

**Statutory Duties & Relevant Legislation:**

**The Housing Act (Wales) 2014. Section 101 & Section 102.**

**101 Assessment of Accommodation Needs**

*(1) A local housing authority must, in each review period, carry out an assessment of the accommodation needs of Gypsies and Travellers residing in or resorting to its area.*

*(2) In carrying out an assessment under subsection (1) a local housing authority must consult such persons as it considers appropriate.*

*(3) In subsection (1), “review period” means— (a) the period of 1 year beginning with the coming into force of this section, and (b) each subsequent period of 5 years.*

**102 Report following assessment**

*(1) After carrying out an assessment a local housing authority must prepare a report which— (a) details how the assessment was carried out; (b) contains a summary of— (i) the consultation it carried out in connection with the assessment, and (ii) the responses (if any) it received to that consultation; (c) details the accommodation needs identified by the assessment.*

*(2) A local housing authority must submit the report to the Welsh Ministers for approval of the authority’s assessment.*

*(3) The Welsh Ministers may— (a) approve the assessment as submitted; (b) approve the assessment with modifications; (c) reject the assessment.*

*(4) If the Welsh Ministers reject the assessment, the local housing authority must— (a) revise and resubmit its assessment for approval by the Welsh Ministers under subsection (3), or (b) conduct another assessment (in which case section 101(2) and this section apply again, as if the assessment were carried out under section 101(1)).*

*(5) A local housing authority must publish an assessment approved by the Welsh Ministers under this section.*

In compliance with Sections 10 & 102 of The Act, Denbighshire County Council published its approved Gypsy & Traveller Accommodation Assessment (GTAA) was approved by WG in March 2017. It identified a need for:

- A permanent residential site for 5-6 pitches for an extended family residing in Denbighshire; and
- A transit site for 4-5 pitches.

## **The Housing Act (Wales) 2014. Section 103 & Section 104.**

### **103 Duty to meet assessed needs**

*(1) If a local housing authority's approved assessment identifies needs within the authority's area with respect to the provision of sites on which mobile homes may be stationed the authority must exercise its powers in section 56 of the Mobile Homes (Wales) Act 2013 (power of authorities to provide sites for mobile homes) so far as may be necessary to meet those needs.*

*(2) But subsection (1) does not require a local housing authority to provide, in or in connection with sites for the stationing of mobile homes, working space and facilities for the carrying on of activities normally carried out by Gypsies and Travellers.*

*(3) The reference in subsection (1) to an authority's approved assessment is a reference to the authority's most recent assessment of accommodation needs approved by the Welsh Ministers under section 102(3).*

### **104 Failure to comply with duty under section 103**

*(1) If the Welsh Ministers are satisfied that a local housing authority has failed to comply with the duty imposed by section 103 they may direct the authority to exercise its powers under section 56 of the Mobile Homes (Wales) Act 2013 so far as may be necessary to meet the needs identified in the authority's approved assessment.*

*(2) Before giving a direction the Welsh Ministers must consult the local housing authority to which the direction would relate.*

*(3) A local housing authority must comply with a direction given to it.*

*(4) A direction given under this section— (a) must be in writing; (b) may be varied or revoked by a subsequent direction; (c) is enforceable by mandatory order on application by, or on behalf of, the Welsh Ministers.*

As a need has been identified in the Council's GTAA and the document has been approved by Welsh Government and published, the Council has a legal obligation to provide suitable sites to accommodate that need.

If the Council fails to meet its legal obligations, a direction from the Minister to meet the needs can be given and must be complied with.

Failure to meet the needs identified in the GTAA could also lead to a legal challenge from the resident family and the travelling community.

### **Public Sector Equality Duty:**

Romani Gypsies and Irish Travellers are recognised ethnic groups for the purposes of the Equality Act 2010. Race is one of the protected characteristics covered by the Act. Race

refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

Additionally, the Equality and Human Rights Commission considers Gypsies and Travellers to be amongst the most vulnerable and marginalised minority groups in Britain.

The [Public sector equality duty](#) came in to force in April 2011 (s.149 of the Equality Act 2010) and public authorities are now required, in carrying out their functions, to have due regard to the need to achieve the objectives set out under s149 of the Equality Act 2010 to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

To ensure transparency, and to assist in the performance of this duty, the Equality Act 2010 (Specific Duties) Regulations 2011 require public authorities to publish:

- equality objectives, at least every four years (from 6th April 2012)
- information to demonstrate their compliance with the public sector equality duty (from 31st January 2012)

Failure by a local authority to meet these duties could result in a claimant taking legal action about a decision made and/or a discrimination claim.

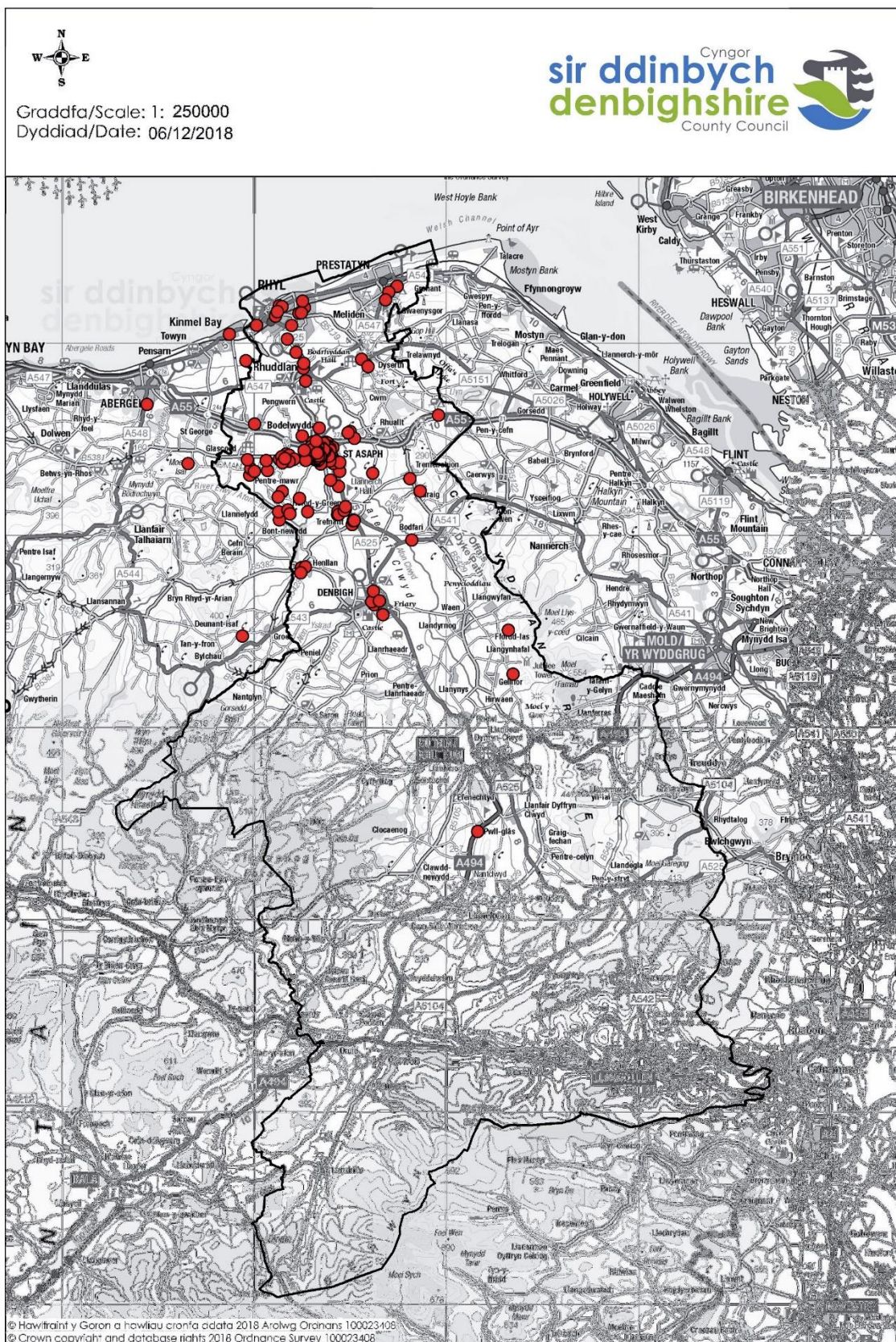


### **Pre- Planning Consultation Response:**

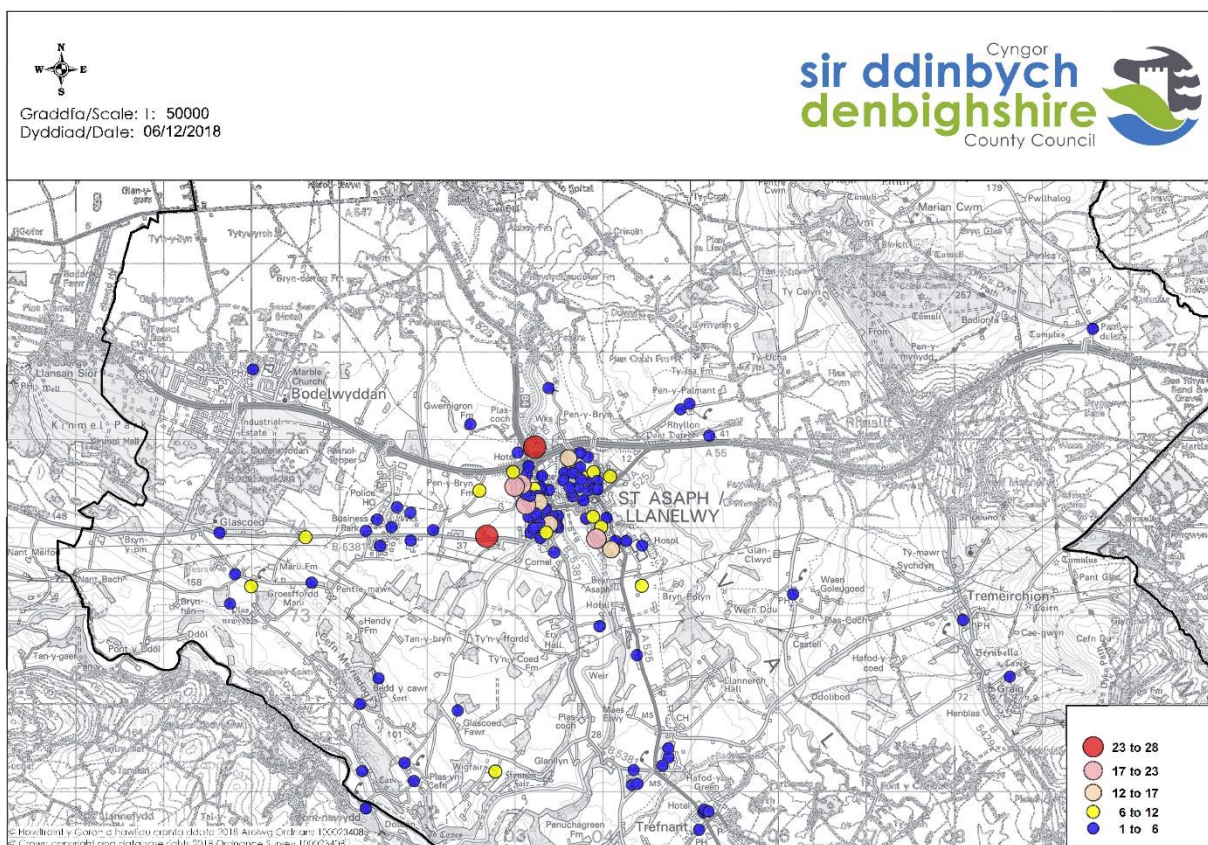
#### **Overview**

There is clearly opposition to the developments within the local and, to some extent, the surrounding community. While the consultation exercise gave the opportunity to comment separately on the transit and residential proposals, the majority of respondents (82.83%) chose to respond to both proposals jointly.

The majority of concerns (particularly non-material planning issues) are predicated on stereotypical perceptions of the travelling community and experiences of unauthorised encampments. There is little understanding or consideration of the fact that both sites will be managed facilities and, more notably, that the residential site is being provided for an extended family who have been residing within Denbighshire for a number of years.



Spread of response geographically



Local response volume map.

Response Analysis – ranked.

	Number	Percentage
Total Responses	774	100%
Transit Only	66	8.52%
Residential Only	67	8.65%
	Raised in No of Responses	
Issue/Subject		
Location	774	100%
Information	741	95.8%
Highways	552	71.3%
Economic	484	62.5%
LDP	339	43.8%
Environmental	271	35%
Security/Crime	254	32.8%
Local services	233	30.1%
Community	153	19.8%
Finance	118	15.3%
Health/H&S	115	14.9%
Visual Impact	98	12.7%
Proximity (to each other)	45	5.8%



CATEGORY	DEFINITION/CONTEXT	PERCENTAGE OF RESPONSES WHERE RAISED	ISSUE RAISED	COMMENT/RESPONSE
COMMUNITY	Comments that relate to the impact on the existing community of St Asaph, including integration of the Gypsies & Travellers and fixed residential lifestyles and conflicting cultural issues.	19.8%	<p>Perceived detrimental impact on Village environment;</p> <p>Perceived difficulty of Gypsies &amp; Travellers integrating into the community;</p> <p>Perceived lack of community responsibility related to short term occupation of the transit site;</p> <p>Perceived lack of trust of/respect for settled community by Gypsies &amp; Travellers;</p> <p>Concerns regarding a clash of cultures;</p> <p>Comparisons made with experiences of Gypsies &amp; Travellers on unauthorised sites;</p>	<p>Generally the response comments raise issues stereotypically associated with short term occupation of sites by the Travelling community.</p> <p>Transit site – the responses do not recognise or consider the potentially more settled nature of a managed transit site where visitors may wish to stay for up to 3 months and, therefore, integrate into the community to some extent.</p> <p>Residential site - Generally the response comments raise issues stereotypically associated with short term occupation of sites by the travelling community and do not recognise or consider the more settled nature of a residential site where the families are long term, rent/rate paying residents.</p> <p>The family identified as having a residential need are currently living in Denbighshire and have lived in the area for a number of years.</p> <p>Accommodation needs of Gypsy-Travellers in Wales (Report produced for WG by Pat Niner, Centre for Urban and Regional Studies, Birmingham University) found that Consultation with Community and Town Councils and other local bodies in areas with existing Gypsy-Traveller sites suggests that few problems arise from sites although transient Gypsy-Travellers on unauthorised encampments are perceived as much more problematic. A number of consultees acknowledged that site residents are well integrated into the local community but there are some where relations can be seen as mutual reluctant toleration at best. Good site management was identified as an important factor in how a site operates. Experience from Group Housing schemes in the Republic of Ireland indicates that relatively small schemes seem to work best and are more easily integrated into a locality (residential). Successful sizes may range from four to sixteen homes.</p> <p>A Case Study provided by Fenland District Council states that “By providing good sites we avoid many of the problems associated with Gypsies and Travellers which give them a bad name” Gypsies and Travellers – Simple Solutions for living together, Equalities Commission report.</p> <p>This is not a material planning consideration but has been highlighted as an area of concern expressed in the responses.</p>

CATEGORY	DEFINITION/CONTEXT	PERCENTAGE OF RESPONSES WHERE RAISED	ISSUE RAISED	COMMENT/RESPONSE
ECONOMIC	Comments that relate to the impact of the developments on retaining existing and attracting new businesses to St Asaph and the Employment Park	62.5%	<p>Strong perceptions that existing businesses will leave the Business Park;</p> <p>Concerns that new business tenants will not want to establish/relocate to the Business Park;</p> <p>Concerns that the developments will have a negative impact on businesses within the town;</p> <p>Comparisons made with experiences of Gypsies &amp; Travellers on unauthorised sites;</p>	<p>Many of the businesses trading from the business park have raised concerns regarding the proposals and the majority of responses from residents raise it as an issue. Generally no distinction has been made between the transit and residential sites, with many comments citing previous experience of unauthorised encampments as justification for opposing the proposals.</p> <p>Transit site - The comments do not appear to recognise the fundamental purpose of the transit site i.e. that it is intended to reduce the number of unauthorised encampments and provide a managed approach to accommodating the travelling community passing through.</p> <p>Residential site – There are Local and National examples of residential sites adjacent or close to business/industrial estates where the relationship between the resident Travellers and the tenants of the business units is exceptionally good and fears around increased levels of crime have proved incorrect – to the extent that crime levels have actually reduced due to occupation of the sites during non-business hours.</p> <p>Research undertaken by the Joseph Rowntree Foundation together with the Planning Exchange in Glasgow focused on re-visiting neighbours and objectors close to 3 sites developed in Scotland. This research found that the adverse impact which objectors and many other neighbours had anticipated had been far less than expected. In fact, in the cases of domestic householders, utilities and most businesses, there had been very little impact at all.</p> <p>A small number of farms and businesses reported continuing problems which they attributed to the close proximity of sites. However, the study suggests that even these remaining problems might have been significantly reduced had spending discussed at the time of site creation been proceeded with.</p> <p>(Taken from Housing Research 201, 1996 - Neighbours' Views of Official Sites for Travelling People)</p> <p>This is not a material planning consideration but has been highlighted as an area of concern expressed in the responses.</p>

CATEGORY	DEFINITION/CONTEXT	PERCENTAGE OF RESPONSES WHERE RAISED	ISSUE RAISED	COMMENT/RESPONSE
ENVIRONMENT	Comments relating to the impact on the existing wildlife, vegetation. Also perceived increases in levels of noise & pollution	35%	<p>Negative/unknown impact on existing wildlife, specifically badgers, newts and dormice;</p> <p>Perceptions that large scale tree removal will be required;</p> <p>Concerns that hazardous materials will be stored on site;</p> <p>Concerns that ecology surveys undertaken are not adequate to identify all issues;</p> <p>Perceptions that fly tipping will increase in the surrounding areas;</p> <p>Concerns regarding the capacity of surface water drains and potential consequential impact on established residential areas;</p>	<p>Impact on wildlife &amp; habitat. Preliminary Ecology surveys have been undertaken and no significant barriers to developing the proposals are envisaged. More in depth and seasonal surveys will be required to support a formal planning application but it is unlikely that there will be any issues identified that would render the proposals for either site unviable.</p> <p>In respect of increased levels of noise or pollution, the scale of the developments are not considered large enough to result in significant increases in either. Arguably the potential increase in periodic traffic movements related to a transit site would have more of an impact than a residential site where traffic movement would be equivalent to a standard residential development i.e. normal levels of movement associated with employment and social activities.</p> <p>Business activities would be restricted on both sites, as would the accumulation or storage of materials – hazardous or otherwise.</p> <p>There are no anticipated issues with foul or surface water drainage and discharge and attenuation will be incorporated into the surface water drainage proposals.</p> <p>These are material planning considerations. Due to the scale of the developments together with evidence from studies undertaken, it is not considered that sufficient issues will be identified that would render the development of either or both sites unviable.</p>

CATEGORY	DEFINITION/CONTEXT	PERCENTAGE OF RESPONSES WHERE RAISED	ISSUE RAISED	COMMENT/RESPONSE
FINANCE	Comments relating to the cost of the developments and the ongoing financial implications including property values	15.25%	<p>Concerns raised regarding impact on property values;</p> <p>Concerns that public money is being spent/Council owned land used for providing accommodation for Gypsies &amp; Travellers;</p> <p>Perceptions that Gypsies &amp; Travellers do not contribute to public funds;</p> <p>Concerns around the impact on public resources;</p> <p>Queries raised regarding ongoing site management costs – more in relation to the transit site – rubbish removal, security etc.</p>	<p>Perception of non-payment for services via rent &amp; rates etc. Comments raise issues stereotypically associated with short term occupation of sites by the travelling community, particularly relating to clearing sites and repairs following occupation.</p> <p>Transit site – no recognition that users will be charged a deposit and pay a site fee.</p> <p>Residential site – no recognition that the existing residential family currently live, work and pay rent/Council Tax/Ni etc. &amp; are, therefore, entitled to access local and national services.</p> <p>Perception that house values will decrease. Again, this is linked to stereotypical perceptions around the travelling community and unauthorised encampments. The comments do not recognise the fixed term nature of the residential site and/or the fact that a transit site would be managed. Many types of development can affect the value of property &amp; the mixed use nature of the area (farming, residential, business, utilities &amp; site allocated for potential waste use) means that future planning applications for a range of uses could impact on wider property values.</p> <p>Perception that the cost of the developments is unreasonable and the funding should be spent on other competing priorities. The WG has allocated the funding in order that LA's can discharge their legal responsibilities under the Equalities Act and Housing Act. The development costs will be subject to competitive tender exercises demonstrating best value.</p> <p>These are not material planning consideration but have been highlighted as an area of concern expressed in the responses.</p>

CATEGORY	DEFINITION/CONTEXT	PERCENTAGE OF RESPONSES WHERE RAISED	ISSUE RAISED	COMMENT/RESPONSE
HEALTH/H&S	Comments relating to the creation of health related issues or health & safety of existing or proposed residents	14.9%	<p>Concerns raised for Gypsy &amp; Traveller families in terms of proximity to electricity pylons, sub stations (gas &amp; electricity) and the A55;</p> <p>Perception that walkers/cyclists using the lane will be put at risk;</p> <p>Concerns regarding pollution from increase traffic;</p> <p>Concerns regarding the proximity of the transit site to u/ground power cables;</p> <p>Concerns that local residents will be canvassed for work;</p> <p>Perception that the sites will contain workshops;</p>	<p>Two major areas of concern raised:</p> <p>The health &amp; wellbeing of the users of the proposed sites – particularly in relation to the location of the transit site, being close to the gas and electricity sub-stations, having power lines crossing the site and in close proximity to the underground power cables. Concerns were also raised regarding the proximity of the sites to the A55 (arguably more relevant to the residential site).</p> <p>The impact on residents whether related to walking along country lanes and established pedestrian routes plus potential disturbance of residents in surrounding areas which could potentially be detrimental to their well-being.</p> <p>Many of the comments in relation to impact on existing residents &amp; business users were applicable to uncontrolled and unauthorised encampments. While the transient nature of the transit site users cannot be denied, together with the potential for unwanted soliciting for work in the area. There would be no similar impact from the residential site as the occupiers would be permanent residents and not reliant on ad hoc employment opportunities.</p> <p>These are not material planning consideration but have been highlighted as an area of concern expressed in the responses.</p>

CATEGORY	DEFINITION/CONTEXT	PERCENTAGE OF RESPONSES WHERE RAISED	ISSUE RAISED	COMMENT/RESPONSE
HIGHWAYS	Comments relating to the suitability of Cwttir Lane for access to the sites and increased traffic on the surrounding roads.	71.3%	<p>Concerns regarding the impact of additional traffic in St Asaph centre &amp; surrounding areas;</p> <p>Concerns that additional traffic will have a detrimental impact on the Business Park;</p> <p>Concerns that Cwttir Lane cannot sustain additional traffic – particularly regular movement of caravans;</p> <p>Concerns Glascoed Road is becoming over utilised (ref to Business Park growth and Crematorium);</p> <p>Concerns regarding the suitability of the junction of Cwttir Lane &amp; Glascoed Road;</p> <p>Concerns regarding Cwttir lane in terms of width, lack of footways, cycle path, passing places etc.</p> <p>Concerns that Hoel Esgob will be used by vehicles to for access to St Asaph;</p> <p>Perceptions that the A55 is unable to cope with increased traffic during the Summer months;</p> <p>Concerns regarding parking pressures within St Asaph;</p> <p>Concerns regarding safety of walkers/cyclists etc.</p> <p>Concerns that the traffic impact assessment produced for the consultation has not considered peak flows, cyclists &amp; other users.</p> <p>Concerns regarding access for emergency vehicles;</p> <p>Perception that large/long vehicle use will increase;</p> <p>Concerns that caravans will be parked on Cwttir Lane;</p>	<p>A Transport Statement has been prepared by Denbighshire County Council’s Highways Department. The required amendments to Cwttir Lane are minimal in terms of adjusting the road layout, requiring only adequate visibility splays to the proposed site entrances and the creation of passing places in two locations with appropriate signage.</p> <p>The Transport Assessment only considers the access along Cwttir Lane from the junction with Glascoed Road.</p> <p>Given concerns raised around increased volumes of traffic along Glascoed Road and within the centre of St Asaph and the route from the Business Park, it is intended that the scope of the Transport Assessment is increased to include these areas. It is not anticipated that any significant changes to the highway will be required.</p> <p>These are material planning considerations. Due to the scale of the developments together with evidence from the Transport Assessment already undertaken, it is not considered that sufficient issues will be identified that would render the development of either or both sites unviable.</p>

CATEGORY	DEFINITION/CONTEXT	PERCENTAGE OF RESPONSES WHERE RAISED	ISSUE RAISED	COMMENT/RESPONSE
INFORMATION	Comments relating to requests for information regarding the current use of the land, the perception that the planning decision has been pre-determined and concerns around the democratic process (decisions taken at Cabinet) and lack of consultation.	100% (140%)	<p>Perception that the Planning decision has already been taken;</p> <p>Perception that DCC have been secretive regarding the proposals and not followed a legal democratic process;</p> <p>Some confusion regarding the pre-planning and formal planning application stages;</p> <p>Questions regarding site selection &amp; assertions that Green-gates is not the most suitable site;</p> <p>Questioning need for sites at all;</p> <p>Perception that DCC is being pressured by WG to deliver;</p> <p>Perception that DCC has already submitted a funding bid to WG;</p> <p>Concerns raised that the planning process will be inappropriately applied to a DCC proposal;</p>	<p>A range of issues were raised including (not exhaustive):</p> <p>A perceived lack of consultation with residents regarding the location of the proposed sites; The democratic process; The validity of the information provided (particularly the need for the sites); The site selection process; A perception that a planning decision is a forgone conclusion; The reasoning for locating the sites on agricultural land; The belief that the sites should be located in Rhyl (in the main);</p> <p>The Pre Planning Consultation Exercise undertaken is above &amp; beyond the legal requirement for developments of this size and is additional to the statutory consultation period required for a formal planning application.</p> <p>Further details regarding the development of the GTAA, the call for sites and site selection process have been circulated via the FOI process and posted on line as part of the consultation exercise.</p> <p>The Council's Monitoring officer is content that the democratic process and relevant publication of information has been undertaken in a compliant and diligent manner.</p> <p>These are not material planning consideration but have been highlighted as an area of concern expressed in the responses.</p>

CATEGORY	DEFINITION/CONTEXT	PERCENTAGE OF RESPONSES WHERE RAISED	ISSUE RAISED	COMMENT/RESPONSE
LDP	Comments relating to the perceived conflict with the Council's LDP and/or assertions that the identification and development of the sites should be dealt with through the existing LDP review process.	43.8%	<p>Assertion that DCC is in legal breach of local and national planning guidance;</p> <p>Assertion that the planning process cannot progress because the sites are not identified in the LDP;</p> <p>Assertions that the identification of suitable Gypsy &amp; Traveller sites should be dealt with via the emerging LDP process;</p> <p>Reference to proposals being outside the development boundary &amp; therefore contravening the LDP;</p> <p>Misconception that the site is protected green barrier and/or AONB;</p>	<p>The proposed locations have been informed by criteria set out in national and local planning policy, specifically Planning Policy Wales; Circular 005/2018: Planning for Gypsy, Traveller and Show people Sites; Designing Gypsy and Traveller Sites in Wales; and Denbighshire's Local Development Plan.</p> <p>Criterion ii) of policy BSC 10 directs gypsy and traveller sites to locations within or on the outskirts of an established settlement boundary with access to a range of facilities / services (including schools), public transport and main transport routes. The policy goes on to state that <i>'Sites in other locations will only be permitted where it is demonstrated that sites within or on the outskirts of an established settlement boundaries are not available and all the above criteria are met.'</i></p> <p>The proposed locations are not within or adjoining a settlement boundary. However, policy BSC 10 allows for other locations to be considered, subject to all other criteria being met. The proposed residential and transit sites are approximately 430 metres and 740 metres respectively from the settlement boundary of St Asaph. It is considered that this does not represent a 'considerable' distance or that the sites are 'isolated' from the nearest settlement.</p> <p>As part of the site assessment process, the Local Authority has considered a range of sites within and adjoining established settlement boundaries. However, these are either not available or are less suitable when assessed against the site selection criteria identified by national and local planning policy. A report providing further information on the site assessment and selection process has been made available.</p> <p>The Local Authority started a review of the current Local Development Plan (LDP) in May 2018. In line with the timetable agreed with Welsh Government, a new LDP is expected to take effect later in 2021. Addressing site identification through the new LDP preparation process would therefore lead to a significant delay in meeting the identified housing needs of the County's Gypsy and Traveller community. The current LDP contains a specific policy for the assessment of any Gypsy and Traveller site proposals (policy BSC 10) which may come forward during the life of the plan (2006-2021). This policy has already been subject to extensive public consultation, and examination by an independent Planning Inspector, and found to be a sound basis for dealing with any such proposals. The Local Authority considers that the proposed locations meet the requirements of this policy and therefore delaying the process of site identification would be unwarranted and unjustified.</p>

CATEGORY	DEFINITION/CONTEXT	PERCENTAGE OF RESPONSES WHERE RAISED	ISSUE RAISED	COMMENT/RESPONSE
LOCAL SERVICES	Comments relating the perceived increased strain on existing local services – schools, Dr Surgeries etc.	30.1%	<p>Perception that increased use of local services (schools, police, GP's etc.) is not sustainable;</p> <p>Suggestions that services in other areas would be more able to cope;</p> <p>Perception that strain will be put on DCC services (bin collections, highways maintenance etc.);</p> <p>Assertions that the sites are too remote from local services;</p>	<p>Conflicting arguments have been put forward in terms of Local Services. Some respondents stated that the additional strain on service would be detrimental, while some stated that the sites were too remote to have adequate access to services.</p> <p>The location of the site is not considered too remote, given that there are a number of existing dwellings in the area and down Cwttir Lane itself.</p> <p>The size of the developments is not considered onerous in terms of the impact on local services, particularly in respect of the residential site, where the proposed occupants are already residing in Denbighshire and in receipt of schooling, medical services etc.</p> <p>Research into the impact of 3 sites in Scotland found that : Primary schools in the areas concerned had been able to cope with the arrival of traveller children.</p> <p>Police authorities acknowledged the contribution of the sites to meeting travellers' needs and reported no noticeable increase in crime in the vicinity of sites.</p> <p>(Taken from Housing Research 201, 1996 - Neighbours' Views of Official Sites for Travelling People, JRF/Planning Exchange research)</p> <p>For this size of development this is not a material planning consideration but has been highlighted as an area of concern expressed in the responses.</p>

CATEGORY	DEFINITION/CONTEXT	PERCENTAGE OF RESPONSES WHERE RAISED	ISSUE RAISED	COMMENT/RESPONSE
LOCATION	Comments in relation to the location of the sites generally – rural setting, distance from amenities	100%	<p>Concerns regarding the developments spoiling the rural nature of the area;</p> <p>Concerns regarding the loss of agricultural land;</p> <p>Concerns the sites are too remote from amenities, including bus routes;</p> <p>Concerns that the Travelling community have not been consulted regarding the proposed transit site;</p>	<p>The proposed sites are located in a semi-rural area on the outskirts of St Asaph, near to Bodelwyddan, and within close proximity to varying industrial and business developments, together with a substation / transformer site, residential property and working farms.</p> <p>The existing business park occupies an area of approximately 62 hectares and is within 800m of the Green-gates East Site (at its furthest boundary). An additional 16 hectares of land which forms the majority of the Green-gates site is allocated within the LDP for expansion of the Business Park. This would bring commercial developments to within circa 400m of the Green-gates East site (at its furthest boundary).</p> <p>The land to the South West (known as the ‘former Pilkington’s site’) has recently seen enabling works undertaken to encourage development. It is also allocated for Employment land (PSE 2 &amp; VOE7, B1, B2 uses and waste management).</p> <p>The proposed residential and transit sites are approximately 430 metres and 740 metres respectively from the settlement boundary of St Asaph. It is considered that this does not represent a ‘considerable’ distance or that the sites are ‘isolated’ from the nearest settlement.</p> <p>St Asaph has a range of facilities / services, access to public transport and main transport routes.</p>

CATEGORY	DEFINITION/CONTEXT	PERCENTAGE OF RESPONSES WHERE RAISED	ISSUE RAISED	COMMENT/RESPONSE
PROXIMITY OF SITES	Comments relating to the proximity of the proposed sites to each other.	5.8%	<p>Concerns regarding potential culture clashes between Transit and Residential site users could lead to conflict;</p> <p>Concerns of over development of Gypsy &amp; Traveller sites within a small geographical area;</p> <p>Concerns that Travelling community have reservations regarding the proximity of the sites;</p> <p>Suggestion that the solution for transit site should be a regional model as opposed to individual Council provision;</p> <p>Reference to WG guidelines stating that sites should not be in close proximity;</p> <p>Reference to Gypsy &amp; Traveller community view that sites should not be in close proximity;</p>	<p>The close proximity of transit and residential sites is recognised as potentially causing issues and a shared site has been discounted as an option for consideration. WG Guidance does not advocate shared sites.</p> <p>Given the scarcity of available and affordable development sites within the County together with opportunities to separate the sites with suitable landscaping and screening, a decision was taken to consider the potential for developing both sites within the same area.</p> <p>While not ideal, potential conflict would need to be managed effectively and if both sites are taken forward, the management model will need to be tailored to suit.</p> <p>While not a material planning consideration, the location of the two proposed sites either side of an existing dwelling and access to both sites being off the same lane, the proximity of the sites to each other needs to be considered carefully.</p> <p>There is an increased risk of WG not funding one or the other of the sites if both proposals are progressed.</p>

CATEGORY	DEFINITION/CONTEXT	PERCENTAGE OF RESPONSES WHERE RAISED	ISSUE RAISED	COMMENT/RESPONSE
SECURITY/CRIME	Comments relating to the perception that crime rates will increase and security of property and persons threatened.	32.8%	<p>Perception that crime/ASB rates will increase;</p> <p>Perception that increased Police resource will be required;</p> <p>Reference to elderly population of surrounding areas being fearful;</p> <p>Concerns form businesses that premises and materials will be at risk;</p> <p>Concerns that unauthorised occupation of sites will occur;</p>	<p>Generally the response comments raise issues stereotypically associated with short term occupation of sites by the travelling community.</p> <p>Transit site – the responses do not recognise or consider the potentially more settled nature of a managed transit site where visitors may wish to stay for up to 3 months and, therefore, not display stereotypical behaviour.</p> <p>Residential site - Generally the response comments raise issues stereotypically associated with short term occupation of sites by the travelling community and do not recognise or consider the more settled nature of a residential site where the families are long term, rent/rate paying residents.</p> <p>The family identified as having a residential need are currently living in Denbighshire and have lived in the area for a number of years.</p> <p>In Scotland, research into the impact of 3 Gypsy and Traveller sites found that Police authorities acknowledged the contribution of the sites to meeting travellers’ needs and reported no noticeable increase in crime in the vicinity of sites. (Taken from Housing Research 201, 1996 - Neighbours’ Views of Official Sites for Travelling People, JRF/Planning Exchange research)</p> <p>This is not a material planning consideration but has been highlighted as an area of concern expressed in the responses.</p>

CATEGORY	DEFINITION/CONTEXT	PERCENTAGE OF RESPONSES WHERE RAISED	ISSUE RAISED	COMMENT/RESPONSE
VISUAL IMPACT	Comments in respect of how the proposals will impact visually on the area. Also loss of visual amenity to the existing residents.	12.7%	<p>Incompatibility of the proposals to the surrounding area;</p> <p>Impact on the visual enjoyment of the existing residents in the area;</p> <p>Considered overbearing and out of scale with the surroundings;</p> <p>Lack of control over the condition and appearance of caravans;</p> <p>Proposals don't reflect the character of the area in terms of materials;</p> <p>Rural setting will be spoiled;</p> <p>Inadequate screening;</p>	<p>Residential Site - Consideration has been given to the location of the site and buildings within it to minimise any impact on the adjoining residential properties but also to minimise the impact on the character of the adjacent farmland. The development follows the existing pattern of residential properties and smallholdings arranged along Cwttir Lane. The landscaping proposals have incorporated generous areas of screening with new planting and none of the buildings overlook adjoining residential property</p> <p>The external palette materials have been carefully considered to reflect local vernacular buildings and maintain a rural character.</p> <p>The development proposal provides the opportunity to retain &amp; enhance the existing landscape, through the addition of new ornamental and native species planting across the site, creating an attractive development to live in and visit.</p> <p>Transit Site - To minimise the impact of the development on neighbouring properties and the surrounding countryside it is proposed that the new access road, hard standing and new amenity building will be cut into the ground slightly.</p> <p>The prominence of the proposed new amenity building will be reduced by cutting into existing ground levels but the external palette of materials has also been carefully considered to reflect local vernacular buildings and maintain a rural character.</p> <p>The rural character of the site will be enhanced by the introduction of new hedgerows along the eastern and western boundaries which will break down the existing large open expanse of grazing land into smaller fields more reminiscent of the historic pattern of field boundaries.</p>

CATEGORY	DEFINITION/CONTEXT	PERCENTAGE OF RESPONSES WHERE RAISED	ISSUE RAISED	COMMENT/RESPONSE
OTHER/MISC	Comments not related to the above	Too few to categorise	Impact of Brexit negates need for sites (reduced cross border transit);  Money should be spent on Social Housing/improving services;  Impact on Welsh Language;  Limited positive comments regarding providing managed sites and DCC being forward thinking;	No material planning issues identified but examples included as raised in the consultation returns.

### **Pre-Planning Consultation Exercise.**

The pre planning consultation process commenced on 24<sup>th</sup> October 2018 and finished at midnight on 25<sup>th</sup> November 2018 (the consultation period was extended by 3 days due to technical issues with the consultation portal).

While not a legal requirement, the Council's pre planning exercise was conducted in line with Welsh Government Document "Pre-application Community Consultation: Best Practice Guidance for Developers.

Pre-application consultations are a new part of the planning application process in Wales brought in by the Planning (Wales) Act 2015.

Developers are required to undertake this consultation on 'major' projects. These are developments, which can have an impact greater than the local neighbourhood, such as quarries or new housing (with over 10 dwellings) and retail developments.

The purpose of the pre-application consultation is to provide an opportunity for early engagement with local stakeholders and allows the community to shape the application prior to any submission into the formal planning process.

A minimum standard has been set by Welsh Government that all developers must meet as part of pre-application consultation.

The minimum standard includes;

- Making draft planning application documents available to view (this can be on-line);
- Notifying the right consultees as set out within the guidance;
- Providing a 28 day notice period; and
- Reporting on how the pre-application consultation was undertaken and how people's views on the material planning issues were considered by submitting a Pre-Application Consultation Report (PAC Report) with any subsequent planning application for the development.

The Pre-Planning Consultation Exercise was undertaken covering both proposals:

- a) a permanent residential Gypsy and Traveller site with 6 pitches; and
- b) a transit Gypsy and Traveller site with 4-5 pitches.

Neither would constitute a major project and so there was no requirement for The Council (as the developer) to undertake pre-application planning consultation prior to submitting formal planning applications. However, it is recognised that these types of developments can attract significant interest and a decision was taken to use a pre-planning consultation process to start the engagement with relevant local stakeholders. The following table sets

out the minimum guidance requirements, how the local authority met this and any additional activity undertaken which exceeds the minimum requirement.

Minimum Standard	Local Application	Additional
Making draft planning application documents available to view	Draft planning application documents were available on-line	Paper copies were also made available in the local library. An information event was held with officer's available to answer questions on the proposals
Notifying the right consultees as set out within the guidance	Write to: Tenant farmer of the land Local Councillor City Council Relevant specialist consultees	Additional letters sent to: properties on Cwtir Lane and Heol Esgob Local councillors for St Asaph West, St Asaph East, Bodelwyddan, Trefnant wards. Neighbouring Town and Community councils Press release was issued to local media and sent to AM, MP and key partners including NWP, BCUHB Information on DCC website and social media
Provide a 28 day notice period	28 day notice period provided	Notice period extended due to technical problem on web-site
Report on pre-application planning consultation with formal planning application	All feedback, including non-planning concerns has been reviewed relevant to each proposal. Comments are considered against the draft planning documents and where appropriate resultant actions/amendments will be noted or reasons provided as to why no action is required. Should the proposal (s) proceed to the formal planning application stage then the information above will be included in a Pre-application consultation report (PAC) report to accompany the full planning application.	

**Notes of pre consultation exercise meeting with Local Members**

**Planning app and consultation process - Gypsy and Travellers sites proposals**

**18 October 2018**

**Present:** Cllr Peter Scott, Cllr Andrew Thomas, Cllr Meirick Ll. Davies, Cllr Tony Thomas, Nicola Stubbins, Paul Mead, Emer O'Connor, Dave Lorey, Kim Waller

Cllr Richard Mainon was invited but was unable to attend the meeting.

**Notes**

The following were key points covered at the meeting:

- Role of Development Management (DM) was explained. DM have to follow a clear planning process and remain impartial in their decision making.
- Planning Officers are bound by a professional code of conduct.
- Two stages of consultation; pre-planning and formal planning consultation.
- This will apply to each of the two proposals.

**Pre-planning**

- DCC are not required to undertake pre-planning consultation on these proposals but have chosen to do so and therefore will follow the guidance that is available.
- Pre-planning consultation provides the opportunity for organisations and the public to comment on draft planning documents before they are submitted as a formal planning application.
- The Pre-application Consultation responses are collated into a report, which is submitted alongside the planning application.
- DM would not be involved in the Pre-application Consultation, this will be carried out by the Applicants.
- The launch of the pre-planning consultation will be Wednesday 24 October 2018 and will run until 21 November 2018.
- There is a comprehensive set of activities planned above the statutory requirements. This includes information for the media, letters to residents, site notices erected, information to the city/town councils etc.
- All draft planning documents will be available to the public through the Council's engagement portal during the consultation period. A link will be posted on the front page of the DCC website.
- A letter template will be provided to local members to print and circulate at their discretion. This will be outside of the formal pre-planning process.

## **Planning**

- Once the planning application is submitted and valid it will be subject to a statutory consultation period of 21 days.
- Letters will be sent to neighbours and site notices erected.
- Planning Officers will provide Cllrs with a copy of the consultation letter should they wish to publicise the application further (in a similar manner to how they propose to publicise the pre-app).

**A further meeting will be arranged prior to the submission of any planning application.**