

Report To: Cabinet Briefing

Date of Meeting: 9th September 2019

Lead Member/ Officer: Cllr Mark Young, Lead Member for Planning Public Protection and Safer Communities and Cllr Tony Thomas, Lead Member for Housing and Communities

Report Author: Angela Loftus, Strategic Planning & Housing Manager

Title: Gypsy & Traveller Site Provision in the LDP



1. What is the report about?

1.1 This report sets out the process for progressing potential site(s) for use by Gypsies and Travellers through the new Local Development Plan (LDP). The report also recommends which Lead member should take responsibility for progressing the matter as it falls within two portfolios.

2. What is the reason for making this report?

2.1 Cabinet resolved on 26th March 2019, that the permanent residential site for Gypsy and Traveller accommodation be progressed via a planning application to be submitted for the site at Greengates. Cabinet also resolved that the location of potential transit site for Gypsy and Traveller accommodation be determined through a formal site allocation process as part of the adoption of a new LDP. This report sets out the process for discussing how sites in Council ownership will be put forward for consideration for this use.

2.2 Responsibility for progressing the LDP falls within the portfolio of Cllr Mark Young, Lead Member for Planning Public Protection and Safer Communities. The duty to provide appropriate accommodation for the Gypsy and Traveller Community matter falls within portfolio of Cllr Tony Thomas, Lead Member for

Housing and Communities. This report is presented as a joint report but for clarity it is suggested that one Lead member take overall responsibility for future progress of the site options through the LDP to the allocation stage. Potential sites in private ownership will also be considered as part of the LDP process but this report focusses on the process for considering sites in Council ownership.

3. What are the Recommendations?

- 3.1 That Cabinet agree the timetable and reporting schedule for progressing the allocation of a transit site for use by Gypsies and Travellers through the new Local Development Plan (LDP).
- 3.2 That Cabinet discuss which Lead member should take overall responsibility for future progress of the site options through the LDP to the allocation stage.

4. Report details

- 4.1 The assessment of Gypsy and Traveller accommodation needs, and the duty to make provision for sites where the assessment identifies need, became statutory requirements under the Housing (Wales) Act 2014. Denbighshire's Gypsy & Traveller Accommodation Assessment concluded that there is a need for:
 - a) a residential Gypsy and Traveller site in Denbighshire of 6 pitches to meet the needs of Gypsy and Traveller households in the County
 - b) a transit site for 4–5 pitches to provide for Gypsies and Travellers travelling through the County.
- 4.2 Cabinet resolved on 15th October 2018 to hold a pre-planning application consultation for both a residential and a transit site on land at Greengates Farm, St Asaph. This exercise took place between 24th October 2018 and 25th November 2018. Following feedback from this exercise, Cabinet resolved on 26th March 2019 to progress the residential site via a planning application at

Appendix 1

Greengates and to progress potential transit site(s) for use by Gypsies and Travellers, in alternative locations through the new Local Development Plan (LDP). Potential sites in private ownership will also be considered as part of the LDP process but this report focusses on the process for considering sites in Council ownership.

- 4.3 A number of sites in Council ownership have been submitted by Property Services as candidate sites for consideration in the new LDP. All of these sites have been submitted for consideration for general residential use. It is proposed that a number of these sites be put forward for consideration as potential allocations for a site for Gypsy and Traveller use. The process and reporting mechanism for this is outlined in Appendix 1 to this report and summarised in the table below.

Date	Where	Purpose
9 th Sept	Cabinet Briefing	Discuss process and Lead responsibility
30 th Sept	Asset Management Group	Discussion and recommendation on sites in Council ownership to be put forward.
11 th Oct	Strategic Planning Group	Feedback on the discussions at Cabinet Briefing and outcome of AMG
4 th Nov	Cabinet Briefing	Feedback on AMG and discussion at SPG
19 th Nov	Cabinet	Agreement of potential Council sites to be considered.

- 4.4 Proposed site allocations and detailed policies are included in the Deposit version of the LDP, this is timetabled to be subject to public consultation Spring 2020. It is at this stage that potential sites for allocation as a transit site for Gypsy & Traveller use will be identified and consulted upon as part of the wider LDP process.
- 4.5 The matter falls within the scope of two Lead Members, Cllr Mark Young, Lead Member for Planning Public Protection and Safer Communities has

responsibility for progressing the LDP to adoption; Cllr Tony Thomas, Lead Member for Housing and Communities in respect of the duty to provide for an identified need for Gypsy and Traveller needs under the Housing Act. It is suggested that there should be clarity as to which Lead member takes overall responsibility for progressing the matter to the site allocation stage in the LDP. It seems clear however that the delivery of any identified site(s) will fall within the portfolio of Lead Member for Housing and Communities.

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

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”

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 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.”

The development of a Replacement LDP will contribute to all Corporate Priorities: Housing; Connected Communities; Resilient Communities; Environment & Young People

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

6.1 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 £179,960 has been allocated to bring the permanent residential and transit sites forward and to obtain Planning Approval, including £70,000 for site

acquisition. If a decision is taken to purchase a more expensive site then additional funding will be required.

6.3 Further costs regarding operation and management of the facilities will be identified as part of a separate report as part of the delivery phase.

7. **What are the main conclusions of the Well-being Impact Assessment?** The completed Well-being Impact Assessment report can be downloaded from the website and should be attached as an appendix to the report. A Well-being Impact Assessment has not been carried out because the report does not seek a decision on a Council policy, strategy or programme.

8. **What consultations have been carried out with Scrutiny and others?** The emerging replacement LDP will be subject to engagement and consultation with the public and other stakeholders.

9. **Chief Finance Officer Statement**
Not applicable at this stage – report for information

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

There are 2 main risks to the LDP;

- (1) 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. The longer we delay progressing with the new LDP the longer the period 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.
- (2) If there is no agreed position on the provision of Gypsy and Traveller accommodation in the LDP i.e. there is no political solution, it will not be

possible to progress the LDP through Examination to adoption. In this scenario it is likely that there will be an indefinite period of time that we are without an LDP which increases the risk to local decision making.

- (3) 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. Failing to progress will also negatively impact on the local authority's ability to apply for, and secure Welsh Government funding.

Unlawful encampments on Council and private land will continue if the housing needs of Gypsies and Travellers are not met. Provision for suitable accommodation would help to address this issue.

11. **Power to make the Decision**

Housing (Wales) Act 2014 – part 3

Planning and Compulsory Purchase Act 2004

Planning (Wales) Act 2015

Process chart for Gypsy & Traveller Sites in the LDP

- A number of sites in council ownership have been submitted for consideration in the replacement LDP.
- All sites have been submitted for consideration as residential sites.
- Suggested site(s) will form part of the Deposit LDP consultation process alongside allocations for other uses across the County.

Process and reporting schedule

9th September 2019 – Cabinet Briefing – Lead: Angela Loftus

Report will be presented to Cabinet briefing outlining the process for progressing Gypsy and Traveller sites through the LDP as per the Cabinet resolution dated 26th March 2019.

Joint Lead Member report but recommending which Lead member takes overall responsibility for leading on the process.

Report will cover process only and not refer to specific sites at this stage.



W/C 30th September 2019 – Asset Management Group – Lead: Dave Lorey

Report will be presented identifying shortlist of sites recommended for consideration for Gypsy and Traveller accommodation.

AMG considers strategic property proposals including acquisitions and disposals, Local member consultation is required before any report is submitted to the group.



11th October 2019 – Strategic Planning Group – Lead: Angela Loftus
Report presented to SPG members which will provide feedback on reports to Cabinet briefing and AMG identifying shortlist of potential sites.



4th November 2019 – Cabinet Briefing – Lead: Angela Loftus/Dave Lorey
Reporting back on results of AMG in terms of sites going forward for consideration and feedback from SPG on the process.



19th November 2019 – Cabinet – Lead: Angela Loftus
Report seeking agreement on sites to go forward as potential sites for consideration in the LDP.