

Report To: **Cabinet**

Date of Meeting: **26th March 2019**

Lead Member / Officer: **Lead Member for Housing, Regulation and the Environment. Corporate Director - Communities**

Report Author: **Lead Officer Property and Housing Stock**

Title: **Gypsy & Traveller Site Provision**

1. What is the report about?

- 1.1 The report provides an update for Cabinet following the pre planning consultation exercise undertaken in respect of the provision of residential and transit Gypsy & Traveller sites.
- 1.2 The report provides a breakdown and overview of the responses to the Council's Pre Planning Consultation process, sets out the options for taking the project forward and makes recommendations in respect of the next phase of the project.

2. What is the reason for making this report?

- 2.1 To ensure that the Council is discharging its statutory duties in respect of relevant legislation related to the provision of Gypsy & Traveller sites as set out in Appendix 1 of this report.

3. What are the Recommendations?

- 3.1 That Cabinet note the analysis of the pre planning consultation exercise undertaken in respect of proposed transit and residential Gypsy & Traveller sites on the Greengates Farm (East) site in St Asaph as outlined in Appendix 2 of this report.
- 3.2 That Cabinet note the recommendations of Communities Scrutiny Committee of 14th March 2019 as set out in Paragraph 8.4 of this report.
- 3.3 That, in response to concerns raised during the pre-planning consultation regarding the proximity of the sites to each other, lack of meaningful consultation with the Travelling Community and in recognition of the priority need for the residential family, Cabinet agree not to progress the Gypsy & Traveller transit site at Greengates Farm (East) via a formal planning application, and that the location of this proposed development site is determined through the formal site allocation process as part of the adoption of a new Local Development Plan.
- 3.4 That Cabinet consider the following options for the Gypsy & Traveller residential site and agree the way forward:

- A) To progress the development of the Gypsy & Traveller residential site at Greengates Farm (East) through the formal planning application process in the location indicated in Appendix 3 and that the formal planning application should contain as background supporting information all statutory information together with business and residential impact assessments and suitable measures for mitigation where deemed necessary.
 - B) Not to progress the Gypsy & Traveller residential site at Greengates Farm (East) via a formal planning application, and that the location of this proposed development site is determined through the formal site allocation process as part of the adoption of a new Local Development Plan.
- 3.5 That whatever options are selected for identifying the location of the residential and transit Gypsy and Traveller sites, the sites are not developed in close proximity to each other.
- 3.6 That the Cabinet confirms that it has read, understood and taken account of the Well-being Impact Assessment (see Appendix 5) as part of its consideration.

4. Report details

- 4.1 A decision was taken at Cabinet on 15th October 2018 to progress with two locations for a residential Gypsy and Traveller site and a transit Gypsy and Traveller site on land at Green-gates Farm St Asaph to formal planning application stage. The residential site would comprise six pitches for a family who have lived in Denbighshire for a number of years. The transit site would provide five pitches for families travelling through Denbighshire on an ad hoc basis, the need being based on the number of unauthorised encampments experienced within Denbighshire over a number of years.
- 4.2 It had previously been agreed that, despite there being no legal obligation to do so, a pre planning consultation exercise would be undertaken prior to any formal planning application being submitted.
- 4.3 Following the Cabinet resolution a meeting was held on 18th October 2018 with the Lead Member for Housing, Regulation and the Environment and the Local Ward Members for St Asaph West, ST Asaph East and Trefnant. The pre planning consultation process was discussed together with clarification of roles.
- 4.4 As separate planning applications would be submitted for the transit and residential Gypsy & Traveller sites, two separate consultation documents were produced and two separate consultation exercises undertaken in tandem. Details of the pre planning consultation process are included in Appendix 4.
- 4.5 774 responses have been received and 4526 issues categorised. Should either proposal progress to formal planning stage, a pre planning consultation report will be written based on the responses and included with any formal planning application submitted. Categorised responses and accompanying analysis are included in Appendix 2.
- 4.6 A petition 4058 signatures was received by the Council during the pre-planning consultation. The signatories of the petition requested "A Transparent and democratic

review of the need for Gypsy and Traveller Sites in Denbighshire". The petition was responded to by the Council's Monitoring Officer on 18th December 2018.

- 4.7 It should be noted that while the analysis covers the main issues, the consultation exercise required free text responses and did not stipulate categories for response. It should also be noted that there is some flexibility in measuring the responses, particularly where responses could be interpreted in two separate ways or where there was duplication within the same response.

5. How does the decision contribute to the Corporate Priorities?

5.1 Housing:

"Everyone is supported to live in homes that meet their needs"

"Support young people to access suitable homes they can afford"

"A wide range of accommodation available to suit different needs"

5.2 Denbighshire's equalities commitment:

"In our approach to mainstreaming equality and diversity, we conform our commitment to celebrating diversity and promoting equality in everything we do, to improve the quality of life for everyone living, working and visiting Denbighshire. This commitment is demonstrated throughout the activities which take place in our Corporate Plan and our Service Business Plans.

This plan is designed to allow the Council to play its role, as a public authority, in ensuring that we coordinate our work to take forward positive outcomes for people of all protected characteristics."

6. What will it cost and how will it affect other services?

- 6.1 It is anticipated that the cost of submitting a formal planning application for both sites will be circa £90,000.00.

7. What are the main conclusions of the Well-being Impact Assessment?

- 7.1 In line with best practice, the WBIA's were undertaken by a group. The group considered the impact of both sites to be neutral, however it was felt that there would be a positive impact for the families identified with a need for a residential site. There was concern that delivering a transit site in such close proximity to the residential site could create a negative impact for the residential site tenants due to the possible conflict that could arise. The individual WBIA's are included in Appendix 5

8. What consultations have been carried out with Scrutiny and others?

- 8.1 A project update was presented to Cabinet Briefing on 3rd July 2017, 4th December 2017, 5th March 2018 and 9th July 2018. A report on the outcome of detailed feasibility studies of 5 shortlisted sites was presented to AMG on 13th March 2018. A report on the preferred land options was approved by Cabinet on 24 April 2018. Updates have also been provide to CET on 26th June, 2nd October, 14th November 2017, 12th February and 25th June 2018. Reports have been taken to Strategic Investment Group on 21st November 2017 and 22 May 2018.

- 8.2 A further report was presented to Cabinet on 25th September 2018. The report was reviewed by Communities Scrutiny Committee on 11th October 2018 and by Cabinet again on 15th October 2018.
- 8.3 A pre planning consultation exercise was commenced on 24th October 2018 and ran until 25th November 2018. As part of this process, a public drop in session was held on 6th November 2018.
- 8.4 Communities Scrutiny Committee carefully considered and debated the pre planning consultation response analysis on 14th March 2018 after which 2 recommendations were formulated and agreed by the Committee, being:

That the residential and transit Gypsy & Traveller sites are not developed close to each other, wherever they are located;

That the location of the residential and transit Gypsy & Traveller sites are determined through the ongoing Local Development Plan process;

9. Chief Finance Officer Statement

- 9.1 The legislation and process highlighted in the report sets out the council's obligations and what it is required to do to meet them. Whilst there is grant support available from government to help to develop sites to deliver these obligations, it doesn't cover all of the costs – in particular the costs associated with the acquisition of land or to recognise opportunity costs if council owned land is used. Furthermore, until more detailed plans are developed, it cannot be guaranteed that all development costs will be contained within the grant funding available. There is also likely to be an additional net revenue budget pressure to run the sites once they are developed. Final proposals will need to be taken through the appropriate channels for approval, including the Strategic Investment Group and any revenue implications will have to be considered in future budget rounds.

10 Corporate Landlord Statement

- 10.1 The provision of the facilities will meet the Council's legislative obligations. The feasibility works undertaken to date have considered technical development appraisal and the potential land costs (purchase or opportunity costs), but detailed development costs may still influence the final decision to develop the proposed sites pending planning approval.
- 10.2 The ongoing management/revenue costs are not included at this stage as the final site proposals have the potential of impacting on the management model.

11. What risks are there and is there anything we can do to reduce them?

- 11.2 Unlawful encampments on Council and private land will continue if the housing needs of Gypsies and Travellers are not met. Resolving such unlawful encampments will inevitably result in costs for the authority. Provision for suitable accommodation would help to address this issue. The obligation to address accommodation needs identified through the Gypsy & Traveller Accommodation Needs Assessment is a statutory

requirement as set out in the Housing (Wales) Act 2014 and failure to act on the recommendations of the Assessment could result in legal challenge and/or direction from Welsh Government.

11.3 Grant funding is available from Welsh Government for the development of Gypsy & Traveller sites, however this fund is insufficient to meet the requirement across Wales and funding bids can normally only be submitted annually and during a specified time period. Failure to progress the site identification process will negatively impact on the LA's ability to apply for, and secure, this funding, which may result in the total cost of site provision having to be met by the LA.

12. Power to make the Decision

12.1 Housing (Wales) Act 2014 – part 3