

Report to: Communities Scrutiny Committee

Date of Meeting: 24th October 2019

Lead Member / Officer: Lead Member for Planning, Public Protection & Safer Communities. Corporate Director: Communities

Report Author: Lead Officer Property and Housing Stock

Title: Gypsy & Traveller Site Provision – Inclusion of Sites in the LDP

1. What is the report about?

1.1 The report provides an update for Communities Scrutiny Committee regarding the provision of Gypsy & Traveller sites through the Local Development Plan (LDP).

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 relating to the provision of Gypsy & Traveller sites within Denbighshire County Council.

2.2 To provide Communities Scrutiny Committee with details of sites discussed at Asset Management Group and Strategic Planning Group for recommendation to Cabinet as inclusion in the replacement LDP process as potential Gypsy & Traveller sites.

3. What are the Recommendations?

3.1 That Communities Scrutiny Committee consider and comment on the process for progressing potential Gypsy & Traveller sites through the LDP.

4. Report details

4.1 In tandem the approval of the Council's Gypsy and Traveller Accommodation Assessment (GTAA) in March 2017, Welsh Government (WG) allocated funding for the development of Gypsy & Traveller residential & transit sites subject to bids from Welsh Local Authorities.

4.2 In order to fulfil its legal obligations in terms of Gypsy and Traveller site provision, (the GTAA identified the need for a residential Gypsy & Traveller site of 6 pitches and a transit Gypsy & Traveller site of 5 pitches in the North of the County) the Council undertook a review of available land and identified 22 sites for consideration based on criteria derived from WG guidance and local and national planning policies.

4.3 This work culminated in the identification of the Green-Gates (East) site in St Asaph as the preferred site location for both residential and transit Gypsy and Traveller sites. A comprehensive pre planning consultation was undertaken in respect of the proposals

which attracted significant opposition from local residents, businesses and the City Council.

- 4.4 In March 2019 Cabinet resolved that the residential Gypsy and Traveller site should be progressed to formal planning application stage at the Green- Gates (East) site, but that the location of the Gypsy and Traveller transit site should be determined via the emerging Replacement Local Development Plan.
- 4.5 The A process for progressing potential Gypsy & Traveller sites through the LDP was presented to and approved by Cabinet Briefing on 9th September 2019. It was also agreed that Councillor Mark Young should lead on the identification and allocation of sites through the LDP. A copy of the Cabinet Briefing report is included in Appendix 1.
- 4.6 In line with the agreed process, a report was presented to Asset Management Group (AMG) on 30th September 2019 with a recommendation that four identified sites should be presented to the Strategic Planning Group and Cabinet as potential Gypsy & Traveller sites for inclusion as candidate sites in the replacement LDP.
- 4.7 AMG discussed the report and determined that a fifth site (Rhuallt – Land off B5429) should be included in the recommendation. The five sites agreed to be put forward as potential Gypsy & Traveller sites for consultation through in the LDP process are:

Rhuallt – Land off Holywell road
Rhuallt – Former School Field;
Rhuallt – Land off B5429;
Denbigh Henllan Road – Land 1;
Denbigh Henllan Road – Land 2;

- 4.8 The AMG report is included at Appendix 2.

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 confirm 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 £179,960 has been allocated to bring both sites forward and obtain Planning Approval. The cost of producing a replacement LDP will continue to be reviewed in detail over the coming months. Budget for the review has been accrued on an annual basis and will be available for this work. Any requirement for additional consultation over and above that statutorily required is likely to incur additional costs currently not factored in to the LDP budget.
- 6.2 Further costs regarding operation and management of the facilities will be identified as part of a separate report. Facilities Management, Property and Housing will be impacted upon once the facilities are operational and costs are subject to the development of a management structure.

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

- 7.1 The WBIA has been undertaken and the outline results are as below. It is recognised that the WBIA may need to be reviewed at several stages during the progression of sites through the democratic and LDP processes. The WBIA is included at Appendix 3.

Well-being goals

| | |
|---|----------|
| A prosperous Denbighshire | Neutral |
| A resilient Denbighshire | Neutral |
| A healthier Denbighshire | Neutral |
| A more equal Denbighshire | Positive |
| A Denbighshire of cohesive communities | Neutral |
| A Denbighshire of vibrant culture and thriving Welsh language | Neutral |
| A globally responsible Denbighshire | Neutral |

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

- 8.1 Consultation has been undertaken with Local Members where the proposed sites for inclusion in the LDP fall within their Ward, namely:

Rhuallt (Tremeirchion) – Cllr Christine Marston

Denbigh/Henllan (Denbigh Upper/Henllan) – Cllr Geraint Lloyd–Williams. Cllr Glenn Swingler

- 8.2 Member responses were circulated to AMG and/or given verbally on the day and formed part of the discussion at the meeting of 30th September 2019.
- 8.3 Following approval at AMG, the sites recommended in the AMG report will be presented to the Strategic Planning Group and Cabinet for further consideration. The emerging replacement LDP will be subject to engagement and consultation with the public and other stakeholders.

9. Chief Finance Officer Statement

- 9.1 As stated above funding is already in place to develop a transit site to formal planning application stage. It is important that any additional costs, that cannot be

contained within existing resources, go through the Council's capital and revenue decision making and budget setting processes.

10 Corporate Landlord Statement

10.1 The Council has a statutory duty to provide Gypsy & Traveller sites in response to the approved Gypsy & Traveller Accommodation Assessment. The duty to provide needs to be reflected in the emerging Local Development Plan and this route provides a transparent process of Member and public consultation.

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

11.1 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.

11.2 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.

11.3 Whilst the Gypsy and Traveller accommodation issue is debated in order to find a solution there could be delays in progressing the new LDP. The old LDP "runs out" in 2021. If there isn't a replacement LDP in place by this time, there will be a period where we have no LDP. During any period with no adopted LDP, Denbighshire will be reliant on National Policy for determining planning applications. Local designations such as development boundaries and policies such as the standard affordable housing requirement will be lost.

12. Power to make the Decision

12.1 Housing (Wales) Act 2014 – part 3

12.2 Scrutiny's powers in relation to this matter are outlined in Sections 7.2.3 and 7.4.2(d) of the Council's Constitution.

12.3 s56 Mobile Homes(Wales) Act 2013

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