

THE VALE OF GLAMORGAN COUNCIL

CABINET: 12TH MAY, 2021

REFERENCE FROM HOMES AND SAFE COMMUNITIES SCRUTINY
COMMITTEE: 14TH APRIL, 2021

“548 GYPSY AND TRAVELLER SITE SEARCH UPDATE (REF) -

The Head of Housing and Building Services explained that Cabinet, on 22nd March, 2021 had referred the report to the Scrutiny Committee for its consideration and comment, concerning the attempts to identify suitable sites for the long term needs of the Gypsy and Traveller community within the Vale of Glamorgan, with the suggested options and preferred way ahead as well as the outcomes of the public 'Call' for gypsy and traveller sites that was undertaken. It also referred to the further consultation work that the Council had carried out in 2020 regarding this issue.

As part of this, and, subject to consideration of any comments from Homes and Safe Communities Scrutiny Committee, the Strategic Housing Board could also investigate further the permanent use of the land at Hayes Road, Sully (existing tolerated site and adjoining land) in conjunction with site investigations, the potential for purchasing additional land to facilitate development and the submission of a planning application for the same. The need to provide a permanent site for the Gypsy and Traveller Community had been identified as a strategic priority for the Council as well as being a legal obligation and statutory duty under the Housing (Wales) Act 2014 and to fulfil its commitments as set out in the adopted Local Development Plan 2011-2026.

The Gypsy and Traveller Accommodation Assessment (GTAA) concluded that a total of 2 pitches were required for the first 5 years (short to medium term), and that a further 18 pitches were required for the remainder of the Local Development Plan period to 2026 (long term need). The short-term needs for the Traveller community had been met through private provision. Contact has been maintained between the Council and the Traveller community at the Hayes Road site, with the identification of a suitable privately owned site as yet not identified. A new GTAA, delayed by COVID-19, would now need to be submitted to Welsh Government (WG) by February 2022.

The Operational Manager for Planning and Building Control outlined the planning issues around establishing a permanent Gypsy and Traveller site, explaining there had been a long process trying to identify both Council and privately owned land, which had so far been unsuccessful despite extensive contact and a media campaign to garner private sector interest in forwarding possible permanent sites for the Traveller community. Compulsory Purchase could also be considered for potential sites, but the Officer explained that this would present a challenge to the Council and therefore was a last resort. As a result, consideration should also be given to the existing tolerated site at Hayes Road and to look at ways of overcoming

some of the constraints and issues faced at that site, such as parts of the site and access to it falling within a flood zone, and purchasing private land adjacent to the site in order to mitigate this.

The Chairman then welcomed Mr. Richard Thomas, the first public speaker.

Mr. Richard Thomas started by saying he represented the 'Our Future Community', a group preparing a Place Plan for Sully on behalf of the Community Council. This group had a number of objections to the proposed development of the Hayes Road site as a permanent site:

- Regarding land use, the proposed enlargement of the Gypsy and Traveller site would prevent the creation of a much needed and widely supported community facility, namely, the proposed allotments for local residents that the Community Council had obtained planning permission for previously. The Gypsy and Traveller site could be sited anywhere else in the Vale, but the proposed community allotments could not be;
- The practicalities of gaining access to the site whilst avoiding a flooded Hayes Road would mean using land outside the Council's ownership, for example, any roadway would probably have to cross Glebe Field, in the ownership of the Welsh Church Acts Trust. This would place the trustees in a dilemma in having to follow the Charity Commission's requirement to obtain best value. If they agreed a sale, the road and proximity of the proposed site would significantly reduce its value as a housing site and restrict its development for housing or other uses, such as building a Library or Health Centre. If the Council resorted to compulsory purchase, the trustees would only receive its current value as agricultural land, and a reduction in its future value as a housing site.

The second public speaker was Mr. Stephen Thomas, who stated he was speaking on behalf of the 'Saving Sully and Lavernock Group' of which he was the Chairman. He wished to raise the following issues with the Committee:

- That WG guidelines, on sustainability, health and wellbeing, access to utilities and so on for the site would be lowered in order to develop and enlarge the site at Hayes Road;
- The Hayes Road site had been originally discounted (as had other sites within the Vale) in a previous site search report due to being on a C2 Flood Zone and had also been discounted by the LDP Inspector, but the Hayes Road site had now 'risen from the ashes' as an option and the preferred site from the original report had not;
- The current report did not mention the potential acquisition, development and other costs associated with setting up a permanent site;
- Hayes Road was outside the settlement boundary of the village which was the same rationale given for not allowing planning permission for residential development on the BP Sports Field in Sully;
- When the Hayes Road site was vacated by Biffa Waste the land should have been returned to the Vale of Glamorgan Council in good condition and in vacant position;

- Mr. Thomas urged the Committee to review the report's proposals in order to ensure that no mistakes were made which would affect the reputation of the Vale of Glamorgan Council.

The final public speaker was Councillor Christopher Tatt, representing the Sully and Lavernock Community Council, of which he was Vice-Chairman and he wished to raise the following matters concerning this report:

- Referring to the issue previously raised by Mr. Richard Thomas around land use and the siting of allotments for the local residents at the Hayes Road site, the Councillor stated that the Community Council had a legal duty to provide allotments under the 1908 Smallholding and Allotments Act and therefore objected to the land being developed as part of a permanent Gypsy and Traveller site, when the Community Council had planning permission to develop the allotments at the site and had positive initial discussions with the Vale of Glamorgan Council concerning this. This had followed the rejection of the use of the land as a permanent Gypsy and Traveller site by the LDP Inspector previously;
- The impact on the nearby Beechwood College who catered for students that had Autism and Asperger's Syndrome. The College had approached the Community Council about the proposed allotments as they would be of great benefit to these students in terms of both therapy and training in a potential career in garden services;
- To conclude, he asked the Committee to help the Community Council to meet its community and legal obligations.

The Chairman thanked the speakers for their contributions and asked the relevant Officers to respond to the points raised.

In responding to the main points, the Operational Manager for Planning and Building Control advised that:

- Many of the concerns raised by the public speakers would be fully considered as part of any future planning application process. This was only the very start of the appraisal process which would identify and consider the development of potential sites and there would also be a wider public consultation undertaken as part of this process. As part of this, the potential for Hayes Road to be a permanent site for the Traveller community would also be explored and was therefore not a 'done deal';
- In terms of land acquisition and any relevant costs, there was no firm commitment or proposal yet for the Hayes Road site to be the final site, so no firm costings could be considered yet until site investigations and the planning application process had been initiated, as well as the need to liaise with WG regarding funding and the potential need to fund this through the Council's capital funding.

The Head of Housing and Building Services also addressed the issues raised as follows:

- The report in question was an early exploration of the potential of the site at Hayes Road and a further report would need to be submitted to Cabinet for consideration before any final decision was made on the site's viability;
- WG confirmed that funding would be made available to the Council in order to deliver permanent Traveller sites;
- Regarding the suggested relaxation of standards, the Officer stated that the WG guidance was non-statutory;
- Following Scrutiny's previous consideration of this matter, the Council had built a more positive relationship with the Traveller Community and had discussed their aspirations and needs – both at a community and at a more individual level. The Traveller community wanted to be involved in any discussions that impacted on their futures;
- Any Council owned site developed as a Traveller site would need to meet Health and Safety standards as well as the requirements under the Mobile Homes legislation. As the landowner of the site, the Council would consult with the Traveller Community, WG and local residents about the required designs and specifications in order to develop the Hayes Road site or any other sites considered for development in this way;
- The Traveller community at Hayes Road had been resident at the site for some time and there had not been any fundamental issues with their occupation of the site;
- Regarding Biffa Waste's use of the site, the Vale of Glamorgan Council held the waste license following Biffa's departure and their conditions had been met to the satisfaction of Natural Resource Wales (NRW).

Councillor Mrs. Wilkinson, the Cabinet Member for Housing and Building Services, wished to add that, as Officers had alluded to already, the potential for Hayes Road as the final, permanent, site for the Traveller Community was not a 'done deal' and this was why the Cabinet had recommended that this report go to Scrutiny for their consideration and for any comments to go back to Cabinet, which would then be taken on board.

Councillor Williams, the Cabinet Member for Legal, Regulatory and Planning Services wished to add that Cabinet would be listening to the concerns and comments raised at this meeting and this report would help to kickstart the consultation process and the need to resolve this ongoing issue going forward.

Councillor Penrose, the local Ward Member for Sully, was then asked to address the Committee. Councillor Penrose outlined his objections to the Vale of Glamorgan Council considering reinvestigating this candidate site on Hayes Road:

- The proposed permanent Traveller site would be outside the residential settlement boundary for Sully;
- The site was within the 'blast zone' of the Dow Corning Works in Barry, which posed health and safety risks to the Traveller community within;
- The Hayes Road candidate site was rejected by the Welsh Government Planning Inspector at the LDP hearings because the entrance road and the lower part of the site were in a C2 flood plain in contravention of Welsh Government Tan 15 regulations;

- The flood zone on the site had been flooded twice in the last 12 months. In the last instance it was flooded to a depth of several feet resulting in Hayes Road and the Traveller site being closed for 4 days allowing no access to the candidate site;
- Purchasing land on an adjacent site and a new road access to this was fraught with problems, for example, flooding in Hayes Road would cut off this new road to residents and the Traveller community in Sully and would force them to go through a private road owned by A.B.P Ltd. which was purely for access to companies trading on the docklands;
- Possible purchase and use of nearby land (such as those owned by the Welsh Church Act Estate) would stop the development on these lands of buildings and services that would benefit the local communities, for example, the building of a new Health Centre, Library and car parking to support local businesses;
- There were a number of objections from local residents and the authorities at Beechwood College previously raised about the existing Traveller site;
- There were a number of alternative sites for the Traveller community – both private and Council owned – such as the Alps, Court Road, Llangan and the Boys Camp in East Aberthaw.

Councillor Mahoney the co-Ward Member for Sully, also asked to address the Committee, and raised the following points:

- Previous assessments of possible Gypsy and Traveller sites by the Vale of Glamorgan Council had discounted the Hayes Road site as suitable for the Gypsy and Traveller community and had pointed to other more suitable sites such as Llangan;
- Echoing previous concerns, he stated that the WG LDP Inspector had also previously discounted the Hayes Road site due to it being within a flood zone, but the Council had allowed the community to stay there despite this risk;
- Concerns that standards would be downgraded in order for the Gypsy and Traveller settlement to stay at the Hayes Road permanently;
- An independent examination should be set up concerning the Planning Department's work around this.

The Chairman thanked the Councillors for their contributions and asked the relevant Officers to respond to the points raised.

In responding to the main points raised, the Operational Manager for Planning and Building Control advised that:

- The issue raised about the settlement boundary. In planning policy terms, the consideration of Gypsy and Traveller accommodation involved different planning policies compared to regular open market residential schemes and so did not have to be within the settlement boundaries;
- In terms of new access to the site, this would not be within the flood zone but would be to the east of the existing site and therefore, with the adopted highway, would not experience floods. This would also remove the need for residents to access the private ABP road in order to exit/enter Sully;

- There had been considerable effort to explore alternative sites, private, Council owned, and so on, and the report acknowledged that as well as the need to look at removing the constraints at the Hayes Road site;
- There would be no downgrading of standards at Hayes Road. The current WG guidance did not take into account the needs, wants and desires of the current occupiers at Hayes Road and there was a discussion with WG to widen the guidance to cover this part of the Traveller community;
- With regard to the Boys Camp at East Aberthaw, an interested party had contacted the Officer recently about this site and she had explained to them the current situation and if they did procure the site to contact the Planning Department in order to explore this further. The Officer stated that if Councillor Penrose and other Members did know of any other interested parties and other sites that could be considered, they should contact her.

The Head of Regeneration and Planning wished to add that:

- The Hayes Road site had been put forward as a potential option for permanent settlement and as part of the LDP only after extensive consultation with various statutory consultees, including NRW, who advised the WG on flooding issues. Following the submission of a flood consequences assessment NRW did not object to the proposed allocation of the site which included a scheme for the evacuation of the site should flooding occur;
- The LDP Inspector had not categorically rejected the site as a permanent settlement as that was not within his remit but rather, he did not agree to the site's allocation as part of the LDP and he had only considered those aspects relevant to his role (for example, the soundness of the development plan);
- The indicative plan that was included with the proposed allocation of the Hayes Road site, within the LDP, proposed siting caravans on areas not falling within the flood zone;
- The front portion of the Hayes Road site was within the outer notification zone for Dow Chemicals set by the Health and Safety Executive for new developments but this would not automatically preclude the use of the remainder of the site and this would be considered in any future assessment.

The Head of Housing and Building Services also wanted to add to Officers' previous comments that there would be no reduction in design and other standards at the Hayes Road site, but rather the current WG standards did not 'fit' the requirements of the Traveller community at Hayes Road and there was a need to work with the Travellers to design the site they would wish to live in whilst ensuring that the minimum standards were met.

The Chairman then asked Members of the Committee (and others) to make comments:

- Ms. H. Smith (Tenant Working Group Representative) asked about how the Compulsory Purchase Order worked. The Head of Regeneration and Planning explained this was a statutory power available to the Council to force the purchase of land, if the landowner did not want to sell, for a statutory purpose managed by the Council such as to provide a road, for regeneration or to develop a site for Gypsies and Travellers.

- Councillor Ms. Aviet asked if the Hayes Road site was chosen, would there be enough room in order to accommodate the local allotments proposed. The Operational Manager for Planning and Building Control explained that unfortunately the two developments could not both be sited within the area.
- Councillor Mrs. Perkes asked if Officers knew about any other Councils which were having similar issues in providing a permanent site to their Gypsy and Traveller communities. The Head of Housing and Building Services stated that all Welsh Councils were required to provide 'Caravan Counts', which in 2020 recorded approximately 1,000 caravans over 136 sites in Wales. These were sited in both authorised and unauthorised sites. He felt that the issues faced by the Vale were not unique to this Council. The Head of Regeneration and Planning stated that it was becoming more challenging to get planning permission to progress Gypsy and Traveller sites throughout Wales.
- Councillor Mrs. Perkes also asked if there was a deadline set by WG in order to provide a permanent Gypsy and Traveller site. The Head of Regeneration and Planning said that the GTAA set out that the site requirements be delivered within the lifetime of the assessment, although it was acknowledged this was not always possible. Another deadline for this site would be within the lifetime of the current LDP (to end in 2026) and so ideally a permanent site would be found before this date. The Head of Housing and Building Services also stated that the WG had not set a concrete deadline and were content with the progress made by the Council in light of the challenges faced.
- Councillor Mrs. Hanks asked about the potential of the Llangan site. Councillor Mrs. Cave, the Ward Member for the area, explained that only the front of the Llangan site was usable with the remainder of the area sloping into marshland and therefore could not facilitate 18 pitches. This was echoed both by the Head of Regeneration and Planning and the Head of Housing and Building Services, stating that the area would need extensive engineering works to rectify this with no guarantee that this would work. Also, they outlined how mixing two distinct Gypsy and Traveller communities on the one site would be problematic.
- Councillor Mrs. Cave commented that the 'voices' of the Gypsy and Traveller Community were absent at this meeting in order to establish what they actually wanted for themselves and their families. The Head of Housing and Building Services replied that there had been regular discussions with the Traveller community with regard to their ambitions, needs and aspirations. These could not be fully satisfied until a permanent site could be found for them.
- Councillor Parker felt it would be useful for Officers to go back to the original report concerning numbers of Travellers at the Hayes Road site as these may have changed. The Head of Regeneration and Planning replied that the Council were working with the figures provided for the previous GTAA and until a new assessment was undertaken in the next 12 months. The Operational Manager for Planning and Building Control stated that annual counts were also undertaken at the Traveller site and the figure of 18 pitches required was still correct.
- Councillor Moore (Executive Leader and Cabinet Member for Performance and Resources) wished to stress that the report set out a possible solution to the long-term issue of having a permanent Gypsy and Traveller site. He also added that the concerns raised by the LDP Inspector had been addressed

within the report insofar as an alternative and suitable means of access could be made available outside the land impacted by flooding.

- Councillor Penrose was invited to speak and he asked about the proposed alternative vehicular path which was near to the perimeter to the Beechwood College, which could upset the students there. The Operational Manager for Planning and Building Control clarified that there was no precise location for the proposed road at this time and would not necessarily be near to the College.
- Councillor Mrs. Perkes asked if an alternative emergency access to the Hayes Road site could be found and that the Council look at the potential alternative sites to house the Traveller community. Councillor Parker echoed Councillor Mrs. Perkes' comments about looking at the feasibility and costs of constructing an alternative emergency access at the current site.
- Councillor Mahoney was invited to speak and reiterated his concerns around the impact of the permanent Traveller site at Hayes Road on Beechwood College, the proposed community allotments, the site still being in part within the flood zone and asked the Committee to recommend an independent review into the handling of this matter by the Council's Planning Department. The Head of Regeneration and Planning said that overall, the report was simply an exploration of the potential options around having a permanent site and nothing concrete had been decided as yet.
- Councillor Ms. Brooks suggested that the comments made at the meeting on this report be referred back to Cabinet in order for further exploration and consideration of the issues raised and more concrete proposals could then be made.
- Councillor Parker asked about the costs incurred by the existing site, to which the Head of Housing and Building Services replied that it was difficult to have a discussion around costs and other issues with the Traveller community until a permanent site, wherever this may be, was established.

There being no further comments and having fully considered the reference it was subsequently

RECOMMENDED –

- (1) T H A T Cabinet further investigate other alternatives to the land currently used at the Gypsy and Traveller site at Hayes Road, Sully (existing tolerated site and adjoining land).
- (2) T H A T Cabinet further investigate the feasibility of constructing an alternative emergency access at the current Gypsy and Traveller site.
- (3) T H A T Cabinet consider the comments from the Homes and Safe Communities Scrutiny Committee.

Reasons for recommendations

- (1) In order that Cabinet consider all possible alternatives and options in housing the Gypsy and Traveller community within a suitable site.

(2) In order that Cabinet consider all possible alternatives and options in constructing an alternative emergency access at the current Gypsy and Traveller site.

(3) In order that Cabinet consider the comments made at the Homes and Safe Communities Scrutiny Committee.”