

Vale of Glamorgan LDP - Examination

Hearing Session 16: Gypsy & Travellers - 22 March 2016

Representations on behalf of Beechwood College (ID No 6025).

**G Powys Jones MSc FRTPI
Chartered Town Planning Consultant**

February 2016

Introduction and background

1. This statement is designed to augment the original representations submitted in December 2013. A statement by Chris Lovell, Consultant Psychologist, is also attached.
2. The relationship between Beechwood College and the site allocated under LDP policy MG5 is best illustrated in the following photographs.
3. The first shows the relationship at ground level between the existing unauthorised encampment site and Beechwood College. The site was a former and disused Council civic amenities site. The Council did not seriously challenge the unauthorised occupation in 2012. Those who moved here previously occupied the 'Billybanks' site in Penarth – a Council-owned former sink estate that the Council wished to clear and demolish prior to its sale to private developers. The sale proceeded and the development, now called Penarth Heights, is virtually complete.



4. Beechwood College has developed considerably since it commenced operation and, as the Inspector will see at his site visit, a considerable level of capital expenditure has been invested in providing modern facilities for its clients. A further planning permission was granted in September 2012 (Ref 2012/00083) to erect new teaching facilities and an administration block. However, the decision to proceed with that additional capital investment has been put on hold, pending the formal on the draft LDP allocation.



5. The aerial photograph shows the relationship between the allocated site and Beechwood College more clearly. Beechwood College's land holding extends to the entire length of the eastern boundary of the proposed gypsy site. The land nearest the boundary is a relatively recent acquisition by the college, and is held on a long lease from the Church in Wales. The intention was, and still is, to create an external amenity and recreational space to cater for the pupils of the expanded college.

The proposal

6. The current unauthorised occupation of the Council's land is restricted to a small proportion of the site. The Council's intention is that the whole of the site, bar the small car park next to the foreshore, will be laid out and developed, presumably in accordance with the national guidance found in '*Designing Gypsy & Traveller Sites, Welsh Government 2015*.'
7. The inevitable outcome would be a highly urbanized, unsightly development prominently sited along the entire length of Beechwood College's boundary, immediately next to land intended for the amenity/recreational requirements of a most vulnerable group of young adults.
8. There is a realistic risk that the establishment of a gypsy and travellers site cheek-by-jowl with an educational/care establishment could deter those responsible for the placement of clients from sending them to Beechwood. This prospect would have a significant impact on Beechwood's future viability.
9. In his agenda, the Inspector listed some criteria by which to judge the acceptability of the site in planning terms, including flood risk and access. These are important technical considerations, but equally significant, to my mind, is the possibly more subjective and necessary evaluation required as to the compatibility of the proposed allocation with neighbouring uses.

-
10. Given the use carried out at Beechwood College, that is, a facility for the care of highly vulnerable young adults, it would be difficult to devise a more unhappy marriage of land-uses than that proposed here, bearing in mind the possible damaging consequences, as explained by the College's consultant psychologist.
 11. This issue does not appear to have entered into the equation in the Council assessment of the site, and in this regard, at least, the allocation has not been subject to a clear and robust site assessment process. The decision to allocate this site, bearing in mind that it was rejected two years earlier, smacks of opportunism on the part of the Council. The allocation and therefore the Plan in this regard fail the second test of soundness, in that it is not logical, reasonable or balanced.

Need

12. The Council's assessment of need is based on a 2013 study carried out on the Council's behalf by ORS, and the Council relies this upon as a background paper. In effect, the proposed allocation is based on perceived 'need', which is itself largely derived from or attributed to the current occupation of the site.
 13. The term '*Gypsies and Travellers*' is defined in section 108 of the *Housing (Wales) Act 2014*, and provides:
 - (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;*
 14. Whilst ORS refer collectively to the persons occupying the site as New Travellers and Travelling Show people, no substantial evidence is provided that all or even some of the current occupants of the site fall within these categorizations. ORS did not enter the site, and there appears to have been a refusal on the occupants' part to engage in a questionnaire exercise, which may have thrown more light on their status.
 15. Section 55 of the 2014 Act provides the meaning of *homeless* and this includes persons who have accommodation, but
 - 'it consists of a moveable structure, vehicle or vessel designed or adapted for human habitation and there is no place where the person is entitled or permitted both to place it and to reside in it.'*
 16. Many of the residents of the site could well fall into this category. It is not the government's intention that Gypsy & Travellers sites should cater for the needs of the homeless.
 17. The Council is required to produce robust evidence of need, and whilst it can point to the existence of an unauthorised, occupied site, it has not produced the substantial evidence required to indicate how many or, indeed, if any of the current residents are truly Gypsies and/or Travellers as defined in the Act.
-

-
18. This is an issue that the Council's evidence should have addressed, and the failure to do so represents unsoundness in that the proposed allocation is not supported by robust, proportionate and credible evidence as to need.

Deliverability

19. It will be principally for the Council to address the issues raised in the Inspector's agenda as to the third test of soundness, that of deliverability. However, even if the site were provided there is no certainty or guarantee that those for whom the facility was intended would choose to live there. Indeed, Vale of Glamorgan Officers in the ORS report are attributed as stating that:

The facilities provided at the site in Sully were believed to not meet the needs of most people, but it could be that those living there were content. It was considered that this may be because residents would not wish to have facilities provided for them because it could constitute in them feeling they were in debt or being managed by the Council.

20. There is no compelling evidence of demand for this facility from those persons for whom it is intended. Hopefully, the residents of the site or their representatives will appear at the hearing to provide the necessary evidence in this regard. That is, are they prepared to be managed, to pay rent and to generally abide by the rules imposed by the Council? Or would they simply move to another informal location? It would be ironic in the extreme if the facility were provided, and was not used.

Conclusions

21. The allocation and therefore the plan is unsound on the basis that the need for the site is not supported by robust, proportionate and credible evidence. But even if need was demonstrated to the Inspector's satisfaction, the allocation is unsound since it is not logical, reasonable or balanced for the reasons already provided.
22. The Inspector is therefore requested to delete this specific allocation at Hayes Road, and to request the Council to re-examine the issue of need. Should it be clearly demonstrated that need exists, to examine other sites for their suitability within a specified time frame. This suggested course of action would not necessarily prevent the adoption of the LDP, as has been very recently demonstrated following the examination of the Cardiff LDP.

Local Development Plan Representations, Hayes Road, Sully

Background

The Beechwood College campus adjoins the proposed travellers' site and I would like to ensure that the best interests of both the young people who live at the College and those who attend as day students, are taken into consideration in the matters being reviewed.

Due to the complex needs of those in our care many lack the capacity to verbally express their views and opinions for themselves.

The current College site was acquired from the Vale of Glamorgan in April 2001 with the specific aim of developing a service for young people, aged 16 years or over, in Wales who have complex needs associated with a diagnosis of an Autistic Spectrum Condition (ASC); a provision that simply did not historically exist. The nature of those with an ASC is such that social interaction can often be a significant challenge for them and therefore the location at the Hayes Road site, with no residential neighbours was key to the decision to redevelop what was at the time a derelict site.

[Beechwood College was the first special college accredited by ELWA (as was - now the Department for Education and Skills) and remains unique in Wales in offering a 24 hour transferable lifelong learning opportunities to very complex vulnerable students with ASC a Learning Disability or an Acquired Brain Injury.]

The nature of people with autism is that social interaction can be challenging and the relatively sheltered location of the College site, with no residential neighbours is conducive to providing a suitable environment for the young people cared for at the College. It is important to note that many of the young people attending the College have been relocated from their families due to the complex needs which cannot be supported closer

Local Development Plan Representations, Hayes Road, Sully

to home. This includes young people whose family homes are located across the length and breadth of the UK.

There are clinical considerations which must be appreciated, in relation to the possibility of a permanent traveller site being located immediately adjacent to the College. Young people with a diagnosis of ASC commonly have a range of difficulties including issues related to sensory integration or behaviours that challenge and therefore require intensive support from our team of specialist clinicians.

ASCs are a group of conditions that are generally characterized by abnormalities in reciprocal social interactions and in patterns of communication, and by restricted, stereotyped, repetitive repertoire of interests. The condition is lifelong and impacts upon an individual's developmental progress, affecting how a person communicates with, and relates to other people. It also affects how they make sense of the world around them.

Many of our students have hyper acuity which makes them highly sensitive to many noises which can overstimulate them and make it very difficult for them to process sensory information.

Indeed some of our students are so sensitive to noise that they wear industrial ear defenders constantly. The clinical team at the College we are concerned that an enlarged and more formalized travellers' site next to the College will generate considerable noise in terms of dogs barking, children shouting in play, banging doors, traffic going to and from the site and the general hustle and bustle of people living together. These noises can be triggers for the young people which can result in behaviours that may challenge us, which can cause distress to the individual and to their peers, as well as disruption to education and the environment in general. Sensory integration difficulties also include sensitivity to

Local Development Plan Representations, Hayes Road, Sully

smell, taste, touch and individuals with Autism can respond to very low level triggers which are not perceived by people that are not on the spectrum. This is particularly true of students with hyper acuity.

I can confirm that dogs have been an issue from the existing site, not only by straying but also from barking noises. Whilst this may not appear too serious a problem to the lay person - to a youngster with autism can have significant sensory and anxiety impairments which can cause them to experience serious fragmentation and considerable setbacks. A number of our young people also have specific phobias around dogs and as a result are currently undergoing therapeutic interventions. That the Council seeks to extend and formalize the site considerably would serve only to exacerbate the position, and make the College and its campus a far less commodious place for the extremely vulnerable client group it is meant to serve.

The College currently supports 64 students and due to the complex needs listed above it is critical that every effort is made to provide a consistent, calm and stable environment where all aspects of a person's day is set to a specific routine. People with Autism struggle with change and many of the young people on-site are non-verbal, therefore communication is inevitably a challenge that is compounded by the fundamental need for routine, familiarity and consistency in every aspect of the education and care provided.

The location of Beechwood College was carefully considered before any development of the College had taken place. It was important to find a site where external stimuli in the local environment could be well managed and that the location offered a low stimulus environment, reducing sensory overload with associated triggers for the students.

Local Development Plan Representations, Hayes Road, Sully

A change to the environment may have a significant impact on the behaviour of the students themselves. There is a risk that this would have a significant negative impact on the students themselves and could lead to perhaps some students having to leave the College as it was no longer a suitable environment. Similarly it may restrict access to the College for some students with high sensory integration needs and in particular sensitivity to noise.

It is important that the College provides a safe and secure environment for our students as it needs to cater for their psychological well-being, including their right to quiet enjoyment of their surroundings - the rural location for the site being one of the primary reasons why the facility was developed and why many parents seek to have their children accommodated at College. The introduction of a gypsy/traveller encampment in such close proximity to the College would inevitably have an adverse impact on the young people in our care, particularly in circumstances where our 'new' neighbours would probably not fully understand the nature of the College or its function.

All of these factors could have a detrimental effect on the wellbeing of the students but could ultimately have an effect on the success of Beechwood College and its recognition as a centre of excellence.

Any reduction in student numbers would inevitably impact upon the staff team, the majority of whom are employed from within Barry and the Vale. It is well known that Beechwood College has become an integral part of the community in Sully and due to the success it has achieved, we have expanded to now educate and care for 64 young people and employing some 250 staff; making us a significant employer within the Vale of Glamorgan with the vast majority of staff being local residents within the Vale itself.

Local Development Plan Representations, Hayes Road, Sully

Many young staff, who have previously not worked, have been successful in finding their first full time employment with us and we are now one of the largest private sector employers in the Vale employing a range of lecturers, learning support assistants, residential education workers as well as our clinical team including nurses, psychologists, speech and language and other therapists as well as support teams such as catering, housekeeping and ground maintenance.

Christine Lovell

Consultant Psychologist

January 2016