the local authorities to provide sites for Gypsies and Travellers, there is a discretionary power to make such sites available under various statutes.

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.)?

Yes

Local planning authorities (LPAs) in Wales have a statutory duty to prepare a LDP setting out their proposals and policies for the future development and use of land in their area looking forward 15 years. A LDP needs to be a "sound" document: meaning that it shows good judgement and can be trusted. To achieve a "sound" plan a LPA will gather economic, social and environmental information which provides the factual base for the plan. The results of the Gypsy and Traveller Accommodation Needs Assessment, carried out under the Housing Act 2004, are expected to provide key evidence to inform the preparation by individual LPAs of policies for caravan sites for Gypsies and Travellers in their LDP. Welsh Assembly Government Circular 30/2007, "Planning for Gypsy and Traveller Caravan Sites", provides a main source of national planning guidance for LPAs. Key guidance includes:

- a) where there is unmet need for Gypsy and Traveller accommodation, sufficient sites should be allocated by the LPA in their LDP;

- b) the LPA should work with the Gypsy and Traveller community encouraging them to put forward candidate sites;
- c) co-operation between neighbouring authorities can provide more flexibility in identifying sites;
- d) fair, reasonable and realistic criteria based policies should also be included in LDPs, to cater for future or unexpected demand.

Regrettably, the VoGC has failed to co-operate with neighbouring authorities in order to provide more flexibility in identifying sites, which has resulted in a proposal which is unsound. The location of the proposed traveller's site is deemed to be unsuitable not only by SLCC, but by the Council in its Site Assessment Background paper. It is unheard of for a site to be allocated for a particular use when the evidence and assessment identifies numerous reasons why it should not be allocated. This is illogical and thus makes this element of the LDP unsound.

Does the proposed Gypsy and Traveller site at Hayes Road in Sully represent a sound allocation (Policy MG5: 'Gypsy and Traveller Site')?

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

No – the conclusion and the site allocation is perverse and is not supported by the evidence and site analysis. The Inspector is invited to consider how the VoGC is able to make such an allocation, when its Site Assessment Background Paper highlights 10 reasons why the site is unsuitable for the accommodation of gypsies and travellers

The site assessment process undertaken by VoGC is outlined set out in the Gypsy and Traveller Site Assessment Background Paper (September 2013), and reference has also been made to a Gypsy and Traveller Site Assessment Background Paper published VoGC in November 2011. As stated by Turley, the two documents raise a number of fundamental concerns in respect of the site assessment process, and in particular the decision to allocate land at Hayes Road, Sully.

Given the advice contained in the Local development Plan Manual² that the LDP production should be based on early and effective **community involvement**, to consider a wide range of views, with the aim of building a broad consensus on the strategy and policies for LDPs, the reality was not the case in respect of the allocation of land for gypsies and travellers.

² Edition 2 - August 2015

Given its previous commitment to the development of the site for allotments, the VoGC was no doubt embarrassed by its complete U-turn and thus failed to properly engage/consult SLCC (one of the key players in the local) in respect of its position) in respect of its allocation in the LDP regarding the LDP.

As stated by Turley, the level of consultation, and transparency, involving the site assessment process was non-existent. The Community Council was not consulted in any way and knew nothing of the intention to allocate land at Hayes Road for the proposed use until the publication of the Deposit Plan. Indeed, at the time representatives of the VOGC had been in active discussions with the Community Council regarding possible use of the site for community allotments.

Despite the 2011 and 2013 Gypsy and Traveller Site Assessment Background Papers differing in respect of the assessment of need, they nevertheless adopted the similar general approach.

Both site assessments commenced with a desk-based assessment, which examined sites above a threshold of 0.3 hectares, which identified 566 potential sites. The 2011 assessment excluded all sites within identified green wedges or sites utilised as open space or for recreation purposes (formal or informal), which resulted in a total of 43 sites being identified as having the potential to accommodate gypsy and traveller provision. The second stage of the 2013 assessment also removed sites affected by flooding and those currently utilised as formal open space, land that forms the grounds of schools and other educational institutions, allotments, land within the Glamorgan Heritage Coast, country parks or land identified as common land. Not all land utilised as open space or for formal or informal recreation purposes was therefore automatically removed from the 2013 process. The Turley correctly states (at paragraph 2.5) that the 2013 Background Paper provides no justification for this change of approach. Following the second stage of the 2013 assessment, 29 sites were identified.

With the inclusion of eight candidate sites, a total of 51 sites were identified in the 2011 for further analysis and 36 in 2013. The Hayes Road site in Sully was included in both assessments, although the site failed to meet the VoGC's selection criteria (The site should have been filtered out of the 2011 assessment – open space, and the 2013 assessment – flooding issues)³

³ For further information in respect of the site's unsuitability due to flooding, refer to pages 8 - 11 below

Turley in paragraph 2.7 points out that both Background Papers draw the same conclusions relating to deliverability, concluding that with the exception of the site on the outskirts of Llangan, it was considered that the remaining sites identified within the assessment would require substantial levels of capital investment to provide the services and facilities that would be required to enable their use as a Gypsy and Traveller accommodation site.

The 2011 Background Paper concluded that of the sites assessed only the existing Gypsy and Traveller site at Llangan warranted further consideration, as the remaining sites were affected or restricted by a range of constraints.

The 2011 Background Paper concluded that only the Llangan site warranted further consideration. The Hayes Road site was excluded as it did not meet the criteria established by the VoGC. The 2011 Paper states that the Llangan site was capable of accommodating in the region of 15 caravans, with scope to accommodate additional caravans if required. This was reflected in the Deposit Plan consulted on in February 2012, which identified the site at Llangan as capable of accommodating all of assessed need at that time (for 6 permanent and 15 transit pitches). This indicates that the site could accommodate over 20 pitches.

The 2011 Background Paper also drew the following conclusions in relation to the site at Llangan:

- with the exception of some localised surface water flooding the site is unaffected by
any significant constraints that would prevent its further development

- it benefits from existing services and facilities that could be upgraded and improved
with suitable investment

- it is within 1km of Fferm Goch, which is identified as a Minor Rural Settlement benefiting from a local primary school, community hall, employment and a regular local bus service

- it is designated as housing land

- it is within the ownership of the VOGC

The overall assessment of the Llangan site contained in the appendices to the 2011 Background Paper concluded that “the site is owned by the Council and has an accepted long standing use as a Gypsy and Traveller site and there is scope to increase the capacity of the site”.

The appendices to the 2011 Background Paper also include an assessment of land at Hayes Road. The assessment states that:

- the site is subject to Zone 2 flooding at the northern edge of the site and also surface water flooding
- the use of the site as a civic amenity site may need remediation works
- the site is specifically used for both passive and active recreational seaside purposes and provides an important link from Barry to the sea
- the site provides 24 hour access to an ‘all tides’ slipway for emergency purposes
- the site is outside of the settlement boundary
- assurances had been given that the civic amenity element of the site would be returned to public open space (hence the top soil stacked on the site)
- development of the site for gypsy and traveller purposes would have a detrimental effect on the public open space, with potential visitors likely to be reluctant to use the open space/car park

- there are likely to be difficulties for the Parks Division in preventing unauthorised tipping
- the site is adjacent to a site benefiting from outline consent for 6,000 sq m of B1 use and Beechwood College
- it is within a HSE Zone associated with Dow Chemicals.

The 2011 Background Paper concludes that from “an open space perspective the Hayes Road site is not a suitable site for gypsy and travellers” and that “given the issues it is unlikely that the site is suitable for the proposed use”. The 2011 Background Paper was therefore conclusive that the Hayes Road site was not suitable for gypsy and traveller provision, whilst land at Llangan was capable of expansion and deemed to be a logical and effective approach to the identified requirement.

The 2013 Background Paper at Paragraph 9.1 arrives at a similar conclusion to the 2011 document, stating that with the exception of the site at Llangan, all of the other sites assessed are constrained by ownership or management issues, have alternative or preferable uses or had been developed to provide community facilities. It also notes that other sites were affected by environmental or ecological designations or formed part of larger development or regeneration proposals. This would suggest that the 2013 assessment should draw the same conclusions as in 2011 relating to land at Llangan.

Remarkably and without any justification or evidential basis, paragraph 9.2 of the 2013 Background Paper states that the Council had concluded that the civic amenity site and additional Council owned land at Hayes Road in Sully, offered the most realistic opportunity to provide for the identified need.

The Turley report correctly points out that the conclusions drawn in Paragraph 9.2 are entirely inconsistent with the assessment of site in both background papers. There is no rational explanation as to why the VoGC has concluded that the Hayes Road site is suitable as a site for gypsies and travellers, given the list of 10 reasons why it was unsuitable in the Background Report. It might be politically expedient for the Council to allocate the site for political reasons given that the occupants of the unauthorised traveller’s site had been relocated there from a site in nearby Penarth, and the Council had failed to regain occupation of the Hayes Road site due to the apparent lack of pitches in the county. There is little or no evidence produced by the VoGC to demonstrate that neighbouring local authorities had been consulted in respect of the provision of suitable sites for travellers.

It is unclear how the conclusion that Hayes Road represents the most “realistic opportunity to provide for the identified need” is reached given the conclusions of the background

report and the ten reasons advanced regarding its unsuitability. This conclusion goes against the ethos of the guidance in respect of the production of LDPs, which should be evidence based and supported by sound and logical argument. In this case, it is clear that the proposed allocation of Hayes Road runs contrary to the conclusion of the site analysis, which suggests a last minute change for the purpose of political expediency.

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

Paragraph 19 of WG Circular 30/2007) emphasises that issues of site sustainability are important and must be taken into account, particularly for the health and wellbeing of the Gypsy and Travellers not in terms of environmental issues and the maintenance and support of family and social networks. Sites must contribute to a network of transit stops at intervals that reduce the need for long-distance travelling and must not be located in areas at high risk of flooding, given the particular vulnerability of caravans and.

The proposed site at Hayes Road is a considerable distance from the M4 Motorway, and is located 'out on a limb' in one of the most southerly points of the county. Travellers would need to use the motorway network extensively in order to access work sites in South Wales and the West country. The site does not, therefore contribute to a network of transit stops given its location. The allocation is thus inconsistent with the provisions of paragraph 19n of WG Circular 30/2007.

Flooding

In terms of Flood Risk, the VoGC acknowledges in its Background Paper of 2011 that the Hayes Road site lies partly within Flood Zone 2 and furthermore that the northern section of the site (where the unauthorised traveller camp is located) is subject to surface water flooding.

The general approach of PPW, supported by the TAN, is to advise caution in respect of new development in areas at high risk of flooding by setting out a precautionary framework to guide planning decisions. 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.

There is no justification based on the tests outlined in Sections 6 and 7 for the allocation of the Gypsy and Travellers site in this Flood Zone. We would respectfully point out that to do so would be unsustainable and unsound, and contrary to the advice contained in PPW and TAN.

A sustainable approach to flooding will therefore involve the avoidance of development in flood hazard areas.

TAN15

Planning authorities should use the development advice maps to identify whether flooding is a strategic issue and hence likely to influence the overall strategy of the development plan. The key characteristics of the plan, in social, economic and environmental terms should be identified as part of sustainability appraisal.

Where flooding is a strategic issue that significantly constrains development options, local authorities should use the precautionary framework as part of considering sustainability options and, where necessary, set out the positive steps which have been taken to promote development in zones A and B.

In this sense, flood risk will be a material factor in the formulation of specific policies and allocation of sites.

In paragraph 10.5 TAN 15 states:

Where appropriate the Plan should include site specific policies and proposals for development and flood risk. Allocations should only be made in zone C if it can be justified that a development/use has to be located there in accordance with section 6 and if the consequences of locating development are acceptable, in accordance with section 7 and appendix 1. Local planning authorities will need to fully explain and justify the reasons for allocating a site within zone C in the relevant reasoned justification for the allocation.

The VoGC has not explained (let alone “fully explained”) and justify, as is required in TAN 15, The reasons for allocating a site within Zone C in the relevant reasoned justification for the allocation. This makes the allocation unsound.

Where the local planning authority wishes to allocate a site, and can justify such an allocation, the local planning authority will need to undertake a broad level assessment of the consequences of flooding occurring on that site, in consultation with the Environment Agency. This assessment should demonstrate that the consequences of flooding have been understood and are capable of being managed in an acceptable way. Where such local information has been produced then this should be reflected in the plan.

The VoGC has not undertaken a broad level assessment of the consequences of flooding occurring on the site, in consultation with the Environment Agency. Neither has it assessed or demonstrated that the consequences of flooding have been understood and are capable of being managed in an acceptable way. As this information has not been produced by the VoGC, then this is not reflected in the plan. This also makes the allocation unsound.

A development advice map containing three zones (A, B and C with subdivision into C1 and C2) which should be used to trigger the appropriate planning tests in relation to sections 6 and 7 and appendix 1.

The development advice maps are based on the best available information considered sufficient to determine when flood risk issues need to be taken into account in planning future development. Three development advice zones are described on the maps, to which are attributed different planning actions. The maps are based on Environment Agency's extreme flood outlines (zone C) and the British Geological Survey (BGS) drift data (zone B).

New development should be directed away from zone C and towards suitable land in zone A, otherwise to zone B, where river or coastal flooding will be less of an issue. In zone C the tests outlined in sections 6 and 7 will be applied, recognising, however, that highly vulnerable development and Emergency Services in zone C2 should not be permitted. Caravan site development is regarded as a vulnerable use which should not be allocated in Flood Zone C2 (as is Hayes Road). This makes the allocation unsound. All other new development should only be permitted within zones C1 and C2 if determined by the planning authority to be justified in that location. The VoGC has not justified the allocation in this location, and so fails to comply with WG Guidance. It is, therefore, unsound.

The effect of flooding on water or sewerage infrastructure could have catastrophic effects on public health and the environment by resulting in the contamination of potable water, or the mixing of sewerage with flood water. Flood water could enter the public sewerage systems with little control and the combination of sewerage and flood water would affect properties and the environment.

Development proposals on or adjacent to land that may be affected by contamination can have implications for water quality during times of flood.

Highly vulnerable development

All residential premises (including hotels and caravan parks), public buildings (e.g. schools, libraries, leisure centres), especially vulnerable industrial development (e.g. power stations, chemical plants, incinerators), and waste disposal sites are defined as 'Highly vulnerable development'

Caravan and Camping Sites

Caravan, camping and other temporary occupancy sites give rise to special problems in relation to flooding. They have often been located on coastal or riverside sites which are susceptible to flooding. The instability of caravans places their occupants, and others, at special risk and it may be difficult to operate an effective flood warning system. Such development should be refused in zone C2, as should proposed changes of use to residential mobile homes or permanent housing and only be considered in zone C1 following the application of the appropriate tests

What is the extent of the area covered by the flood plain as identified on the current DAM Maps (January 2015) See plan attached (Appendix

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

None. There is no evidence to show that the VoGC has adopted the precautionary and sequential approach to direct development away from flooding.

Development Advice Maps identify the Hayes Road Site as Flood Risk C2

C2 – areas of the floodplain without significant flood defence infrastructure

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

None

The VoGC has not produced any evidence as is required to demonstrate satisfactory access/egress from the allocated site. Given the nature of use and likely traffic generation from such sites, it would have been appropriate had the evidence available.

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?

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

9. Any Other Matters

TAN 14 Coastal Planning

“Development plan policies should not provide for development on the coast which does not require a coastal location”.

Planning Policy wales 2012

“Before major developments are permitted it will be essential to demonstrate that a coastal location is required. Where development is considered to satisfy this test it should be designed so as to be resilient to the effects of climate change over its lifetime”.

The Town and Country Planning (Notification) (Wales) Direction 2012

- Requirement for local planning authorities to refer applications for emergency services or highly vulnerable development, where the whole of the land where the development is proposed to be located, is within flood zone C2, shown on the development advice map (DAM).
- In cases consisting of residential development, the threshold for requiring notification is set at 10 or more dwellings, including flats. Figure 1 (page 5) identifies that only **less vulnerable development** should be considered **in Zone C2**.

APPENDIX A

MINUTES SULLY AND LAVERNCOCK COMMUNITY COUNCIL

5 FEBRUARY 2013 AT 6.30PM

The meeting was attended by the Vale of Glamorgan's (VoG) Miles Punter, DIRECTOR OF ENVIRONMENT AND HOUSING (then called Director of Visible Services & Housing) in order to discuss the unauthorised occupation of a site by travellers on land adjacent to Hayes Road, Sully.

He confirmed that the occupation of the land did not have the permission of the VoG Council, and confirmed that an alternative, permanent site was being sought through the LDP process.

He confirmed that there were 17 travellers on the unauthorised site, and that as a former waste site he was concerned about health issues relating to site contamination, and confirmed that he would be discussing the matter with the Environment Agency. Asked about the use of the site for allotment purposes, Mr Punter confirmed it was an excellent idea and complied with the strategy of the authority in respect of the provision of allotments. He confirmed that there were insufficient allotment plots in Sully, and he suggested that the allotments could be managed by the Community Council and would limit the possible extension of the traveller's site. Mr Punter said that he would support the proposal and a business plan should be prepared in order to confirm sustainability. Mr Punter confirmed that the VoG Council would contribute to the costs of preparing the site for allotment purposes and he also confirmed that his Council would donate the land to the Community Council.

APPENDIX B

Our representation and objection relates to the proposal to allocate the old Hayes Road civic amenity site and adjacent public open space to be used as a permanent gypsy and traveller site.

Over a 5 year period, long before the travellers illegally occupied the redundant amenity site (Jan 2012) the Sully and Lavemock Community Council have sought to provide allotments for their community under the provisions of the Small Holding and Allotment Act 1908 s.23 (1). There is a long document trail to demonstrate that the Sully and Lavernock Community Council have tried to meet their obligations under the 1908 Act as an allotment authority for the purposes of the legislation.

The Local Development Plan proposals are contrary to the mandatory 1908 Small Holdings and Allotment Act Section 23.

The recommendation 2011-2026 Local Development Plan Open Space Background Paper 2013 page 49 is 'consider future proposals for new allotment provision, with regard to the existing levels of facilities and the demand for such facilities.

The Local Development Plan has failed to consider existing proposals.

2g. Please detail the changes you wish to see made to the deposit Plan.

The allocation of land at Hayes Road for gypsy and traveller provision should be deleted from Policy MG5. There are a number of reasons why the site is unsuitable for the provision of gypsy and traveller accommodation, and ultimately why the allocation is unsound. These details are set out in the attached document, which forms the basis for our representations and the changes sought to the Deposit Plan. Alternative provision should be provided within the LDP, either through an amended Policy MG5 or a new policy. It is for the Vale of Glamorgan Council to determine whether this site should be the previous allocation at Llangan, or an alternative site to be identified through an open and transparent site search. For the allocation of land at Hayes Road for gypsy and traveller provision to be deleted from Policy MG5 and an alternative site to be identified in its place. This change will also require subsequent amendments/deletions to the Proposals Map and Paragraph 6.43 and 7.81. Full details of the changes sought are set out in the attached document.

APPENDIX C

1 Introduction

1.1 This report has been prepared in response to the Vale of Glamorgan Local Development Plan (LDP), which was published for consultation in November 2013. It sets out detailed representations made on behalf of our clients, the Sully and Lavernock Community Council, who represent the residents and other key stakeholders within the two settlements. The representations set out below have been prepared in response to the views received by the Community Council from the local community.

1.2 These particular representations relate predominantly to Policy MG5, which allocates land at Hayes Road, Sully for the provision of a gypsy and traveller site. Additional representations relating to other areas of the Deposit Plan are also being submitted separately (by other parties) on behalf of the Community Council.

1.3 For clarity, our clients representations and suggested changes relate to the following parts of the Deposit Plan:

- Policy MG5
- Policy MD18
- Paragraph Numbers 6.43 and 7.81
- Proposals Map – Gypsy and Traveller Site (MG5)

1.4 Details of why we believe these particular areas of the Deposit Plan to be unsound, taking account of the Tests of Soundness, are also set out below.

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2 Main Representations

2.1 Whilst the Community Council recognise that there is a requirement to provide for gypsy and traveller provision within LDPs (where a need has been identified), our clients do not believe that the proposed allocation set out in Policy MG5 is appropriate, or indeed sound. The Community Council therefore support the deletion of the proposed allocation of a gypsy and traveller site at Hayes Road. The reasons for this include the robustness of the site assessment process, the overall suitability of the site for such a use, the

relationship with neighbouring uses and the loss of the existing/potential community benefits of this important site.

Site Assessment Process

2.2

2.19 This is all the more confusing when considering the detailed site assessment for land to the east of Llangan (Page A-49/50) remains largely as the 2011 assessment. The only notable change being reference to part of, rather than the site as a whole, currently being used as an unauthorised gypsy and traveller site. Otherwise the assessment remains exactly the same – and importantly still concludes that the site

- benefits from existing services
- has reasonable road access
- could accommodate additional capacity
- is owned by the VOGC
- has (in part) been subject to a long standing use as a gypsy and traveller site with scope to increase capacity
- is in close proximity to Fferm Goch
- has no legal restrictions given that it is designated as 'Housing Land'

2.20 Given that the site assessment remained unchanged between 2011 and 2013 (aside from

recognition that only part of the site is occupied by an unauthorised gypsy and traveller site) it is unclear what justification there is for concluding that it is no longer the most suitable site. This is supported by Paragraph 8.1 and 9.1 of the 2013 Background Paper, which confirm that, of the sites subjected to detailed assessment, Llangan was the only one that would not require substantial capital investment or is impinged by other constraints. On this basis, it would be logical to conclude that the findings of the 2011 Background Paper remained valid.

2.21 Our clients therefore do not believe that there is a suitable evidence base (in the form of a

transparent and robust site assessment) to support the allocation of land at Hayes Road, as opposed to land at Llangan.

2.22 The Community Council also notes that the Sustainability Appraisal Report (November 2011) prepared in support of the previous Deposit Plan concluded that the site at Llangan was overall “a largely neutral assessment against the sustainability objectives”. The scoring summary also indicates that the site was subject to no slight or very negative impacts, although it is noted that one score was actual a slight negative (relating to (7) “to minimise waste”). The site at Llangan should also have been awarded a positive score (++) in relation to (1) “to provide the opportunity for people to meet their housing needs”.

2.23 At the same time, the Sustainability Appraisal Report (September 2013) underscores the

site at Hayes Road in terms of (5) “to maintain, protect and enhance community spirit”.

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The allocation of land at Hayes Road for the provision of gypsy and traveller use would result in a very negative impact (- -), rather than a slight negative impact (-). The proposals will result in the loss of public open space that is current available to the community in Sully and Lavernock, as well as those visiting the area to access the sea/coastal path. This has been raised as a significant issue by Officers in both the 2011 and 2013 Site Assessment Background Papers. Officers have also raised specific concerns relating to potential impacts on access to the ‘all tides’ slip way, the public car park (as used by tourists and visitors to the area) and the increased potential for fly tipping. As discussed in more detail below, there are also serious concerns regarding the potential impact on the adjoining Beechwood College and the loss of proposed community allotments at Hayes Road. We believe that the site should therefore be scored as a (- -) in respect of objective (5). It is also considered that the proposed allocation could have a slight negative impact (-) on maintaining, promoting and enhancing the range of local facilities (2) and promoting appropriate tourism (15) in light of comments made by Officers.

2.24 Concerns relating to the Sustainability Appraisal Report (September 2013) also undermine the evidence base provided by the VOGC.

Suitability of the Hayes Road Site

2.25 As set out above, both Site Assessment Background Papers set out reasons why land at Hayes Road is not suitable for use as a gypsy and traveller site, including

- the site is subject to Zone 2 flooding at the northern edge of the site and also surface water flooding
- the use of the site as a civic amenity site may need remediation works
- the site is specifically used for both passive and active recreational seaside purposes and provides an important link from Barry to the sea
- the site provides 24 hour access to an 'all tides' slipway for emergency purposes
- the site is outside of the settlement boundary
- assurances had been given that the civic amenity element of the site would be returned to public open space (hence the top soil stacked on the site)
- development of the site for gypsy and traveller purposes would have a detrimental effect on the public open space, with potential visitors likely to be reluctant to use the open space/car park
- there are likely to be difficulties for the Parks Division in preventing unauthorised tipping
- the site is adjacent to a site benefiting from outline consent for 6,000 sq m of B1 use and Beechwood College
- it is within a HSE Zone associated with Dow Chemicals.

2.26 The 2013 Background Paper also makes a number of questionable conclusions relating to the suitability of land at Hayes Road for the proposed use. Paragraph 9.3 states that the site is currently occupied by approximately 17 Gypsy and Traveller families on a tolerated basis. This statement is not technically correct given that only a small portion of the assessed site is actually occupied by the existing gypsy and traveller families – the

former civic amenity site. The remainder of the assessed site continues to provide public open space, access to the emergency 'all tides' slip way and coast and a public car park.

2.27 Paragraph 9.3 also states that "the length of occupation of approximately 2 years would

indicate that the location of the site is acceptable to the current residents and that in locational terms at least it is appropriate to their needs". This statement is not considered justified or to be substantiated in anyway. It is not correct to conclude that the Hayes Road site is an acceptable location, or is appropriate in locational terms, on the basis of its length of occupation. The current occupation of the site is more likely to be based on the availability of alternative sites and recognition from the VOGC that enforcement action is unlikely to succeed in the absence of an authorised site(s).

2.28 It is unlikely that the VOGC would accept the same argument if it was to be applied to other unauthorised encampments. Indeed, a number of such sites will have had applications for planning permission refused within the VOGC. It is also noted that the 2013 Gypsy and Traveller Site Assessment and Accommodation Needs Background Papers both identify that the Llangan site itself has "an accepted long standing use as a Gypsy and Traveller site" – this use having been in place for some 20 years.

2.29 Paragraph 9.6 of the 2013 Site Assessment Background Paper also concludes that the site would not be visually obtrusive and that "a permanent site could readily incorporate additional screening measures to improve the views of the site from other areas if this was required." The site, however, adjoins an access road serving a public car park and an emergency 'all tides' slip way, with no formal screening. It would be clearly visible to those using accessing the car park, slipway and coastal path/beach.

2.30 We would also question whether the proposed use could be adequately screened from other neighbouring uses such as the allocated employment site to the east. This site is allocated in Policy MG9 (7) of the Deposit Plan for B1 use, on the basis the "particular value of this location in fulfilling a need for high quality B1 sites". Part of the site benefits from a resolution to grant outline planning permission for B1 use. This was recognised in

the 2011 Site Assessment, although reference has been deleted in the 2013 Site Assessment Background Paper. Our clients are concerned that the proposed allocation of a gypsy and traveller site could potentially detract from the delivery of high quality B1 uses on the adjacent employment site.

2.31 Aside from the proposed B1 use to the east, the site is also adjacent to existing industrial

uses to the north of Hayes Road. This raises further concerns for the health and safety of potential occupants, with national guidance indicating that gypsy and traveller provision should be avoided in industrial areas (SOURCE). This is heightened given that part of the site is also

located within an HSE Zone and was until recently occupied by a former civic amenity site. Due to limited indoor space, it is recognised that the outdoor environment is particularly important to gypsy and traveller children. The nature and type of accommodation is also clearly more susceptible to noise pollution than homes of the settled community. The proximity of existing industrial uses, and the HSE zone, is likely to have a direct impact on the residential amenity of potential occupants.

2.32 The Community Council also has serious concerns regarding the boundary to the west of

the site, which adjoins Beechwood College. The existing boundary is incomplete in a
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number of places and does not provide sufficient separation and screening between the grounds of the college and the proposed allocation. Beechwood College is the first, and only, Specialist Residential College of Further Education dedicated to students over the age of 16 years with an Autistic Spectrum Condition or Asperger's Spectrum.

Beechwood College provides 24-hour, seven days-a-week care and support for every residential student, in every aspect of their daily lives so that learning opportunities are extended beyond the classroom into their residency time. The College has made significant investments to provide a relaxing environment designed to enrich the students' lives. One of the key determining factors in identifying the original site was the fact that it was not adjoined by other residential uses.

2.33 The Community Council is aware that the College has significant concerns regarding the potential impact that the allocation proposed in Policy MG5 could have on service provision and the future viability of the College. The College is seen as an important service and employer within the Sully and Lavernock area, aside from the wider national role it plays in providing the only specialist residential of its type in Wales. The Community Council understands that the College will be submitting representations of its own setting out its concerns. The Community Council, however, wishes to register its support for the College and its acknowledgement that the proposed allocation is deemed wholly inappropriate as a neighbouring use, given the nature of the care and support provided to the residents at the College, and inability to provide sufficient separation between the College and the proposed use. Concerns were raised by the College, alongside Local Members and the Community Council, at a meeting of the VOGC Cabinet back in November 2012. This was in relation to the existing unauthorized encampment, which is present on a small part of the site – which would indicate that the allocation of the wider site would have a much more significant impact on the operation of the College.

2.34 Paragraph 9.7 of the 2013 Site Assessment Background Paper also concludes that the Hayes Road site “integrates well with the existing settled community in Sully”. The site is, however, located outside of the defined settlement boundary adjacent to proposed and existing employment uses. As established above, the proposed allocation would also have a negative impact on the operation of Beechwood College.

2.35 Paragraph 9.8 of the 2013 Background Paper recognises that the use of the site would result in the loss of an area of informal open space, which includes an ‘all tides’ slipway utilised for emergency purposes. Officers have raised concerns regarding the future management of the area and the increased possibility of fly tipping. This would suggest that the proposed allocation could have a negative impact on the operation of the ‘all tides’ slipway, which is an important emergency and recreational facility. The detailed site assessment provided in the appendices to the 2013 Background Paper notes that “from an open space perspective this is not a suitable site for Gypsy and Travellers”.

Concerns originally raised in 2011 relating to the reluctance of potential visitors to use the car park and open space and difficulties in managing fly tipping were raised again in 2013.

2.36 The Community Council is also extremely disappointed that the proposed allocation would result in the loss of the only identified opportunity to deliver potential community allotment facilities for the residents of Sully and Lavernock. Discussions have been on-

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going between the Community Council, Local Members and the VOGC regarding the provision of allotments in Sully and Lavernock since 2008. There are currently no allotment sites within Sully and Lavernock, despite a recognised requirement from local residents and the community. This was first recorded in 2008, and demand has steadily risen over recent years. Through correspondence spanning a number of years, the VOGC has advised the Community Council that the responsibility lies with them to make provision for residents who request allotment provision.

2.37 This is consistent with the Open Space Background Paper (September 2013), which notes that it is clear “that there is a significant and increasing demand for allotment ownership in the Vale of Glamorgan”. This is evidenced by the 954 people appearing on the waiting lists across the various allotment sites identified. As such, the VOGC published a Draft Allotment Strategy in February 2012, which was aimed at encouraging allotment provision across the Vale, particularly where a needs assessment identified a deficit in a particular community. The Draft Allotment Strategy also actively encouraged Town and Community Council’s within the Vale to seek to help provide/manage allotments where there was a recognised demand.

2.38 The Community Council actively participated in the Draft Allotment Strategy consultation,

taking this as a further opportunity to engage with the VOGC regarding the provision of allotments. This included correspondence with the VOGC listing names of those interested in allotment provision and confirmation that this would also involve the local school and Beechwood College to enable their residents to use the allotments. The

response from the VOGC (in October 2012) noted that they were “very aware that there is an absence of allotments in the Sully and Lavernock area”. The Community Council were actively encouraged to consider whether they would offer to run, manage and administer the facility should Members be minded agree the proposed use (most likely on a long term lease). The Community Council was asked to prepare a Business Plan (attach) for submission to the VOGC to support the proposed use of the land at Hayes Road for allotments. Correspondence received from the Director of Visible Services (Miles Punter) in January 2013 noted that on receipt of the proposals he would consider the details and prepare a report for the consideration of the Executive – should he deem there to be sufficient benefit to the VOGC and the residents of Sully.

2.39 A detailed Business Plan setting out the Community Council’s proposals was submitted to the VOGC in May 2013 (as included at Appendix 1). The Business Plan established that 26 half plots and 8 quarter plots, which would equate to the equivalent of 34 plot holders, could be provided for. The Business Plan was prepared in consultation with the community in an effort to fulfil the unmet and rapidly increasing demand for allotments. The Business Plan sets out how allotments would cater for not only local residents but also the local school and Beechwood College. The community value of the allotments is a fundamental part of the Community Council’s Business Plan. Given the unmet need and growing demand, in addition to the wider community involvement in the project, there are clear benefits to the people of Sully and Lavernock from the provision of allotments at Hayes Road. Work undertaken on behalf of the Community Council indicated that the land would be suitable for allotments, subject to the results of soil testing.

2.40 Correspondence between the VOGC and the Community Council continued throughout June, July and September 2013, with the indication from the VOGC that a response as to
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whether the matter would be progressed to the Executive would be most likely take place after the summer recess (in September/October 2013). The Community Council has continued to chase the VOGC, with correspondence received (in September 2013)

stating that the matter was currently receiving the VOGC's attention and a more detailed response would follow shortly. Further correspondence has been received in December 2013 relating to the Draft Allotment Strategy, but no further response has been received regarding allotment provision in Sully and Lavernock.

2.41 Having been engaged in a long-standing dialogue with the VOGC regarding the provision

of allotments at Hayes Road, the Community Council is particularly disappointed with the proposed allocation in Policy MG5. The VOGC has actively advised the Community Council that it is their responsibility under the relevant Acts to deliver allotments where there is an identified need, which has been clearly established. As such, the VOGC encouraged the submission of a detailed business plan. This has been submitted and has been prepared for, and in conjunction, with the local community and key stakeholders such as Beechwood College. The Community Council has a responsibility to provide allotments for the community and Hayes Road is the only available site to deliver this requirement. The Community Council would therefore like to see the proposed gypsy and traveller allocation deleted to allow the continued use of the site as a form of open space by the people of Sully and Lavernock.

2.42 The Community Council also has site specific concerns relating to the appropriateness of

the vehicular access to the site. The 2011 Site Assessment Background Paper notes that "access to the coast and (emergency) slipway is via this land and, accordingly, any use of all or part of the site would need to ensure no detriment to the existing physical access or requirement to unfettered access at all times". The Community Council is concerned how the VOGC will ensure that there is "no detriment to the existing physical access or requirement to unfettered access at all times" in practice. This is a fundamental issue given that the slip-way, beach, coastal path and public car park (which would all be maintained), would only be accessible from this one vehicular access.

2.43 Welsh Government Good Practice Guide (2009) states that roads should be wide enough

to allow chalet/mobile homes access on low loader vehicles and should be wide enough

to allow two lorries to pass each other. It is questionable whether the vehicular access would be capable of achieving this, in particular without the risk of blocking the emergency access to the 'all tides' slipway, together with access to the existing car park serving the coastline and associated public rights of way – recognised as important facilities to local residents and as a tourist attractions in their own right.

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3 Tests of Soundness

3.1 In light of the above, it is considered that Policy MG5 currently fails the defined tests of soundness. The main reasons for this, and the specific tests failed, are set briefly out below.

Coherence and Effectiveness Tests

3.2 Policy MG5 fails to meet the tests set out in CE1, in so far as it does not form a coherent strategy that logically flows from the aims and objectives set out elsewhere in the Deposit Plan. In doing so certain policies within the LDP are not consistent.

3.3 The proposed allocation could have a detrimental impact on other policies in the Deposit Plan, including the delivery of the proposed B1 uses allocated in Policy MG9(7). Officers have also raised concerns regarding the use of Hayes Road for the proposed use given that access to the coast and national coastal path could be disrupted or discouraged. The issues raised by Officers would suggest a conflict with Policy SP1 (Delivering the Strategy) in so far as it seeks to improve the enjoyment of the coast and promotes opportunities for sustainable tourism and recreation. The proposed use would result in the loss of existing public open space, together with the potential of delivering much needed allotment provision for the local residents and wider community in Sully and Lavernock.

3.4 Policy MG5 also fails to meet the requirements of test CE2, which requires policies to be realistic and appropriate having considered the relevant alternatives and/or are founded on a robust and credible evidence base. A key consideration relating to test CE2 is

whether or not the evidence clearly supports the strategy and policies set out in the Plan. It is also necessary to consider whether the evidence relied upon is robust and credible. As established above, the evidence base supporting the decision to move the gypsy and traveller site to Hayes Road is not considered to be robust.

3.5 Insufficient evidence has been presented in the 2011 and 2013 Site Assessment Background Papers to justify the allocation of Hayes Road for gypsy and traveller provision. The conclusions drawn in the 2013 Background Paper that Hayes Road provides the most realistic opportunity to deliver the identified need is not borne out in the remainder of the document or the wider evidence. The assessment of the site continues to identify a number of reasons why the site should not be allocated for this use, whilst at the same time the conclusions regarding the site at Llangan remain largely unchanged. It is therefore unclear what basis there is for moving away from evidence concluded that the only assessed site that warrants further consideration is at Llangan.

3.6 Regardless of the position with land at Llangan, the site at Hayes Road is considered unsuitable for the proposed use given the range of reasons set out above – and should therefore be deleted from Policy MG5 (and the relevant supporting paragraphs/Proposals Map). It would then be for the VOGC to consider whether the site at Llangan should be reinstated – given that the conclusions of the 2013 Site Assessment regarding its merits are largely unchanged from the previous assessment that deemed it was a logical choice. Alternatively the VOGC should reopen the site search and assessment process, and

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ensure that it is conducted in a transparent way that involves representative bodies such as the Community Council, and the settled and gypsy and traveller communities themselves.

3.7 The Sustainability Appraisal Report is a fundamental part of the evidence base and it is noted that the site at Llangan has already been subject to the appropriate and proper procedures – concluding that it would have an overall neutral impact. Ultimately, it is for the Vale of Glamorgan Council to deliver a sound plan and to do so land at Hayes Road

should be deleted from Policy MG5.

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4 Proposed Changes

4.1 For clarity the following changes are proposed by the Community Council.

Policy MG5 - Gypsy and Traveller Site

4.2 The Community Council wish to see Policy MG5 amended with the allocation of land at Hayes Road, Sully for the provision of a gypsy and traveller site deleted. It is acknowledged that where an identified need for gypsy and traveller provision has been identified alternative provision will have to be allocated within Policy MG5 (or an alternative policy). The Community Council believes that this requirement should be met either through the allocation of land to the east of Llangan (as per the original Deposit Plan), or an alternative site to be identified by the VOGC through a robust and transparent site search process.

Paragraph 6.43

4.3 The Community Council would like to see Paragraph 6.43 (as currently worded) deleted to remove reference to Hayes Road, Sully being allocated as the single site for gypsy and traveller accommodation over the Plan Period. The paragraph should be replaced by an equivalent paragraph setting out details of the alternative gypsy and traveller provision to be allocated within the LDP, whether this is at Llangan or another appropriate site.

Policy MD18 and Paragraph 7.81

4.4 The Community Council also support the overarching principle of including a criteria based policy in the LDP to accommodate future or unexpected demand over the Plan Period. The Community Council do, however, object to the current wording of Policy MD18 in so far as the site allocated by Policy MG5 (as referred to in criteria (1)) is Hayes Road, Sully. In turn, we also believe that the wording of Paragraph 7.81 should be deleted to remove reference to the proposed allocation of land at Hayes Road, Sully.

4.5 For clarity, our client does not object to the strategy set out in Paragraph 6.44 in relation to the VOGC's approach to transit provision.

Proposals Map

4.6 Deletion of the proposed gypsy and traveller allocation at Hayes Road, Sully.

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5 Conclusion

5.1 The Sully and Lavernock Community Council strongly urge the VOGC to reconsider their proposed strategy relating to the provision of gypsy and traveller provision in the emerging LDP. This process must be addressed ahead of submitting the LDP to the Welsh Government – specifically with the allocation of land at Hayes Road for gypsy and traveller provision deleted. It will then be for the VOGC to determine whether this provision should be replaced by the previous preferred allocation at Llangan, or to reopen the site search process and conduct it on a more robust and transparent basis.

5.2 The evidence base supporting the allocation (including the Gypsy and Traveller Site Assessment Background Paper and Sustainability Appraisal Report), does not provide sufficient justification for the decision of the VOGC to conclude that land at Hayes Road is now suitable for gypsy and traveller accommodation. This very use was previously ruled out in November 2011 and through the previous version of the Deposit Plan. The evidence relating to the November 2013 Deposit Plan continues to demonstrate that land at Hayes Road should not be allocated for gypsy and traveller use. Furthermore, it can be argued that much of the evidence continues to support the conclusion that the previous allocation at Llangan is a more realistic alternative to meet the identified gypsy and traveller provision.

5.3 The allocation of the site at Llangan for gypsy and traveller provision has previously been supported by the site assessment process, which remains virtually unchanged in relation to the Llangan site. The site, and proposed use, has also been subject to a Sustainability Appraisal Report (November 2011), which concluded that the site demonstrated a largely neutral assessment against the defined sustainability assessment.

5.4 In conclusion, the proposed allocation of land at Hayes Road for gypsy and traveller

provision is not considered to be sound and should be deleted from the Deposit Plan. It is recognised that, based on the published Needs Assessment, the Deposit Plan will be required to make alternative provision for gypsy and traveller accommodation over the plan period. It is, however, not appropriate for this accommodation to be at Hayes Road, Sully. It is for the VOGC to reconsider its position and revert back to the previous preferred allocation at Llangan, or to reopen the site assessment process to deliver a sound site for gypsy and traveller accommodation. If this position was to be taken, it is important that the process is undertaken in a transparent and inclusive manner.

5.5 We look forward to receiving confirmation that our representations have been received and registered.

Appendix 1 Sully and Lavernock Community Council Allotment Business Plan

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SULLY AND LAVERNOCK COMMUNITY
COUNCIL

BUSINESS PLAN

PROVISION OF ALLOTMENTS ON

LAND ADJACENT TO

FORMER RECYCLING SITE AT

HAYES ROAD, SULLY

Prepared by Sully and Lavernock Community Council May 2013

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SULLY AND LAVERNOCK COMMUNITY COUNCIL - BUSINESS PLAN

1. INTRODUCTION

Allotment gardening is a great way to keep fit, enjoy the fresh air, make friends and grow your own fruit and vegetables. Most local authorities and privately owned allotment sites have waiting lists which show that there is a great need for them on a nationwide basis. An allotment is traditionally

measured in rods (perches or poles), an old measurement dating back to Anglo-Saxon times. 10 poles is the accepted size of an allotment, the equivalent of 224 square metres or almost the size of a doubles tennis court.

2. LEGAL FRAMEWORK

Under the 1908 Small Holdings and Allotments Act, where there is demand, it is the duty of local authorities to provide residents, registered on the electoral roll, with allotment space. The National Society for Allotments and Leisure Gardens (NSALG) is the largest and longest established organisation promoting allotments in England and Wales, and it's the only such organisation with which the government liaises on the subject. The NSALG argues that demand is defined in the Act as six registered residents, living within the local authority area. Technically, if six qualifying residents approach the local council requesting allotment space then the council is bound to find it. This Act even gives local authorities the power to compulsorily acquire land for allotments, if they don't have sufficient available already. The Vale of Glamorgan Council are aware of the absence of allotments in the Sully and Lavernock areas and in their Allotment Strategy which we understand was considered by the Council members last year, the local authority is looking to achieve a greater local involvement in the future management of both their current sites and any new sites.

3. SITE AVAILABILTTY

A site, which is located off Hayes Road adjacent to the former waste recycling site, has been identified. The approximate grid reference of the entrance to the site from Hayes Road is ST148681. The site consists of a strip of land about 40m wide and 270 m long that runs in an approximately North West to South East orientation. The land is currently owned by the local authority who have indicated that the Vale Council members may consider giving up the land for allotment use, via, a long-term lease.

4. PARTNERSHIP

The Community Council are working closely with Beechwood College, which is adjacent to the proposed allotment site. Beechwood College is Wales' first and only specialist residential college of further education dedicated to students over the age of 16 years with an Autistic Spectrum Condition or Asperger's Syndrome. The College have indicated that they wish to be involved in the project as they feel that successful allocation of allotments to their students enhance the general activities of the College and quality of life of their residential students and help them even more to integrate into the life of the community in which they live. The Community Council have availed themselves of the College's professional advisers relating to planning and site assessment. The Community Council would also look to work in partnership

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with The Vale of Glamorgan Council in providing allotments under their obligations under the provisions of the 1908 Act referred to in note 2. above

5. SITE ASSESSMENT

In conjunction with Beechwood College an assessment of the site mentioned in note 3. above was carried out in January 2013 by Frank Jones, BSc, MSc and a copy of his report is set out in Appendix 1. In note 4 of Mr Jones' report it will be noted that on the basis of his examination of the site it is recommended that an appropriate number of soil samples are taken to assess suitability for cultivation and a full chemical analysis to check for any contamination problem. A verbal quotation has been sought from a company (Minton Treharne Davies) specialising in this type of work and the costs for the tests are as follows:

- Soil test re contamination - £250
- Soil test re nutrients - £100

6. MANAGEMENT AND ADMINISTRATION OF ALLOTMENT SITE

The Community Council have indicated their willingness to run, manage and administer the allotments as set out in a letter dated 7 November 2012 to M

Punter, Director of Visible Services and Housing. A copy of this letter is contained in Appendix 2.

7. ALLOTMENT RULES AND TENANCY AGREEMENT

The letting of allotments to individuals would be governed by 'Allotment Rules' and all tenants would be required to complete and sign a tenancy agreement. The rules would cover the following matters:

- Application
- Tenancies and Vacant Allotments
- Assignment
- Rent
- Cultivation and Use of Allotment Gardens
- Hoses, Bonfires and Other Restrictions
- Dogs, Animals and Bees
- Unauthorised Persons
- Paths
- Sheds, Buildings and Structures
- Notice Board and Advertisements
- Inspection
- Disputes
- Harassment
- Termination

8. FINANCE

In a letter dated 9 October 2012 from Mr M Punter, Director of Visible Services and Housing the Community Council were asked whether they would be willing to commit to undertaking the necessary work to construct allotments in the area that has been indicated. In the reply to Mr Punter dated 7 2272_DP1_7.pdf

November 2012 (Appendix 2) the local authority indicated that there was limited financial resources available to the Community Council. Therefore, the

Community Council may well look to their partners in this project i.e. Beechwood College and The Vale of Glamorgan Council for financial assistance. The Community Council also intends to seek financial assistance from other sources including the NSALG. The Community Council have made approaches to the following grant aid providers and furnished them with detail of the project:-

- Creative Rural Communities – This provider, which is the Vale of Glamorgan’s Rural Regeneration Initiative has expressed interest in the project and may provide a source of financial assistance or starter kits for allotment holders under their Community Foodie programme.
- Social Investment Business – This provider has been given details of the project and is considering whether the Community Council are eligible for financial assistance under one of its various funding programmes.

The Vale of Glamorgan Council via their Parks and Grounds Maintenance Division has provided a schedule of costs relating to the provision of allotments at the identified site. This report, which has been prepared by Mr P Beaman, Operational Manager –Operational Manager – Parks and Grounds Maintenance, is contained within Appendix 3. The costings provide for the provision of a roadway but it is considered that the existing roadway, which services the proposed site, would be suitable for purpose. This would mean that this cost would not be required. The major cost would be the perimeter fencing but it is considered that the provision of £20k could be reduced. The Community Council is currently discussing with contractors the relevant costing for the work necessary to convert the proposed site into allotments.

9. OPERATING REVENUE AND COSTS

The Community Council understands that the revenue received from the letting of allotments is minimal. The income per plot received from allotments in Cowbridge, for example is £9.90 per perch per annum. In Barry, The Vale

of Glamorgan charges £3.30 per perch per annum and in Penarth the cost is £5.50 per perch. Consideration may also have to be given to a discount for senior citizens or unemployed persons. It is anticipated that the tenancy year will run from 1 April to 31 March each year and this will co-incide with the Community Council's financial year. The costs relating the management of the allotments would be as follows:

- Rent – It is anticipated that The Vale of Glamorgan will lease the identified land to Community Council at a 'peppercorn' rent
 - Insurance – The Community Council will be required to advise their insurers of the new risk but it anticipated that there would be no significant increase in the annual premium as there is already Public Liability cover in place. Alternatively, if an allotment association is formed then the plot holders can additional insurance themselves via a company called Shield who provide specialist allotment insurance and are recommended by the NSALG
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- Water – It is anticipated that the water and sewerage charges will be the main cost of operating the allotments.
 - Repairs and maintenance costs – It is anticipated that in the first 2 years the cost of repairing and maintaining the proposed sites will be minimal.
 - Management cost – The management costs of operating the management of the allotments will be borne by the Community Council.
 - Information Technology – There are a number of bespoke computer packages on the market that control the administration of allotments. These may prove to be expensive, so therefore the Community Council will give consideration to developing its own system, which will reduce the ongoing overheads associated with the project.

The Community Council expect that the operating of the allotment will be run at a deficit each year and will require funding from the annual precept.

10. PROVISION OF SERVICES

It is not anticipated at this stage that electricity will be provided on the allotment site. However, a water supply will be required onto the site for allotment holders. The Community Council understand that there is a water supply currently available on the adjacent land (former recycling site, currently occupied by travellers). To obtain a quote from Welsh Water to bring a supply onto the allotment site a fee of £54 will be required for the preparation of such a quotation, £45 of which will be refunded if the installation should proceed.

11. OTHER MATTERS

The Community Council also intend to produce a handbook/allotment guide for issue to tenants the contents of which will include the following:

- Understanding the allotment rules
- Paying for your plot
- Who to contact
- Getting started
- Glasshouses, sheds, polytunnels and other structures
- Allotment health and safety

The above list is by no means exhaustive and other matters may be added as the project proceeds.

The Community Council may also give consideration to the setting up of an Allotment Association for the site. Setting up such an association can be of great benefit to allotment tenants providing advice and information, easy access to discount gardening materials and a voice for any comments or concerns that they may have.

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12. WAITING LIST

The Community Council has received requests from residents of the Sully and Lavernock area for an allotment as well as a block application from the residents of Beechwood College. As a consequence the site is now over subscribed. The Community Council may also consider approaching the local school to engage their pupils in getting involved and hopefully instilling in them an interest in gardening which will give them a sense of achievement and something that they will continue in their future lives. The Royal Horticultural Society supports the provision of school gardens.

13. SUMMARY

In regard to The Vale of Glamorgan's Allotment Strategy referred to in note 2. above the Community Council hereby requests that the appropriate officers will give due consideration to the proposal set out in this business plan and prepare a report for the consideration of the Council's executive. The Community Council feels that the proposal offers sufficient and significant benefits to the residents of Sully and Lavernock.

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SULLY AND LAVERNOCK COMMUNITY COUNCIL – BUSINESS PLAN

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1. Introduction
2. Legal Framework
3. Site Availability
4. Partnership
5. Site Assessment
6. Management and Administration of Allotment Site
7. Allotment Rules and Tenancy Agreement
8. Finance
9. Operating Revenue and Costs
10. Provision of Services
11. Other Matters

12. Waiting List

13. Summary

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SULLY AND LAVERNOCK COMMUNITY COUNCIL- BUSINESS PLAN

DEFINITION OF TERMS

‘The Community Council’ means the Sully and Lavernock Community Council and includes any Committee or Working Group of the Council or any Officer appointed by the Council under the Allotments Acts 1908 – 1950.

‘Allotment’ or ‘Plot’ means the area of land used primarily for the cultivation of fruit and vegetables which is let to the tenant.

‘Tenant’ means a person who holds a Tenancy of an allotment or plot.

‘Tenancy’ means the letting of an allotment or plot to a Tenant.

‘Site’ means the entire area of land leased by the Community Council comprising allotment gardens, roadways and buildings.

‘Tenancy Agreement’ means the document in the form approved by the Community Council, confirming the letting of an allotment or plot to a tenant.

‘Rent’ means the annual rent payable for the tenancy of an allotment or plot and all the amenities provided with it.

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PERSONAL DETAILS FORM (Online Version)

Personal details given in this document will not be publicly available.

Appeal Reference: APP/Z6950/A/16/3143014

APPELLANT DETAILS

The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name	<input type="text" value="The Sully and Lavernock Community Council"/>
Address	<input type="text" value="c/o Agent
London
W1U 6PZ"/>
Email	<input type="text" value="info@aspinalls-uk.com"/>
Preferred contact method	Email <input checked="" type="checkbox"/> Post <input type="checkbox"/>

AGENT DETAILS

Do you have an Agent acting on your behalf?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Name	<input type="text" value="Mr William Richards"/>
Company/Group Name	<input type="text" value="Aspinalls"/>
Address	<input type="text" value="26 York Street
Marylebone
London
W1U 6PZ"/>
Phone number	<input type="text" value="07855 637194"/>
Email	<input type="text" value="info@aspinalls-uk.com"/>
Preferred contact method	Email <input checked="" type="checkbox"/> Post <input type="checkbox"/>

SITE OWNERSHIP CERTIFICATES

Owner's Name: Vale of Glamorgan Council
Address at which notice was served: Civic Offices, Holton Rd, Barry, Vale of Glamorgan

CHECK SIGN AND DATE

(All supporting documents must be received by us within the time limit)

I confirm that all sections have been fully completed and that the details are correct to the best of my

knowledgege.

I confirm that I will send a copy of this appeal form and supporting documents (including the full statement of case) to the LPA today.

Signature

Mr William Richards

Date

22/01/2016 16:03:54

Name

Mr William Richards

On behalf of

The Sully and Lavernock Community Council

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 1998. Further information about our Data Protection policy can be found on our website under Privacy Statement.

NOW SEND

Send a copy to the LPA

Send a copy of the completed appeal form, personal details form and any supporting documents not previously sent as part of the application to the LPA. If you do not send them a copy of these forms and documents, we may not accept your appeal.

To do this by email:

- open and save a copy of your appeal and personal details form

- locating your local planning authority's email address:

<https://www.gov.uk/government/publications/sending-a-copy-of-the-appeal-form-to-the-council>

- attaching the saved forms including any supporting documents

To send them by post, send them to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA).

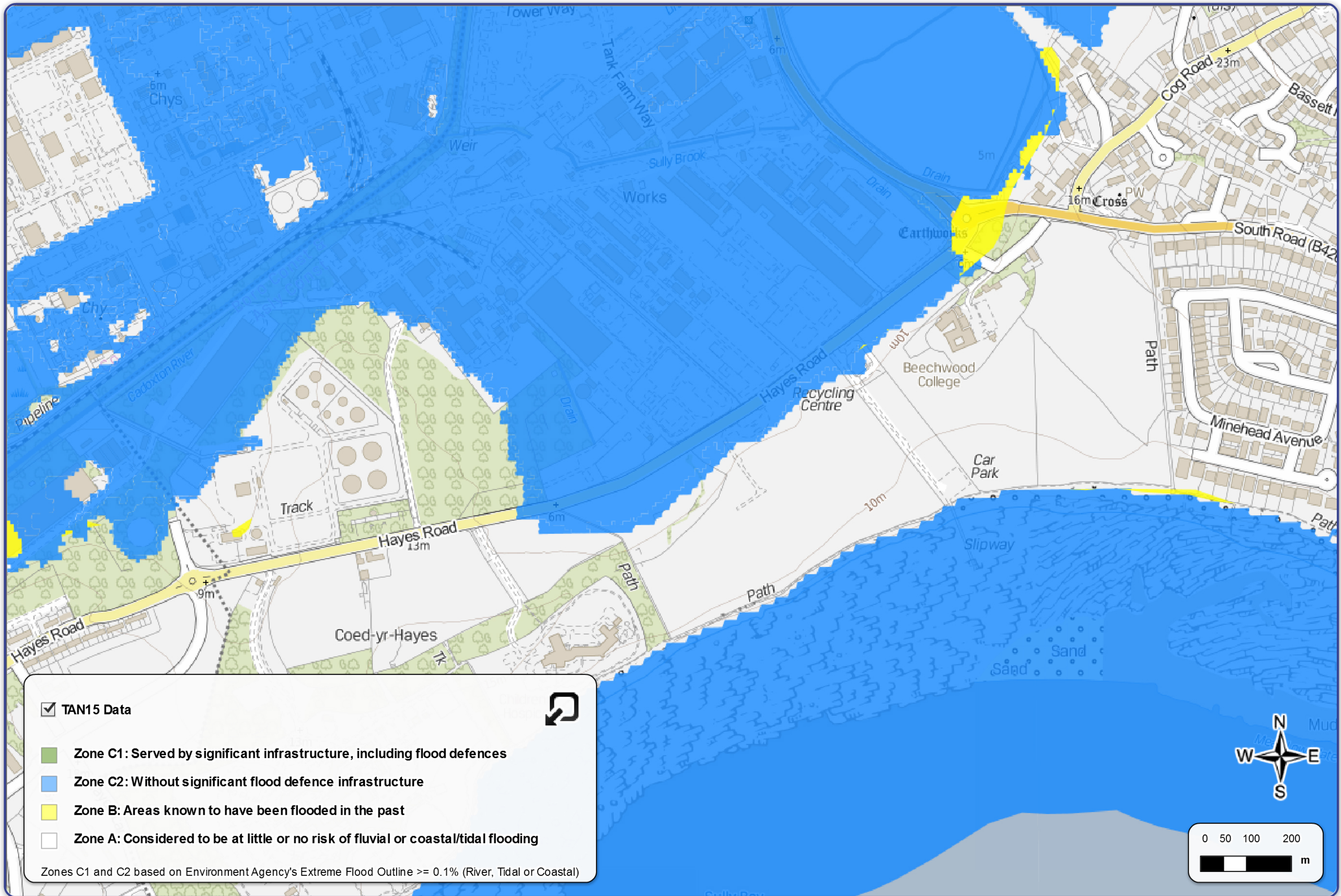
When we receive your forms, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

You may wish to keep a copy of the completed form for your records.



Llywodraeth Cymru
Welsh Government

TAN 15 Development and Flood Risk Development Advice Map



TAN15 Data



- Zone C1: Served by significant infrastructure, including flood defences**
- Zone C2: Without significant flood defence infrastructure**
- Zone B: Areas known to have been flooded in the past**
- Zone A: Considered to be at little or no risk of fluvial or coastal/tidal flooding**

Zones C1 and C2 based on Environment Agency's Extreme Flood Outline $\geq 0.1\%$ (River, Tidal or Coastal)

