

**WELSH GOVERNMENT**

**Examination Hearing Statement**

**Vale of Glamorgan  
Local Development Plan Examination**

**Hearing Session 16:**

**Gypsy & Travellers**

**Tuesday 22<sup>nd</sup> March 2016**

## **Hearing Session 16: Gypsy and Travellers**

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

The methodology and assessment to identify the accommodation needs of Gypsy and Travellers as set out in the Gypsy and Traveller Needs Study (SD32) is a matter for the local planning authority to explain. The authority should confirm that it has complied with the statutory duties set out the Housing (Wales) Act 2014.

#### Level of need - Gypsy and Traveller Needs Study (SD32), Deposit Plan (Paragraphs 6.38-6.44)

The assessment identifies a need for 18 permanent pitches over the plan period. FC18 clarifies that the proposed allocation is of sufficient size to accommodate the need for permanent pitches for the whole plan period, this is supported. However, the situation in respect of transit provision is unclear. See our response to Q5.

Para 17 of Welsh Government Circular 30/2007 'Planning for Gypsies & Travellers' states that "where there is an assessment of unmet need for Gypsy and Traveller accommodation in the area, local planning authorities should allocate sufficient sites in LDPs to ensure that the identified pitch requirements for residential and transit use can be met.

#### **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?**

The Gypsy and Traveller provisions of the Housing (Wales) Act 2014 came into force on 25 February 2015 supported by new guidance, expect sections 103 and 104 (anticipated commencement March/April 2016). The Act now contains a broader definition of the Gypsy and Traveller community. The Council should clarify how the evidence base and identified level of need relates to the definition within the Housing (Wales) Act 2014. The reasoned justification (para 6.38) should also be amended to reflect the appropriate legislation.

The current study (2013) pre dates new legislation. The Housing (Wales) Act 2014 (Sections 101 & 102) requires local authorities to submit a new accommodation needs assessment within a year of commencement. A new GTANA will need to be submitted to Welsh Government (Inclusion Unit) in Feb/March 2016.

When a new study is submitted during the course of the examination any implications for the policies/proposals in the LDP will need to be considered as part of the examination process. See our comments in respect of transit provision Q5.

**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. Para 6.41 makes reference to the 'need' for 18 permanent pitches over the plan period. In addition, para 6.43 alludes to the proposed allocation as being of sufficient size to accommodate the need over the entire plan period. However, reference should be made in Policy MG5 to clarify how many pitches are being proposed at Hayes Road, Sully in order to provide clarity and certainty in the plan.

The plan is not clear (para 6.44) as to whether there is a need for transit sites in the County Borough. See our response to Q5.

**4. 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?**

This is a matter for the local authority to explain. See our comments in respect of flooding below.

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

No. As previously stated policy MG5 should make reference to the number of pitches being proposed at Hayes Road, Sully in order to provide clarity and certainty in the plan.

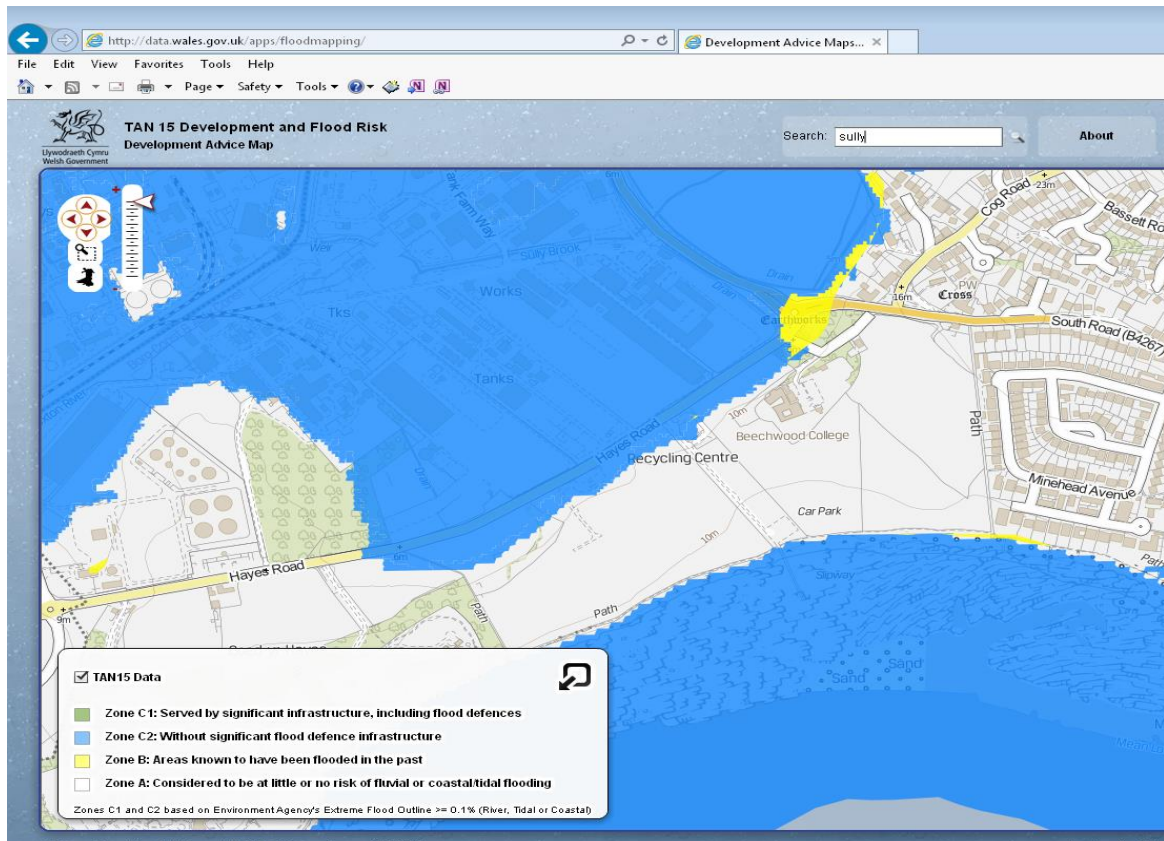
**c) Is the allocation justified in light of national policy relating to flood risk (PPW, TAN15 and paragraph 19 of WG Circular 30/2007)?**

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

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

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

The proposed allocation at Hayes Road is partially in the C2 flood plain as per the current DAM Maps (January 2015). See below.



Planning Policy Wales (section 13.3) and TAN 15: Development and Flood Risk are clear that inappropriate development should not be located in areas defined as being of high flood hazard. TAN 15, at paragraph 6.2, states, ***‘in Zone C the tests outlined in sections 6 and 7 will be applied recognising, however, that highly vulnerable development...in Zone C2 should not be permitted’***, and at paragraph 10.8, states that ***‘sites in Zone C2 should not be allocated for highly vulnerable development’***. Highly vulnerable development (HVD) is defined in Figure 2 on page 7 of the TAN as ***‘all residential premises, public buildings, especially vulnerable industrial development, and waste disposal sites’***.

The Welsh Government’s Chief Planner issued a letter to all Chief Planning Officers on 9 January (Ref WG0701-14) reinforcing national planning policy in PPW and advice in TAN15 on flood risk; (link-<http://wales.gov.uk/topics/planning/policy/dear-cpo-letters/flood-risk-and-insurance-changes/?lang=en>). Highly vulnerable development (e.g. gypsy and traveller sites) should neither be allocated nor permitted in Zone C2 (TAN15 paras 10.8 & 6.2).

In addition, Welsh Government Circular 30/2007 'Planning for Gypsy & Travellers' paragraph 19 states that flooding should be a consideration when assessing site sustainability, it states "not locating sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans".

It is unclear how the proposed allocation accords with national policy in respect of flood risk. The Welsh Government considers that the authority should demonstrate that the area has sufficient capacity to accommodate the stated use and scale to avoid conflict with the regard to flood risk. This includes ensuring that safe access/egress can be achieved.

**b) In order to be allocated, sites should be capable of being delivered within the Plan period. Is there sufficient evidence to demonstrate this?**

See previous comment.

**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?**

This is for the local authority to answer.

**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?**

This is a matter for the local planning authority. Demonstrating delivery is essential. The council should provide an update in respect of available funding sources, demonstrating that the site can be delivered in the required timescales.

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

We note the monitoring framework includes a trigger to deliver a permanent site by 2021. However, the evidence base is unclear as to when exactly the 18 pitches need to be delivered. For example, will the site be delivered in phases, or as one.

The authority should clarify when the site will be delivered, and how these timescales relate to the identified need. Clarity in this respect will inform the monitoring framework which will need to be amended to include robust monitoring indicators and triggers.

For example, the monitoring framework makes no reference to the proposed allocation. It should do.

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

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

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

The Gypsy and Traveller Needs Study (SD32) alludes to a regional need of 10 transit pitches over the plan period 'near the M4'. The evidence is unclear as to whether the 10 pitches are specific to the Vale, or indeed when the pitches would be required over the plan period. This needs further explanation.

The Housing (Wales) Act 2014 (Sections 101 & 102) requires all local authorities to submit a new accommodation needs assessment within a year of commencement (by Feb 2016) which will include an assessment of transit provision. The common all Wales submission date provides an opportunity to both enable and support LPA's to undertake joint assessments, if appropriate. Paragraph 6.44 of the Deposit Plan alludes to the need for regional dialogue with neighbouring authorities on this issue. The Council should provide an update on the work undertaken since Deposit.

The Welsh Government considers that a specific monitoring indicator in respect of transit provision should be included in the monitoring framework in order to determine the specific level of need for Vale of Glamorgan and timescales for identifying a site (if applicable).

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

The methodology and assessment to identify the accommodation needs of all Gypsy and Travellers (as defined in legislation) is a matter for the local planning authority to explain. The authority should confirm that it has complied with the statutory duties as set out the Housing (Wales) Act 2014.

#### **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?**

The planning system should apply to Gypsies and Travellers in the same way as other communities and, therefore, it isn't fair or reasonable that any application for a new site would be turned down if residents could be accommodated on another site. For example, the applicants may not wish to live on the local authority owned site but may want to develop a private site. Planning circular 30/2007 states that, "Criteria based policies must be fair, reasonable, realistic and effective in delivering sites" Criterion 1 is not in line with national policy.

##### **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)?**

The criterion is overly restrictive and goes beyond the guidance set out in paragraph 26 which states that sites may be on the outskirts of built up areas as well and rural

and semi rural settings. It is not in line with the principles of freedom of choice promoted by national policy.

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

The Welsh Government has made some comments in this statement in respect of the monitoring framework. The Welsh Government is prepared to work with the LPA to improve the framework, prior to the specific hearing session.

**9. Any Other Matters**

No.