

THE VALE OF GLAMORGAN COUNCIL

HOMES AND SAFE COMMUNITIES SCRUTINY COMMITTEE – 14TH APRIL, 2021

REFERENCE FROM CABINET: 22ND MARCH, 2021

**“C533 GYPSY AND TRAVELLER SITE SEARCH UPDATE (HBS)
(SCRUTINY – HOMES AND SAFE COMMUNITIES) –**

The report updated Cabinet on the attempts to identify a suitable site to meet the long term needs for Gypsy and Travellers in the Vale of Glamorgan and suggested a preferred way ahead.

It reported the outcome of the public 'Call' for candidate sites for gypsy and traveller use that was approved by Cabinet on 20th January, 2020 and undertaken by the Council from 17th February to 30th March, 2020.

A further direct approach to land agents / sellers was made in December 2020-January 2021 regarding potential sites that were for sale in the Vale of Glamorgan area.

The report set out the way forward for the Council to address the identified long-term gypsy and traveller accommodation needs in the Vale of Glamorgan and the matters and issues related to the proposed options.

Councillor Mrs. Wilkinson said that once a site was up and running it would be of benefit for Gypsy and Travellers in the Vale of Glamorgan.

Councillor Williams referred to the planning aspect to this report and that this had been looked at previously as a Council. Time had been taken to get to the current point, but the need remained for a site to be identified. Discussions had taken place and some compromises discussed. The Homes and Safe Communities Scrutiny Committee would also have an opportunity to consider the report as part of the consultation and would then report back to Cabinet with any further comments.

The Leader added that the previous deadline concerning gypsy and traveller accommodation needs in the area was due to be submitted to Welsh Government by February 2021, however as a result of the pandemic this date was delayed until 2022.

This was a matter for Executive decision.

Cabinet, having considered the report and all the issues and implications contained therein

RESOLVED –

- (1) T H A T the report, including the outcome of the public 'Call' for gypsy and traveller sites that was undertaken from 17th February to 30th March, 2020 and the further direct approach to land agents / sellers was made in December 2020 – January 2021 regarding potential sites that were for sale in the Vale of Glamorgan area, be noted.
- (2) T H A T the options available to the Council as set out in the report to address the long-term gypsy and traveller accommodation needs in the Vale of Glamorgan be noted.
- (3) T H A T the report and recommendations be referred to Homes and Safe Communities Scrutiny Committee for consideration, with any comments being reported back to Cabinet for further consideration.
- (4) T H A T, subject to consideration of any comments from Homes and Safe Communities Scrutiny Committee, the Strategic Housing Board investigate further the permanent use of the land at Hayes Road, Sully (existing tolerated site and adjoining land) including: detailed site investigations; discussions to progress the potential purchase of any additional necessary land to facilitate the development; and submission of a planning application for the development.
- (5) T H A T a further report be presented to Cabinet following further investigations and the outcome of the planning application to advise Members of the next steps to address the long-term gypsy and traveller accommodation needs in the Vale of Glamorgan. This report to include further information regarding the procurement of necessary land to deliver a suitable site either by negotiation or compulsory purchase.

Reasons for decisions

(1&2) Having regard to the contents of the report and discussions at the meeting.

(3) To seek the views of the Homes and Safe Communities Scrutiny Committee on the matters raised in the report.

(4) To progress the most feasible option for the Council to meet its legal duties and deliver a permanent gypsy and traveller site that would appropriately address the long-term unmet accommodation needs in the Vale of Glamorgan.

(5) To advise Cabinet of progress in due course and to ensure the Council meets its legal duties and deliver a permanent gypsy and traveller site that would appropriately address the long-term unmet accommodation needs in the Vale of Glamorgan.”

Attached as Appendix – Report to Cabinet: 22nd March, 2021

Meeting of:	Cabinet
Date of Meeting:	Monday, 22 March 2021
Relevant Scrutiny Committee:	Homes and Safe Communities
Report Title:	Gypsy and Traveller Site Search Update
Purpose of Report:	To advise Cabinet of the outcome of the search for sites and to agree the way forward for addressing long term gypsy and traveller accommodation needs in the Vale of Glamorgan.
Report Owner:	Cabinet Member for Housing and Building Services and Cabinet Member for Legal, Regulatory and Planning Services
Responsible Officer:	Rob Thomas, Managing Director and Miles Punter, Director of Environment and Housing
Elected Member and Officer Consultation:	Head of Regeneration and Planning Head of Housing and Building Services Operational Manager for Public Housing Operational Manager for Planning and Building Control Strategic Estates Manager Finance Support Manager Lawyer - Legal Division Sully Ward Members
Policy Framework:	This is a matter for executive decision by Cabinet.
<p>Executive Summary:</p> <ul style="list-style-type: none"> • This report updates Cabinet on the attempts to identify a suitable site to meet the long term needs for Gypsy and Travellers in the Vale of Glamorgan and suggests a preferred way ahead. • It reports the outcome of the public 'Call' for candidate sites for gypsy and traveller use that was approved by Cabinet on 20th January 2020 and undertaken by the Council from 17th February to 30th March 2020. • A further direct approach to land agents / sellers was made in December 2020-January 2021 regarding potential sites that were for sale in the Vale of Glamorgan area. 	

- The report sets out the way forward for the Council to address the identified long-term gypsy and traveller accommodation needs in the Vale of Glamorgan and the matters and issues related to the proposed options.

Recommendations

- 1.** That Cabinet notes the report including the outcome of the public 'Call' for gypsy and traveller sites that was undertaken from 17th February to 30th March 2020 and the further direct approach to land agents / sellers was made in December 2020-January 2021 regarding potential sites that were for sale in the Vale of Glamorgan area.
- 2.** That Cabinet notes the options available to the Council as set out in the report to address the long-term gypsy and traveller accommodation needs in the Vale of Glamorgan.
- 3.** That the report and recommendations be reported to Homes and Safe Communities Scrutiny Committee for consideration, with any comments being reported back to Cabinet for further consideration.
- 4.** That, subject to consideration of any comments from Scrutiny Committee, the Strategic Housing Board investigate further the permanent use of the land at Hayes Road, Sully (existing tolerated site and adjoining land) including: detailed site investigations; discussions to progress the potential purchase of any additional necessary land to facilitate the development; and submission of a planning application for the development.
- 5.** That a further report is presented to Cabinet following further investigations and the outcome of the planning application to advise members of the next steps to address the long-term gypsy and traveller accommodation needs in the Vale of Glamorgan. This report to include further information regarding the procurement of necessary land to deliver a suitable site either by negotiation or compulsory purchase.

Reasons for Recommendations

- 1.** To inform Cabinet of the outcome of the public 'call' for gypsy and traveller candidate sites and further approach to land agents that no candidate sites or sites for sale were received by the Council.
- 2.** To inform Cabinet of the options explored and remaining viable options available to address the accommodation needs of gypsy and travellers in the Vale of Glamorgan.
- 3.** To seek the views of the Homes and Safe Communities Scrutiny Committee on the matters raised in the report.
- 4.** To progress the most feasible option for the Council to meet its legal duties and deliver a permanent gypsy and traveller site that would appropriately address the long-term unmet accommodation needs in the Vale of Glamorgan.
- 5.** To advise Cabinet of progress in due course and to ensure the Council meets its legal duties and deliver a permanent gypsy and traveller site that would appropriately address the long-term unmet accommodation needs in the Vale of Glamorgan.

1. Background

- 1.1** The need to provide a permanent site for the Gypsy and Traveller Community has long 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.
- 1.2** In accordance with the requirements of the Housing (Wales) Act 2014, the Council engaged consultants to prepare a Gypsy and Traveller Accommodation Assessment (GTAA) (May 2016). The GTAA was prepared in accordance with guidance produced by the Welsh Government and provides a robust and credible evidence base to further the understanding of gypsy and traveller accommodation needs within the Vale of Glamorgan.
- 1.3** The GTAA was adopted by Cabinet on 6th June 2016 (Cabinet Minute C3206 refers) and in accordance with section 102 of the Housing (Wales) Act 2016 was submitted to the Welsh Ministers on the 28th June 2016. Following minor amendments and clarifications the GTAA was approved by the Welsh Ministers on the 28th March 2017.
- 1.4** The GTAA study assesses the accommodation needs of the Gypsy and Traveller community in the Vale of Glamorgan to 2026 and provided the evidence base of the Council's Local Development Plan (LDP) 2011 - 2026. In summary it 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).
- 1.5** Since the adoption of the GTAA, the short to medium term need of 2 pitches has been met through private provision. A programme of intended actions and timetable to meet the longer-term need was included in the LDP Monitoring Framework as part of the LDP Examination in Public. Annual updates on meeting the long-term gypsy and traveller accommodation needs are provided in the LDP Annual Monitoring Report (AMR) that is published by 31st October each year (monitoring indicator 7.5 refers). The AMR is used to monitor the implementation of the LDP and can be a material consideration in planning decisions.
- 1.6** While the Gypsy and Traveller Accommodation Board (now part of the Strategic Housing Board) has been established since September 2016, and contact has been made and maintained with the occupiers of the Hayes Road site, the identification of a suitable site that can be developed by the target date originally indicated in the LDP has not been met. Although extensive and detailed site search investigations of Council owned land and some investigation into the availability of privately-owned land has taken place, no suitable site has yet been identified.
- 1.7** Previously Cabinet considered a proposal for a site at Hayeswood Road as the preferred site to meet longer-term Gypsy Traveller needs. However, following consideration by the Homes and Safe Communities Scrutiny Committee, it was resolved by Cabinet on 15th October 2018 that the findings of the Site Assessment (attached at Appendix A of the report to Cabinet on 17th September,

2018 and subsequently considered by Homes and Safe Communities Scrutiny Committee) be rejected and the identification of the site at Hayeswood Road, Barry as the preferred site be rejected. The reason being that the site identified at Hayeswood Road was unsuitable given the potential impact on existing and proposed businesses as well as residential occupiers and the potential of the proposal to undermine continued investment in employment opportunities in the area.

- 1.8** Following this, it was decided that a new gypsy and traveller site selection process should be undertaken to assist with the identification of new land that could deliver a permanent traveller site to address the long-term accommodation needs identified in the GTAA.

2. Key Issues for Consideration

Desirable Site Requirements of Hayes Road Travellers

- 2.1** Welsh Government Circular 30/2007 states that it is not considered appropriate to set a national maximum size for a site, but that sites should be considered in context and in relation to the local infrastructure and population size and density to ensure they do not dominate local settled communities.
- 2.2** As a minimum, the good Practice Guide in Designing Gypsy and Traveller Sites in Wales, states that each pitch should be capable of accommodating a range of specific facilities including an amenity block, large trailer, touring caravan and parking for two vehicles. Where additional space permits, the inclusion of children's play space is considered essential. In general, pitches should include the following:
- A service unit connected to water supply, drainage, electricity and other services/facilities;
 - A hard-surfaced level area with drainage falls;
 - Provision for drying clothes;
 - A lockable shed for tools, bikes, extra storage;
 - A suitable container for domestic refuse and/or access to container for bulkier waste;
 - A distribution of electricity hook-up points to allow for the different positioning of caravans and trailers;
 - A way of securing caravans and trailers during high winds such as steel rings laid in concrete which would allow ropes to be threaded through and secured to keep caravans and trailers from being buffeted by the wind;
 - Hook up to drains and sewage systems; and
 - Alleviation from flood risk.

2.3 Through engagement with the occupiers of the Hayes Road site, it has been established that the Welsh Government guidelines on formal pitch provision does not reflect the aspirations and requirements of how they would wish to live on a site. For example, they have indicated a desire for a more informal / organic arrangement and some shared communal / communal facilities.

2.4 Informal engagement with the current occupiers of the tolerated site at Hayes Road has revealed the following 'asks' from the residents about their preferred site arrangements. However, it should be noted that preferences vary between residents and that some of their requests are not statutory requirements:

- Access to the highway network and public transport;
- Good access to services like health care, schools, shops etc.;
- Electricity and water supply;
- Ideally located in the 'eastern' Vale of Glamorgan not too far from the established tolerated site;
- Trees on site;
- A fresh water stream on site;
- Ability to grow vegetables and have a small amount of livestock;
- A shared community facility (building / shelter) for gatherings;
- A workshop for vehicle repairs, woodcraft etc.

2.5 For the purposes of identifying a site, an appropriate pitch size has been assumed to be between 400 - 450 square meters, which would equate to a requirement for a site of approximately 0.81 hectares (before any onsite constraints are considered). In order to consider the possible development of multiple sites to meet the need identified in the GTAA, the minimum site size threshold of 0.5 hectares remains appropriate.

Results of the Call for Sites 2020

2.6 On Monday 20th January 2020, Cabinet resolved to undertake a public 'Call' for candidate sites that may be used for a gypsy and traveller site. The proposed assessment methodology for submitted candidate sites was also approved. A 6-week 'call' for gypsy and traveller sites was subsequently undertaken by the Council between 17th February and 30th March 2020. During this time, full details of the call for sites, including submission forms and the site assessment methodology were made available on the Council's public consultation webpage.

2.7 The call for sites was also widely publicised during the 6-week public consultation period with public notices placed in numerous publications including the Penarth Times, Western Mail, Glamorgan Gems and in the estates publication Property Weekly. Details of the call for sites were also posted on Twitter and on the

Travellers Times website. In addition, the Council directly contacted local planning agents, estate agents, housing associations, landowners, developers, Town and Community Councils and other potentially interested parties with details of the call for sites. In total, 153 individuals and organisations were directly informed of the call for sites.

- 2.8** Despite the formal public consultation process, no candidate sites were received during the 6-week 'call' for gypsy and traveller sites.

Further Site Identification Options

- 2.9** As Cabinet will be aware from earlier reports, extensive and detailed site search investigations of Council owned land have previously taken place, but no suitable sites have been identified (see Cabinet report 15th October 2018 minute no. C440). Previous site identification work comprised desk-based assessments utilising the Council's Geographic Information System (GIS) and drew upon the Council's land estates ownership database or terrier and considered sites of 0.3 hectares and above. This work generated more than 500 sites within Council ownership or management and generated a wide range of sites including agricultural land, open space, highways land, schools etc. To filter these sites to identify potentially suitable (available and reasonably deliverable) land any operational sites such as the Council's Court Road Depot and Highways Maintenance Yard at Wenvoe were discounted given their current use and the operational and service delivery requirements of the Council. The findings of that assessment were presented at Appendix A to the Cabinet Report on 15th October 2018:

[https://www.valeofglamorgan.gov.uk/Documents/ Committee%20Reports/Cabinet/2018/18-09-17/Housing-Development-Programme-Hayeswood-Road-Barry-Appendix-A.pdf](https://www.valeofglamorgan.gov.uk/Documents/Committee%20Reports/Cabinet/2018/18-09-17/Housing-Development-Programme-Hayeswood-Road-Barry-Appendix-A.pdf)

- 2.10** An earlier assessment had also included consideration of smaller Council owned sites i.e. those below 0.3 hectares, which if combined could provide for the need identified. This exercise failed to identify any additional sites of the required size worthy of further consideration as the smaller sites were mainly within built up areas and comprised council houses and gardens, small areas of incidental open space or areas of land adjacent to adopted highways. In addition to investigating Council owned sites, the Welsh Government were also contacted to ascertain whether any land held by the Welsh Government within the Vale of Glamorgan might be appropriate for use to accommodate the gypsy and traveller need identified in the GTAA. No sites were forthcoming.
- 2.11** In addition to the above, the Council has previously considered increasing occupancy at the existing gypsy and traveller site in Llangan. However, while the site is physically capable of accommodating additional gypsy and traveller groups/families, the specific circumstances of the current long-standing occupants of the site resulted in it being allocated in the adopted Local Development Plan under Policy MG5 for the provision of 2 pitches to meet the

short to medium term need identified in the GTAA. Welsh Government guidance advises that it should be recognised that Gypsies and Travellers are not a single community and have different values and attitudes with differing preferences for sites. It is not always possible or appropriate to integrate different Gypsy and Traveller communities, which would be required at the Llangan site that is already partially occupied.

- 2.12** Therefore, in the absence of any suitable local authority land or new candidate sites being promoted, the Council need to consider other options available to address the long-term accommodation needs of gypsy and travellers in the Vale of Glamorgan as identified in the 2016 GTAA.
- 2.13** Whilst the Council has developed a point of contact with the travellers at Hayes Road, further engagement may be necessary to ensure any site (or sites) can meet their fundamental needs. In addition, further discussion with Welsh Government (Equality and Prosperity Division) will also be necessary to clarify site design requirements and capital funding arrangements.

Purchase Land on the Open Market

- 2.14** Purchasing land on the open market is a possible option for the Council to secure the necessary land required to facilitate a gypsy and traveller site. A range of land is regularly marketed for sale through land agents throughout the Vale of Glamorgan. Officers have recently investigated the availability of a suitable site (or sites) on the open market to purchase or lease. A land availability search (above 0.5 hectares in area) carried out on 4th December 2020 indicated that 13 sites were advertised for sale. Site sizes ranged between 0.87 hectares and 18.4 hectares and guide prices range from £70,000 to £520,000. These sites provide a mean average price of £36,731 per hectare (or £14,861 per acre) based on their guide prices and current agricultural use. The sites were located near Cowbridge, Peterston Super Ely, Llancarfan, Dyffryn, West Aberthaw and Hensol. Most sites currently advertised for sale form part of larger parcels of land, significantly above the required site size of 0.81 hectares. It should be noted that where large parcels of land need to be considered, landowners may be unwilling to sell smaller or fragmented plots of land. The purchase of a site larger than 1 hectare may therefore be required.
- 2.15** To explore the potential of this route, local land agents marketing the sites identified above were contacted by officers to ascertain whether the land vendors would be willing to sell the land for the proposed use, either in whole or in part. To date no replies have been received in response to the Council's request despite letter and email follow-up correspondence being sent. This suggests a lack of willingness from land agents and/or vendors to sell their land for this use. Therefore, at this current time it is considered that purchasing land on the open market is not a feasible option to fulfil the Councils identified need.

- 2.16** Separately, officers have contacted existing tourism / caravan sites within the Vale of Glamorgan area to explore whether these offer a potential solution to identifying a site to meet the longer term identified need. At the time of writing, no positive response has been received. If a response is received that indicates a potential feasible option, it will be reported to the Strategic Housing Board for further consideration.

Compulsory Purchase of Land

- 2.17** A Compulsory Purchase Order (CPO) gives public bodies the power to obtain land or property without the consent of the owner provided it can be shown that it is in the public interest to do so.
- 2.18** Welsh Government Circular 'Planning for Gypsy, Traveller and Showpeople Sites' (Circular 005/2018) provides guidance on the planning aspects of identifying sites for Gypsies and Travellers. Paragraph 47 sets out the various ways local authorities can identify specific sites and make land available for new gypsy and traveller accommodation. In addition to making use of local authority owned land, or land owned by other public bodies, it advises that authorities should consider whether it might be appropriate to exercise their compulsory purchase powers to acquire an appropriate site.
- 2.19** The statutory duty under the Housing (Wales) Act 2014 to address the long-term unmet gypsy and traveller accommodation needs of the area and deliver a permanent site may ultimately justify the use of compulsory purchase powers. However, it is considered that use of these powers would be a last resort option where no suitable land is available.
- 2.20** It is clear that the Welsh Government supports the use of compulsory purchase powers by LPAs to acquire land and buildings in the public interest. However, in using such powers the Welsh Ministers will expect LPAs to demonstrate that all other avenues have been exhausted and that they have taken steps to acquire all the land and rights included in the CPO by agreement wherever possible.
- 2.21** Given this burden of proof that other options have been thoroughly considered, it is difficult to see how the Council would start to identify a suitable site to potentially CPO in the Vale of Glamorgan for this use. Given the level of public interest in such matters, it is highly likely that this action would be challenged, wherever the site was proposed, and this represents a complex and risky option to progress.

Existing Tolerated Site at Hayes Road

- 2.22** Given the above routes that have been explored in some detail without success, it is considered appropriate to reconsider the existing tolerated site at Hayes Road and investigate further whether the barriers to its use as a permanent gypsy and traveller site can be overcome (see site plan at Appendix A).

2.23 By way of background, the land at Hayes Road, Sully, the Council's former Civic Amenity Site, is owned by the Council and since January 2012 has been occupied by New Travellers and Showpeople as an unauthorised gypsy and traveller site. On the 21st June 2016 the occupiers were issued with a letter from the Council confirming that no planning enforcement action would be taken to cease the use of the land for a 5-year period i.e. up to 21st June 2021.

2.24 The Deposit Local Development Plan (2013) allocated this land at Hayes Road (approx. 0.85Ha) to meet the identified long-term unmet need for 18 pitches. The site comprised two elements; land formerly used as the Council's civic amenity site (approx. 0.21Ha) and open space to the south (approx. 0.64Ha).

2.25 At that time, in representations, the Welsh Government raised concerns that "The site is partly situated in zone C2 flood plain. Evidence will be necessary to demonstrate that appropriate infrastructure to enable access and egress would be unaffected by the C2 designation." The Welsh Government's concern was the principle of the highway access/egress which was in a C2 Flood Zone. Eventually the LDP Inspector directed the Council to find an alternative site not affected by flooding and this action formed part of the monitoring of the Plan. In his report he addressed the issue as follows:

"7.2 It became clear through the examination that part of the Hayes Road site, including the only vehicular access to and from the site, is located within a zone C2 floodplain. In this respect, whilst the Council argued that the findings of a flood consequences assessment demonstrated that the risks and consequences of flooding could be acceptably managed, national planning policy clearly requires a sequential approach to the location of development, with the principle objective of moving away from flood defence and mitigation towards a more positive avoidance of development in such areas. TAN15 is clear that highly vulnerable development should not be permitted within zone C2 and WG Circular 30/2007 states that gypsy and traveller sites should not be located in areas at high risk of flooding given the particular vulnerability of caravans. In this respect, there is no doubt that the allocation would be in conflict with national policy relating to flood risk. Accordingly, MAC50 and MAP MAC111, which would delete the allocation, are necessary for soundness."

2.26 It is clear that the Inspector's concerns, consistent with national planning policy, related to the siting of residential (i.e. vulnerable) development within the flood zone and similarly that the access to the site should not be affected by flooding, as is currently the case at the Hayes Road site.

2.27 It is unlikely that flood alleviation measures can be implemented in a cost-effective way to remove the existing flood risk at the site access and frontage to Hayes Road. The principle of raising road levels to alleviate flood risk along Hayes Road has previously been considered by officers, however such proposals would

likely have an adverse effect on neighbouring land that would need to be mitigated (in line with policy requirements contained in TAN15 to not increase flooding elsewhere) and would likely be cost prohibitive.

- 2.28** However, there may be alternative means of 'emergency' vehicular access via adjacent land that is not affected by flooding to connect to the adopted highway at South Road (also not within the flood zone).
- 2.29** The site extends south to the coast to a coastal footpath / PROW and this was proposed as an emergency means of escape in the event of a flood, when the site was allocated in the Draft LDP. This was not considered to be appropriate by the inspector and it is clear the site would need a safe vehicular access in case of emergencies during a flooding event (e.g. police, fire, rescue and ambulance). The map at Appendix A shows the areas affected by flooding which also shows the majority of the site is not within the flood zone and therefore if an alternative safe means of access can be identified and delivered, it offers the opportunity to meet the identified need for accommodation on land not affected by flooding. Notwithstanding the need to submit a planning application for full consideration by the Council as Local Planning Authority, such a solution would address the LDP Inspector's concerns set out above and comply with planning policy.
- 2.30** It may be possible to provide a suitable access from land to the East of the site (not within the Council's ownership) to access Hayes Road / South Road which is not affected by the flood zone.
- 2.31** As the land is not within the Council's ownership or control, officers would need to engage with landowners to ascertain whether a right of access could be obtained or whether the land required could be purchased or alternatively, acquired using CPO powers.
- 2.32** It is therefore recommended that: further site investigations are undertaken to assess the feasibility of this option; that discussions are undertaken to progress the potential purchase of any additional necessary land to facilitate the development; and, for a planning application to be submitted for the site and emergency road access. Officers would engage with relevant landowners to ascertain whether this could be undertaken through cooperation and agreement to avoid the need for CPO action.

Related matters

- 2.33** Circular 005/2018 'Planning for Gypsy, Traveller and Showpeople Sites' advises that Welsh Government is committed to working with local authorities to deliver new Gypsy and Traveller sites. As part of this commitment a Sites Capital Grant is available to deliver new sites.
- 2.34** Cabinet will be aware that in order to secure capital funding from Welsh Government, proposals for new traveller sites should comply with the site design

standards set out in the 'Designing Gypsy and Traveller Sites in Wales' guidance document. Concerns have been raised that the accommodation and site needs expressed by the New Travellers at Hayes Road would not be met by a formal site designed in compliance with WG Guidance, which has been acknowledged by the relevant WG officials as a failure of the current guidance that they are looking to address. Accordingly, officers have been liaising with WG officials to reflect the unique circumstances of the Hayes Road Travellers' needs and continue to seek to resolve the tensions that arise because of the mismatch between official guidance and the needs of New Travellers in this case.

- 2.35** In this respect, the circular advises that GTAA's should provide an assessment of specific accommodation needs. While dialogue with the New Travellers at Hayes Road was limited during the preparation of the 2016 GTAA, officers have since made and maintained contact with the occupiers of the site to better understand their accommodation needs. It has been made clear through engagement with the occupiers of the Hayes Road site that the guidance on formal pitch provision, which seeks to address traditional pitch needs and site management issues, does not meet their requirements and aspirations for how they would like to live on the site. For example, they have indicated a desire for more informal / organic living arrangements and communal facilities.
- 2.36** It is therefore considered that an alternative design approach would be necessary to provide a realistic permanent site for the Travellers at Hayes Road. It may be appropriate to provide a site with informal layouts and communal facilities. However, any permanent site would need to comply with the necessary health and safety and environmental standards. The site must also be capable of being managed and maintained (e.g. by the Council directly, Housing Association partner, private landlord or residents themselves). Discussions with WG officials regarding the appropriateness of the site design guidance in meeting the needs of Travellers in this case remain ongoing and have not been resolved to date.
- 2.37** It should be noted that a new GTAA considering all gypsy and traveller accommodation needs in the area was due to be submitted to Welsh Government by February 2021 however due to the Covid-19 pandemic this date has delayed until 2022. When completed, the revised GTAA will consider the immediate need arising within the next 5 years and future need over the Local Development Plan period (including future needs over the Replacement LDP plan period where a review is due).

Ward Member Responses to Consultation

- 2.38** Councillor Penrose has responded as follows: "I have read the report and consider it ludicrous that the Vale of Glamorgan Council should even consider re-investigating this candidate site on Hayes Road, Sully for the following reasons.

- The candidate site was rejected by the Welsh Government Planning Inspector at the L.D.P. 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.
- I find it incredible that this is being re-proposed despite the road entrance and lower part of the site being flooded badly twice in the last 12 months. Where in the last instance on 23/12/2020 it was flooded to a depth of several feet resulting in Hayes Road being closed for 4 days allowing no access to the candidate site.
- The notion of purchasing land on an adjoining site, which incidentally was also rejected as residential land by the Planning Inspector because it was in breach of Tan 15, in order to create a new road access to the candidate site is also ludicrous. This new road would perhaps exit on to Hayes Road at a higher level but would still not afford access to Sully when the road is flooded, leaving residents isolated, unless of course they take the illegal action by travelling to Barry using the limited access private road owned by A.B.P Ltd. which is purely for access to companies trading on the docklands.
- The report does not make any reference to the large numbers of objections put forward by residents and Beechwood College.
- The report ignores the fact that the site is located between Beechwood College for students with autism and Ty Haven Children's Hospice .
- The report ignores the fact that the candidate site is on the access road to the Vale of Glamorgan Council all tides slipway which facilitates emergency services rescues at sea and on the coast.
- The report suggests there are no alternative suitable sites in the Vale of Glamorgan making reference to the seemingly half-hearted attempt made to acquire any private sites.
- The report does not list all the suitable Vale of Glamorgan Council owned suitable sites such as Llangan, The Alps, Court Road etc.
- The report make reference to a relaxation of the standards set by Government for permanent Gypsy/ Traveller sites in the UK, as I understand it that would mean that the Vale of Glamorgan Council would not receive the necessary funding from the Welsh Government leaving the burden of costs to fall upon the council tax paying residents, including the acquisition costs of additional land.

2.39 These are just some of the reasons why this proposal should not be proceeded with by the Vale of Glamorgan Council and I would ask you to reconsider your options, if you were you to proceed it will be totally resisted by the elected members and the residents of our ward."

2.40 Cllr Mahoney has also responded to the consultation and has raised the following concerns in objection to the site at Hayes Road the main points of which have been summarised below:

- The report highlights time after time within its contents why a traveller / gypsy site should and cannot be located at or adjacent to the current unauthorised occupation in Hayes Road Sully: the approach road and just over half of the

actual site is in a C2 flood zone; the site has recently been cut off due to flood water for almost 5 days; the adjacent road was only cleared of floodwater due to the pumping efforts of the nearby Hexion chemical plant as Hayes Road has nowhere to drain to otherwise. The Welsh Assembly planning inspector advised that no development is to be allowed in a flood zone nor on a site with approach roads located in a flood zone.

- The proposal to buy land and construct some sort of emergency road to the current site would apart from the vast expense, leave the access to such a road blocked off at one end by the Hayes Road flood area and the privately owned 'access only road' owned by Associated British Ports.
- The report highlights the current occupant's wishes. However, the current occupants do not wish to be located in a site that lives up to the standards set down by Welsh Government and that the VOG is urged to contact Welsh Government to see if standards can be set aside. Who on earth does the VOG think they are suggesting that national living standards be relaxed? If such a ludicrous and unacceptable course of action was taken then no other traveller families could ever be accommodated there as the site would be substandard leaving such a site useless after great expense. If the current occupants of the Hayes Road site do not wish to live in an officially sanctioned standard site then the requirement in the GTAA is incorrect and there is no requirement for accommodating 18 traveller pitches in the Vale.
- I find it totally unacceptable that there are no safer and better alternatives than a flood zoned site in Hayes Road when this report actually lists council owned land in Llancarfen, Cowbridge and several other areas. There is also the council owned Alps in Wenvoe and the 2 acre site in Llangarn which is perfect for travellers as evidenced by the family encamped there for so many years.
- Is the VOG prepared to use its own funding to progress such plans if these plans fall outside the requirements of Welsh government standards required for Central funding.

2.41 Furthermore Cllr Mahoney stated: "I intend to enquire about avenues for an independent enquiry into the handling of this matter dating back to 2012 by the VOG planning department and administration plus the subsequent allowance of a vulnerable community to stay in a flood zone affected site despite the ruling of the Welsh Government planning Inspector that such sites are unsuitable for residential development."

2.42 The matters raised by Cllrs Penrose and Mahoney are already addressed in this report or will require further consideration through the planning, design, application and construction phase. These stages will investigate and address the constraints identified. Further consultation, including with neighbouring properties and the local community, will be undertaken as part of this.

- 2.43** For clarification, it is proposed to explore opportunities for access to the east of the site linking to South Road which (as shown on the plan at Appendix A) is not within the flood zone, as opposed to Hayes Road resulting in reliance on access via the private ABP road referred to above.
- 2.44** Regarding space standards, the Welsh Government officials have acknowledged that their own guidance does not fully account for the different needs of groups across the Gypsy and Traveller community. Specifically it does not appropriately reflect the way in which New Travellers live. Therefore, the Council is fully engaged with WG Officials and the Hayes Road occupiers to address this issue and to ensure the Council complies appropriately with its statutory duties. The issue of funding and WG grant availability also forms part of these discussions, which are ongoing.

3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?

- 3.1 Long Term** - the need to provide a permanent site for the Gypsy and Traveller Community has 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. Identifying a site will enable the Council to fulfil its commitments as set out in the adopted Local Development Plan 2011-2026 Monitoring Framework.
- 3.2 Prevention** - the search for a suitable site will ultimately enable the development of a permanent gypsy and traveller site in the Vale of Glamorgan. The existence of a permanent site will enable the Council to fulfil its obligations under the Housing (Wales) Act 2014 by providing permanent accommodation for gypsy and travellers residing in the Vale. The existence of a permanent site for gypsy and travellers will help improve access to services and education and will help reduce inequalities experienced by the gypsy and traveller community.
- 3.3 Integration** - the search for a suitable gypsy and traveller site will be undertaken in an integrated approach by the Councils housing and planning functions. The holistic approach towards identifying and delivering a permanent gypsy and traveller site will contribute to the Council's well-being objectives.
- 3.4 Collaboration** - the 'Call' for candidate sites for gypsy and traveller accommodation use provided the public, businesses and private landowners the opportunity to propose sites for consideration by the Council, however no candidate sites were received. In developing proposals for a permanent gypsy and traveller site within the Vale of Glamorgan, the Council will continue to engage with the occupiers of the site at Hayes Road and Welsh Government. Ultimately, any site proposed will be subject to public consultation through the planning process. It is considered that the processes undertaken to date to identify a site complies with the PSB well-being objective 'To enable people to get involved, participate in their local communities and shape local services'.
- 3.5 Involvement** - the process of undertaking a call for candidate sites enabled the involvement of all relevant sectors of the community and provided the

opportunity for a wide variety of possible gypsy and traveller sites to be put forward for consideration by the Council, however no candidate sites were received. The next round of GTAA's provides a further formal opportunity to engage with the residents at Hayes Road. The processes undertaken to date to identify a suitable site aims to ensure a more equal Wales and ensure that residents of the Vale of Glamorgan have equal opportunities to become prosperous, healthy and happy and have access to high quality environments.

4. Resources and Legal Considerations

Financial

- 4.1** The cost associated with searching for and identifying suitable gypsy and traveller sites will be met from within existing departmental budgets. The cost of delivering a future site would be met through the Council's capital programme and where possible with Welsh Government grant.

Employment

- 4.2** There are no direct employment implications associated with this report.

Legal (Including Equalities)

- 4.3** The requirement to assess and provide for any need identified is set out under Part 3 of the Housing (Wales) Act 2014. Searching and identifying a suitable gypsy and traveller site as set out in this report demonstrates how the Council intends to meet this legal duty. Delivering a permanent gypsy and traveller site within the Vale of Glamorgan will enable members of the gypsy and traveller community within the Vale to meet their long-term housing needs and access essential services and education.
- 4.4** The Well-being of Future Generations (Wales) Act 2015 sets a framework for local authorities across Wales to ensure the 'sustainable development principle' is met. Section 4 of the Act establishes well-being goals which local authorities are required to seek to achieve in the exercise of their functions to meet this principle. These goals include achieving 'a Wales of cohesive communities', containing attractive, viable, safe and well-connected communities, and 'a Wales of vibrant culture and thriving Welsh language', containing a society that promotes and protects culture, heritage and the Welsh language. Meeting the long-term housing needs of gypsy and travellers residing in the Vale of Glamorgan and providing a safe environment would therefore be relevant under the duties of the Act.
- 4.5** Meeting the long-term housing needs of gypsy and travellers in the Vale of Glamorgan would also address the Council's duties under the Equality Act 2010 which sets out the general 'Public Sector Equalities Duty'. This requires public bodies, such as local authorities, to have due regard in the exercise of their functions to the need to (i) eliminate unlawful discrimination, harassment and

victimisation and other conduct prohibited by the Act; (ii) Advance equality of opportunity between people who share a protected characteristic and those who do not; and (iii) Foster good relations between people who share a protected characteristic and those who do not.

5. Background Papers

Cabinet Report 20th January 2020 "Gypsy and Traveller Site Call for Candidate Sites"

<https://www.valeofglamorgan.gov.uk/Documents/Committee%20Reports/Cabinet/2020/20-01-20/Agenda-Item-24-Gypsy-and-Traveller-Site-Call.pdf>

Cabinet report 17th September 2018 and subsequently 18th October 2018 "Housing Development Programme - Hayeswood Road, Barry"

https://www.valeofglamorgan.gov.uk/en/our_council/Council-Structure/minutes_agendas_and_reports/reports/cabinet/2018/18-09-17/Housing-Development-Hayeswood-Road.aspx

<https://www.valeofglamorgan.gov.uk/Documents/Committee%20Reports/Cabinet/2018/18-10-15/Minutes.pdf>

Welsh Government Circular 005/2018 Planning for Gypsy, Traveller and Showpeople Sites:

<https://gov.wales/sites/default/files/publications/2019-05/planning-for-gypsy-traveller-and-showpeople-sites-wgc-0052018.pdf>

Designing Gypsy and Traveller Sites Guidance:

<https://gov.wales/sites/default/files/publications/2019-03/designing-gypsy-and-traveller-sites.pdf>

Vale of Glamorgan Gypsy and Traveller Accommodation Assessment (GTAA) (May 2016):

<https://www.valeofglamorgan.gov.uk/Documents/Living/Housing/Gypsy-and-Traveller-Accommodation-Assessment.pdf>

Vale of Glamorgan Local Development Plan (LDP) 2011-2026:

<https://www.valeofglamorgan.gov.uk/Documents/Living/Planning/Policy/LDP/LDP-Adoption/Adopted-LDP-Written-Statement-June-2017-final-interactive-web-version.pdf>

Planning Policy Wales:

<https://gov.wales/planning-policy-wales>

Welsh Government Circular 003/2019 - Compulsory Purchase in Wales and 'The Criche
Down Rules (Wales Version, 2020)' (October 2020):

https://gov.wales/sites/default/files/publications/2020-10/compulsory-purchase-in-wales-and-the-criche-down-rules-wales-version-2020-circular-0032019_0.pdf

