

The Vale of Glamorgan Council

Cabinet Meeting: 6 June, 2016

Joint Report of the Cabinet Member for Regeneration and Education and Cabinet Member for Housing, Social Care, and Health

Vale of Glamorgan Gypsy and Traveller Accommodation Assessment May 2016

Purpose of the Report

1. To update Cabinet on matters that have emerged as a result of the on-going Local Development Plan process, in so far as it relates to Gypsy and Traveller accommodation and to seek approval for a suggested way forward. The report also seeks the adoption of the Vale of Glamorgan Gypsy and Traveller Accommodation Assessment (GTAA) May 2016 (attached at [Appendix 1](#)).

Recommendations

1. That Cabinet note the situation in respect of the Local Development Plan (LDP) concerning the allocation of a Gypsy and Traveller site.
2. That Cabinet endorse the suggested approach that the Head of Regeneration and Planning issues a letter to the travellers currently occupying the unauthorised site at Hayes Road, Sully to provide them with the assurance that no planning enforcement action will be pursued against their residential use of the site within the subsequent five year period from the date of the letter.
3. That subject to Cabinet agreeing recommendation two (above), Cabinet adopt the Vale of Glamorgan Gypsy & Traveller Accommodation Assessment, May 2016 (attached at [Appendix 1](#)).
4. That this report be referred to Homes and Safe Communities Scrutiny Committee, the Environment and Regeneration Scrutiny Committee and the Project Steering Group for consideration.

Reasons for the Recommendations

1. To inform Cabinet of the background to this report in respect of the on-going Local Development Plan process.
2. To provide a short-term solution to the Gypsy & Traveller need in order to progress the Local Development Plan to adoption whilst allowing the Council to continue to

work with the travellers currently occupying the unauthorised site at Hayes Road, Sully in order to meet their long term accommodation needs in a sustainable way.

3. To ensure that the Council complies with its statutory requirements under the Housing (Wales) Act 2014 and adopts the Gypsy & Traveller Accommodation Assessment, May 2016 for submission to Welsh Government and the LDP Inspector.
4. To seek the views of the Scrutiny Committees and Steering Group.

Background

2. The assessment of Gypsy and Traveller accommodation needs, and the duty to make provision for sites where the assessment identifies need, became statutory requirements under Section 3 of the Housing (Wales) Act 2014.
3. The definition of 'Gypsies and Travellers' for the purposes of this accommodation assessment process is contained with section 108 of the Housing (Wales) Act 2014. Gypsies and Travellers mean:
 - ' (a) Persons of a nomadic habit of life, whatever their race or origin, including:
 - persons who, on grounds only of their own or their family's or dependant's educational or health needs or old age, have ceased to travel temporarily or permanently, and
 - members of an organised group of travelling show people or circus people (whether or not travelling together as such); and
 - all other persons with a cultural tradition of nomadism or of living in a mobile home.'
4. Cabinet were apprised of the requirement to undertake a GTAA on 27th July 2015 (Cab Minute C2877) and of the work of the GTAA Steering Group in the Vale of Glamorgan and recommended that a further Cabinet report be submitted outlining the outcome of the Assessment prior to its submission to Welsh Government. .
5. Following a procurement exercise undertaken through the Sell2Wales website, four quotes to undertake the GTAA were received, one was subsequently withdrawn and the remaining three quotes were evaluated by the Steering Group. Opinion Research Services (ORS) were appointed to undertake the work in compliance with the Welsh Government guidance entitled 'Undertaking Gypsy and Traveller Accommodation Assessments May 2015' (GTAA Guidance).
6. The GTAA also informs the Local Development Plan (LDP) for the Vale of Glamorgan. Welsh Government Guidance requires Local Planning Authorities to accommodate any unmet needs identified in their area within the Development Plan. The LDP is currently being considered at the Examination in Public. Sessions were held between January and April this year and the Council is currently working on Action Points arising from those sessions with a view to preparing a Matters Arising Changes (MAC) Schedule for public consultation later this year.
7. The Local Development Plan (LDP) for the Vale of Glamorgan contains a specific policy (MG5) to allocate a new Gypsy and Traveller site. The allocation was proposed as a response to the unmet need identified in the 2013 GTAA.
8. At the LDP hearing session held on 22nd March, 2016, the Inspector was advised that a new GTAA was in the process of being prepared in accordance with section 101 of the Housing (Wales) Act 2014. The Inspector was advised that a draft version of the GTAA was submitted to the Welsh Minister on 26th February, 2016, as required under section 102 of the 2014 Act. The Draft GTAA was not a published

document and the Inspector was advised that it was hoped that the final version of the GTAA would be agreed by the Council's Cabinet and published by the end of April, 2016. This resulted in the Inspector making the following action point:

- Action Point 2: Council to submit the updated Gypsy and Traveller Accommodation Needs Assessment (currently being prepared). The Council should also submit a Position Paper outlining the implications for the Plan, including how the needs of permanent, transit and traveling show people should be addressed within the Plan - identifying new allocations if necessary. Also include monitoring indicators within the Plan as necessary.
9. The Inspector requires the final version of the document, once published, together with an explanation of the implications of the result of the Assessment and how the Council proposes to address the need identified in the final version of the Assessment. The Inspector confirmed that he will give the new assessment 'substantial weight'.
 10. In addition to the above, due to a flooding constraint affecting the Hayes Road Site that the Inspector considered could not be overcome or mitigated, he also directed the following action point:
 - Action Point 5: In light of C2 flooding constraints, delete "Hayes Road, Sully" as a Gypsy and Traveller allocation. Council to provide an update as to how it wishes to address the resulting shortfall within the Plan (including any additional need identified under Action Point 2 above).
 11. The Inspector also considered the Council's duty under section 103 of the Housing (Wales) Act 2014, which requires Local Housing Authorities to meet any unmet need identified in an approved Assessment. In view of this duty, the Inspector was of the view that the Plan is unlikely to be found sound should the plan not allocate sufficient land to accommodate any need identified in the new GTAA.

Relevant Issues and Options

12. The Current Draft version of the new GTAA (attached at [Appendix 1](#)) identifies a total of 19 Gypsy and Traveller families living in the Vale of Glamorgan, which includes one family at Llangan, one family at Twyn Yr Odyn, Wenvoe, and 17 on the Hayes Road site in Sully. Whilst there is one vacant authorised permanent private residential pitch in the Vale of Glamorgan, it is not currently available for rent or sale. Accordingly, there are currently no authorised sites within the Vale of Glamorgan that could accommodate any of the 19 families identified.
13. The land at Hayes Road, Sully is owned by the Council and since January 2012 has been an unauthorised Gypsy and Traveller site, occupied by New Age Travellers and Travelling Show People.
14. During the consultation period for the GTAA, discussions were undertaken with twelve occupants of the site by Tai Pawb, a specialist organisation that was set up to promote equality in housing. During the discussions the occupants made it very clear that they would not live on a Gypsy and Traveller site that met the requirements of the Welsh Government Guidance 'Designing Gypsy and Traveller Sites, May 2015'. Their requirement is for a piece of land that they can self-manage and self-design.
15. Chapter five of the Welsh Government GTAA Guidance, sets out how Local Authorities should consider meeting their unmet need identified in the Assessment. Three options for meeting the need are set out in the guidance, one of which encourages the Local Authority 'working proactively with Gypsy or Traveller

households to develop a more community led approach such as a Community Land Trust (CLT)' (paragraph 240). The Guidance also states that such an approach 'may be more attractive than living on Local Authority sites to certain communities, for example, New Travellers' (paragraph 245).

16. In undertaking the GTAA, regard is had to the Welsh Government GTAA Guidance, which advises at paragraph 146 as follows:

“146. Local Authorities should not include households on ‘tolerated’ sites within current residential supply unless the site has been provided with assurances that no planning enforcement action will be taken against the site within the subsequent 5 year period.”
17. Given, the situation that exists at Hayes Road, careful regard has been paid to the most appropriate way forward. We are particularly mindful of the need to progress the LDP, a key strategic document, as well as the need to provide a realistic and appropriate site for Gipsy and Travellers, which will require meaningful engagement with the travellers currently occupying the Hayes Road site. In addition, the lack of a readily alternative site means that the prospects of success in seeking the eviction of travellers from the Hayes Road site is low. In accordance with the above guidance, it is proposed that Cabinet agree to issue the occupiers of the Hayes Road, Sully site with written assurance that no planning enforcement action will be pursued against the residential use of the site within the subsequent five years from the date of the letter. This will allow the Council the opportunity to work with the travellers to identify a new site, within the spirit of the advice contained within the Welsh Government GTAA Guidance.
18. In taking the approach set out above, the occupiers of the Hayes Road site will not be found to be in need for the purposes of section 103 of the Housing (Wales) Act 2014.
19. Notwithstanding this, the Council's obligation under the Welsh Government Guidance in Circular 30/2007 on 'Planning for Gypsy and Traveller Sites' will still remain, which is to accommodate the needs of Gypsies and Travellers over the Development Plan Period (i.e. beyond the 5 years of the current draft GTAA). As such, it is proposed that the Llangan site is allocated in the LDP as the Gypsy and Traveller allocation for 2 pitches, formally accommodating the need identified on the Llangan site itself and the Wenvoe site (following the expiry of the temporary planning permission, and in the event that no further planning permission is either sought or obtained). Furthermore, providing the occupiers of the Hayes Road site with the assurance that no Planning Enforcement action will be pursued within 5 years would allow the site to continue to be occupied as the Council has already been tolerating its occupation since January 2012 as there was no alternative site provision available in the Vale of Glamorgan to which to move them. As stated above, this action will allow the Council time to work with the occupants to come to a mutually agreeable resolution and to provide them with a site that will meet their needs.
20. It is the intention that whilst the written confirmation will seek to give occupants an assurance that enforcement action will not be taken for five years, it is envisaged that the situation will be resolved within two years. The reason for specifying a five year period is to ensure compliance with paragraph 146 of the Welsh Government GTAA Guidance. This will enable the Council to address the LDP Inspector's Action Points in a timely manner and at the same time ensure that a long-term sustainable solution is found to meeting the accommodation needs of the travellers currently occupying the Hayes Road site. This will result in the GTAA for the Vale of Glamorgan

identifying that only two traditional pitches or plots are required for Gypsies and Travellers in the Vale of Glamorgan over the next five years, which will be dealt with as part of the LDP process.

21. The timetable that the Council will adopt to meet this requirement is included in the table below.

Mechanisms	Timescale
Establish a multi-departmental Council working group to include the following: <ul style="list-style-type: none"> • Director • G&T Liaison Officer or Organisation • Housing • Planning • Visible Services • Project Management • Representatives of the Hayes Rd occupiers 	Already established since the hearing meeting.
Agree project management arrangements including reporting structure.	By end of June 2016
Agree methodology for undertaking site search and assessment	By end of June 2016
Undertake a site search and assessment and secure approval of findings including identification of an appropriate site.	By end of December 2016
Seek to secure planning permission and, if appropriate, funding (including any grant funding from Welsh Government) for the identified site.	May, 2018

22. As stated earlier the completed GTAA ([Appendix 1](#)) confirms that the current situation in the Vale of Glamorgan is that there are 19 Gypsy and Traveller families currently residing in the Vale of Glamorgan. Of these 19, one family is occupying a single pitch site with temporary planning permission that will expire in December 2017, one family is on a long term unauthorised site that has been in occupation for over fifteen years, and seventeen families occupy the unauthorised site in Hayes Road, Sully. In anticipation of the approval of the recommendation to write to the occupiers of the Hayes Road site (i.e. allowing the site to be included within the supply); the new GTAA identifies a total of 2 families being in unmet need. The table below shows the research findings of the estimated need in the Vale of Glamorgan for permanent pitches for the period of the GTAA 2015 to 2020.

Type	Need Arising	Need
Accommodated		
Current residential demand	2	
Future residential demand (yr. 5)	0	
Planned residential supply		0
Unmet need (yr. 5)	2	

23. Whilst it is difficult to estimate further ahead than five years and a new GTAA will be required at that time, the research has estimated that for the whole of the remaining development plan period, i.e. after the five year period of the Assessment, the unmet need will increase to twenty (20). This is the case, as it includes the occupants of the Hayes Road, Sully site if their situation has not been resolved and one additional

pitch which it is estimated will be required through new household formation over the period.

24. The GTAA further indicates that there is not a need for the Council to provide a transit site in the Vale of Glamorgan at this time, but recommends that it continues to monitor the number of unauthorised encampments and gives consideration to the use of short term toleration or Negotiated Stopping Arrangements to deal with short term transient stops.
25. In light of the above evidence and background, this report's recommendations seek to satisfy the Council's duties as Housing and Local Planning Authority in respect of Gypsy and Traveller accommodation needs in the Vale of Glamorgan and comply with the requirement of the LDP Inspectors requirements.

Resource Implications (Financial and Employment)

26. There will be resource implications for the Council to meet the provision of a Gypsy and Traveller site in the Vale of Glamorgan. However, the Welsh Government's Gypsy and Traveller Sites Capital Grant offers 100% funding to a maximum of £1.5million per project which can be sought to assist the Council.

Sustainability and Climate Change Implications

27. The completion of the GTAA informs the need for a Gypsy and Traveller site in the Vale of Glamorgan which if delivered would meet the requirements of the Welsh Government Guidance in its design. This will assist in minimising the impact of climate change. In addition, the proposal will help the long term sustainability of the Vale of Glamorgan by meeting the accommodation needs of some of its residents and contribute to community sustainability.

Legal Implications (to Include Human Rights Implications)

28. The Council has a statutory duty to undertake a GTAA under Section 3 of the Housing (Wales) Act 2014.
29. In the absence of an approved Local Authority site, Welsh Government Guidance requires that Councils consider 'toleration' of unauthorised encampments as in the current circumstances.

Crime and Disorder Implications

30. An understanding of Gypsy and Traveller accommodation issues is essential to make properly planned provision and avoid the problems associated with ad hoc or unauthorised sites. A comprehensive GTAA and strategy to meet the need identified will greatly strengthen the ability of the Council to respond swiftly and firmly to inappropriate unauthorised developments and encampments and help to avoid these in the future.

Equal Opportunities Implications (to include Welsh Language issues)

31. The development of a GTAA is supportive of the Council's Equal Opportunities ethos as it identifies the mechanisms needed to increase access to a stable home for some of the residents of the Vale of Glamorgan.
32. The Council's Local Housing Strategy 2015-20 includes an aim which focuses on promoting equality of access to housing and housing services:

Aim 4: To promote equality of access to housing and housing services. This aim includes a number of objectives which include:

Eliminating discrimination, harassment and victimisation.

Respond to the diverse housing needs of people in the Vale of Glamorgan.

Corporate/Service Objectives

33. This report is consistent with the Corporate Plan 2016 - 20, as follows:

Well-being Outcome 1: An inclusive and safe Vale. Objective 2: Providing decent homes and safe communities:

Provide appropriate accommodation and support services for particularly vulnerable groups.

Increase the number of sustainable, affordable homes.

Well-being Outcome 2: An environmentally responsible and prosperous Vale:

Objective 4: Promoting sustainable development and protecting our environment:

Adopt and implement the Local Development Plan as a framework for sustainable development in the Vale of Glamorgan.

34. This report is also consistent with the Council's Local Housing Strategy 2015-20 which aims to ensure that 'Vale of Glamorgan residents have access to affordable, good quality suitable housing and housing advice and support'.

Policy Framework and Budget

35. This is a matter for Executive decision.

Consultation (including Ward Member Consultation)

36. No ward Member Consultation has been undertaken as the GTAA relates to the whole of the Vale of Glamorgan. Consultation will be undertaken with the appropriate ward Members when the location of a proposed Gypsy and Traveller site is identified.

Relevant Scrutiny Committees

37. Homes and Safe Communities & Environment and Regeneration

Background Papers

Undertaking Gypsy and Traveller Accommodation Assessments Guidance - Welsh Government May 2015.

Designing Gypsy and Traveller Sites Guidance - Welsh Government May 2015.

Circular 30/2007 Planning for Gypsy and Traveller Caravan Sites.

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