

## CITY AND COUNTY OF SWANSEA

### NOTICE OF MEETING

You are invited to attend a Special Meeting of the

### SCRUTINY PROGRAMME COMMITTEE

**At:** Committee Room 1 - Civic Centre, Swansea

**On:** Wednesday, 10 September 2014


**Time:** 5.00 pm

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### AGENDA

Page No.

- 1 Apologies for Absence.
- 2 Disclosures of Personal & Prejudicial Interest. 1 - 2
- 3 Prohibition of Whipped Votes and Declaration of Party Whips.
- 4 **Minutes:** 3 - 7  
To approve and sign as a correct record the Minutes of the Special Scrutiny Programme Committee held on 8 July 2014.
- 5 **Scrutiny of Gypsy & Traveller Site Search Process - To Review Evidence Base and To Consider Next Steps.** 8 - 454



**Patrick Arran**  
Head of Legal, Democratic Services & Procurement  
Wednesday, 3 September 2014

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**Contact: Democratic Services - Tel: (01792 637292)**

## SCRUTINY PROGRAMME COMMITTEE (16)

### Labour Councillors: 11

A M Cook	J E C Harris
D W Cole	T J Hennegan
J P Curtice	A J Jones
N J Davies	R V Smith
V M Evans	M Thomas
P Downing	

### Liberal Democrat Councillors: 3

A M Day	P M Meara
J W Jones	

### Independent Councillor: 1

E W Fitzgerald	
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### Conservative Councillor: 1

A C S Colburn	
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### Co-opted Members:

David Anderson-Thomas	
Sarah Joiner	
Councillor RA Clay (Gypsy & Traveller Site Meetings Only)	

### Officers:

Dean Taylor	Director of Corporate Services
Lee Wenham	Head of Marketing, Communications & Scrutiny
Dave Mckenna	Overview & Scrutiny Manager
Brij Madahar	Overview & Scrutiny Coordinator
Democratic Services	
Nigel Havard	Legal
Archives	

Email:

Executive Board	
Cabinet Members	
Leaders of Opposition Groups	
Carl Billingsley	

**Total Copies: 30**

## Disclosures of Interest

To receive Disclosures of Interest from Councillors and Officers

### Councillors

**Councillors Interests are made** in accordance with the provisions of the Code of Conduct adopted by the City and County of Swansea. You must disclose orally to the meeting the existence and nature of that interest.

**NOTE:** You are requested to identify the Agenda Item / Minute No. / Planning Application No. and Subject Matter to which that interest relates and to enter all declared interests on the sheet provided for that purpose at the meeting.

1. If you have a **Personal Interest** as set out in **Paragraph 10** of the Code, you **MAY STAY, SPEAK AND VOTE** unless it is also a Prejudicial Interest.
2. If you have a Personal Interest which is also a **Prejudicial Interest** as set out in **Paragraph 12** of the Code, then subject to point 3 below, you **MUST WITHDRAW** from the meeting (unless you have obtained a dispensation from the Authority's Standards Committee)
3. Where you have a Prejudicial Interest you may attend the meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, **provided** that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise. In such a case, you **must withdraw from the meeting immediately after the period for making representations, answering questions, or giving evidence relating to the business has ended**, and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration (**Paragraph 14** of the Code).
4. Where you have agreement from the Monitoring Officer that the information relating to your Personal Interest is **sensitive information**, as set out in **Paragraph 16** of the Code of Conduct, your obligation to disclose such information is replaced with an obligation to disclose the existence of a personal interest and to confirm that the Monitoring Officer has agreed that the nature of such personal interest is sensitive information.
5. If you are relying on a **grant of a dispensation** by the Standards Committee, you must, before the matter is under consideration:
  - i) Disclose orally both the interest concerned and the existence of the dispensation; and
  - ii) Before or immediately after the close of the meeting give written notification to the Authority containing:

- a) Details of the prejudicial interest;
- b) Details of the business to which the prejudicial interest relates;
- c) Details of, and the date on which, the dispensation was granted; and
- d) Your signature

## **Officers**

### **Financial Interests**

1. If an Officer has a financial interest in any matter which arises for decision at any meeting to which the Officer is reporting or at which the Officer is in attendance involving any member of the Council and /or any third party the Officer shall declare an interest in that matter and take no part in the consideration or determination of the matter and shall withdraw from the meeting while that matter is considered. Any such declaration made in a meeting of a constitutional body shall be recorded in the minutes of that meeting. No Officer shall make a report to a meeting for a decision to be made on any matter in which s/he has a financial interest.
2. A "financial interest" is defined as any interest affecting the financial position of the Officer, either to his/her benefit or to his/her detriment. It also includes an interest on the same basis for any member of the Officers family or a close friend and any company firm or business from which an Officer or a member of his/her family receives any remuneration. There is no financial interest for an Officer where a decision on a report affects all of the Officers of the Council or all of the officers in a Department or Service.



## CITY AND COUNTY OF SWANSEA

### MINUTES OF THE SPECIAL SCRUTINY PROGRAMME COMMITTEE

HELD AT COMMITTEE ROOM 2 - CIVIC CENTRE ON TUESDAY, 8 JULY  
2014 AT 3.00 PM

**PRESENT:** Councillor R V Smith (Chair) Presided

<b>Councillor(s)</b>	<b>Councillor(s)</b>	<b>Councillor(s)</b>
A M Cook	J P Curtice	T J Hennegan
A C S Colburn	E W Fitzgerald	R A Clay (Co-opted)
D W Cole	J E C Harris	

**Also Present:** Councillor C A Holley

#### **Officers:**

B Madahar	-	Overview & Scrutiny Co-ordinator
D Smith	-	Directorate Lawyer
L Wenham	-	Head of Marketing, Communications & Scrutiny
S Woon	-	Democratic Services Officer

#### **13 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors P Downing, A J Jones and P M Meara.

#### **14 DISCLOSURES OF PERSONAL & PREJUDICIAL INTEREST**

In accordance with the Code of Conduct adopted by the City and County of Swansea, the following interests were declared:

Councillor R A Clay - personal - Minute No. 17 - Ward Member for Llansamlet.

Councillor A M Cook - personal - Minute No. 17 - Ward Member from Cockett - one of the wards that was shortlisted.

Councillor D W Cole – personal – minute no. 17 – Ward Member for Gorseinon – one of the wards that was shortlisted.

Councillor J P Curtice - personal - Minute Nos. 17 - Ward Member from Penyrheol which abuts two of the five previously nominated sites.

Councillor T J Hennegan – personal – Minute no. 17 – Ward Member for Penderry – one of the wards that was shortlisted.

**15 PROHIBITION OF WHIPPED VOTES AND DECLARATION OF PARTY WHIPS**

In accordance with the Local Government (Wales) Measure 2011, no declarations of Whipped Votes or Party Whips were declared.

**16 MINUTES**

**RESOLVED** that the minutes of the Special Scrutiny Programme Committee held on 27 May, 2014, be accepted as a correct record, subject to Councillor D W Cole and J P Curtice's interests being recorded.

**17 EVIDENCE SESSION: GYPSY & TRAVELLER SITE SEARCH PROCESS**

The Chair referred to the evidence session which would focus on evidence from Councillor C A Holley, former Leader of Council.

Councillor C A Holley detailed the history surrounding the search for a second site which predated the current Council being in operation. He referred to the work of the former West Glamorgan County Council in identifying potential sites in Swansea, Neath, Port Talbot and Lliw Valley, as well as actions taken by the City and County of Swansea over previous years in response to gypsy and traveller occupations.

He outlined the areas within Swansea that Gypsy Traveller's had used over the years and the court action around in relation to the illegal site at Tawe Vale which was an overspill car park for the Liberty Stadium. The failed eviction of the families at the Tawe Vale Park & Ride site and comments from the Judge regarding the requirement for another site started the creation of a cross-party Task and Finish Group. The Task and Finish Group comprised 5 cross party Members, who had volunteered to be part of the Group, and were tasked with examining 100 plus sites. Over 1 – 2 years and following guidelines from Welsh Government those sites were shortlisted to 5. Prior to the Council elections in May 2012 information about the 5 potential sites ended up in the public domain.

He stated that the parameters of the Working Group were set by Welsh Government guidance which had to be followed. He confirmed that no weighting was attached to the criteria in accordance with this guidance.

In respect of the encampment at Tawe Vale, the Childrens' Commissioner had ruled that the Council must install washing and toilet facilities which the Council complied with.

A question was asked regarding the number of sites examined at the start of the process and whether private land was ever looked at. Councillor C A Holley advised that a decision was taken only to look at Council owned sites within the West Glamorgan boundary. This decision was made in order to contain costs.

A question was asked regarding the Officer report submitted to Cabinet which summarised the Judge's ruling in respect of the Tawe Vale Site.

Councillor C A Holley stated it was clear from legal briefings that the judgement not to give authority to evict the families was clearly because the families did not have anywhere to go. The refusal of an order had nothing to do with the quality of report to Cabinet. He stated that the needs of the 2 extended families on the Park & Ride site had triggered the process for identifying alternative provision. The judgement put the council under pressure to identify an alternate site.

A question was asked regarding the Authority's obligation to consult with the Gypsy Traveller Community (as referred to in Cabinet report on March 2012) and the issue of weighting of views, and whether this was ever considered. Councillor C A Holley stated that the process was based on criteria and fact, and no weighting was applied. He added that detailed consultation would only be carried out when the site sieve process had ended up with a 3-5 sites, and subsequent consideration of views (whether from the gypsy & traveller community or residents) in the political decision-making process.

A question was asked about the relationship between the Gypsy & Traveller Liaison Forum and the Task & Finish Group and why the Forum ceased to meet. Councillor C A Holley stated that the former Gypsy Traveller Forum had simply evolved into the Gypsy Traveller Task and Finish Group.

A question was asked regarding the rationale used when shortlisting sites. He stated that it was a comprehensive search and therefore may have included land which people obviously considered unsuitable. but would be filtered out using agreed criteria. The short listing of sites had been decided using certain criteria and filters, such as size, within easy access to mains water, sewerage, position of site, access to it and other issues. No weighting was used. The 5 sites were decided by Task and Finish Group and no-one knew what the sites were.

A question was asked about events between March and August 2010 and why reports to Cabinet on the setting up of a Task & Finish Group differed in relation to the intended purpose of the Group, that is removing reference to the ranking of sites. Councillor Holley acknowledged that the idea was discussed but not carried forward as it was not for the Task & Finish Group to decide the most suitable site. This was a decision for Cabinet to make and justify.

A question was also asked regarding the composition of the Task and Finish Group, and any possible conflict of interest / prejudice in carrying out this role. Councillor C A Holley stated that Members volunteered to be part of the Task and Finish Group. Former Councillor John Hague was Chair, as this was part of his Cabinet Portfolio. An issue was raised about whether the work of the Task & Finish Group was genuinely 'member-led'.

A question was asked regarding the how the 5 sites were made public in early 2012. Councillor Holley believed that the information had been leaked to the press. He referred to a statement he had made to South Wales Evening Post when he had stated that he was unaware of the existence of 5 sites, and his subsequent apology once the information was found to be correct. Councillor Holley stated that there were no channels of communication between himself and the Task & Finish Group, and made the initial statement as he thought that to be correct.

A question was asked regarding the purpose and status of Task & Finish Groups as they have no standing in the Local Government Act 2000, and whether the use of a Task & Finish Group in this case was not appropriate or effective. Councillor C A Holley confirmed that he was aware of the status, and the Group's purpose was for cross party Members to oversee the filtering process to ensure criteria was being applied in a consistent way, and oversee the work of officers involved in the process. He reiterated that the Group has no formal powers, and any suggestion that the Group would make recommendations or decisions was incorrect.

A point was raised about the fact that there was a view within the Task & Finish Group that certain sites should be excluded. Councillor Holley stated that the only way sites could be excluded was through application of the criteria and that Task & Finish Group members did not have the authority to rule out sites outside of this approach.

A question was asked regarding a letter from an Officer to the former Cabinet Member the day ahead of the site visit. It was put to Councillor Holley that the advice to councillors was to proceed with visits to all 5 sites to avoid legal challenge, whatever decision is ultimately taken. Councillor C A Holley stated that he was not aware of the Officer's letter however responded that although a judgement would have to be made eventually by Cabinet the role of the Task & Finish Group was to oversee the site sieve process based on agreed criteria, not on opinions.

A question was asked regarding the absence of a final meeting to sum up and arrive at conclusions from the Task and Finish Group, despite such a meeting being agreed to be held at an earlier meeting. Councillor C A Holley stated that the timing of the last meeting of the Task and Finish Group in the April, 2012, made it impossible for a final meeting due to the Local Government Elections in May 2012.

A question was asked regarding any communications/consultations with Gypsy Travellers. Councillor C A Holley stated that the right time to consult and engage in detail with all stakeholders would have been when the Task and Finish Group came forward with a shortlisted number of sites. This would then feed into the actual decision-making process.

A question was asked regarding the overall objective of the site search and rationale for identifying a further site in Llansamlet. The theory was put to Councillor Holley that Llansamlet represented the easiest, rather than best, decision. Councillor C A Holley stated that sites in many locations across Swansea had been discussed with a view to identifying the most acceptable site, that met criteria and went through the cabinet and planning process, taking into account findings from the gypsy & traveller / public consultation. He denied the exercise had been about locating a second site in Llansamlet.

A question was put about whether 1 or 2 sites were sought, as there has been reference to the need for a permanent and a transit site. Councillor Holley stated that originally just 1 site was sought.

A question was posed regarding the identification of a practical solution which enjoyed all party consensus. It was acknowledged that it is difficult to balance the wishes of the gypsy & traveller community against hostility within the local community, but ultimately comes down to a political decision. Councillor C A Holley stated that there was no easy solution. However, in his view, a way forward (considering the experience of the process and reactions) would be to extend the current official site. He felt that it has already taken too long to get to this point but found it difficult to envisage a speedy resolution to this issue in the months ahead. He stated that the new LDP process (coming in the next 18 months) meant that an area needs to be designated.

Councillor C A Holley stated that he would not have done anything differently, but regretted not being able to deal with the issue in a shorter time period, ideally completing the process before the 2012 elections. He felt that this was a lesson for the future. He stated that the public hostility had not been a surprise, but defended the process that was followed. He felt that the process was robust enough to withstand legal challenge. Councillor C A Holley stated that if a democratically agreed site/s went through planning, there could be no criticism.

The Chair thanked Councillor C A Holley for his evidence.

**18 TIMETABLE OF WORK (DATE AND TIME OF FURTHER SPECIAL MEETINGS TO BE CONFIRMED).**

The Scrutiny Officer referred to the number of evidence sessions and the need for the Committee to reflect and consider what further evidence gathering was required.

**RESOLVED** that the Committee meeting informally on Thursday, 31 July, to consider the evidence received to date.

**19 COPY OF SUBMISSIONS OF EVIDENCE - 27 MAY COMMITTEE MEETING. (FOR INFORMATION).**

Submissions of Evidence from the meeting held on 27 May, 2014, were submitted for information.

The meeting ended at 4.24 p.m.

**CHAIR**

# Agenda Item 5

## Report of the Chair

### Special Scrutiny Programme Committee - 10 September 2014

#### SCRUTINY OF GYPSY & TRAVELLER SITE SEARCH PROCESS – TO REVIEW EVIDENCE BASE AND TO CONSIDER NEXT STEPS

<b>Purpose</b>	The committee will discuss progress of the scrutiny review and further work.
<b>Content</b>	The report provides a summary of evidence gathering to date.
<b>Councillors are being asked to</b>	Consider and agree next steps in the scrutiny process.
<b>Lead Councillor(s)</b>	Councillor Robert Smith, Vice-Chair of Scrutiny Programme Committee.
<b>Lead Officer &amp; Report Author</b>	Brij Madahar, Scrutiny Coordinator Tel: 01792 637257 E-mail: <a href="mailto:brij.madahar@swansea.gov.uk">brij.madahar@swansea.gov.uk</a>

#### 1. Introduction

- 1.1 A series of special meetings of the Scrutiny Programme Committee have been held to review the process adopted to date in the search for a second gypsy and traveller site.
- 1.2 The committee's role has been to consider whether the process, leading up to the report to Council on 21 October 2013, was robust. The committee is looking at the quality of that process, and may identify any learning points about the process, and recommend any changes for the future as appropriate.
- 1.3 Over the course of 6 meetings the committee has gathered evidence for this work, and has reached the point where next steps need to be agreed in order to conclude the scrutiny review.

#### 2. Summary of Evidence Gathering

- 2.1 The first three meetings enabled the committee to hear from officers involved in the process who provided:
  - an overview of the process and legal framework;
  - information on the criteria for site selection and site sieve process, the consultation process / outcomes, and the role of officers

The following officers appeared before the committee:

- Jack Straw (Chief Executive)
- Reena Owen (Corporate Director)
- Patrick Arran (Legal Services)
- Emyr Jones (Planning Services)
- Dave Turner (Estates)

2.2 The committee then, over the last three meetings, took evidence from members of the public and other councillors not involved in the committee. The following appeared before the committee at their request:

- Tony Beddow
- Keith Jones
- Cllr Uta Clay
- Cllr Penny Matthews
- Cllr Jennifer Raynor
- Hilary & Tom Jenkins
- Phillip Robins
- Lawrence Bailey
- Cllr Chris Holley

2.3 In addition the committee has had access to various key documents, including:

- 2009 Court Judgement in case between City & County of Swansea and Christine Joyce (and others)
- City & County of Swansea Gypsy Traveller Policy – June 2009

Cabinet Reports / Minutes:

- 11 March 2010 – Report on the New Provision of a New Gypsy and Traveller Site
- 26 August 2010 – Report on Member Task & Finish Group to identify Potential Gypsy Traveller Sites
- 5 July 2012 – Report on Member Task & Finish Group to identify Potential Gypsy Traveller Sites
- 1 November 2012 – Approach to the Identification of Additional Gypsy Traveller Site Provision
- 23 July 2013 – Gypsy Traveller Additional Site Provision – Next Steps
  
- Gypsy & Traveller Site Task & Finish Group Reports / Minutes
  
- Two Independent Review Reports – 2012:
  - internal: Report of Head of Housing & Community Regeneration – Independent Management Review of the Processes used to Identify a Shortlist of Potential Locations for a new Gypsy & Traveller Site

- external: Report by Geoff White, Head of Planning, Neath Port Talbot County Borough Council – Review of the Site Selection Process for Potential Sites for a Gypsy and Traveller Site within the City & County of Swansea
  - 21 October 2013 Council Report / Minutes – Gypsy & Traveller Site Provision
  - Extract from Housing Needs Assessment 2013
  - Other information published on council web pages – [www.swansea.gov.uk/sgtsreport](http://www.swansea.gov.uk/sgtsreport)
- 2.4 An evidence pack has been circulated to committee members and is also available on the council website - <http://democracy.swansea.gov.uk/ieListMeetings.aspx?CId=188&Year=0&LLL=-1>

### **3. Next Steps**

- 3.1 The committee is asked to consider and agree next steps in relation to this scrutiny review that will lead to the committee drawing conclusions from this work.
- 3.2 Members of the committee may wish to:
- reflect on the sessions held so far
  - consider whether further evidence is needed

### **4. Legal Implications**

- 4.1 There are no specific legal implications raised by this report.

### **5. Financial Implications**

- 5.1 There are no specific financial implications raised by this report.

Date: 4 September 2014

Background Papers: None

Legal Officer: Debbie Smith

Finance Officer: Carl Billingsley



**GYPSY & TRAVELLER  
SITE PROVISION –  
SCRUTINY REVIEW OF  
SITE SEARCH PROCESS**

**EVIDENCE PACK**

**SPECIAL  
SCRUTINY PROGRAMME  
COMMITTEE**

*(evidence up to 27 May 2014 Committee meeting)*

## **CONTENTS**

### **Documents Enclosed:**

- A)** 31 March 2009 Court Judgement in case between CCS and Christine Joyce (and others) *NB – Counsel's Opinion on the Judgement can be viewed by Members by arrangement with the Monitoring Officer*
  
- B)** Gypsy Traveller Policy – June 2009
  
- C)** 11 March 2010 Cabinet Report & Minutes - Report on the Provision Of A New Gypsy And Traveller Site
  
- D)** 26 August 2010 Cabinet Report & Minutes - Report on Member Task & Finish Group To Identify Potential Gypsy Traveller Sites
  
- E)** 5 July 2012 Cabinet Report & Minutes - Report on Member Task & Finish Group To Identify Potential Gypsy Traveller Sites
  
- F)** List of Dates of Gypsy & Traveller Site Task & Finish Group Meetings – go to [www.swansea.gov.uk/sqtsreport](http://www.swansea.gov.uk/sqtsreport) for minutes and reports
  
- G)** Two Independent Review Reports – 2012:
  - i) Internal: Report of Head of Housing & Community Regeneration – 29 Oct 2012 – Independent Management Review of the Processes Used to Identify a Shortlist of Potential Locations for a New Gypsy and Traveller Site
  
  - ii) External: Report Geoff White, Head of Planning, Neath Port Talbot CBC - Review of the Site Selection Process for Potential Sites for a Gypsy and Traveller Site within the City and County of Swansea.
  
- H)** 1 November 2012 Cabinet Report & Minutes – Approach to the Identification of Additional Gypsy Traveller Site Provision
  
- I)** 23 July 2013 Cabinet Report & Minutes – Gypsy Traveller Additional Site Provision – Next Steps
  
- J)** 21 October 2013 Council Report - Gypsy And Traveller Site Provision
  
- Ji)** Extract from Housing Needs Assessment 2013

Special Scrutiny Programme Committee Meetings:

**K) 20 Feb 2014 SPC - Reports & Minutes**

Purpose	Attended
<ul style="list-style-type: none"><li>• Overview of Gypsy Traveller Site Search - report giving chronology of process and legal framework.</li></ul> <p>Papers included:</p> <ul style="list-style-type: none"><li>• City &amp; County of Swansea Gypsy Traveller Policy – June 2009</li><li>• Site Selection Criteria agreed by Cabinet</li><li>• Cabinet Report 26 Aug 2010</li><li>• Reference to numerous relevant background papers</li></ul>	<ul style="list-style-type: none"><li>• Jack Straw (Chief Executive)</li><li>• Reena Owen (Corporate Director)</li><li>• Emyr Jones (Planning Services)</li><li>• Patrick Arran (Legal Services)</li></ul>

**L) 6 March 2014 SPC – Reports & Minutes**

Purpose	Attended
<ul style="list-style-type: none"><li>• Criteria for Site Selection / Explanation of Site Sieve Process (Officer presentation given)</li></ul> <p>Papers included:</p> <ul style="list-style-type: none"><li>• Cabinet Report &amp; Minutes 11 Mar 2010</li><li>• Cabinet Report &amp; Minutes 5 Jul 2012</li><li>• Cabinet Report &amp; Minutes 1 Nov 2012</li></ul>	<ul style="list-style-type: none"><li>• Reena Owen (Corporate Director)</li><li>• Emyr Jones (Planning Services)</li><li>• Dave Turner (Estates)</li></ul>

**M) 3 April 2014 SPC – Reports & Minutes**

Purpose	Attended
<ul style="list-style-type: none"><li>• Consultation Process and Outcomes</li><li>• To deal with outstanding queries from officer evidence</li></ul>	<ul style="list-style-type: none"><li>• Reena Owen (Corporate Director)</li><li>• Patrick Arran (Legal Services)</li></ul>

**N) 23 April 2014 SPC – Reports & Minutes**

Purpose	Attended
<ul style="list-style-type: none"><li>• Evidence from members of the public / other councillors (1)</li></ul>	<ul style="list-style-type: none"><li>• Tony Beddow</li><li>• Keith Jones</li><li>• Cllr Uta Clay</li><li>• Cllr Penny Matthews</li></ul>

O) 27 May 2014 SPC – Reports & Minutes

Purpose	Attended
<ul style="list-style-type: none"><li>Evidence from members of the public / other councillors (2)</li></ul>	<ul style="list-style-type: none"><li>Cllr Jennifer Raynor</li><li>Hilary &amp; Tom Jenkins</li><li>Phillip Robins</li><li>Lawrence Bailey</li></ul>

**OTHER BACKGROUND PAPERS (not attached):**

**Available on councillor micro-site:**

<http://www.swansea.gov.uk/index.cfm?articleid=57622?Lang=eng> or link provide below

1. Welsh Government Circular 30/2007: Planning for Gypsy and Traveller Caravan Sites.
2. Human Rights Act – <http://www.legislation.gov.uk/ukpga/1998/42/contents>.
3. United Nations Convention on the Rights of a Child.
4. Welsh Government Guidance on Managing Unauthorised Camping 2005.
5. Good Practice Guide in Designing Gypsy Traveller Sites in Wales 2009.
6. Local Housing Strategy. – Chapter relating to Gypsy and Traveller Provision
7. Strategic Equality Plan 2012-16.
8. Welsh Government Report: Accommodation Needs of Gypsy and Travellers in Wales 2006.
9. Welsh Government Report: Travelling to a Better Future – Gypsy and Traveller Framework for Action and Delivery Plan 2011.
10. Report on Occupancy Levels of Permanent Pantyblawd Road.
11. Correspondence with Natural Resources Wales re Swansea Vale and the Enterprise Park.
12. Planning Appeal Decision: Drummau House, Birchgrove
13. Membership of Senior Officer Panel.
14. Consultation Web Pages - [www.swansea.gov.uk/sgtsreport](http://www.swansea.gov.uk/sgtsreport). These pages provide further information on the work of the Member Task & Finish Group, the Site Sieve and Assessment Process, West Glamorgan County Council Considerations, and Legislation / Guidance.

**A**

**31 March 2009**

**Court Judgement in case  
between CCS and  
Christine Joyce (and  
others)**



IN THE HIGH COURT OF JUSTICE  
CHANCERY DIVISION  
CARDIFF DISTRICT REGISTRY

BEFORE HIS HONOUR JUDGE JARMAN QC sitting as an additional judge of  
the Chancery Division on 31<sup>st</sup> March 2009

BETWEEN:-

THE CITY AND COUNCIL OF SWANSEA

Claimant

and

(1) CHRISTINE JOYCE

AND OTHERS

Defendants

JUDGMENT

This is the official judgment of the Court and I direct that no further note or transcript be made.

JUDGMENT APPROVED BY THE COURT  
FOR HANDING DOWN  
(SUBJECT TO EDITORIAL CORRECTION)

## *Introduction*

1. By a claim dated 20 July 2007 the Council seeks a possession order against Christine Joyce, Keiron Joyce, Bernie McDonagh, Rose McDonagh, other members of the Joyce and McDonagh families, and persons unknown. Each of the defendants live in caravans currently stationed on parts of a large industrial business and retail park known as the Swansea Enterprise Park (the Park) in the Lower Swansea Valley just north of the City of Swansea. The freehold of the park is vested in the claimant council (the Council).
2. The re-amended defences put forward four main defences:
  - (1) The defendants moved to the present location and expended time and money on improving it and otherwise acted to their detriment in reliance on a promise or assurance made to them in or about May 2007 by Councillor John Hague "that if they moved to the area upon which they currently reside they could stay there for some 6 to 9 months until a permanent site was available, alternatively until a planning decision was reached whether or not to grant permission" It is said that he also raised the possibility that the permanent site might be the area to which they were being asked to move, and that because of these promises the Council is estopped from seeking possession before an alternative, permanent site had been provided.
  - (2) Alternatively, the same matters gave rise to a legitimate expectation in the defendants that they would not be evicted until a suitable permanent site had been provided, and the Council's decision to bring possession proceedings is accordingly an abuse of power and as such



would have been liable to be quashed on a judicial review. It is further said that the defendants are entitled to rely on the legitimate expectation as a defence in these proceedings on the principle established in *Wandsworth L.B.C. v Winder* [1985] AC 461.

- (3) Further or in the alternative, in seeking possession the Council is acting as no reasonable authority would do, and the defendants are entitled to defend the claim on the ground of irrationality.
  - (4) It is not admitted either that the Council has title to the land occupied by the defendants or that it has the necessary consent of any leaseholders to bring the proceedings on their behalf. There is no dispute as to the scope of the Council's title but there is a dispute as to the extent of any order that might be made.
3. By a judgment dated 4 July 2008 I determined three preliminary issues namely:
- 1) what was said by Councillor Hague at the site meeting on 2 May 2007;
  - 2) did Councillor Hague have in respect of any promise made or assurance given by him at the site meeting either (a) actual authority or (b) apparent authority;
  - 3) what works were carried out or amenities arranged at the site in May 2007 by servants or agents of the Council.
4. My findings were;
- 1) that in return for the Joyce and the McDonagh families moving to the north east corner of the car park situate in the north west of the Park., Councillor Hague said that they would be there for six to nine months, that toilet and washing facilities, electricity, fencing and hardcore

would be provided within that time scale, and that he would see what he could do about obtaining permission for a longer period.

- 2) Councillor Hague did have the apparent authority of the Council to say what he did.
- 3) that consequently the Council put up fencing, levelled the ground, provided keys for the entrance barrier, arranged for rubbish collection, and removed bunds which had previously blocked access to the area. Further the Council put down black friable stone or waste to fill in puddles without the re-enforcement of aggregate, and was in the process of depositing similar material on Mr McDonagh's side but he stopped this on the basis that in wet weather the black material would be carried by people's feet into the caravans. The Council's operators then put down large stone of several inches in diameter over about half of this part of the corner, indicating that surface dressing would be laid on top, but did not complete the job.
5. Having made those findings, the matter was then adjourned in order for the parties to explore whether consent by the Council may be forthcoming to a possession order being granted but to take effect sometime in the future to take account of the defendants' arguments if these were accepted in whole or part. In the event such consent was not forthcoming.
6. The Council and the represented parties have made further submission in writing and this judgment deals with all outstanding issues. It should be read in conjunction with the judgment dated 4 July 2008, which deals with the facts

up until May 2007. I return briefly to the facts to conclude the narrative, which are not in dispute.

*Facts since May 2007*

7. Some three weeks after the meeting of 2 May 2007, Councillor Hague met the ward members affected by the agreement made on 2 May 2007. I shall refer to this as the May agreement. Also present was Mr Stephen Hancock, a divisional officer within the Council's Housing and Public Health Division and lead officer of a group of officers known as the Traveller and Gypsy Officer Working Group (the Group).
8. The view taken by the ward members was that the arrangements whereby the two families were to move their caravans pursuant to the May agreement were outside the Policy Statement on Gypsies and Travellers (the Policy) adopted by the Council in 2001, paragraph 6 of which provides that the Council will not tolerate any unauthorised camping within what for present purposes can be regarded as the Park. It is worth noting at this stage that paragraph 3 provides that individual consideration of each case and any special circumstances which may come to light will always be necessary.
9. The leader and deputy leader of the Council confirmed that view to Councillor Hague, who so informed Mr Hancock by telephone on 23 May 2007. Mr Hancock met Mr Kieron Joyce on site later that day to pass on news of this development, to which the latter re-acted with anger and distress. He asked if this meant eviction and Mr Hancock replied that it could do.

10. The next day The Community Law Partnership wrote to the Council on behalf of the defendants referring to the May agreement and to what was called threatened eviction proceedings.
11. The same day Mr Hancock prepared a written report recommending that the cabinet of the Council should give authority for a planning application to be submitted for a temporary caravan site to accommodate two traveller families. The report referred in some detail to the background, but only briefly to the May agreement, saying at paragraph 10.2 "The present temporary arrangement of the 2 families being located in the north east area of the Park and Ride provides an opportunity to manage the problem for the first time." It did not refer to the full terms or to the detail of what Councillor Hague said on 2 May 2007 or to the fact that he had the apparent authority of the Council to do so.
12. The reply to the letter of The Community Law Partnership confused matters by referring to a possession order which the Council had obtained in 2006, but by a letter dated 15 June 2007 on behalf of the head of legal services it was made clear that instructions of the Council on the circumstances surrounding the current encampment were awaited.
13. On that date a further report (the Report) was prepared by Mr Hancock with others as a result of the local ward members wishing to implement the Policy. The Report was intended to be submitted to a special cabinet meeting arranged for 21 June 2007. The Report comprised some 9 pages plus appendices. Appendix A set out a copy of the Policy. Appendix B summarised the National Assembly for Wales Guidance on Managing Unauthorised Camping issued in 2005 (the 2005 Guidance). Appendix C set out the membership and

terms of reference of the Gypsy Traveller Liaison Forum (the Forum) set up by the Council in January 2007. Membership was stated to be six named councillors. Its terms of reference, clearly drawn up having regard to the 2005 Guidance, were to:

- a) Provide a forum to help strike a balance between the needs and legitimate expectations of the settled community, local businesses and other landowners, and Gypsies and travellers.
- b) Prepare a strategy to meet the requirements of the 2005 Guidance.
- c) Provide cross party views.
- d) Evaluate all Council strategies and policies to identify any impact upon the welfare of the gypsy or traveller community.

14. Appendix D to the Report detailed the inquiries which had been made into the welfare of the Joyce and McDonagh families. The first part comprised a joint report by the manager of the Traveller Education Service and the head of service, Education Effectiveness, who interviewed senior members of both families. The conclusion was that the current policy seemed to one of eviction rather than to foster the welfare of the children. Then came details of enquiries made by a senior social worker for adult services, and a social worker and family support office in the Child Assessment Team, of members of the Joyce family. The conclusion was that the current arrangements were impinging on the health and well being of individuals in the family and that a permanent site with additional facilities would assist family groups to support

relatives with additional needs to remain as living as independently as possible within their own communities.

15. The final document in Appendix D was an advice note from the Access to Services manager who referred to the duty upon local authorities in England under the Housing Act 2004 to assess the local need for gypsy and traveller accommodation. The conclusion was that a similar duty may be required in Wales in the future and that ignoring any negative impact on such groups could lead to challenge and enforcement action by the Commission for Racial Equality (CRE). Indeed the director of CRE Wales, who had visited the site, had written to the chief executive and leader of the Council by letter dated 25 May 2007 pointing out that the proposed eviction could amount to pressure or instructions to discriminate which would be unlawful under the Race Relations Act 1976.

16. The monitoring officer of the Council determined that as the Report contained information relating to particular individuals the cabinet should be asked to exclude the public from the meeting. The Report again set out the background in some detail, but referred to the May agreement only briefly. It did not refer to the detail of what Councillor Hague said on 2 May 2007 or to the fact that he had the apparent authority of the Council to do so. It set out the welfare inquiries which had been made with regard to health, education and social services. It recommended that the cabinet should consider that information and decide whether to instruct the head of legal services to seek a possession order. It further recommended that if the cabinet decided that such an

application should not be made, then authorisation for an application for temporary planning consent should be given.

17. Accordingly the head of legal services notified the Community Law Partnership by letter dated 20 June 2007 that a copy of the Report could not be disclosed.

18. The meeting which took place of the cabinet on 21 June 2007 included the leader, Councillor Hague and 8 other members. Councillor Hague and one other disclosed an interest and withdrew during consideration of the Report. The minute recorded that the cabinet having considered the information set out in the Report and in particular the welfare considerations set out in section 10, decided to instruct the head of legal services to seek a possession order and to ask the relevant officers to review the current policy.

19. That decision was notified to The Community Law Partnership by faxed letter dated 22 June 2007, which also gave notice that proceedings to recover possession would be commenced after 14 days from the date of that letter.

20. On the 17 July 2007 claim forms for possession with particulars against the defendants were signed by the head of legal services and issued in the Swansea County Court on 20 July 2007. They were served some 11 or 12 days later. The claim was for possession of the Park as shown coloured green on the plan attached, which comprised most of it including that part to which the May agreement relates and that part on which the families had parked their caravans immediately beforehand. The ground for possession was stated to be trespass.



21. Neither the caravans owned and lived in by the defendants nor the land upon which they are sited come within the statutory protection afforded by the Caravan Sites and Control of Development Act 1968 (the 1968 Act) or the Mobile Homes Act 1983. Nevertheless the Council as a public authority is seeking to recover possession of land upon which the defendants live.

*The reasonableness challenge to the decision to seek possession orders*

22. Thus it is not in dispute that the defendants may challenge the decision taken on 21 June 2007 to recover possession if that were a decision which no reasonable person would consider justifiable. Guidance to that effect was given by the majority of the House of Lords in *Kay v Lambeth London Borough Council* [2006] 570 and in particular that set out in paragraph 110 of the opinion of Lord Hope.

23. That guidance was more fully explained in paragraphs 45 to 55 in the opinion of Lord Hope in *Doherty v Birmingham City Council* [2008] 3 WLR 636 which arose when the local authority issued a notice to quit under section 24 of the 1960 Act against a family of gypsies. At paragraphs 54 and 55 Lord Hope said:

*The site had been occupied as a home by the first defendant and his family for about 17 years when the notice to quit was served. So it could be argued that it was unfair for the council to be able to claim possession without being required to make good the reasons that it gave in his statement of claim. I think that in this situation it would be unduly formalistic to confine the review strictly to traditional Wednesbury grounds. The considerations that can be brought into*



*account in this case are wider. An examination of the question whether the council's decision was reasonable, having regard to the aim which it was pursuing and to the length of time that the first defendant and his family have resided on the site, would be appropriate. But the requisite scrutiny would not involve the judge substituting his own judgment for the local authority.*

24. Lord Rodger and Lord Walker agreed and at paragraph 123 the later said this:

*If the defence is focused not on the legislation but on the housing authority's decision making process the judge will in effect be hearing the application for judicial review on traditional review grounds. It is clear that any defence on these lines may now be raised and decided in oral evidence given in the county court.*

25. In my judgment the focus in this litigation was very much upon the processes which lead to the decision of the cabinet on 21 June 2007. I accept the Council's submission that the present case is based upon a claimed right to possession under the common law, and because defences may now be raised thereunder by way of review of the reasonableness of the decision to seek possession, the common law may be taken as compatible with rights enshrined by virtue of the Human Rights Act 1998 (see *Doherty*; Lord Hope at paragraph 53, Lord Scott at paragraph 76 and Lord Walker at paragraph 116). Issues of compatibility between those rights and statutory provisions of Acts of Parliament do not arise in the present case. Moreover, I am concerned with the process rather than the decision. I must be careful not to substitute my own judgement for that of the cabinet.

26. It is likely that in taking that decision the cabinet as a whole did not know of the May agreement and the promises which I have found were made by Councillor Hague with the authority of the Council. The head of legal services, Mr Dayock, accepted in evidence that he did not know of them and did not think the members knew of them. What is clear is that the cabinet did not take those matters into account nor consider them. The likely reason for that is the view taken by ward members and the leader and deputy leader as communicated to Councillor Hague and Mr Hancock on 24 May 2005. Nevertheless in my judgment each of the latter should have informed the cabinet or Mr Dayock.

27. It follows that the failure of the cabinet to consider these matters was a failure on the part of Council members or officers or both. These, in my judgment, were highly material to the decision in June to seek a possession order, only some 6 weeks after the May agreement had been made. They should have formed part of the decision making process not only in relation to the Joyce family, members of which had moved their caravans in accordance with agreement, but also in relation to the members of the McDonagh family who had not. I have found that the reason that the latter did not do so was that the Council did not complete the surface dressing works contemplated.

28. In my judgment no reasonable council could come to the decision to seek a possession order without having regard and giving due weight to each of the terms of the May agreement. It is not for the court to say what weight ought to have been given to them.

29. I do not accept the submission made on behalf of the Council that the decision cannot be seen as unreasonable in this way because the defendants had no right to occupy the land on which they sought to remain, they had no connection with the land and that they had been there a matter of weeks. I have accepted the evidence of Mr Joyce and Mr McDonagh that their families have occupied various parts of the Park from the mid-1980s before any building was carried out, namely the estate roads, plots of land awaiting development, or grassed areas. Boulders, bunds and court orders meant that as the area developed there were fewer accessible camping places. Encampments then began on car parks of trading businesses.

30. It is true that such occupation has been unauthorised, and I accept that the May agreement should be seen in that context. But it should also be seen in the context of a growing awareness in national regional and local policy and guidance of a greater need to balance conflicting interests and to identify the impact of policy upon the travelling communities. Indeed the Council itself as recently as January 2007 when it set up the Forum recognised that it was desirable to enhance the difficult exercise of balancing the needs and legitimate expectations of the settled community and the travelling community and to review policy to identify impacts upon the welfare of the later.

31. Moreover, for the reasons given above, it is not appropriate to view the defendants' encampment after the May agreement had been made as unauthorised without further qualification. Having regard also to the findings of the welfare enquires as set out in the Report, in my judgment it may well be that a different decision may have been made on 21 June 2007 had the May

agreement been taken fully into account. It may be in those circumstances that the recommendation in the report to authorise an application for temporary planning permission would have been made.

32. For that reason, whilst it is also true that both families have now been allowed to stay where they have been for well over 9 months, in my judgment that is not a sufficient answer to their defences.

*Other grounds of challenge*

33. On the facts of this case, my view is that those defences are more appropriately founded on a flawed decision making process than upon the legitimate expectation of the defendants, although the latter in the broadest sense may serve to underline the failings in the process which I have identified.

34. I accept the Council's submission that normally, but not always, there needs to be detrimental reliance to found a case of legitimate expectation (see *R v Secretary of State for Education and Employment Ex p Begbie* [2000] 1 WLR 1151 and *R(Bibi) v Newham London Borough Council* [2002] 1 WLR 237, both decisions of the Court of Appeal. In the latter, at paragraph 31 Lord Justice Schiemann giving the judgment of the court observed that the significance of reliance and consequential detriment was factual, not legal.

35. The detrimental reliance in this case consists of the purchase of mobile homes and equipment, materials and sheds to accompany them by members of the two families. This must be seen in the context of the families having moved around the Park for a substantial number of years, the limited nature of the

promises as part of the May agreement as I have found, and the indication some 3 weeks later that the different view of senior councillors may mean eviction. In my judgment the expectation, taken by itself, is not such as to make it unjust now to make a possession order some 22 months later.

36. These and other difficulties apply also to the defence of estoppel, which was not pursued with any vigour.

37. The failure properly or fully to consider the May agreement at the meeting on 21 June 2007, however, does render such an order unjust. The proper course in my view is to dismiss the claims as against the named defendants in respect of that part of the Park which they currently occupy, which is the course I adopt.

38. Other points were taken on behalf of the represented defendants. I am aware that the Council is awaiting this decision before coming to further decision in relation to encampments in its area. Each decision must however be viewed on its own merits and this judgment relates to the decision made on 21 June 2007. Care must be taken in applying any part of it to future decisions.

39. It was submitted on behalf of the represented defendants that the cabinet misconstrued the Policy as one which permitted no exception and that the arrangements were outside that no toleration policy. That criticism may have some force in respect of the views expressed by local ward members and the leader and deputy leader in May 2007. However, in my judgment, this part of the defence is not, ultimately, made out. Firstly, those views were expressed without full knowledge of the May agreement or of the source of Councillor

Hague's authority as I have found it. Secondly, those views were formed without the benefit of the Report.

40. It is true that in section 3.2 the Report refers to the Council having effectively a policy of no toleration, but section 8.1 refers to the Policy specifically as requiring that any enforcement action taken should be reasonable and proportionate, and welfare needs to be fully considered. The Policy is set out in full as an appendix, and as already noted paragraph 3 provides that individual consideration of each case and any special circumstances will always be necessary. Moreover section 4 of the Report deals at length with significant publications including the 2005 Guidance and the terms of reference of the Forum in January 2007 set up by the Council. Each of these emphasises the need to balance competing interests and to consider the impact on the welfare of travellers. Section 10 then summarises at length the results of the welfare inquiries as set out in the appended reports.

41. As indicated, the minute of the 21 June meeting records that the Report and in particular the welfare considerations were taken into account and there is no evidence to the contrary. What direct evidence there is, including that of Mr Daycock, supports the accuracy of the minute. Whatever misconception as to Policy there may have been informally in May 2007, such was remedied by that report. In my judgment the Cabinet meeting on 21 June had it well in mind that individual cases and the welfare implications of each case must be considered. It was a failure to consider fully the May agreement, rather than the welfare implications of each case, that is fatal to the validity of the decision as it affects the Joyce and McDonagh families.



42. Next it is said that the cabinet failed in June to have regard to the power under section 24 of the Caravan Sites and Control of Development Act 1960 to provide sites for caravans. Subsection (1) provides:

*A local authority shall have the power within their area to provide sites where caravans may be brought, whether for holidays or other temporary purposes or for the use as permanent residences, and to manage the sites or lease them to some other person.*

43. Whilst this enabling section is not mentioned expressly in the Report, the conclusion in section 14 clearly contemplates that the present temporary arrangement provides an opportunity to manage the problem and to address welfare issues. It refers to the need to seek planning permission to allow a temporary site if it continues. The possibility of a temporary or more permanent site where the defendants currently are was in my judgment addressed, and indeed formed part of the recommendation in the event that it was decided not to seek a possession order.

44. So too was the possibility of having to make site provision elsewhere in the event of a possession order being sought and granted. Section 1.1 of the Report refers to the one official site at Morrision which is overcrowded. Section 10(d) refers to the duty to provide accommodation if the travellers were required to leave site, which may mean access to a suitable temporary site if it is established that the person in question had a cultural aversion to bricks and mortar accommodation and if no permanent site was available.

45. In my judgment it was clearly implicit in the Report that there was legal power to provide for these possibilities. There was no need to identify the statutory provision which conferred that power
46. In my view it was also open to authors of the Report and to the cabinet to proceed on the basis that it was inappropriate simply to tolerate the present encampment without making an application for planning permission even on a temporary basis. Section 9.1 set out the circumstances under the Town and Country Planning (General Permitted Development) Order 1995 whereby use of land as a caravans site may be permitted development, none of which applied to the present case. Nor in my judgment was it a function of the cabinet on 21 June 2007 to assess the present site against planning policy. The authors of the Report were entitled to recommend that in the event of a decision not to seek a possession order, an application for temporary planning permission should be made, in which latter event the assessment of the planning merits including any objections raised would be made in the usual way by the appropriate committee with the assistance of planning officers.
47. It was also submitted that the Report and hence the cabinet failed to have regard to Welsh Office Circular 76/94, paragraph 6 of which advocates toleration of unauthorised encampments where there are no authorised sites and where any nuisance can be effectively controlled. That guidance is given on the use of sections 77 to 80 of the Criminal Justice and Public Order Act 1994, which empowers local authorities to make mandatory directions, non-compliance of which gives rise to criminal liability. Such directions were not under consideration in the present case. The Report appended a summary of



recommended good practice as set in the 2005 Guidance, which summary at paragraph 6.2(c) included the advice that councils should enforce appropriately against a troublemaker rather than automatically evicting an encampment as a whole. Section 14.2 of the Report, adequately in my judgment, pointed out that the present temporary arrangement provided an opportunity to manage and to allow the two families to demonstrate a commitment to reduce the impact of the local environment.

48. It is further said that the cabinet failed to have regard to the insufficiency of provision of sites and the failure of its policy to provide for such provision. In my view such was clear from the Report, which as indicated above referred to the one official site as being overcrowded. Section 3.2 noted that because of that and the absence of a transit site or any tolerated stopping area, the Council had effectively a policy of no toleration anywhere in its area. It further noted that that had not stopped almost continued unauthorised camping over several years. The appended 2005 Guidance advised that site provision is an essential element in any strategy and that any council experiencing unauthorised camping should consider creation of permanent sites, transit sites and stopping places. In my judgment it is likely that the cabinet had these matters well in mind.

49. For the reasons set out in paragraph 43 above, there is nothing in the criticism that the cabinet failed to have regard to the duty to prevent homelessness and to provide culturally appropriate accommodation. In my judgment these matters were well within the contemplation of the cabinet. It would be

premature to reach decisions required under Part VII of the Housing Act 1996 as to re-housing until an order were obtained and executed.

50. Nor in my judgment is there any foundation in the submission that the cabinet failed to have regard to the consequences of eviction. The Report noted in section 2.5 and 2.6 that continual evictions of the families concerned could be in conflict with government guidance, the Human Rights Act 1998 and the Race Relations Act 1976, as well as the recommendations of the CRE, which were appended. The concern that they might camp on land in a highly visible and unsuitable area was also raised. These concerns were reinforced by the advice note at appendix D which set out the Council's duty under the 1976 Act to have due regard to the need to eliminate unlawful discrimination, promote equality of opportunity, and promote good race relations between people of different racial groups. The implications including welfare implications were, in my view, adequately summarised in sections 10 to 14 of the Report.

51. An unpleaded point was raised that the cabinet should have had regard to the duty under section 225 of the Housing Act 2004 to assess the accommodation needs of gypsies and travellers when undertaking a review of housing needs under section 8 of the Housing Act 1985. As noted in section 4.4 of the Report that section was then in force in England and expected to be introduced in Wales later that year. Complaint is made on behalf of the represented defendants that that reference is inadequate because it does not mention subsections (2) and (3) which requires a local authority to take the housing strategy into account when exercising its functions.

52. In my judgment there is nothing in this point. The duty in question contemplates strategic review. It was not for the cabinet in June 2007, when deciding a specific issue as to whether to seek a possession against the defendants encamped on the Park, to predict the outcome of such a review. The most that can be said is that the need for such a review ought to be borne in mind, which it was.

*The appropriate orders*

53. I have considered these and the other points raised on behalf of the represented defendants. It is clear that the cabinet came to the decision it did despite the concerns raised in the Report and the obvious preferences of its authors. This was a matter of judgment and balance for the cabinet on a difficult issue. Apart from the failure to give due weight to the full terms of the May agreement, those were judgments to which the cabinet was entitled to come in the exercise of its discretion.

54. For the reasons set out above, that failure is such as to make it inappropriate to grant a possession order against the named defendants in respect of that part of the Park which they currently occupy, namely plots 4 and 67. I do not make such an order against the Joyce or McDonagh families.

55. In respect of the rest of the Park included in the claim (which excludes land no longer within the Council's freehold title) and in respect of unnamed defendants, in my judgment a possession order is justified. That includes areas which are the subject of leases. Andrew Davies of the Council's Estates Department in his witness statement dated 7 December 2007 sets out which of the lessees gave consent to authorise possession proceedings, some of which

consents have now been mislaid. His evidence, which I accept, was that in respect of all leasehold property included in the claim, either the lessee in possession as at March 2007 had given consent to possession proceedings or the terms of the lease enabled the Council to include the demised premises in the claim. He indicates that any order would not be enforced in respect of such premises without a request from the lessee.

56. Mr Davies also gave evidence of a long history of unauthorised encampments in various parts of the Park over many years, with travellers often moving from car park to car park within the Park as they were moved on. This evidence was supported by that of Mr Joyce and Mr McDonagh and I accept it.

57. In my judgment there is a history of movement between different areas of the Park and a real danger of repetition (see *Drury v Secretary of State for the Environment* [2004] 1 WLR 1906). That history and danger justifies an order against the named defendants in respect of the remainder of the Park, apart from plots 4 and 67, and against the unnamed defendants in respect of Park including those plots.

58. I shall hear further argument as to the precise wording of the orders and of any appropriate undertakings which may be offered.

His Honour Judge Jarman QC

31 March 2009

**B**

# **Gypsy Traveller Policy**

**June 2009**



# **CITY AND COUNTY OF SWANSEA**

## **GYPSY TRAVELLER POLICY 2009**

Prepared by the Gypsy Traveller Officer Working Group

June 2009

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## Foreword

The City and County of Swansea is proud of its reputation as a friendly and welcoming place to live and work, a 'community of communities'. We are home to people from more than 50 communities as defined by ethnicity.

We want to ensure that we live up to this reputation and that Swansea is a place:

- that compares with the best
- that invests in the future
- where everyone matters; and
- that values its culture and heritage

This Gypsy Traveller Policy lays out some of the ways that the Council will try to ensure that Swansea welcomes and appreciates the diversity that this community brings to an inclusive society that meets the aims of:

- 'Achieving a step improvement in customer satisfaction across the board'
- 'Leading the community and engaging with other organisations'

It also helps us to meet the key principles of the Welsh Assembly Governments 'Making the Connections' that include:

- putting citizens at the centre
- emphasising equality and social justice

The Council is confident that its Councillors, staff and the partners we work with from the public, private and voluntary organisations will work together to eliminate discrimination and treat people fairly and according to their needs.

Chris Holley  
Leader  
**City and County of Swansea**

Paul Smith  
Chief Executive  
**City and County of Swansea**

## 1. **INTRODUCTION**

### 1.1 **Context**

- 1.1.1 This Gypsy Traveller Policy is set in the context of the Council's Race Equality Schemes and other policies and schemes relating to equality, diversity and community cohesion. This Gypsy and Traveller policy also commits Swansea to becoming:

*A Society where everyone can participate fully as equal citizens*

- 1.1.2 We recognise that people often face discrimination in everyday life and we are committed to treating people fairly and according to their needs.

*Everyone has a racial and ethnic identity, and this Scheme supports the right of all people to live without discrimination.*

- 1.1.3 The City and County of Swansea recognises the important role it plays:

- as a major provider of services in the locality
- as a major employer
- as a lead agent in the development of services delivered by and in partnership with other organisations
- in providing an example to other organisations and agencies, through its community leadership role

- 1.1.4 This Gypsy and Traveller policy needs to be linked to a range of Council policies, schemes and strategies including those relating to planning, education, housing and social services.

- 1.1.5 This Policy is supported by Protocols and procedures which provide Members and staff with more detailed information they need to meet the Policy's requirements.

### 1.2 **The Vision and Aims**

- 1.2.1 This Council is committed to:-

- equality of access to services;
- involving all sections of the community in decisions that affect them;
- equality in service delivery and the way that people are treated and valued.

- 1.2.2 The Council will ensure that there are no discriminatory practices, and that policies will enable Council employees to understand their obligations and responsibilities to promote and provide services equitably to all members of the community.

1.2.3 In relation to Gypsies and Travellers, the Council's aim is:-

*To ensure that Gypsies and Travellers in Swansea have equal opportunity to access the full range of Council services.*

#### 1.2.4 **The Council's Objectives**

The objectives are to:-

- Meet its statutory obligations and have regard to Welsh Assembly Government guidance on managing authorised and unauthorised sites.
- Complete an annual Accommodation Needs Assessment of Gypsies and Travellers to inform the Local Development Plan.
- Work in partnership with Gypsies and Travellers and local communities to promote understanding and mutual respect.
- Take account of the reasonable needs and expectations of both the settled community and Gypsy Travellers.
- Eliminate unlawful discrimination and promote equality of opportunity and treatment.
- Use firm but fair enforcement powers against unauthorised encampments in accordance with the adopted protocol.
- Provide a Gypsy Traveller Liaison Officer as a point of contact for the provision of services and information.
- Take advantage of capital funding made available by the National Assembly for Wales for the provision of new sites for Gypsy Travellers.

1.2.5 The Council seeks to build constructive relationships with the Gypsy and Traveller communities as a whole, by working closely with them, their organisations, the Police, other agencies and the settled community.

1.2.6 The Council is opposed to the harassment to Gypsy and Traveller families and will act in a way that promotes tolerance and understanding.

### 1.3 **Definitions of Gypsy Travellers**

#### 1.3.1 **Race and Ethnicity Legislation**

- The Race Relations Act 1976, (as amended by the RRA Amendment Act 2000) prohibits direct and indirect discrimination on racial grounds. It makes it unlawful to treat someone less favourably on grounds of colour, race, nationality or ethnic or national origins. A racial/ethnic group is a group of people defined by one or more of these characteristics. This includes Gypsy Travellers, but omits New Age Travellers and Showmen.
- As defined, this would include Romany Gypsies and Irish Travellers. Also Roma – the term usually applied to European 'Gypsy' groups who many come to UK as migrant workers or asylum seekers/refugees. An ethnic definition would also include Welsh and Scottish Gypsy Travellers since the term 'Gypsy' is not pre-fixed by any other indication of origin.

- This policy covers all the groups covered by the Acts, whether nomadic or partly nomadic, or no longer living a nomadic way of life but settled in housing or caravans on public or private sites.

### 1.3.2 Planning Legislation

Gypsies and Travellers are defined in Planning Circular 2/94 as:-

Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds of their own or of their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such.

A definition, similar to that in use prior to 2006, but allowing people to 'retire' from travelling or to otherwise stop travelling for specific purposes without losing their Gypsy and Traveller status. Likely to include many Gypsies and Irish Travellers, and New Travellers (certainly while actively travelling). It specifically excludes Showmen as a group.

### 1.3.3 Housing Legislation

Regulations made under Section 225 of the Housing Act 2004 define Gypsies and Travellers as:-

- (a) persons with a cultural tradition of nomadism or of living in a caravan; and
- (b) all other persons of a nomadic habit of life, whatever their race or origin, including:-
  - (i) such persons who, on grounds only of their own or their family's or dependant's educational or health needs or old age, have ceased to travel temporarily or permanently; and
  - (ii) members of an organised group of travelling show people or circus people (whether or not travelling together as such).

This is a wider definition referring to a 'cultural tradition' of nomadism, and to living in a caravan as a distinct concept. It includes Gypsies and Irish Travellers, New Travellers and Showmen, and could include Roma depending on how 'cultural traditions of nomadism' are interpreted.

1.3.4 The Council will apply the widest definition of Gypsy or Traveller according to the service being provided and subject to the legislation which applies in relation to that service.

1.3.5 The Council recognises that there are different needs for each group that fall within these definitions including those that have ceased to travel and live in bricks and mortar as well as show people.

## **2. LEADERSHIP AND CORPORATE COMMITMENT**

### **2.1 Corporate Aim**

One of Swansea's overriding aims is to:

'Lead the community by being accessible and accountable and engaging openly and honestly with local people, groups and organisations.'

### **2.2 Responsibilities and Key Roles**

All Members and officers of the Council have responsibility for the implementation of this Policy. They will be supported by:

- the Cabinet members with the portfolios for planning, housing, education, social services and equality and diversity issues
- the Champion for Equalities
- the Chief Executive and the Corporate Management Team
- all Directors and Heads of Service, who will ensure that their services are delivered in accordance with this policy.
- the Gypsy Traveller Member Liaison Forum and the Officer Working Group
- specialist officers appropriately trained.

### **2.3 Managing and Operating the Policy**

The Gypsy Traveller Officer Working Group will:

- have representatives from all relevant service areas
- develop a Gypsy Traveller Action Plan
- monitor and evaluate the policy and action plan
- complete an equality impact assessment of the policy
- report to the Member Liaison Forum.
- The chairman of the Officer Working Group will be responsible for monitoring and evaluating the policy and action plan and reporting back to the Member Liaison Forum.

### **2.4 Resources**

The Officer Working Group will look to identify best practices throughout the UK and develop the policies set out in this document. It recognises that the leading councils have one feature in common in that they have dedicated Gypsy Traveller Liaison Officers.

### **3. SERVICE DELIVERY**

Service delivery for Gypsies and Travellers should be of the same standard as for all other groups and individuals taking into account any needs or specific requirements.

#### **3.1 Planning**

3.1.1 The new Circular 'Planning for Gypsy and Traveller Caravan Sites in Wales' which provides updated guidance on the planning aspects of finding sites for Gypsies and Travellers became effective on 18<sup>th</sup> December 2007.

3.1.2 The guidance recognises

*"that many Gypsies and Travellers wish to find and buy their own sites to develop and manage.... However, there will remain a requirement for public site provision above the current levels. Such sites are needed for Gypsies and Travellers who are unable to buy and develop their own sites, or prefer to rent, and to provide transit sites and emergency stopping places where Gypsies and Travellers may legally stop in the course of travelling."*

3.1.3 The new guidance requires local authorities to assess Gypsy and Traveller accommodation needs. In this respect the key source of information will be the Local Housing Market Needs Assessment which will inform the preparation of the Local Development Plan (LDP). Where there is an identified unmet need, sufficient sites should be identified in the LDP. The Unitary Development Plan (UDP) is now nearing adoption having been endorsed in its final form by Council on 11<sup>th</sup> September 2008, and work on the LDP is due to start in 2008. The Authority will engage with the Gypsies and Travellers themselves, their representative bodies and local support groups to ensure that their views are taken into account in the preparation of the LDP. If in the interim period an unmet need is identified, the Local Planning Authority should give consideration to granting a temporary permission where there are no overriding objections on other grounds.

#### **Planning considerations**

3.1.4 Sites should have access to local services such as shops, doctors and schools. Sites should also have good transport links. All sites proposed to be allocated in Development Plans must have their social, environmental and economic impacts assessed through the sustainability appraisal process.

3.1.5 In areas with nationally recognised designations, such as the Gower Area of Outstanding Natural Beauty, as with any form of development, planning permission for Gypsy and Traveller sites should only be granted where it can be demonstrated that objectives of the designation will not be compromised. Sites of local importance for nature conservation should not however be used as reasons in themselves to refuse planning permission.

3.1.6 Sites on the outskirts of built up areas and/or in semi rural settings may be appropriate provided the site is not visually obtrusive and does not encroach into

the open countryside. In assessing suitable sites, regard should be had to the availability of alternatives to the car in accessing local services. Sites should also respect the scale of and not dominate adjoining settlements. Any development should have access to and not place undue pressure upon local infrastructure and services.

#### Current and Proposed Development Plan Policy

3.1.7 The Post-Inquiry Modifications version of the Unitary Development Plan for the City and County of Swansea identifies that sites for Gypsies and Travellers will be permitted where there is a proven unmet need subject to the following criteria being met:

- (a) The site should be in, or on the outskirts of, existing settlements or in rural or semi-rural settings which are not subject to specific planning or other considerations, and which have reasonable access to local services.
- (b) The site should respect the scale of and not dominate the nearest settled communities and in rural settings have no significant adverse effect on the character and appearance of the countryside.
- (c) The site should have no significant adverse effect on the amenity of neighbouring properties from noise or other disturbance arising from the movement of vehicles to and from the site, the stationing of vehicles on the site and on-site business activities.
- (d) There should be no mixed residential and business uses in rural areas or on sites where it would result in significant harm to local amenity or to the health and safety of occupants and/or neighbouring residents.
- (e) The site should not be located in close proximity to incompatible land uses.
- (f) Sites should have acceptable road access.
- (g) Sites should not place undue burden on the local infrastructure, which should be available at the site at a reasonable cost.
- (h) The site should be relatively unobtrusive or capable of being screened, particularly in countryside settings.
- (i) Provision should be made for at the site for suitable screened parking and storage areas, and
- (j) The site should not cause harm to natural heritage and the historic environment.

3.1.8 The existing site at Ty Gwyn Road is identified on the UDP Proposals map, but in the absence of an accommodation needs assessment when drafting the plan no additional sites have been identified. Any planning applications for such uses will be assessed against the criteria set out above.

#### Enforcement of Planning Control

3.1.9 Where a Gypsy and Traveller site is unauthorised and enforcement action is required the Local Planning Authority may consider either the service of a Stop Notice and Enforcement Notice or it may undertake Injunctive proceedings to remedy the breach of planning control.

3.1.10 Site provision will be encouraged where there is an unmet need for Gypsies who normally reside in or resort to the Swansea area. This will be achieved through support for the development of permanent Gypsy Traveller caravan sites in satisfactory locations, in accordance with the relevant Policy. This may include long stay residential sites, transit sites for short term stay and emergency stopping places.

## 3.2 **Housing**

3.2.1 The proposed new planning process requires local authorities to assess Gypsy and Traveller accommodation needs. This will then inform the Local Housing Strategy which will identify pitch requirements at a local planning authority level.

3.2.2 Section 225 & 226 Housing Act 2004 places a statutory duty on local authorities to assess the accommodation needs of Gypsies and Travellers under the Local Housing Market Assessment process and then to consider the identified needs.

3.2.3 Special emphasis is placed on local authorities assessing the needs of those Gypsies and Travellers who live in, or “resort to” an area. This will allow them to consider both the need to provide appropriate temporary accommodation for Gypsies and Travellers, as well as permanent accommodation on sites or in housing.

3.2.4 The Authority currently has an authorised Gypsy and Traveller site located in the Llansamlet area of the city. The site of 7 hard standing plots is managed by local District Housing Office. The Council is committed to managing this site and to providing services in line with current procedures.

3.2.5 The Council’s adopted Local Housing Strategy draws on the accommodation needs assessment and concludes that there is a need for further permanent Gypsy Traveller site provision. The factors that need to be considered regarding the location of any new sites will be subject to further research. The results of the research will be used to develop a project plan. The Member Gypsy Traveller Liaison Forum will be consulted on the project plan prior to the Council making a decision.

3.2.6 The Council will review the accommodation needs assessment and make changes to the Local Housing Strategy if necessary. In addition it will complete the bi-annual Gypsy Traveller count in line with WAG requirements.

## 3.3 **Welfare**

### 3.3.1 **General**

Social Services provides services for vulnerable people in our community who need support, care or protection; this would include Gypsy Travellers. We believe that a person’s independence should be maintained within their chosen home environment wherever possible. Once assessed as being eligible for a service, every effort will be made to provide those services within the persons own home. Every effort will be made to ensure that services are culturally sensitive and accessible to Gypsy Travellers.



3.3.2 Social Services provides services for people who need:

- Support to live independent lives
- Someone to look after them
- Protection from harm

We also work with people who care for relatives or friends to support them in that caring role.

### 3.3.3 Relevant Legislation

Social Services Departments have duties and powers to provide services to Gypsy Travellers under various legislation;

- The Children Act 1989
- The National Assistance Act 1948
- The NHS and Community Care Act 1990
- Mental Health Act 1983
- Chronically Sick and Disabled Persons Act 1970

The purpose of any Welfare Enquiry should be to identify whether any needs exist within the travelling group which might trigger duties or powers or necessitate the involvement of other sectors to help resolve any issues or meet any identified needs.

### 3.3.4 Access to Adult Welfare Services

People receive support from Social Services after a professional assessment of their needs. We use eligibility criteria to help us to work out who qualifies for help, and whose needs are most urgent.

The Intake Team is the initial contact and referral point. The team can provide a range of information and advice and, where appropriate, refer cases to the Assessment and Long Term Teams.

### 3.3.5 Access to Children and Family Welfare Services

All families with children under the age of 18 who live in Swansea can receive advice and information from Child and Family Services. We also provide specific services to those families and children who are in greatest need.

For example:

- Children with disabilities and their families
- Parents who are having difficulties looking after their children
- Children and young people who are at risk of being neglected or harmed
- Children and young people in trouble with the law
- People who would like to provide a home for a child through fostering or adoption

In some circumstances we have a legal duty to take action. We must protect any child whose health and welfare may be at risk if they do not receive help.

### 3.3.6 Supporting People Services

Supporting People is a Government initiative for supporting people in their homes. Services are jointly planned through Social Services, Housing, Health and Probation.

Supporting People funds Support Services. The Swansea Supporting People Team are responsible for administering this at local level. The funding is aimed at providing accommodation related support to reduce tenancy breakdowns, reducing hospital, residential care admissions and promote independent living across a wide range of vulnerable people.

### 3.3.7 Access to Supporting People Services

Members of the Gypsy Traveller communities may be eligible for Supporting People Services if they require support to establish or maintain a tenancy. In situations where Unauthorised Sites have been established and Eviction Proceedings are being pursued families may be eligible to access Supporting Peoples Services via Housing Options.

## 3.4 Education

3.4.1 The Education Act 1948 and subsequent legislation requires Local Authorities to make education available for all school age children in their area, appropriate to their age, abilities and aptitudes. This duty extends to all children residing or resorting to their area, whether permanently or temporarily. It thus embraces all Traveller children.

Gypsy and Traveller children have been identified as the group most at risk in the education system

The Traveller Education Service (TES) is based within the education Directorate. It co-ordinates, monitors, advises on and supports educational provision for the Gypsy, and Traveller community throughout Swansea.

The TES has a long and successful record of working with Gypsies and Travellers in Swansea, including families on the official site, visiting families and with families unofficially encamped in the area.

The TES is pro-active in making contact with families known to be in the area but is also contacted by families resorting to the area, requesting support in accessing education for their children.

3.4.2 The TES aims to:-

- Support access to education for Gypsies and Travellers at all phases of education
- Promote the inclusion of Gypsy and Traveller children
- Raise awareness and understanding of Gypsy and Traveller history and culture
- Identify and remove barriers to learning for Gypsy and Traveller pupils and their families
- Support Gypsy and Traveller pupils, parents and the schools they attend
- Raise attendance and attainment of Gypsy and Traveller pupils wherever possible

### 3.4.3 The work of the TES includes:

- Support for parents in accessing educational provision
- Support for schools in the admission process
- Liaison between home and school to develop positive partnerships between schools and parents
- Working with Education Welfare Officers to promote and monitor attendance
- In-service training to schools and other educational establishments to raise awareness of Gypsy and Traveller culture and the use of appropriate resources which positively reflect the Gypsy and traveller culture
- Assisting schools in complying with relevant legislation and local guidance regarding issues such as equal opportunities provision and Race Relations legislation
- Liaison with WAG through the All Wales Traveller Education Forum, on the development of education provision for Gypsies and Travellers
- Awareness raising of Gypsy and Traveller culture with arrange of agencies, including the local Authority, whose work brings them into contact with the Gypsy and Traveller community
- Liaison with schools and Traveller Education Services across the country regarding transfer of pupil records and access to school places.

## 3.5 **Health**

3.5.1 The World Health Organisation as long ago as the late 1940's, recognised health as a state of complete physical, mental and social wellbeing, and not merely the absence of disease or infirmity.

3.5.2 Whilst there are no centrally collected health indicators for Gypsies and Travellers, there is research evidence that points to health disadvantage for this community. Infant mortality rates are higher and life expectancy is estimated to be 10 years shorter in comparison to the settled population. Research has indicated that health outcomes are particularly poor for Gypsies and Travellers living on unauthorised sites. Children's health is a particular priority for Gypsy and Traveller families, who can face a variety of barriers in securing full access to health services. The 'National Service Framework for Children, Young People and Maternity Services' (2004) indicates that travelling children, young people and their families may require specific consideration to ensure that services are accessible to them and that services are provided in a manner which addresses their needs and facilitates their engagement.

3.5.3 Whilst there are no duties or powers in law directed specifically at the health care of Gypsies and Travellers, in Swansea, a specialist health service – focusing upon the children of this community – has been provided for over 20 years. Currently a Consultant Community Paediatrician, supported by a specialist Health Visitor, (both employed by Swansea NHS Trust) makes regular visits to the authorised and unauthorised sites in Swansea.

- 3.5.4 Work undertaken, with a view to improving health outcomes, includes:-
- Facilitating access to primary care services (GP's and Dentists)
  - Provision of a child health surveillance service
  - Provision of childhood immunisations
  - Provision of health promotion advice, for example, in relation to childhood accident prevention and smoking cessation in carers
  - Provision and co-ordination of care for children with additional and complex health needs
  - Opportunistic health assessments of children when carers have concerns
  - Advocacy work on behalf of the community, in an attempt to overcome identified barriers to health
  - Liaison with colleagues in education, social care, planning and site management, as well as members of the Gypsy and Traveller community, in addressing identified needs, which are likely to impact on health.
- 3.5.5 Solutions to address poor health outcomes will require continued partnership and collaborative working between agencies and members of the Gypsy and Traveller community, alongside the current local specialist health service provision.

#### **4. UNAUTHORISED ENCAMPMENTS AND ENFORCEMENT**

- 4.1 Government guidance accepts that the eviction of an unauthorised Gypsy encampment remains a matter for local discretion and urges that powers should be used in a "humane" and compassionate fashion and primarily to reduce nuisance and to afford a higher level of protection to private owners of land".
- 4.2 The Council recognises that in the absence of sufficient long stay residential sites, short stay transit sites and emergency stopping places, it may have to deal with unauthorised encampments.
- 4.3 The Council will apply a series of tests to determine if an encampment may be allowed to remain for an agreed period of time or where there are circumstances when immediate action is necessary.
- The Council may allow (subject to the protocol and the assessment) an unauthorised encampment to remain for a period of between 1 day and no more than 28 days. Any period greater than 28 days will be subject to planning regulation.
- 4.4 If it is reasonable to allow an unauthorised encampment to remain for a specified period the Council will:
- agree the duration of the encampment with the Gypsy and Traveller community;

- provide any necessary health and welfare advice;
- arrange adequate facilities for the storage and subsequent removal of refuse;
- consider access to fresh water and facilities to dispose of human waste if appropriate and practicable;
- provide a point of contact for both Travellers and the settled community;
- liaise with local residents and businesses to consider any issues of concern, help resolve any tensions and explain the basis of the decision to allow the encampment to remain.

- 4.5 In operating its Gypsy and Traveller Policies the Council will take into consideration current legislation and guidance.
- 4.6 There are constraints upon the Council's use of its powers to recover possession of land to end unlawful encampments on private land. It will remain the primary responsibility of the private land owners to take action in relation to such encampments.
- 4.7 The Council will normally use the County Court procedures to recover possession on unlawfully encamped land. Each encampment on Council land will be considered on the basis of the relevant individual circumstances applicable to each case and having regard to the Protocol.
- 4.8 The Council may use its powers under Section 77, 78 of the Criminal Justice and Public Order Act 1994 and issue directions to leave land and may make an application to Magistrates Court for an order requiring the removal of vehicles and occupants.
- 4.9 The Council will take appropriate enforcement action against unauthorised encampments having regard to Welsh Assembly Government guidance and the adopted protocol for unauthorised encampments
- 4.10 Measures will be taken to repair any damage sustained to the site of an unauthorised encampment on Council owned land wherever possible and consideration will be given to steps which may need to be taken to prevent further trespass.

## Appendix 1

### **Protocol for Unauthorised Encampments in Swansea**

#### **1 Protocol**

- 1.1 This protocol has been prepared by the Gypsy Traveller Officer Working Group and in association with the Police.
- 1.2 This protocol is in line with statutory guidance, national policy frameworks and best practice.
- 1.3 All considerations will be made with due regard to statutory obligations including the Human Rights Act 1998, the Race Relations Act 1976 and the Race Relations (Amendment) Act 2000 and other government statutory guidance.
- 1.4 It presumes that all parties will act within the actual and spirit of the law.
- 1.5 It will be effective from the 18 June 2009
- 1.6 In this protocol the reference to travelling community means Gypsies and Travellers as set out in Section 1.3.3 of the Policy.
- 1.7 The protocol applies to all land which the Council either owns or exercise rights or obligations over including highway land.

#### **2. Aim**

- 2.1 The aim of this protocol is to:
  - ensure an effective, efficient, fair and consistent approach to the management of unauthorised encampments;
  - take account of the reasonable needs and expectations of both the settled and travelling communities; and
  - enable the public sector partners to undertake their statutory responsibilities.
- 2.2 This protocol acknowledges that:-
  - at any given time members of the Gypsy Traveller Community will require to stop either overnight or for a longer period;
  - the Council has an obligation to provide appropriate facilities to meet needs;
  - the Council must ensure that any unauthorised encampments are handled in the most appropriate way;
  - all parties, be they settled community or Gypsy Traveller, have both rights and responsibilities.
- 2.3 Any stay on land other than on a site specifically designated for Gypsy Travellers is time limited and dependent upon them abiding by the Code of Conduct.
- 2.4 Failure to comply will result in action to move on.

### **3 The Principle**

#### **3.1 The Council's view is that whilst:-**

- an unauthorised encampment will always be defined as such; and
- powers exist to take immediate action to evict,

there will not be an automatic presumption of immediate eviction in every case.

#### **3.2 A series of tests will be applied to determine whether an encampment on a particular piece of land not specifically designated for Travellers should be allowed to remain.**

#### **3.3 Two main factors will be considered:-**

##### **3.3.1 Factors relating to the encampment**

These include but are not limited to:-

- the size of the encampment relevant to the land ;
- the duration of any stay;
- the health, safety, education and welfare needs of the Travellers;
- the proximity of the encampment to any sensitive or potentially hazardous sites;
- proximity to roads where a highway danger may ensue;
- the social and environmental behaviour of the Travellers;
- any known previous behaviour by those Travellers;
- any known and immediate welfare issues.

##### **3.3.2 Factors relating to the land or surrounding environment**

Listed below are types of site where unauthorised camping will not normally be accepted. These include but are not limited to:-

- a site of specific scientific interest (SSSI) or where an encampment endangers a sensitive environment or wildlife;
- a school car park or playing fields;
- an urban park;
- car parks, including hospital, supermarket or leisure facility car parks;
- an industrial estate;
- recreation ground and public playing fields;
- a site where pollution from vehicles or dumping could damage ground water or water courses;
- a derelict area with toxic waste or other serious ground pollution;
- a village green or other open area within a residential area;
- the verge of a busy road where fast traffic is a danger.

### **4 What the Local Authority will do**

#### **4.1 The Council will:-**



- Prepare a written procedure which documents how action will be taken and which reflects this protocol. Documents will be available in other formats as required and may be explained in person as necessary.
- Nominate officers to deal with Gypsy and Traveller issues, who will be briefed on policy and procedure and trained to undertake their duties effectively including understanding the needs and expectations of the Gypsy and Traveller culture.
- Recognise and respect the reasonable rights of both the travelling and settled community.
- Unless there are exceptional circumstances before any decision to move on is taken we will:-
  - carry out health, safety and welfare assessments;
  - consider the issues and circumstances and involve the police and the health care professionals and any other relevant people;
  - consider the factors referred to under this protocol.

4.2 If it is reasonable to allow the unauthorised encampment to remain we will:-

- agree the duration of the encampment with the travelling community;
- provide any necessary health and welfare advice;
- provide adequate facilities for the storage and subsequent removal of refuse;
- provide, if appropriate and practicable, access to fresh water and facilities to dispose of human waste;
- provide a point of contact for both travellers and the settled community;
- liaise with local residents and businesses to consider any issues of concern, help resolve any tensions and explain the basis of the decision to allow the encampment to remain.

4.3 Ensure that only such force as is necessary will be used to remove the encampment and secure the site taking into account the circumstances and evidence relating to the encampment.

## 5 **Expectations of the Travellers**

5.1 If it proposed to allow an encampment to remain for an agreed period there are a number of considerations which the partners can reasonably expect from the travelling community .

5.2 As part of the agreement to stay we would expect Gypsies and Travellers to:-

- agree the duration of their stay;
- be accountable for their behaviour towards the local community and each other;
- respect the environment, the surrounding area and property and the reasonable expectations of the local settled community;
- not create a hazard to road safety or otherwise create a health and safety hazard;
- not to dump or inappropriately dispose of household, human or trade waste;
- to dispose of all household waste in containers supplied by or as directed by the council;
- to keep all animals under control;
- leave the site by time agreed and in the condition it was upon arrival;

- not to re-occupy the same area of land within a period of three months.
- agree to the Code of Conduct
- any agreement will be in a format that is readily accessible to all. Where necessary it will be explained in person.

## **6 Expectations of the Settled Community**

- 6.1 It is acknowledged that there can be tensions between the settled and travelling community.
- 6.2 Where an encampment is being permitted to remain on a temporary basis residents and the businesses in the vicinity will be informed.
- 6.3 Information about the arrangements will also be given to elected members and the local community.
- 6.4 Provided the Travellers respect the conditions of any agreement to stay the settled community will be expected to:
- respect the reasonable expectations of the local Gypsy and Traveller community;
  - be accountable for their behaviour towards the Gypsy and Traveller community;
  - incidents of inappropriate behaviour towards the Gypsy Traveller community will be recorded and be referred to the appropriate agency.

## **7 Communication**

- 7.1 Copies of this Protocol will be:-
- provided in appropriate forms to the travelling community using national and local groups and networks;
  - briefed within the participating organisations at both member and officer level.

## **8 Monitoring**

- 8.1 The effectiveness of this Protocol and the number type and impact of Gypsy encampments will be monitored by the Gypsy Traveller Officer Working Group and the Member Liaison Forum.

## **Appendix 2**

### **Procedure for Managing Unauthorised Encampments**

#### **2 The Lead Authority**

- The Council will act as lead authority in respect of unauthorised camping on the highway or on Council owned land.
- The Council will lead in respect of unauthorised camping on private land and common land.
- The Police will lead when the decision has been taken to enact powers under Section 61-62E. Criminal Justice and Public Order Act 1994.

#### **3 Notification**

- 3.1 Any reports of unauthorised encampments should be referred to the Environment Department. Details to be recorded on the database.
- 3.2 The case officer will establish ownership details of the site. If privately owned, case officer will advise owner and send information pack.

#### **Action Following Notification of an Unauthorised Encampment**

#### **4 Site Visit**

- 4.1 When notification of an unauthorised encampment is received, the case officer will visit the site at the first opportunity to consider the acceptability of the encampment. The officer may choose to make a joint visit with a Police, Education or Health Officer. The officer will give attention to any complaints received or other issues that may arise from the encampment and location.
- 4.2 Following the site visit, the case officer will consult and decide upon the most appropriate course of action, normally by means of convening a case conference.

#### **5 The Case Conference**

- 5.1 Where a case conference is convened, representatives from the Council, Police, and Health Services will be consulted and where an involvement is clear will be invited to attend. Representatives of both settled and Gypsy and Travelling communities may be invited to attend at the Council's discretion.
- 5.2 The Case Conference Assessment Checklist (Appendix C) contains criteria for consideration of the encampment including its siting, any health, welfare and educational needs, criminal or antisocial behaviour, environmental impact and Human Rights considerations. Following the completion of the assessment checklist a decision will be made as to whether the encampment should be allowed to remain for an agreed period or whether to take possession action.
- 5.3 A decision to follow eviction procedure will be based on the following.
- (a) Have the considerations for Unauthorised Encampments been addressed (Appendix A).

- (b) Are the Travellers prepared to sign up to and comply with the Code of Conduct.

## 6 **Action following a Case Conference**

- 6.1 Following the case conference, if a decision is taken to evict an unauthorised encampment the aim should be to act quickly and efficiently; to use powers most appropriate to the circumstances and to reduce scope for challenge through the courts by ensuring that policies and procedures are properly followed.
- 6.2 The Decision Note should be signed off by the Director for Environment and where appropriate after consultation with the Cabinet member.
- 6.3 The Decision Note will be the basis of the instruction to the Head of Legal Services to start the eviction process.

## **Appendix A**

### **Unauthorised Encampments – Considerations**

Set out below are the broad considerations that form the Protocol.

The Council will assess each encampment on a case by case basis and may not pursue an immediate order for the removal of an unauthorised encampment subject to the Gypsy/Traveller group adhering to the Code of Conduct set out at Appendix (B) and the satisfactory assessment of:-

- 1 The size of the encampment and the number of caravans. Smaller numbers of caravans at an encampment are more acceptable. The size of the group should be appropriate to the location.
- 2 The distance between the family groups on the encampment. Well-spaced groups are more acceptable.
- 3 The suitability of the site, its location, environmental sensitivity and the impact the encampment might have upon it. Considerations such as SSSI, contamination of water supplies or soil and any other environmental factors will be taken into account.
- 4 The existing day to day use of the land should not be impeded. Local authority, statutory authority or agricultural land shall not be prevented from carrying on its operational use or, insofar as parkland or other public open space is concerned, shall not detract from its amenity value.
- 5 The occupation of any land shall not have a serious detrimental effect on the amenities or otherwise cause nuisance to the occupants of any property adjacent to the encampment.
- 6 Dumping or inappropriate disposal of household, human or trade waste is not acceptable. Waste disposal facilities may be provided in certain circumstances. It is expected that the encampment will bag waste and dispose of it properly or to leave it for collection where this facility is provided.
- 7 Open fires must be kept to a minimum, must be kept small and controlled and must not be left unattended. The burning of scrap metal, or other noxious material is not permitted.
- 8 Damage to any property, fences or trees etc., on land occupied by Gypsies and Travellers, or any adjacent land, is not acceptable.
- 9 The behaviour of any Gypsies and Travellers towards residents in neighbouring communities should not be intimidating or involve actual or threatened violence or the use of abusive or insulting language. Equally the behaviour of residents in settled communities should not be intimidating or involve actual or threatened violence or abusive or insulting language towards Gypsies and Travellers. Incidents of inappropriate behaviour will be recorded and referred to the appropriate agency.
- 10 The health, welfare and education needs of all members of the group must be taken into account insofar as moving a person on would have a negative affect on their health or welfare

- 11 The educational or training status of the children and young people in the group should be taken into account insofar as they may be engaged in education and/or training, or in the process of preschool, school or college enrolment or similar.
- 12 The mobility or roadworthiness of the vehicles or caravans belonging to the group will need to be considered, as will the ability of members of the group to drive them.
- 13 The distance between each caravan shall be a minimum of 6 metres

## **Appendix B**

### **Unauthorised Encampments – Gypsy and Traveller Code of Conduct**

The Council will consider what, if any, legal action to pursue in line with its policy on Unauthorised Camping and will base this decision upon its Protocol for Unauthorised Encampments. An unauthorised encampment may be tolerated for a specified period of time if the occupants abide by the Code of Conduct set out below.

- 1 Occupants of the site must respect the environment, the surrounding property and the reasonable expectations of local settled communities.
- 2 The size of the group should be appropriate to its location.
- 3 No trade waste, gas canisters or domestic waste to be dumped. Waste facilities for domestic waste will be provided where appropriate.
- 4 The occupants of the site will be accountable for their behaviour towards the local communities and each other.
- 5 Animals must be kept under control at all times.
- 6 All human waste on site must be dealt with in a safe and hygienic manner.
- 7 Continuous occupation of the same site by consecutive groups is not acceptable.
- 8 A definite date of departure once agreed with the appointed officer must be adhered to.

Where trade waste is dumped, or scrapping of vehicles or fly tipping occurs by occupants of an unauthorised encampment the Environment Agency may be informed. It should be noted that fly tipping is illegal and offenders can be fined £50,000 or sent to prison for up to 5 years for each deposit of waste.

Officers of the Environment Agency or the Council may stop (with police support) any vehicle believed to be carrying “controlled waste”. Drivers of vehicles used without relevant documentation may be subject to being reported to the Court and their vehicle seized.

Any person who drives a vehicle onto Common land may be liable to fine under the Law of Property Act 1925 s193(4).

A significant breach, repeated breaches, or a number of different breaches of the above conditions may result in immediate eviction.

These guidelines will be issued and explained to groups by the Lead Officer at the initial site visit.

## **Appendix C**

### **Case Conference: Assessment Checklist**

When an unauthorised encampment occurs, the Council needs to establish who is living there, the likely period of occupation, and its impact on the local community. This Checklist is intended to provide sufficient background information to enable balanced and informed decisions to be made concerning its tolerance or otherwise.

#### **Data Protection Act 1998**

The Data Protection Act regulates the holding and processing of personal data. The Act gives rights to individuals and places obligations on those persons who control the processing of personal data.

It will be the responsibility of the signatories to this Protocol to ensure that information supplied to them under this Protocol will be used solely for the purpose for which it was obtained. They should also ensure that such information is not disclosed to unauthorised personnel and keep all relevant data confidential and comply with the Data Protection Act.

<b>Reference:</b>	
<b>Date/Time of Conference:</b>	
<b>Venue:</b>	
<b>In attendance</b>	
<b>Name</b>	<b>Job title/Organisation</b>

#### **A. General Information:**

1.	Address/Location/Grid Reference:	
2.	Ownership of land (if known):	
3.	Date of Arrival of Travellers:	
4.	No. of Living Units:	
5.	No. of Other Vehicles:	
6.	Site information (details of any health and safety/hard standing/general description):	
7.	Previous Location of Group (if known):	
8.	Length of time group has indicated they wish to stay:	

#### **B. Specific Information relating to Group**



Name	Date of Birth	Relationship	Details inc. reg. of any vehicles

Details of health concerns, pregnancy, children at risk, details of doctor or hospital appointments:	
Name	Health Issue

Please give details of children attending an educational establishment:	
Name	Details

### C. Details of Encampment

Location	
1. Is the encampment at or near to a Nature Reserve, SSSI or other environmentally sensitive area? Give Details.	
2. Could significant damage occur as a result of the encampment?	
3. Is the encampment near a residential area?	
4. If so, what impact is it likely to have on the surrounding area?	
5. Is the encampment on public land?	
6. If so will it obstruct the operational use of that land to a significant effect?	
7. Does the site contain or is it likely to contain substances which may be toxic or hazardous to health?	

8. Has the site been occupied by Gypsies or Travellers in the preceding year?	
9. Does the encampment block any accesses?	
10. Is there a significant nuisance to adjacent landowners/ occupants because of this?	
11. Are there safety implications for the group or others due to the encampment?	
12. Is there a significant adverse affect on the amenity of the area?	
13. If so, what is the length of time this could be tolerated?	
14. Does the land have planning permission by-law restrictions or other legal restrictions?	
15. What is the planning position with regard to short stays by Gypsies and Travellers?	
16. Are there other sites, formal or informal within the vicinity that would be more suitable?	
17. Are there vacancies on any authorised sites within the area?	
<b><i>The Encampment</i></b>	
18. Is the group known historically to the authority?	
19. If so, has it complied with the Code of Conduct on previous occasions?	
20. How long is the group likely to stay?	
21. Has the Code of Conduct been issued and explained to the group?	
22. Is the size of the encampment a legitimate concern for the local settled community?	
23. Are the groups/units reasonably spaced?	Page 68

24. Are open fires being lit?	
25. If so, are they kept well under control?	
26. Are noxious substances being burned?	
27. Has there been damage to property, fences or trees at the location or on adjacent land?	
28. Are all animals kept under control so as not to cause fear or potential hazard to Highway safety?	
29. Is the encampment a danger to public health due to the dumping of household, human or trade waste?	
30. If so, have the Environment Agency been informed and what is their response?	
<b>Other Considerations</b>	
31. How recently has the group been moved on?	
32. Are there medical concerns with group members that would prevent the group moving on or would create a risk to health?	
33. Are there any vulnerable, elderly or infirm members of the group?	
34. If so, have the welfare agencies been consulted and what is their view?	
35. Has the Travellers Education Service assessed the educational needs of the group?	
36. Are the vehicles on site able to be driven?	
37. Are members of the group able to drive the vehicles?	
38. Has any criminal or anti-social behaviour been witnessed or reported?	
39. Have the police been informed of such incidents?	

40. What are the views and proposed actions of the Police?	
41. If there is evidence of criminal or anti-social behaviour?	
42. If so, do the Police intend to use Section 61 or 62A Powers of Eviction?	
43. Have there been complaints to the lead or other authority? Are they verifiable? Are they reasonable?	
44. With regard to the group's rights, would eviction contravene the Human Rights Act 1998?	
45. With regard to the settled community's rights, would non eviction contravene the Act?	
46. Are there any other issues that need to be considered?	

**Assessment Checklist Completed on behalf of Lead Authority by:**

<b>Name/Organisation</b>	<b>Signature</b>

**Appendix D**

**Gypsy Traveller Policy – Draft Outline Action Plan 2009/2010**

	<b>Key Objective</b>	<b>Action</b>	<b>Who</b>	<b>When</b>
1	Accommodation Needs Assessment	(a) Develop strategy to address need arising from the accommodation needs assessment (b) Calculate number of pitches based on the assessment		
2	Education and awareness	(a) Complete training package for officers and members associated with working group and forum. (b) Make training available to all members. (c) Engage the community in an awareness programme		
3	Site Provision	(a) Complete survey of available land having regard to adopted planning criteria (b) Identify sites for inclusion in the Local Development Plan (c) Prepare bid to NAW for funding.		
4	Engagement & Consultation	(a) Complete Equality Impact Assessment for Policy (b) Consult on the draft policy		
5	Allocation of Resources	(a) Prepare case for appointment Gypsy Traveller Liaison Officer (b) Set out job description and person specification.		
6	Enforcement	(a) Apply enforcement protocol for unauthorised camping. (b) Apply joint approach with police.		
7	Monitoring	(a) Officer Working Group Meeting (b) Member Liaison Forum		

	(c) Review and update the accommodation needs assessment each year (d) Complete bi annual Gypsy Traveller count and submit to WAG		
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**C**

**11 March 2010**

**Cabinet Report &  
Minutes**

**Report on the Provision  
of a New Gypsy and  
Traveller Site**





## Item No.7 (F) (5)

### Report of the Cabinet Member for Environment Cabinet – 11<sup>th</sup> March 2010

#### REPORT ON THE PROVISION OF A NEW GYPSY AND TRAVELLER SITE

##### Summary

<b>Purpose:</b>	To investigate the provision of an alternative site to accommodate the Gypsy and Traveller families presently occupying the unauthorised site at Swansea Vale.
<b>Policy Framework:</b>	Local Housing Strategy 2008 Unitary Development Plan 2008 Gypsy Traveller Policy 2008 Local Development Plan 2009
<b>Reason for Decision:</b>	To agree a methodology to assess potential Gypsy Traveller Sites and to explore the LDP process for the provision of a permanent site.
<b>Consultation:</b>	Legal and Finance
<b>Recommendation(s):</b>	<ol style="list-style-type: none"><li>1. The criteria as set out in Appendix A is accepted as the basis for determining sites.</li><li>2. Cabinet agrees on the methodology set out in Section 6.2</li><li>3. The Gypsy Traveller families are formally consulted as part of the process.</li></ol>

## 1. Introduction

- 1.1 The purpose of this report is to ask Members to agree a methodology to allow potential Gypsy Traveller sites to be assessed and to find an acceptable alternative site to accommodate the Gypsy and Traveller families presently occupying the unauthorised site at Swansea Vale.

## 2. Background

- 2.1 In March 2009 the Council obtained a Possession Order to remove Gypsy Travellers from the Council-owned Park and Ride site in Swansea Vale. The Judge granted a Blanket Order for the whole of the Enterprise Park. The Order is not enforceable against the two families who were on the

Park and Ride site at the time the legal action was taken. This means the two families may remain on the agreed excluded areas until either an alternative site is found or another decision is made to seek a new possession order. Action can be taken against any other families who try to access this or any other site in the Enterprise Park.

2.2 As a result, and in the absence of an alternative site, the Council needed to consider whether to grant temporary planning permission for the areas excluded from the Order whilst the families occupy those areas.

2.3 On the 8<sup>th</sup> May, 2009 Cabinet agreed:-

- To authorise officers to conclude the detail of the Possession Order.
- That following the adoption of the new Policy by Council, the Director of Environment is authorised to make an application for temporary planning permission for the site.
- That the Director is authorised to consider options for an alternative site.

### **3. The Current Position**

3.1 The Council was ordered to pay a percentage of the families costs of the court action and a determination by the court as to the amount to be paid is awaited.

### **4. Submission of a Planning Application**

4.1 The Council adopted its new Gypsy Traveller Policy on 18<sup>th</sup> June, 2009. The Policy sets out how the Council will ensure that its full range of services, including education and social services, are available to the Gypsy and Traveller community.

4.2 A planning application was submitted for temporary permission for the two families currently occupying the restricted area on the Park and Ride site.

4.3 The application was refused by Planning Committee.

### **5. Alternative Site Provision**

5.1 Potential sites need to be assessed against a wide range of criteria which reflect adopted planning policy in the Unitary Development Plan and Welsh Assembly Government Guidance. A copy of the assessment criterion is appended to this report as Appendix A.

5.2 The Unitary Development Plan (UDP) did not include site provision in terms of specific allocation because at that time no unmet need was identified. Instead, in accordance with Government advice, a criteria based Policy was adopted against which sites would be assessed. Therefore, in the interim period, i.e. prior to the adoption of the Local Development Plan there is a need to identify a site and this would be

assessed against UDP Policy HC9 which is attached as Appendix B for information.

## **6. Methodology**

6.1 The method to be used to progress the selection of the sites is set out for consideration in paragraph 6.2 below. The aim of the assessment will be to rank sites identified against the criteria so that they may be listed in order of those sites which best meet the criteria.

6.2 The methodology suggested for the assessment is the creation of a specific Member led Task and Finish Group supported by appropriate professional input from relevant officers from the Corporate Officer Working Group.

## **7. Permanent Site Provision**

7.1 Notwithstanding the Court decision the Council's Accommodation Needs Assessment has identified the need for a new site to accommodate Gypsy and Travellers. Where such an unmet need has been identified, Government guidance states that Local Planning Authorities should allocate sufficient sites in their Local Development Plan (LDP) to ensure that the identified pitch numbers for residential and transit sites can be met. Work on the LDP is due to start later this year and will be subject to a 4-year timetable in agreement with the Welsh Assembly Government. When identifying sites the local planning authority should work with the Gypsy and Traveller community and should encourage them to put forward candidate sites as part of the LDP preparation process.

7.2 It is recommended that the LDP process is started to identify a permanent site to meet the need identified in the Local Housing Strategy and that process is used as a basis for applying for capital grant to the Welsh Assembly Government.

## **8. Financial Implications**

8.1 The financial implications of the Gypsy Traveller policy have previously been reported to Cabinet/Council. There are no implications arising from the recommendations in this report.

## **9. Legal Implications**

9.1 The possession order made on 31<sup>st</sup> March 2009 does not give the families a right to occupy the excluded areas or a right to return to those areas should they leave them. Having regard to all the circumstances a new decision to evict the two families is likely to be challenged as being unreasonable unless there is a material change in circumstances of the families and/or their occupation. This will mean any proceedings will be defended and the decision making process and decision makers being scrutinised. The Counsel instructed in the previous proceedings has strongly recommended against that course of action.

9.2 Any temporary site which may be identified as being suitable will require planning consent for the use to take place and Policy HC9 would be relevant to the consideration of any planning application.

## 10. Other Implications

10.1 Agreeing a methodology to assess potential sites will significantly take this issue forward. However, in the meantime, the existing families on the Park and Ride site continue in unauthorised occupation.

10.2 Furthermore, the site has no facilities and the Council is not discharging its obligations set out in its adopted Policy. The site remains unsecured, not managed and is open to continual fly-tipping. Site clearance is a continuing budget demand.

## 11. Recommendations

It is recommended that:-


11.1 The criteria as set out in Appendix A is accepted as the basis for determining sites.

11.2 Cabinet agrees on the methodology set out in Section 6.2 above.

11.3 The Gypsy Traveller families are formally consulted as part of the process.

**Background Papers:**     **City and County of Swansea:**  
Gypsy Traveller Policy 2009  
Local Housing Strategy 2008  
Accommodation Needs Assessment  
Unitary Development Plan 2008

**Welsh Assembly Government:**  
Circular 30/2007 Planning for Gypsy and Traveller  
Caravan Sites – December 2007  
Gypsy and Traveller, Draft Site Design Guidance –  
May 2008  
Guidance Booklet: Planning for Gypsy and Traveller  
Caravan Sites – November 2008

**Contact Officer:**     Steve Hancock  
Kim Flanders  
 Ext 2621  
Ext 5703

**Legal Officer:**       Lyndsay Thomas  
Rod Jones

## Appendix A

### List of criteria against which the sites will be assessed:

#### Site Constraints:

1. Size of site – over 0.5 hectare?
2. Is the land in a flood risk area (TAN15)?
3. Is the land on the Contaminated Land Register?
4. UDP allocation/policies?
5. Is there adequate access?

#### Site Characteristics:

6. Allows capacity for growth if necessary?
7. Reasonably flat?
8. Suitable hard standing surface?
9. Readily available e.g. public ownership/willing landowner/ lack of restrictive covenants?
10. Free from potential hazards?
11. Previously developed land?
12. Adequate security arrangements e.g. ability to install a controlled entrance/exit, defined boundary?
13. Presence of former mine workings (Coal Authority)?

#### Highway Issues:

14. Separate site access?
15. Surrounding road network adequate?
16. Adequate space for parking, turning and servicing on site?
17. Reasonable pedestrian route to main settlement?
18. Access for emergency vehicles?
19. Nearby public transport provision?
20. Conflict with Public Rights of Way?

#### Infrastructure:

##### Access to:

21. Water?
22. Electricity?
23. Drainage?
24. Sewerage?
25. Lighting?
26. Gas?
27. Waste Disposal?

#### Local Services:

##### Access to:

28. Schools where capacity is available?

- 29. Primary Health Care where capacity is available?
- 30. Council owned community facilities?
- 31. Food shops?

**Potential Environmental Impacts:**

**Any adverse significant impact on:**

- 32. The Gower AONB?
- 33. Nature conservation, in particular designated areas?
- 34. Landscape (e.g. can be mitigated by screening/landscaping)?
- 35. Listed Buildings/Conservation Areas/Ancient Monuments/other cultural assets/
- 36. Green Wedge?
- 37. Registered Common Land?

**Amenity Issues:**

- 38. Effect on the amenity of neighbouring properties e.g. proximity, overlooking?.
- 39. Acceptable residential amenity for the occupiers of the site e.g. any sources of nearby noise/pollution, proximity, overlooking?
- 40. Would the location meet the needs of prospective occupiers?
- 41. Is the site located in acceptable surroundings away from industrial sites, motorways, rivers/canals?

## Appendix B – Policy HC9 of the Unitary Development Plan.

### **GYPSY AND TRAVELLER CARAVAN SITES**

- 3.3.32 The County has a small permanent population of **gypsies**, supplemented by a number of caravans that move into the area on a regular basis. The only statutory gypsy site within the County is at Pantyblawd Road, Llansamlet, which provides accommodation for 14 caravans.

#### **Policy HC9**

**Gypsy and traveller sites will be permitted where an unmet need is proven subject to the following criteria being satisfied:**

- (i) The site should be in, or on the outskirts of, existing settlements or in rural or semi-rural settings which are not subject to specific planning or other considerations, and which have *reasonable access to local services*,**
- (ii) The site should respect the scale of and not dominate the nearest settled communities and in rural settings have no significant adverse effect on the character and appearance of the countryside,**
- (iii) The site should have no significant adverse effect on the amenity of neighbouring properties from noise or other disturbance arising from the movement of vehicles to and from the site, the stationing of vehicles on the site and on-site business activities,**
- (iv) There should be no mixed residential and business uses in rural areas or on sites where it would result in significant harm to local amenity or to the health and safety of occupants and /or neighbouring residents,**
- (v) The site should not be located in close proximity to incompatible land uses,**
- (vi) Sites should have acceptable road access,**
- (vii) Sites should not place undue burden on the local *infrastructure*, which should be available at the site at a reasonable cost,**
- (viii) The site should be relatively unobtrusive or capable of being screened, particularly in countryside settings,**
- (ix) Provision should be made for at the site for suitable screened parking and storage areas, and**
- (x) The site should not cause harm to natural heritage and the historic environment.**

Main Cross References: SP2-3, EV1-3, EV22-24, EV26, EV29, EV32-36, EV38-41, HC17, R9, AS1-2, AS6

National Planning Guidance: PPW; MIPPS Housing 01/2006: WAG Circular 30/2007: Planning for Gypsy and Traveller Caravan Sites

SPG:

#### **Amplification**

- 3.3.33 The policy provides guidance on site selection should an application be submitted for the development of further sites in the area. The criteria would also apply to any future applications for **winter quarters** for **travelling showpeople**, who currently have a temporary site at Railway Terrace, Gorseinon.

- 3.3.34 Advice in WAG Circular 30/2007: Planning for Gypsy and Traveller Caravan Sites will be a material consideration in the determination of any planning applications for gypsy and traveller caravan sites.

**CABINET DECISION**

Cabinet approved:

- (1) the revised estimated total cost of the Metro and Landore EBR/Rail Interchange;
- (2) the revised forecast of schemes detailed, together with their financial implications and that the Capital Programme be amended;
- (3) that any overall funding shortfall on TG schemes be met from the Highways and Other Infrastructure Capital Maintenance Allocation for 2010/11.

Policy Framework

Local Transport Plan 2000-2005, Regional Transport Plan 2010-2015.

Reason for Decision

To comply with Financial Procedure Rule No. 7 (Capital Programming and Appraisals) - to approve material changes to the design and estimates of schemes in the Capital Programme.

Consultation

Legal and Finance.

277. **PROVISION OF A NEW GYPSY AND TRAVELLER SITE**

The Cabinet Member for Environment presented a report which outlined the investigation undertaken into the provision of an alternative site to accommodate the Gypsy and Traveller families presently occupying the unauthorised site at Swansea Vale.

**CABINET DECISION**

Cabinet approved:

- (1) the criteria as set out in Appendix A to the report as the basis for determining sites;
- (2) the methodology as set out in Section 6.2 of the report;
- (3) that the Gypsy Traveller families be formally consulted as part of the process.



## Minutes of the Cabinet (11.03.10) Cont'd

### Policy Framework

Local Housing Strategy 2008; Unitary Development Plan 2008; Gypsy Traveller Policy; Local Development Plan 2009.

### Reason for Decision

To agree a methodology to assess potential Gypsy Traveller Sites and to explore the LDP process for the provision of a permanent site.

### Consultation

Legal and Finance.

## 278. **IMPLEMENTATION OF THE LEARNER TRAVEL (WALES) MEASURE 2008**

The Cabinet Members for Education and Environment jointly presented a report which advised Cabinet of changes to legislation affecting the provision of home to school transport and sought agreement to approaches to their implementation and sought approval of the changes to the Council's Home to School Transport Policy and SEN Transport Policy which have been changed as a result of the measure.

### **CABINET DECISION**

Cabinet agreed:

- (1) to note the details of the changes to school transport provision as a result of the Learner Travel (Wales) Measure as set out in Paragraph 2 to the report;
- (2) to approve the approaches outlined in Paragraph 2.1.4 for provision of transport to more than one home address, and in Paragraph 2.1.5 the maximum journey time limits;
- (3) to recommend to Council that the amended Home to School Transport Policy in Appendix A to the report be approved;
- (4) to recommend to Council that the amended SEN Transport Policy in Appendix B to the report be approved.

### Policy Framework

Home to School Transport Policy and SEN Transport Policy.



**D**

**26 August 2010**

**Cabinet Report &  
Minutes**

**Report on Member Task  
& Finish Group to  
Identify Potential Gypsy  
Traveller Sites**



## Item No. 7 (C) (3)

### Report of the Cabinet Member for Environment

Cabinet – 26<sup>th</sup> August 2010

#### REPORT ON MEMBER TASK & FINISH GROUP TO IDENTIFY POTENTIAL GYPSY TRAVELLER SITES

##### Summary

<b>Purpose:</b>	To consider the formation of a Member led Task & Finish Group to look at Gypsy Traveller site provision.
<b>Policy Framework:</b>	Local Housing Strategy. 2008. Gypsy Traveller Policy. 2008.
<b>Reason for Decision:</b>	To agree a protocol on how the Task & Finish Group will be formed and to agree the terms of reference.
<b>Consultation:</b>	Legal & Finance.

#### 1. Introduction

- 1.1 On the 3<sup>rd</sup> March 2010 Cabinet received a report on the provision of a new Gypsy Traveller Site.
- 1.2 Members agreed to accept the criteria set out in the Appendix to that report and to the creation of a Member led Task & Finish Group supported by appropriate input from relevant officers. Members further agreed to consulting with Gypsy Traveller families as part of the process. The original Appendix is attached to the report as Appendix A.
- 1.3 The purpose of this report is to set out the methodology on deciding membership, to agree the terms of reference and the reporting mechanism.

#### 2. Membership

- 2.1 The proposal is to have cross party membership which will include a Cabinet Member and one other member from the administration. The Leader will ask the other group leaders to nominate one member each from their groups.

#### 3. Terms of Reference

Gypsy Traveller Site Provision Member Task & Finish Group.

### 3.1 The proposed terms of reference are:-

#### Option 1

- (a) Review and update (if necessary) the original criteria based on National Guidance and current Planning policy.
- (b) Review a list of all Council owned land including Council owned land allocated for housing.
- (c) Assess the sites against the criteria and rank those sites in order of those best meeting the criteria.
- (d) Produce a working list of no more than 10 sites for more detailed assessment.
- (e) Complete the detailed assessment and produce an options report.
- (f) Task & Finish Group to complete this work within 6 months.

### 3.2 Alternatively,

#### Option 2

- (a) Complete a review of all Council owned land and Council land allocated for housing.
- (b) Produce a report setting out options.

## 4. **Reporting**

- 4.1 The Task & Finish Group will produce a report for Cabinet setting out options.
- 4.2 Cabinet will produce a further report to Council.

## 5 **Legal Implications**

- 5.1 Section 225 of The Housing Act provides that Gypsy and Travellers should be included in the Housing Needs Assessment. We have complied with this requirement since the legislation was brought into force in 2007. The Housing Needs Assessment found that there is an identified need for Gypsy and Traveller accommodation in the area.
- 5.2 Failure to identify a suitable permanent Gypsy and Traveller site **may** compromise any future applications for possession orders on the site currently being used by Gypsy Travellers in Swansea.
- 5.3 Full consultation across departments will be required when considering potential sites to ensure compliance with the relevant policies and legal provisions.

## 6 **Financial Implications**

There are no financial implications.

## 5. **Recommendations**

It is recommended that:-

- 5.1 Cabinet sets up a Member Task & Finish Group to examine potential sites for a permanent Gypsy Traveller site using the protocol set out in Paragraph 2.1.
- 5.2 One of the options for the terms of reference set out in Paragraph 3 is agreed.
- 5.3 The Task & Finish Group reports back to Cabinet setting out options on potential sites.

**Background Papers:** Report to Cabinet 3<sup>rd</sup> March 2010  
**Contact Officer:** Steve Hancock/ Martin Saville  
**Legal Officer:** Janine Townsley

File Reference: MS/ELE3098

## Appendix A

### List of criteria against which the sites will be assessed:

#### Site Constraints:

1. Size of site – over 0.5 hectare?
2. Is the land in a flood risk area (TAN15)?
3. Is the land on the Contaminated Land Register?
4. UDP allocation/policies?
5. Is there adequate access?

#### Site Characteristics:

6. Allows capacity for growth if necessary?
7. Reasonably flat?
8. Suitable hard standing surface?
9. Readily available e.g. public ownership/willing landowner/ lack of restrictive covenants?
10. Free from potential hazards?
11. Previously developed land?
12. Adequate security arrangements e.g. ability to install a controlled entrance/exit, defined boundary?
13. Presence of former mine workings (Coal Authority)?

#### Highway Issues:

14. Separate site access?
15. Surrounding road network adequate?
16. Adequate space for parking, turning and servicing on site?
17. Reasonable pedestrian route to main settlement?
18. Access for emergency vehicles?
19. Nearby public transport provision?
20. Conflict with Public Rights of Way?

#### Infrastructure:

##### Access to:

21. Water?
22. Electricity?
23. Drainage?
24. Sewerage?
25. Lighting?
26. Gas?
27. Waste Disposal?

#### Local Services:

##### Access to:

28. Schools where capacity is available?



- 29. Primary Health Care where capacity is available?
- 30. Council owned community facilities?
- 31. Food shops?

**Potential Environmental Impacts:**

**Any adverse significant impact on:**

- 32. The Gower AONB?
- 33. Nature conservation, in particular designated areas?
- 34. Landscape (e.g. can be mitigated by screening/landscaping)?
- 35. Listed Buildings/Conservation Areas/Ancient Monuments/other cultural assets/
- 36. Green Wedge?
- 37. Registered Common Land?

**Amenity Issues:**

- 38. Effect on the amenity of neighbouring properties e.g. proximity, overlooking?.
- 39. Acceptable residential amenity for the occupiers of the site e.g. any sources of nearby noise/pollution, proximity, overlooking?
- 40. Would the location meet the needs of prospective occupiers?
- 41. Is the site located in acceptable surroundings away from industrial sites, motorways, rivers/canals?

Policy Framework

Local Housing Strategy  
Gypsy Traveller Policy

Reason for Decision

Unacceptable levels of crime relating to waste fly-tipping and associated costs of cleaning the area.

Consultation

Legal; Finance.

83. **REPORT ON MEMBER TASK AND FINISH GROUP TO IDENTIFY POTENTIAL GYPSY TRAVELLER SITES**

The report of the Cabinet Member for Environment submitted considered the formation of a Member led Task and Finish Group to look at Gypsy Traveller site provision.

**CABINET DECISION**

That:

- (1) a Member Task and Finish Group be formed to examine potential sites for a permanent Gypsy Traveller site using the protocol set out in paragraph 2.1 of the report;
- (2) Option 2 for the terms of reference set out in paragraph 3 of the report be agreed;
- (3) The Task and Finish Group report back to Cabinet setting out options on potential sites.

Policy Framework

Local Housing Strategy 2008  
Gypsy Traveller Policy 2008

Reason for Decision

To agree a protocol on how the Task and Finish Group will be formed and to agree the terms of reference.

**E**

**5 July 2012**

**Cabinet Report &  
Minutes**

**Report on Member Task  
& Finish Group to  
Identify Potential Gypsy  
Traveller Sites**



# Agenda Item 10c

## Report of the Cabinet Member for Place

Cabinet – 5 July 2012

### REPORT ON MEMBER TASK & FINISH GROUP TO IDENTIFY POTENTIAL GYPSY TRAVELLER SITES

<b>Purpose:</b>	To consider the reformation of a Member led Task & Finish Group to look at Gypsy Traveller site provision.
<b>Policy Framework:</b>	Local Housing Strategy 2007-12 Gypsy Traveller Policy 2009
<b>Reason for Decision:</b>	To agree a protocol on how the Task & Finish Group will be formed and to agree the terms of reference.
<b>Consultation:</b>	Legal & Finance.
<b>Recommendation:</b>	It is recommended that:-  Cabinet reforms a Member Task & Finish Group to examine potential sites for Gypsy Traveller site provision using the membership protocol set out in Paragraph 2.1.  The Terms of Reference set out in Paragraph 3 is agreed.  The Task & Finish Group reports back to Cabinet setting out options on potential sites.
<b>Report Author:</b>	Martin Saville
<b>Finance Officer:</b>	Kim Lawrence
<b>Legal Officer:</b>	Patrick Arran

#### 1. Introduction

- 1.1 On the 3<sup>rd</sup> March 2010 Cabinet received a report on the provision of a new Gypsy Traveller Site.
- 1.2 In August 2010, Cabinet agreed to set up a Member Task & Finish Group to identify suitable additional site(s) for Gypsy Travellers in Swansea. The terms of reference of the group and membership was agreed by Cabinet. Since this time the group has met at regular intervals and viewed over 1000 Council owned parcels of land across the City & County of Swansea against an agreed set of criteria (Appendix A).

- 1.3 The purpose of this report is to agree to reform the Task and Finish Group and confirm the methodology on deciding membership, to review the terms of reference and the reporting mechanism.

## 2. **Membership**

- 2.1 The proposal is to have cross party membership comprising 7 Members, which will include one Member from each of the opposition groups, and 4 other Members of the Labour Group. The Leader will ask the other Group Leaders to nominate one Member each from their groups.

## 3. **Terms of Reference**

Gypsy Traveller Site Provision Member Task & Finish Group.

- 3.1 The terms of reference previously adopted were:-
  - (a) Complete a review of all Council owned land and Council land allocated for housing.
  - (b) Produce a report setting out options.

## 4. **Reporting**

- 4.1 The Task & Finish Group will produce a report for Cabinet setting out options.
- 4.2 Cabinet will produce a further report to Council.

## 5. **Legal Implications**

- 5.1 Section 225 of The Housing Act provides that Gypsy and Travellers should be included in the Housing Needs Assessment. The Council have complied with this requirement since the legislation was brought into force in 2007. The Housing Needs Assessment found that there is an identified need for Gypsy and Traveller accommodation in the area.
- 5.2 Failure to identify suitable permanent Gypsy and Traveller site(s) may compromise any future applications for possession orders on unauthorised sites being used by Gypsy Travellers in Swansea.
- 5.3 Full consultation across departments will be required when considering potential sites to ensure compliance with the relevant policies and legal provisions.

## 6. **Financial Implications**

- 6.1 There are no financial implications in operation of the Task and Finish Group. It should be noted that there is no budget provision for the development costs of a new permanent gypsy traveller site once identified.

**Background Papers:** Reports to Cabinet 3<sup>rd</sup> March 2010; 26<sup>th</sup> August 2010  
**Appendix A:** List of Criteria

**List of criteria against which the sites will be assessed:**

**Site Constraints:**

1. Size of site – over 0.5 hectare?
2. Is the land in a flood risk area (TAN15)?
3. Is the land on the Contaminated Land Register?
4. UDP allocation/policies?
5. Is there adequate access?

**Site Characteristics:**

6. Allows capacity for growth if necessary?
7. Reasonably flat?
8. Suitable hard standing surface?
9. Readily available e.g. public ownership/willing landowner/ lack of restrictive covenants?
10. Free from potential hazards?
11. Previously developed land?
12. Adequate security arrangements e.g. ability to install a controlled entrance/exit, defined boundary?
13. Presence of former mine workings (Coal Authority)?

**Highway Issues:**

14. Separate site access?
15. Surrounding road network adequate?
16. Adequate space for parking, turning and servicing on site?
17. Reasonable pedestrian route to main settlement?
18. Access for emergency vehicles?
19. Nearby public transport provision?
20. Conflict with Public Rights of Way?

**Infrastructure:**

**Access to:**

21. Water?
22. Electricity?
23. Drainage?
24. Sewerage?
25. Lighting?
26. Gas?
27. Waste Disposal?

**Local Services:**

**Access to:**

28. Schools where capacity is available?



- 29. Primary Health Care where capacity is available?
- 30. Council owned community facilities?
- 31. Food shops?

**Potential Environmental Impacts:**

**Any adverse significant impact on:**

- 32. The Gower AONB?
- 33. Nature conservation, in particular designated areas?
- 34. Landscape (e.g. can be mitigated by screening/landscaping)?
- 35. Listed Buildings/Conservation Areas/Ancient Monuments/other cultural assets/
- 36. Green Wedge?
- 37. Registered Common Land?

**Amenity Issues:**

- 38. Effect on the amenity of neighbouring properties e.g. proximity, overlooking?.
- 39. Acceptable residential amenity for the occupiers of the site e.g. any sources of nearby noise/pollution, proximity, overlooking?
- 40. Would the location meet the needs of prospective occupiers?
- 41. Is the site located in acceptable surroundings away from industrial sites, motorways, rivers/canals?

Policy Framework

Private Sector Housing Renewal and Disabled Adaptations: Policy to Provide Assistance 2012-2017.

Reason for Decision

To approve carrying out a Neighbourhood Renewal Assessment in Castle 4 and 8. This is an essential stage in the process of declaring a new renewal area.

Consultation

Legal, Finance.

24. **REPORT ON MEMBER TASK AND FINISH GROUP TO IDENTIFY POTENTIAL GYPSY TRAVELLER SITES**

The Leader, on behalf of the Cabinet Member for Place, submitted a report which asked Cabinet to consider the reformation of a Member led task and finish group to look at gypsy traveller site provision.

**CABINET DECISION**

That:

- (1) Cabinet reforms a Member Task and Finish Group to examine potential sites for gypsy traveller site provision using the membership protocol set out in paragraph 2.1 of the report;
- (2) the Terms of Reference set out in paragraph 3 of the report be agreed;
- (3) the Task and Finish Group reports back to Cabinet setting out options on potential sites.

Policy Framework

Local Housing Strategy 2007-12, Gypsy Traveller Policy 2009.

Reason for Decision

To agree a protocol on how the Task and Finish Group will be formed and to agree the Terms of Reference.

Consultation

Legal, Finance.

# **F**

## **List of Dates of Gypsy & Traveller Site Task & Finish Group Meetings**



List of Gypsy & Travellers Task & Finish Group Meetings

- 8<sup>th</sup> November 2010
- 8<sup>th</sup> December 2010
- 12<sup>th</sup> January 2011
- 9<sup>th</sup> February 2011
- 9<sup>th</sup> March 2011
- 6<sup>th</sup> April 2011
- 1<sup>st</sup> June 2011
- 3<sup>rd</sup> August 2011
- 7<sup>th</sup> December 2011
- 8<sup>th</sup> March 2012 - Minutes already provided
- 10<sup>th</sup> April 2012 - Minutes already provided
- 19<sup>th</sup> July 2012 - Report & Minutes already provided
- 27<sup>th</sup> September 2012 - Minutes already provided

Other reports / minutes can be read on-line :

[www.swansea.gov.uk/sgtsreport](http://www.swansea.gov.uk/sgtsreport)



# **G**

## **Independent Review Report**

**29 October 2012:**

**i) Internal:  
Report of Head of Housing  
& Community  
Regeneration -  
Independent Management  
Review of the Processes  
Used to Identify a Shortlist  
of Potential Locations for a  
New Gypsy and Traveller  
Site**





**Report of the Head of Housing and Community Regeneration to the  
Chief Executive**

**29<sup>th</sup> October 2012**

**Independent Management Review of the Processes Used to Identify  
a Shortlist of Potential Locations for a New Gypsy and Traveller Site**

<b>Purpose:</b>	To provide assurance that the criteria have been consistently applied at each stage and the sites have only been sieved based on the criteria
<b>Policy Framework:</b>	Unitary Development Plan

**1. Terms of Reference**

- 1.1 The Chief Executive has nominated the Head of Housing and Community Regeneration to independently review the processes used by the Task and Finish Group to shortlist locations for a new Gypsy and Traveller site.
- 1.2 The review examined the criteria set and their link to relevant guidance and policy. There was found to be no relevant legislation that needed to be applied to the sieving process. The review then assessed the application of the criteria. The purpose of the review was to ensure that the criteria have been consistently applied at each stage and that the sites have been sieved only on the basis of the criteria. A Principal Officer in the Housing Service assisted the Head of Housing with the review process to help provide an overview of the issues. The review process was both objective and robust and took 3 days to complete. A separate external professional review has been undertaken by the Head of Planning at Neath and Port Talbot Council.

**2. The Independent Review Process**

- 2.1 The review process started with a meeting between the Head of Housing, the Head of Public Protection, the Principal Planning Policy Officer a representative from Legal Services and a Principal Housing Officer to receive the relevant documents and to gain an overview of how the sieving process was undertaken.
- 2.2 Three further meetings took place between the Head of Housing and the Planning Officer and during these meetings the Planning Officer was asked to provide clarification on issues that emerged during the

review process that were not clear and he was also challenged regarding some of the issues that emerged as a result of the review.

- 2.3 By necessity the review had to look at 2 years worth of work and whilst it was looking for consistent application of the criteria the Independent Reviewing Officer had to rely on planning advice.

### **3. Overview of Criteria Used to Sieve Sites**

- 3.1 **Task & Finish Group** - The assessment of the sites was based on the guidance established within the Welsh Government Circular 30/2007 (Planning for Gypsy and Traveller Caravan Sites) and the Draft Site Design Guidance (May 2008). It also had regard to the provisions of Policy HC9 (Gypsy and Traveller Caravan Sites) of the adopted Unitary Development Plan (UDP). The amplification to this Policy highlights the fact that the above mentioned Welsh Government Circular will be a material consideration in the determination of any planning applications for Gypsy and Traveller sites. The criteria for selecting sites was accepted by Cabinet on 11<sup>th</sup> March 2010 and the criteria was appended to the Cabinet reports of 26<sup>th</sup> August 2010 and 5<sup>th</sup> July 2012.

- 3.2 **Independent Review** - In the vast majority of cases, the criteria used for both the initial and the secondary sieve could be cross referenced to either the guidance established within the Welsh Government Circular or the criteria of Policy HC9 of the UDP. It was evident that additional criteria had been added to those appearing in these two documents but all additions were considered logical and complemented the other criteria used. One of the criteria (consideration of business use) that appeared in the Welsh Government Circular was not used but the explanation for not using it was acceptable, in that it would be applied at a later stage in the Planning Application process when a site has been identified. The Draft Site Design Guidance was not considered as the advice given by the Planning Officer was that it either duplicated the Welsh Government Circular or was focused towards informing specific site design requirements that would form the basis off a detailed Planning Application submission.

### **4. Criteria for Initial Sieve of all Council Owned Land**

- 4.1. **Task & Finish Group** - All available land under Council ownership was reviewed as part of the assessment. An initial sieve assessed all sites against constraints identified within the UDP (e.g. environmental constraints, strategic employment sites). This culminated with the identification of 1006 sites to be considered further.

The sites where then assessed against the following criteria:-

- Site Size
  - Not liable to flood risk (Assessed against Environment Agency criteria)
  - Not contaminated land
  - Council land ownership
  - Access (Practical, available and suitable). These elements were assessed by the Highways Service.
- 4.2 ***Independent Review*** – The review focused on the 1006 sites given that the filtering applied to this point had regard to constraints outlined within the UDP. The site size, flood risk and site access criteria could all be cross referenced to the criteria listed in the Welsh Government Circular and the UDP. Two additional criteria were added that did not appear in the Welsh Government Circular or the UDP, these were that sites should not be on contaminated land and only Council owned land should be considered. Both of these additions seemed to be logical and were applied consistently for all the sites.
- 4.3 Other criteria were also added as the sieving process progressed, for example:
- Buildings already being present on the land
  - The site was required for the QED programme
  - The site leased to a Third Party by the Council
- 4.4 Although these additional criteria do not appear in the Welsh Government Circular or the UDP they also can be considered logical additions to the initial criteria listed in paragraph 4.1. Some of these new criteria had to be added due to developments since the sieving process had been agreed, for instance when the assessment criteria was being established the QED programme had not been determined.
- 4.5 ***The Reviewing Officer's Findings*** - All 1006 sites were individually assessed as part of the review process. It was evidenced that each site that was discounted was done so based on either the initial five criteria (listed in paragraph 4.1) or the additional criteria that were added (listed in paragraph 4.3).
- 4.6 Many sites were discounted on the basis of being less than the required 0.5 Hectares with other prominent factors resulting in sites being discounted for lack of access by road and the presence of buildings on the site.
- 4.7 The Independent Reviewing Officer concluded that the sifting criteria were consistently applied to all 1006 sites.

## 5. Secondary Sieve of Sites

- 5.1 **Task and Finish Group** - The initial exercise to discount locations resulted in 19 sites and a further sieve of sites was undertaken to reduce the shortlisted down to 5. A detailed assessment report was produced which included maps of each site, the 'pros and cons' of each site and a recommendation whether the site should be considered further.
- 5.2 **Independent Review** – The review of the sieving process was undertaken via two separate exercises.
- 5.3 **First Exercise** - Firstly the sites were assessed by just using the basic criteria that were applied during the first sieve undertaken by the Planning Officer (as outlined in paragraphs 4.1 to 4.3). During this assessment, the Independent Reviewing Officer did not look at the detailed sieving report produced by the Planning Officer in order not to be influenced by the analysis and recommended outcomes. Therefore some factors such as the detailed analysis undertaken by the Highways Service were not taken into account at this stage. The Independent Reviewing Officer also did not make reference to site maps at this stage but utilised existing knowledge of the sites which varied from site to site.
- 5.4 The outcome of this analysis was that:
- For 17 of the 19 sites the Independent Reviewing Officer agreed with the recommendation made by the Planning Officer for the sites. However with one of the sites, agreement was based on the site being looked at in more detail.
  - In the case of 2 sites, initially the Independent Reviewing Officer did not agree with the recommendation made by the Planning Officer but subsequently did, after clarifying some issues with the Planning Officer such as the UDP status of one of the sites.
- 5.5 **Second Exercise** - In the second stage of the review, the Independent Reviewing Officer looked at the detailed assessment report produced by the Planning Officer but did not look at the listed 'pros and cons' for each site or the actual recommendations. The assessments of the sites were cross referenced with the detailed criteria which the Planning Officer used to sieve the sites, from 19 down to 5, at this secondary sieving stage. The Independent Reviewing Officer agreed with the recommendation made for 18 out of the 19 sites. For the site that was not agreed, the Planning Officer was asked to provide detailed clarification of a number of issues and following the

explanations provided, the Independent Reviewing Officer was then in agreement with the recommendation for this site and therefore agreed with the recommendations for all 19 sites. To provide a further check on this the Independent Reviewing Officer met with the Head of Planning for Neath and Port Talbot Council who agreed with the rationale used for the site in question.

## **6. Key findings**

6.1 The key findings of the review process were:-

- The criteria used for sieving the sites can be cross referenced to the guidance set within Welsh Government Circular 30/2007 (Planning for Gypsy and Traveller Caravan Sites) and to the criteria listed in Policy HC9 (Gypsy and Traveller Caravan Sites) of the current UDP. Whilst additional criteria have also been utilised these appear to be logical additions to the other criteria used.
- In the sieve which reduced the 1006 sites to 19, it was evidenced that each site that was discounted was done so, based on the criteria which was adopted for the process.
- The Independent Reviewing Officer agreed with the recommendations made for all 19 of the shortlisted sites which included the 5 sites on the final shortlist. This was following clarification of a number of issues by the Planning Officer and a further check undertaken with the Head of Planning for Neath and Port Talbot Council.

**Background Papers:** Unitary Development Plan Policy HC9 (Gypsy and Traveller Caravan Sites); Welsh Government Circular 30/2007 (Planning for Gypsy & Traveller Sites)

**Appendices:** None



# **G**

## **Independent Review Report**

**2012**

**ii) External:**

**Geoff White, Head of  
Planning, Neath Port Talbot  
CBC -**

**Review of the Site Selection  
Process for Potential Sites  
for a Gypsy and Traveller  
Site within the City and  
County of Swansea**





## **Review of the Site Selection Process for Potential Sites for a Gypsy and Traveller Site within the City and County of Swansea.**

### **The Brief**

To review the criteria and processes used by officers of CCS in selecting the sites recommended as being suitable for a Gypsy and Traveller Site. I have not undertaken any review of the recommended sites themselves nor of any other sites as this is not within the scope of this review.

### **Background**

I am Head of Planning for Neath Port Talbot with over 36 years experience in planning. I am familiar with this type of site selection process having been involved in such a selection process in Neath Port Talbot in the late 1990's, and more recently with the emerging Local Development Plan.

I met with Emyr Jones, Martin Saville, Dave Turner and Deb Smith on 24<sup>th</sup> October when the criteria and processes were explained. I was also given a file containing reports to and minutes of the Task and Finish Group between November 2010 and September 2012 which I have reviewed, and have been provided with clarification on the way that contaminated land was dealt with by e-mail on 29<sup>th</sup> October.

### **The Process**

An initial sieve focused on the consideration of all Council owned land against Unitary Development Plan constraints (e.g. conservation areas, strategic employment sites). This resulted in 1006 sites remaining in the process.

The process then:

1. Assessed sites against a list of primary constraints: access; flood risk; contaminated land register and site size.

Sites with long term tenancies or restricted by buildings were also excluded at this point.

This exercise looked at 1006 sites with only 19 sites left following this sieve.

2. Remaining 19 sites were assessed against a list of a further 36 criteria.

This exercise resulted in a report which assessed the Pros and Cons of each site and led to a recommendation on the best 5 sites.

## **Comments**

The initial elimination of sites and the sieve criteria used against the 1006 sites are considered to be robust but I had queries regarding the criterion of being on the Contaminated Land Register.

I am advised that the reference to the Register was in fact information from a desk top (GIS) exercise that identified potentially contaminated land. Sites with a low risk from contamination were not excluded, but sites were excluded where 'historic use suggests that potential risk from residual contamination creates a significant conflict with human occupation in the absence of, in some cases, further site investigation/remediation works.'

I understand that the advice officers followed was that gypsy sites should not be sited on contaminated land unless remediated to an appropriate standard.\* This I agree with. However exclusion of higher risk sites at this stage may have led to the exclusion of sites where the contamination issues could have been dealt with without compromising human health and potentially without excessive cost and it is not clear whether the second sieve examination took account of the potential for significant cost.

With regard to the criteria used for the detailed assessment of the 19 remaining sites, these take into account the criteria in WAG Circular 30/2007 and I have not identified any additional criteria that could have been used, nor any that should not have been included. In terms of the assessment, I make no comment on the number of sites recommended. It is clearly a matter of choice for the City Council whether 5 sites or a different number is the right choice to take forward.

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\* Designing Gypsy and Travellers Sites – Good Practice Guide DCLG 2008

The detailed sieve of the 19 eliminates some sites because they fail on certain criteria such as access or UDP designations, then with professional judgement being exercised in arriving at the 5 sites. The narrative explains the officers thinking in getting to the final list and is not criticised. Furthermore, given the comprehensive information issued to Members in Task and Finish Group reports, and that the final choice of sites can be examined against all the criteria considered, the approach is considered to be robust.

## **Conclusion**

I consider that, subject to my queries on contaminated land, the criteria and process used by SCC officers in selecting the sites recommended as being suitable for a Gypsy and Traveller Site was robust.

Geoff White  
Head of Planning, Neath Port Talbot CBC



**H**

**1 November 2012**

**Cabinet Report &  
Minutes**

**Approach to the  
Identification of  
Additional Gypsy  
Traveller Site Provision**



# Agenda Item 11c

## Report of the Cabinet Member for Place

Cabinet – 1 November 2012

### APPROACH TO THE IDENTIFICATION OF ADDITIONAL GYPSY TRAVELLER SITE PROVISION

<b>Purpose:</b>	To seek Members endorsement of the approach to be followed with respect to providing assurance on the work carried out to date regarding the identification of additional Gypsy and Traveller sites and to agree the way forward with respect of the public consultation.
<b>Policy Framework:</b>	Gypsy Traveller Policy, Housing Act 2004, Planning and Compensation Act 2004, Welsh Government Circular 30/2007
<b>Reason for Decision:</b>	To endorse the approach proposed and the proposed programme of public consultation.
<b>Consultation:</b>	Legal and Finance.
<b>Recommendation(s):</b>	It is recommended that:  a) Cabinet endorse the approach outlined in paragraph 3.0  b) A Member drop in session is arranged prior to the commencement of the Public Consultation.  c) A public consultation exercise is commenced seeking opinions on the outcomes of the exercise so far.  d) The consultation process include web pages that confirm: <ul style="list-style-type: none"><li>• The rationale for the work</li><li>• The legislative framework in place</li><li>• Details of the assessment procedures adopted</li><li>• The site filtering criteria applied</li><li>• Details of all Council owned land reviewed</li><li>• Outputs from the assessment</li><li>• The minutes of the Task &amp; Finish Group meetings.</li></ul> e) The results of the consultation exercise are reported back to Council for consideration in deciding which, if any, sites are taken forward for planning permission.
<b>Report Author:</b>	Martin Saville, Head of Public Protection
<b>Finance Officer:</b>	Kim Lawrence
<b>Legal Officer:</b>	Debbie Smith

## **1.0 Background**

- 1.1 Members will be aware that a Member led Task and Finish Group was originally set up in August 2010 to identify potential sites for provision of new Gypsy & Traveller accommodation and that the Group was reconstituted in May 2012. The work of the Task & Finish Group was necessary to comply with the Council's statutory duty to consider the housing needs of Gypsy Travellers and to make adequate accommodation provision for these needs.

## **2.0 Work of the Member Task & Finish Group**

- 2.1 The work of the Task & Finish Group involved looking at all Council owned land within the City & County area. Stage 1 of the filtering exercise centered on the exclusion of sites that suffered from defined constraints including flooding issues and being positioned within environmental designated areas which culminated with the identification of 1006 sites. Stage 2 ventured further to exclude sites that were contrary to agreed site specific constraints detailed at Appendix A, such as being below a site size threshold (more than 0.5 ha), highway and leasing issues. This reduced the number of appropriate sites down. These sites were then further refined during Stage 3 with the application of Welsh Government legislation/guidance and an appreciation of the provisions of Policy HC9 (Gypsy & Traveller Caravan Sites) of the Unitary Development Plan which resulted in a realistic number of site options being presented.
- 2.2 All of the Stage 2 filtered sites were assessed individually and their suitability was tested in recognition of the likely requirements associated with their consideration via the planning application process. The sites were assessed for their relative accessibility to key services, such as medical, retail, education and transportation provision/facilities
- 2.3 Identification of site(s) will help the Council provide adequately for the needs of Gypsy Travellers and assist in dealing with the ongoing issue of unauthorised encampments. There are examples around the country where Councils have dramatically reduced the stress, disturbance and expenditure on unauthorised encampments through the provision of authorised and well managed transit and permanent Gypsy Traveler Sites.

## **3.0 Proposals**

- 3.1 Given the sensitivities in this process, it is proposed that the following steps now be taken to provide assurance with respect to the work of the Task and Finish Group.

### **3.2 Independent Management Review**

A nominated, independent, Head of Service will review the process to date. The review will examine the criteria set and their link to regulations/legislation/policy. The review will then assess the application of the criteria from the outset. The purpose is to ensure the criteria have been consistently



applied at each stage and that as the sites have been sieved, the only basis utilised is the criteria.

### **3.3 Independent External Professional Review**

An appropriate professional from a neighbouring authority will undertake assurance work as in 3.2 above.

### **3.4 Member Awareness**

It is important that all members fully understand the process and the way in which the criteria have been applied. It is therefore proposed that a member drop in session is organised with relevant officers in attendance.

### **3.5 Public Consultation**

3.5.1 There is a need for the public to understand how the process has been undertaken and what filtering criteria have been used.

3.5.2 Consultation will take place via the Council's web site and through the Leader newspaper publication. Consultation will include providing all information including,

- a) every site considered from the outset.
- b) the work of the T&F Group.
- c) criteria used in filtering
- d) legislation/regulation/guidance etc.

3.5.3 A communication plan is being developed which will assist in the process of communication with the public.

### **3.6 Council**

Following the public consultation exercise, a full report on all of these matters will be made to Council prior to Council deciding which site or sites are to go forward for Planning Permission.

### **4.0 Financial Implications**

4.1 There are no budgetary implications in the consultation exercise other than the cost of facilitating the consultation and staff time in collating the responses. It should be noted that there is no budget provision for the development costs of a new permanent Gypsy & Traveller site(s) once identified.

### **5.0 Legal Implications**

5.1 Section 225 of The Housing Act highlights the fact that Gypsy & Travellers should be included in the Housing Needs Assessment. The Council has complied with this requirement since the legislation was brought into force in

2007. The Housing Needs Assessment found that there is an identified need for Gypsy & Traveller accommodation in the area.

- 5.2 Through the provisions of the [Local Development Plan](#), the Council has a legal duty to identify suitable residential and transit sites for Gypsies & Travellers, if a need is demonstrated. Failure to do so would result in the Welsh Government deeming the Plan unsound unless it includes a sufficient and deliverable number of Gypsy & Traveller sites.
- 5.3 Failure to identify suitable permanent Gypsy & Traveller site(s) may compromise any future applications for possession orders on unauthorised sites being used by Gypsy & Travellers in Swansea.
- 5.4 Full cross departmental consultation will be required when considering potential sites in order to ensure compliance with the relevant policies and legal provisions.

**Background Papers:** None.

**Appendices:** Appendix A – List of Criteria

**List of criteria against which the sites will be assessed:**

**Site Constraints:**

1. Size of site – over 0.5 hectare?
2. Is the land in a flood risk area (TAN15)?
3. Is the land on the Contaminated Land Register?
4. UDP allocation/policies?
5. Is there adequate access?

**Site Characteristics:**

6. Allows capacity for growth if necessary?
7. Reasonably flat?
8. Suitable hard standing surface?
9. Readily available e.g. public ownership/willing landowner/ lack of restrictive covenants?
10. Free from potential hazards?
11. Previously developed land?
12. Adequate security arrangements e.g. ability to install a controlled entrance/exit, defined boundary?
13. Presence of former mine workings (Coal Authority)?

**Highway Issues:**

14. Separate site access?
15. Surrounding road network adequate?
16. Adequate space for parking, turning and servicing on site?
17. Reasonable pedestrian route to main settlement?
18. Access for emergency vehicles?
19. Nearby public transport provision?
20. Conflict with Public Rights of Way?

**Infrastructure:**

**Access to:**

21. Water?
22. Electricity?
23. Drainage?
24. Sewerage?
25. Lighting?
26. Gas?
27. Waste Disposal?

**Local Services:**

**Access to:**

28. Schools where capacity is available?

- 29. Primary Health Care where capacity is available?
- 30. Council owned community facilities?
- 31. Food shops?

**Potential Environmental Impacts:**

**Any adverse significant impact on:**

- 32. The Gower AONB?
- 33. Nature conservation, in particular designated areas?
- 34. Landscape (e.g. can be mitigated by screening/landscaping)?
- 35. Listed Buildings/Conservation Areas/Ancient Monuments/other cultural assets/
- 36. Green Wedge?
- 37. Registered Common Land?

**Amenity Issues:**

- 38. Effect on the amenity of neighbouring properties e.g. proximity, overlooking?.
- 39. Acceptable residential amenity for the occupiers of the site e.g. any sources of nearby noise/pollution, proximity, overlooking?
- 40. Would the location meet the needs of prospective occupiers?
- 41. Is the site located in acceptable surroundings away from industrial sites, motorways, rivers/canals?

100. **MINUTES**

**RESOLVED** that the minutes of the meeting of Cabinet held on 4 October 2012 be approved as a correct record.

101. **LEADER'S REPORT**

None.

102. **SUSPENSION OF STANDARD ORDERS - COUNCIL PROCEDURE RULE 45 - "SUSPENSION OF PROCEDURE RULES" IN ORDER TO ALLOW A VARIATION IN THE ORDER OF BUSINESS**

**RESOLVED** that Council Procedure Rule 45 be invoked and standing orders were suspended in order to allow a variation in the order of business.

103. **APPROACH TO THE IDENTIFICATION OF ADDITIONAL GYPSY TRAVELLER SITE PROVISION**

The Cabinet Member for Place sought Members' endorsement of the approach to be followed with respect to providing assurance on the work carried out to date regarding the identification of additional Gypsy Traveller sites and to agree the way forward in respect of the public consultation.

**CABINET DECISION**

Cabinet endorsed that:

- (1) A nominated, independent Head of Service will review the process to date. The review will examine the criteria set and their link to regulations/legislation/policy. The review will then assess the application of the criteria from the outset. The purpose is to ensure the criteria have been consistently applied at each stage and that as the sites have been sieved, the only basis utilised is the criteria;
- (2) an independent external professional from a neighbouring authority will undertake assurance work, as set out in (1) above.
- (3) A Member drop-in session be arranged prior to the commencement of the public consultation;
- (4) a public consultation exercise be commenced seeking opinions on the outcomes of the exercise so far;

## Minutes of the Meeting of Cabinet (01.11.2012) Cont'd

- (5) the consultation process include web pages that confirm:
- The rationale for the work;
  - The legislative framework in place;
  - Details of the assessment procedures adopted;
  - The site filtering criteria applied;
  - Details of all Council owned land reviewed;
  - Outputs from the assessment;
  - The minutes of the Task and Finish Group meetings.
- (6) the results of the consultation exercise be reported back to Council for consideration in deciding which, if any, sites are taken forward for planning permission.

### Policy Framework

Gypsy Traveller Policy, Housing Act 2004, Planning and Compensation Act 2004, Welsh Government Circular 30/2007.

### Reason for Decision

To endorse the approach proposed and the proposed programme of public consultation.

### Consultation

Legal and Finance.

## 104. **PUBLIC QUESTION TIME**

The Leader allowed an extension to the 10 minute Public Question Time and divided this into questions in relation to the approach to the identification of additional Gypsy Traveller Site provisions and those in relation to other items on the agenda.

### (a) **Public Question Time in relation to the approach to the identification of additional Gypsy Traveller Site provisions**

Written questions were received from Mr B Clay, Mrs H Jenkins, Mr T Jenkins, Mr W Bellamy and Mr C Lloyd. Additional questions were asked and the Leader and Cabinet Member for Place responded accordingly.

(THE MEETING ADJOURNED FOR 10 MINUTES.)

**I**

**23 July 2013**

**Cabinet Report &  
Minutes**

**Gypsy Traveller  
Additional Site  
Provision – Next Steps**





## Report of the Cabinet Member for Place

Cabinet - 23 July 2013

### GYPSY TRAVELLER ADDITIONAL SITE PROVISION – NEXT STEPS

<b>Purpose:</b>	To provide Cabinet with an update on the consultation process and to recommend next steps
<b>Policy Framework:</b>	Gypsy and Traveller Policy 2009
<b>Reason for Decision:</b>	To set out the next stage of the process.
<b>Consultation:</b>	Legal, Finance, Access to Services.
<b>Recommendation(s):</b>	It is recommended that;  1) Cabinet agree the contents of this report as the next steps in the process. 2) A press statement is issued to update the general public.
<b>Report Author:</b>	Martin Saville
<b>Finance Officer:</b>	Kim Lawrence
<b>Legal Officer:</b>	Patrick Arran
<b>Access to Services Officer:</b>	Euros Owen

#### 1. Background

- 1.1 The Council has had to deal with a number of illegal encampments over the years and is likely to continue to have to do so until a permanent site is identified, hence the need for this issue to be taken forward.
- 1.2 The Council has conducted a full and open consultation in the search for additional accommodation for Gypsy and Traveller families in the area. Having done so, it must fairly and conscientiously consider the consultation responses and outcomes in accordance with what are termed the “Gunning Principles”

1.3 Cabinet has received various reports on this matter (see Appendix A) with the most recent being the 1<sup>st</sup> of November 2012 (see Appendix B). The petition reporting lines were agreed in the report to Council on the 9<sup>th</sup> May (see Appendix B1)

1.3.1 At the Cabinet meeting, Cabinet made the following decision:

- (1) *A nominated, independent Head of Service will review the process to date. The review will examine the criteria set and their link to Regulations/legislation/policy. The review will then assess the application of the criteria from the outset. The purpose is to ensure the criteria have been consistently applied at each stage and that as the sites have been sieved, the only basis utilised is the criteria;*
- (2) *An independent external professional from a neighbouring authority will undertake assurance work, as set out in (1) above.*
- (3) *A Member drop-in session be arranged prior to the commencement of the public consultation;*
- (4) *A public consultation exercise be commenced seeking opinions on the outcomes of the exercise so far;*
- (5) *The consultation process include web pages that confirm:*
  - *The rationale for the work;*
  - *The legislative framework in place;*
  - *Details of the assessment procedures adopted;*
  - *The site filtering criteria applied;*
  - *Details of all Council owned land reviewed;*
  - *Outputs from the assessment;*
  - *The minutes of the Task and Finish Group meetings.*
- (6) *The results of the consultation exercise be reported back to Council for consideration in deciding which, if any, sites are taken forward for planning permission.*

1.4 Since this date, the review by a nominated independent HOS and the independent external professional assurance work has been completed. This concluded that the process was robust and gave the assurance sought. The member drop in session was conducted and a public consultation exercise of 12 weeks duration has been run.

1.5 Whilst Cabinet will take the decision on site selection, the results of the consultation exercise will be presented to full Council in order for it to have an input into the process and to give Cabinet an indication as to which site(s) it considers most suitable for additional Gypsy Traveller

site provision. Cabinet will then take Council's view into account as one of the many relevant considerations it will have to assess as part of its decision making process. This approach has been confirmed by legal advice as valid and will not amount to pre-determination of any subsequent planning application.

- 1.6 The 12 week consultation period relating the search for a second Gypsy and Traveller site closed on the 31<sup>st</sup> March 2013. All consultation responses received by the Council either in the post, email / electronic or by deposit at the Civic Centre, by the start of the first day of working after the Easter break (2<sup>nd</sup> April), will be included in the analysis. Any responses which were received on or after this date (2<sup>nd</sup> April) were declined and are not incorporated into the analysis. Any of those responses that demonstrated a fundamental flaw in the process or a serious consideration not previously thought of or consulted upon would have been taken into consideration. None did.
- 1.7 All responses have been input into an electronic database for ease of reference, transparency and security. There were over 3100 responses and 18 petitions received to the consultation exercise in total. Whilst there is no legal requirement to do so, in the spirit of transparency all responses will be made available to view on the website, redacted to remove personal data.

## **2.0 Purpose of Report**

- 2.1 This report informs Cabinet of the current position and sets out a proposed process from this point forward.

## **3.0 The Process for Evaluating the Consultation Responses**

- 3.1 All the responses to the consultation received by the closing date are being considered, both generic and grouped, in relation to the sites to which they refer and will be reported on that basis. This will enable the consultation responses for each site to be considered together.
- 3.2 All consultation responses will be commented upon in the Appendix to the report to Council. This will be important to provide Members with full information on the points raised.
- 3.3 All petitions will be referenced with a summary of the petition, the number of signatures and details of the lead petitioner. Officers have been unable to verify names and addresses of those signing petitions and it is possible that some may not be resident in the area and may

have signed more than one petition, although some lead petitioners have clearly attempted to remove duplicates.

- 3.4 There are many individual comments which have been received and which follow a template circulated in the areas concerned by an individual or action group. These will be grouped and responded to as one indicating the numbers that have “signed up” to the template style submission.
- 3.5 Specialist submissions will be reported on individually as will unique individual responses.
- 3.6 As stated above, details of all material received as part of the consultation will be placed in an electronic file on the consultation web page to allow the public and Members to view. Officer views on these comments will also form part of this document. This is an important consideration to avoid any suggestion that the Council will be “selective” as to which comments are used and reported upon.
- 3.7 The timing of this will coincide with the publication of the report to Council so that the public have access to the material at the same time as Members. Where necessary, data will be redacted to exclude names and addresses of consultees, businesses will be identified by business name. This is to protect personal data in accordance with Data Protection Act requirements and for no other reason.
- 3.8 This document in hard copy is likely to be around 3000 (three thousand) pages long. It is not clear yet how many appendices will be involved.
- 3.9 The report, but not all the appendices because of their length, will be provided to all Members by way of the usual Summons to Council.
- 3.10 Due to the length of the Appendices (which, amongst other things, summarise the consultation submissions, petitions and officer responses) it is suggested that they will be made available electronically. The consultee’s responses and officer comments will also be made available to Council electronically to refer to in the Council Chamber via the overhead projector if need be.
- 3.11 The volume of material in this exercise is daunting but it is important that Members should have everything available to them to be able to make an informed decision. Links to all electronic appendices will be provided.

## Equality Impact Assessment (EIA) Report App C

This form should be completed for each Equality Impact Assessment on a new or existing function, a reduction or closure of service, any policy, procedure, strategy, plan or project which has been screened and found relevant to Equality and Diversity.

**Please refer to the 'Equality Impact Assessment Guidance' while completing this form. If you would like further guidance please contact the Access to Services Team (see Guidance for details).**

<b>Where do you work?</b>
Service Area: Public Protection
Directorate: Environment

**(a) This EIA is being completed for a...**

Service/ Function <input checked="" type="checkbox"/>	Policy/ Procedure <input type="checkbox"/>	Project <input checked="" type="checkbox"/>	Strategy <input type="checkbox"/>	Plan <input type="checkbox"/>	Proposal <input checked="" type="checkbox"/>
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**(b) Please name and describe below...**

**(c) It was initially screened for relevance to Equality and Diversity on...(12/10/2012)**

**(d) It was found to be relevant to...**

Age ..... <input type="checkbox"/>	Race ..... <input checked="" type="checkbox"/>
Disability ..... <input type="checkbox"/>	Religion or (non-)belief ..... <input type="checkbox"/>
Gender reassignment ..... <input type="checkbox"/>	Sex ..... <input type="checkbox"/>
Marriage & civil partnership ..... <input type="checkbox"/>	Sexual orientation ..... <input type="checkbox"/>
Pregnancy and maternity ..... <input type="checkbox"/>	Welsh language ..... <input type="checkbox"/>

**(e) Lead Officer**

**Name:** Martin Saville  
**Job title:** Head of Public Protection  
**Date (dd/mm/yyyy):** 15/10/12

**(f) Approved by Director of Environment**

**Name:** Reena Owen  
**Date (dd/mm/yyyy):** 15/10/12

## Section 1 – Aims (See guidance):

Briefly describe the aims of the function, service, policy, procedure, strategy, plan, proposal or project:

### What are the aims?

To meet the authority's legal obligations and the expectations of the Welsh Government by identifying and developing appropriate accommodation provision for Gypsy and Travellers

### Who has responsibility?

In summary :

A member led task and finish group established a work plan having had terms of reference set by Cabinet, to look at all Council owned land as potential Gypsy and Traveller site.

Council officers evaluated all Council owned land in tranches and reported back on a regular basis to the Task and Finish group for them to monitor progress. This work culminated in a long short list of 19 sites which was presented and discussed at a Task and Finish meeting. This list was further refined to produce the shortlist of the 5 most appropriate sites in line with the assessment criteria.

The assessment criteria were endorsed by both Cabinet and the task and finish group itself and is derived from Welsh Government guidance documents.

Any final decision will be taken by the full Council

### Who are the stakeholders?

Council, Gypsy and Traveller families, General Public, Businesses, Police, Emergency Services, Welsh Government

## Section 2 - Information about Service Users(See guidance):

Please tick what information you know about your service users and provide details/ evidence of how this information is collected.

Age .....	<input type="checkbox"/>	Race .....	<input checked="" type="checkbox"/>
Disability .....	<input type="checkbox"/>	Religion or (non-)belief .....	<input type="checkbox"/>
Gender reassignment .....	<input type="checkbox"/>	Sex .....	<input type="checkbox"/>
Marriage & civil partnership .....	<input type="checkbox"/>	Sexual orientation .....	<input type="checkbox"/>
Pregnancy and maternity .....	<input type="checkbox"/>	Welsh language .....	<input type="checkbox"/>

### What information do you know about your service users and how is this information collected?

All official Gypsy and Traveller pitches within the authority area are fully occupied.

Local evidence, including the authority's Accommodation Needs Assessment, has indicated the likely number of pitches necessary to meet future legal requirements.

Many Gypsy and Travellers families have a long standing relationship with the area or specific communities within Swansea and thus have a cultural need to reside in an area where they have these historical connections.

### Any Actions Required?

- ?
- ?

### Section 3 - Impact on Protected Characteristics (See guidance):

Please consider the possible impact on the different protected characteristics. This could be based on service user information, data, consultation and research or professional experience (e.g. comments and complaints).

	Positive	Negative	Neutral	Needs further investigation
Age	➔ <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability	➔ <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	➔ <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marriage & civil partnership	➔ <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity	➔ <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Race	➔ <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Religion or (non-)belief	➔ <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sex	➔ <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	➔ <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Welsh language	➔ <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Thinking about your answers above, please explain in detail why this is the case including details of any consultation (and/or other information), which has been undertaken to support your view?**

During the initial planning process animosity and concern has been shown by pockets of the general public as to specific possible locations of new Gypsy and Traveller sites – although other members of the public have been supportive of the process in general.

Conversely, members of Gypsy and Traveller families have expressed concern about sites potentially being located in areas where there has been violence shown towards them in the past.

The Gypsy and Traveller liaison officer maintains a regular contact with Gypsy and Traveller families in the area.

**Any actions required (to mitigate adverse impact or to address identified gaps in knowledge)**

A wide ranging consultation to elicit views of the general public of Swansea is planned both in terms of electronic web based information, and an inspection facility at Civic Centre during the consultation period. The outcomes of this consultation and engagement process will inform the decision of the Council.

### Section 4 - Other Impacts:

Please consider how the initiative might address the following issues.

You could base this on service user information, data, consultation and research or professional experience (e.g. comments and complaints).

<b>Foster good relations between different groups</b>	<b>Advance equality of opportunity between different groups</b>
<b>Elimination of discrimination, harassment and victimisation</b>	<b>Reduction of social exclusion and poverty</b>

**(Please see guidance for definitions on the above)**

**Please explain any possible impact on the above.**

Currently, tensions are at a relatively high level in certain areas of the County and there is little likelihood of relationships improving in the near future while the decision process remains incomplete. Evidence suggests that establishment of a site will contribute to a reduction in tensions once developed and settled.

Provision of one or more new residential sites will provide the Gypsy and Traveller community with a permanent base and it is considered that this will contribute to the following outcomes :

- Better access and take-up for Gypsy and Traveller families to Council and other agency provision
- Increased opportunities for Gypsy and Traveller Children and Young People to access Health Care and Education and to integrate into the wider community
- Improved and regular links between the Gypsy and Traveller community, the Council and others
- Better management of sites and reduced negative environmental effects.
- Less disruption to settled local communities
- Reduction in the number of unauthorised encampments
- Promotion of community cohesion between and across communities
- Increased opportunities for Gypsy and Traveller community to gain regular access to faith, religion or belief establishments and organisations
- Economic benefits to the authority through collection of Council Tax and Rent as well as reduction in the costs of dealing with unauthorised sites

**What work have you already done to improve any of the above?**

We have gauged the views of the Gypsy and Traveller families.

We will shortly be undertaking a twelve week exercise to give details of the process to members of the public and obtain their views

**Actions (to mitigate adverse impact or to address identified gaps in knowledge)**

- The exercise will allow members of all sections of the community to comment on the selection and decision process.
- The exercise will also provide an indication of perceptions towards integrating the Gypsy and Traveller families into the community.
- All responses will be reviewed and taken into consideration during the final selection process.

## **Section 5 - Monitoring arrangements:**

**Please explain the arrangements in place (or those which will be put in place) to monitor this function, service, policy, procedure, strategy, plan or project:**

**Monitoring arrangements:**

The results of the consultation exercise will be reported via Cabinet to full Council for members consideration in deciding which site(s), if any, are taken forward via the planning application process.

**Actions:**

The public exercise will allow individuals to comment on the process thus far and to comment on any locations on the short list, the longer list or the complete initial register of properties identified within the County.



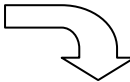
Once a decision has been made on a site or sites, support will be necessary during and after their establishment including actions such as:

- Work of the Gypsy/Traveller liaison officer with both the traveller and settled communities
- Facilitated meetings between both sets of communities
- Involvement when necessary and appropriate of local elected members, relevant equality champion(s) and equality committee

## Section 6 – Outcomes:

Having completed sections 1-5, please indicate which of the outcomes listed below applies to your initiative (refer to guidance for further information on this section).

- Outcome 1: Continue the initiative...  
Outcome 2: Adjust the initiative...  
Outcome 3: Justify the initiative...  
Outcome 4: Stop and remove the initiative...

<input checked="" type="checkbox"/>	
<input type="checkbox"/>	
<input type="checkbox"/>	
<input type="checkbox"/>	

For outcome 3, detail the justification for proceeding here

## Section 7 - Publication arrangements:

On completion, please follow this 3-step procedure:

1. Forward this EIA report and action plan to the Access to Services Team for feedback and approval – [accesstoservices@swansea.gov.uk](mailto:accesstoservices@swansea.gov.uk)
2. Make any necessary amendments/additions.
3. Provide the final version of this report to the team for publication, including email approval of the EIA from your Head of Service. The EIA will be published on the Council's website - this is a legal requirement.

## Action Plan:

Objective - What are we going to do and why?	Who will be responsible for seeing it is done?	When will it be done by?	Outcome - How will we know we have achieved our objective?	Progress
1. Independent assessment of process log and output by separate HoS.	Director	9 <sup>th</sup> November 2012	Completed Report	
2. Independent assessment by professional expert from adjacent authority	Director	9 <sup>th</sup> November 2012	Completed Report	
3. Consultation process with the public	HoS	Start after Cabinet decision, complete by March 2013	Consult Completed	
4. Analyse consultation responses	HoS	March 2013	Analysis compiled	
5. Report to Council	Cabinet Member	May 2013	Report made	
6. Design development	HoS	May – June 2013	Design ready for submission	
7. Full Planning Application	HoS	July 2013		
8. Secure Finance	HoS	Ongoing		
9. Tender Process	Project Manager	?		
10. Implementation	Project Manager	?	Site completed / open;	
11. Ongoing Support	Project Manager	?	Support Plan agreed and implemented	

MS/sjj/T0104 – Equality Impact Assessment (EIA) Report

\* Please remember to be 'SMART' when completing your action plan.

46. **GYPSY TRAVELLER ADDITIONAL SITE PROVISION - NEXT STEPS**

The Cabinet Member for Place submitted a report which provided an update on the consultation process and the recommended next steps for the process.

**CABINET DECISION**

That:

- (1) the content of the report as the next steps in the process be agreed;
- (2) A press statement be issued to update the general public.

Policy Framework

Gypsy and Traveller Policy 2009.

Reason for Decision

To set out the next stage of the process.

Consultation

Legal, Finance, Access to Services

47. **LOCAL DEVELOPMENT PLAN - DRAFT PREFERRED STRATEGY**

The Cabinet Member for Place presented a draft version of the Local Development Plan (LDP) Preferred Strategy document and requested authorisation to conduct a period of public consultation.

**CABINET DECISION**

That:

- (1) The draft Preferred Strategy be agreed for the purposes of public consultation through to the end of October 2013;
- (2) The responses to the public consultation exercise be taken into account in the finalised version of the Preferred Strategy document and reported back to Cabinet to consider and approve for recommendation to Council for decision.



**J**

**21 October 2013**

**Council Report**

**Gypsy and Traveller  
Site Provision**



## Report of the Executive Board

Extraordinary Meeting of Council – 21 October 2013

### GYPSY AND TRAVELLER SITE PROVISION

<b>Purpose:</b>	To enable Council to take part in the consultation process and to provide it with an assessment of the shortlisted sites to enable it to come to an informed decision and consider making a recommendation to Cabinet
<b>Policy Framework:</b>	Gypsy Traveller Policy, Equality Policy
<b>Reason for Decision:</b>	To make a recommendation of an appropriate site or sites to Cabinet
<b>Consultation:</b>	Legal and Finance
<b>Recommendation(s):</b>	It is recommended that:  1) Two sites are taken forward to be considered via the Planning Application process, to provide a permanent and potential future transit site provision for Gypsy and Travellers.  2) The two sites, in no order of preference are Site 2 – Former Greyhound Stadium, Cockett and Site 17 – Swansea Vale, Llansamlet as being the most suitable.
<b>Report Author:</b>	Executive Board (CMT)
<b>Finance Officer:</b>	Mike Hawes
<b>Legal Officer:</b>	Patrick Arran
<b>Access to Services Officer:</b>	Euros Owen

## **1.0 Introduction**

### **1.1 Why does the Council Need to Address this Issue?**

- 1.1.1 There has been a resident Gypsy and Traveller population in Swansea for over 25 years. The only official site in Swansea is located at Ty Gwyn, (Pant-y-Blawd Road), adjacent to the Asda Superstore in Llansamlet. This site has space for seven plots. Each plot also has space for a touring caravan and two vehicles. The official site is frequently at full capacity and has been for a number of years. The official site has full facilities for the people living there.
- 1.1.2 A number of unauthorised encampments occur from time to time as Gypsy and Traveller families have nowhere else to officially reside in Swansea. The Council has had to deal with a significant number of illegal encampments over the years and is likely to continue to have to do so until a new permanent site is provided.
- 1.1.3 The unauthorised encampments tend to be on Council owned land in the Enterprise Park at Llansamlet where the families have illegally encamped for a number of years. The families unlawfully parking on Council and sometimes private land are not provided with any facilities.
- 1.1.4 As a result of a recent Court case in which the Council sought a possession order for the Swansea Vale Park and Ride site, it is clear that until the Gypsy and Travellers have an official site to go to, then the Council will be unlikely to gain a possession order for this location. The tolerated site has limited toilet and washing facilities, primarily provided for children's welfare. At present there is an unofficial tolerated site off Millstream Way, Llansamlet which was created to facilitate moving a family from their previously tolerated location at the old Park and Ride site at Swansea Vale. The new temporary tolerated site was provided to enable the Lower Swansea Valley Flood Risk Management Scheme to be implemented which involved large scale earth works on the Park and Ride site. Numbers at this location fluctuate but the persons who reside there all seem to be part of the extended tolerated family. This area is on the flood plain and is not suitable for medium or long term occupation.
- 1.1.5 Section 225 & 226 Housing Act 2004 places a statutory duty on local authorities to assess the accommodation needs of Gypsies and Travellers under the Local Housing Needs Assessment process and then to address the identified needs.
- 1.1.6 Gypsy and Traveller families have housing need albeit often somewhere to position their mobile home. One of the characteristics covered by the Equality Act 2010 is race which includes Gypsies and Irish Travellers. There are legal duties on the Council to provide for their housing, welfare and educational needs. The Council has to



balance these needs with issues such as community cohesion, the poverty and prevention agenda and the level of complaints it receives about inappropriate siting of unauthorised encampments.

- 1.1.7 Whilst the proposal would be considered via the provisions of the existing Unitary Development Plan there may be sufficient capacity to cater for future Local Development Plan requirements as discussed in Section 3, Policy Context.

## **1.2 Why does the Council Need to Act Now?**

- 1.2.1 Having undertaken a Housing Needs Assessment that identifies a need as explained in Paragraph 1.1.5 above, the authority need to act to comply with its statutory duty.
- 1.2.2 Without the provision of suitable and sufficient accommodation for Gypsy and Travellers to meet the Housing Needs Assessment, we run the risk of losing the legal ability to gain a possession order and move unauthorised Gypsy and Travellers encampments on. i.e. Having identified the specific needs of Gypsy and Traveller families, the Council has a duty to act upon that information.
- 1.2.3 There is the possibility of a legal challenge requiring the Council to make suitable provision available.
- 1.2.4 The tolerated site is in a flood zone and is unsuitable for medium to long term use due to flood risk.
- 1.2.5 Equalities legislation places a duty on the Council to treat all elements of society equally.
- 1.2.6 A settled community for Gypsy and Traveller children will help address their educational needs and assist with poverty and community cohesion in relation to such families.
- 1.2.7 The Council has started the exercise and has been working on it for over 3 years culminating with the recent conclusion of the consultation exercise. All this work will have been abortive if the process is not acted upon. Furthermore, the overarching issues highlighted within this report will remain unresolved.
- 1.2.8 There is a legitimate expectation that the Council will see the process through to a conclusion.
- 1.2.9 The 2014 Housing White Paper, whilst not yet confirmed is proposing to introduce a statutory duty on local authorities to provide Gypsy and Traveller sites where the need has been identified.

- 1.2.10 The Council will continue to receive complaints from residents and businesses regarding unauthorised encampments and the tolerated site.

## **2.0 The Search for a New Site**

2.1 In March 2010 Cabinet resolved to start the search for a new site(s). In order to engage Members on a cross party basis, a Member led Task and Finish Group was formed to work with a multi disciplinary group of officers in applying agreed criteria as part of a sifting process. The report identified the need to formally consult with the Gypsy and Traveller families as part of the consultation process. The process started in November 2010. The work of the Task and Finish Group was necessary to comply with the Council's statutory duty to consider the housing needs of Gypsies and Travellers.

2.2 The Task and Finish Group received regular progress reports on the process undertaken which examined all Council owned land against a set of criteria as agreed by Cabinet ([Appendix A](#)). This process examined all of the land identified and subsequently filtered the number of sites to a manageable level for further consideration.

2.2.1 The Terms of Reference of the Group were originally set as follows;

*(Extract from Cabinet Report 11 March 2010)*

*6.1 The method to be used to progress the selection of the sites is set out for consideration in paragraph 6.2 below. The aim of the assessment will be to rank sites identified against the criteria [[see Appendix A](#)], so that they may be listed in order of those sites which best meet the criteria.*

*6.2 The methodology suggested for the assessment is the creation of a specific Member led Task and Finish Group supported by appropriate professional input from relevant officers from the Corporate Officer Working Group.*

2.2.2 These terms were subsequently modified in a report to Cabinet on the 26<sup>th</sup> August 2010 where it was resolved;

*(Extract from Cabinet Resolution 26 August 2010)*

- (1) A Member Task and Finish Group be formed to examine potential sites for a permanent Gypsy Traveller site using the protocol set out in paragraph 2.1 of the report;*
- (2) Option 2 for the terms of reference set out in paragraph 3 of the report be agreed;*
- (3) The Task and Finish Group report back to Cabinet setting out options on potential sites.  
Option 2 was*

- (a) *Complete a review of all Council owned land and Council land allocated for housing.*
- (b) *Produce a report setting out options.*

2.2.3 The Terms of Reference, as *Option 2*, were again subsequently confirmed by Cabinet on the 5<sup>th</sup> July 2012, when the Task and Finish Group was reconstituted after the local elections.

2.3 Therefore, the work of the Task and Finish Group involved looking at all Council owned land within the City & County area.

- Stage 1 of the filtering exercise centered on the exclusion of sites that suffered from defined constraints including flooding issues and being positioned within environmental designated areas which rendered them unsuitable, this resulted in 1006 sites remaining.
- Stage 2 resulted in the exclusion of sites that were contrary to agreed site criteria detailed within [Appendix A](#), such as being below a site size threshold (less than 0.5 ha), highway and leasing issues.

All of the Stage 2 filtered sites were assessed individually and their suitability were tested in recognition of the likely requirements associated with their consideration via the planning application process. The sites were assessed in accordance with guidance for their relative accessibility to key services, such as medical, retail, education and transportation provision/facilities. This reduced the number of appropriate sites.

- These sites were then further refined during Stage 3 with the application of Welsh Government guidance and a reference to the provisions of Policy HC9 (Gypsy & Traveller Caravan Sites) of the Unitary Development Plan which resulted in a realistic number of site options being presented.

2.4 The Task and Finish Group continually reviewed the assessment process throughout which concluded with the short listing of the following five sites as follows:

- Former Greyhound Stadium, Cockett
- Rear of Parc Melin Mynach, Gorseinon
- Proposed Cemetery, Gorseinon
- Site at Swansea Vale, Rear of Peniel Green Road, Llansamlet
- Milford Way, Penderry

2.5 This report satisfies the second part of the resolution of the 26 August 2010. (Option 2 (b))

2.6 There are two main types of Gypsy and Traveller sites provision Permanent and Transit, that maybe required to meet Swansea's needs. These are;-

- 2.6.1 *Permanent sites* provide residents with a permanent home and operate in a similar way to Council housing. Residents are responsible for paying rent, water, electricity and Council Tax.
- 2.6.2 *Transit sites* can operate all year round but only provide temporary accommodation for their residents (usually no more than three months). The requirements for transit sites reflect the fact that they are not intended for use as a permanent base for an individual household and have more basic facilities (e.g. communal washing/utility facilities). Individual pitches need to be marked out and water and electricity supplied. Transit sites are also likely to require more management than permanent sites. Residents are responsible for paying rent, water and electricity.
- 2.6.3 In addition to permanent and transit sites, a third option is Temporary Stopping Places. These are pieces of land in temporary use as authorised short-term (usually less than 28 days) stopping places for the travelling community. They are generally used at times of peak demand (e.g. when fairs and cultural celebrations are taking place). They consist only of perimeter fencing around a site, hard standing (but no individually marked pitches) and a cold water supply. Portable toilet facilities need to be provided when a site is in use, along with waste collection.
- 2.7 Any or all of these options are available for consideration. It is clear that both an additional permanent site is essential and that some form of temporary facility may be appropriate. They could be at the same location which has benefits in terms of site management and development costs or in separate locations.

### **3.0 Policy Context**

- 3.1 The Welsh Assembly Government published in 2007 '*Circular 30/2007 – Planning for Gypsy and Traveller Caravan Sites*'. The Circular provides guidance on planning for Gypsy and Traveller sites. Its main aims are; to create and support sustainable, respectful, inclusive communities where Gypsy and Travellers have fair access to suitable accommodation and access to services; reduce the number of unauthorised encampments; address the issue of site provision and to recognise, protect and facilitate the traditional way of life for Gypsy and Travellers, whilst respecting the needs of the settled community.
- 3.2 The Circular highlights the fact that local planning authorities should first consider locations in or near existing settlements with access to local services e.g. shops, doctors, schools, employment, leisure, recreation opportunities, churches and other religious establishments. A site should be pleasant to stay on and designed in a manner which is complimentary to the surrounding environment. If a site is designated or refurbished with these considerations in mind it will go a long way in meeting the needs of residents as well as the settled community. The

aim should be to achieve a balance between securing the boundaries and maintaining a pleasant and more open environment on site. Care should be taken to integrate the boundary treatment of the site into the local environment.

- 3.3 The ideal site should be no more than 12 pitches. Among Gypsy and Travelling community there is a preference for smaller sites, around 10-12 pitches. Having smaller sites makes the management of the site much easier and is more likely to attract compatible family units. However local authorities may consider it necessary to be flexible by allowing more pitches on a site when taking into account local circumstances. Sites should presume to be no bigger than between 15-20 pitches. Bigger sites should only be developed where there is a clear and demonstrable reason to act against such a presumption and where consultation and engagement has taken place with all stakeholders. However, it is important to note that Annex B (Good Practice – Criteria) of Circular 30/2007 highlights the fact that it is not considered appropriate to set a national maximum size for a site, but 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.
- 3.4 From a planning policy point of view, the assessment process fully recognised the provisions of the adopted Unitary Development Plan (UDP). The primary consideration was whether the land in question was allocated for housing use or could be used for housing use. Policy HC9 (Gypsy and Traveller Caravan Sites) of the UDP provides guidance on site selection should an application be submitted for the development of further sites in the area and will be applied when a preferred site option is selected.
- 3.5 The consultation process has highlighted the need to clarify the difference between the UDP and the LDP (Local Development Plan) processes. The UDP is the current adopted Development Plan but will be replaced by the LDP that will cover the period up to 2025. Work on producing the LDP is currently ongoing but it is not anticipated to have adopted status until 2016. It is important to note that the Gypsy and Traveller site Assessment process is in no way related to the LDP preparation given that a planning application(s) will be assessed via the provisions of the UDP. However, the outcomes gained may offer an opportunity to provide sufficient capacity for the LDP requirements. As part of LDP preparation, sites were submitted for consideration as Candidate Sites. Candidate Sites are sites which have been submitted for consideration by private individuals / developers but have no official status until the LDP achieves adopted status. No sites for Gypsy and Traveller use were presented at this stage even though the Council actively encouraged such submissions.

- 3.6 It is important to note that whilst Circular 30/2007 has been produced to inform the production of LDP's throughout Wales, it also forms the basis of Policy HC9 (Gypsy and Traveller Caravan Sites) of the UDP. The assessment approach adopted is therefore consistent with current Welsh Government guidance.
- 3.7 Throughout the assessment process direct reference has been made to appropriate Welsh Government guidance such as;- Welsh Government Circular 30/2007- Planning for Gypsy and Traveller Caravan Sites and A Good Practice Guide in Designing Gypsy Traveller Sites in Wales 2009.
- 3.8 Given the proven lack of sufficient site provision, then applications for planning permission for Gypsy and Traveller use which would normally be considered unsuitable (i.e. positioned within the Green Wedge) may be granted via Planning Appeal.
- 3.9 On the 1<sup>st</sup> November 2012, Cabinet resolved to undertake a public consultation exercise on the 'Approach to the Identification of Additional Gypsy and Traveller Site Provision'. This followed both an internal and external independent management review of the process undertaken thus far and a Member drop in session to facilitate Members awareness.

#### **4.0 The Public Consultation**

- 4.1 The consultation commenced in December 2012 to allow for a minimum period of consultation of 12 weeks which is regarded as best practice.
- 4.2 The consultation process included web pages that confirmed:
- The rationale for the work.
  - The legislative framework in place.
  - Details of the assessment procedures adopted.
  - The site filtering criteria applied.
  - Details of all Council owned land that had been reviewed.
  - Outputs from the assessment.
  - The minutes of the Task and Finish Group meetings.

Hard copies of the consultation and reference materials were placed in the central and local libraries and Civic Centre for those who could not access the Internet and drop in sessions were arranged in the Civic Centre for those who wished to discuss specific queries/issues directly with an officer.

- 4.3 The consultation period of over 12 weeks finished on the 31 March 2013. There were 3218 submissions presented either in electronic format via the website or in written format.

4.4 The Council has therefore conducted a full and open consultation in the search for additional accommodation for Gypsy and Traveller families in the area. Having done so, it has to fairly and conscientiously consider the consultation responses and outcomes in accordance with what is termed the “Gunning Principles, which are explained at section 23, Legal Implications.

## **5.0 Outcomes and Overview of the Results of the Public Consultation Process**

5.1 All responses have been entered onto an electronic database so that the comments made can be responded to and the views and responses published in the spirit of openness and transparency. Personal data (names and addresses) have been removed to satisfy the Data Protection Act requirements. A hard copy has been placed in the Central Library, relevant local libraries and at the Civic Centre reception for reference and viewing by appointment for those without access to the Web. A copy has been placed in each of the Member group rooms.

5.2 Details of all the consultation comments made and the responses provided can be viewed on this link [www.swansea.gov.uk/sqtsreport](http://www.swansea.gov.uk/sqtsreport) they are grouped in respect of each site and are referred to within [Appendix B1 – B6](#). An “executive summary” of the relevant points follow in Paragraphs 6 to 13.

5.3 The Gypsy and Traveller consultation exercise (between 17 December 2012 and 31 March 2013) elicited 3218 comments.

5.3.1 In order to comply with the Council’s duty under the Equality Act 2010 a small number of comments have had wording redacted as they have been deemed detrimental to the Council’s duty to promote good relations and eliminate harassment. In addition some comments have also been redacted to avoid identification of authors of consultation responses.

In each case, a [REDACTED] will indicate a word or words that have been redacted from the Appendices.

5.4 The points arising from the consultation responses and petitions are identified in Sections 6 to 12 below.

5.5 Petition details are shown in Section 16 of this report.

5.6 The common submissions i.e. a local letter signed up to by local people have been grouped together and are referred to within the consultation responses in [Appendices B1 – B6](#) together with the number of people submitting that comment. These letters are generically referred to as “Gypsy and Traveller 1” to “Gypsy and Traveller 8”.

## 6.0 Overall points from consultation responses.

### 6.1 Generic Points made are;-

- Several respondents, from various areas, suggested that the existing site at Ty Gwyn (Pant-y-Blawd Road) should be extended to facilitate any expansion needs. This cannot be done due to site constraints and the site's positioning within the flood plain.
- Many people reported a fear amongst residents regarding depreciation in the value of their homes and of feeling unsafe if a site is developed nearby.
- Concerns were expressed about a large increase in the number of Gypsy and Traveller children requiring school places which are reported as being over subscribed. Gypsy and Traveller children attend a cross section of schools. Some attend faith schools whilst some attend local schools. If a site is chosen away from a school that is presently attended, transport would be provided to allow the child to continue to attend the same school and this is paid for by Welsh Government grant. There may not therefore be a "mass influx" of Gypsy and Traveller children into local schools as is described in the consultation responses.

6.2 Points for consideration have been distilled down as shown in the following Paragraphs, although the full version of comments received and responses generated are set out in the Appendices which Members should read. The points made are highlighted in ***bold italics*** which may be paraphrased and where appropriate an officer summary response follows in normal type face. All references to distances are approximate and have been taken from internet mapping as direct distances.

## 7.0 Site 2 – Former Greyhound Stadium, Cockett

7.1 The site is that of the old Greyhound Stadium. It has access from and is bounded on its Southern side by Ystrad Road. To the East, through mature trees, is a Tyre fitting business at the front of the site and open fields behind. To the North are open fields and to the West again open fields which in turn are bounded by Titanium Road. The site is derelict at present, is flat and has had service provision in the past. There are residential areas to the South, approximately 350m away, to the East approximately 180m and a farm to the West at 220m. The site forms part of an aspirational belt of light industrial and mixed use development which totals about 14 Ha. There are many businesses in the immediate area to the South as well as Harris Bros next door to the East. The large "Alcoa plant" now occupied by Timet is located away to the West. The site is approximately 2.4 Ha in size and it would not be feasible to split the site for other uses, unless a transit site was also to be located there. The site was acquired by the Council as part of



Fforestfach Trading Estate in 1945. Natural Resources Wales (The Environment Agency as was) has suggested that there may be some contamination from nearby historical uses and this would need investigation as part of any design and planning application stage.

From a planning policy perspective, the site in question is identified as being positioned within the urban area (white land) in the UDP. The site has been identified for consideration as a potential Mixed Use Development Area as part of the LDP and has been subject to a Candidate Site submission.

<b>COMMENTS RECEIVED</b>		<b>RESPONSE</b>
7.2	<b><i>There are future long term aspirations for the development of the area which is currently being considered as part of Local Development Plan preparation.</i></b>	Until the Plan is adopted in 2016 these potential proposals have no official status. Nevertheless, it does highlight the requirement to balance future aspirations against current designations/demands prior to the identification of site(s) for the planning application stage.
7.3	<b><i>The site in question is on the edge of the defined urban settlement and is adjoined by open countryside/Green Wedge. Residential properties along Denver Road (inclusive of a comparatively large mobile home park) and Ystrad Road are approximately 170 metres away intertwined with commercial/industrial units.</i></b>	It is acknowledged that the site is also adjoined by light commercial or industrial uses, fencing and planting can be used to screen any perceived unpleasant visual characteristics. The site would have the same access to services and facilities as are provided for other residents in the area.
7.4	<b><i>The land is not specifically allocated for employment use. There is a lot of local feeling that it should be and provide opportunities for the young people of tomorrow.</i></b>	Business growth on the Swansea West Business Park appears to have been very successful in recent years and there is public desire that this land should be utilised to further this growth and give opportunities for employment.
7.5	<b><i>Several claims have been made that existing businesses in Fforestfach Estate may pull out of the area and no new business would want to occupy empty units – thus losing employment opportunities.</i></b>	There are several reports by the businesses themselves who have responded, especially along the stretch of road fronting the access to the potential site. Some businesses have stated that they are looking to relocate away from the area because of the possibility and one has stated that they have decided not to move to Cockett from elsewhere. Suggestions from the consultation are

		<p>that the stadium land should only be used for employment, housing, allotments and leisure areas. The tenancy agreement and the code of conduct that users of the site would have to adhere to would include behaviour in the local area. Therefore if local business did experience any problems or issues with the Gypsies and Travellers, this situation could be within the remit of the site manager and in serious cases could lead to eviction from the site.</p>
7.6	<b><i>The issue of repayment of EU monies has been raised.</i></b>	There is no record of any EU money being spent on the Greyhound Stadium.
7.7	<b><i>Being within an industrialised area, it has been suggested that noise may be a disadvantage to Gypsy and Travellers residents.</i></b>	There is a large tyre business next to the site (50m or so) which is available for emergency call out operation throughout the night and which reportedly takes deliveries from 03:30 onwards. Claims of noise problems from a railway line are discounted as there are many other residential units closer to the train line than this site. There is unlikely to be any noise nuisance problems. Specific details on the preferred site will be presented as part of the planning application stage. To adequately minimise any adverse issues with noise pollution a scheme would be required to incorporate design, landscaping and other measures to minimise the effects on future occupants.
7.8	<b><i>Traffic capacity and road network capability has been challenged. It has been suggested that the present levels of traffic are too dangerous for any children who might venture out from the site onto Ystrad Road which is presently the main distributor road for this part of the business park.</i></b>	Whilst the road infrastructure in the area is very busy, the highways are constructed to commercial load specifications. The LDP Preferred Strategy highlights a long term aspirations to construct a relief bypass from the A484/A483 Link Road roundabout to the Ystrad Road area which may travel near to the potential Gypsy and Traveller site This is a matter for the future and has no official status, and if chosen the site would have to be designed to accommodate the route of any new infrastructure. The health and safety of children will be priority when

		considering boundary arrangements of a new site. Site boundaries would be constructed in such a way which would minimise the risks to children playing.
7.9	<b><i>It is claimed that Emergency services would have difficulty accessing this site due to the current route restrictions and speed humps.</i></b>	This is not the case as Mid and West Wales Fire and Rescue Service have well practiced plans for access to the area as was witnessed at the time of the tyre flock fire. There is a strategic fire hydrant near the present entrance to the Greyhound Stadium site that would have to be avoided in any site access construction.
7.10	<b><i>The area is closely adjacent to a conservation area (Mynydd Bach y Glo) which is designated common land. Fauna and flora such as birds, red kites, bats, otters, swans and other mammals have been sighted there - this could be negatively impacted by the site and the resulting construction upheaval although the common is separated from the site by a road, human increase in the area may have an effect.</i></b>	The site is near to Mynydd Bach y Glo but the proposals will not impinge on that area, see Paragraph 7.21 below.
7.11	<b><i>Alternative ideas of Felindre, Swansea Airport and Gower as suitable locations were suggested.</i></b>	The filtering of the sites throughout the site selection process is fully evidenced. All Council owned land in all other areas were considered and were discounted for a number of reasons (available to view via: <a href="http://www.swansea.gov.uk/sqts">www.swansea.gov.uk/sqts</a> ).
7.12	<b><i>There were several suggestions that other sites in the shortlist were more appropriate than Cockett, primarily because of the absence of business and employment considerations and wild life impact.</i></b>	Noted.

7.13	<b><i>Suggestions that mothers and children need access to buses in order to be independent (the nearest bus stop from the site is over 1/2 mile away, with two roads having to be crossed along a route which has interrupted pavements), similarly elderly residents would find difficulty.</i></b>	These issues do not appear to be relevant despite the Welsh Government guidance, as all Travellers spoken to have confirmed that they do not generally use public transport, albeit that this forms part of the official guidance criteria.
7.14	<b><i>It has been stated that there are no community facilities anywhere near e.g. playing fields, leisure centre, swimming pool, community centre or medical centre, which are all more than two miles away. There is a library in Fforestfach although that is 1.5 miles away.</i></b>	The site is well located to sufficient services and facilities. Such an objection would be unlikely to be able to be sustained as a planning reason against the site given the likely comparatively small size of Gypsy and Travellers sites. For some services, such as schools and health facilities, there is a statutory duty to provide services to all residents in the area. A playground for young children could possibly form part of any site design.
7.15	<b><i>Problems are reported with drains throughout the area - old Victorian drains in part which cannot cope with modern conditions, and Denver Road has reportedly a well documented history of drainage problems. It is claimed, in its present form, the ground can be quite boggy.</i></b>	A very small part of the site in the North West corner is in a flood zone but not to such an extent as to warrant serious concern. See Paragraph 7.23 regarding sewers.
7.16	<b><i>Inaccuracies with the consultation document have been pointed out in that the photographs are over 3 years old and do not reflect the poor condition of the site. The dentist surgery mentioned is no longer open and closed some years ago. The area is listed as light business/ industrial use - not reflecting the new units that have opened successfully</i></b>	Comments noted.

	<b>recently (TNT, Greggs and the DVLA over 3000 people have employment on or connected to the estate at present). There are no longer bus stops in all the areas as listed. Traffic in the area is quoted as light when articulated lorries and HGV's use the area.</b>	
7.17	<b>The Afan Llan is approximately 270m away to the North at its closest point and has been quoted as a source of danger for children falling into what are often polluted waters.</b>	The river is quite a way away across private fields, the river is no worse in terms of pollution than other rivers. The health and safety of children will be priority when considering boundary arrangements of a new site. Site boundaries will be constructed in such a way which will minimise the risks to children playing.
7.18	<b>There is an adjacent farm which is a hazard.</b>	This is approx 200m at its closest point and is not thought to present any hazards other than what is associated with normal farm activities.
7.19	<b>There has been a refusal of Planning consent in the past.</b>	All previous planning applications submitted on the site relate to the construction and various additions to the former Greyhound Stadium.
7.20	<b>There is a former landfill site nearby and there are overhead power cables which make the site unsuitable.</b>	The landfill site is not problematical and is on the far side of Titanium Road and outside of the usual 250m influence zone, the power cables are situated over the Tyre depot and well away from the potential caravan siting.
7.21	<b>Comments from the Ecology Officer.</b>	The area is largely hard standing with areas of shrubs and brown field plants. A full ecological survey would not necessarily be required. There is one small building remaining on the site, this offers some limited opportunities for bat use, should this need to be demolished as a precaution a bat survey would be required. There is a possibility of reptiles being present; these are protected under the Wildlife and Countryside Act. A survey and mitigation statement for

		reptiles would be required. Nesting birds might be present in any scrub any problems can be avoided by clearance outside the nesting season (late September to the end of February).
7.22	<b>Comments made by CADW.</b>	No comments to offer.
7.23	<b>Comments made by Dwr Cymru Welsh Water,</b>	A water supply can be provided to this site but off-site water mains are required. These can be provided by a water requisition scheme, under Sections 41 – 44 of the Water Industry Act 1991. Our local sewerage network can accommodate foul flows from the proposed site but off-site sewers are required. These can be provided by a sewer requisition scheme, under Sections 98 – 101 of the Water Industry Act 1991. Foul flows from this site would ultimately drain to our Gowerton Waste Water Treatment Works. Taking into consideration the previous consultation on Candidate Sites, if all the growth proposed in this Works' catchment area is to be promoted in its entirety, then we will need to plan for improvements in our future investment plans at the appropriate time.

## 8.0 Site 6 – Rear of Parc Melin Mynach, Gorseinon

- 8.1 Many of the comments received in respect of Site 6 apply equally to Site 9 (the cemetery site) because of their close proximity being located across the road from each other.
- 8.2 This parcel of land is part of a much larger green space / park which is reported as being heavily used by local residents for recreation with footpaths traversing the site. There are residential areas to the South–East, South, South-West and North-West. To the North is the land designated as a proposed cemetery which is adjoined by the Toyoda Gosei factory. There are historical remains of a Water Mill to the South of the potential location. The area where a site would be located is at the Northern edge next to the Heol y Mynydd highway with access through the existing access point. The location would, subject to design, be in the area which is presently hardcored as a car park area. The area is approximately 5.05 Ha in total which would need to be sub divided. The land is well screened by mature trees to the West, partially to the North and is very close to Penyrheol School and leisure

centre. There are no services on site. The site was acquired by the Council by Compulsory Purchase Order in 1978 for land reclamation. Natural Resources Wales (The Environment Agency as was) has suggested that there may be some contamination from nearby historical uses and this would need investigation as part of any planning application. The site under consideration falls outside the footprint of the ex Monarch Colliery and steel/tin/vitriol works. There is nothing to indicate this area has a historical legacy of polluting activity on this site. Remediation and decontamination is believed to have been through a land reclamation scheme funded by the WDA during the 1980's.

From a planning policy perspective, the majority of the site in question is identified as a housing allocation within the UDP with a relatively small area defined as Green space Protection. The site has been presented as two Candidate Site submissions for consideration as part of the LDP. One is for the reconsideration of the land for housing whilst the other is to change the wider designation of the land to open space use.

	<b>COMMENTS RECEIVED</b>	<b>RESPONSE</b>
8.3	<p><b><i>The site is currently defined as 'residential allocation' (HC1-102) and 'greenspace protection' (EV24) in the Unitary Development Plan, and is proposed for that use in the emerging LDP (Local Development Plan). The development of the site would result in the loss of part of the Housing land bank for the Authority and therefore a loss of capital receipt.</i></b></p>	<p>Whilst it is widely acclaimed in the community that the land in question is considered as a leisure area for Gorseinon, it remains a fact that under the provisions of the UDP a large proportion of the site is designated as a housing allocation. Gypsy and Traveller use is classified as residential use therefore its consideration is logical. Given the scale of the site it is anticipated that if it was to be considered further then the minimal area of Greenspace Protection would remain. The option to use part of this site to house Gypsies and Travellers would be in accordance with the UDP since Gypsy and Traveller accommodation is the same use and would no more represent a "loss" of residential land than if bricks and mortar housing was developed on that part of the site.</p> <p>Whilst it is acknowledged that the identification of any sites may result in a loss of capital receipts it is considered that this action will be beneficial in resolving the deficiency in accommodation and reducing associated enforcement action.</p>

8.4	<p><b><i>The local Town Council has submitted a candidate site proposal that part of the site is allocated as a woodland and Public amenity area in the emerging LDP. It is reported that the Gorseinon Town Council is currently exploring Village green status for parts of the site in order to protect its open space importance of the community.</i></b></p>	<p>Proposed uses in terms of the LDP have no status at this point as any land use proposal will have to be assessed via the provisions of the UDP. With regard to the Village Green application, this is a separate legal process and will only have any bearing on proceedings if the status is granted.</p>
8.5	<p><b><i>The allocated site at 5.05 hectares is significantly greater than needed for the Traveller site, and subdivision would obviously be necessary to make best use of the land.</i></b></p>	<p>The actual site boundaries defined reflect land ownership rather than actual site dimensions. For the purposes of this consultation exercise the whole site is being considered but if the site is deemed suitable to be taken forward for further consideration then the boundaries would have to reflect appropriate constraints etc. The subdivision of the land would be required.</p>
8.6	<p><b><i>Part of the allocated site lies within an area that has historically been open space and is extensively used by the local community for recreation. The site has been used for activities such as an Eisteddfod site, parkland, summer fair, winter showmans' fairs, and national cycling competition events and forms an important well used open amenity space within the centre of the community which many of the community use for exercise and dog walking. Local school teachers report using the area for practical lessons to children on biodiversity and history.</i></b></p>	<p>The site is reported by locals as one of the few remaining green open community spaces left in Gorseinon.</p> <p>Whilst it is widely acclaimed in the community that the land in question is considered as a leisure area for Gorseinon, it remains a fact that under the provisions of the UDP a large proportion of the site is designated as a housing allocation. Gypsy and Traveller use is classified as residential use therefore its consideration is logical. Given the scale of the site it is anticipated that if it was to be considered further then the minimal area of Greenspace Protection would remain.</p>



8.7	<p><b><i>Gorseinon already has 3 allocated sites for Showmen's Guild Quarters, in Railway Terrace and Brighton Road, with a history of Showmen's families extending back up to 4 generations in the Town. Relationships between Showmen's Guild families and Gypsies/Travellers is reported as being often strained, and it has been suggested that it is best not to mix both family groups in the same area.</i></b></p>	<p>Comments noted. Animosity towards Traveller families is reported as high in the responses received. Details of the Showman's sites are shown in <a href="#">Appendix C</a> (Housing Needs Assessment).</p>
8.8	<p><b><i>There is already a Gypsy and Traveller site 3.5 miles away at Bynea in Carmarthenshire and another 5.5 miles away in Llanelli.</i></b></p>	<p>The sites at Bynea and Llanelli provide for the needs of Gypsy and Travellers within Carmarthenshire County Council only.</p> <p>Local authorities have a responsibility to undertake housing needs assessments for the settled population, to identify their accommodation needs. These needs are fed into the local planning framework and the Council will address the housing need by providing different types of accommodation - for example flats, houses or perhaps sheltered accommodation. This is now the same for Gypsy and Traveller accommodation which is just another form of provision that takes into account people's different ways of life. The legal requirement in the Housing Act 2004 is for all local authorities to complete a Gypsy Traveller Accommodation Assessment and as in Swansea's example identify any deficiency in provision. There is a clear demonstrable need for new provision within the City and County of Swansea administrative area.</p>
8.9	<p><b><i>The site has important historical links and the Parc Melin Mynach has been protected for its historical, archaeological and community open space importance. To the South are the remains of</i></b></p>	<p>This part of the land would not be impinged upon by the proposed location of the Gypsy and Traveller site. The wider Parc Melin Mynach area is of historic interest but the land considered appropriate to be considered further as Gypsy and Traveller site provision has</p>

	<b><i>the 12<sup>th</sup> Century mill.</i></b>	been set aside for future housing development.
8.10	<b><i>Parts of the site have been the subject of detailed botanical and biodiversity surveys which have shown the siting of 23 indicator botanical species and priority and protected species present within the boundaries of the Melin Mynach site.</i></b>	These would not be affected by the potential location of the Gypsy and Traveller site. There is reported local concern that the siting of a Traveller encampment would place these natural resources at risk. The views of the Ecology Officer do not support that view, see Paragraph 8.25 below.
8.11	<b><i>The WDA reclamation scheme clawback provisions remain in force until disposal and capital receipts have been received. The development of the site for gypsies/Travellers would require the pay back of the original funding to external bodies that funded the original Mountain Colliery site reclamation and redevelopment.</i></b>	Local residents feel that public money has been spent in improving the area. The Report of Title for the site does not indicate a clawback or restriction in favour of the Welsh Government. However, the conditions of the historic grant acceptance may require a clawback subject to discussion with Welsh Government. The site was acquired under a Compulsory Purchase Order in 1978. Compulsory Purchase Order land is governed by the Crichef Down Rules which states that the Authority would only have to offer the land back, to the original owner, under disposal of the land. As this proposal is not a disposal the Authority is under no such obligation.
8.12	<b><i>The site is within the Gowerton Waste Water treatment works catchment, it would be a requirement to investigate whether the proposal would adversely effect the Special area of Conservation. The Environment Agency and Countryside Council Wales would, it is felt, object to the development on the grounds of additional yield at the Gowerton treatment works.</i></b>	The capacity of the Gowerton Waste Water Treatment Works to physically accommodate additional quantities of foul water and for the proper treatment of waste water is the responsibility of Dwr Cymru Welsh Water (DCWW) as the statutory sewage undertakers for the County. The capacity for the Carmarthen Bay and Estuaries European Marine Site (CBEEMS) to accommodate additional treated discharge is regulated through discharge consent from Natural Resources Wales (Formerly the Environment Agency). Development from wide parts of the County drain into the CBEEM and this will need to be taken into consideration in determining overall capacity. To date, capacity issues associated with planning

		<p>applications have been addressed through a Memorandum of Understanding agreed between the Council, Carmarthenshire County Council, Natural Resources Wales and DCWW). The agreed approach centres on removing surface water from the waste water treatment infrastructure and thereby increasing the capacity for the treatment of foul water. Sustainable Drainage Systems may be considered to control and manage surface water discharge from new developments and prevent new connections of surface water drainage to the sewerage network. It also encourages other design approaches and techniques that improve water efficiency and minimise adverse impacts on water resources and water quality.</p> <p>WWDC have confirmed that a water supply can be provided to this site. They have also confirmed that the local sewerage network can accommodate foul flows from the proposed site but off-site sewers are required. These can be provided by a sewer requisition scheme under Sections 98 – 101 of the Water Industry Act 1991 [see Paragraph 8.27 below].</p>
8.13	<p><b><i>The potential location is very close (approximately 140m to the West) to established housing off Pontardulais Road, and (approximately 260m to the South East) housing off Heol y Mynydd.</i></b></p>	<p>Welsh Government Circular 30/2007 highlights the fact that local planning authorities should first consider locations in or near existing settlements with access to local services e.g. shops, doctors, schools, employment, leisure, recreation opportunities, churches and other religious establishments. A site should be pleasant to stay on and designed in a manner which is complimentary to the surrounding environment. If a site is designated or refurbished with these considerations in mind it will go a long way in meeting the needs of residents as well as the settled community. The aim should be to achieve a balance between securing the boundaries and maintaining a pleasant</p>

		and more open environment on site. Care should be taken to integrate the boundary treatment of the site into the local environment.
8.14	<b><i>The site is opposite to the location of Toyoda Gosei which is an existing international business and which is reported as the largest employer in the local area. The allocation of the site for Travellers could prejudice future expansion and employment at the site. Siting of a Traveller site in this location may jeopardise future expansion plans and viability of the plant.</i></b>	There have been several fears expressed in the consultation responses about driving out business and employment opportunities. The tenancy agreement and the code of conduct that users of the site would have to adhere to would include behaviour in the local area. Therefore if local business did experience any problems or issues with the Gypsies and Travellers, this situation could be within the remit of the site manager and in serious cases could lead to eviction from the site.
8.15	<b><i>This is very close to the roundabout at the junction with Pontardulais Road and it is claimed that this road junction is already very busy at certain times of the day.</i></b>	Entrance to the site would be from the Heol y Mynydd entrance which exists. However, for the size of site being sought the numbers of vehicular movements should not prove problematical but Gypsy and Traveller children may be at risk because of the closeness to the road. All parents are expected to keep young children under control. The area of land in question (opposite Toyoda Gosei) would need mature screening as exists in other parts around the site and potentially fencing. The health and safety of children would be priority when considering boundary arrangements of a new site. Site boundaries would be constructed in such a way which would minimise the risks to children playing.
8.16	<b><i>It is claimed that the site and immediate surroundings are subject to adverse physical ground conditions that would deem it unsuitable as a housing site.</i></b>	Adverse ground conditions due to past mining activities are easily overcome especially for lightweight caravan slabs and low rise shower block type buildings. Any mine shaft locations would be dealt with using normal building techniques. The part of the site that would be potentially used is relatively flat and adequate for lightweight loadings with suitably designed foundations. According to information extracted from the National

		Coal Mining Database, held and maintained by the Coal Authority the housing allocation element of the site is not positioned within a Development High Risk Area and there are no noted mine entries. Given that the site is positioned within a Coal Mining Reporting Area then the Coal Authority will be consulted as part of the planning application process if the site is considered suitable to be considered further. Land positioned within the Greenspace Protection area is within a Development High Risk Area and can be discounted from further consideration.
8.17	<b><i>Development of the site would require boundary works and landscaping treatment.</i></b>	This is correct.
8.18	<b><i>There are rights of way across the larger site.</i></b>	Footpaths would not be impinged by such a proposal. There are no registered footpaths on the site.
8.19	<b><i>Many respondents make reference to the closeness to the local schools and the inappropriateness of school children walking to school through Melin Mynach in close proximity to a Traveller site.</i></b>	Welsh Government Circular 30/2007 highlights the fact that local planning authorities should first consider locations in or near existing settlements with access to local services e.g. shops, doctors, schools, employment, leisure, recreation opportunities, churches and other religious establishments. A site should be pleasant to stay on and designed in a manner which is complimentary to the surrounding environment. If a site is designated or refurbished with these considerations in mind it will go a long way in meeting the needs of residents as well as the settled community. The aim should be to achieve a balance between securing the boundaries and maintaining a pleasant and more open environment on site. Care should be taken to integrate the boundary treatment of the site into the local environment.

8.20	<b>Several respondents report serious anti social behaviour in the use of the adjacent leisure centre when Travellers previously occupied land in this vicinity.</b>	Noted
8.21	<b>The local schools cannot cope with additional numbers.</b>	Whilst some Traveller children attend schools in their locality, others choose to attend faith schools and there are no Catholic Schools in the area. Children already studying at another school would continue doing so. Traveller school children tend to be transported to schools and this would be no different if this site was chosen.
8.22	<b>There is a reported shortage of doctor and dentist capacity locally.</b>	Whilst the Council acknowledges these concerns, in relative terms, the site is well located to sufficient services and facilities. Such an objection would be unlikely to be able to be sustained as a planning reason against the site given the likely comparatively small size of Gypsy & Travellers sites. For some services, such as schools and health facilities, there is a statutory duty to provide services to all residents in the area. The Gypsy and Traveller families have confirmed that they do not rely on public transport and would be expected to find medical treatment as would any other member of the community.
8.23	<b>In general terms respondents have said there are concerns for feeling safe having previously experienced lawlessness, about people moving from the area to avoid living that close to Travellers and air pollution created by increased traffic.</b>	Noted.
8.24	<b>Alternative locations were suggested as suitable such as Garngoch Common, Llansamlet, The Greyhound track, Felindre, Swansea West, Penlleger Common, Fairwood Common and Gower.</b>	The filtering of the sites throughout the site selection process is fully evidenced. All Council owned land in all other areas were considered and were discounted for a number of reasons (available to view via <a href="http://www.swansea.gov.uk/sgts">www.swansea.gov.uk/sgts</a> ).

8.25	<b>Comments from the Ecology Officer.</b>	The site is an area largely of hard standing with some areas of shrubs and brown field plants. A full ecological survey would not necessarily be required. There is a possibility of reptiles being present; these are protected under the Wildlife and Countryside Act. A survey and mitigation statement for reptiles would be required. Nesting birds may be present in any scrub any problems can be avoided by clearance outside the nesting season (late September to the end of February). This assumes that none of the boundary trees are to be removed, if these are to be effected, a full ecological assessment would be needed.
8.26	<b>Comments made by CADW.</b>	The proposed site is some 140 metres north of the scheduled monument known as Melin Mynach (GM501). Melin Mynach is the remains of a water-powered mill having medieval origins as a corn mill, with subsequent use as a woollen mill, as an early example of a paper mill, and then for chemical and tinplate manufacturing. Although the scheduled monument would not be directly effected, encroaching development could have an impact on its setting which will be a material issue for consideration. The remains are currently overgrown and subject to vandalism. Your Council will need to consider whether development of the site would lead to additional pressures on a vulnerable site of national significance. Further advice on undesignated archaeology should be sought from Glamorgan Gwent Archaeological Trust.
8.27	<b>Comments made by Dwr Cymru Welsh Water.</b>	A water supply can be provided to service this proposed site. Our local sewerage network can accommodate foul flows from the proposed site but a small amount of off-site sewers are required. These can be provided by a sewer requisition scheme, under Sections 98 – 101 of the Water Industry Act 1991. Foul flows from this site would ultimately drain

		to our Gowerton Waste Water Treatment Works. Taking into consideration the previous consultation on Candidate Sites, if all the growth proposed in this Works' catchment area is to be promoted in its entirety, then we will need to plan for improvements in our future investment plans at the appropriate time.
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## 9.0 Site 9 – Proposed Cemetery, Gorseinon

9.1 This area of land is presently designated as a cemetery and was purchased by the former Lliw Valley Borough Council. Work was completed during 1996 to provide burial space once the other local cemeteries of Rhyd Goch and Kingsbridge could no longer provide further space. The expenditure on preparing the site at that time is recorded as £198,679. The land is already securely fenced and some surface water drainage has been provided but no foul water drainage provision exists. Two coal seams, the Lower Grovesend Seam and the Upper Grovesend Seam outcrop on the site. To the immediate East of the site is the Toyoda Gosei factory, to the South is the potential Parc Melin Mynach site, to the West is a field which is then bounded by a road, the B4296 with residential property on the other side. To the North is open field with a metal dealers operation on the other side of that. The site is 3.21 Ha in area and is not ideally suitable for sub division due to access constraints but division at the rear may be possible. The site is slightly tiered and is not screened. The site is in the Green Wedge. Natural Resources Wales (The Environment Agency as was) has suggested that there may be some contamination from nearby historical uses and this would need investigation as part of any planning application.

From a planning policy perspective, the site in question is defined as a cemetery allocation positioned within a Green Wedge. The site has been presented as a Candidate Site submission for consideration as part of the LDP in order to be re evaluated as a cemetery allocation.

	COMMENTS RECEIVED	RESPONSE
9.2	<b><i>This site is currently defined as Cemetery allocation (HC16) in the Unitary Development Plan, and is proposed for that use in the emerging LDP (Local Development Plan). It is claimed that during the timescale of the LDP the capacity of the existing Kingsbridge Cemetery is likely to be reached and the</i></b>	The existing cemetery at Kingsbridge has approximately 25 years space left depending on death rates and burials take up as opposed to cremation. The remaining ground space at Kingsbridge cemetery is wet and drainage may help the ground conditions. It is considered that there is sufficient cemetery provision for the timeframe of the existing development plan – the UDP (up to 2016 or at the point when the LDP is Adopted). The forthcoming LDP will ensure that sufficient cemetery provision will



	<b><i>Gorseinon Cemetery site as allocated, would be required.</i></b>	be in place to cover the period up to 2025. This will either be inclusive of this site in question or will identify other provision if necessary. The identification of such designations within the LDP will only be in place within the Draft Deposit Plan (anticipated to be in place during early 2015) and it is therefore not required at this early stage of Plan preparation.
9.3	<b><i>The allocated site at 3.21 hectares is significantly greater than needed for the Traveller site and may be difficult to subdivide because the access point is at the front of the site.</i></b>	This is correct.
9.4	<b><i>The residents of Gorseinon/Penyrheol want a new cemetery site allocated within close proximity to the existing community, as the current allocation is. The land has reportedly already been consecrated for use as a cemetery.</i></b>	The land is reported as already having been consecrated but land can be de-consecrated if necessary.
9.5	<b><i>The site is the subject of a restrictive covenant between former Lliw Valley Council and British Coal stating that no building shall be erected on the site unless the building is suitably designed to minimize damage caused by subsidence.</i></b>	This is relatively easy to satisfy by the use of mining foundations. According to information extracted from the National Coal Mining Database, held and maintained by the Coal Authority there are no noted mine entries on the site but it is partly positioned within a Development High Risk Area. Nevertheless, a large proportion of the site is positioned within a Coal Mining Reporting Area and the Coal Authority will be consulted as part of the planning application process if the site is considered suitable to be considered further. In light of the above part of the land is subject to the restrictive covenants, set out in the Schedule of restrictive covenants, which were put in place to protect any mines and minerals. The covenant prevents any building, structure or works being erected, constructed, placed or laid on or in the land or any renewal or enlargement of or alteration to any building structure or works

		already in place unless the ground (including voids therein) shall have been investigated and treated in accordance with the specific provisions set out in this Schedule.
9.6	<b><i>The site is not flat, but is tiered with a gradual gradient</i></b>	The detailed assessment undertaken describes the site as having flat tiers with a gradual gradient.
9.7	<b><i>Given that the site is within the Gowerton Waste Water treatment works catchment, it would be a requirement to investigate whether the proposal would adversely affect the Special area of Conservation. The Environment Agency and Countryside Council Wales, it is felt, would object to the development on the grounds of additional yield at the Gowerton treatment works.</i></b>	<p>The capacity of the Gowerton Waste Water Treatment Works to physically accommodate additional quantities of foul water and for the proper treatment of waste water is the responsibility of Dwr Cymru Welsh Water (DCWW) as the statutory sewage undertakers for the County. The capacity for the Carmarthen Bay and Estuaries European Marine Site (CBEEMS) to accommodate additional treated discharge is regulated through discharge consent from Natural Resources Wales (Formerly the Environment Agency). Development from wide parts of the County drain into the CBEEM and this will need to be taken into consideration in determining overall capacity. To date, capacity issues associated with planning applications have been addressed through a Memorandum of Understanding agreed between the Council, Carmarthenshire County Council, Natural Resources Wales and DCWW). The agreed approach centres on removing surface water from the waste water treatment infrastructure and thereby increasing the capacity for the treatment of foul water.</p> <p>Sustainable Drainage Systems may be considered to control and manage surface water discharge from new developments and prevent new connections of surface water drainage to the sewerage network. It also encourages other design approaches and techniques that improve water efficiency and minimise adverse impacts on water resources and water quality.</p> <p>WWDC have confirmed that a water supply can be provided to this site. They have also</p>

		confirmed that the local sewerage network can accommodate foul flows from the proposed site but off-site sewers are required. These can be provided by a sewer requisition scheme under Sections 98 – 101 of the Water Industry Act 1991 [see Paragraph 9.16 below].
9.8	<b><i>The site is very close (approximately 70m) from an existing established housing area (Pontarddulais Road), and directly opposite the new housing allocation at Melin Mynach in the UDP.</i></b>	Welsh Government Circular 30/2007 highlights the fact that local planning authorities should first consider locations in or near existing settlements with access to local services e.g. shops, doctors, schools, employment, leisure, recreation opportunities, churches and other religious establishments. A site should be pleasant to stay on and designed in a manner which is complimentary to the surrounding environment. If a site is designated or refurbished with these considerations in mind it will go a long way in meeting the needs of residents as well as the settled community. The aim should be to achieve a balance between securing the boundaries and maintaining a pleasant and more open environment on site. Care should be taken to integrate the boundary treatment of the site into the local environment.
9.9	<b><i>The site is next to the location of Toyoda Gosei which is an existing international business and which is reported as the largest employer in the local area. The allocation of the site for Travellers could prejudice future expansion and employment at the site. Siting of a Traveller site in this location may jeopardise future expansion plans and viability of the plant.</i></b>	There have been several fears expressed about driving out much needed business and employment opportunities. The tenancy agreement used with Gypsy and Travellers and the code of conduct that users of the site would have to adhere to would include behaviour in the local area. Therefore if local business did experience any problems or issues with the Gypsies and Travellers, this situation could be within the remit of the site manager and in serious cases could lead to eviction from the site.

9.10	<p><b><i>Gorseinon already has 3 allocated sites for Showmen’s Guild Quarters, in Railway Terrace and Brighton Road, with a history of Showmen’s families extending back up to 4 generations in the Town. Relationships between Showmen’s Guild families and Gypsies and Travellers is reported as being often strained, and it has been suggested that it is best not to mix both family groups in the same area.</i></b></p>	<p>Comments noted. Animosity between Gypsy and Traveller families and Showmen is also contained in the responses received.</p>
9.11	<p><b><i>If the Traveller and Gypsy site is deemed as ‘housing’ in land use terms, the site lies outside of the settlement boundary, in an area not allocated or being considered for future housing use.</i></b></p>	<p>Policy HC9 (Gypsy and Traveller Caravan Sites) of the Unitary Development Plan allows (where appropriate) the positioning of sites in or on the outskirts of existing settlements. Whilst this site forms part of the Green Wedge, the rationale for including the cemetery site originally was down to its status as an unimplemented cemetery allocation with available infrastructure provision. Although the application would constitute a departure to the development plan by virtue of being outside the settlement boundary and in a Green Wedge, it is considered, given the particular characteristics of the site, that in practice the location could be sustainable (well-related to a village centre, bus services etc) and any perception of a contribution to the coalescence of settlements is insignificant. In some instances, proposals in the Green Wedge have been approved where applicants have demonstrated that very special circumstances exist. The lack of suitable alternative sites could be put forward as part of the case to justify very special circumstances. Nevertheless, alternatives should be explored before Green Wedge locations are considered and this has now been done and this Green Wedge site could therefore be discounted on that basis.</p>

9.12	<b><i>It is claimed that the site and immediate surroundings are subject to adverse physical ground conditions that would deem it unsuitable as a housing site.</i></b>	Adverse ground conditions due to mining activities are easily overcome especially for lightweight caravan slabs and low rise shower block type buildings. Any mine shaft locations would be dealt with using normal building techniques.
9.13	<b><i>Alternative locations were suggested (as in paragraph 13.24) as suitable such as Garngoch Common, Llansamlet, The Greyhound track, Felindre,, Swansea West, Penlleger Common, Fairwood Common and Gower.</i></b>	The filtering of the sites throughout the site selection process is fully evidenced. All Council owned land in all other areas were considered and were discounted for a number of reasons (available to view via <a href="http://www.swansea.gov.uk/sqts">www.swansea.gov.uk/sqts</a> ).
9.14	<b><i>Comments from the Ecology Officer.</i></b>	An area of hard standing and semi improved grassland. A full ecological survey would not necessarily be required. There is a possibility of reptiles being present; these are protected under the Wildlife and Countryside Act. A survey and mitigation statement for reptiles would be required.
9.15	<b><i>Comments by CADW.</i></b>	The proposed site is some 400 metres north of the scheduled monument Melin Mynach (GM510). The same issues apply as with Site 6, although the greater distance would reduce any visual impacts.
9.16	<b><i>Comments made by Dwr Cymru Welsh Water.</i></b>	A water supply can be provided to service this proposed site. Our local sewerage network can accommodate foul flows from the proposed site but off-site sewers are required. These can be provided by a sewer requisition scheme, under Sections 98 – 101 of the Water Industry Act 1991. Foul flows from this site would ultimately drain to our Gowerton Waste Water Treatment Works. Taking into consideration the previous consultation on Candidate Sites, if all the growth proposed in this Works' catchment area is to be promoted in its entirety, then we will need to plan for improvements in our future investment plans at the appropriate time.

**10.0 Site 17 – Swansea Vale, Llansamlet (Peniel Green)**

10.1 This area of land is “green field” although there are some indications of previous use and has had coal access shafts to penetrate to the coal seams below. It is bounded to the South by Peniel Green Road which is a busy arterial road and which has residential property backing onto the site. The Western flank of the site is bounded by a railway/freight line cutting. To the North is Gwernllwynchwyth Road with some residential units and the East/North-East is bounded by a busy spine road that gives access from Swansea Vale and the Enterprise Zone to the M4. The site forms part of the Swansea Vale Strategy and the land in total is 4.6 Ha in area. Part of the land is allocated for housing and the remainder for light industrial which is relatively close to power lines and underground high pressure gas and a redundant oil mains (which do not effect the land allocated to housing). There are no mains services on the site. Parts of the site are relatively level but other parts are quite steep. The site was acquired as part of the Swansea Vale Acquisition Compulsory Purchase Order – Joint venture acquisition with the former Welsh Development Agency (now Welsh Government). Natural Resources Wales (The Environment Agency as was) has suggested that there may be some contamination from nearby historical uses and this would need investigation as part of any planning application.

From a planning policy perspective, the site in question is positioned within the urban area and is partly designated as a housing allocation. There is a minimal Greenspace Protection buffer behind the properties of Peniel Green Road and the site is also connected to the adjacent land by this designation. High voltage cables are positioned on the periphery of the wider site so there is a defined area highlighted within a Hazardous Installation Consultation Zone. The wider site has been presented as two Candidate Site submissions for consideration as part of the LDP in order to be re evaluated as a housing allocation.

	<b>COMMENTS RECEIVED</b>	<b>RESPONSE</b>
10.2	<b><i>This site forms part of the Swansea Vale Strategy and is described as a gateway site as visitors approach Swansea East and Swansea Vale/Enterprise Zone. The site forms part of a comprehensive strategy for the future regeneration of the Swansea Vale area.</i></b>	The pinpointed site area is defined as a housing allocation within the UDP and is acknowledged as such within the Swansea Vale Strategy. There is a restriction registered in the Proprietorship Register of Title preventing dispositions without the consent of the Welsh Development Agency (now Welsh Government). The Swansea Vale Joint Venture Agreement expired on the 31 <sup>st</sup> March 2013. Discussions with Welsh Government are ongoing with regard to their consent.

10.3	<p><b>Access to the site is very restricted, access via Gwernllwynchwyth Road is too narrow for residential caravan access and the unmade access points off Peniel Green Road are too narrow and unsuitable for access. Access from the fast spine road to the North is dangerous.</b></p>	<p>Gwernllwynchwyth Road is wide enough for caravans to traverse but as part of the considerations to mitigate impact on residential areas, access via this road is not considered appropriate. If this site were to be chosen the preferred access would be taken from the spine road from one of two points. Either a deceleration lane would be constructed on the spine road and the previously stopped up Gwernllwynchwyth Road at its Northern end would need to be reopened to provide a safe entry point with access being taken onto the site from the existing turning point on Gwernllwynchwyth Road. Alternatively, a new access could be formed into the site from the existing roundabout which provides access to the M4 West slip road. Both these options are relatively expensive to construct.</p>
10.4	<p><b>The site is not reasonably flat and would involve excessive earth movement or the construction of expensive retaining walls. There is no mains drainage on the site.</b></p>	<p>The area of the land allocated for housing is relatively flat at its Southern end and the layout of the site would have to reflect the topography of the site as any housing development would have to. Whilst there are no foul drains on the site, mains drainage exists in Peniel Green Road and subject to site design, a pumping station solution is likely to be required. This would add to the capital expense and result in maintenance and running costs. A sustainable drainage system (SUDS) would be required to deal with surface water.</p>
10.5	<p><b>Residential properties on Peniel Green Road back directly onto the location of the allocated housing land and would overlook and be over looked by the location of the caravans. The right to privacy is being destroyed.</b></p>	<p>The residential properties would be close to the area to be developed. The precise location of the caravans and structures depends on the site layout design but buffer zones and mature screening would be required to maintain some privacy.</p>
10.6	<p><b>It is claimed that the adjacent railway line would be a danger to Traveller children and a noise disturbance.</b></p>	<p>The line is in a deep cutting and consideration would need to be given to fencing off to prevent access. Parents are expected to keep young children under control. The line is thought to serve Tata Steel, freight transport and the boat train to</p>

		West Wales. The line forms a loop from the main railway line near Briton Ferry and links to the Mid Wales line.
10.7	<b><i>There are high voltage power cables with pylons, a major gas supply pipe and partially disused mains oil main, along the North Eastern Boundary of the site which are not safe to build near.</i></b>	The high voltage cables are positioned on the periphery of the wider site. This has been taken into account in the assessment given that the recommendation in the detailed site assessment pinpointed the housing allocation element as only being suitable for consideration. If any element of the site positioned within the consultation zone was to be considered then the Council would have to have advice from the Health and Safety Executive and other statutory consultees.
10.8	<b><i>The total parcel of land is too big for just a Traveller site and would need sub division and would result in a loss of a valuable capital receipt.</i></b>	The actual site boundaries defined reflect land ownership rather than actual site dimensions. For the purposes of this consultation exercise the whole site is being considered but if the site is deemed suitable to be taken forward for further consideration then the boundaries would have to reflect appropriate constraints etc. The subdivision of the land would be required. The actual site boundaries defined reflect land ownership rather than actual site dimensions.
10.9	<b><i>It is stated that Peniel green Road and the M4 junction with access to the spine road into the Enterprise Zone are extremely busy and that additional traffic will be detrimental to the area.</i></b>	The proposal, as confirmed by the latest Gypsy and Traveller Accommodation Needs Assessment is for a permanent site of approximately 12 pitches (plus room for expansion to cater for up to 20 pitches). Once the static vans are in place, the daily traffic to and from a site would be minimal in terms of the overall traffic flows in the area. If a transit site is also decided upon then this would add to traffic quantities.
10.10	<b><i>There is a general fear for house price devaluation in the immediate and surrounding area. It is suggested that Swansea East already suffers from below average employment and property prices.</i></b>	Noted.



10.11	<b><i>There is already an official site at Pant y Blawd Road as well as a tolerated site in the Enterprise Zone, a new site at Birchgrove has just received temporary Planning consent and there are unofficial encampments that spring up by the road side in the area.</i></b>	The official site has 7 pitches and is not capable of expansion. The tolerated site, which is on a flood plain will be returned to scrubland once a new site has been developed and the residents relocated. The private site at Birchgrove is for 4 units and is temporary for 5 years and is yet to be built.
10.12	<b><i>Siting a camp in this location will have a detrimental effect on existing businesses in the Zone, undoing all the good work that has been undertaken and may influence plans to expand or relocate to this area.</i></b>	The tenancy agreement used for Gypsy and Travellers and the code of conduct that users of the site would have to adhere to would include behaviour in the local area. Therefore if local business did experience any problems or issues with the Gypsies and Travellers, this situation could be within the remit of the site manager and in serious cases could lead to eviction from the site.
10.13	<b><i>The Human Rights of the existing residents should be considered along with the Gypsy Traveller rights.</i></b>	Comments noted.
10.14	<b><i>There are reports of old mine workings and mine shafts on the site and reports of a recent shaft collapse which necessitated filling to a deep depth.</i></b>	As part of any development, there would be a proper site investigation to identify shafts and ground conditions and appropriate construction standards employed. In accordance with the national coal mining database (held and maintained by the Coal Authority) the allocated part of the site is not positioned within a Development High Risk Area. Further site specific investigations would be undertaken on the favoured site option(s) as part of the detailed planning application stage.
10.15	<b><i>There is an historic “Drover Path” right of way referred to by some consultees.</i></b>	Any rights of way or footpaths would be accommodated in any site design.
10.16	<b><i>Many references to the West Glamorgan Agreement have been raised with people feeling let down by the system.</i></b>	The absence of any legally binding agreement has been covered as part of the consultation exercise.

10.17	<b><i>Many people report feeling intimidated and threatened by the presence of Travellers. It is claimed that walking routes between Heol Las, Trallwn, Birchgrove and Primrose Park will become unusable as parents will refuse to let children travel that route.</i></b>	Noted.
10.18	<b><i>Several comments relate to capacities of local schools and Doctors.</i></b>	In the short term, demand on these is no greater than exists now as all demand will be from Gypsy and Travellers already in the area at the official, tolerated and unauthorised encampments.
10.19	<b><i>A few suggestions related to having several much smaller sites across the County so as to give Travellers a choice in where they live.</i></b>	This on the face of it is a reasonable suggestion but gives rise to operational and cost disadvantages. Extended Traveller families seem to prefer to remain living within reasonable distances of each other.
10.20	<b><i>Alternative locations were suggested as suitable such as The Greyhound Track, Felindre, Swansea West, Fairwood Common and the Penderry site.</i></b>	The filtering of the sites throughout the site selection process is fully evidenced. All Council owned land in all other areas were considered and were discounted for a number of reasons (available to view via <a href="http://www.swansea.gov.uk/sgts">www.swansea.gov.uk/sgts</a> ).
10.21	<b><i>Comments from the Ecology Officer.</i></b>	The site consists of a field of semi improved grassland with a small amount of scrub. Nesting birds might be present in any scrub, any problems can be avoided by clearance outside the nesting season (late September to the end of February) Of the 5 sites this is the most natural and is therefore the most likely to be of interest. A full ecological survey would be necessary.
10.22	<b><i>Comments made by CADW.</i></b>	Two scheduled ancient monuments are located within or nearby the area of the proposed development. Gwernllwynchwyth Engine House (GM430) is some 80 metres north of the proposed site. Townshend's Great Leat & Waggonway (GM468) is an extensive complex of leats and transport

		<p>systems of which one part falls within the proposed development area. Both monuments are significant in terms of early major innovations in heavy industry and any visual impact on their setting will be a material consideration. Any activities which would involve breaking the ground surface within the scheduled area, such as services, fencing or buildings, would require prior scheduled monument consent from Cadw. However, there is a presumption against proposals that would damage a scheduled monument so any plans for the site should seek to retain this part of GM468 without damage.</p> <p>A plan showing the location of concern is attached as <a href="#">Appendix D</a> and indicates that the areas of concern are outside the area allocated for housing development.</p>
10.23	<b>Comments made by Dwr Cymru Welsh Water.</b>	<p>A water supply can be provided to service this proposed site. Our local sewerage network can accommodate foul flows from the proposed site but off-site sewers are required. These can be provided by a sewer requisition scheme, under Sections 98 – 101 of the Water Industry Act 1991.</p> <p>Foul flows from this site would ultimately drain to our Swansea Bay Waste Water Treatment Works. Taking into consideration the previous consultation on Candidate Sites, if all the growth proposed in this Works' catchment area is to be promoted in its entirety, then we will need to plan for improvements in our future investment plans at the appropriate time.</p>

## 11.0 Site 19 – Milford Way, Penderry

- 11.1 This is the site of the former Leo's superstore and is 4.83 Ha in area. The site is flat and consists of hard standing with existing drainage facilities. Access is from Mynydd Newydd Road or Milford Way via the existing access points and the site would be subdivided. The site is bounded to the East by Mynydd Newydd Road, and an open field although there are four residential properties opposite the site. To the South and North are residential properties and to the West is an open field which is available for housing development with existing residential accommodation to the far side. The site was acquired by

Housing but was appropriated to Estates on the 1 April 1982 for retail use.

From a planning policy perspective, the site in question is defined as a housing allocation. The site has been presented as a Candidate Site submission for consideration as part of the LDP in order to be re evaluated as a housing allocation.

	<b>COMMENTS RECEIVED</b>	<b>RESPONSE</b>
11.2	<b><i>The site is too close to residential property, 10m in some places, both private and social sector, and the site may be overlooked by adjacent properties and vice versa.</i></b>	Welsh Government Circular 30/2007 highlights the fact that local planning authorities should first consider locations in or near existing settlements with access to local services e.g. shops, doctors, schools, employment, leisure, recreation opportunities, churches and other religious establishments. A site should be pleasant to stay on and designed in a manner which is complimentary to the surrounding environment. If a site is designated or refurbished with these considerations in mind it will go a long way in meeting the needs of residents as well as the settled community. The aim should be to achieve a balance between securing the boundaries and maintaining a pleasant and more open environment on site. Care should be taken to integrate the boundary treatment of the site into the local environment.
11.3	<b><i>The site is too large and would have to be subdivided making the remaining part worthless. Similarly there is adjacent housing development land which will not be developed so close to a Gypsy and Traveller site.</i></b>	The actual site boundaries defined reflect land ownership rather than actual site dimensions. For the purposes of this consultation exercise the whole site is being considered but if the site is deemed suitable to be taken forward for further consideration then the boundaries would have to reflect appropriate constraints etc. The subdivision of the land would be required.
11.4	<b><i>There is serious concern about the devaluation of property values and potential increases in household and vehicle insurance.</i></b>	Noted

11.5	<p><b><i>In the Welsh Index of Multiple Deprivation (WIMD) Penderry1 is reported as being the worst for health,second worse for community safety and third for education in Wales. The community deserves something to improve these statistics. The area is reported as being the eighth most deprived area in Britain.</i></b></p>	<p>In the Welsh Index of Multiple Deprivation 2011 (WIMD 2011), Penderry 1 (Lower Super Output Area - LSOA) is ranked as having the highest level of deprivation for health, second highest for community safety and third highest for education in Swansea. In the overall WIMD 2011 Index Rank, the Penderry 1 LSOA has the highest level of deprivation in the area of Penderry with a Swansea ranking of 3 and a Wales ranking of 19. However the site in question is actually Penderry 3, relevant statistics can be seen within <a href="#">Appendix E</a>. The area is one of the Council's Target Areas.</p>
11.6	<p><b><i>There are fears over cultural clashes, there are reports of violence between residents and Travellers when there was a presence of Travellers in the past. There are reports of verbal abuse from female Travellers at recent public meetings.</i></b></p>	<p>There is concern from the community about the ability to integrate Gypsy &amp; Travellers into the community with a general fear for the future. In terms of community cohesion, selecting the right location for a site is a key element in supporting good community relations and maximising its success. Well-run, authorised sites can be effectively integrated into local communities. If a site can be identified through the planning process it would prevent the need for illegal encampments which can cause conflict with the settled community and can cost the Council money if legal action has to be taken. It is better for all members of the community if a site can be identified by agreement following consultation in suitable locations. By taking a positive approach greater control can be taken over the identification of a site. It also means that if illegal encampments occur within the County the Council will be far more likely to be successful if it has to take action against those sites. In doing so, it will assist in eradicating any potential negative perceptions of the unauthorised sites and ensure that suitable permanent site provision is in place.</p>
11.7	<p><b><i>Traffic congestion in the area during working hours is problematical and the creation of a site in this</i></b></p>	<p>The site is located off the main road connecting Fforestfach to Treboeth and therefore carries distributor road traffic levels. The site itself was formerly a Leos</p>

	<b><i>location will add to the burden.</i></b>	Superstore and therefore has adequate access and has generated a significant amount of traffic of both a commercial and domestic level with service vehicle access and customer access off the same junction. Traffic load increase would be much less than if the site were developed as new housing.
11.8	<b><i>Some parents are reporting concerns about children walking to schools past the proposed site with a fear of intimidation, there are shortcuts across the site that children use now on their walk to school which would be unusable and mean longer walking distances. Some have indicated that they will not allow their children to attend the same schools, some report that the local senior schools are Welsh speaking so are unsuitable.</i></b>	Gypsy and Traveller children if already registered at a school would continue to attend that school. Senior children would be expected to attend the most appropriate school in the catchment area.
11.9	<b><i>The site is in very close proximity to the nearby Children's Home and may be inappropriate for the vulnerable children living there.</i></b>	Comments noted.
11.10	<b><i>It is reported by some consultees that the area is already badly effected by crime, anti-social behaviour, drugs problems and such a proposal will make the situation worse.</i></b>	Noted.
11.11	<b><i>The site is not screened and will look an eyesore from the highways.</i></b>	The location would have to be carefully chosen and suitably screened.
11.12	<b><i>The two roads that abound the site are main pedestrian routes for local residents and school children.</i></b>	Comments noted.

11.13	<b><i>There are concerns about the rest of the land outside of the site being used for the storage of scrap and that attracting vermin with the consequential public health risks.</i></b>	Gypsy and Traveller families have indicated that do not wish to operate a business from any new site, there would be terms and conditions imposed on residents of the site which could lead to eviction from the site if broken.
11.14	<b><i>Suggestions such as the site would be better developed for the whole community such as a park or community centre or as a site for a future school to replace Portmead and Blaenymaes. Suggestions also included building small unit residential properties to free up larger social accommodation.</i></b>	Comments noted.
11.15	<b><i>Alternative suitable locations were suggested as being the Greyhound Track, the existing site at Llansamlet, Felindre and open countryside or industrial parks. It was suggested that it is better to spend a few thousand extra and get a site that the Gypsy and Traveller community would be happy with.</i></b>	The filtering of the sites throughout the site selection process is fully evidenced. All Council owned land in all other areas were considered and were discounted for a number of reasons. (available to view via <a href="http://www.swansea.gov.uk/sgts">www.swansea.gov.uk/sgts</a> ).
11.16	<b><i>Comments from the Ecology Officer.</i></b>	An area of hard standing with areas of shrubs and brown field plants. A full ecological survey would not necessarily be required. There is a possibility of reptiles being present; these are protected under the Wildlife and Countryside Act. A survey and mitigation statement for reptiles would be required. Nesting birds might be present in any scrub any problems can be avoided by clearance outside the nesting season (late September to the end of February).
11.17	<b><i>Comments made by CADW.</i></b>	No comments to offer.

11.18	<b>Comments made by Dwr Cymru Welsh Water.</b>	A water supply can be provided to service this proposed site. No problems are envisaged with the public sewerage system for domestic foul discharge from this site. Foul flows from this site would ultimately drain to our Gowerton Waste Water Treatment Works. Taking into consideration the previous consultation on Candidate Sites, if all the growth proposed in this Works' catchment area is to be promoted in its entirety, then we will need to plan for improvements in our future investment plans at the appropriate time.
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**12.0 General Comments** have been received which relate to all five sites.

	<b>COMMENTS RECEIVED</b>	<b>RESPONSE</b>
12.1	<b><i>Look again at non Council owned sites.</i></b>	The rationale as to why only Council owned land was considered as part of the process is down to the fact that as a major land owner, the Council will undoubtedly have areas of land deemed suitable for consideration. With this in mind it would not be justifiable to try and source land from other public sector providers as this would have an additional cost implication. A call was made as part of the LDP, Candidate Site process for proposals to come forward but there were no submissions received.
12.2	<b><i>Look again at open country side sites or outside of edge of settlements to avoid conflict with residents.</i></b>	Comments noted but this would conflict with Welsh Government guidance.
12.3	<b><i>Look again at contaminated sites that could be remediated and made safe.</i></b>	Contaminated sites did not form part of the original terms of reference agreed by Members and so were sifted out. Contamination can be very expensive to remediate and there can be risks associated with such sites.
12.4	<b><i>Existing residents have human rights as well as Gypsy and Travellers.</i></b>	Comments noted.



12.5	<b><i>Generally don't provide for Gypsy and Travellers, other Council's don't. Say no to central government.</i></b>	There is a duty on Local Authorities to provide for the needs of Gypsy and Traveller families. There is the possibility of new legislation shortly requiring Councils to specifically provide sites but this remains to be confirmed.
12.6	<b><i>There is a lot of animosity towards Travellers who are perceived as not paying their way in society.</i></b>	All Gypsies and Travellers living on a local authority or privately owned sites are liable for council tax, rent, gas, electricity, and all other charges measured in the same way as other houses. Those living on unauthorised encampments, generally speaking, do not pay council tax, but they also do not generally receive services. There are occasions when basic services, such as a toilet or a wheelie bin, are provided and the Gypsies and Travellers might make payment for this service direct to the appropriate local authority. All residents within the UK pay tax on their purchases, petrol and road tax as do Gypsies and Travellers.
12.7	<b><i>Travellers do not want to be part of communities as it causes them conflicts.</i></b>	Selecting the right location for a site is a key element in supporting good community relations and maximising its success. Well-run, authorised sites can be effectively integrated into local communities. If a site can be identified through the planning process it would prevent the need for illegal encampments which can cause conflict with the settled community and can cost the Council money if legal action has to be taken. It is better for all members of the community if a site can be identified by agreement following consultation in suitable locations. By taking a positive approach, greater control can be exercised over the identification of a site. It also means that if illegal encampments occur within the County the Council will be far more likely to be successful if it has to take action against those sites. In doing so, it will assist in eradicating any potential negative perceptions of the unauthorised sites and ensure that suitable permanent site provision is in place.

12.8	<b><i>Will the Council compensate residents who lose value on homes?</i></b>	No.
12.9	<b><i>Future Government changes to local authority boundaries may free up more appropriate land away from residential areas.</i></b>	Local authorities have a responsibility to undertake housing needs assessments for the settled population, to identify their accommodation needs. These needs are fed into the local planning framework and the Council will address the housing need by providing different types of accommodation – for example flats, houses or perhaps sheltered accommodation. This is the same for Gypsy and Traveller accommodation which is just another form of provision that takes into account people's different ways of life. The legal requirement in the Housing Act 2004 is for all local authorities to complete a Gypsy Traveller Accommodation Assessment and as in Swansea's example identify any deficiency in provision.
12.10	<b><i>People's feelings should have been one of the sifting criteria.</i></b>	Noted.
12.11	<b><i>There will be additional policing costs.</i></b>	The Police will enforce the law, wherever a site is located.

13.0 Generally it is clear from the consultation responses across the board that there may be confusion around what a Gypsy and Traveller managed site is and how it works and so the following points may be useful by way of explanation.

13.1 A Council managed site, such as is being sought, has a number of pitches which comprise of a space for a fixed static van, generally a touring van and two vehicles. There is a shower and toilet facility for each pitch together with laundry and refuse storage facilities. There are site occupation conditions governing activities on the site such as business use and resident families pay a rent that covers all their consumables such as, water and Council Tax, whilst electricity is paid for by meter. Gypsy and Traveller families are of course able to avail themselves of the benefits system as any other residents can if eligible. Organised managed sites should therefore not generally create the sorts of problems associated with unauthorised encampments by the roadside which people associate with Gypsy and Travellers and their life style.

14.0 It is apparent from the consultation responses that there has been some misinformation circulating in some areas which has raised fears amongst residents. When this exercise started the Council was looking at a need of 10 pitches over a 5 year period as identified within the 2012 Housing Needs Assessment.

15.0 When areas of land were identified as being suitable in terms of the “sifting criteria”, specific boundaries were not indicated. Clearly some of the sites are much bigger than the area needed for such a use and precise locations are difficult to define because there may be requirements imposed by the design stage and Planning Application process when a site has been chosen. However, the location plans shown within [Appendix F](#) refine some of the thinking.

## **16.0 Petitions**

16.1 A total of 18 petitions were received during the consultation period.

- 12 related to Site 2 at the Former Greyhound Stadium, Cockett.
- 4 related to Site 6 at the Rear of Parc Melin Mynach and Site 9 the Proposed Cemetery which are both are in Gorseinon and located side by side.
- 1 related to Site 17 at Swansea Vale, Llansamlet and
- 1 related to Site 19 at Milford Way, Penderry.

16.2 There were two further petitions which had been organised on-line but which could not be accessed by officers and despite repeated requests, the organiser did not provide further details or access to the petition on-line. The petitions related to Gorseinon and Cockett and were reported to have 137 and an unknown number of signatories respectively but no details are available.

16.3 Some of the lead petitioners have tried to identify duplicate signatures and deleted them, others have not. Some signatures maybe from people living outside the immediate area, although it is arbitrary to try and define what the immediate area is. It has not been possible to identify, with any certainty, which are duplicates or irrelevant because of home address and so petitions have been reported as submitted without scrutiny. It is clear that depth of feeling is strong in all areas under examination.

16.4 Where petitions were submitted with covering letters, these are shown within [Appendix G](#) specific points raised have been answered in the consultation responses and are included within [Appendix G1](#).

Petitions were submitted as follows;

**16.5 Petition against Site 2 – Former Greyhound Stadium, Cockett**

16.5.1 9 Petitions were submitted using the same template with the following message;

*Against: the short listing of the Greyhound Track in Fforestfach as a possible Gypsy Traveller site.*

*The following people/companies are firmly against the above proposal*

Petitioners submitting these were;

- Trans Media Technology Ltd – 23 signatures
- Cogent Passenger Seating Ltd – 33 signatures
- Anonymous – 25 signatures
- Welsh Boxes Co Ltd – 44 signatures
- Gower Autos Ltd – 11 signatures
- Caravan Team Ltd – 36 signatures
- BAPTT Shopfitters Ltd – 25 signatures
- Lewis Pie & Pasty Co – 11 signatures
- JCP Solicitors in association with Asbri Planning acting on behalf of Swansea West Business Park Forum – 159 signatures

A petition with 24 signatures was submitted by

- Aztec Estates Ltd –

Signatures for this petition were recorded against the following message;

*We work in the Aztec building on The Queensway in Fforestfach, Swansea.*

*We have small businesses and are working hard in these difficult economic times.*

*We are objecting to the proposal to put a Travellers site on the estate as we feel strongly that such a development would be detrimental to the established business community.*

A petition with 12 signatures was submitted by

- Building Services Controls Ltd

Signatures for this petition were recorded against the following message;

*This petition is in opposition to the proposed consultation for a Gypsy and Traveller Site on the land at the former Greyhound stadium, Fforestfach, Swansea*

A petition with 1322 signatures was submitted by

- Mr A D on behalf of residents

Signatures were recorded against the following message;

*We the undersigned would like to object to the proposed Gypsy Traveller site at the Greyhound Track, Ystrad Road.*

*or*

*Against: the shortlisting of the Greyhound Track in Fforestfach as a possible Gypsy Traveller site.*

*The following people/companies are firmly against the above proposal*

#### 16.6 **Petitions against Sites 6 – Rear of Parc Melin Mynach, Gorseinon & Site 9 – Proposed Cemetery, Gorseinon**

16.6.1 Petitions were submitted by the following;

(1) Ms H M D in the name of Gorseinon Residents – 2584 signatures

(2) Mrs J B – 23 signatures

(3) Mr R W – 20 signatures

(4) Ms E T – 39 signatures

All the petitions had the same message, which people were asked to sign up to:

*We the undersigned, of the Gorseinon area and close vicinity, object to plans by the City & County of Swansea to set up a Traveller Site on one of the two locations in Gorseinon, namely the Melin Mynach and the proposed Penyrheol Cemetery. We call upon the Council to listen to the people who will be effected and reject the proposed plans.*

#### 16.7 **Petition against Site 17 – Swansea Vale, Llansamlet**

16.7.1 This petition was submitted by LA2TS, Llansamlet Against a 2<sup>nd</sup> Traveller Site, Lead petitioner Mrs H J – **6,253** signatures

16.7.2 The petition is worded;

*Petition against the positioning of a Second Traveller Site within the Llansamlet Ward*

*The City and County of Swansea have initiated a process to select a further site or sites for Travellers. One of the sites under consideration is in the Llansamlet Ward and local residents feel that this is inappropriate both for local residents and the Traveller Community. We the undersigned, are concerned citizens who urge our leaders not to locate any further Traveller sites in the Llansamlet Ward.*

## 16.8 **Petition against Site 19 – Milford Way, Penderry**

16.8.1 This petition was submitted on behalf of Leo's Action Group by Lead Petitioner, Mrs L B.

16.8.2 The petition is worded;

*We the undersigned residents wish to affirm that any proposal by Council to site a Traveller site on Milford Way or in the vicinity of Penderry Ward/Penplas is totally unacceptable and we the residents strongly object*

16.8.3 The petition purports to be signed by 1038 signatories living in the vicinity/area. There are many signatories crossed through on the sheets by the organisers of the petition and they have not been included in the count [by the organisers] as although they supported the petition, they live outside of the immediate area and the lead petitioner considered it fair to make that point.

## 17.0 **Further Information Gathered Since the Consultation**

17.1 As part of and as a result of the consultation exercise;

- all the consultation responses have been reviewed
- the views of the Gypsy and Traveller families have been established
- the Housing Needs Assessment has been updated
- site titles have been investigated
- asset values have been estimated
- differential development costs have been estimated and
- the views of CADW, Natural Resources Wales (The Environment Agency as was) Dwr Cymru – Welsh Water and the Ecology officers have all been sought to assist in the development of site selection.

## 18.0 **Gypsy and Traveller Views**

18.1 An important part of the process following Welsh Government Circular guidance was to establish the views of the Gypsy and Traveller community, which will be a relevant consideration in any decision as to

where the site should be located. Discussions with the families have taken place to ascertain their preferences in terms of location. Whilst it is not being suggested that the Gypsy and Travellers dictate where a new site would be located, if it is to be successfully used to avoid ad hoc illegal encampments around the area, their views have to be factored into the considerations. Paragraph 18 of Welsh Government Circular 30/2007 highlights the fact that when identifying sites the local planning authority should work with the Gypsy and Traveller community. Similarly Paragraph 9.1 of the Welsh Government guidance Good Practice Guide in Designing Gypsy Traveller Sites in Wales highlights the fact that it is imperative that local authorities consult with Gypsies and Travellers and relevant representative organisations and individuals from the initiation of a proposal through to the completion stage. Local authorities should take into consideration the expectations and aspirations of Gypsies and Travellers, subject to due regard to the need to provide for the migratory way of life of Gypsies and Travellers in Wales.

- 18.2 The three main Gypsy and Traveller families who are assessed as having either present or future needs have confirmed that they do not generally use public transport and the positioning of bus routes is not of concern to them. Equally transportation and travel to doctors, dentists and shops would not be an issue for them and this is no different to residents who already live in an area.
- 18.3 Gypsy and Traveller children on the official site are visited by Health visitors and where necessary this can be arranged for those children on the tolerated site and others. Adults are registered with different GP Practices throughout the area and receive medical care as other residents do. Many children are also registered with GP's.
- 18.4 Whilst some children would start to attend local schools as they achieve school age, others who are already in school would, if moved by the Council to live elsewhere, continue to attend faith schools or the schools where they are presently registered and the only issue is the distance that children would have to travel to the schools which are presently located in the Morryston, Trallwn and Bonymaen areas. Transport costs incurred are met by a Welsh Government grant which covers the educational needs of Gypsy and Traveller children. As younger children achieve school age they would attend local schools unless their siblings are already schooled elsewhere, in which case they could also attend those same schools subject to capacity.
- 18.5 All families have confirmed that they would not seek to use a site, wherever located, for business purposes (scrap storage or processing).
- 18.6 One of the families originally only wished to consider possible extension of the existing facility at Ty Gwyn which is not possible due to space and flood plain considerations. This family, who have no housing needs during the next 5 years, are not shown in the table

below but indicated that they would prefer Swansea Vale followed by Penderry as a 50/50 choice but did not like the Cockett site or Gorseinon.

- 18.7 Discussions took place in September 2012 and again in July 2013 to check current perceptions and the results are established below:

Site	2	6	9	17	19
	Cockett	Melin Mynach	Gorseinon Cemetery	Swansea Vale	Penderry
<b>Family A</b> Sept 12	-	Y	N	Y	N
July 13	Y	N	N	Y	N
<b>Family B</b> Sept 12	Y	-	-	Y	N
July 13	<b>50/50</b>	N	N	Y	<b>50/50</b>

Y = indicates interest  
 N = indicates not considered acceptable  
 - = indicates no views given  
 50/50 = indicates of partial interest

- 18.8 During the consultation process, two further Gypsy or Traveller families have become known to officers, one in Birchgrove and one in Cockett/Fforestfach. The 2013 Gypsy and Traveller Housing Needs Assessment confirmed that these families have no immediate housing needs requirement. The extended family at Cwmbach Road state that they are adequately accommodated at present but may need expansion/alternative sites in the next 10-15 years. The family at Birchgrove have temporary permission to develop their own site and have confirmed that they have no needs for Council accommodation.

## 19.0 Housing Needs Assessments

- 19.1 The identified need established within the 2012 Gypsy and Traveller Accommodation Needs Assessment when the search for a new site started equated to 10 pitches over the next 5 years. It was always the intention to update this assessment so that decision makers had current information at the point of making the decision.
- 19.2 Furthermore, this issue was highlighted in a recent appeal by the Planning Inspectorate in relation to a Gypsy and Traveller site on private land at Drummau Road where doubt was cast upon the validity of the 2012 Assessment.
- 19.3 Officers have now undertaken the 2013 Gypsy and Traveller Accommodation Needs Assessment which shows a requirement for 11 new pitches to be provided immediately. An extract from the 2013



Assessment is attached as [Appendix C](#) as the full Assessment document is not yet published.

- 19.4 As stated, the latest Assessment highlights a need for 11 immediately. However as per Welsh Government guidelines, the Council are obliged to project potential maximum need over the next 5 years. In the most extreme scenario this could be up to an additional 20 pitches. This is based on the assumption that all teenage Gypsies and Travellers based in Swansea currently living with their families decide to marry when they reach 18 thus requiring a pitch of their own. It is also based on the assumption that they all choose to stay in Swansea and do not wish to move into bricks and mortar, want to establish their own private site provision or move out of the area completely. The chances of this happening in all cases is slim so in reality the actual future need figure is likely to be less than 20 but obviously it is impossible to predict people's future marriage/geographical movement intentions and hence the actual precise future need figure.
- 19.5 Making provision immediately for a site of 11-12 pitches which is capable of being sympathetically expanded to approximately 20 seems therefore to be consistent with Welsh Government guidance (see Paragraph 3.3).

## **20.0 Site Titles and Restrictive Covenants**

- 20.1 All land and property, in general terms, has covenants and conditions applied to the title of the property covering such things as access, rights to light, mineral extraction etc.
- 20.2 Whilst there are covenants on the sites in question, there are no restrictive covenants on four sites that would prevent any of them being used as a Gypsy and Traveller site provision. In terms of the Swansea Vale site, there is a restriction registered in the Proprietorship Register of Title preventing dispositions without the consent of the Welsh Development Agency (now Welsh Government). The Swansea Vale Joint Venture Agreement expired on the 31 March 2013. Discussions with Welsh Government are ongoing with regard to their consent.

## **21.0 Asset Values**

- 21.1 Land which will be used in any development has a value and this varies depending on its location and development use status. For comparison purposes a parcel of land, one hectare (10,000m<sup>2</sup> or 2.4 acres) in size has been valued in the locations to quantify the potential loss of revenue to the Council in the use of each site. Clearly the value of any remaining land on the same parcel of land may be affected by the development of a Gypsy and Traveller site but it is not possible to quantify that potential loss with any certainty at this stage. Clearly land value fluctuates and there is no certainty that the values illustrated are realisable in the present economic climate.

- 21.2 Until designed, there is no definitive view on how big a site should be. DCLG (Department for Communities and Local Government) practice guidance indicates an assumption that a maximum pitch size of 500m<sup>2</sup> for permanent pitches and 250m<sup>2</sup> for transit pitches is reasonable. Using these average pitch sizes and the DCLG suggested site size of up to 20 pitches, an average Gypsy and Traveller site would need to be a maximum of 10,000 m<sup>2</sup> (1.0 hectare) in size. A nominal transition provision of perhaps four pitches would equate to a further 1000 m<sup>2</sup> or 0.1Ha.
- 21.3 The land valuation of the sites is indicated as follows. It is not a simple task to multiply the area of land by the value per hectare as in some instances not all the land would be used as a Gypsy and Traveller site but the remaining land may have a reduced value.

<b>SITE</b>	<b>INDICATIVE VALUE £</b>
Site 2 – Former Greyhound Stadium, Cockett Overall Size; 2.4 Ha Size of camp ; 1.16 Ha Area would not be divided	Industrial use - £197,000 / hectare (...with housing consent £432,000 hectare) Potential capital receipt loss between £ 472.8k – £1.037m [2.4Ha x £197/£432]
Site 6 – Rear of Parc Melin Mynach, Gorseinon Overall Size; 5.05 Ha Size of Camp; 1.08 Ha Exclude Woodland and shaft area Area would be divided	Housing use - £791,000 hectare Potential capital receipt loss [1.08Ha x £791k] = £854k + up to £2.373m [3Ha x £791k] if all land in parcel removed of residual value
Site 9 – Proposed Cemetery, Gorseinon Overall Size; 3.21 Ha Size of Camp; 2.13 Ha Area would be divided	Agricultural use - £50,000 hectare (...with housing consent £791,000hectare) Potential capital receipt loss £106.5k if Agricultural use [2.13Ha x £50k] or £1.685m if sold for housing [2.13Ha x £791k] + up to £54k or £854k if all land in parcel removed of residual value [1.08 Ha x £50k/£791k]
Site 17 – Swansea Vale, Llansamlet Overall Size; 4.6 Ha Size of Camp; 1.63 Ha Area would be divided	Housing use - £890,000 hectare Potential capital receipt loss £1.451m [1.63 Ha x £890k] + up to £309k [1.43 remaining hectares estimated land use circa £216,000 per hectare] for industrial use of remainder if all land in parcel removed of residual value

Site 19 – Milford Way, Penderry Overall Size: 4.83 Ha Size of Camp; 1.3 Ha Area would be divided	Housing use - £753,000 hectare Potential capital receipt loss £ 978.9k [1.3 x £753k] + up to £2.658m [3.53Ha x £753k] if all land in parcel removed of residual value
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Values reflect each sites existing planning status in the current Unitary Development Plan

Figures provided are desk top indicative valuations only, and have no regard to:-

Any potential physical or legal issues which could impact upon value,

Planning consultation other than the Unitary Development Plan guidance,

Any abnormal costs associated with development of the site,

The impact of the size and accessibility of the site or the impact on value of any residue of Council adjoining land.

## 22.0 Differential Cost indications for different sites

- 22.1 Cost is an obvious consideration, particularly in light of the current economic situation and probable calls on the limited grants available for Gypsy and Traveller site provision from the Welsh Government.
- 22.2 Different sites have differing topography and with that come different potential development costs. For comparison purposes, the costs of development above ground for each site has been taken as the same which are estimated as build costs of £950k for 20 pitches (including 10 amenity blocks, one managers' office, 20 hard standings and fencing etc .
- 22.3 Officers have estimated the differing substructure and infrastructure costs for the different sites, to indicate which sites would be more costly to develop, although in terms of the overall cost indicators, the cost difference is not significant especially when considered against the life span of a new site. It is hoped that financial assistance from the Welsh Government will offset a significant amount of the costs although this cannot be guaranteed and as more Council's look to provide for Gypsy and Traveller communities, the amount of funding available to each local authority may become less in the future.
- 22.4 All sites have been cross referenced to the Council's contaminated land records. No contamination issues have been identified on any of the five sites. Some comments have been received from Natural Resources Wales (the Environment Agency as was) regarding the potential for sites to be contaminated given the proximity to historic industrial uses. These comments are included in the salient points list for each site. It is usual practice to conduct a site investigation as part of the development process at a later date.
- 22.5 New construction developments will usually undertake a desk top and site based investigation to identify such things as mine shafts. This can

be intrusive and would be undertaken when a preferred site has been identified as part of the development brief. The costs of this are not accounted for at this stage.

22.6 The estimated comparison site development costs are;

Site 2 – Former Greyhound Stadium, Cockett Size; 2.4 Ha	Electrical supply Water supply Civil works Total	4000 10000 <u>103500</u> <b>117,500</b>
Site 6 – Rear of Parc Melin Mynach, Gorseinon Size; 5.05 Ha	Electrical supply Water supply Civil works Total	10544 10000 <u>155000</u> <b>175,544</b>
Site 9 – Proposed Cemetery, Gorseinon Size; 3.21 Ha	Electrical supply Water supply Civil works Total	8170 10000 <u>163000</u> <b>181,170</b>
Site 17 – Swansea Vale, Llansamlet Size; 4.6 Ha Option 1 with access via roundabout	Electrical supply Water supply Civil works Total	5500 10000 <u>210000</u> <b>225,500</b>
Option 2 with deceleration lane from Spine road and access via Gwernllwynchwyth Road	Electrical supply Water supply Civil works Total	5500 10000 <u>250000</u> <b>265,500</b>
Site 19 – Milford Way, Penderry Size: 4.83 Ha	Electrical supply Water supply Civil works Total	7500 10000 <u>26500</u> <b>44,000</b>

Above figures are based on desk top exercises and allow for comparison of sites in terms of likely base costs only. Construction of superstructures, landscaping and planning requirements are not included

Civil Works include;  
Excavations for services,  
Site clearances,  
Foul drainage  
Formation of access  
Hard standings

Costs are subject to ;  
Detailed survey of sites re ground conditions and topography  
Ground investigation  
Utility company liaison  
Traffic impact assessments  
Precise location of site at Planning Application stage

## **23.0 Legal Implications**

### 23.1 Legal Implications

This issue has raised a number of legal considerations which will be addressed with detailed advice under the following headings:

1. Legal requirements of consultation and the role of Council in the process
2. Pre-determination in respect of this meeting and subsequent Planning Applications
3. Code of Conduct Considerations
4. Role of Cabinet at Council

### 23.2 General

The authority has a duty to assess the needs of Gypsy and Travellers in its area and to provide for those needs. It commenced a process some time ago to identify suitable sites within its ownership. The decision to only consider Council owned sites was clearly rational and sound. This was on the basis that the Council has land within its ownership and could not justify the capital expenditure to acquire sites in private ownership.

- 23.3 The process has attracted a great deal of interest. Likewise, certain questions have been raised about the process. In order for members to have all of the information necessary to make an informed decision, it is appropriate to provide detailed advice on these issues. This is the case notwithstanding the fact that the report is in the public domain. However, the advice is provided on the basis that it will appear in the public domain. If members require the Monitoring Officer to amplify any matters within this report, they should contact him before the meeting – preferably at the special training session which will be held prior to the Council meeting. Given the arrangements being made for this meeting, it will be impractical to go into private session once the meeting has commenced.

### 23.4 Consultation

The starting point with consultation is that it must be done fairly. However, it is perfectly proper for the authority to decide what it is consulting upon and how the consultation is carried out. To ensure fairness in the exercise of discretion in relation to consultation certain rules referred to as the Gunning Principles are applied.

The Gunning Principles are:

- (i) Consultation must take place when the proposal is still at the formative stage;
- (ii) Sufficient Reasons must be put forward to allow for intelligent consideration and response;
- (iii) Adequate time must be given for consideration and response and;
- (iv) The Product of the consultation must be conscientiously taken into account.

23.5 Principle One - Consultation must take place when the proposal is still at the formative stage

The authority cannot consult on a decision that has already been made. Cabinet has been meticulous in adhering to its intention to adopt a policy of openness and transparency throughout. The chronology and background to this matter clearly demonstrate this.

23.5.1 There is no doubt that the authority has consulted upon the proposals at a formative stage. No decision has been made other than to shortlist five potential sites. The authority does not have to consult on all possible options and can consult on a preferred option if it wishes. However, the consultation actually went further than this and invited comment on all 1006 sites.

23.6 Principle Two - Sufficient Reasons must be put forward to allow for intelligent consideration and response

This principle means that the information which is given for the purposes of consultation should be clear. The information contained on the website and within the Civic Centre was extensive and could lead no reasonable person to be in any way confused about what the authority is looking to achieve.

23.6.1 The authority has always been of the view that if something came out of the consultation that had not previously been thought of or which caught it by surprise, there may well be a need to carry out some further consultation. Nothing of this nature has arisen from the consultation response and therefore, there is no necessity to extend / re-open the consultation.

23.6.2 For the avoidance of doubt the decision of the Planning Inspector for the Drummaw Road matter had no effect on the consultation. A clear and rational Gypsy and Traveller Accommodation Needs Assessment would be a relevant consideration for the decision maker – i.e. Cabinet – to make **at the point of the decision**.

23.6.3 There was also suggestion of the existence of an Agreement that there would not ever be more than one site in Llansamlet. There is no Agreement, but the existence of a site in Llansamlet is a relevant consideration – no more, no less.

23.6.4 This principle is satisfied in relation to this matter. If there was any doubt, one only has to read the various submissions provided in response to the consultation to see that it is obvious what the Council is consulting upon. There was sufficient and copious information upon which an intelligent consideration and response could be based.

23.7 Principle Three - Adequate time must be given for consideration and response

The Council consulted for at least a three month period. This is a standard timeframe and no one has, or could, reasonably argue that they had a legitimate expectation that the process would or should have been longer.

23.8 Principle Four - The Product (Fruits) of the consultation must be conscientiously taken into account.

This is the stage the decision making process has reached. This principle can be summarised by saying that a decision maker must take into account all relevant considerations and not take into account irrelevant considerations with a completely open mind.

23.8.1 All elected members have access to the large volume of consultation responses which have been synthesised into a summary in this report. The first point to make here is that the decision maker does not have to consider every individual response. However, where a summary is provided – as it is here - then it must be accurate. Members are strongly advised to read the documentation as soon as it is available and are encouraged to ask whatever questions they have at the Council meeting.

23.8.2 It is also best practice for the decision maker to have access to the consultation responses and this is what has been arranged. The information will be published online and hard copies will be available in Group Rooms, Call Centre and public libraries in, or near to, shortlisted sites.

23.8.3 From the information available there is no reason to believe that any interested party has been disenfranchised from the consultation process. Furthermore, in casting its net so widely Cabinet has consulted everyone with an interest in this important issue.

23.9 What is Councils role in the consultation process?

Cabinet is entitled to ask elected members in general and Council in particular to participate in the consultation process. Likewise, it was lawful and appropriate for Cabinet to have set up a Task and Finish

Group to assist it with this process. Welsh Government guidance is clear on this point:

*4.30 For the same reason, there is no formal co-option allowed onto the executive. However, the executive will be entitled to consult with whoever it thinks appropriate. Indeed, executives are encouraged to take soundings from other councillors, including overview and scrutiny committees, and the wider local community as part of its policy deliberations<sup>1</sup>*

23.9.1 The role of Council therefore is that of a consultee in this process and to provide Cabinet with a sounding as to which site(s) Council believes to be most appropriate to satisfy the unmet need. It is intended that members will hear the outcome of the public consultation and the advice of officers and then provide Cabinet with its views on the most appropriate site or sites by means of a vote. Cabinet will then take Council's view into account as one of a number of relevant considerations giving it such weight as it thinks fit.

23.9.2 **For the avoidance of doubt, Council is not making a decision about where the site or sites will be; it is making a recommendation to Cabinet.**

23.9.3 Cabinet is not legally permitted to abdicate or delegate this decision to Council. Likewise, the decision is for Cabinet to make and it cannot allow itself to be dictated to by Council or allow Council to fetter its discretion. Therefore, it will listen to Council's view and then take that and other relevant considerations into account as part of its deliberations.

#### 23.10 Pre-determination

In view of forthcoming decisions which will have to be taken about this matter it will be useful for Members to receive some advance guidance on the Code of Conduct and rules on bias and pre determination in decision making.

Councillors will be involved in the process in the following ways:

#### **All Councillors** - Consultation as part of the site selection process **Cabinet**

- Receipt of consultation responses
- Decision in relation to which site – if any – will go forward for a planning application
- Provide permission to make a planning application for any site(s)

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<sup>1</sup> 2006 No. 56 Local Government, Wales - Guidance For County And County Borough Councils In Wales On Executive And Alternative Arrangements 2006



**Members of Planning Committee** - Any consequent planning application authorised to be made by Cabinet

- 23.10.1 During the process Members will be debating and voting on the issues in more than one Council body. In these circumstances issues relating to the Code of Conduct, pre-determination and bias may arise. It has become apparent that Members have felt constrained in what they can or cannot say as part of the process in public meetings; the Council arena and in the press. This is concerning, not least because it then gives the appearance that Members are not supporting their local community, and some Members have been criticised.
- 23.10.2 The purpose of this part of the advice therefore is to reassure members that they are able to have and express an opinion. The key however is that members must keep an open mind when taking a decision. If a member has already made up his / her mind about an issue, then that would on the face of it be predetermination and unlawful. It could also be a breach of the Code of Conduct. This is because Members must take account of all relevant factors and weigh them up when making a decision.
- 23.10.3 Likewise, membership of any organisation which has a specific vested interest in the outcome of a decision which the Councillor is making may amount to actual or apparent bias and / or be a breach of the Code of Conduct. This would include campaign groups, lobbyists and pressure groups.
- 23.10.4 Actual or apparent bias or predetermination on the part of a decision-maker renders the decision unlawful. Concerns about the issue of predetermination have led to Councillors being prevented from speaking or voting on issues simply because they have spoken about them previously or expressed a view. The Courts recognise that elected members can be predisposed to a particular view – and in fact, very strongly in some cases.
- 23.10.5 The Localism Act has not changed the law regarding predetermination, but has introduced provisions to clarify the existing principle of predetermination across all tiers of local government; helping councillors to engage in an open and rigorous debate with their local communities about council business. In essence it provides an element of “comfort” for members. The Act clarifies that decision-makers will not be taken to have had (or to have appeared to have had) a closed mind when making the decision just because:-
- i) they had previously done anything that directly or indirectly indicated what view the decision-maker took, or would or might take, in relation to a matter, and
  - ii) the matter was relevant to the decision.

23.10.6 If a Councillor has campaigned on an issue or made public statements about their approach to an item of council business, he or she will be able to participate in discussion of that issue and to vote on it. This is provided they retain an open mind. **This is a matter of evidence and very much depends on previous words and actions.**

23.10.7 Personal and prejudicial interests would still need to be considered separately, and declared as necessary. The Ombudsman has given a clear indication that he would not consider pre-disposition to be a breach of the Code of Conduct. When consulted on this issue by the Monitoring Officer, he indicated that members should predicate any comments with words to the effect:

*“I have a [strong] view on this matter, but I will take all of the information into account when making a decision”*

23.10.8 Planning and licensing decisions involve balancing the:-

- needs/interests of the community, with
- maintaining an ethic of impartiality.

23.10.9 Using the planning example, planning applications will still have to be determined in accordance with proper planning principles “unless material considerations indicate otherwise”. The changes in relation to predetermination do not remove that legal obligation. Members still need to be open-minded in determining planning applications. The difference now is that the fact that councillors may have campaigned against a proposal will not be taken as proof that they are not open-minded.

23.10.10 The words of Collins J in R (on the application of Island Farm Development Ltd) v Bridgend County Borough Council - in which one of the allegations in a claim for judicial review of a planning permission was that members had a known attitude to the development – demonstrates the point very well.

*“Councillors will inevitably be bound to have views and may well have expressed them about issues of public interest locally. Such may, as here, have been raised as election issues. It would be quite impossible for decisions to be made by elected members whom the law requires to make them if their observations could disqualify them because it might appear that they had formed a view in advance.*

*The reality is that Councillors must be trusted to abide by the rules to which the law lays down, namely that, whatever their views, they must approach their decision-making with an open mind in the sense that they must have regard to all material considerations and be prepared to change their views if persuaded that they should. Unless there is positive evidence to show that there was indeed a closed mind, I do not think that prior observations or apparent favouring of a particular decision will suffice to persuade the court to quash the decision”.*

This approach was endorsed and followed by the Court of Appeal R (on the application of Lewis) v Redcar & Cleveland Borough Council. Lord Justice Pill stressed that the importance of appearance was generally less in the context of decisions taken by a Council's planning committee than in a judicial context and added:

*"It is possible to infer a closed mind, or the real risk a mind was closed, from the circumstances and evidence. Given the role of councillors, clear pointers are in my view required of that state of mind to be held to have a closed or apparently closed mind at the time of the decision."*

In terms of the effect of alleged pre-determination on a future planning application, the Court of Appeal held that even in combination the following factors did not justify such a finding:

- (a) *the scheme was a Council scheme on Council owned land;*
- (b) *the ruling coalition councillors had previously expressed support for it;*
- (c) *one member of the Committee had been a member of the Cabinet which had signed the heads of terms of the development agreement for the site 14 months previously;*
- (d) *the merits of the scheme had become a party political issue at the local election and yet the Council's guidance relating to a local election purdah period was not followed;*
- (e) *public statements in support from some who voted in favour and unanimous support from the ruling coalition notwithstanding the arguments on both sides;*
- (f) *the entering into of the development agreement two days before the elections thus binding the successor members.*

#### 23.10.11 Summary of important points to bear in mind

- If you give an indication of your own viewpoint, ensure that you also indicate – at the same time - that you will take all relevant considerations into account and that the decision will be based firmly on the evidence / planning grounds. Try and record what you said as accurately as possible on a contemporaneous basis.
- A Councillor may campaign for or against a planning application, and still vote at planning committee, so long as they go into the meeting with an open mind to hear all the facts and evidence.
- Notwithstanding the above, a Councillor having said something to the effect of  
*"Over my dead body will that planning application be approved. I will never support it under any circumstances"*  
is likely to be said to have predetermined the decision. These extreme statements should still be avoided.

- Where a Member sits on different Council bodies which are considering different matters relevant to the Gypsy and Traveller sites, such as in Cabinet and in Planning Committee, it is quite legitimate for a Member to take part in both types of meeting if she/he considers the issues relevant to the different types of decision which has to be made on their merits.
- A decision to support or not to support a proposal in one council body will not – without more - stop a Member from taking part in a further decision in a different council body.

## 23.11 Code of Conduct

The Public Services Ombudsman for Wales, in his recently updated guidance, makes it clear that section 25 of the Localism Act will not affect his approach to complaints of a breach of the Code where members can be shown to have pre-determined decisions or to have been biased. Subject to what was said above by the Ombudsman, a member may still be open to a complaint to the Ombudsman that they have breached the Code where pre-determination / bias or an interest is alleged.

23.11.1 The Code of Conduct applies generally. The issue of Gypsy and Traveller site provision has generated a great deal of public interest. Members will need to ensure that they do not breach the Code of Conduct. The provisions of the Code of Conduct which are relevant to this issue are:

### 4. You must —

- carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion;
- show respect and consideration for others;
- not use bullying behaviour or harass any person; and

### 6. (1) You must —

- not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;

### 8. You must —

- when participating in meetings or reaching decisions regarding the business of your authority, do so on the basis of the merits of the circumstances involved and in the public interest having regard to

any relevant advice provided by your authority's officers, in particular by —

- (i) the authority's head of paid service;
- (ii) the authority's chief finance officer;
- (iii) the authority's monitoring officer;
- (iv) the authority's chief legal officer (who should be consulted when there is any doubt as to the authority's power to act, as to whether the action proposed lies within the policy framework agreed by the authority or where the legal consequences of action or failure to act by the authority might have important repercussions);

(b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

23.11.2 Members will also need to be mindful of personal and prejudicial interests. As these are very much a subjective consideration, if you believe you may have an interest, you should speak to one of the Legal team, preferably well in advance of the meeting at which the item is being discussed.

Paragraph 10 provides materially as follows:

**10.—**(1) You must in all matters consider whether you have a personal interest, and whether this code of conduct requires you to disclose that interest.

(2) You must regard yourself as having a personal interest in any business of your authority if —

(b) a member of the public might reasonably perceive a conflict between your role in taking a decision, upon that business, on behalf of your authority as a whole and your role in representing the interests of constituents in your ward or electoral division; or

(c) a decision upon it might reasonably be regarded as affecting —

...your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association;

**12.—** ...where you have a personal interest in any business of your authority you also have a prejudicial interest in that business if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

## **24.0 Financial Implications**

- 24.1 There is no capital budget provision for the development or management of a new permanent site. Development costs have been estimated by Welsh Government to be possibly in the region of £2m although this does depend on design, substructure and associated infrastructure costs. Some sites cost more to develop than others.
- 24.2 There is the opportunity to bid for grant for which £1.5m has (at present) been set aside each year across Wales. Bids for financial assistance in successive financial years may be successful in increasing the total grant aid available. If a transit site is also to be developed this will ultimately have additional financial implications. The window of opportunity to make a bid for Welsh Government funding is usually the month of January. Bids need to be based on fully prepared schemes that have been granted planning consent and it is clear that, whichever site is chosen, a fully costed scheme would have to be available. If the grant is not fully taken up by other bids, late applications may be entertained. As more and more Local Authorities in Wales develop their schemes to comply with their duties, it follows that less assistance may be available from the Welsh Government .
- 24.3 Pitches on any new site would be let at rents yet to be determined and managed by the Housing and Public Protection Service Unit providing an income stream. Utility bills would be charged in the normal way.
- 24.4 Each site has a market value depending upon the alternative uses to which it could be put. Some uses attract higher values than others and this is illustrated in Paragraph 21 above. Developing a site may well affect the remaining parts of a parcel of land leaving it with a reduced value and a potential loss to the Council.

## **25.0 Equality and Engagement Implications**

- 25.1 An initial Equality Impact Assessment (EIA) has been undertaken and published as part of the consultation exercise. This EIA will remain open throughout the process. The published open EIA is attached as [Appendix H](#) and it has outlined some of the positive outcomes of identifying and developing appropriate accommodation provision for Gypsy and Travellers including, for example, increasing access to local services which will in turn reduce inequalities over time (e.g. health, education, employment). The EIA has been updated to take account of the outcomes of the consultation.
- 25.2 From an equality and diversity perspective the consultation, in general, identifies the need, where possible, to attempt to address:
- i) general fears and concerns about, e.g. fear of crime, some raised from personal experience but, in the main, arising from misinformation, through possible measures that offer reassurance,

raise awareness and address myths.

- ii) more specific fears and concerns about the possible tensions in the relationship between settled and Gypsy and Traveller communities and the potential effect on community cohesion.

Section 5 of the EIA attempts to address these areas and further work needs to be considered (possibly within an action plan) that builds on established work already undertaken by the Council, police and other partners within communities.

25.3 The main equality outcomes are:

If permanent sites are developed, this will allow Gypsy and Traveller families to have a permanent address and increase their access to local services which will in turn reduce inequalities over time (e.g. health, education, employment).

If transit sites are developed, this will increase access to basic amenities (such as water, electricity, waste collection) that will improve quality of life.

There are balances to be made between Gypsy and Travellers needs and the needs of existing residents and businesses.

25.4 Useful Information on each Ward can be seen on the following link within [Appendix E](#)

25.5 Information on population profile and densities within a 1 mile radius of each site is attached within [Appendix J and J1](#)

25.6 The matters referred to in this report engage the Council's public sector equality duty specified in Section 149 of the Equality Act 2010. The City Council as a Public Authority must have due regard for the need to eliminate discrimination harassment and victimisation etc., advance equality opportunity and foster good relations. This duty applies to the protected characteristics identified in the Act. One of these characteristics is race which includes Gypsies and Irish Travellers.

25.7 There have been several references to the Human Rights Act, in particular;- Articles 5, Right to liberty and security of person and Article 8, Right to Privacy (Right to Respect for Private and Family Life). This refers to interference by a public authority with an individual's right to respect for private and family life through its direct actions or omissions

25.8 Article 5 is about rights when detained or arrested and is not relevant to these circumstances.

25.9 Article 8 does have some relevance to this matter in as much as there is established housing near to some of the proposed sites. However,

this is qualified right and in these circumstances, if there was any suggestion that a Gypsy Traveller site was likely to interfere with this right, the exercise of a legal duty by the authority would be necessary and proportionate.

## **26.0 Conclusions Summary**

- 26.1 The Council has a statutory duty to consider the housing needs of Gypsies and Travellers. Section 225 & 226 Housing Act 2004 places the statutory duty on local authorities to assess the accommodation needs of Gypsies and Travellers under the Local Housing Market Assessment process and then to address the identified needs.
- 26.2 The Gypsy and Traveller Accommodation Needs Assessment identifies a need for 11 additional pitches immediately. The forward looking projection identifies a possible need for an additional 20 pitches in 5 years time although that is based on all Gypsy and Traveller children requiring their own accommodation at age 18 and several assumptions. Developing a site now of 11, which can be extended up to approximately 20 pitches appears to be appropriate.
- 26.3 Whilst there is an option to develop a transit site at the same time as a permanent provision, once the permanent provision has been made there should be very little transit need. It is not clear therefore whether it would be best value for money to develop a transit site in view of what will be low demand. A better option maybe to make provision as part of the permanent site design to facilitate the future creation of a small transit facility should the need arise.
- 26.4 Members have had the opportunity of undertaking site visits to acquaint themselves with the characteristics of the sites in question.
- 26.5 The following is a summary of Pros and Cons of the individual sites, utilising all knowledge gained from the original sift and the additional information as outlined in Paragraph 17:

### **26.5.1 Former Greyhound Stadium, Cockett**

#### **Pros**

- In summary, the site is flat, easy to access and within a settlement.
- In terms of the UDP it is defined as White Land within the urban area. (White land is land that is undesignated in the UDP)
- The site is available, has some hardstanding, is not contaminated and is already served by some infrastructure.
- Of the two Gypsy and Traveller families who have immediate needs, one has indicated that they are prepared to utilise this site and the other regarded it as 50/50 as a second choice.
- The site is not overlooked by residential properties although there are residential properties within the area. The site is partly enclosed by an established boundary.



- The site would not need sub division.

### **Cons**

- The site is on the periphery of the Swansea West Business Park. The LDP aspiration for the mixed use development of the area may conflict with the development of a Gypsy and Traveller site at this location.
- The third Gypsy and Traveller family has said that they would not be prepared to utilise this site (albeit that they don't have any needs in the next 5 years).
- The site is overlooked by businesses.
- There is local concern about potential community cohesion issues.
- 12 Petitions against the development were submitted with 1725 signatures in total.

### **General**

- The resident population within a one mile radius of the site is recorded as 6700.
- Capital receipt potential loss of between £472.8k and £1.037m depending on planning consent.
- Infrastructure costs to set up - £117.5k.

## **26.5.2 Rear of Parc Melin Mynach, Gorseinon**

### **Pros**

- In summary, the site is flat, easy to access and within a settlement.
- In terms of the UDP the area considered is defined as a housing allocation.
- The site is available, has some hardstanding and is not contaminated.
- The site is not overlooked by residential properties although there are residential properties within the area. The site is partly enclosed by an established boundary.

### **Cons**

- The site is opposite the Toyoda Gosei factory, a large manufacturing business and major local employer.
- All the Gypsy and Traveller families have said that they would not be prepared to utilise this site (albeit one of the families doesn't have any needs in the next 5 years).
- The site has no infrastructure.
- The site would need sub division.
- There is local concern about potential community cohesion issues.
- The site maybe subject to land reclamation grant clawback.
- 4 Petitions against the development were submitted with 2666 signatures in total.

### **General**

- The resident population within a one mile radius of the site is recorded as 10400.
- Capital receipt potential loss of £854k plus up to £2.373m if the value of the remaining land is affected.
- Infrastructure costs to set up - £175.5k.
- Currently being considered as two LDP Candidate Site submissions for residential development and open space.

### **26.5.3 Proposed Cemetery, Gorseinon**

#### **Pros**

- In summary, the site is tiered but easy to access and is on the edge of a settlement.
- The site is available, has some hardstanding and is not contaminated.
- The site is enclosed by perimeter fencing.

#### **Cons**

- In terms of the UDP the site is within the Green Wedge and is defined as a Cemetery Allocation and would only be considered for housing if no other alternative.
- All the Gypsy and Traveller families have said that they would not be prepared to utilise this site (albeit one of the families doesn't have any needs in the next 5 years).
- The site is not enclosed by an established screened boundary (but is fenced).
- The site has a number of coal seams outcropping on site.
- The site is next to the Toyoda Gosei factory, a large manufacturing business and major local employer.
- The site has no infrastructure.
- The site would need sub division.
- The site is overlooked by some residential properties.
- There is local concern about potential community cohesion issues.
- 4 Petitions against the development were submitted with 2666 signatures in total.

#### **General**

- The resident population within a one mile radius of the site is recorded as 10400.
- Capital receipt potential loss of between £106.5 and £1.685m depending on planning consent plus up to between £54k and £854k if the value of the remaining land is affected.
- Infrastructure costs to set up - £181.2k.
- Currently being considered as a LDP Candidate Site submission for its reconsideration as a Cemetery Allocation.

#### **26.5.4 Swansea Vale, Llansamlet**

##### **Pros**

- In summary, the site is acceptably flat in part, is available and is not contaminated.
- In terms of the UDP the area considered is defined as a housing allocation.
- All the Gypsy and Traveller families have indicated that they are prepared to utilise this site.

##### **Cons**

- Council owned but subject to covenant restriction presently requiring consent from Welsh Government. The site is part of the Swansea Vale Joint Venture Agreement.
- The site is not easy to access without engineering works. A new access point/road would need to be established.
- The site is over looked by residential properties on Peniel Green Road and Gwernllwynchwyth Road.
- The site is not enclosed by an established screened boundary.
- The site has no hardstanding and no infrastructure.
- The site would need sub division.
- There is local concern about potential community cohesion issues.
- 1 Petitions against submitted with 6253 signatures in total.

##### **General**

- The resident population within a one mile radius of the site is recorded as 13600.
- Capital receipt potential loss of £1.45m plus up to £309k if the value of the remaining land is affected.
- Infrastructure costs between £225.5 - £265.5k.
- Currently being considered as a LDP Candidate Site submission for the reconsideration as a housing allocation.

#### **26.5.5 Milford Way, Penderry**

##### **Pros**

- In summary, the site is flat and easy to access.
- In terms of the UDP the area considered is defined as a housing allocation.
- The site is available, has hardstanding, is not contaminated and is already served by some infrastructure.

##### **Cons**

- Two of the Gypsy and Traveller families (including the family who have no immediate needs) were 50/50 whilst the other (the biggest family) said no to potentially using this site (July 2013).
- The site is overlooked by a large number of residential properties.

- The site is not enclosed by an established boundary, is open in aspect and not screened.
- The site would need sub division.
- There is local concern about potential community cohesion issues.
- 1 Petitions against submitted with 1038 signatures in total.

### **General**

- The resident population within a one mile radius of the site is recorded as 17100.
- Capital receipt potential loss of £978.9k plus up to £2.658m if rest of the land value affected.
- Infrastructure costs to set up - £44k.
- Currently being considered as a LDP Candidate Site submission for its reconsideration as a housing allocation.

## **27.0 Views of the Senior Officer Selection Panel**

27.1 In line with the consistent approach throughout this process, this report has been compiled in a transparent and open manner after full and due consideration of the consultation responses. The consultation responses have been uniformly commented on by one officer who has expert knowledge in planning policy and procedure, this has provided consistent information which has been reviewed by the Head of Public Protection in drawing together the salient information and outcome points. All of the information has then been considered by a panel of senior officers consisting of the;

- Chief Operating Officer,
- Principal Planning Officer,
- Divisional Pollution, Housing & Public Health Manager
- Chief Social Services Officer,
- Gypsy and Traveller Liaison Officer,
- Head of Economic Development & Planning,
- Acting Director of Education,
- Equalities Officer and
- Legal Representative
- Director of Environment
- The Head of Housing
- Head of Public Protection

27.2 The Senior Officer Selection Panel met on the 10<sup>th</sup> September to consider the information available and debated the pros and cons for each site in depth.

27.3 The Panel had the information presented to them by the Head of Public Protection and the Director of Environment. This panel then formed their views on the most appropriate site for consideration.

- 27.4 The conclusions of the Panel having considered all the available information was that;-
- Site 2, the former Greyhound Stadium, Cockett was suitable as it was acceptable to the Gypsy and Traveller families who have present needs as identified by the assessment process, albeit that the site is part of a future aspirational mixed use development opportunity. It is not directly overlooked by any residential properties.
  - Site 6, Rear of Parc Melin Mynach, was not favoured by Gypsy and Travellers who had indicated that they would not be prepared to use it and as such was not suitable.
  - Site 9, Gorseinon Cemetery is in the Green Wedge and as there are more suitable alternatives available for consideration it should be discounted. Gypsy and Travellers had indicated that they would not be prepared to use it if it was developed.
  - Site 17, Swansea Vale was suitable as all the Gypsy and Traveller families would use it but at the moment has a restrictive covenant which requires Welsh Government consent to utilise it. It is directly overlooked by some residential properties.
  - Site 19, Penderry was not favoured by all Gypsy and Travellers, a significant number had indicated that they would not be prepared to use it. The site is directly overlooked by a large number of residential properties.
- 27.5 The Senior Officer Selection Panel members concluded that whilst four of the five sites have merit, the site at Cockett and the site at Swansea Vale on the basis of all information best meet the requirements for future Gypsy and Traveller provision.
- 27.6 There is a need for a permanent, managed new site to accommodate the present need of 11-12 pitches and that provision should be made for the site to be expandable to accommodate up to 20 pitches as demand grows.
- 27.7 There is logic in terms of cost and management in making provision at the same location for a transit site for a nominal number of vans however it is not clear whether this would be value for money given the relatively low numbers the City and County encounter from genuine Gypsy and Traveller families.

## 28.0 Executive Board

28.1 The Executive Board met on the 16<sup>th</sup> September to consider the issues arising from the consultation and the views of the Senior Officer Selection Panel. Each of the sites was considered fully, The Executive Board then reviewed all the information and agreed this report with its recommendation to Council that; Site 2 – Former Greyhound Stadium, Cockett and Site 17 – Swansea Vale, Llansamlet were the most suitable.

28.2 A table showing the comparisons for these two sites is shown below

Former Greyhound Stadium, Cockett	Swansea Vale, Llansamlet
<ul style="list-style-type: none"> <li>The site is flat, easy to access and within a settlement.</li> </ul>	<ul style="list-style-type: none"> <li>The site is acceptably flat in part, The site is not easy to access without engineering works. A new access point/road would need to be established.</li> </ul>
<ul style="list-style-type: none"> <li>In terms of the UDP it is defined as White Land within the urban area. (White land is land that is undesignated in the UDP).</li> </ul>	<ul style="list-style-type: none"> <li>In terms of the UDP the area considered is defined as a housing allocation.</li> </ul>
<ul style="list-style-type: none"> <li>The site is available, has some hardstanding, is not contaminated and is already served by some infrastructure.</li> </ul>	<ul style="list-style-type: none"> <li>The site is Council owned but subject to a covenant restriction presently requiring consent from Welsh Government. The site is part of the Swansea Vale Joint Venture Agreement. The site is not contaminated, has no hardstanding and no infrastructure.</li> </ul>
<ul style="list-style-type: none"> <li>Of the two Gypsy and Traveller families who have immediate needs, one has indicated that they are prepared to utilise this site and the other regarded it as 50/50 as a second choice. The third Gypsy and Traveller family has said that they would not be prepared to utilise this site (albeit that they don't have any needs in the next 5 years).</li> </ul>	<ul style="list-style-type: none"> <li>All the Gypsy and Traveller families have indicated that they are prepared to utilise this site.</li> </ul>
<ul style="list-style-type: none"> <li>The site is not overlooked by residential properties although there are residential properties within the area. The site is partly enclosed by an established boundary. The site is overlooked by businesses.</li> </ul>	<ul style="list-style-type: none"> <li>The site is over looked by approximately 20 residential properties on Peniel Green Road and Gwernllwynchwyth Road. The site is not enclosed by an established screened boundary.</li> </ul>

<b>Former Greyhound Stadium, Cockett</b>	<b>Swansea Vale, Llansamlet</b>
<ul style="list-style-type: none"> <li>• The site would not need sub division.</li> </ul>	<ul style="list-style-type: none"> <li>• The site would need sub division.</li> </ul>
<ul style="list-style-type: none"> <li>• The site is on the periphery of the Swansea West Business Park. The LDP aspiration for the mixed use development of the area may conflict with the development of a Gypsy and Traveller site at this location.</li> </ul>	<ul style="list-style-type: none"> <li>• Currently being considered as a LDP Candidate Site submission for the reconsideration as a housing allocation. The site is part of the Swansea Vale Joint Venture Agreement.</li> </ul>
<ul style="list-style-type: none"> <li>• There is local concern about potential community cohesion issues.</li> </ul>	<ul style="list-style-type: none"> <li>• There is local concern about potential community cohesion issues.</li> </ul>
<ul style="list-style-type: none"> <li>• 12 Petitions against the development were submitted with 1725 signatures in total.</li> </ul>	<ul style="list-style-type: none"> <li>• 1 Petitions against submitted with 6253 signatures in total.</li> </ul>
<b>General</b>	<b>General</b>
<ul style="list-style-type: none"> <li>• The resident population within a one mile radius of the site is recorded as 6700.</li> </ul>	<ul style="list-style-type: none"> <li>• The resident population within a one mile radius of the site is recorded as 13600.</li> </ul>
<ul style="list-style-type: none"> <li>• Capital receipt potential loss of between £472.8k and £1.037m depending on planning consent.</li> </ul>	<ul style="list-style-type: none"> <li>• Capital receipt potential loss of £1.45m plus up to £309k if the value of the remaining land is affected.</li> </ul>
<ul style="list-style-type: none"> <li>• Infrastructure costs to set up - £117.5k</li> </ul>	<ul style="list-style-type: none"> <li>• Infrastructure costs between £225.5 - £265.5k.</li> </ul>

28.3 The **Recommendations** of the Executive Board are;

Two sites are taken forward to be considered via the Planning Application process, to provide a permanent and potential future transit site provision for Gypsy and Travellers.

The two sites, in no order of preference are Site 2 – Former Greyhound Stadium, Cockett and Site 17 – Swansea Vale, Llansamlet as being the most suitable

## **Background Papers:**

Report to Cabinet 11 March 2010	<a href="#">Appendix T</a>
Report to Cabinet 26 <sup>th</sup> August 2010	<a href="#">Appendix U</a>
Report to Cabinet 5 <sup>th</sup> July 2012	<a href="#">Appendix V</a>
Report to Cabinet 1 <sup>st</sup> November 2012	<a href="#">Appendix W</a>
Report to Cabinet 23 <sup>rd</sup> July 2013	<a href="#">Appendix X</a>
Gypsy Traveller Policy	<a href="#">Appendix Y</a>
Consultation Information for each site	<a href="#">Appendix Z</a>

## **Appendices:**

Criteria for Assessment	<a href="#">Appendix A</a>
Consultation responses	
Site 2 – Former Greyhound Stadium, Cockett	<a href="#">Appendix B1</a>
Site 6 – Rear of Parc Melin Mynach, Gorseinon and	<a href="#">Appendix B2/B3</a>
Site 9 – Proposed Cemetery, Gorseinon	
Site 17 – Swansea Vale, Llansamlet	<a href="#">Appendix B4</a>
Site 19 – Milford Way, Penderry	<a href="#">Appendix B5</a>
General Comments	<a href="#">Appendix B6</a>
Housing Needs Assessment 2013	<a href="#">Appendix C</a>
Historic remains at Swansea Vale map	<a href="#">Appendix D</a>
Ward Profile data	<a href="#">Appendix E</a>
Refined location plans	<a href="#">Appendix F</a>
Petition correspondence	<a href="#">Appendix G</a>
Petition Responses	<a href="#">Appendix G1</a>
Equality Impact Assessment	<a href="#">Appendix H</a>
Population Densities	<a href="#">Appendix J</a>
One mile area information	<a href="#">Appendix J1</a>



# **Ji**

## **Extract from Housing Needs Assessment 2013**



**APPENDIX C**

**EXTRACT FROM 2013 HOUSING NEEDS ASSESSMENT**

**Authorised, Tolerated, Unauthorised, Private Site & Bricks and Mortar Information**

Site Address	Site Type	Adults	Children	Total Number of Households	No. of Caravans/ Trailers	Current Pitch Requirement	Current Additional Pitch Requirement in 5yrs
Ty Gwyn, Llansamlet	Council	10	27	7	14	0	7
Swansea Vale (Park & Ride), Llansamlet	Tolerated	8	19	7	8	7	2
Mill Stream Way, Llansamlet	Unauthorised	4	16	3	5	3	3
Cyprus Court, Llansamlet	Unauthorised	2	6	1	5	1	4
Cwmbach Road, Cockett	Private	14	14	7	13	0	0
Scott Pitt Cottage, Birchgrove	Private	8	3	4	0	0	4
Various	Bricks & Mortar	7 (+3*)	8 (+4*)	4 (6*)	0	0	0
<b>Total</b>		<b>53 (+3)</b>	<b>83 (+4)</b>	<b>33 (+6)</b>	<b>45</b>	<b>11</b>	<b>20</b>

**Current Pitch Requirement**

The figure for the current pitch requirement if a new site was developed immediately

**Potential Future Pitch Requirement**

The figure for the potential future pitch requirement if a site was developed in 5 years time. This incorporates the existing need and all children listed in the above table that will be aged 18+ in the next 5 years. Traditionally, children marry fairly young within the culture, hence the base age being set at 18.

### **No. of Caravans/ Trailers**

The most recent official Caravan Count was undertaken by EVH in January 2013 and the total figure was 29. However, new private sites have come to light since then, hence the current figure being higher.

### **Households**

The number of separate households living on the respective sites/ and or other accommodation. Each household will require one pitch.

### **Ty Gwyn**

The official Council managed site.

### **Swansea Vale**

Tolerated site, housing several families who are in current need of site accommodation. These families have lived in the Swansea area (mainly in and around Llansamlet) for over 20 years. They have recently been provided with temporary amenities.

### **Mill Stream Way/ Cyprus Court**

Both sites are parcels of land illegally occupied by several families who are in current need of site accommodation.

### **Cwmbach Road**

This is a private site upon which the landowner resides. The site's residents are extended families who have been living in the area for over 50 years. They stressed they are adequately accommodated at present.

### **Scott Pitt Cottage**

This is bricks & mortar accommodation used as a contact address/ place of residence by an extended family that have recently been granted planning permission to develop their own private site. The planning permission is initially for 5 years and therefore, they do not have a current need for accommodation.

### **Bricks & Mortar**

Families residing in Council, Housing Association or accommodation in the Private Rented Sector

\* These figures include two separate households currently resident in Swansea and known to the Authority. However, one household is a single adult who is a retired home owner and the other is a family who declined to take part in the last survey and stressed they did not want any part of any future surveys. They emphatically requested to not be contacted by the Council.

## Travelling (Showmen) Community Sites

Site Address	Site Type	Adults	Children	Households	No. of Caravans/ Trailers	Current Pitch Requirement	Additional Pitch Requirement in 5 years
1a Railway Terrace, Gorseinon	Temporary Lease	9	8	5	10	0	6
Plot next to Railway Terrace, Gorseinon	Private	-	-	-	-	-	-
Duke Fairground, Morriston	Private	3	0	1	3	0	2
Brighton Road, Gorseinon	Leased	4	-	2	-	-	-
<b>Total</b>		<b>16</b>	<b>8</b>	<b>8</b>	<b>13</b>	<b>0</b>	<b>8</b>

### Current Pitch Requirement

The figure for the current pitch requirement if a new site was developed immediately

### Potential Future Pitch Requirement

The figure for the potential future pitch requirement if a site was developed in 5 years time. This incorporates the existing need and all children listed in the above table that will be aged 18+ in the next 5 years. Traditionally, children marry fairly young within the culture, hence the base age being set at 18.

### No. of Caravans/ Trailers

The most recent official Caravan Count was undertaken by EVH in January 2013 and the total figure was 29. However, new private sites have come to light since then, hence the current figure being higher.

### Households

The number of separate households living on the respective sites/ and or other accommodation. Each household will require one pitch.

**1a Railway Terrace**

This is Council owned land temporarily leased to two separate families, split into five households. Ideally they want to purchase the land to develop a site for them selves, alternatively, sign a longer term lease. No current need as their lease is yet to expire and indications are it will be renewed.

**Plot next to Railway Terrace**

This is a private site hosting several families. However, there has been no response to all attempts to contact them.

**Duke Fairground**

Private site home to one family (1 adult, two adult children), no current need but when the adult children marry and start their own families there may be a need for expansion or move to an alternative site.

**Brighton Road**

A private site owned by a family member of the current residents. However, the land is due to be sold and all families currently living there will have to find an alternative site(s). When contacted, none of the family members were interested in any prospective sites in Swansea and are likely to move out of the area.

**K**

**20 February 2014**

**Scrutiny Programme  
Committee**

**Report(s) & Minutes**





# Agenda Item 3

## FOR INFORMATION

### **Gypsy and Traveller Site Provision – Review of Process**

#### **1. Purpose:**

- To review the process adopted to date and seek assurance on quality
- To identify any learning points as appropriate and recommend any changes for the future

#### **2. Key Question:**

**Was the process, leading up to the report to Council on 21 October 2013, robust?**

#### **3. Lines of Inquiry:**

Relevant Officers to present reports, and attend to provide information and answer questions on the following:

- a) Chronology / Overview of the process
- b) Legal Framework / Guidance
- c) Site Selection Criteria / Method
- d) Consultation Process

#### **4. Meetings:**

This matter will be dealt with via special meetings of the Committee. Presentations from officers will require a minimum of two meetings. A separate meeting may be necessary for the Committee to draw its conclusions.

#### **5. Reporting:**

The outcomes from this review will be captured in a letter to the relevant Cabinet Member(s). Letter(s) will be published by the Scrutiny Programme Committee in the normal way.

# Agenda Item 4

## Report of the Executive Board

### Scrutiny Programme Committee - 20 February 2014

#### OVERVIEW OF GYPSY TRAVELLER SITE SEARCH

<b>Purpose</b>	This report provides an overview of the Gypsy & Traveller Site Search as the first part of information from officers to the committee for its review of the process.
<b>Content</b>	The report gives overview of: legal framework/guidance, history, site selection process, assurance, consultation, and outcomes.
<b>Councillors are being asked to</b>	consider the information presented as part of the committee's review, and ask questions
<b>Lead Councillor(s)</b>	Councillor Clive Lloyd, Vice-Chair of Scrutiny Programme Committee Councillor June Burtonshaw, Cabinet Member for Place
<b>Lead Officer(s)</b>	Jack Straw, Chief Executive
<b>Report Author</b>	Reena Owen, Corporate Director Tel: 01792 637521 E-mail: <a href="mailto:reena.owen@swansea.gov.uk">reena.owen@swansea.gov.uk</a>

#### 1.0 INTRODUCTION.

- 1.1 Members will be aware that there is a long history and chronology of events leading up to and including the process for identifying additional Gypsy Traveller site provision in the City and County of Swansea.
- 1.2 This report seeks to provide an overview of this, including a summary of the legal framework, site selection process and subsequent consultation.
- 1.3 The report is not intended to cover all of the issues in detail as the relevant officers will be available to attend scrutiny meetings to present and respond to questions from Members. Further, the assumption is taken that Members will have fully considered the report to Council on the 21<sup>st</sup> October 2013.

#### 2.0 LEGAL FRAMEWORK/GUIDANCE.

- 2.1 The principle legal requirements that apply to this issue are in relation to equalities, human rights, housing & planning legislation.

- 2.2 One of the characteristics that is covered by the Equality Act 2010 is 'race' which specifically includes Gypsies and Irish Travellers. Under this legislation, the Council must have due regard to the need to eliminate discrimination, harassment and victimisation and to advance equality opportunities and foster good human relations
- 2.3 Article 8 of the Human Rights Act is of particular relevance. Article 8 provides the Right to Respect for private and family life. The United Nations Convention on Rights of a Child is also relevant, in respect of the rights of the children within the Gypsy Traveller families
- 2.4 The Housing Act 2004 places a statutory duty on Local Authorities to assess the accommodation needs of Gypsies and Travellers, and identify provision to meet those needs. Additionally, there is a proposal for a Housing (Wales) Bill which will seek to place a statutory duty on Local Authorities to provide sites for Gypsy Travellers where a clear need has been identified.
- 2.5 In terms of planning the existing policy framework consists of Policy HC9 of the Unitary Development Plan (UDP). It is a criteria based policy that allows any individual to come forward with a planning application for the development of a Gypsy Traveller site in the area.
- 2.6 More specifically Welsh Government Circular 30/2007: Planning for Gypsy and Traveller Caravan Sites requires Local Authorities to allocate sufficient provision within their Local Development Plans (LDP) to ensure that identified pitch requirements for both permanent and transit Gypsy Traveller use can be met.
- 2.7 Other Guidance/Policies of specific relevance include:
- Welsh Government Guidance on Managing Unauthorised Camping;
  - The Good Practice Guide in Designing Gypsy Traveller Sites in Wales 2009;
  - Local Housing Strategy;
  - Strategic Equality Plan 2012-16.

### **3.0 HISTORY**

- 3.1 There has been a resident population of Gypsy Traveller families in Swansea since the 1970's principally encamped in and around the Enterprise Park and Swansea Vale.
- 3.2 The official Gypsy Traveller site was built at Pantyblawd Road during the mid 80's and comprises of seven permanent pitches. Each pitch has space for one caravan, one tourer van and two vehicles and is provided with washing and toilet facilities in permanent outbuildings beside each pitch. This site is principally occupied by one extended family (Family A) and is frequently at full capacity. It is situated in the

flood plain, and National Resources Wales (NRW) have indicated that they would object to any increase in the number of residents exposed to risk (especially caravans) in a highly vulnerable flood area. Appropriate flood risk management arrangements are in place for the family.

- 3.3 Since this time and to the present, there have been numerous unauthorised encampments within the Enterprise Park/Swansea Vale area principally comprising the two other families (B & C). The families have periodically unlawfully encamped on Council and sometimes private land and problems/complaints consistently arise due to lack of facilities/refuse arrangements etc.
- 3.4 In dealing with such unauthorised encampments, the Council with regard to its own land adheres to its agreed Gypsy Traveller Policy (attached as **Appendix A**). In doing so, it constantly reviews the position having made appropriate welfare enquiries, and determines when an application to the Court for possession is required. Such Possession Orders are then enforced through eviction as and when necessary.
- 3.5 In May 2009, following a court judgement, Cabinet resolved to authorise the Corporate Director (Environment) to consider options for alternative site provision. At the time of the Cabinet resolution Family B were encamped on the Swansea Vale Park and Ride site. Subsequently, limited toilet and washing facilities were provided in a temporary portacabin following the intervention of the Children's Commissioner in light of concerns regarding the welfare of the children. Numbers at this location fluctuate but the persons who reside there are all generally part of one extended family. Family B was moved to an area of land off Millstream Way, adjacent to the former Park and Ride site to facilitate the Swansea Valley Flood Defence Scheme. This encampment is tolerated, that is, no action is currently contemplated in relation to it and this was affirmed by Planning Committee to allow the site search to proceed.
- 3.6 Both the Park and Ride site and the area of land on which Family B are currently tolerated, are also on the flood plain and this area is not deemed by NRW to be suitable for such residential occupation with caravans regarded as particularly vulnerable to flooding. A major flood remediation scheme is underway in the area but even after these works are complete NRW have confirmed that the area in question is not suitable for any such use. As far as possible appropriate flood risk management arrangements have been put in place for the family concerned.
- 3.7 Family C continue to move around the Enterprise Park and transfer from one temporary location to another as Possession Orders are applied for and enforced. They were also at encamped on the park and

ride site alongside Family B at one time but subsequently moved off the site.

- 3.8 File records show there have been 21 unauthorised encampments in the Swansea Vale/Enterprise Zone since 2010, with 3 unauthorised encampments outside of this area but within the City & County of Swansea.

#### **4.0 SITE SELECTION PROCESS.**

##### **4.1 Task & Finish Group.**

- 4.1.1 Following the Court judgement referred to in 3.5 above, subsequent Counsel's opinion confirmed the Council's likely inability to secure future possession orders in respect of the Park and Ride site whilst there was lack of adequate site provision for GT families in Swansea. Hence in March 2010, Cabinet resolved to commence a search for new site(s) provision. In order to engage Members on a cross-party basis, a Member led Task and Finish Group was formed to work with a multi-disciplinary group of officers in applying criteria (as agreed by Cabinet and attached at **Appendix B**) as part of a site selection process to produce options on potential sites. The criteria established were based upon the provisions of the legal framework and guidance established within Section 3.0 above. The search was restricted to Council owned land, as such sites were thought to be more easily deliverable within a relatively short timeframe.

- 4.1.2 The Terms of Reference for the Task and Finish Group were approved by Cabinet originally in March 2010 and subsequently modified by Cabinet in August 2010. (Details of these are attached at **Appendix C**). In particular it was also agreed to seek the views of Gypsy Traveller families as part of the process.

- 4.1.3 In July 2012, the Terms of Reference and criteria were subsequently reconfirmed by Cabinet.

##### **4.2 The Process.**

- 4.2.1 The work of the Task and Finish Group over a series of meetings from the autumn of 2010 to the spring of 2012, involved looking at all Council owned land within the City and County area, as follows:-

- Stage 1 of the filtering exercise centred on the exclusion of sites that suffered from 'defined constraints' including flooding issues, being positioned within environmental designated areas etc which rendered them unsuitable. This resulted in 1006 sites remaining in the process;

- Stage 2 resulted in the exclusion of sites that were contrary to agreed site criteria (as agreed by Cabinet) such as being below the threshold of less than 0.5 ha, or having highway or leasing issues;

All of the Stage 2 filtered sites were assessed individually and their suitability were tested in recognition of the likely requirements through their potential consideration via the planning application process. The sites were assessed in accordance with the criteria based upon the provisions of Welsh Government (WG) guidance for issues such as accessibility to key services/facilities etc. This resulted in 19 sites remaining in the process.

- Stage 3 further refined the sites with the full application of WG guidance and reference to the provisions of Policy HC9 of the UDP, culminating with a detailed officer assessment. This resulted in 5 sites remaining in the process.

4.2.2 The Task and Finish Group continually reviewed the assessment process via regular progress reports from officers and concluded with the short-listing of the following sites:

- Former Greyhound Stadium Cockett;
- Rear of Parc Melin Mynach, Gorseinon;
- Proposed Cemetery, Gorseinon;
- Site rear of Peniel Green Road, Llansamlet;
- Milford Way, Penderry.

## 5.0 ASSURANCE.

5.1 In order to provide assurance with regard to the process followed, Cabinet agreed in November 2012, that an internal, independent management review and an external professional review should be undertaken prior to the commencement of a consultation exercise.

5.2 These reviews were requested to examine the criteria set and their link to regulations/policy. Further to assess the application of the criteria from the outset and throughout the process, to ensure that they have been applied consistently at each stage and that as the sites have been sieved, the only basis utilised is the criteria as agreed.

5.3 These were completed and concluded that the process followed was robust and completed in accordance with the criteria agreed by Cabinet. Copies of these reviews were made available on the Council's dedicated Gypsy Traveller webpages: [www.swansea.gov.uk/sgts](http://www.swansea.gov.uk/sgts). Member drop-in sessions were also arranged to facilitate Members awareness and to answer any queries that they might have.

## **6.0 PUBLIC CONSULTATION.**

6.1 During November 2012, Cabinet resolved to undertake a public consultation exercise.

6.2 The consultation commenced in December 2012 and lasted for over 12 weeks until 31<sup>st</sup> March 2013. The consultation process included web pages that covered:-

- The rationale for the work;
- The legislative framework in place;
- Details of the assessment procedures adopted;
- The site filtering criteria applied;
- Details of all Council owned land that had been reviewed;
- Outputs from the assessment;
- The minutes of the Task & Finish Group meetings.

6.3 Hard copies of the consultation and reference materials were placed in the central and local libraries and at the Civic Centre reception. Drop-in sessions were arranged for those who wished to discuss specific queries/issues with an officer.

## **7.0 OUTCOMES OF THE CONSULTATION.**

7.1 The consultation elicited 3218 comments, all of which were entered on an electronic database with individual responses provided. These representations were made available to the public via the web or in hard copy as explained in para 6.3 above.

7.2 In addition, a total of 18 petitions were received as part of the consultation, and all lead petitioners were offered the opportunity to present to Council.

7.3 Details of all of the responses and petitions were made available to Members as part of the report to Council and Cabinet on this matter in October 2012 and November 2012 respectively.

## **8.0 GYPSY AND TRAVELLER VIEWS.**

8.1 WG guidance states that an important consideration of the process is to establish the views of the Gypsy Traveller communities. This was endorsed by Cabinet when the process was agreed.

8.2 Hence the views of the Gypsy Traveller families identified were sought, and included in the report to Council. The families were also all invited to attend and present their views.

## **9.0 FURTHER INFORMATION GATHERED POST CONSULTATION.**

9.1 As part of and as a result of the consultation, prior to reporting to Council:-

- All of the consultation responses were reviewed;
- Views of Gypsy Traveller families were established;
- The Housing Needs Assessment was updated;
- Site titles in relation to the five sites were investigated;
- Asset values were estimated;
- Differential development costs were estimated;
- The views of CADW, NRW, Dwr Cymru and ecology officers were sought.

## **10.0 SENIOR OFFICER PANEL.**

10.1 In order to ensure transparency and offer further assurance, all of the information available was considered by a Senior Officer Panel in September 2013 who examined the pros and cons for each of the shortlisted sites in depth. The membership of this Panel comprised senior officers from across all major service areas of the Council to ensure both breadth and depth of professional input and also independence by inclusion of some officers with no prior involvement with this issue.

10.2 The Panel concluded that whilst four of the five sites had merit, those at Cockett and Llansamlet, on the basis of all the information, best meet the requirements for additional Gypsy Traveller site provision.

## **11.0 EXECUTIVE BOARD.**

11.1 The Executive Board subsequently fully reviewed the issues, outcomes from the consultation and the views of the Senior Officer Panel and agreed to recommend to Council that two sites, in no order of preference, namely the Former Greyhound Stadium, Cockett, and land to the rear of Peniel Green Road, Llansamlet should be taken forward to be considered via the planning application process, to provide permanent and potential future transit site provision for Gypsy Travellers.

Date: 13 February 2014

Legal Officer: Pat Arran

Finance Officer: Mike Hawes

### **Background Papers:**

#### **Appendices:**

Appendix A – Gypsy Traveller Policy 2009

Appendix B – List of criteria against which the sites will be assessed.

Appendix C – Cabinet Report – 26<sup>th</sup> August 2010 – Report on Member Task & Finish Group to Identify Potential Gypsy Traveller Sites.



## ADDITIONAL RELEVANT BACKGROUND PAPERS TO OVERVIEW REPORT

1. Welsh Government Circular 30/2007: Planning for Gypsy and Traveller Caravan Sites.
2. Human Rights Act – <http://www.legislation.gov.uk/ukpga/1998/42/contents>.
3. United Nations Convention on the Rights of a Child.
4. Welsh Government Guidance on Managing Unauthorised Camping 2005.
5. Good Practice Guide in Designing Gypsy Traveller Sites in Wales 2009.
6. Local Housing Strategy. – Chapter relating to Gypsy and Traveller Provision
7. Strategic Equality Plan 2012-16.
8. Welsh Government Report: Accommodation Needs of Gypsy and Travellers in Wales 2006.
9. Welsh Government Report: Travelling to a Better Future – Gypsy and Traveller Framework for Action and Delivery Plan 2011.
10. Report on Occupancy Levels of Permanent Pantyblawd Road.
11. Correspondence with Natural Resources Wales re Swansea Vale and the Enterprise Park.
12. Planning Appeal Decision: Drummau House, Birchgrove
13. Dates of Task & Finish Group Meetings.
14. Two Independent Review Reports.
15. Membership of Senior Officer Panel.
16. Consultation Web Pages - [www.swansea.gov.uk/sgtsreport](http://www.swansea.gov.uk/sgtsreport).

## CITY AND COUNTY OF SWANSEA

### MINUTES OF THE SPECIAL MEETING OF THE SCRUTINY PROGRAMME COMMITTEE

HELD AT THE CIVIC CENTRE, SWANSEA ON THURSDAY 20 FEBRUARY  
2014 AT 4.00 P.M.

**PRESENT:** Councillor C Lloyd (Vice-Chair) presided

<b>Councillor(s):</b>	<b>Councillor(s):</b>	<b>Councillor(s):</b>
A M Cook	J P Curtice	J E C Harris
D W Cole	N J Davies	J W Jones
A C S Colburn	P Downing	P M Meara

**ALSO PRESENT:**

J Straw	-	Chief Executive
R Owen	-	Corporate Director
E Jones	-	Planning Services
P Arran	-	Legal Services

**Officers:**

N Havard	-	Directorate Lawyer
B Madahar	-	Scrutiny Co-ordinator
J Tinker	-	Democratic Services Co-ordinator

106. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors A M Day, E W Fitzgerald, A J Jones, M Thomas and S Joiner.

107. **DISCLOSURES OF PERSONAL AND PREJUDICIAL INTERESTS**

Legal advice was given to Councillors that providing they approached this process with an open mind and without prior judgement then it was unlikely to be issues of predetermination. Legal advice was also given regarding the Code of Conduct in respect of paragraph 10(2)(b). Councillor Lloyd stated that the Chair, Councillor A M Day and Councillor M Thomas, following legal advice, had decided that they had an interest and were therefore not present at the meeting.

In accordance with the Code of Conduct adopted by the City and County of Swansea, the following interests were declared:

Minutes of the Meeting of the Scrutiny Programme Committee  
(20.02.2014) Cont'd

**Councillors:**

Councillor D W Cole - personal - Minute Nos. 180 and 109 - Ward Member from Penyrheol which abuts two of the five previously nominated sites.

Councillor A M Cook - personal - Minute Nos. 108 and 109 - Ward Member from Cockett - one of the wards that was shortlisted.

Councillor J P Curtice - personal - Minute Nos. 108 and 109 - Ward Member from Penyrheol which abuts two of the five previously nominated sites.

**Officers:**

R Owen - personal - Minute Nos. 108 and 109 - stepson lives in Llansamlet in a position overlooking one of the shortlisted sites.

E Jones - personal - Minute Nos. 108 and 109 - sister resides in Birchgrove which is within close proximity to the shortlisted Llansamlet site.

108. **SCRUTINY BRIEF: GYPSY AND TRAVELLER SITE PROVISION - REVIEW OF PROCESS**

Councillor C Lloyd (Vice-Chairman) reminded the Committee what the main purpose of this scrutiny process was and the key question that needed to be explored:

“Was the process leading up to the report to Council on 21 October 2013 robust?”

He stated that the Committee needed to review the process adopted to date and to seek assurance on quality. This was not about individual sites and the Council decision that requested Cabinet to adopt a whole Swansea approach was entirely separate.

These Special Scrutiny Meetings were to identify any learning points about the process. It was proposed that future meetings would include presentations from Officers but this list was not exhaustive and others may be invited to attend this Committee if deemed necessary. The Vice-Chairman stated that he was mindful that there was a timetable for undertaking this work but the Committee must be committed and Members were asked to respect those giving evidence and to approach this process with an open mind.

J Straw, Chief Executive stated that the decision of Council to consider all land options within the City and County of Swansea rather than restricting the process to land in the Authority's ownership would not be implemented until the outcome of this scrutiny process is decided.

109. **EVIDENCE SESSION WITH OFFICERS: OVERVIEW OF PROCESS AND LEGAL FRAMEWORK**

The Chief Executive presented an overview of the legal framework/guidance history, site selection process, assurance, consultation and outcomes as indicated in the report. R Owen, E Jones and P Arran were also presented to answer any questions raised by the Committee. He stated that it may be that many other issues that are not specifically addressed may be the subject of further reports as work continues. However, he would obviously seek to answer all questions but if some required a detailed response it may be necessary to come back and provide written answers. It was envisaged that the next two sessions would be based on the method of selection and consultation process, and the final meeting would deal with outstanding queries.

The Chief Executive then proceeded to outline the long history involved in this process and mentioned the relevant legal requirements in relation to equalities, human rights, housing and planning legislation, e.g. Equalities Act 2012, Human Rights Act, Housing Act 2004. He referred to the additional relevant background papers which were indicated in the appendix of the report.

The Chief Executive stated that there had been a resident population of Gypsy Traveller families in Swansea since the 1970's, principally encamped in and around the Enterprise Park and Swansea Vale. He referred to paragraph 3.4 of the report in dealing with unauthorised encampment and appropriate welfare enquiries. It was stated paragraph 3.8 of the report detailed how many unauthorised encampments there had been.

The Chief Executive outlined that the Task and Finish Group was a cross party group formed to work with a multi-disciplinary group of Officers by applying criteria. This search for a new site(s) provision was restricted to Council owned land as such sites were thought to be more easily deliverable within a relatively short timeframe, based on the need for provision. It was stated that the terms of reference for the Task and Finish Group were approved by Cabinet originally in March 2010 and subsequently modified by Cabinet in August 2010. The three stages of the shortlisting process were described and as a result of a public consultation exercise all representations were made available to

Minutes of the Meeting of the Scrutiny Programme Committee  
(20.02.2014) Cont'd

the public. There were 3218 comments and 18 petitions were received as a part of this. A senior panel of Officers was established who examined the pros and cons for each of the short-listed groups in depth. This reported to the Executive Board and culminated in a report to Council on 21 October 2013. The Chief Executive also referred to the 2 reviews commissioned as assurance on the process in late 2012.

The Vice-Chairman then asked the Committee for any questions they wished to ask at this stage in respect of the overview of the Gypsy Traveller Site search.

A question was asked in respect of paragraph 3.5 of the report and reference to a court judgment, which triggered the process. It was queried what according to the Court Judgment was the duty and obligation of the Authority and how this could have been reasonably discharged. The committee requested a copy of this Court Judgement and counsel's opinion on the discharge of that judgement.

P Arran indicated that Committee Members would be provided with a copy of this Court Judgement. He stated that one of the issues at the time facing the authority was that gaining Possession Orders would be difficult because the families did not have an alternative location to go to.

A question was also asked in respect of paragraph 4.1.2 of the report and why the terms of reference of the Task and Finish Group had been changed. Clarification was also sought in respect of paragraph 8.2 of the report and how much weight was given to the views of the Gypsy Traveller families and what if they did not want to go to a particular site.

P Arran stated that it was difficult to attribute weighting as it was one of a number of considerations and the Gypsy Traveller families could not state that they did not want to go to a specific site as this decision had not been taken.

R Owen referred to Good Practice Guidance and planning circular which does cover consideration of views. R Owen confirmed that the terms of reference had only been modified and it would perhaps be useful if copies of the three relevant Cabinet reports be provided. It was highlighted that cabinet as decision-maker would ultimately have to make a subjective judgement against competing criteria.

A reference was made to the legal judgment in 2009 and paragraph 4.1.1. and the urgency this created. Confirmation was asked for in respect of the fact that only two meetings had taken place in respect of the second Task and Finish Group and what work they did. It was stated that these minutes were available and could be provided.

Minutes of the Meeting of the Scrutiny Programme Committee  
(20.02.2014) Cont'd

It was queried if the Task and Finish Group only considered Council owned land or if land in private ownership was also discussed.

R Owen stated that Cabinet had taken the decision to restrict the search to Council owned land and even by using this criteria it involved a large number of sites at the start of the process. It was confirmed that the Task and Finish Group was established before the start of the filtering process. R Owen stated that the Task and Finish Group looked at the criteria in detail ward by ward, with a methodical approach.

A question was also asked in respect of the weighting, in respect of the views of local residents. P Arran stated that as part of the consultation response the views of the local residents were received and considered as part of the process. R Owen stated that public consultation had been widespread and Officers had been available to discuss specific issues.

The Vice-Chairman stated that following this meeting an invitation will be sent to Councillors and members of the public stating that they could submit written questions in respect of this scrutiny process. It was queried if this invitation could be extended to Community Councils.

Further questions were asked regarding weighting being applied in this process. It was clarified that the next two sessions would detail the criteria used and how this sieving process took place. R Owen referred to the Welsh Government Circular 2007 and guidance upon which the criteria was based and that further documentation had been produced since this process and the detail of this needed to be looked at.

A further question was asked regarding the criteria and if the process was objective and the conclusions arrived at systematically. J Straw confirmed that the process used was by applying the guidance and having a systematic approach.

Reference was made to page 64 of the appendix to the report and what option had been agreed by Cabinet. J Straw confirmed that this was Option 2.

The Vice-Chairman referred to the Welsh Government Guidance and good practice that had been applied to the process, but queried if there had been any other involvement from the Welsh Government. R Owen stated that Welsh Government Officers had not been involved in the site selection process but if a site was identified this would require funding and enquiries were made to the Welsh Government regarding this which would be on a bid basis and it was indicated that we may be interested in making a bid.

Minutes of the Meeting of the Scrutiny Programme Committee  
(20.02.2014) Cont'd

It was asked that as the City and County of Swansea was not the only Authority tasked with searching another Gypsy Site whether any best practice from other Authorities could be shared.

E Jones stated that the City and County of Swansea's approach was probably one of the most stringent. Various guidances had been used and some other Authorities had only looked at specific locations. R Owen stated that some Authorities had employed external consultants (e.g. Cardiff). J Straw stated that he was not involved in the early stages of this process, but in looking at examples elsewhere in respect of selection of Gypsy Traveller Sites, the key criteria adopted are broadly identifiable across the UK because it is using the same guidance.

Questions were then asked in respect of paragraph 5 of the report and the internal independent management review and an external professional review. J Straw stated that they had been given a brief indicating what they were required to examine and gave a view on robustness.

P Arran confirmed that a copy of the 2009 Judgment would be circulated shortly but counsel's opinion would be restricted to being circulated to only the Scrutiny Committee Members.

Clarity was sought if members of the public could attend future meetings to put forward their questions in order that supplementary questions could be asked or whether these should be submitted in writing.

The Vice-Chair indicated that the committee will be writing out to all councillors to clarify the way in which questions and/or views can be submitted to the committee by both councillors not on the committee and the public. P Arran stated that it would be in order for questions to be put via the Chair.

110. **TIMETABLE OF WORK**

The timetable of work was submitted for information.

**RESOLVED** that this timetable be approved.

Minutes of the Meeting of the Scrutiny Programme Committee  
(20.02.2014) Cont'd

11. **DATE OF NEXT MEETING**

**RESOLVED** that the date of the next Special Meeting of this Scrutiny Committee be held at on 6 March 2014 at 4.00 p.m.

The meeting ended at 5.20 p.m.

**CHAIR**

S: Scrutiny Programme Committee - 20 February 2014  
(JT/KL)



**L**

**6 March 2014**

**Scrutiny Programme  
Committee**

**Report(s) & Minutes**



# Agenda Item 3

## Report of the Chair

### Special Scrutiny Programme Committee - 6 March 2014

#### GYPHY TRAVELLER SITE SEARCH - CRITERIA FOR SITE SELECTION / EXPLANATION OF SITE SIEVE PROCESS

<b>Purpose</b>	Following on from the overview of the Gypsy & Traveller Site Search provided at the last meeting this evidence session will focus on the criteria for site selection and explanation of the site sieve process.
<b>Content</b>	The following officers will attend to present information to the committee: <ul style="list-style-type: none"><li>• Reena Owen (Corporate Director)</li><li>• Emyr Jones (Planning Services)</li><li>• Dave Turner (Estates)</li></ul>
<b>Councillors are being asked to</b>	Consider the information presented as part of the committee's review of the process, and ask questions.
<b>Lead Councillor(s)</b>	Councillor Clive Lloyd, Vice-Chair of Scrutiny Programme Committee.
<b>Lead Officer &amp; Report Author</b>	Brij Madahar, Scrutiny Coordinator Tel: 01792 637257 E-mail: <a href="mailto:brij.madahar@swansea.gov.uk">brij.madahar@swansea.gov.uk</a>

Date: 21 February 2014

Legal Officer: Nigel Havard

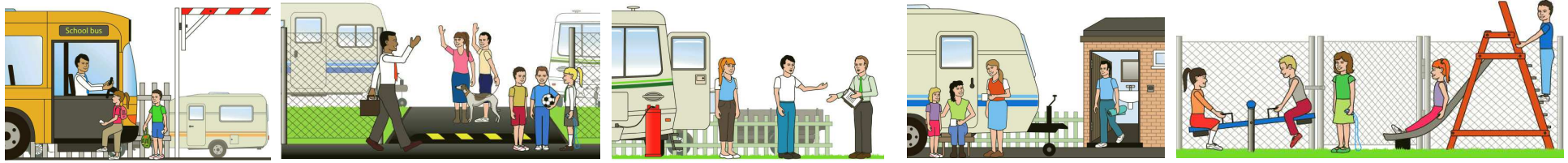
Finance Officer: Mike Hawes

**Background Papers:** None

#### **Appendices:**

1. Report of the Cabinet Member for Environment, Cabinet – 11th March 2010: Report on the Provision of a New Gypsy and Traveller Site
2. Minutes of the Meeting of the Cabinet Held at Civic Centre, Swansea on Thursday 11th March 2010 at 2.00 P.M.
3. Report of the Cabinet Member for Place, Cabinet – 5 July 2012: Report on Member Task & Finish Group to Identify Potential Gypsy Traveller Sites
4. Minutes of the Meeting of the Cabinet Held at Civic Centre, Swansea on Thursday 5 July 2012 at 5.00 P.M.
5. Report of the Cabinet Member for Place, Cabinet – 1 November 2012: Report on the Approach to the Identification of Additional Gypsy Traveller Site Provision.

6. Minutes of the Meeting of the Cabinet Held at the Civic Centre, Swansea on Thursday 1 November 2012 at 5.00 P.M.

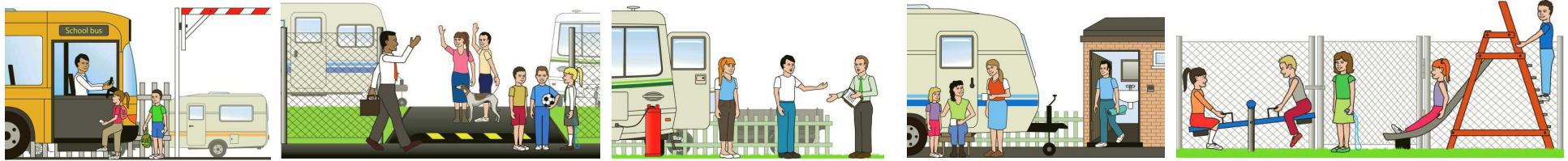


# Gypsy and Traveller Site Search

Scrutiny Programme Committee

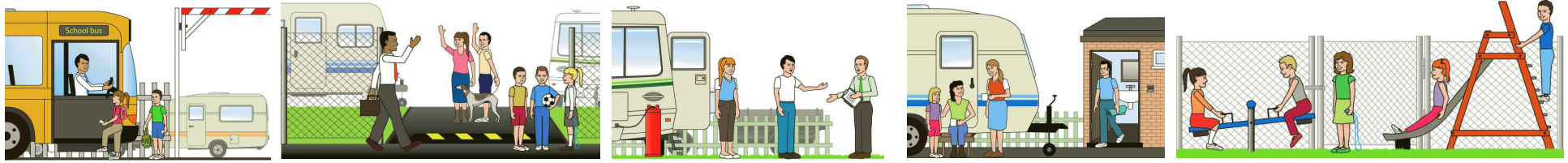
6<sup>th</sup> March 2014





## Why do we Have to do this Work?

- Statutory requirement to assess the needs of Gypsy and Travellers and to provide for those needs (Housing Act 2004)
- Identified historic need established within the Gypsy and Traveller Accommodation Needs Assessment/Housing Strategy 2007 - 2012
  - Unauthorised encampments
  - Park and Ride Possession Order
- Imminent introduction (2014) of the Housing White Paper whereby there will be a statutory duty on local authorities to provide sites for Gypsy and Travellers
- Requirement to identify suitable provision for the forthcoming Local Development Plan (up to 2025)
- Human Rights



## Search for a Site

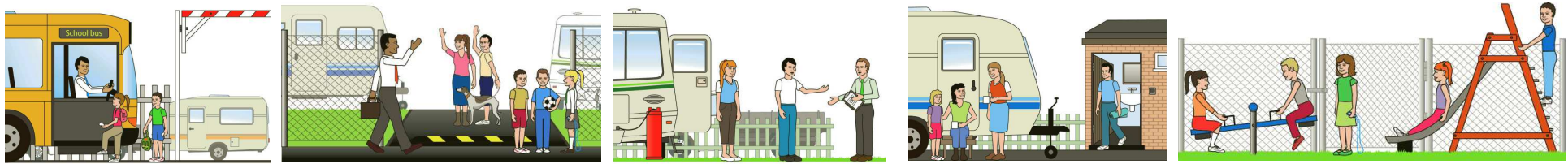
**Cabinet Established a Member Led Task and Finish Group.**

**The Groups Agreed Terms of Reference was to:**

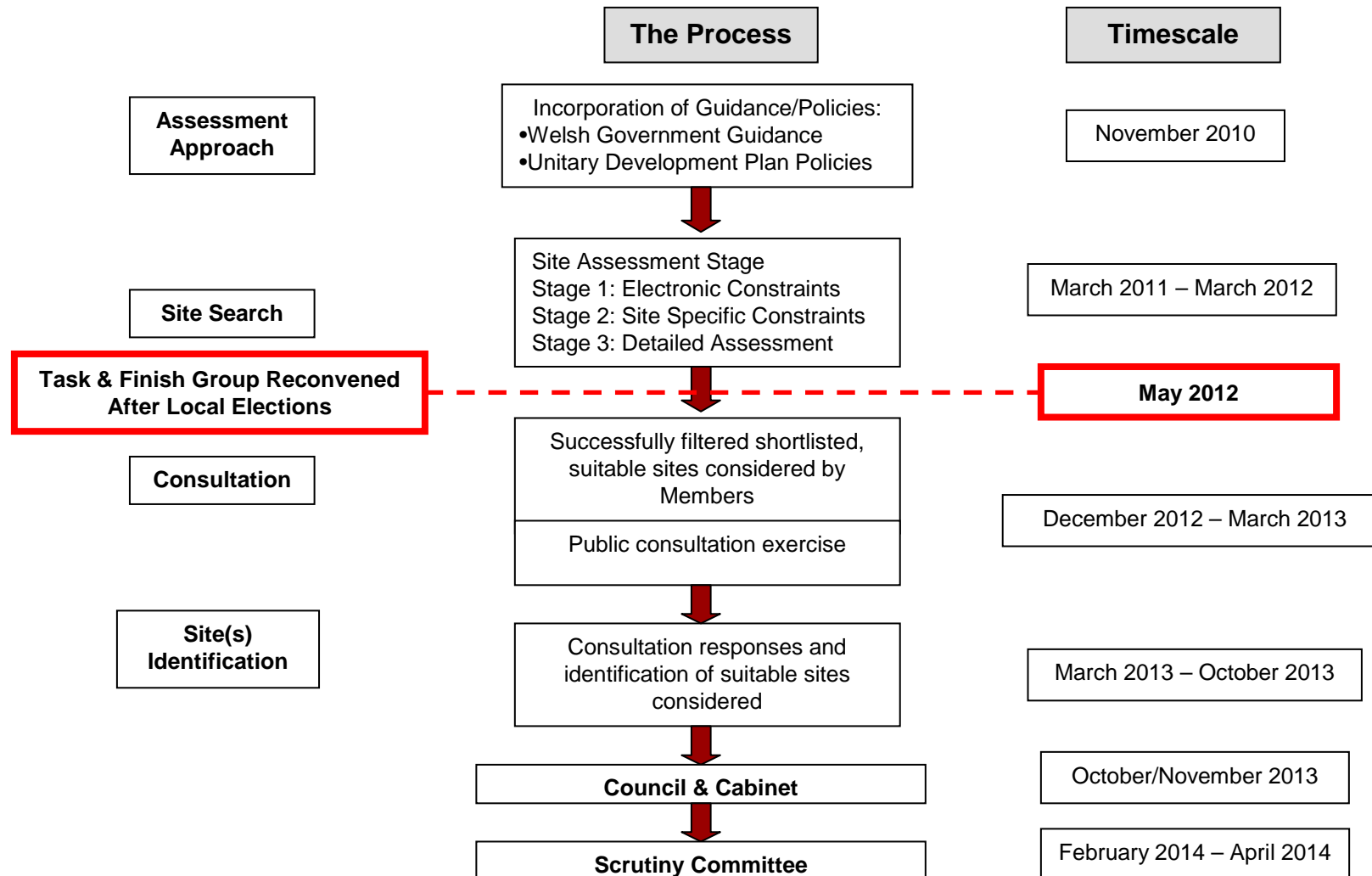
- Complete a review of all Council owned land and Council land allocated within the Unitary Development Plan for housing
- Produce a report setting out options
- Seek the views of the Gypsy and Traveller families

**Endorsed by Cabinet on the 26<sup>th</sup> August 2010**

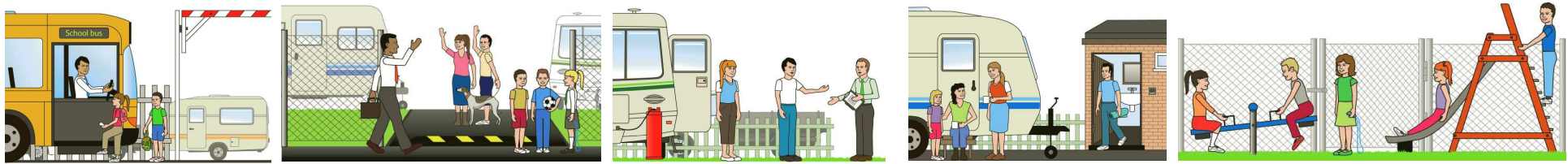




# Assessment Process



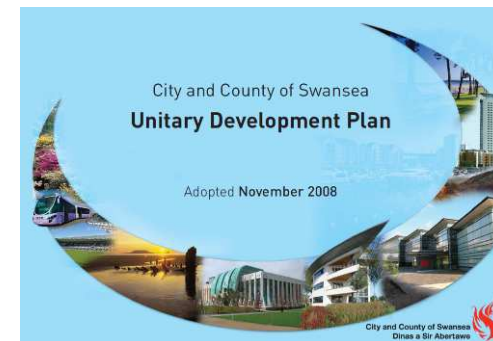
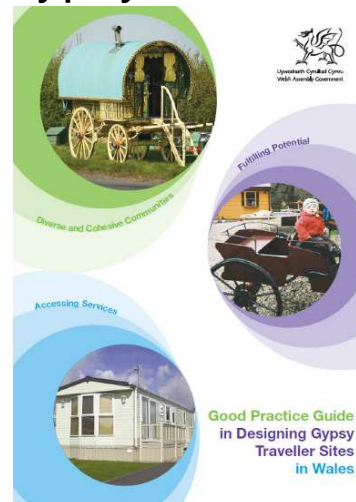
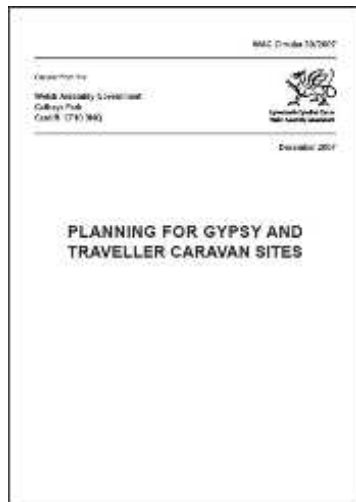




# Application of Guidance

The Assessment is compliant with local and national policy/guidance provisions:

- Welsh Government Circular 30/2007 Planning for Gypsy and Traveller Caravan Sites
- Welsh Government Good Practice Guide in Designing Gypsy Traveller Sites in Wales
- Appreciation of Policy HC9 (Gypsy & Traveller Caravan Sites) of the UDP



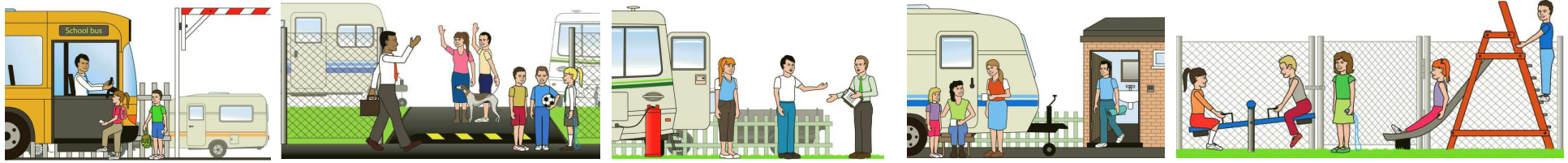


## Agreed Criteria for Assessment

Cabinet Agreed that a list of 41 Criteria based on guidance should be applied:

- **Site Constraints** – e.g. Site size, access
- **Site Characteristics** – e.g. Reasonably flat, capacity for growth
- **Highway Issues** – e.g. Pedestrian routes, public transport provision
- **Infrastructure** – e.g. Water, drainage
- **Local Services** – e.g. Schools, food shops
- **Potential Environmental Impacts** – e.g. Common land, listed buildings
- **Amenity Issues** – e.g. Noise, pollution



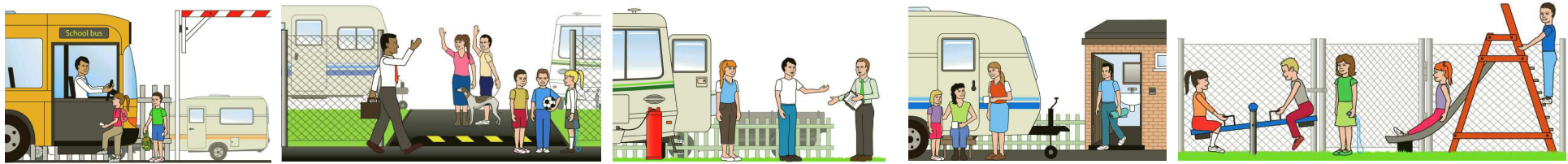


# Stage 1 Site Assessment

## All Council Land Ownership Considered

As reported to the G&T Member Task and Finish Group Sessions between March 2011 – September 2012





# Stage 1 Filtering: Identification of Constraints

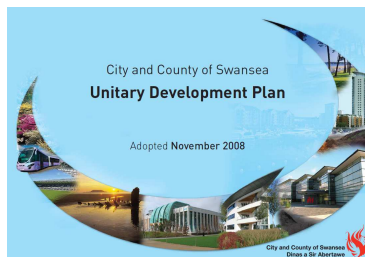
Identify Council land ownership as at December 2010

Extract initial UDP and notified constraints (e.g.):

- Environmental Designations
- Strategic Employment Sites
- Flooding
- Contamination

Identify Council land ownership as at December 2010 excluding land with identified initial constraints

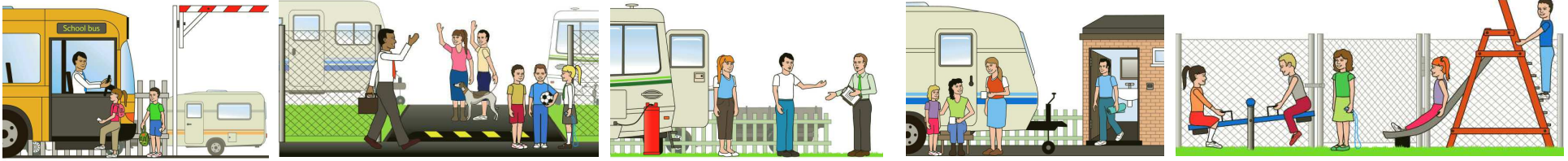
**= 1006 sites matched criteria**



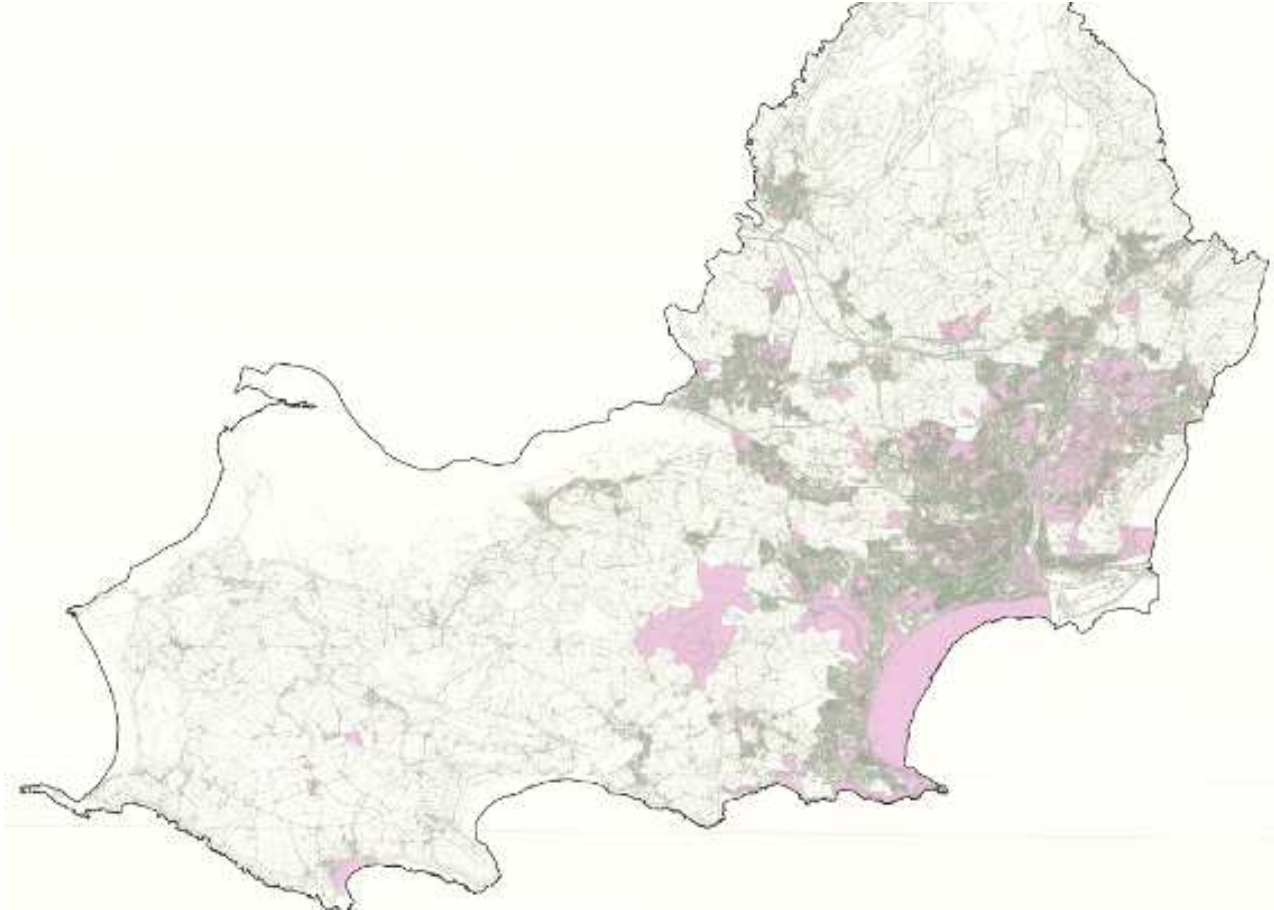
Gypsy & Traveller Site Assessment





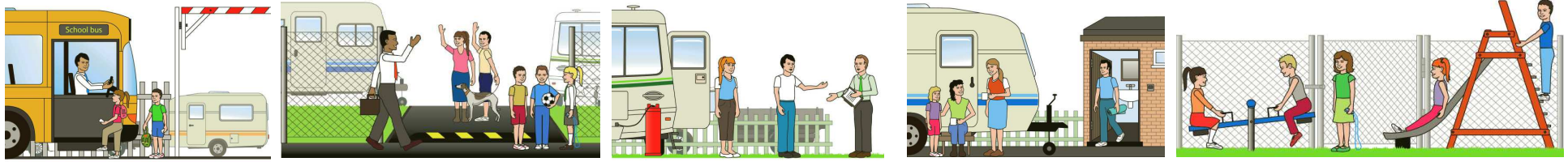


# Council Land Ownership (County Level)



Gypsy & Traveller Site Assessment





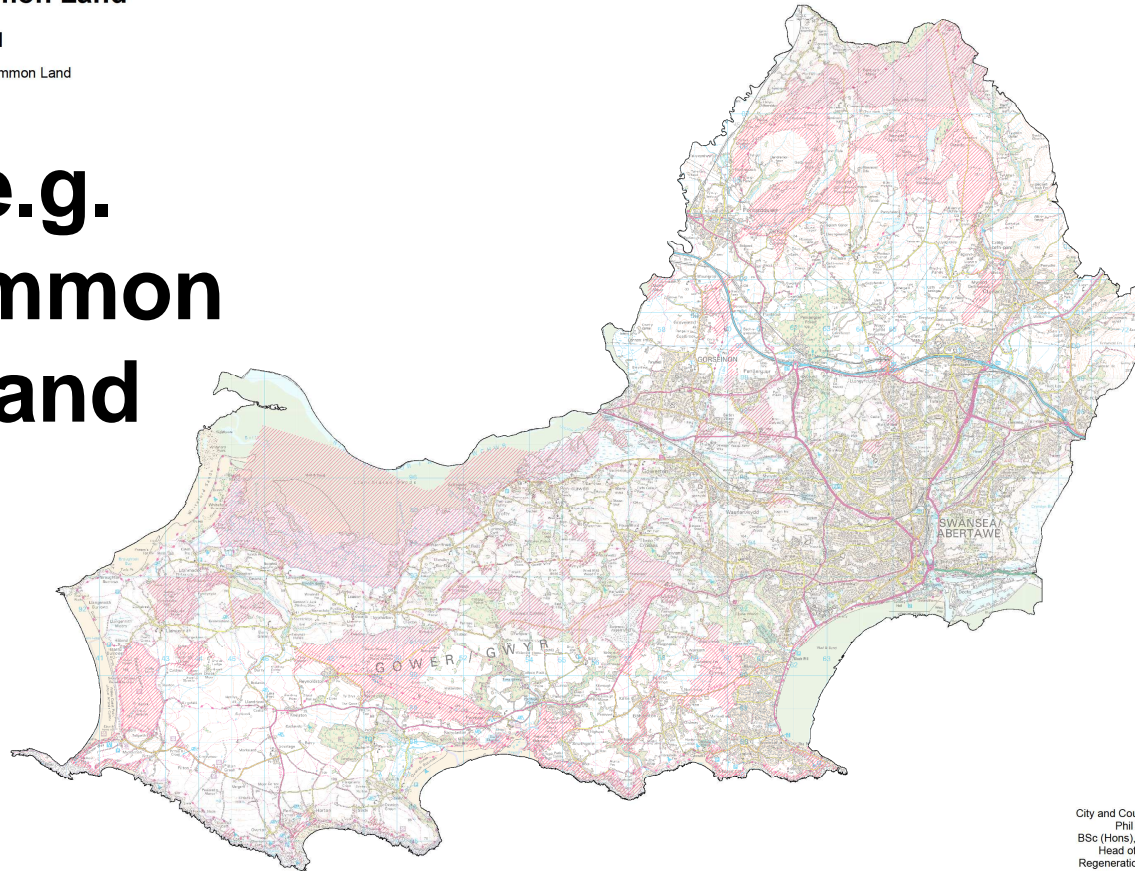
# Apply UDP Constraints (County Level)

Common Land

Legend



e.g.  
**Common  
Land**



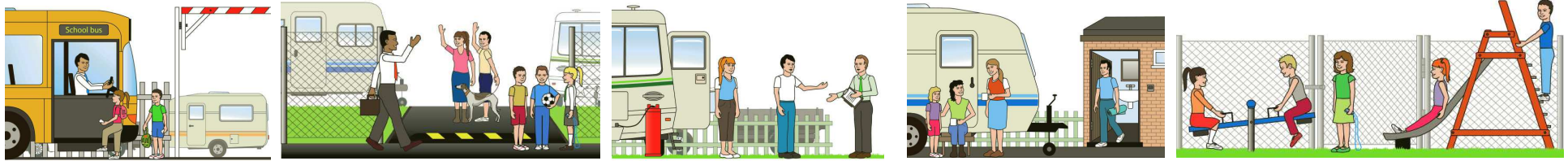
Others include:

**Conservation  
Areas**

**District  
Shopping  
Centres**

**Historic Parks  
and Gardens**





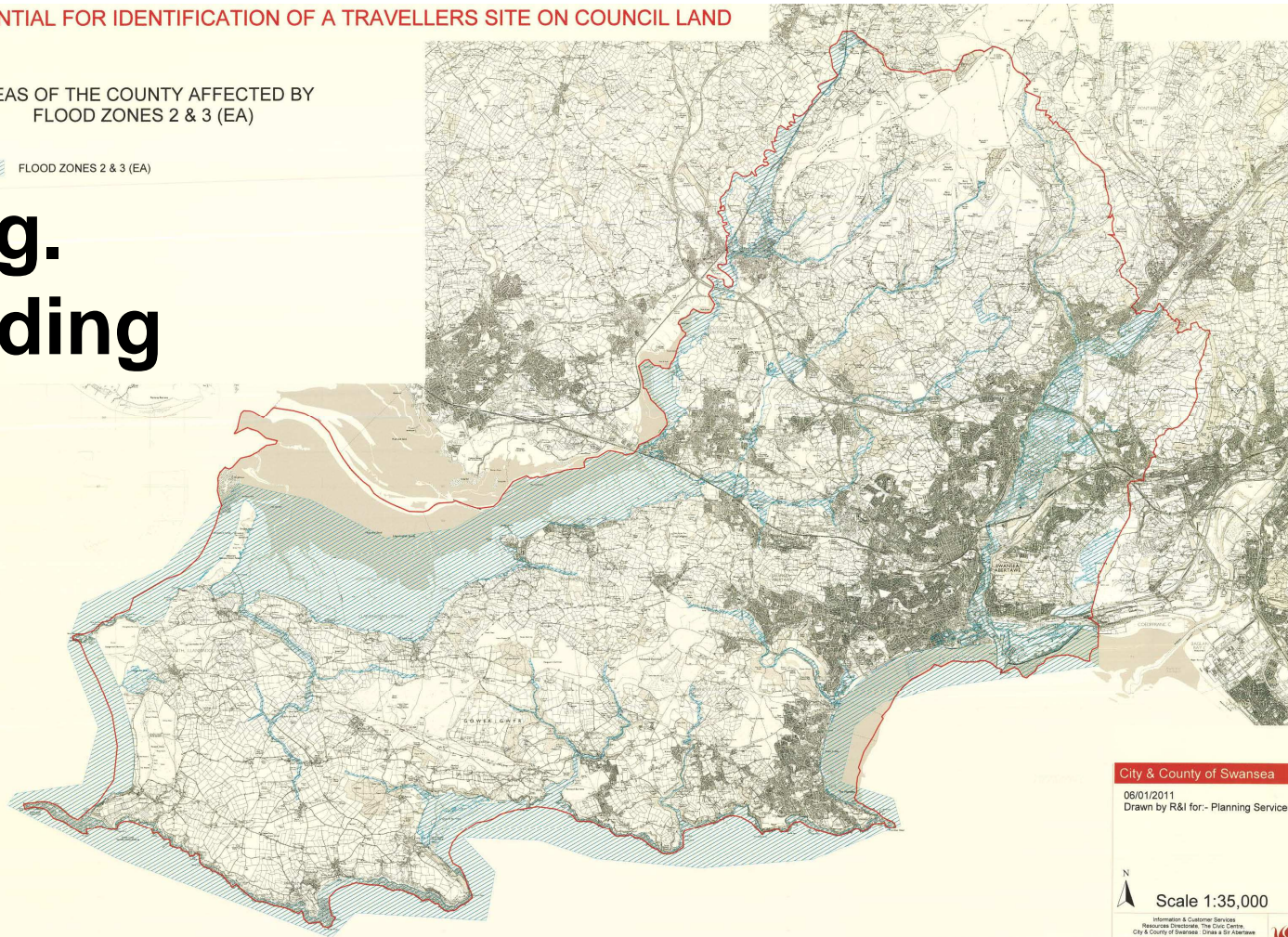
# Apply Notified Constraints (County Level)

POTENTIAL FOR IDENTIFICATION OF A TRAVELLERS SITE ON COUNCIL LAND

AREAS OF THE COUNTY AFFECTED BY FLOOD ZONES 2 & 3 (EA)

FLOOD ZONES 2 & 3 (EA)

e.g.  
**Flooding**



City & County of Swansea  
06/01/2011  
Drawn by R&I for:- Planning Services

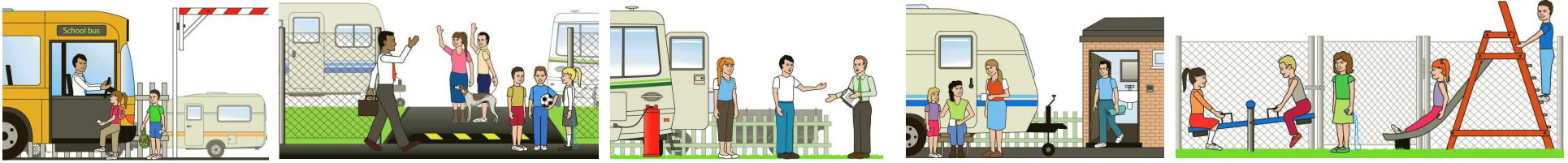
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Information & Customer Services  
Resources Development, The Civic Centre,  
City & County of Swansea, Docks & Sir Adam  
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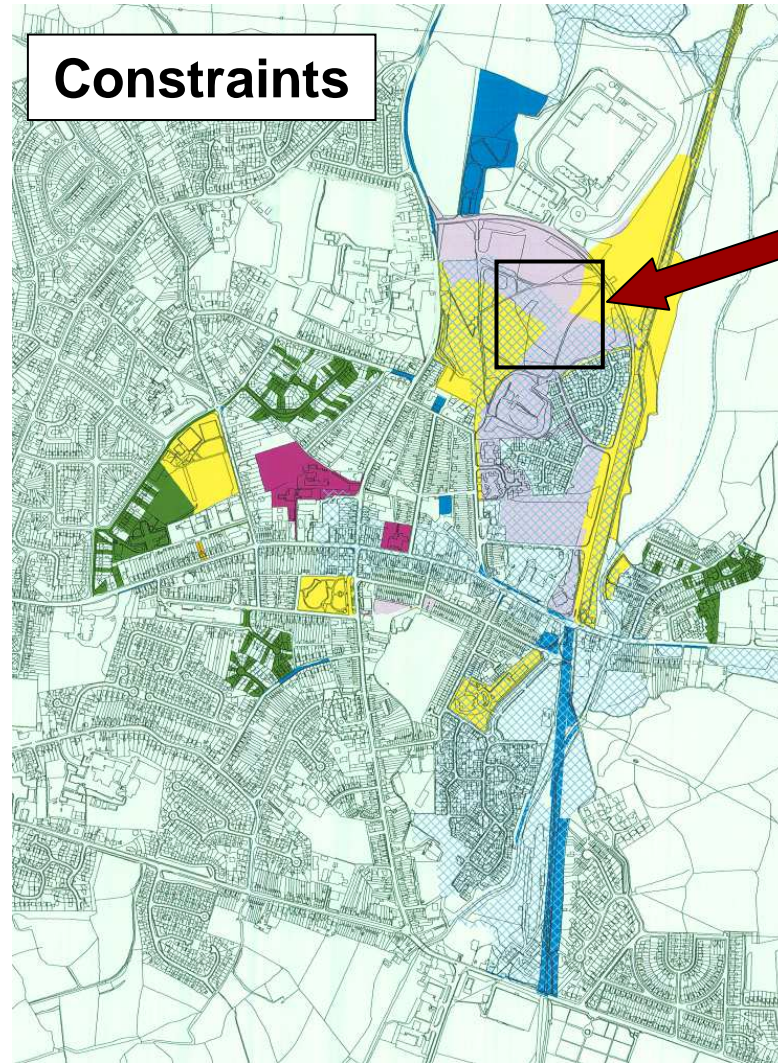
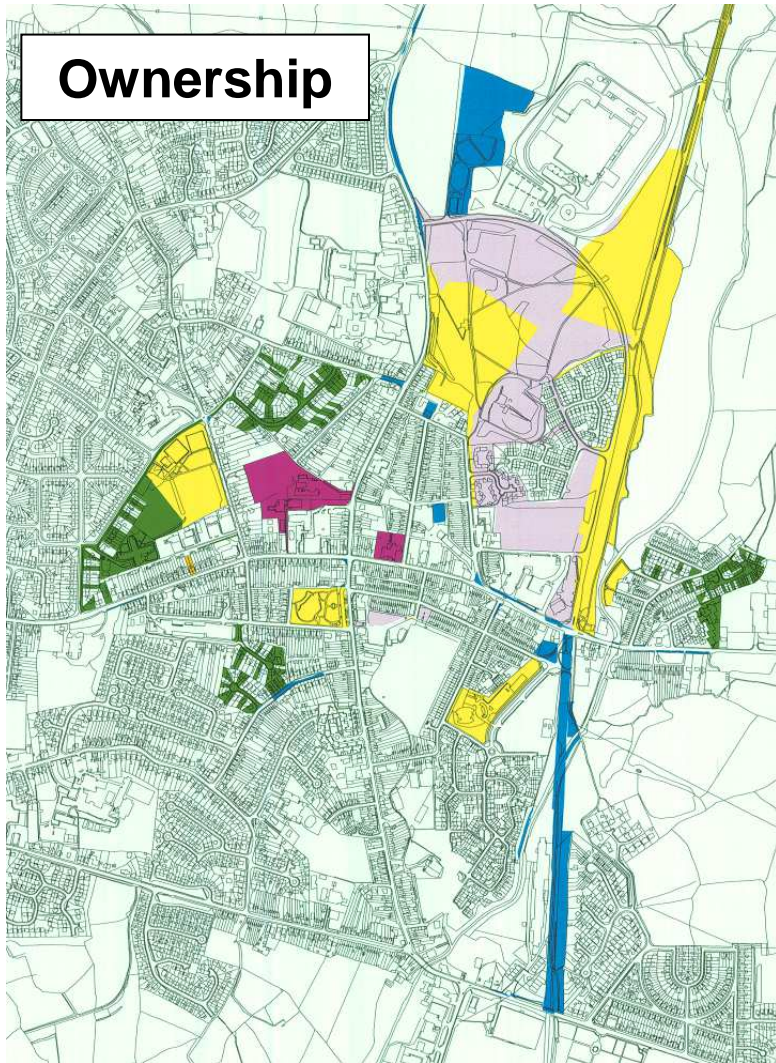
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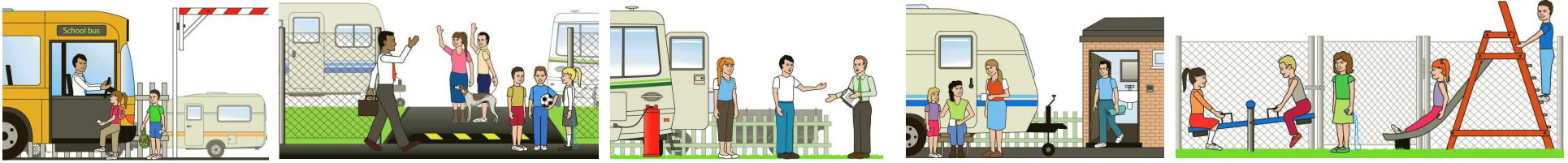




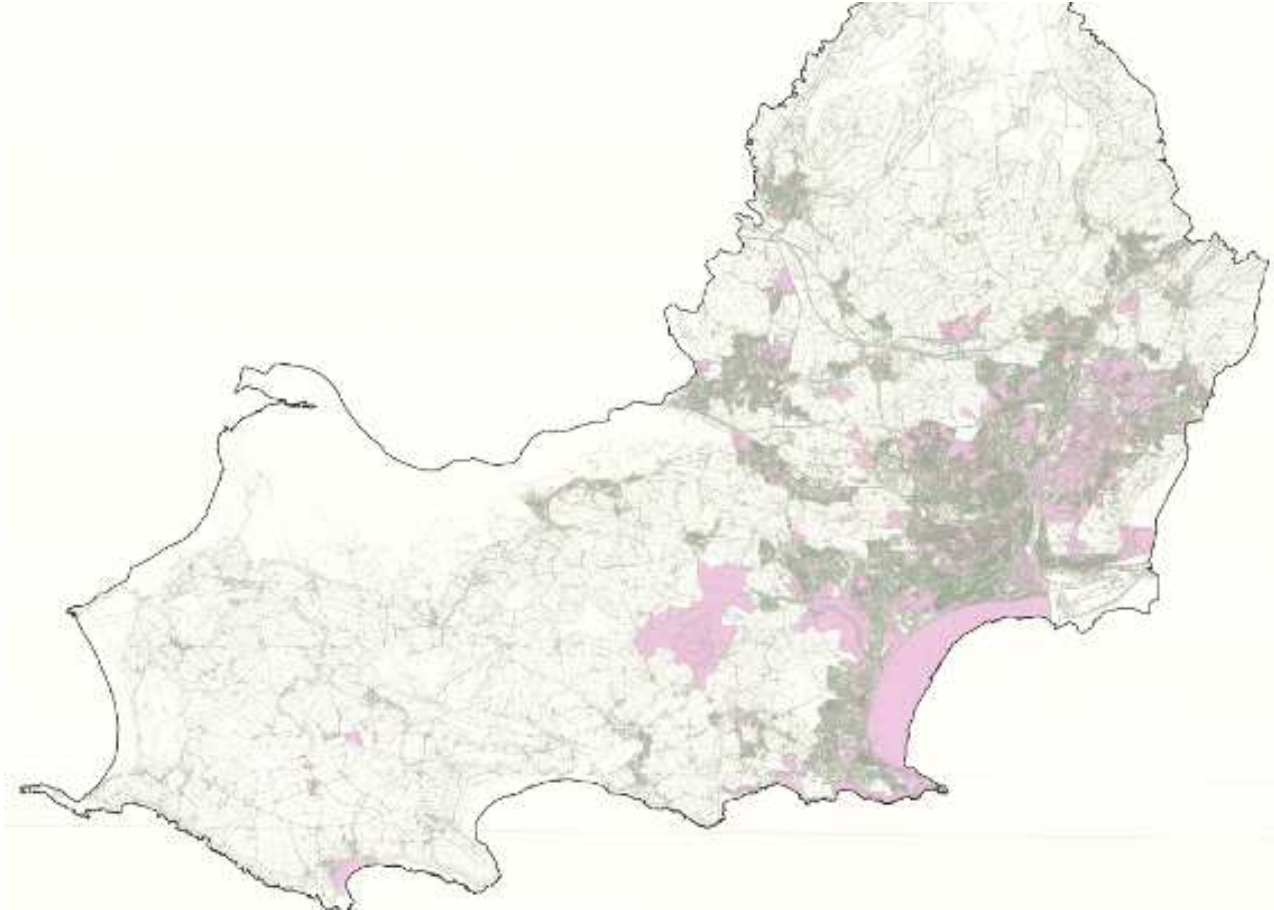
# Filtering Applied (Ward Level e.g. Gorseinon)





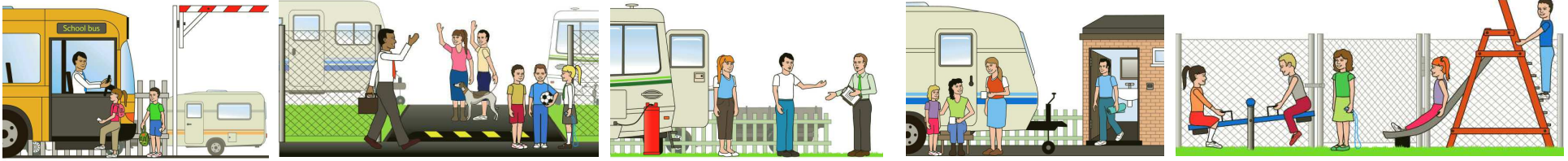


# Council Land Ownership Including Constraints



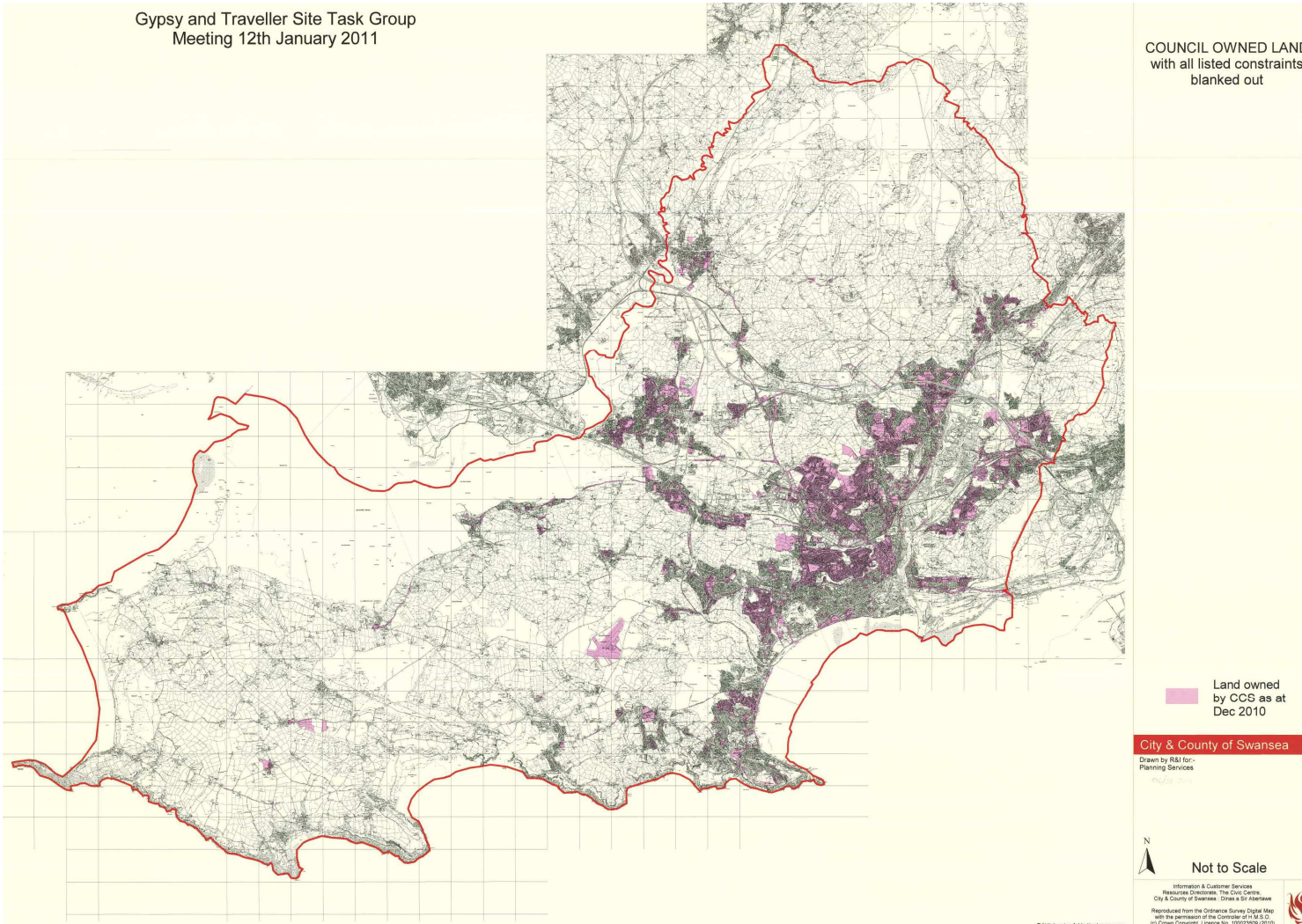
Gypsy & Traveller Site Assessment

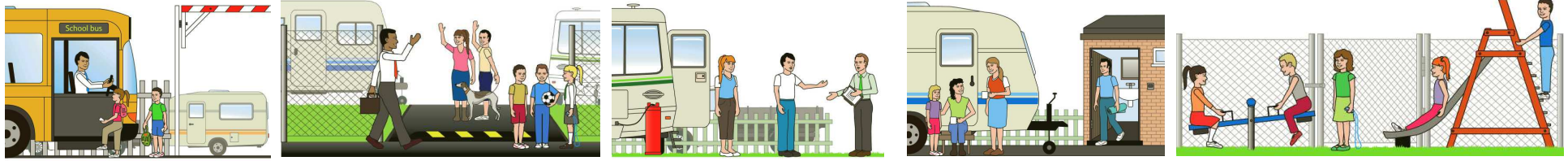




# Council Land Ownership Excluding Constraints

Gypsy and Traveller Site Task Group  
Meeting 12th January 2011





# Stage 2 Site Assessment

## 1006 Sites Considered

As reported to the G&T Member Task and Finish Group Sessions between March 2011 – September 2012



Gypsy & Traveller Site Assessment



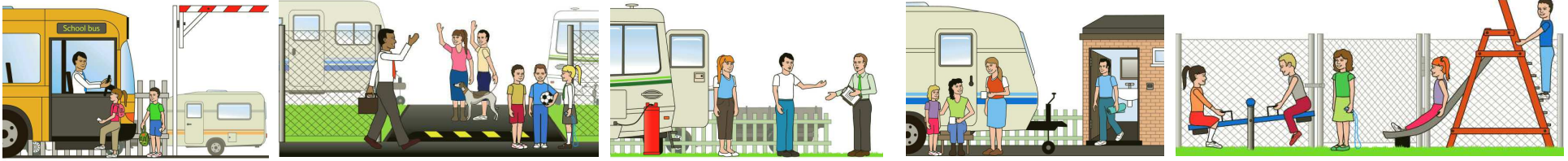


## Stage 2 Filtering: Key Site Specific Constraints

1006 sites were then assessed via agreed constraints (e.g.):

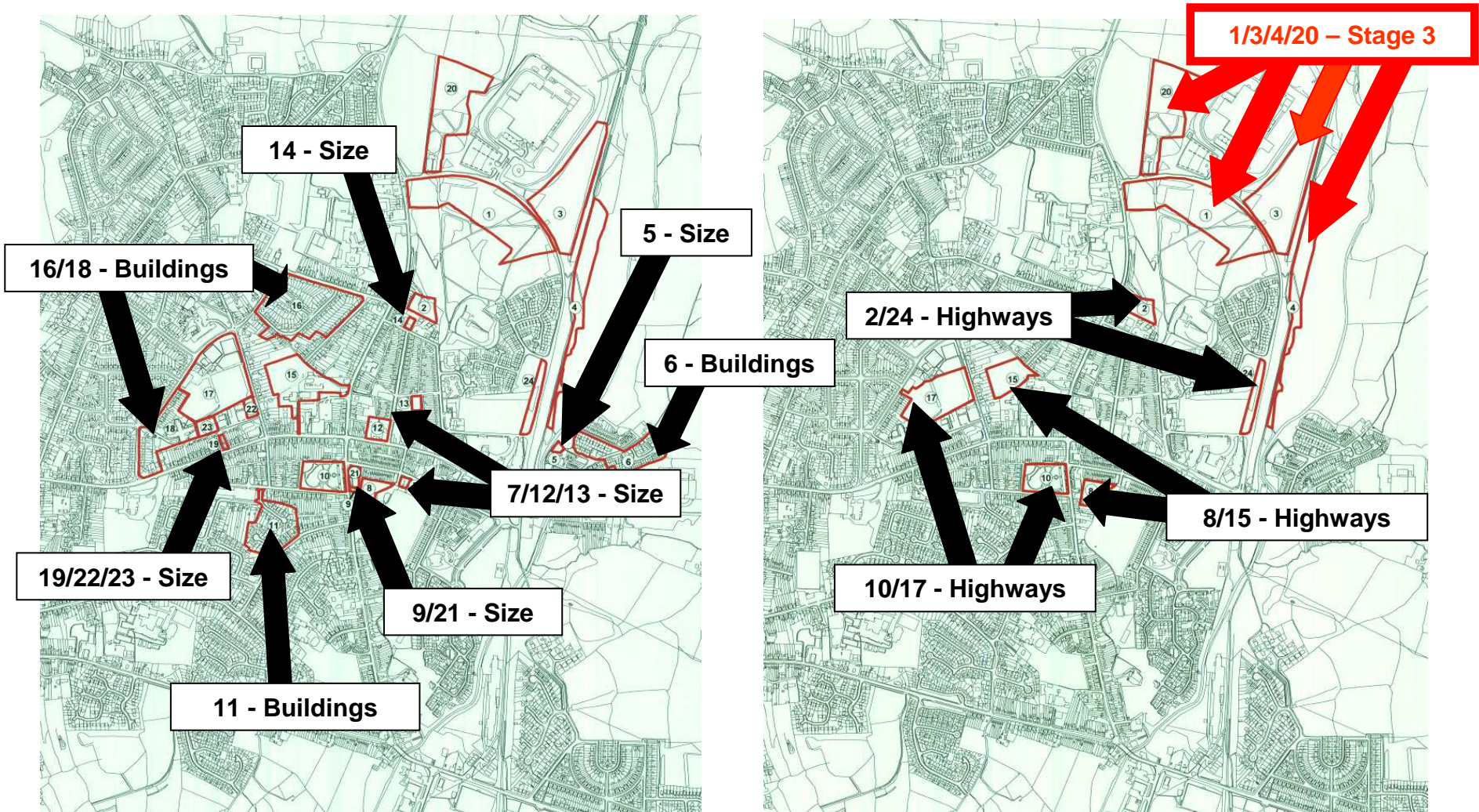
- Site Size (more than 0.5 ha)
- Vacant Sites
- Highway Issues
- Leasing Issues

**= 19 sites matched criteria**

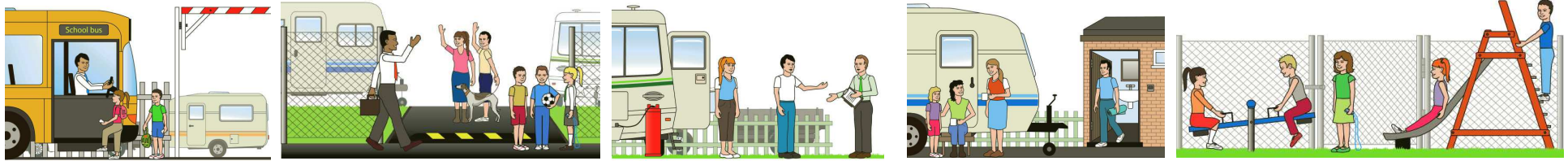


# Filtering Applied (Ward Level e.g. Gorseinon)

Page 263

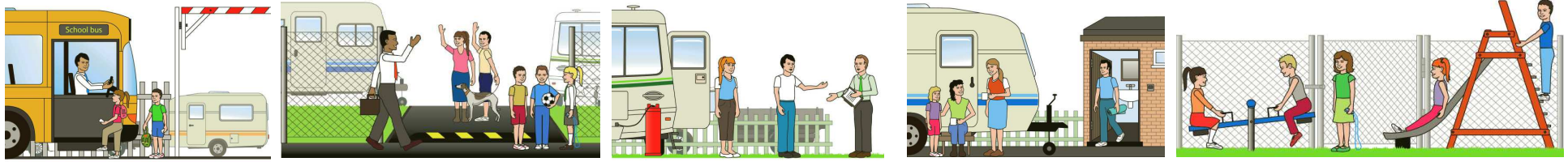






# Filtering Outputs (Extract of Gorseinon Ward)

2	562 a Gower View Road	Estates	0.08	N-Buildings & size
3	Council depot to the rear of 712 Gower Road	Leisure	0.10	N-Size
4	Cnwys Primary School, Chapel Rd, Three Crosses	Education	0.38	N-Size
5	Verge opposite 2 Joiners Road	Highway	0.04	N-Size
6	Council housing off Coed Lan & Brynymor	Housing	4.21	N-Buildings
7	Council housing off Edgemoor Drive	Housing	3.84	N-Buildings
<b>Traveller Site no's</b>	<b>Address / Description</b>	<b>Department Ownership</b>	<b>Site Area (Ha)</b>	<b>Site retained Y/N &amp; reason for removal</b>
<b>AREA 9- GORSEINON- 4 out of 24 sites</b>				
1	Land at rear of Parc Melyn Mynach phase 3 off Pontarddulais Road	Estates & Leisure	5.02	Y
2	Parc Melyn Mynach ph3	Estates & Leisure	0.45	N-Highways & size
3	Land off Heol Y Mynydd (adj Valeo)	Leisure	3.78	Y
4	Former railway land from High Street northwards	Leisure	1.92	Y
5	Allotments & adj land at Eynon Street: 259/628/198/671AAA. At the bottom of Eynon Street. 3 allotment tenancies shown. Southern half grass	Leisure	0.07	N-Size
6	Housing land off Gwalia Crescent: 2 plots. Green triangular area at junction with Whittington Terrace	Housing	2.28	N-Existing buildings
7	Gorseinon Institute	Estates	0.08	N-Size & existing building
8	Lime/West St Car Park	Estates	0.46	N-Highways & size
9	Gorseinon ADS	Estates	0.04	N-Size & existing building
10	Argyll Gardens: Gardens, toilet and bus pull in	Leisure	1.09	N-Highways & park
11	Housing properties off Timynydd/Welfield Close and Duffryn Road	Housing	1.92	N-Existing buildings
12	Gorseinon Infants	Education	0.42	N-Existing buildings & size
13	Brighton Road Car Park	Highways	0.12	N-Size
14	Cecil Road Depot	Highways	0.07	N-Size & existing building
15	Gorseinon Junior and Youth Club	Education	1.00	N-Highways & partly QED
16	Council housing: Grove St/Bryn Close/Llanerch Crescent/Brunant Rd	Housing	4.03	N-Existing buildings
17	Parc Y Werin - Part Leisure/part Housing	Leisure/Housing	2.23	N-Highways
18	Council housing	Housing	2.18	N-Existing buildings
19	Gorseinon Respite, 70 - 72 Alexandra Rd	Social Services	0.08	N-Size & existing building
20	Proposed Cemetery	Environment	3.21	Y
21	Social Services Area Office, CIU and Library	Social Services	0.20	N-Size & existing building
22	Gorseinon Nursery	Social Services	0.18	N-Size & existing building
23	Gorseinon Social Centre	Social Services	0.27	N-Size & existing building
24	Verge fronting Heol Y Mynydd	Highways	0.54	N-Highways
<b>Traveller Site no's</b>	<b>Address / Description</b>	<b>Department Ownership</b>	<b>Site Area (Ha)</b>	<b>Site retained Y/N &amp; reason for removal</b>
<b>AREA 10- GOWER- 0 out of 10 sites</b>				
1		Estates	17.92	N-Leased out
2	Council housing off Malt Hall	Housing	0.98	N-Buildings
3	Llanrhidian Primary School	Education	0.59	N-Highways & school playing fields
4	Council houses at Lunnon Close	Housing	1.03	N-Buildings



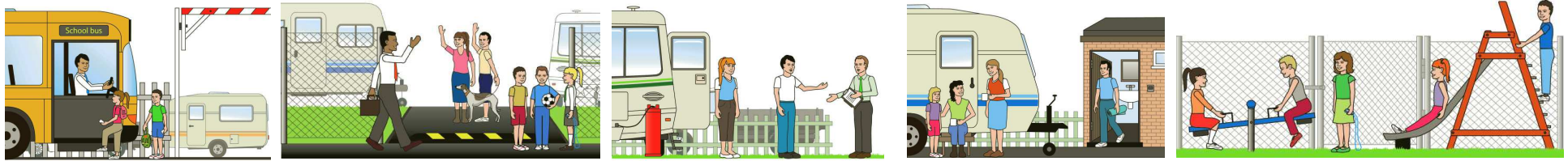
# Stage 3 Site Assessment

## 19 to 5 Sites

As reported to the G&T Member Task and Finish Group Sessions between March 2011 – September 2012



Gypsy & Traveller Site Assessment

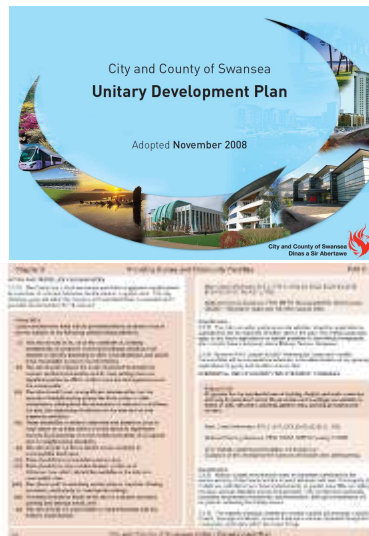


# Stage 3 Filtering: Application of Guidance

19 Sites were then subjected to a detailed assessment consistent with local and national policy/guidance provisions:

- Appreciation of Policy HC9 (Gypsy & Traveller Caravan Sites) of the UDP
- Welsh Government Circular 30/2007

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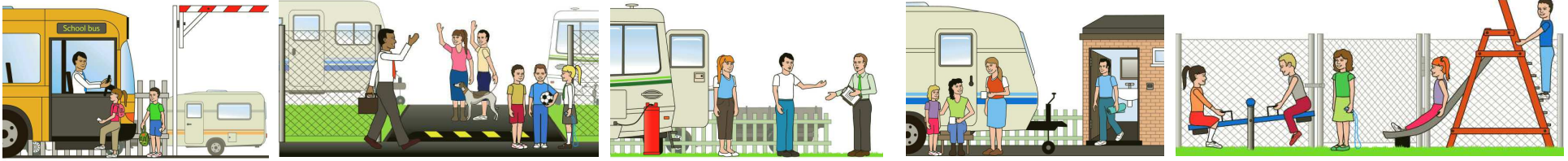


Site 17 (A17520) Swansea Vale

Site Details	
Site Reference	A17520
Ward	Llanamket
Address	Swansea Vale
Site Size	4.60 hectares
Service Area Ownership	Estates
Site Constraints	
UDP Designation	HC 111 – Housing Allocation EV2 – Rural Development EV22 – Countryside General Policy EV24 – Greenways System EV41 – Hazardous Installations/Consultation Zones
Flood Zone	N/A
Contamination	N/A
Site Characteristics	
Flat	Generally flat
Surface	Shrub/Grassland
Status	Open land
Availability	Council owned and available
Capacity for growth	Yes, more than the required site size
Security	Open – Would require enclosure works
Hazards – e.g. slope etc.	On site gullies
Coal	Referral Area
Highway Issues	
Highway comments	There would be a need to avoid direct access onto the estate road and this will result in a secondary access having to be constructed. The site may be suitable subject to detailed layout being satisfactory.
Public transport provision	Provided in the immediate vicinity
Public transport distance	120 metres
PROW	N/A







# Detailed Site Assessments

Site 17 (A17 520) Swansea Vale (Llansamlet)

Site Details	
Site Reference	A17 520
Ward	Llansamlet
Address	Swansea Vale
Site Size	4.60 hectares
Service Area Ownership	Estates
Site Constraints	
UDP Designation	HCI (11) – Housing Allocation EV21 – Rural Development EV22 – Countryside General Policy EV24 – Greenspace System EV41 – Hazardous Installations/Consultation Zones
Flood Zone	N/A
Contamination	N/A
Site Characteristics	
Flat	Generally flat
Surface	Shrub/Grassland
Status	Open land
Availability	Council owned and available
Capacity for growth	Yes, more than the required site size
Security	Open – Would require enclosure works
Hazards – gaspipe etc	Gas pipeline
Coal	Referral Area
Highway Issues	
Highway comments	There would be a need to avoid direct access onto the estate road and this will result in a secondary access having to be constructed. The site may be suitable subject to detailed layout being satisfactory.
Pedestrian route to settlement	Yes, existing pathways
Public transport provision	Provided in the immediate vicinity
Public transport distance	199 metres
PROW	N/A

79

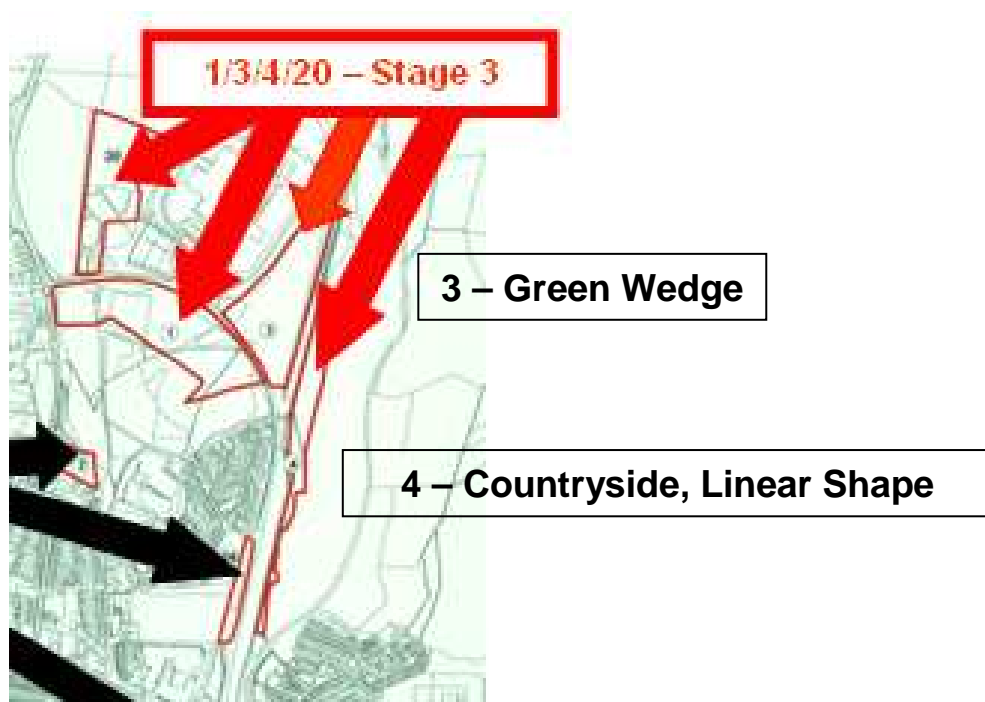
- Site Details
- Site Constraints
- Site Characteristics
- Highway Issues
- Infrastructure
- Local Services
- Potential Environmental Impacts
- Amenity Issues
- Comments Received
- Conclusion (Pros/Cons)
- Recommendation



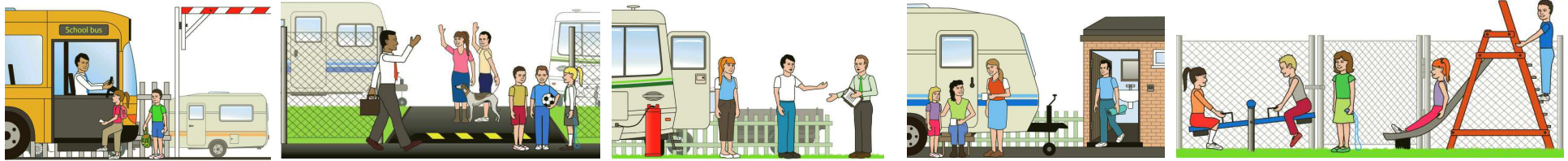


# Filtering Applied (Ward Level e.g. Gorseinon)

Of the 4 Sites, 2 are Filtered Out:



Remaining Sites =  
2 of the 5 Final  
Shortlisted Sites



# Site Assessment

## 5 to 2 Sites

As reported to an Extraordinary Meeting of Council on the 21<sup>st</sup> October 2013





## Further Site Analysis

The 5 shortlisted sites were then subject to further analysis of the outcomes of:

- 2013 Gypsy and Traveller Accommodation Needs Assessment
- Consultation feedback from Utilities and Natural Resources Wales
- Asset Values
- Site Differential Cost Indications
- Consultation feedback inclusive of comments from the settled Community and Gypsy and Traveller families
- Site Titles and Restrictive Covenants
- Officer analysis e.g. ecology, biodiversity



## Site Analysis

**The 5 shortlisted sites were then subject to analysis by a Senior Officer Panel and the Executive Board:**

- Agreed to recommend to Council that two sites, in no order of preference, namely the Former Greyhound Stadium, Cockett and land to the rear of Peniel Green Road, Llansamlet should be taken forward to be considered via the planning application process, to provide permanent and potential future transit site provision for Gypsy and Travellers



**CITY & COUNTY OF SWANSEA**

**MINUTES OF THE SPECIAL SCRUTINY PROGRAMME COMMITTEE**

**HELD AT COMMITTEE ROOM 1, CIVIC CENTRE, SWANSEA ON  
THURSDAY, 6 MARCH 2014  
AT 4.00 PM**

**PRESENT:**

<b>Councillor(s)</b>	<b>Councillor(s)</b>	<b>Councillor(s)</b>
A C S Colburn N J Davies	P Downing J E C Harris	A J Jones P M Meara

**Also Present:**

R Owen	-	Corporate Director (Environment)
E Jones	-	Senior Planning Officer
D Turner	-	Property Information & Asset Manager

**Officers:**

N Havard	-	Directorate Lawyer
B Madahar	-	Scrutiny Co-ordinator
S Woon	-	Democratic Services Officer

**112. ELECTION OF CHAIR PRO TEM.**

The Directorate Lawyer sought nominations in respect of the Chair pro tem.

**RESOLVED** that Councillor P M Meara be appointed as the Chair pro tem.

**COUNCILLOR P M MEARA (CHAIR PRO TEM) PRESIDED**

**113. APOLOGIES FOR ABSENCE.**

Apologies for absence were received from Councillors A M Cook, J P Curtice, V M Evans, E W Fitzgerald, R Francis-Davies and Mrs S Joiner.

**114. DISCLOSURES OF PERSONAL AND PREJUDICIAL INTEREST.**

In accordance with the Code of Conduct adopted by the City and County of Swansea, the following interests were declared:

**Officers:**

R Owen – personal – Minute No.114 - Stepson lives in Llansamlet in a position overlooking one of the shortlisted sites.

E Jones – personal – Minute No. 114 - Sister resides in Birchgrove which is within close proximity to the shortlisted Llansamlet site.

**115. GYPSY & TRAVELLER SITE SEARCH - CRITERIA FOR SITE SELECTION / EXPLANATION OF SITE SIEVE PROCESS.**

The Corporate Director (Environment) presented an overview of the Gypsy & Traveller Site Search – Criteria for Site Selection/Explanation of Site Sieve Process. The Senior Planning Officer and the Property Information Asset Manager were also present to answer any questions raised by the Committee.

The Corporate Director (Environment) detailed the background in relation to the needs of gypsy & travellers in the City and County of Swansea and the Authority's obligation to provide these needs due to illegal encampments. She referred to the Housing White Paper which places a statutory duty to provide sites, the requirements within Unitary Development Plan (UDP)/Local Development Plan (LDP) and equalities and human rights obligations.

The presentation detailed:

- Why the work had to be undertaken;
- Search for a site;
- Assessment process;
- Application of guidance;
- Agreed criteria for assessment (list of 41 criteria based on guidance to be applied);
- Stage 1 Site Assessment – all Council land ownership considered;
- Stage 1 Filtering: Identification of Constraints;
- Council Land Ownership (County level);
- Apply initial UDP and Notified Constraints e.g. environmental designations, strategic employment sites, flooding, contamination (County Level);
- Filtering Applied (e.g. Gorseinon Ward);
- Council Land Ownership Including Constraints;
- Council Land Ownership Excluding Constraints;
- Stage 2 Site Assessments (1006 sites considered);
- Stage 2 Filtering Key Site Specific Constraints – including consideration of site size, vacant sites, highway issues, leasing issues;
- Filtering Outputs (e.g. Gorseinon);
- Stage 3 Site Assessment (19 to 5 sites);
- Stage 3 Filtering: Application of Guidance;
- Detailed Site Assessments;
- Filtering Applied (e.g., Gorseinon Ward);
- Site Assessment (5 to 2 sites); and
- Site Analysis – including analysis by a Senior Officer Panel and the Executive Board.

The Senior Planning Officer advised that the process had been compliant with Welsh Government Guidance and the provisions of the Unitary Development Plan (UDP), and carried out in accordance with the terms of reference set. The process was informed by evidence, and outputs had been clearly transparent.

The Corporate Director (Environment) advised that throughout the process the Gypsy Traveller Task & Finish Group had met regularly (dates of these meetings had previously been circulated). Reports were considered by the Gypsy Traveller Task and Finish Group at each stage of the process and site sieve / analysis. She referred to the display of maps which detailed the areas considered. She highlighted the member visibility of the process and opportunities throughout the process to ask questions of the work carried out by officers.

A question was asked regarding the expansion of the existing gypsy & traveller site and whether the use of this site could be revisited. In response, the Senior Planning Officer referred to the flooding issues at the site which would have caused the site to have been 'filtered out' of the decision process. The Corporate Director (Environment) referred to her discussions with Natural Resources Wales to enquire whether they would reconsider. Natural Resources Wales confirmed that they would object on the basis that the site was in a flood basin area and to extend the site would increase number of people exposed to risk. The correspondence with Natural Resources Wales had been circulated to committee members.

A question was asked regarding the level of consultation with the gypsy traveller community in respect of at what point did the authority have knowledge of their objections specifically to the Gorseinon sites. The Corporate Director (Environment) advised that the gypsy traveller community were consulted early on in the process at which point they made it clear that their preference was to stay where they were. However, members had agreed to search throughout the City and County of Swansea. It was explained that detailed consultation on particular sites with the gypsy & traveller community could only have taken place when there was a definitive shortlist. She stated that she would examine the chronology and report back regarding the dates of consultations and what came out of that. There was some discussion by the committee about whether the any views expressed by the gypsy & traveller community at the outset should have had some weight and influence on the process.,

A question was asked in connection to the relatively small percentage of land owned by the Council and the benefits of extending the search to other land earlier on in the process. The Senior Planning Officer stated that land owners had every opportunity to come forward as part of the UDP process (which referred to a need for a gypsy & traveller site) but no interest was forthcoming. In terms of policy Council owned land was examined due to deliverability and cost effectiveness.

The Corporate Director (Environment) referred to the history having many unauthorised encampments and difficulties associated with the Park and Ride site. Obtaining possession orders were problematic as the Council did not have adequate provision. The purpose was to attempt to do something quickly as the Council has a lot of land and deliverability was part of argument. It was highlighted that the council did have a fair amount of land in its ownership and the process started with several thousand sites.

A question was asked relating to the LDP process with a number of sites having potential dual use which could be confusing to the community. The Senior Planning Officer referred to timescales as in 2010 the only realistic approach was UDP which



covers the period up to 2016. The LDP is starting in earnest now and there has been a cross over between the two plans.

A question was asked in relation to the process being desk top driven as opposed to Officers physically visiting sites in order to come to a view about whether it would be the best use of land. The Corporate Director (Environment) confirmed that 19 sites were visited by a variety of senior officers across the Council as part of detailed assessments. The process was about trying to deliver within reasonable timescale, and it needed to be transparent and logical, with detailed consultation following the shortlisting process.

A question was asked regarding the best possible use of the proposed sites. The Senior Planning Officer advised that the process was governed by the UDP and criteria such as housing allocations, sites within an urban area not being allocated for employment, was applied in a logical manner.

The Corporate Director (Environment) advised that the process must adhere to the planning policy that applies at the time. The process took longer than anticipated due to factors such as a change of administration in 2012, the profile, task & finish groups, the extensive nature of the consultation.

A question was asked regarding the involvement of the Gypsy Traveller Liaison Officer. The Corporate Director (Environment) advised that the Gypsy Traveller Liaison Officer was appointed 1 year ago in order to improve the relationship with the gypsy & traveller community.

A question was asked regarding the size of the site (0.5 hectares) and the number of people that could be accommodated. The Senior Planning Officer advised that the accommodation needs assessment had identified a requirement for 10 pitches (11 in 2013). Land was required for immediate need and between 10 – 12 pitches would be ideal. 0.5 hectares was therefore a logical approach for a fit for purpose search. Sites of 20 pitches might be appropriate in prescribed areas – but there was no prescribed maximum.

A question was asked regarding the Authority's concept of what provision was needed. It was stated that this was open to debate, in terms of whether we should have 1 site or 2 sites. Good practice would say that there should be a variety of provision for different purposes – i.e. permanent, transit, and stopping places, and the preference would be to set them up separately. The authority's pressing need was for permanent provision for families based on identified housing need. The Corporate Director (Environment) advised that the process had examined a variety of sites for different purposes. The preference had been to set up a site individually which could provide for families who had resided in and around Swansea for a long time.

A question was asked regarding the nature of the consultation with the gypsy traveller community. The Corporate Director (Environment) advised that meetings had taken place with all gypsy traveller families early on in the process. Views were taken and the responses focussed around children attending local schools and the requirement to maintain links with GP surgeries. The Authority was not in a position

to consult on sites until the shortlist of 5 was derived. It was highlighted that families chose not to involve the Gypsy Traveller Council in the process.

A question was asked regarding the methodology for deciding the appropriateness of a site. The Corporate Director (Environment) stated that many local authorities were examining gypsy traveller provision and adopting different methodology. All types of approaches would be broadly the same and need to comply with guidelines.

A question was asked regarding the level of confidence in the assessments that had been undertaken. The Corporate Director (Environment) advised that the assessments were accurate.

**RESOLVED** that:

1. The Corporate Director (Environment) provide a copy of the presentation to Committee Members; and
2. The Corporate Director (Environment) confirm timescales in relation to the meetings with the gypsy & traveller community and what emerged from that consultation.

[Note: concern was expressed by members of the public regarding their ability to speak and contribute to the scrutiny process. The Chair advised that a press release had been issued which detailed the process for members of the public to submit questions and/or evidence to the committee].

**116. TIMETABLE OF WORK.**

The timetable of work was submitted for information.

**RESOLVED** that the timetable be approved.

**117. DATE AND TIME OF FURTHER SPECIAL MEETINGS (ALL AT 4.00 P.M.):**

**RESOLVED** that the date of the next Special Meeting of this Scrutiny Committee be held on Monday, 24 March, 2014 at 4.00 p.m.

The meeting ended at 5.10 p.m.

**CHAIR**

**M**

**3 April 2014**

**Scrutiny Programme  
Committee**

**Report(s) & Minutes**



## Report of the Chair

### Special Scrutiny Programme Committee - 3 April 2014

#### GYPHY TRAVELLER SITE SEARCH – CONSULTATION PROCESS AND OUTCOMES

<b>Purpose</b>	The third evidence session from officers will focus on the consultation process and outcomes.
<b>Content</b>	The following officers will attend to present information to the committee: <ul style="list-style-type: none"><li>• Reena Owen (Corporate Director)</li><li>• Patrick Arran (Legal Services)</li></ul>
<b>Councillors are being asked to</b>	Consider the information presented as part of the committee's review of the process, and ask questions.
<b>Lead Councillor(s)</b>	Vice-Chair of Scrutiny Programme Committee.
<b>Lead Officer &amp; Report Author</b>	Brij Madahar, Scrutiny Coordinator Tel: 01792 637257 E-mail: <a href="mailto:brij.madahar@swansea.gov.uk">brij.madahar@swansea.gov.uk</a>

#### 1. Introduction

- 1.1 For the committee's information the following was contained within the report to Council on 21 October 2013:
- 1.2 The consultation commenced in December 2012 to allow for a minimum period of consultation of 12 weeks which is regarded as best practice.
- 1.3 The consultation process included web pages that confirmed:
  - The rationale for the work.
  - The legislative framework in place.
  - Details of the assessment procedures adopted.
  - The site filtering criteria applied.
  - Details of all Council owned land that had been reviewed.
  - Outputs from the assessment.
  - The minutes of the Task and Finish Group meetings.
- 1.4 Hard copies of the consultation and reference materials were placed in the central and local libraries and Civic Centre for those who could not access the Internet and drop in sessions were arranged in the Civic Centre for those who wished to discuss specific queries/issues directly with an officer.

- 1.5 The consultation period of over 12 weeks finished on the 31 March 2013. There were 3218 submissions presented either in electronic format via the website or in written format.
- 1.6 All responses were entered onto an electronic database so that the comments made could be responded to and the views and responses published. A hard copy was placed in the Central Library, relevant local libraries and at the Civic Centre reception for reference and viewing by appointment for those without access to the Web. A copy was also placed in each of the Member group rooms.
- 1.7 Details of all the consultation comments made and the responses provided can be viewed on this link [www.swansea.gov.uk/sgtsreport](http://www.swansea.gov.uk/sgtsreport).
- 1.8 A summary of the consultation results was included in the report to Council.
- 1.9 The committee is asked to consider the information presented by officers as part of the committee's review of the process, and ask any relevant questions.

Date: 27 March 2014

Legal Officer: Nigel Havard / Patrick Arran

Finance Officer: Mike Hawes

**Background Papers:** Committee Members are advised that all the results of the consultation were reported in the Council report of 21 October 2013.

Section 4 – Overview of the public consultation process

Section 5 – Outcomes and overview of the results of the public consultation process

Section 6 – Overall points from consultation responses

Section 7 to 11 – Comments relating to specific sites

Section 12 – General comments relating to all 5 shortlisted sites

Section 16 – Petitions

Section 18 – Gypsy & Traveller Views

The report can be accessed here for reading:

<http://www.swansea.gov.uk/sgtsreport>

**Appendices:**

At the last meeting the Committee asked how and when the Gypsy / Travellers families were consulted. A response from officers is appended.

### Consultation with Gypsy Traveller Families

1. Consultation has been undertaken at various points both informally and formally from officers' recollections, over the years.
2. The minutes of 4 formal meetings on 1<sup>st</sup> May 2007, 7<sup>th</sup> September 2012, 17<sup>th</sup> July 2013 and 19<sup>th</sup> July 2013 are available for inspection by members of the committee. However in view of the confidential nature of the discussions regarding the families' individual circumstances it is not appropriate to circulate these minutes.
3. The summary of the views of Gypsy Traveller families were outlined in section 18 of the report to Council on 21 October and the content of that section follows for Members' information:

#### **Gypsy and Traveller Views**

An important part of the process following Welsh Government Circular guidance was to establish the views of the Gypsy and Traveller community, which will be a relevant consideration in any decision as to where the site should be located. Discussions with the families have taken place to ascertain their preferences in terms of location. Whilst it is not being suggested that the Gypsy and Travellers dictate where a new site would be located, if it is to be successfully used to avoid ad hoc illegal encampments around the area, their views have to be factored into the considerations. Paragraph 18 of Welsh Government Circular 30/2007 highlights the fact that when identifying sites the local planning authority should work with the Gypsy and Traveller community. Similarly Paragraph 9.1 of the Welsh Government guidance Good Practice Guide in Designing Gypsy Traveller Sites in Wales highlights the fact that it is imperative that local authorities consult with Gypsies and Travellers and relevant representative organisations and individuals from the initiation of a proposal through to the completion stage. Local authorities should take into consideration the expectations and aspirations of Gypsies and Travellers, subject to due regard to the need to provide for the migratory way of life of Gypsies and Travellers in Wales.

The three main Gypsy and Traveller families who are assessed as having either present or future needs have confirmed that they do not generally use public transport and the positioning of bus routes is not of concern to them. Equally transportation and travel to doctors, dentists and shops would not be an issue for them and this is no different to residents who already live in an area.

Gypsy and Traveller children on the official site are visited by Health visitors and where necessary this can be arranged for those children on the tolerated site and others. Adults are registered with different GP

Practices throughout the area and receive medical care as other residents do. Many children are also registered with GP's.

Whilst some children would start to attend local schools as they achieve school age, others who are already in school would, if moved by the Council to live elsewhere, continue to attend faith schools or the schools where they are presently registered and the only issue is the distance that children would have to travel to the schools which are presently located in the Morriston, Trallwn and Bonymaen areas. Transport costs incurred are met by a Welsh Government grant which covers the educational needs of Gypsy and Traveller children. As younger children achieve school age they would attend local schools unless their siblings are already schooled elsewhere, in which case they could also attend those same schools subject to capacity.

All families have confirmed that they would not seek to use a site, wherever located, for business purposes (scrap storage or processing).

One of the families originally only wished to consider possible extension of the existing facility at Ty Gwyn which is not possible due to space and flood plain considerations. This family, who have no housing needs during the next 5 years, are not shown in the table below but indicated that they would prefer Swansea Vale followed by Penderry as a 50/50 choice but did not like the Cockett site or Gorseinon.

Discussions took place in September 2012 and again in July 2013 to check current perceptions and the results are established below:

Site	2	6	9	17	19
	Cockett	Melin Mynach	Gorseinon Cemetery	Swansea Vale	Penderry

#### Family A

Sept 12	-	Y	N	Y	N
July 13	Y	N	N	Y	N

#### Family B

Sept 12	Y	-	-	Y	N
July 13	50/50	N	N	Y	50/50

- Y = indicates interest
- N = indicates not considered acceptable
- = indicates no views given
- 50/50 = indicates of partial interest



During the consultation process, two further Gypsy or Traveller families have become known to officers, one in Birchgrove and one in Cockett/Fforestfach. The 2013 Gypsy and Traveller Housing Needs Assessment confirmed that these families have no immediate housing needs requirement. The extended family at Cwmbach Road state that they are adequately accommodated at present but may need expansion/alternative sites in the next 10-15 years. The family at Birchgrove have temporary permission to develop their own site and have confirmed that they have no needs for Council accommodation.

## CITY AND COUNTY OF SWANSEA

### MINUTES OF THE SPECIAL SCRUTINY PROGRAMME COMMITTEE

HELD AT COMMITTEE ROOM 1, CIVIC CENTRE, SWANSEA ON  
THURSDAY, 3 APRIL 2014 AT 4.00 PM

**PRESENT:** Councillor A M Day (Chair) Presided for minute no. 118 only.

<b>Councillor(s)</b>	<b>Councillor(s)</b>	<b>Councillor(s)</b>
A C S Colburn	N J Davies	A J Jones
D W Cole	P Downing	P M Meara
A M Cook	E W Fitzgerald	R V Smith
J P Curtice	J E C Harris	

**Also Present:**

R Owen	-	Corporate Director (Environment)
P Arran	-	Head of Legal, Democratic Services & Procurement

**Officers:**

D Smith	-	Directorate Lawyer
B Madahar	-	Scrutiny Co-ordinator
S Woon	-	Democratic Services Officer

118 **ELECTION OF VICE CHAIR.**

Councillor A M Day, Chair, sought nominations for the election of the Vice Chair of the Scrutiny Programme Committee for the 2013 – 2014 Municipal Year.

**RESOLVED** that Councillor R V Smith be elected as Vice-Chair for the 2013 – 2014 Municipal Year.

**COUNCILLOR R V SMITH (VICE CHAIR) PRESIDED.**

119 **APOLOGIES FOR ABSENCE.**

Apologies for absence were received from Councillors J W Jones, M Thomas and Mrs S Joiner.

In response to a question the Scrutiny Co-ordinator confirmed that apologies were recorded on the basis that all committee members were entitled to attend for the election of vice-chair.

120 **DISCLOSURES OF PERSONAL & PREJUDICIAL INTEREST.**

**Councillors:**

Councillor D W Cole - personal - Minute Nos. 123 and 124 - Ward Member from Penyrheol which abuts two of the five previously nominated sites.

Councillor A M Cook - personal - Minute Nos. 123 and 124 - Ward Member from Cockett - one of the wards that was shortlisted.

Councillor J P Curtice - personal - Minute Nos. 123 and 124 - Ward Member from Penyrheol which abuts two of the five previously nominated sites.

**Officers:**

R Owen - personal - Minute Nos. 123 and 124 - stepson lives in Llansamlet in a position overlooking one of the shortlisted sites.

121 **MINUTES:**

**RESOLVED** that the minutes of the Special Scrutiny Programme Committee held on 20 February, 2014 be accepted as a correct record.

**RESOLVED** that the minutes of the Special Scrutiny Programme Committee held on 6 March, 2014, be accepted as a correct record subject to the following amendments:

**Minute No. 113 – Apologies for Absence**

Councillor D W Cole explained that he and other Members' were prevented from attending the meeting due to conflicting diary appointments.

**Minute No. 115 – Gypsy & Traveller Site Search – Criteria for Site Selection/Explanation of Site Sieve Process**

Additional text to be included following the resolutions in a paragraph entitled [Note]:

“Councillor P M Meara explained that in view of the short notice and lack of briefing for this role, he was not prepared to consider the issue of co-option or to allow questions from the public at this meeting. He was also unwilling to take any organisational decisions which would tie the hand of the future Chair”.

122 **MATTERS ARISING.**

A debate ensued regarding co-option of others on to the committee for this work.

**RESOLVED** that the issue of co-option be placed on the agenda for decision at the next meeting of the Special Scrutiny Programme Committee.

123 **EVIDENCE SESSION: GYPSY & TRAVELLER SITE SEARCH - CONSULTATION PROCESS AND OUTCOMES.**

The Vice Chair reiterated the terms of reference of the scrutiny investigation in relation to the robustness of the process to identify a Gypsy & Traveller Site.

The Corporate Director (Environment) referred to both the consultation process and the outcomes report to Council and Cabinet. She advised that there had been extensive consultation which had been the largest consultation exercise the Council had been engaged with. The consultation process spanned three months and was available electronically via the website and in paper copy format. Councillors were afforded the opportunity to examine the report and information on the Authority's internet pages.

Over 3000 responses, including petitions had been received and answered. Officers were available to talk Members through the information.

Committee members were offered the opportunity to view the notes of the consultations held with the Gypsy & Traveller Families.

All the responses received were summarised into section 6 of the report to Council. The 18 views of Gypsy Traveller families were repeated in Appendix 1 of the Council report.

The conclusions of a Senior Officer Panel was detailed in section 27 of the Council report.

The Executive Board considered the report and provided recommendations for consideration by Council. The council report took into account other relevant factors in addition to the consultation responses, including housing needs assessments, site titles and restrictive covenants, and asset values.

124 **OUTSTANDING QUESTIONS ARISING FROM OFFICER EVIDENCE.**

A question was asked in relation to a press release issued in August 2009 which detailed the mixed business and residential use proposed for the greyhound track (in the UDP) which would be carried forward to the LDP.

The Corporate Director (Environment) advised that she did not recall the press release. She detailed the purpose and lifecycle of the UDP and its link to the LDP which would supersede the UDP. From a planning policy perspective the Committee were told that the reference for the second site search (which started in 2010) was the UDP in terms of looking at land for housing, and the site in question was identified as being positioned within the urban area (white land) in the UDP, and therefore could be looked at within the site search. The criteria that had been agreed by Cabinet was for housing land allocated in the UDP. She highlighted that whilst the status of land uses may change from one plan to another, the LDP was not expected to be in effect until 2017. The Committee was advised that any detailed

questions about the UDP/LDP process would need to be raised with relevant planning officers.

A question was posed regarding the number of sites that had been identified on Peniel Green Road.

The Corporate Director (Environment) stated that a written response would be provided to this question.

A question was asked regarding the minutes of the Special Scrutiny Committee held on 20 February, 2014, wherein it was agreed that a chronology of consultations with Gypsy Traveller families would be provided for Members.

The Corporate Director (Environment) confirmed that Members would be able to examine the notes of the meetings.

A question was asked regarding paragraph 18 of the report in relation to consultation with Gypsy Traveller families and the fact that Gypsy Traveller families had discounted some sites, however, the issue was raised as to why they were still put forward for consideration and not removed at any early stage in the process.

The Corporate Director (Environment) stated that discussions had taken place with families at the beginning of the process and it was understood that their broad preference was to stay where they were, though this was not written down. The result of this would have been the search for a site would have been restricted to one ward. Members however had requested that all Council owned land be examined and this was subsequently agreed by Cabinet. It was not possible to consult in detail with Gypsy Traveller families until the search for a site and site sieve had identified a short-list of options, however the authority remained in contact with the gypsy and traveller community throughout the process. It was therefore only at the later stages that views about specific sites were known. What bearing this information might have on the future process was an issue that needed to be considered. The Corporate Director stressed whatever guidance is followed there is still a judgement call to be made about the most suitable site which Gypsy Traveller families could utilise, and this will be based on numerous factors not simply the preference(s) of the gypsy and traveller families.

A question was also asked about whether there had been any wider consultation with the gypsy and traveller community, aside from the specific families directly affected, and whether any consultation response they had provided could be distinguished as such from responses from the general public.

A question was asked regarding the involvement of anyone not associated with local government in the process.

The Committee was informed that Geoff White had been asked to carry out an independent external professional review of the site selection process followed and, although he was linked to local government, he was not associated with the City & County of Swansea.

A further question was raised about comments he made in his report about the elimination of contaminated land.

The Corporate Director (Environment) referred to the difficulties associated with shortlisting contaminated sites in relation to no budget provision for any remedial works that may be associated with the site. The process had to be rapid given the ongoing issues with unauthorised encampments. Therefore the exclusion of sites on the basis of contamination was pragmatic to reduce time / cost in dealing with such issues and progress the site selection.

The Head of Legal, Democratic Services and Procurement referred to the various factors which formed part of site consultation process. An element of which was the views of Gypsy Traveller families. He advised that the consultation process had been undertaken properly and weighting was not a legal matter. Additionally, the issue of weighting could not be taken into account until Cabinet considered the final report and was at the point of decision. He was satisfied that the process had been robust. Of course the authority needed to take account of views as there would be no point in establishing a site which would not be used.

A question was asked regarding the role of Council in the decision making process.

The Head of Legal, Democratic Services and Procurement advised that Council were involved as a consultee not as a decision maker and it would be wrong for Cabinet to accept or disregard Council's views.

A question was asked regarding the consultation process and whether this process had generated public unrest which in turn made it difficult to gain public acceptance.

The Head of Legal, Democratic Services and Procurement stated that he did not accept that the consultation process had created public unrest and highlighted the importance of everyone having the opportunity to provide comments. He added that the high level of interest vindicated the extensive consultation exercise undertaken. He reiterated from a legal perspective the Council had followed correct process.

A question was asked regarding community cohesion and whether any work had been undertaken to promote Gypsy Traveller issues.

The Corporate Director (Environment) referred to the work undertaken by the Safer Swansea Partnership (as one of its priorities) in relation to community cohesion regarding myth busting, public relations and responding to perceptions. It was accepted that more work needed to be done as a priority to ensure community awareness and understanding to counter any discrimination

A question was asked regarding housing needs assessments and how this informed the site search.

The Corporate Director (Environment) referred to the good practice guidance and detailed the rationale for the particular size of a site that was sought (0.5 ha or above). This could site between 10-12 pitches based on current identified needs and potential for future years. Reference was also made to discussions with Gypsy

Traveller families regarding their requirements. It was clarified that although a number of the shortlisted sites were significantly larger than 0.5 ha the exact location of any proposed gypsy & traveller site would be covered in the planning application stage as well as other details about the siting.

A question was asked in relation to the overview report from Chief Executive, page 35 which detailed the court judgement and the reason for the site search. It was felt that the judgement did not refer to provision by this Authority in arriving at decision made by court. Therefore, it was contested whether the lack of site provision was the real issue.

The Head of Legal, Democratic Services and Procurement referred to the basis of the judgement which focussed around certain assurances given by the former Cabinet Member. He refuted any suggestion that there was no need to seek an alternative site. He referred to the 1980's case where the Judge had ruled that the Authority could not obtain possession unless there was a site to accommodate Gypsy Traveller families. The advice from the QC had also stated that unless there was an alternative site, the Authority would not win possession. A request was made to view Counsel's opinion on the 2009 Court Judgement.

The Head of Legal, Democratic Services and Procurement confirmed that Scrutiny Programme Committee Members would be able to view Counsel's opinion.

The Corporate Director (Environment) referred to section 1 of Council report, which detailed the families living in and around enterprise zone in the last 25 years who had moved around the area substantially. There was a statutory obligation placed on the Authority to assess the needs and identify how these needs are to be addressed.

125 **TIMETABLE OF WORK (DATE AND TIME OF FURTHER SPECIAL MEETINGS TO BE CONFIRMED).**

**RESOLVED** that the Scrutiny Co-ordinator liaise with Members and circulate details of the date of the next meeting, which will deal with evidence from a number of members of the public and other councillors who have submitted a request to speak to the committee.

The meeting ended at 5.15 pm

**CHAIR**





**N**

**23 April 2014**

**Scrutiny Programme  
Committee**

**Report(s) & Minutes**



## Report of the Chair

### Special Scrutiny Programme Committee - 23 April 2014

#### GYPSY & TRAVELLER SITE SEARCH PROCESS – EVIDENCE SESSION

<b>Purpose</b>	The fourth evidence session will focus on evidence from members of the public and other councillors who have contacted the committee.
<b>Content</b>	Arrangements have been made for the following persons to give evidence to this committee meeting: <ul style="list-style-type: none"><li>• Keith Jones</li><li>• Councillor Uta Clay</li><li>• Councillor Penny Matthews</li><li>• Tony Beddow</li></ul>
<b>Councillors are being asked to</b>	Consider the information presented as part of the committee's review of the process, and ask questions.
<b>Lead Councillor(s)</b>	Councillor Robert Smith, Vice-Chair of Scrutiny Programme Committee.
<b>Lead Officer &amp; Report Author</b>	Brij Madahar, Scrutiny Coordinator Tel: 01792 637257 E-mail: <a href="mailto:brij.madahar@swansea.gov.uk">brij.madahar@swansea.gov.uk</a>

#### 1. Introduction

- 1.1 A series of special meetings of the Scrutiny Programme Committee are being arranged to review the process adopted to date in the search for a second gypsy and traveller site so that the committee can consider whether the process, leading up to the report to Council on 21 October 2013, was robust. The committee will be looking at the quality of that process, and may identify any learning points about the process, and recommend any changes for the future as appropriate.
- 1.2 The committee is gathering evidence for this work. Initial meetings have enabled the committee to hear from officers involved in the process who have provided an overview of the process and legal framework and information on the criteria and method of site selection, the consultation process / outcomes, and the role of officers.
- 1.3 The committee was also keen to ensure that members of the public and other councillors not involved in the committee were provided with opportunity to engage with this work.

## **2. Call for Evidence**

- 2.1 The committee issued correspondence that would enable interested persons to:
- suggest questions about the process that was followed to help the committee ask the right questions at its meetings
  - submit information / views in writing about the process that was followed that they wish to bring to the committee's attention
  - if preferred, appear before the committee to give oral evidence about the process.
- 2.2 The committee raised awareness of this invitation through specific correspondence sent to all councillors, a press release which appeared on the council's website and local newspaper, and correspondence sent to members of the local gypsy and traveller community.
- 2.3 Those wishing to respond to this invitation were directed to contact the scrutiny team at the Civic Centre by email or print.

## **3. Response**

- 3.1 The following persons have requested to appear before the committee to their evidence / views about the process:
- Tony Beddow
  - Keith Jones
  - Hilary and Tom Jenkins
  - Phillip Robins
  - Lawrence Bailey
  - Councillor Uta Clay
  - Councillor Jennifer Raynor
  - Councillor Penny Matthews
- 3.2 Correspondence was also received from Councillor Bob Clay making suggestions about the sort of people who might be able to help the committee in its understanding of the whole issue, who the committee may wish to call as future witnesses. He wanted to explain to the committee what each of these people might be able to tell the committee. *(Note – Councillor Clay has also expressed a wish to be co-opted onto the committee – which is being dealt with elsewhere on the agenda for this meeting).*
- 3.3 In order to manage the business of the committee and taking into account the availability of those wishing to give evidence, the evidence indicated above will be dealt with over committee meetings as follows:

Wed 23 April:

- Tony Beddow
- Keith Jones
- Councillor Uta Clay
- Councillor Penny Matthews

Further meeting(s) – date & time to be confirmed:

- Hilary and Tom Jenkins
- Phillip Robins
- Lawrence Bailey
- Councillor Jennifer Raynor
- Councillor Bob Clay (*subject to the committee's decision on co-option*)

- 3.4 The purpose of the session is for the committee to listen to the evidence that is presented and ask questions in order to clarify anything that is said. It may also guide the future work of the committee. The committee will have the opportunity to reflect on all evidence gathered in due course in order to draw conclusions.

Date: 11 April 2014

Legal Officer: Nigel Havard  
Finance Officer: Carl Billingsley

**Background Papers:** None

**Evidence to Scrutiny Committee April 23rd 2014**  
**Travellers Sites : Author Tony Beddow**

**1. My background**

- Executive Director of West Glamorgan Health Authority from 1982 - 1996 (including 4 years as Chief Executive) undertaking similar consultation exercises on local health matters
- Senior Fellow at Welsh Institute for Health and Social Care (University of Glamorgan) 1996-2007 with experience of advising public bodies in aspects of public consultation
- Now Visiting Prof at University of South Wales with much experience of
  - a) assisting public bodies undertake such exercises
  - b) acting as a consultant to various bodies seeking help in responding to such consultations

For the record, my evidence and my observations in respect of the consultation process is as an informed member of the public. Many of you will know that I also have been active politically in Swansea since 1997 and in that capacity I have also been aware of other relevant matters. I do not intend to draw upon that experience today. However, if you feel that this might be useful, I am happy to try to assist at a further time.

**2. Interests**

2.1. I make clear I have no preference for one site over another. My interest is in seeing good public administration undertaken and my first enquiries about this process were on 1st May 2012 when I sought information about it from the Chief Executive. I have four inter-related concerns about the process witnessed from March 2010 to the present.

2.2. (I mention - but do not intend to concentrate further upon - a 5th area of concern which is the image that your scrutiny process has presented to the wider public. You appear to have found it difficult effectively to scrutinise a process largely shaped by the previous administration which, as the Opposition, may now be seen as the prime custodian of Scrutiny. It may be perceived therefore that there is some motivation for not unearthing too many skeletons (should they exist). The current administration too may have questions to answer, although it has stated publicly that the work done on the process used to select sites has, on its watch, been solely by officers without any political interference or guidance. If so, questions fall to officers to address.

2.3. Given 2.2. above, you may wish to ponder on whether topics of this kind would benefit from being overseen by an external / independent resource.

2.4. I turn now to the four inter-related aspects of this process upon which I wish to concentrate.

a) First I posit that the March 2010 Cabinet paper was a major plank in this whole process. In my view that paper correctly advised that work be done to rank sites that might be suitable to house further traveller pitches. Yet by August this was changed to a less robust approach.

b) Second, I examine the resulting (and less clear) process actually employed.

c) Third, I question whether the Council was ever clear about exactly what problem it was seeking to address or consult upon. My contention is that the less than clear process employed, and the imprecise definition of the question / problem posed, both stemmed from the change of approach between March and August 2010.

d) Finally, it has been claimed that the work done has been externally assured in two ways. First it was checked by a professional from outside the Authority who pronounced it sound. Second, I'm told that Council has external legal advice that the process met Gunning principles. I merely observe that given misgivings about the robustness of the process that emerged when the officer recommendations came to Council and Cabinet - and the rejection of the officers report - you may wish to probe further, the robustness of the assurances thus given.

### **3. Issues raised**

#### **3.1. March 2010 and August 2010 Cabinet papers**

3.1.1. The Cabinets in March and August 2010 addressed the process whereby it would be decided where further traveller provision would be located.

3.1.2 The paper in March was clear and specific about the terms of reference of the proposed T&F group. It would carry out a study of all Council owned land with a view to determining the best place for further pitches. (There is a separate matter about whether looking only at Council owned land was too restrictive - and you are aware of this - but not looking more widely did not seem to be fully justified in the papers). Crucially, the aim was to RANK the best site options. The term "rank" is important<sup>1</sup>. It implies that the different features - of several as yet unknown locations - would be compared and the locations placed in order of suitability. To do this, a common methodology that allows such comparison would be needed. One such methodology was explained in the critique of the process I prepared for Councillors on 11th October 2013. There are many current examples where such approaches have been employed - e.g. the recent consultations on re-locating hospital services in both South Wales and West Wales.<sup>2</sup>

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<sup>1</sup> Various definitions of the term "rank" can be found. They commonly refer to "defining a relative position or degree of order in a graded group"

<sup>2</sup> See *Your Health, Your Future*, Hywel Dda Health Board, 2012 (and [www.hywelddahb.wales.nhs.uk/Consultation](http://www.hywelddahb.wales.nhs.uk/Consultation)) and *Together For Health : South Wales Programme, Towards a Preferred Option*, Opinion Research Services, April 2013

3.1.3. However, by August, the terms of reference changed. Instead of ranking locations, the revised paper merely promised to produce a report on options.

I make the following points in this regard.

3.1.3.1. Had a ranking process been followed - as I believe was correctly proposed at first - it would have needed a robust methodology requiring officers and / or politicians to be explicit about the significant criteria that would distinguish between different locations. Whatever criteria were chosen (cost, speed of delivery, extent of local opposition or support, resilience to future change etc) would be listed and weighted. If this had been done, a clear position would, for example, have been taken at the start of the process as to whether acceptability of a site to travellers was seen as more, or less, important than its acceptability to its prospective host community.

3.1.3.2. Quite apart from the fact that such an approach is a recognised way of doing these exercises<sup>3</sup>, what is equally important is that the officers choice of criteria would be made clear and these, and the weights given to them, would both form part of the consultation. The public would get to see what the Council thought was important and could suggest different criteria or different weighting of that criteria. (I return to this later when considering the Gunning principles).

3.1.3.3. For every site emerging as a front runner, how well it met each criteria would then be scored. Again, when consulted, the public might offer alternative views about the scores given.

3.1.3.4. In summary, such an approach demands that clear thinking is used to consider carefully the key factors that will shape a final decision - and how different sites compared.

3.1.3.5. I struggle to understand why a recognised methodology was not used and can think of only four reasons why this might be so. These are:

3.1.3.5.1. **A better approach was used.** I would find it difficult to discern any methodology that was applied - let alone one superior to that I've outlined.

3.1.3.5.2. **The task would be too difficult to do.** I would find this explanation unconvincing as it is inevitable that some kind of both qualitative and quantitative assessment would be needed and thus the issue is whether the task is to be done well / badly and overtly or covertly.

3.1.3.5.3. **Making clear the criteria being used would have been embarrassing.** For example, if at the beginning of the process officers had proposed that the greatest weight should be given to the views of travellers (as now appears to be the reality) one might predict the response of some consultees when this decision was placed alongside policies such as those relating to offering choices of location to people awaiting housing.

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<sup>3</sup> See for <http://www.dfpni.gov.uk/eag-the-weighting-and-scoring-method>. Department of Finance and Personnel Northern Ireland, Guide to Expenditure Appraisal.



**3.1.3.5.4. A clear comparative approach - explained at the outset of what was likely to be a process of learning and discovery - might provide a hostage to fortune IF a desired outcome had already formed in the minds of officers (or politicians).**

3.1.4. I observe that fear of embarrassment and the possibility of a pre-determined outcome seem more likely explanations.

3.1.5. I would encourage you to be satisfied that you understand to the reason why such a methodology wasn't used and request that you satisfy yourselves on three aspects:

- What changed between March and August?
- Will you call for the background papers and officers notes used drafting these papers - and recall officers - so that you might understand why the change occurred?
- Did the officers propose such a change, and why - or was it a political decision?

## **3.2. Methodology used to compare**

3.2.1. I have already alluded to the wisdom of having some methodology by which the different location or site options might be compared. IF the outcome of the search that started in August 2010 was unknown, there was every likelihood that the sites that came forward would have very different characteristics and some such methodology would enable robust comparison.

3.2.2. Some would be costly to create, some less so. Some would have high opportunity costs, some less so. Many, perhaps all, would be strongly opposed by local people or businesses and such opposition might be easily satiated - or not. Such characteristics might be described as "political" in nature and considered not easily measured by abstract metrics. However, I would contend that all such criteria could be weighted and then the sites scored as part of an open assessment process that was being consulted upon.

3.2.3. In her evidence to you on 6th March I recall Ms Owen listing the factors that were known to be relevant. These included availability, costs, and acceptability to potential users. It is not then a question of key criteria being unknowable at the beginning of the exercise. Likewise, how well the different sites were felt to fulfil the criteria (scoring) has also been described to you.

3.2.4. What is at issue is whether the subjective and opaque application of "judgement" was better than an openly described and quantified approach, or was indeed the only approach possible.

## **3.3. Lack of clarity of "the issue" that public is being asked to consider**

3.3.1. Throughout the process, it was never clear (at least to me) precisely what was being consulted upon and, at different stages, what the public was being consulted about appeared to change. In the main the issue was framed

in terms of "seeking a second site". But it became clear that a second site might not, in some circumstances, meet "need". So I urge you to be clear that you know what the consultation was about.

Was it to choose one further location at which a finite number of permanent pitches would be housed?

Was it to choose one further location where both additional permanent and transient pitches would be created?

Or was it to decide how best to provide a number of permanent pitches sufficient to meet "need" - which could require several additional sites to be considered if current guidance on the maximum size of such sites was to be observed?

Or was it to decide a location to house further pitches that would be seen as the Council meeting its legal duty to provide more sites?

3.3.2. A precise description of the "problem" is important because - if a robust methodology is employed - how the problem is described will determine what criteria are used to compare different options. For example, if the aim is to provide enough capacity to meet future "need" on one additional site only, then one would expect a criteria along the lines of "The site must be able to house numbers higher than those predicted" to be applied and weighted. Another issue is the mixing of permanent and transient families. One might imagine that a site for a settled community only would interact differently with its neighbours from a site housing transient users as well.

3.3.3. The final matter concerning site selection relates to the concept of "need" itself. The consultation paper accepts that the mathematical forecasting of future need is an inexact science. What also became apparent during the process is that quite apart from predicting the movement / requirements of different families, it was not clear if families who had been offered, but declined, vacant pitches were still able to be deemed to be "in need". Finally, it was not clear whether the "currency" used to measure need was pitches, people or families. I would urge you to be satisfied that you understand clearly what "need assessment" meant in the evaluation process.

### **3.4. Gunning test and other external oversight-legal and independent**

3.4.1. It is well established that public consultation has to meet certain standards commonly referred to as the "Gunning Test" or the Sedley principles<sup>4</sup>.

3.4.2. The essentials are that decision makers should approach consultation with care where a subject is controversial - as is the case here. While decision

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<sup>4</sup> For example see <http://www.adminlaw.org.uk/docs/18%20January%202012%.20Sheldon.pdf>

makers have discretion in how they undertake consultation, that discretion is not unhindered. Four tests are applied:

- a) the proposal must be at a formative stage OR, if a preferred proposal, the decision maker must still have an open mind
- b) sufficient reasons must be put forward to allow intelligent consideration and response about the issue and specifically those consulted must be aware of the criteria that will be applied when the decision maker considers the proposals and which ones are deemed decisive or important
- c) there must be adequate time for consultees to respond
- d) the feedback from the consultation must be taken into account.

Additionally, the Court may intervene if a reasonable option - the use of land in private ownership perhaps - had not been considered.

3.4.3. In respect of the four tests I have no concerns about the time allowed for consultees. I have some concerns about the extent to which responses were taken into account - partly because of the confusion about the roles of Cabinet and Full Council in making a decision. The confused paper (Item 11a) to Council in April 2013 was unfortunate.

3.4.4. However, I do have serious concerns about the process in respect of whether the public were given clear information about both the question being posed and the criteria that the decision maker would regard as significant. I contend that, largely because no recognised methodology was used, the final consultation paper was imprecise about the problem Council was seeking to address and thus was unclear about the criteria that Cabinet / Council would employ to distinguish good solutions from less good ones.

3.4.5. With this in mind, I am surprised that the three reviews of the process - one internal, one involving a senior officer from outside the authority, and one a legal opinion, all concluded that the process used was robust.

3.4.6. You are urged to acquire and test the advice that was given by the external assessor. I also ask you to call for the legal opinion and test that it explains in detail why my concerns about failure to adhere to the Gunning principles are baseless.

#### **4. Conclusion**

I have outlined my concerns about four aspects of the process used to address the shortfall in traveller pitches. These aspects are:

- a) the change in approach between March and August 2010 which in my view then
- b) led to a less than clear definition of the problem Council was seeking to address and thus to an inadequate process for addressing it, which
- c) created an approach which in my view did not meet the legal test implied by the Gunning principles.

d) Finally what I, and apparently Council / Cabinet deemed to be a flawed process, had nevertheless been signed off by two different external quality assurers.

I have urged you to pursue five things.

1. . You may wish to ponder on whether, in future, scrutiny of topics with this mix of challenges could benefit from external / independent oversight.

2. I wish you to understand and be satisfied with the reason why a recognised methodology wasn't used as indicated in March 2010 and request that you satisfy yourselves on three matters:

- What changed between March and August 2010?
- What was in background papers and officers notes used in drafting these papers - calling officers involved so that you understand why the change occurred?
- Was the change a political or officer decision?

3. I wish you to be clear about whether the consultation was :

- to chose one new location at which a finite number of additional permanent pitches would be housed?
- to chose one new location where additional permanent and transient pitches would be created - sufficient to meet future "need"?
- about how best to provide the number of permanent pitches that the travelling community will "need" - which might require several additional sites to be provided if guidance on the maximum size of such sites is to be observed?

4. I want you to be satisfied that you understand what "need assessment" meant and how it was used in the evaluation process.

5. I ask you to obtain and test the advice that was given by the external assessor about the robustness of the process and also ask that you see the external legal opinion clearing the process that could re-assure you that my concerns about its adherence to the Gunning principles are misplaced.

## Gypsy and Traveller Presentation by Mr Keith Jones

(April 2014)

### THANK YOU MR CHAIRMAN COMMITTEE MEMBERS

I did send to you a presentation that I was proposing to use when speaking to you, however events changed and this presentation is an updated version of my views; I do however stand by the conclusions and recommendations that I put in my previous circular to you.

I would like to let you have copies of this presentation because I have used a number of references to reports and their appendices as well as those of other documentations and you may find it helpful in using these references when you draw your conclusions at the end of this particular part of the process.

### FIRSTLY

Gypsy's and travellers are classified in the same grouping for purposes of their ethnicity, by both the WAG and local authorities.

However, due to their differing lifestyles as well as their accommodation needs, including facilities, most gypsy families would prefer to be located at separate sites to the travellers. Discussions I have had with members of two families confirm this view.

I feel that, in a future search, officers should state whether sites are to be used by a particular category rather than as a **gypsy and traveller** site. This would benefit public discussions on the matter.

### NOW TO DETAIL

In the report by the Head of Housing at this authority dated 25<sup>th</sup> October 2012; in **Section 6 Key Findings**, he states in paragraph 3:

“The independent reviewing officer agreed with the recommendation made for all 19 of the shortlisted sites which included the 5 sites on the final shortlist. This was following clarification of a number of issues by the planning officer and a further check undertaken with the head of planning for Neath/Port Talbot Council”

However Mr. Geoff White, who is head of planning at Neath/Port Talbot Council with over 30 years of experience, states in his report (undated):

“The detailed sieve of the 19 eliminates some sites because they **fail** on certain criteria such as **access** or **UDP designation.**”

Whose version is the correct one and if Mr. Whites is then why were some sites put in the final 19 if they failed criteria. These authorities' officers set themselves as listed in **Appendix A** of the report to the **EGM** on **25<sup>th</sup> October 2013.**

I quote these:

Item 4; headed site constraints – UDP designation.

Item 14; headed highway issues – Access

Mr. White in his report states that “I am familiar with this type of selection process having been involved in such a selection process in Neath/Port Talbot.”

This demonstrates that the selection process for the last 19 was not done thoroughly.

“The Head of Housing states that their review of 2 years’ work was carried out in just 3 days with an admittance that they had to rely on planning advice and other assurances from officers.” (Ref Head of Housing Report 29/10/12 Sections 1.2/1.3).

They did not have time to visit any of the sites which, I would have thought, was essential in order to put the report in context with practical applications on the ground.

### **MY RECOMMENDATION**

That any future reviews should be carried out by an outside company of **planning and development consultants** who are familiar with this type of process and that they are given the time and resources they need with access to all documentation as well as interview facilities with this involved in the process.

I do not believe that independent reviewers should be; quote **“relying on planning advice and other assurances from officers”**, whose decision making they are reviewing.

### **The Next Issue**

In September 2012 the three main gypsy families were consulted about their preferences for site location and a chart was issued showing their preferences. All three were adamant that they would not even consider sites Gorseinon Cemetery or site 15 Penderry. When questioned by this committee, Mrs. Owen stated that despite this, these 2 sites were left in because the views of the families were only part of the process.

Had I been allowed to ask questions at the time; besides one asked by the committee which was:

“If gypsy’s won’t go to a selected site, how do you make them?”

I would like to have asked:

If 2 sites had been eliminated by March 2012, and I refer to a meeting of the Task and Finish Group on 8<sup>th</sup> of that month – agenda item 5A of which the minutes of the meeting include the following; state –

**“It was emphasized that if members disagreed with the suitability of the remaining sites (the final 5) than any of the others discounted earlier could be reconsidered.**

**The pros and cons of the 5 sites were discussed and their suitability’s assessed. It was considered appropriate by members that 3 sites go forward as being considered suitable.**

**The Head of Services recommended that members visit all 5 sites for completeness before finalizing their thoughts.”**

**My questions would have been:**

1. Why were these 2 sites not replaced by others from the list of 19 which were claimed to be potentially suitable?
2. What is the logic in pursuing a consultation process which includes 2 sites which have affectively been eliminated?

3. Why were the third gypsy families preferences not included in the 2012 Survey? Although they stated that they would not require accommodation for at least 5 years, by the time this process is over 5 years will have elapsed.

I would urge against any more gypsy family surveys, because if they keep changing their minds then the information that they give would have to be considered as unreliable.

Consultation – yes

Surveys – no

Next I feel that the process should now change to being linked to the LDP rather than the UDP as it is the LDP which will have to include provision for the gypsy and traveler sites.

The LDP update 2014 – online 6<sup>th</sup> March – notes that the Planning Policy Team has been finalizing the preferred strategy document, which will be presented to council members this spring/early summer. The final version of the preferred strategy will underpin the draft LDP which should be published in 2015.

In the report for the EGM, 21<sup>st</sup> October 2013, section 7.2 responds to the comment that (relating to site 2) **“There are future long term aspirations for the development of the area which is currently being considered as part of the LDP preparation.”**

By saying

**“Until the plan is adapted in 2016, these potential proposals have no official status. Nevertheless, it does highlight the requirement to balance future aspirations against current designations/demand prior to the identification of site(s) for the planning application stage.”**

The gypsy site issue needs to be considered in relation to the LDP and potential sites need to avoid being considered in strategic areas of this plan because doing so would cause severe disruption in such sensitive areas.

In the Q&A session on April 30<sup>th</sup>, Mrs. Owen stated in reply to a question from a committee member about the effect that a gypsy site might have on business in an area;

“Information from other authorities shows that things tend to settle down once a site becomes established.” Standard quote in consultation replies.

I would like to have asked the following:

1. Which authorities said this?
2. When and how was it communicated to you?
3. What were the distances between any such sites and businesses?
4. Was this confirmed by the businesses concerned?

In Swansea, some businesses are already holding back on development plans until the outcome is decided.

#### **FOR EXAMPLE**

#### **REFERENCE CONSULTATION SUBMISSIONS APPENDX B1 – PAGE 393 ONLINE**

Harris Brothers – who are owned by the Micheldever Tyre Group who are the UK’s largest independent tyre dealer with 1/6 of the total market – have had a £300,000 development put on hold – planning permission having been granted previously.

## **APPENDIX B1 – ONLINE PAGES 1140 – 1144**

Bakeart, a leader in cake decoration manufacture who supply major supermarkets as well as small outlets, who were intending to relocate their factory from North East England to Fforestfach to be near to their Swansea HQ in the Kingsway Fforestfach; have delayed the move and have said it will not go ahead if a site is located nearby.

**Appendix G** gives many businesses views on their attitude to the location of a site near to them and their thoughts on the effect it would have on their business and their staff numbers.

My question would be:

“Are the council prepared to risk losing businesses and jobs in Swansea? There are plenty of towns who would welcome them if they decided to relocate.”

I now refer to the number of pitches proposed and the associated traffic movement.

In its replies to consultation comments, officers talk about the relatively small of the site. The **WAG** and **gypsy forums** recommend 10 as the optimum number.

However in her comments to the committee, Mrs. Owen recognized a number of 20 in due course.

This would equate to a approximately 200 extra traffic movements per day. This would severely impact on highway issues, especially in an area such as Fforestfach which already has severe traffic limitations.

The estimated traffic movement is taken from figures given by S. Gloucestershire Council in the case of an application for a site at Hall end, north of Bristol near Wickwar.

Such a site would dominate the nearest settled community which is against WAG and HC9 Policy.

Finally, an item which gives me great concern.

## **THE CONSULTATION PROCESS**

Consultation – act or process of consulting

Consult – seek information or advice – take into account

Responders – over 3200

No. of website pages - 3808

Fictional Person – John Smith

You want to see the response to your concern. First go to Appendix B1-B6 – whichever appropriate – then trawl through up to 1679 pages to locate a submission with your initials.

Initials not in any obvious sequence, e.g. SL – CW.

If you find them – B16 IF – are they relating to you? Why couldn't a computer put them in alphabetical sequence?

If you have not given up and you find your comments, you will almost certainly find that you have been wasting your time because the chances are that it will have one of a number of standard responses given to it which have been used to cover a variety of comments on any given subject, e.g. Highways, security etc.



If the officers could not disagree with your comments the following would usually be a standard answer:  
“Comment Noted” or “This is unlikely to succeed as a planning objection”

Not a single agreement with a comment.

e.g. “This seems a sensible point, we will consider further”

All of the references made in order to support officers replies are vague and cannot be confirmed

ODPM 2006 – Office of Deputy Prime Minister

Nner Et Al 2005 – Pat Niner

Joseph Rowntree Foundation in Scotland

The Planning Exchange – Charity in Scotland – 5 Trustees / 1 Secretary

The release of the consultation results should have taken 3 months but eventually took over 6 due to the tremendous response from both the public and businesses. This obviously upset the planned timetable which was to get the matter out of the way before the end of the year and possibly the imminent retirement of two senior officers with involvement in it.

It s worth noting that the responses to comments sometimes contradict established facts, for example:  
Site 2 Site Plan Public Transport 823 meters away (just over ½ mile which exceeds WAG guidelines)

Answer to comment:

“It is considered there is reasonable transport provision within the vicinity of the site, Gypsy and Traveller families more often than not have private means of transport”.

The only conclusion that can be drawn is that the council have failed to find a suitable location for a gypsy or traveller site which could be considered suitable for the families or acceptable to residents or businesses.

The comments in my written report stand that consultation responses should be dealt with by outside experts rather than by officers, who are defending their own work and who so not have open mind on the subject, still stands.

## **EVIDENCE FROM COUNCILLOR UTA CLAY TO CITY AND COUNTY OF SWANSEA SPECIAL SCRUTINY PROGRAMME COMMITTEE ENQUIRY: GYPSY TRAVELLER SITE EVALUATION PROCESS**

First, preparing for this session has been seriously undermined by the failure of the Council's IT over the long Easter weekend.

XXXXXXXXXX

In my view your terms of reference are seriously restrictive and I have spent some time reflecting on the extent to which I can offer information and perspective about these matters whilst remaining within your terms of reference.

Part of my problem is that I have come to have a view which I share with a number of others, which effectively argues that this process was deeply and, may be, hopelessly flawed from the start. It is possible to have a robust process that was nevertheless deeply flawed. The overwhelming view amongst all those in the Llansamlet ward who have taken a close interest in these matters, is that the fundamental flaw in the process was that it gives the appearance that **it was designed to come to one conclusion which was that there should be a further legal Traveller site in Llansamlet.**

This does NOT imply a highly organised and secret conspiracy, but it is the result of historical embarrassments, questionable legal opinion, incompetence, inertia and a lack of attention to detail by some politicians.

When I first confronted this perspective around two years ago I rejected it as a kind of community folk myth with little evidence to support it. So I can state quite openly that the experience since then has led me more and more strongly to the very painful conclusion that those who regarded the whole process as a muddle and a sham, have a very serious point.

### **West Glamorgan 1986**

Chronologically the start of this process is the agreement – whether legal or political matters not – that allowed the establishment of the official Ty Gwyn site at Pant y Blawd Road in the 1980s. I shall leave it to other witnesses to explore that in more detail. I simply want to make the point that whatever the motivation, an election leaflet containing a commitment to the people of Llansamlet in the 2012 election – with a specific reference to the 1986 West Glamorgan Agreement – created a situation which inevitably led to an increase, both in volume and intensity, of the feeling that there should be no further sites in Llansamlet. This was an early example of the process making the situation worse because the criteria which included the possibility of a site in Llansamlet contradicted the undertaking given in the election.

I do appreciate why some members may feel some embarrassment and for some almost a “state of denial” about this matter. But this Committee at least needs to appreciate how much that contributed to widespread community resistance to any further site.

Was the process robust? No, because it failed to clarify or explain why the criteria did not exclude Llansamlet. Maybe an explanation could have been given but, unfortunately, it never has been.

## Task & Finish Groups

The term “member-led Task and Finish Group” has been used repeatedly including in officer reports to Cabinet. If this was truly member-led there needs to be an explanation as to why the **views of the first TAFG, who did not wish to shortlist two of the five of the officer nominated sites, was overruled.** By March 2012 (over two years ago) the officers had produced the shortlist of five, but on and off for the next eighteen months denied its existence or simply emphasised that no final decision had been made.

**We have yet to be told whether the second TAFG set up by the current administration was ever informed that their predecessor had rejected two of the five sites.** It is disappointing that amongst many other matters, this was not raised with Reena Owen before she left.

**More fundamentally, there is a view that the use of a TAFG for this process was unlawful.** These are highly complicated matters but of critical importance. I am supplying you with a note written by a highly experienced legal specialist (**document no1**). I stress that this was provided as friendly assistance and not as a result of formal Instructions. However, its views correspond closely to a formal opinion expressed by Acuity Legal Services in Cardiff. It should also be said that Swansea’s Head of Legal Services refutes these arguments.

I am not suggesting that your Committee should adjudicate on this matter but I am strongly suggesting that **you should find some way of hearing independent advice from outside the Authority before you decide the crucial question of whether the use of TAFGs by the old administration and the present one, made the process robust.** There is a strong argument that you should take the latter view.

The other key point about the use of these groups was that since they had no standing in law or the Council’s Constitution, from where did Officers derive the authority to bind all the members to secrecy? This placed my ward colleague, Penny Matthews in a dreadful position during the election campaign, where the matter was continuously raised because of the Swansea Evening Post leak (which we now realise was completely accurate).

A further point is this: the first TAFG went on one site visit tour and never got off the bus. In the case of Llansamlet, they did not even have a view of the proposed site. The second TAFG made no site visits at all. The first TAFG did not visit any sites that might have been alternatives to the five shortlisted. Can this really have been a robust process?

## Scrutiny

I have supplied you with a copy of a Chair’s letter that I sent to Cllr Burtonshaw on 25<sup>th</sup> October 2012 (**doc 2**). By the time she replied on 5<sup>th</sup> November (**documents 3a & 3b**) the scrutiny system had been changed and I was no longer a chair or on the new Programme Committee. I think you will see that a **number of the concerns raised in the Chair’s letter resonate with questions still being asked.**

When examining the Cabinet report referred to we find that the key questions about secrecy (1) and Community cohesion (7) have no response at all. Members of your Committee have already raised the question that it might have been better to have some plans for mitigation in place before sites were chosen and you can now see from my evidence that the same point was made well over one and a half years ago.

Some of the other replies about timetables and funding have no clear response and it is interesting to note that at para 3.6 (**3b**) there is the suggestion that the final decision would be made by Council. We were subsequently told that “Council” meant “Cabinet”.

The Committee may share my view that Cllr Burtonshaw’s response fell far short of what would have been expected

This was not robust.

Furthermore, I had wanted an enquiry to probe questions like:

- The choice between a policy of concentration in one area compared with a policy of dispersal into small sites throughout Swansea (the policy of the old West Glamorgan County Council).
- The wisdom and legality of the way that a TAFG had been used in this process.
- Where the balance should lie between the wishes of Travellers and the wishes of the rest of the community

**The committee did not see these as questions to be raised at that time. I think that was unfortunate.**

### **Who was in charge ?**

I urge the Committee to clarify who was **politically in charge of this process**. If the answer were “no one” then that in itself would put a very big question mark over its robustness. It might be argued that the cabinet member for Place was in charge throughout the period of the current administration. However, Cllr Burtonshaw argued from time to time that she was not. (Living in Cockett and representing Penderry did pose some questions.) Cllr Burtonshaw stated from time to time that Cllr Nick Bradley, the Chair of the second TAFG, was in charge of the process, but Cllr Bradley firmly repudiated this. In reality, since under Swansea’s constitution all executive authority is delegated to the Leader, the Committee might take the view that Cllr Phillips was in charge. However, it is also on record that responsibility for the process rested with officers alone.

**I urge the Committee so seek clarity on this fairly fundamental issue so that appropriate questions can be addressed to whoever was in charge of the process.**

### **Needs Assessment**

The needs assessment conducted by housing officers is at the heart of the whole site selection process. Other than a transit site it determines the size and number of sites deemed to be required. The needs assessment presented to the special meeting of full council last year set out the need for 10 pitches currently and potentially another 25 within 5 years. (Please see the relevant **document 4** supplied by the officer responsible.) These could broadly be characterised as

- a. The family on the illegal but tolerated park and ride (P&R) site.
- b. The forecast future requirements arising from the expansion of the family occupying the official at site Pant y Blawd Road.
- c. The requirements of another family who had left the official site some years ago, (and then the illegal but tolerated site,) were considered to be covered by the Cardiff court judgement and who have been camping illegally around the enterprise park on and off for years.
- d. People from Gorseinon, Morrision and Birchgrove who may have a requirement at a future stage.

Council was told that the identification of the need for 10 pitches with the possibility of some additional contingency and, may be, some pitches for transit Travellers, meant that the maximum size of site required was one with 20 pitches. Conveniently this is widely regarded as about the upper limit to which one can stretch Welsh Government guidance, which recommends an optimum number of 12 pitches per site.

Some of the major problems with this approach are that transit pitches on sites with permanent pitches is problematic and leads too frequently to unnecessary conflict. The expansion of the park & ride family could very easily take the assessment past the estimated provision (there are currently 17 caravans on the illegal but tolerated site and the Council's Traveller Liaison Officer assures us that they are all members of the P&R family). (Document 5)

A planning inspector in granting permission for a private site of four pitches at Drummau House on Birchgrove Road (for the family described as Scott Pit Cottage) ruled that the planning consent would only last until the Council had provided sufficient accommodation for the applicants to go to. The Planning Inspector also took the view that the Council's needs assessment was seriously underestimating the pitches that would be required in Swansea. The Council did a new survey, came up with more or less the same numbers as previously and a senior officer cheerfully told the four Llansamlet councillors that the Inspector's views were "nonsense". We might agree that the Planning Inspector has it wrong but it is a very big leap of faith to assume that, when the Welsh Government evaluates our needs assessment (as will be required by law from 1<sup>st</sup> January next year), they will agree with our housing officers rather than the Planning Inspector.

The Needs assessment total 35 pitches possibly needed 5 years from now

The Committee might seriously ask itself whether there has been a strong tendency to bend the facts to suit the argument. The point is that if one believes all the Council's own arguments we could be looking for two or three new sites as well as a separate transit site. That would have implied an entirely different public consultation and selection process to the one we have been through.

HOWEVER, I would argue as follows:

1. The Inspector's report on Drummau House could be disregarded for the time being since there appears to be no progress on that site and there are good reasons to believe that the planning application may have been somewhat speculative.
2. Although part of the family (who had left the P&R) reappeared illegally in the enterprise park in the Easter holiday, the truth is that their permanent home is now believed to be on a site near Birmingham where they have been since last December. Indeed, the report that the Chief Executive presented your Committee with at your first session was inaccurate because he did not appear to know that that family had left the area. Surely, we are not looking for pitches just in case these people return? And would we regard people who had left Swansea and then come back at a later time as being a priority for council housing?
3. Possible future requirements for Travelling showmen are also extremely hypothetical. Up to now these people are occupying Private sites.
4. The realities on the ground, which the more senior officers of our authority sometimes fail to realise, are far more important than the more abstract formulations that they deal with. The strong likelihood is that expansion of the Panty Y Blawd family will be dealt with in one way or another by the that family and their need for additional pitches elsewhere is seriously hypothetical. This takes us back to the needs of the P&R family on the 'park and ride' site and it was the perceived need to find new alternative legal accommodation for them that dramatically escalated the extremely relaxed approach prior to the Cardiff court decision into far more focussed activity after it.

5. On the basis of the current information from the Traveller Liaison Officer there has already been a doubling of the requirements for the Park & Ride family. This means that either the needs assessment presented to Council little more than six months ago is nonsense, or there are a large number of people on the Park and Ride Site who have no right to be there. Furthermore the head of the P&R family has been explaining to Police Officers that he is expecting to be joined by more of his family in the coming weeks.

### **A Transit site**

At this point can I emphasise to the Committee how unclear the process has been about the whole question of a transit site?

It is Travellers passing through Swansea and parking illegally in the enterprise park for periods from a few days to a few weeks, particularly in the summer when heading to and from Ireland via ferries, that has caused the most concern to local residents and businesses. It is often these encampments that leave excessive litter and damage behind them which is strongly resented by the settled Traveller community since they are often blamed.

As I have pointed out elsewhere, it would be sensible to plan for a transit site to be separate to any other sites and it would also have been sensible to discuss the possibilities for this with neighbouring authorities along the M4 corridor. **On the question of a transit site the process is a serious failure.** I would suggest this is a further indication that in reality, this process has been about the Park and Ride family and little else.

### **Park and Ride**

The Committee should know that on several occasions, at the insistence of ward councillors, vacant pitches at the official site have been offered to the P&R family (and the family who have been illegally camping in the Enterprise Park) who have turned them down. This re-occurred only a few months ago when three pitches were available. I have yet to receive a logical explanation as to why the housing officers who manage the Pant y Blawd site and who see no point in continuing to offer vacant pitches to these families because they are bound to refuse, have not achieved some joined up thinking with the other housing officers who continue to produce assessments stating that the Pant Y Blawd family have a need.

I do not accept the argument that unless there are sufficient pitches for all the P&R family, they are entitled to reject the offer. This would not be the case with council house tenants.

During the site visits that preceded the special meeting of full council last year, when asked why a particular site was not appropriate, the Traveller Liaison Officer replied “because the Travellers won’t live here”. The head of the P&R family has told myself that he has no intention of moving anywhere else from his current location. Similar intentions have recently been shared with a Community Police Officer.

A growing number of people are concluding, rightly or wrongly, that whatever may have been said in other meetings, the reality is that it is increasingly unlikely that the Council would be able to get an eviction order against the P&R family even if suitable accommodation was available elsewhere. Remembering my earlier remarks about longstanding assumptions in the Llansamlet community, what is now emerging is not just that the Council will be unable and will not try to move the P&R family anywhere out of Llansamlet, but that they may not be able to move the P&R family anywhere else in Llansamlet either. (Please understand that I would not welcome that outcome, but I am strongly challenging the Council to clarify this issue.)

The Committee has already begun to explore why there was not far greater clarity about ‘the rights of the Traveller families’ before the selection process started. The worst thing that can happen is that we end up with a new site and the problem of the illegal but tolerated site continuing.

I do not want to appear to have a closed mind on this matter but I would argue that the Committee should discuss very carefully the **Cardiff court judgement, which, it seems to me, has a lot more to do with the errors of an officer in the preparation of a crucial report to the cabinet than the formulation that the P&R family cannot be moved until the Council has found another site.** In any case, if this were the key issue then there is not only the point about the vacant pitches declined at Pant y Blawd Road but also the question of whether that family have shown any interest in the four pitches that could be available at Drummau House if the planning consent were realised.

The Committee might take the view that this was not a robust process because the main reasons given for needing further sites are **far more in doubt than has been acknowledged along the way.** No legal officer has stated with any confidence that the existence of a further site will make an eviction order a strong probability. The formulation has nearly always been that the chances would be better than would otherwise have been the case.

### **Peniel Green Road Site: Ludicrous and Two Sites**

The **seriously inappropriate character of the sites at Peniel Green Road** is in itself a major indication that this was not a robust process. As one colleague put it during the site visit, “if you come up with such a silly answer it can’t have been the right question”. Some of you will recall the incredulity of colleagues when we had overcome the officers’ reluctance to actually walk onto the site and people started to ask how on earth anyone had taken this proposition seriously.

An indication of the process not being robust was the Council’s response to the carefully researched, authoritative and detailed technical response by former council leader, Lawrence Bailey. There was no meaningful reply to the major fall backs and contradictions that he illustrated.

I shall leave it to others to elaborate on how this sloping, sodden field, very close to residential housing, resisted by the Council’s own Economic Regeneration Department, with electricity pylons, disused mine workings, proximity to a railway line and no access road could ever have got to a shortlist of five, let alone two.

However, I do want to make one specific point. **This was not one site, it was two.** Here was another fundamental flaw in the process. No one knew which site we were being consulted about. One site would have had a shorter access road but a far more difficult sewage solution and it is clear from working papers that were not published in the consultation, that there were evaluation of two different sites, just like the two sites at Gorseinon. If someone argued that the site was too near the houses on Peniel Green Road, they were told that the site could be at the bottom of the field. If someone argued that the site at the bottom of the field would require major alterations to Gwernllwynchwth, they were told that the site could be at the top of the field, and so on.

Only part of the site was designated for housing and another part was committed to a joint enterprise that would require the Welsh Government’s approval to release it. Whichever obstacle was raised, the goal posts were promptly shifted somewhere else.

As I have already argued, the shortlisting of this site and lack of clarity about it, rendered the process far from robust. Indeed, so inappropriate was it that increasing numbers who were following this saga, began to advance the theory that Peniel Green Road was a “decoy” and that at a suitable juncture the Council would finally revert to “square one” and propose that the P&R family should simply remain officially at the park and ride site and that planning approval should be sought.

Some of us could see this coming and in consideration of withdrawing a Councillor's question to the Cabinet member for Place, there was a meeting between the four Llansamlet ward members, Cllr Burtonshaw and various officers - Reena Owen, Martin Saville, Patrick Arran. Cllr Burtonshaw's "assistant" (Cllr. Clive Lloyd) was also present.

We asked if, when the report and recommendations went to full Council, we would be given an outline of the Peniel Green Road proposed site with **clear boundaries** as would be required for a planning application. We were told that although there would be no internal layouts shown, if the site was shortlisted the boundaries, (ie the precise location within the huge area) would be made clear. **This did not happen.** On the day of the site visit a somewhat embarrassed Mr Saville had to explain, pointing to a layout of the whole area, that the site would be "somewhere between here and here", pointing to the top and the bottom of the field.

As explained at the start, I am not endorsing conspiracy theories. However, it is clear to me that there were officers who were very unhappy about Peniel Green Road but did not regard it as their place to say so. There were officers, and may be some politicians, who would have preferred the impasse to go on forever, ("it's already taken 28 years since 1986 to find the second site, what's wrong with another 10?"). Some people thought that the main point of all of this was "to be seen to be doing something" to avoid a kicking from the Welsh Government.)

Those officers who were of the view that there was an inevitability to the P&R family staying at the Park and Ride would not be particularly concerned about these strange diversions and those with considerable authority, but little time to assess the details, were simply unaware of the mess that was accumulating.

### **Pant y Blawd Road**

At full council Jimmy Gilheany advocated the expansion of the existing site at Pant y Blawd Road as a solution to the problem. The 'line' from officers has always been that this is not possible because there is a flood risk.

**The Committee should ask whether the Council has ever received formal advise that Natural Resources Wales would object to the extension of Pant y Blawd Road.** If there is such advice, you should ask to see it and study its terms. My researches indicate there was no such advice.

But in any event, what would be the cost of further flood defence works that would cause the existing site to have less of a flood risk as well as an extension. (Might such works cost less than a new site elsewhere? Would there not be significant funding from Natural Resources Wales as well as the Welsh Government? I am taking no position as a ward councillor on what view I would have on such a proposal. But it does seem to me that the next step in this process should be a clarification of the position at Pant y Blawd Road. However, there would be little point in that process going much further without a clear understanding that the P&R could then be required to move there. **I simply put it to the Committee that they should seek an explanation as to why that elementary step cannot be taken.**

As things stand, the suspicions grow that in reality the **whole site evaluation process has been an exercise to postpone the fundamental question of whether the family can be moved from the Park and Ride** and, of course, the longer this goes on the more difficult it will be for the Council to move them.



## Llansamlet

The strange thing about this process from the start has been the atmosphere, the unwritten rule, the 'culture' that seems to imply that the people who should be taken least notice of are the elected members and the residents of Llansamlet. You may believe that this is not specifically to do with the 'robustness of the process' but the level of pressure on those anxious to point out the errors and misinformation as we went along, has been enormous. I have found it distressing and at times, it has made me quite ill.

It is beyond argument that this is the ward that has the only official Traveller site in Swansea, has tolerated the illegal site and has been subject to almost countless other illegal encampments. Is it not patently obvious that these are the people who would have taken the closest interest in the whole process and would have been best placed to challenge its failings.

The longer these issues remain unaddressed the greater will be the feeling that this process not only failed to be fair and robust but, in some respects, became thoroughly nasty and increasingly corrupted.

Cllr. Uta Clay  
Member for Llansamlet  
April 23<sup>rd</sup>, 2014

# The Status of Task and Finish Groups

## 1 Background

The Cabinet of the authority has resolved to establish a task and finish group comprising a majority of members of the majority party group and a minority of members from each of the other groups on the Council, to review work undertaken to date in implementation of a Cabinet Policy decision on an executive function and to report back to Cabinet with recommendations on the further implementation, including recommendation of preferred sites for development.

The phrase "Task and Finish Group" does not exist in local government legislation, so we need to try to work out what sort of animal it is.

## 2 The Task and Finish Group cannot be a Committee or Sub-Committee of Council –

Section 101 of the Local Government Act 1972 provides that Committees must be appointed by Council, and Sub-Committees must be appointed by Committees. If it was a Committee or Sub-Committee of Council it would have to be appointed in strict proportionality to the strengths of the various party groups on Council, and it would be subject to the access to information requirements of Sections 100A to K of the Local Government Act 1972, requiring the advance publication of the agendas and reports, listing background papers, and the approval and publication of minutes at the next convenient meeting of the Task and Finish Group, and the public right to attend the meetings of the Task and Finish Group, unless it resolved to exclude press and public on the basis that it was about to consider "confidential" or "exempt" (as defined in Schedule 12A of the Local Government Act 1972) information. It would appear that this has not been done.

## 3 The Task and Finish Group cannot be a Sub-Committee of an Overview and Scrutiny Committee –

Section 21 of the Local Government Act 2000 provides for Council to establish Overview and Scrutiny Committees, and for Overview and Scrutiny Committees to be able to establish Overview and Scrutiny Sub-Committees. The functions of such Committees and Sub-Committees can include reviewing the discharge of executive functions and making recommendations to Cabinet, and an Overview and Scrutiny Committee or Sub-Committee would normally be subject to proportionality and so could comprise members of both the majority and minority parties.

However, Overview and Scrutiny Committees must be appointed by Council, and Overview and Scrutiny Sub-Committees must be appointed by Overview and Scrutiny Sub-Committees, not by Cabinet, and Section 21(9) provides that such Committees and Sub-Committees may not include any member of the Cabinet. Further, Overview and Scrutiny Committees and Sub-Committees are subject to exactly the same rules on access to information, publication of agenda and reports and public access to meetings as any other Committee or Sub-Committee of Council.

## 4 The Task and Finish Group cannot be a Committee of the Cabinet –

Section 15(4) of the Local Government Act 2000 provides that the Executive Leader may himself discharge any of the executive functions or may arrange for the discharge of any of those executive functions by the Cabinet, by another member of the Cabinet, by a

Committee of the Cabinet or by an officer of the authority. However, a Committee of the Cabinet can only comprise members of the Cabinet. There is no power in the Local Government Act 2000 which enables a Cabinet Committee to co-opt persons onto the Committee who are not members of the Cabinet, in contrast to Section 102 of the Local Government Act 1972 and the power to co-opt onto Committees of Council. It would be possible to set up a Committee of Cabinet comprising a defined number of members of the Cabinet and then invite other members to attend and speak at meetings of the Cabinet Committee, but the non-Cabinet members would not be able to vote on the Cabinet Committee. Also, as a Cabinet Committee, the Task and Finish Group would be subject to the requirements of the Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) Regulations 2001, Regulation 4 of which only permits the exclusion of press and public by resolution, where the meeting is likely to consider confidential or exempt information, and Regulation 5 of which requires the prior publication of the agenda for each meeting, together with any reports which the Proper Officer has not judged to disclose confidential or exempt information.

**5 So, what is it?**

The answer is that it is not a legally recognised body, and so cannot have delegated to it the discharge of any executive or non-executive function of the authority and cannot make a decision or recommendation in its own name.

At best, it is an ad-hoc group of Councillors who are to be consulted by an officer before the officer takes a decision or makes a recommendation back to Cabinet.

**6 Does it matter?**

It would appear that the process under which the evaluation was undertaken by Task and Finish Group was unlawful and so no valid recommendation can have been received by the Cabinet from the Group.

It may be possible for the Cabinet to remedy the defect by itself repeating the evaluation process on the basis of the information provided to the Task and Finish Group by officers.

In order to persuade a Court of Law to declare the process and the decisions which are based on that process to be invalid, it would be necessary to demonstrate that there was a real injustice, which might be the case if affected persons or groups were denied the opportunity to make representations and influence the evaluation and decision-making process which they would have had if the process had been properly undertaken by a lawfully constituted body complying with the statutory requirements, for example on access to meetings and to information, or if it could be demonstrated that the improper composition of the Task and Finish Group was likely to have affected the outcome of the evaluation and the Group's eventual recommendation. Mere procedural irregularity will not normally succeed as a basis for judicial review in the absence of demonstrable injustice.

2



**CITY AND COUNTY OF SWANSEA**  
**DINAS A SIR ABERTAWE**

**Councillor June Burtonshaw**  
**Cabinet Member for Place**  
**Civic Centre**  
**Oystermouth Road**  
**SWANSEA**  
**SA1 3SN**

*Please ask for:*  
*Gofynnwch am:*

**Overview & Scrutiny**

*Direct Line:*  
*Llinell Uniongyrochol:*

**01792 637257**

*e-Mail*  
*e-Bost:*

**scrutiny@swansea.gov.uk**

*Our Ref*  
*Ein Cyf:*

**SSC/2012/2**

*Your Ref*  
*Eich Cyf:*

*Date*  
*Dyddiad:*

**25 October 2012**

Dear Councillor Burtonshaw,

**Stronger & Safer Communities Scrutiny Board – 1<sup>st</sup> October 2012:**  
**Work to Identify & Evaluate Potential Gypsy Traveller Sites**

At our last Board meeting a discussion took place in relation to amending the Work Plan timetable and bringing forward a session to ask questions about the work to identify potential Gypsy Traveller Sites.

I raised some concern about this issue and felt the Board should ask questions to gain clarification about the process that is being followed by the Authority. The Board was, however, mindful of not duplicating work, and the appropriate timing to look at this issue. It was appreciated that things may still be at an early stage.

The Board decided that, for the time being, they did not wish to agenda an examination of this issue. However, it was agreed that we should instead write to you requesting clarification on the latest position in respect of work to identify potential Gypsy Traveller Sites. It is important that the Authority has a transparent and robust process, and that this matter is progressed without delay, with clear targets.

There are a number of important issues and questions that we would like bring to your attention, as follows:

Cont'd....

**OVERVIEW & SCRUTINY / TROSOLWG A CHRAFFU**  
**CITY AND COUNTY OF SWANSEA / DINAS A SIR ABERTAWE**  
**CIVIC CENTRE, SWANSEA, SA1 3SN / CANOLFAN DDINESIG, ABERTAWE, SA1 3SN**

1. There has been widespread interest in the evaluation process currently being conducted by Newport City Council and it would be helpful if there could be some explanation as to why it has been deemed appropriate for Swansea to adopt such a different approach. Most importantly, it would be helpful if we could have an explanation of why there has been such secrecy as to the sites being shortlisted when this has been done in such a transparent manner in Newport.
2. Could we and the public have some indicative time table for a process that will lead, say, to the submission of a planning application for a site or sites?
3. At what point would the public consultation on any proposed sites commence and what would be the minimum likely period for such consultation? (The uncertainty relating to these matters is creating considerable alarm in some communities and is enabling some people to argue that, if they do not express their opposition now, it will be too late).
4. Does the Member Task & Finish Group (established by Cabinet on 5 July 2012) still exist and if so, what is its ongoing role? (A number of letters and press statements have given the impression that there is now a process involving council officers and some form of independent assessment. The lack of clarity leads to further unnecessary fear and suspicion).
5. Does the Cabinet expect to review any report from the Task & Finish Group, officers or independent assessors or will a recommendation go directly to full Council? (A number of members have gained the impression that it is intended that recommendations go to full council by the end of this year. If this were the case it clearly highlights the previous point about the need for some kind of timetable since it is difficult to see how there could be a full public consultation if that were the deadline).
6. There is also a belief that there is a deadline at the end of the current financial year which has to be met in order to qualify for some kind of grant aid. If this is the case, it is important that this should be made clear so that all interested parties understand the time pressure now influencing the process.
7. Finally, there is a much wider point about the scope of this process. Wherever a new site or sites are located, there is going to be inevitable community concern and resistance. (It is unarguably the case that for several years the main interest that politicians have shown in this matter is to resist sites being located in their own ward). Currently, there does not appear to be any work in preparation to maximise opportunities for community cohesion, tolerance and avoidance of unnecessary conflicts. It may be appropriate for the Equalities Committee, the Education Service and may be some other council departments to be preparing contingency plans and it may also be necessary to allocate funding, not only for the

eventual site preparation but for the community cohesion issues I have mentioned.

The Board would be grateful for your response to this letter.

Yours sincerely,

A handwritten signature in black ink that reads "Uta Clay". The signature is written in a cursive style.

**COUNCILLOR UTA CLAY**

Chairman, Stronger & Safer Communities Scrutiny Board

✉ [uta.clay@swansea.gov.uk](mailto:uta.clay@swansea.gov.uk)

cc: Cllr Clive Lloyd, Vice-Chair  
Reena Owen – Corporate Director (Environment)  
Head of Public Protection – Martin Saville



CITY AND COUNTY OF SWANSEA  
DINAS A SIR ABERTAWE

Councillor Mike Day  
Chair of Scrutiny Programme Committee

Please ask for:  
Gofynnwch am:  
Direct Line:  
Llinell  
Uniongyrchol:

Councillor June Burtonshaw  
(01792) 636926

E-Mail / E-Bost:  
Our Ref / Ein Cyf:  
Your Ref / Eich  
Cyf:  
Date / Dyddiad:

[june.burtonshaw@swansea.gov.uk](mailto:june.burtonshaw@swansea.gov.uk)  
JEB/JW

5 November 2012

Dear Councillor Day

**RE FORMER STRONGER AND SAFER COMMUNITIES SCRUTINY BOARD – 1<sup>ST</sup>  
OCTOBER 2012  
WORK TO IDENTIFY AND EVALUATE POTENTIAL GYPSY TRAVELLER SITES**

I would refer to the letter dated 25<sup>th</sup> October 2012, from the former Chair of the former Safer and Stronger Communities Scrutiny Board.

In response, I would refer you to a recent report to Cabinet (a copy of which is attached), which sets out the approach to be followed with respect to the Identification of Additional Gypsy Traveller Site provision within the City & County of Swansea.

Yours sincerely

**COUNCILLOR JUNE BURTONSHAW  
CABINET MEMBER FOR PLACE**

**COUNCILLOR/Y CYNGHORYDD  
JUNE BURTONSHAW  
CABINET MEMBER FOR PLACE  
AELOD Y CABINET DROS LEOEDD**

CABINET OFFICE, CIVIC CENTRE, OYSTERMOUTH ROAD, SWANSEA SA1 3SN  
SWYDDFA'R CABINET, CANOLFAN DDINESIG, HEOL YSTUMLLWYNARTH, ABERTAWE SA1 3SN

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## Report of the Cabinet Member for Place

Cabinet – 1 November 2012

### APPROACH TO THE IDENTIFICATION OF ADDITIONAL GYPSY TRAVELLER SITE PROVISION

<b>Purpose:</b>	To seek Members endorsement of the approach to be followed with respect to providing assurance on the work carried out to date regarding the identification of additional Gypsy and Traveller sites and to agree the way forward with respect of the public consultation.
<b>Policy Framework:</b>	Gypsy Traveller Policy, Housing Act 2004, Planning and Compensation Act 2004, Welsh Government Circular 30/2007
<b>Reason for Decision:</b>	To endorse the approach proposed and the proposed programme of public consultation.
<b>Consultation:</b>	Legal and Finance.
<b>Recommendation(s):</b>	It is recommended that:  a) Cabinet endorse the approach outlined in paragraph 3.0  b) A Member drop in session is arranged prior to the commencement of the Public Consultation.  c) A public consultation exercise is commenced seeking opinions on the outcomes of the exercise so far.  d) The consultation process include web pages that confirm: <ul style="list-style-type: none"><li>• The rationale for the work</li><li>• The legislative framework in place</li><li>• Details of the assessment procedures adopted</li><li>• The site filtering criteria applied</li><li>• Details of all Council owned land reviewed</li><li>• Outputs from the assessment</li><li>• The minutes of the Task &amp; Finish Group meetings.</li></ul> e) The results of the consultation exercise are reported back to Council for consideration in deciding which, if any, sites are taken forward for planning permission.
<b>Report Author:</b>	Martin Saville, Head of Public Protection
<b>Finance Officer:</b>	Kim Lawrence
<b>Legal Officer:</b>	Debbie Smith



## **1.0 Background**

- 1.1 Members will be aware that a Member led Task and Finish Group was originally set up in August 2010 to identify potential sites for provision of new Gypsy & Traveller accommodation and that the Group was reconstituted in May 2012. The work of the Task & Finish Group was necessary to comply with the Council's statutory duty to consider the housing needs of Gypsy Travellers and to make adequate accommodation provision for these needs.

## **2.0 Work of the Member Task & Finish Group**

- 2.1 The work of the Task & Finish Group involved looking at all Council owned land within the City & County area. Stage 1 of the filtering exercise centered on the exclusion of sites that suffered from defined constraints including flooding issues and being positioned within environmental designated areas which culminated with the identification of 1006 sites. Stage 2 ventured further to exclude sites that were contrary to agreed site specific constraints detailed at Appendix A, such as being below a site size threshold (more than 0.5 ha), highway and leasing issues. This reduced the number of appropriate sites down. These sites were then further refined during Stage 3 with the application of Welsh Government legislation/guidance and an appreciation of the provisions of Policy HC9 (Gypsy & Traveller Caravan Sites) of the Unitary Development Plan which resulted in a realistic number of site options being presented.
- 2.2 All of the Stage 2 filtered sites were assessed individually and their suitability was tested in recognition of the likely requirements associated with their consideration via the planning application process. The sites were assessed for their relative accessibility to key services, such as medical, retail, education and transportation provision/facilities
- 2.3 Identification of site(s) will help the Council provide adequately for the needs of Gypsy Travellers and assist in dealing with the ongoing issue of unauthorised encampments. There are examples around the country where Councils have dramatically reduced the stress, disturbance and expenditure on unauthorised encampments through the provision of authorised and well managed transit and permanent Gypsy Traveler Sites.

## **3.0 Proposals**

- 3.1 Given the sensitivities in this process, it is proposed that the following steps now be taken to provide assurance with respect to the work of the Task and Finish Group.

### **3.2 Independent Management Review**

A nominated, independent, Head of Service will review the process to date. The review will examine the criteria set and their link to regulations/legislation/policy. The review will then assess the application of the criteria from the outset. The purpose is to ensure the criteria have been consistently

applied at each stage and that as the sites have been sieved, the only basis utilised is the criteria.

### **3.3 Independent External Professional Review**

An appropriate professional from a neighbouring authority will undertake assurance work as in 3.2 above.

### **3.4 Member Awareness**

It is important that all members fully understand the process and the way in which the criteria have been applied. It is therefore proposed that a member drop in session is organised with relevant officers in attendance.

### **3.5 Public Consultation**

3.5.1 There is a need for the public to understand how the process has been undertaken and what filtering criteria have been used.

3.5.2 Consultation will take place via the Council's web site and through the Leader newspaper publication. Consultation will include providing all information including,

- a) every site considered from the outset.
- b) the work of the T&F Group.
- c) criteria used in filtering
- d) legislation/regulation/guidance etc.

3.5.3 A communication plan is being developed which will assist in the process of communication with the public.

### **3.6 Council**

Following the public consultation exercise, a full report on all of these matters will be made to Council prior to Council deciding which site or sites are to go forward for Planning Permission.

### **4.0 Financial Implications**

4.1 There are no budgetary implications in the consultation exercise other than the cost of facilitating the consultation and staff time in collating the responses. It should be noted that there is no budget provision for the development costs of a new permanent Gypsy & Traveller site(s) once identified.

### **5.0 Legal Implications**

5.1 Section 225 of The Housing Act highlights the fact that Gypsy & Travellers should be included in the Housing Needs Assessment. The Council has complied with this requirement since the legislation was brought into force in

2007. The Housing Needs Assessment found that there is an identified need for Gypsy & Traveller accommodation in the area.

- 5.2□ Through the provisions of the [Local Development Plan](#), the Council has a legal duty to identify suitable residential and transit sites for Gypsies & Travellers, if a need is demonstrated. Failure to do so would result in the Welsh Government deeming the Plan unsound unless it includes a sufficient and deliverable number of Gypsy & Traveller sites.
- 5.3 Failure to identify suitable permanent Gypsy & Traveller site(s) may compromise any future applications for possession orders on unauthorised sites being used by Gypsy & Travellers in Swansea.
- 5.4 Full cross departmental consultation will be required when considering potential sites in order to ensure compliance with the relevant policies and legal provisions.

**Background Papers:** None.

**Appendices:** Appendix A – List of Criteria

(4)

Site Address	Site Type	Adults	Children	Total Number of Households	No. of Caravans/ Trailers	Current Pitch Requirement	Additional Pitch Requirement in 5yrs
Ty Gwyn, Llansamlet	Council	10	27	7	14	0	7
Swansea Vale (Park & Ride), Llansamlet	Unauthorised (Tolerated)	8	19	7	8	7	2
Mill Stream Way, Llansamlet	Encampment	3	10	2	3	2	0
Olympus Court, Llansamlet	Encampment	2	6	1	5	1	4
Cwrmbach Road, Cockett	Private	14	14	7	13	0	0
Scott Pitt Cottage, Birchgrove	Private <sup>1</sup>	8	3	4	0	0	4
Various	Bricks & Mortar <sup>2</sup>	4 (+6)	3 (+9)	2 (+4)	0	0	0
<b>Total</b>		<b>49 (+6)</b>	<b>82 (+9)</b>	<b>30 (+4)</b>	<b>43</b>	<b>10</b>	<b>17</b>

<sup>1</sup> The 4 households listed declined to take part in the Assessment but have been included as they have been granted planning permission to build 4 pitches on their own privately owned site

<sup>2</sup> Figures in brackets relate to 4 separate G&TC households known to the Council but who declined to take part in the Assessment/ failed to respond to contact

Fig. 19: Travelling Showmen Community Sites

Site Address	Site Type	Adults	Children	Households	No. of Caravans/ Trailers	Current Pitch Requirement	Additional Pitch Requirement in 5 years
1a Railway Terrace, Gorseinon	Temporary Lease	9	8	5	10	0	6
Plot next to Railway Terrace, Gorseinon	Private	-	-	-	-	-	-
Duke Fairground, Morriston	Private	1	2	1	3	0	2
Brighton Road, Gorseinon	Leased	4	-	2	-	-	-
<b>Total</b>		<b>14</b>	<b>10</b>	<b>8</b>	<b>13</b>	<b>0</b>	<b>8</b>

The following are a list of definitions for fig. 18 & fig. 19

**Current Pitch Requirement**

The figure for the current pitch requirement if a new site was developed immediately

**Additional Pitch Requirement**

The figure for the potential future pitch requirement is if a site was developed in 5 years time. This incorporates the existing need and all children listed in the above table that will be aged 18+ in the next 5 years. Traditionally, children marry fairly young within the culture, hence the base age being set at 18.

**No. of Caravans/ Trailers**

The most recent official Caravan Count was undertaken in January 2013 and the total figure was 29. However, new private sites have come to light since then, hence the current figure being higher.

**Households**

The number of separate households living on the respective sites/ and or other accommodation. Each household will require one pitch.

Reply Reply to all Forward Close Help

You replied on 17-Apr-14 12:59 PM.

From: Malough, Simon (Public Protection)

Sent: Thu 17-Apr-14 9:31 AM

To: Clay, Bob (Councillor)

Cc:

Subject:

Attachments:

[View As Web Page](#)

Dear Cllr Clay

*In response to your recent telephone conversation with Huw Morgan I can provide you with the following information in regards to the temporary / tolerated Gypsy Traveller site off Mill Stream Way:*

- There are 17 caravans in total, 4 of which are for storage.
- 17 adults are on site, including partners. All are the █████ family

Regards

Simon Malough

Traveller Liaison Officer

Housing & Public Health Division / Isadran Tai ac Iechyd Cyhoeddus

Housing and Public Protection Service / Gwasanaeth Tai a Diogelu'r Cyhoedd

Directorate of Place / Cyfarwyddiaeth Lleoedd  
City & County of Swansea / Dinas a Sir Abertawe  
Civic Centre / Canolfan Ddinesig  
Oystermouth Road/ Heol Ystumllwynarth  
Swansea/ Abertawe  
SA1 3SN

## **Evidence from Cllr Penny Matthews:**

Her evidence was based on her involvement in the first Member Task and Finish Group meetings. The membership of the Task and Finish Group comprised former Councillor J Hague (Chair), former Councillor J Evans (Vice Chair), Councillor A C S Colburn, former Councillor R Smith and herself.

Key points:

- The process had been explained to Members, and Officers marked maps which detailed Council owned land. Officers had stated that they were looking for 10 to 12 pitches. The inference was that only Council owned land would be examined.
- The process went on for weeks. Meetings were held on an ad hoc basis and were often cancelled as work required to be undertaken by Officers had not been completed on time. She stated that she had raised her concerns with the Chair, former Councillor John Hague, regarding the lack of progress, and former Councillor J Hague also expressed concern that the process was taking too long. She also stated that the terms of reference of the Task & Finish Group were not clear.
- She asked Officers to look at sites which had been identified in the 1980's as the process would be a huge expense and looking at previously identified sites may short circuit the process.
- She had requested to offer 2 available pitches at the official site on Pant y Blawd Road to the families at the Park and Ride Site. But she got the impression that Officers appeared to be reluctant to do this. However, having checked with Officers at the following meeting she was told that the families had refused the offer.
- Meetings were led by Officers who had sifted through the original 19 sites identified to a shortlist of 5 sites. She stated that no-one could explain the rationale at arriving at 5 sites. Although a brief summary had been provided in respect of evidence in support of eliminating sites from the shortlist.
- She referred to land at Heol y Gors which had been used by travellers on many occasions over the years. She stated that this land had not been identified in the 19 sites and could not understand why this was the case. She stated that the Task and Finish Group unanimously agreed that the land at Heol y Gors should be examined as part of forthcoming site visits.
- The sites at Penlan and Llansamlet had been rejected by all 5 members on the Task and Finish Group. Site visits were organised and included the sites at Penlan and Llansamlet, despite members requesting that these be discounted from the shortlist. She stated that following discussion with the Chair, she engaged in a heated exchange with the Officer regarding the

inclusion of the Penlan and Llansamlet sites and the exclusion of the site at Heol y Gors.

- Reasons for the Task & Finish Group considering the Penlan and Llansamlet sites as not sound:
  - members discounted the Penlan site as it was located close to a housing complex in what was deemed to be a deprived area.
  - in respect of Llansamlet, a site was already situated there and the land identified was unsuitable for numerous reasons. She stated that officers had no provided adequate explanations in respect of why members' views were not valid.
- She provided a letter written to former Councillor John Hague from the former officer, Reena Owen (attached).
- The site visit had been rushed and members were told that a further meeting would be organised to discuss the findings of the site visits.
- Councillor Penny Matthews advised that, save the site at Heol y Gors, no further sites were suggested. She confirmed that no explanation or details of ranking of sites had been provided.
- She referred to the 1986 agreement and questioned why only 5 sites had been identified. She stated that Councillor Chris Holley, former Council Leader, had stated that a decision would be made by Council.
- She confirmed that she was aware of the issue of confidentiality of the Task & Finish Group, which had placed her in a difficult situation in so far as she could not discuss any issues.



Councillor John Hague

M Saville

(01792) 635602

MS/sjj/L0109

26<sup>th</sup> March 2012

Dear John

**Gypsy Traveller Task & Finish Group**

As we have discussed, there is a very serious concern that the decisions made by the Task and Finish Group have to be based on sound principles with logical reasons for the exclusion of sites during the consideration process.

Any challenge by the Gypsy Traveller community, and there may well be one, is more likely to be successful if it cannot be demonstrated that due consideration has been given to all sites.

The sites eliminated to get down to the shortlist of five, can be demonstrated to have been properly considered. The reasons given by Members at the last meeting for discounting the Penlan and Llansamlet listed sites are not sound and will not stand scrutiny if a challenge process is forthcoming.

It will be far more sensible to look at all five sites whilst on the site visit. This will add very little time to the overall exercise and will demonstrate that sites have not been excluding unnecessarily or arbitrarily.

It will still be for Members to report back to Cabinet with their views on the options available but Members and yourself will be much less likely to a successful challenge at a later date.

Equally, the Gypsy Travellers have to be involved at some stage. Leaving that to the Planning application stage would probably be seen as "unfair". If members ultimately decide to develop a site which they won't use, the entire exercise will have been a failure. Members may feel unable to accommodate any preferred site identified by the Travellers but at least it could be demonstrated that they have been part of the process and consulted.

Cont.....

It is not appropriate to take the Gypsy Travellers on the Council bus to view the sites as Members may wish to take advice from officers during the course of the visits, but they really should be involved around the table before options are forwarded to Cabinet.

As I say, this will safeguard yours and the members position as far as possible and I would urge you to take the professional advice and modify the approach.

Yours sincerely

**REENA OWEN**  
**DIRECTOR**

## CITY AND COUNTY OF SWANSEA

### MINUTES OF THE SPECIAL SCRUTINY PROGRAMME COMMITTEE

HELD AT COMMITTEE ROOM 2, CIVIC CENTRE, SWANSEA. ON  
WEDNESDAY, 23 APRIL 2014 AT 4.00 PM

**PRESENT:** Councillor R V Smith (Chair) Presided

<b>Councillor(s)</b>	<b>Councillor(s)</b>	<b>Councillor(s)</b>
A M Cook	A C S Colburn	R V Smith
J P Curtice	E W Fitzgerald	R A Clay (minute no. 129 onwards)
N J Davies	A J Jones	T J Hennegan
P Downing	P M Meara	

**Also Present:**

Mr Keith Jones, Councillor Uta Clay, Councillor Penny Matthews, Mr Tony Beddow.

**Officers:**

D Smith	-	Directorate Lawyer
D McKenna	-	Overview & Scrutiny Manager
S Woon	-	Democratic Services Officer

126 **APOLOGIES FOR ABSENCE.**

Apologies for absence were received from Councillors D W Cole, J E C Harris and Mr D Anderson-Thomas.

127 **DISCLOSURES OF PERSONAL & PREJUDICIAL INTEREST.**

In accordance with the Code of Conduct adopted by the City and County of Swansea, the following interests was declared:

Councillor A M Cook - personal - Minute Nos. 130 & 133 - Ward Member from Cockett - one of the wards that was shortlisted.

Councillor J P Curtice - personal - Minute Nos. 130 & 133 - Ward Member from Penyrheol which abuts two of the five previously nominated sites.

Councillor R A Clay – personal & prejudicial – Minute no. 130 – Llansamlet Ward Councillor and Secretary of the former campaign in the Ward against a second site.

128 **PROHIBITION OF WHIPPED VOTES AND DECLARATION OF PARTY WHIPS.**

In accordance with the Local Government (Wales) Measure 2011, no declarations of Whipped Votes or Party Whips were declared.

129 **CO - OPTION.**

The Overview and Scrutiny Manager referred to the report which provided advice to the Committee to inform its consideration of co-option of others to its review of the gypsy and traveller site search process.

The Chair sought Members' views in relation to whether co-option was necessary and the rationale behind it; who would be the most appropriate person(s) to act as co-optee and the duration of the co-option.

**RESOLVED** that Councillor R A Clay be co-opted to the Special Scrutiny Committee for the duration of the review of the gypsy and traveller site search process.

The Lawyer advising the Committee requested any declarations of interest from Councillor R A Clay. (Please refer to minute no. 127).

130 **EVIDENCE SESSION: GYPSY & TRAVELLER SITE SEARCH PROCESS**

The Chair referred to the fourth evidence session which would focus on evidence from members of the public and other councillors who had contacted the Committee.

The following persons were in attendance to provide evidence:

Mr Keith Jones  
Councillor Uta Clay  
Councillor Penny Matthews  
Mr Tony Beddow

The Chair invited Mr Keith Jones to speak.

Mr Keith Jones referred to his submission and advised that he would make copies available to Committee Members.

Mr Keith Jones read his submission to the Committee.

Clarity was sought regarding Mr Keith Jones submission in relation to the Welsh Government Guidance in respect of optimum number of pitches.

Mr Keith Jones confirmed that he believed the Welsh Government Guidance stated that 10 pitches was the optimum number.

The Chair thanked Mr Keith Jones for his submission.

The Chair invited Councillor Uta Clay to speak.

Councillor Uta Clay referred to her submission and advised that she would make copies available to Committee Members.

Councillor Uta Clay read her submission to the Committee.

The Chair asked whether Councillor Uta Clay had evidence to support her submission.

Councillor Uta Clay referred to the files of evidence and referred to each separately during her submission.

The Lawyer advising the Committee advised Councillor Uta Clay she should not refer to individual names of families affected.

A question was asked regarding Councillor Clay's reference to inaccuracies regarding the Housing Needs Assessment.

Councillor Uta Clay stated that the Housing Needs Assessment constantly changed depending on which Officer discussions were held with at any specific time. She stated that the Housing Needs Assessment was seriously flawed.

A question was asked regarding the consultation process.

Councillor Uta Clay confirmed that the consultation process was unclear.

A question was asked regarding the offer of accommodation at the Pant y Blawd Official Site to the extended family residing at the Park and Ride site.

Councillor Uta Clay stated that it was her impression that the family did not want to live on the Official Site.

The Chair thanked Councillor Uta Clay for her submission.

The Chair invited Councillor Penny Matthews to speak.

Councillor Penny Matthews stated that her evidence was based on the first task and finish group meetings. She detailed the membership of the task and finish group which comprised former Councillor J Hague (Chair), former Councillor J Evans (Vice Chair), Councillor A C S Colburn, former Councillor R Smith and herself.

She stated that the process had been explained and Officers marked maps which detailed Council owned land. Officers had stated that they were looking for 10 to 12 pitches. She stated that the process went on for weeks and former Councillor J Hague expressed concern that the process was taking too long.

A question was asked regarding the examination of Council owned land.

Councillor Penny Matthews confirmed that the inference was that only Council owned land would be examined.

Councillor Matthews stated that she asked Officers to look at sites which had been identified in the 1980's as the process would be a huge expense and looking at previously identified sites may short circuit the process.

Councillor Matthews referred to her request to offer 2 available pitches at the Official Site on Pant y Blawd Road to the families at the Park and Ride Site. She referred to her impression that Officers appeared to be reluctant to do this. However, having checked with Officers at the following meeting she was told that the families had refused the offer.

Councillor Matthews stated that the meetings were held on an ad hoc basis and were often cancelled as work required to be undertaken by Officers had not been completed on time. She stated that she had raised her concerns with the Chair, former Councillor John Hague regarding the lack of progress.

Councillor Matthews stated that the meetings were led by Officers who had sifted through the original 19 sites identified to a shortlist of 5 sites. She stated that no-one could explain the rationale at arriving at 5 sites.

A question was asked regarding the clarity of the terms of reference of the task and finish group.

Councillor Penny Matthews stated that the terms of reference were not clear.

Councillor Penny Matthews referred to land at Heol y Gors which had been used by travellers on many occasions over the years. She stated that this land had not been identified in the 19 sites and she could not understand why this was the case. She stated that the task and finish group unanimously agreed that the land at Heol y Gors should be examined as part of the forthcoming site visits. The sites at Penlan and Llansamlet had been rejected by all 5 members on the task and finish group.

Councillor Penny Matthews stated that site visits were organised and included the sites at Penlan and Llansamlet, despite members requesting that these be discounted from the shortlist. She stated that following discussion with the Chair, she engaged in a heated exchange with the Officer regarding the inclusion of the Penlan and Llansamlet sites and the exclusion of the site at Heol y Gors.

Councillor Penny Matthews stated that the site visit had been rushed and members were told that a further meeting would be organised to discuss the findings of the site visits.

Councillor Penny Matthews referred to a letter written to former Councillor John Hague from the former officer, Reena Owen.

Following consideration, the Lawyer advising the Committee agreed to allow a copy of the letter to be circulated to Committee Members.

A question was asked regarding the evidence in support of eliminating sites from the shortlist.

Councillor Penny Matthews advised that a brief summary had been provided in respect of the eliminated sites.

A question was asked regarding the accuracy of the minutes of the task and finish group held on 8 March, 2010.

Councillor Penny Matthews confirmed that the minutes of 8 March, 2010 were accurate.

A question was asked regarding members reasons for discounting the Penlan and Llansamlet sites being deemed to be 'not sound'.

Councillor Penny Matthews stated that members discounted the Penlan site as it was located to a housing complex in what was deemed to be a deprived area. In respect of Llansamlet, a site was already situated there and the land identified was unsuitable for numerous reasons. She stated that officers had no provided adequate explanations in respect of why members views were not valid.

Councillor Penny Matthews referred to the 1986 agreement and questioned why only 5 sites had been identified. She stated that Councillor Chris Holley, former Council Leader, had stated that a decision would be made by Council.

A question was asked regarding lack of officer explanations, ranking of sites and whether any alternative sites were suggested.

Councillor Penny Matthews advised that, with the exception of the site at Heol y Gors, no further sites were suggested. She confirmed that no explanation or details of ranking of sites had been provided.

A question was asked regarding task and finish group members understanding that throughout the process all discussions were confidential and the impact of the forthcoming election.

Councillor Penny Matthews confirmed that she was aware of the issue of confidentiality, which had placed her in a difficult situation in so far as she could not discuss any issues.

The Chair thanked Councillor Penny Matthews for her submission.

**THE MEETING ADJOURNED AT 5.45 P.M.**

**THE MEETING RECONVENED AT 6.00 P.M.**

The Chair invited Mr Tony Beddow to speak.

Mr Tony Beddow referred to his submission and advised that he would make copies available to Committee Members.

Mr Tony Beddow read his submission to the Committee.

A question was asked regarding the suggestion that the greatest weighting was given to the views of Gypsy Travellers.

Mr Tony Beddow advised that it was his impression that the process hinged on whether particular families would go to particular sites. He stated that any weighting should have been upfront, as opposed to being considered at the end of the consultation process as a 'late arrival'. Consideration should have been given earlier in the consultation process.

A question was asked regarding comments made by the former Corporate Director (Environment) regarding the weight being given to Gypsy Traveller views being revealed at a future meeting of Cabinet.

Mr Tony Beddow stated that if that statement had been made and based on his understanding of the 'Gunning Rules' there had been a fundamental flaw which would undermine the whole process.

A question was asked regarding the former Corporate Director (Environment)'s response in relation to reasons for selection criteria, one of which was costs.

Mr Tony Beddow stated that it was possible that the Council selected 5 or 6 criteria that would be taken into account. Whilst cost would be a consideration, identifying a location that the Gypsy Travellers and host community were content with would be more important than cost.

A question was asked regarding the type of criteria used in the consultation process.

Mr Tony Beddow confirmed that no criteria had been used to distinguish sites in the consultation process.

A question was asked regarding the significance of the views of the Gypsy Travellers.

Mr Tony Beddow stated that the views of Gypsy Travellers were a significant factor.

A question was asked about the Council's obligation to identify a site and whether this would fulfil any legal duty.

Mr Tony Beddow stated that there was a difference between identifying a site that was suitable to fulfil a legal duty as opposed to a site that all parties were content with.

The Chair thanked Mr Tony Beddow for his submission.

131 **TIMETABLE OF WORK ( DATE AND TIME OF FURTHER SPECIAL MEETINGS TO BE CONFIRMED).**

The Chair referred to the future evidence gathering session. Members' discussed individuals who may be interested in attending and providing evidence.



**RESOLVED** that:

- a. The Overview and Scrutiny Manager circulate proposed dates of the next meeting to Committee Members;
- b. Details of individuals interests in the matter be included on the documentation prior to them providing evidence to the Committee.

132 **EXCLUSION OF THE PUBLIC.**

The Committee were requested to exclude the public from the meeting during consideration of the item of business identified in the recommendations to the report on the grounds that they involve the likely disclosure of exempt information as set out in the exclusion paragraph of 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007 relevant to the items of business as set out in the report.

It was **RESOLVED** that the public be excluded for the following item on the agenda.

133 **COUNSEL'S OPINION ON COURT JUDGEMENT ISSUED MARCH 2009. (TO BE MADE AVAILABLE AT THE MEETING)**

The Lawyer advising the Committee read excerpts of Counsel's opinion to Committee members.

Members asked questions of the Officer who responded accordingly.

**RESOLVED** that Members' would be afforded the opportunity to view the opinion in a room in legal department if they wished.

The meeting ended at 7.03 pm

**CHAIR**



**O**

**27 May 2014**

**Scrutiny Programme  
Committee**

**Report(s) & Minutes**



## Report of the Chair

### Special Scrutiny Programme Committee - 27 May 2014

#### GYPSY & TRAVELLER SITE SEARCH PROCESS – EVIDENCE SESSION

<b>Purpose</b>	The fifth evidence session will focus on further evidence from members of the public and other councillors who have contacted the committee.
<b>Content</b>	Arrangements have been made for the following persons to give evidence to this committee meeting: <ul style="list-style-type: none"><li>• Cllr Jennifer Raynor</li><li>• Hilary &amp; Tom Jenkins</li><li>• Phillip Robins</li><li>• Lawrence Bailey</li></ul>
<b>Councillors are being asked to</b>	Consider the information presented as part of the committee's review of the process, and ask questions.
<b>Lead Councillor(s)</b>	Councillor Robert Smith, Vice-Chair of Scrutiny Programme Committee.
<b>Lead Officer &amp; Report Author</b>	Brij Madahar, Scrutiny Coordinator Tel: 01792 637257 E-mail: <a href="mailto:brij.madahar@swansea.gov.uk">brij.madahar@swansea.gov.uk</a>

#### 1. Introduction

- 1.1 A series of special meetings of the Scrutiny Programme Committee are taking place to review the process adopted to date in the search for a second gypsy and traveller site so that the committee can consider whether the process, leading up to the report to Council on 21 October 2013, was robust. The committee is looking at the quality of that process, and may identify any learning points about the process, and recommend any changes for the future as appropriate.
- 1.2 The committee is gathering evidence for this work. Initial meetings have enabled the committee to hear from officers involved in the process who have provided an overview of the process and legal framework and information on the criteria and method of site selection, the consultation process / outcomes, and the role of officers.
- 1.3 The committee was also keen to ensure that members of the public and other councillors not involved in the committee were provided with opportunity to engage with this work.

## **2. Call for Evidence**

- 2.1 The committee issued correspondence that would enable interested persons to:
- suggest questions about the process that was followed to help the committee ask the right questions at its meetings
  - submit information / views in writing about the process that was followed that they wish to bring to the committee's attention
  - if preferred, appear before the committee to give oral evidence about the process.
- 2.2 The committee raised awareness of this invitation through specific correspondence sent to all councillors, a press release which appeared on the council's website and local newspaper, and correspondence sent to members of the local gypsy and traveller community.
- 2.3 Those wishing to respond to this invitation were directed to contact the scrutiny team at the Civic Centre by email or print.

## **3. Response**

- 3.1 The following persons requested to appear before the committee to their evidence / views about the process:
- Tony Beddow
  - Keith Jones
  - Hilary and Tom Jenkins
  - Phillip Robins
  - Lawrence Bailey
  - Councillor Uta Clay
  - Councillor Jennifer Raynor
  - Councillor Penny Matthews
- 3.2 At the last meeting on 23 April evidence was received from:
- Tony Beddow
  - Keith Jones
  - Councillor Uta Clay
  - Councillor Penny Matthews
- 3.3 This meeting will enable the committee to hear from the remaining members of the public and other councillors who have contacted the committee:

a. Cllr Jennifer Raynor

Cllr Raynor was formerly vice-chair of the second Member Task & Finish Group for a short period. She intends to give views on the process and outline concerns about the role of the Group.

b. Hilary & Tom Jenkins

c. Phillip Robins

Mr. Robins is a resident of Fforestfach, living in the vicinity of the site of the former Greyhound Stadium - one of the 5 shortlisted sites. He was involved in the campaign against this site, and intends to share observations about the site selection process.

d. Lawrence Bailey

Mr. Bailey represented Llansamlet ward as a councillor during the period 1983-2007. He has first-hand knowledge of the area along with planning policies that impact upon the locality and relevant governance procedures in respect of the determination of land use. He owns a public affairs consultancy, Whiterock Consulting, which specialises in community engagement. He has seven years experience in this field. He works in association with planning consultancies, development companies, urban regeneration practices and property management groups. His firm has been involved in various support capacities with controversial projects and planning applications throughout the UK.

Mr. Bailey has forwarded his original response to the Council consultation (**Appendix 1**). Although the submission is site specific he intends to address matters of process and inconsistency in use of selection criteria, and clarify any points that the committee may wish to raise regarding the contents.

- 3.4 The purpose of the session is for the committee to listen to the evidence that is presented and ask questions in order to clarify anything that is said. It may also guide the future work of the committee. The committee will have the opportunity to reflect on all evidence gathered in due course in order to draw conclusions.

Date: 19 May 2014

Legal Officer: Nigel Havard / Debbie Smith  
Finance Officer: Carl Billingsley

**Background Papers:** None

# Swansea Gypsy and Traveller Site Consultation

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## Response

January 2013



# Swansea Gypsy and Traveller Sites Consultation

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## Swansea Gypsy and Traveller Sites Consultation

### 1.0 Response

#### 1.1 Personal Details

My name is Lawrence Bailey.

I am a former elected member of the City and County of Swansea 1996-2007 and of the City of Swansea 1983-1996. I have held the positions of Housing Committee Chairman (1989-1995), Deputy Leader of Council (1996-2001), Business Manager (1998-2001) and Leader of Council (2001-2004). I was Lord Mayor of the City and County of Swansea (2003-4).

I have served on several local government associations in a representative capacity and also held office with a number of national and international bodies.

I represented Llansamlet ward as a councillor during the period 1983-2007. I have first-hand knowledge of the area along with planning policies that impact upon the locality and relevant governance procedures in respect of the determination of land use.

I own a public affairs consultancy, Whiterock Consulting, which specialises in community engagement. I have six years experience in this field. I work in association with planning consultancies, development companies, urban regeneration practices and property management groups. My firm has been involved in various support capacities with controversial projects and planning applications throughout the UK.

#### 1.2 Background

I understand the obligations of the City and County of Swansea, as set out in the report to Cabinet 11<sup>th</sup> March 2010. It is regrettable that circumstances were allowed to transpire which eventually led to an unsustainable position on site provision. I appreciate however that it is necessary for the local authority to seek a practical resolution.

I also recognise that the new political administration has inherited this unsatisfactory situation on taking up office whilst continuity of process has been maintained by Officers.

#### 1.3 Consultation

The local authority is to be commended for its openness of approach and being prepared to undertake extensive consultation in this matter. I am sure that Members and Officers will wish to ensure a meaningful form of engagement that enables effective dialogue. This is obviously essential if there is to be both an understanding within affected communities of the underlying factors and an informed appreciation of public feedback on the part of the local authority.

## 1.4 Scope of this response

My response is primarily in relation to the proposed location designated **Site 17 Swansea Vale (Llansamlet)** although I also wish to make a number of observations with regard to the overall selection process and associated governance issues.

## 2.0 Site Suitability

### 2.1 Assumptions

The recommendation that accompanies the Stage 3 assessment for the Llansamlet site report states: *“part of the site suitable to be considered further and possibly assessed via planning”*. It would appear however that it is actually the overall site which is to be considered for the purposes of this consultation.

Based therefore on my knowledge of the location with respect to planning designations plus constraints such as access, changes in level and the position of overhead power cables, I have assumed that the settlement location is to be as shown in Attachment 1.

This is depicted by use of a superimposed, same-scale representation of the existing gypsy traveller site at Pant-y-Blawdd Road. This is an arbitrary positioning and intended for illustration purposes only. The boundaries of the consultation site, the designation of residential land and power lines are indicated accordingly.

### 2.2 Site Issues

#### 2.2.1 Size & Location

Situated at junction 44 of the M4 motorway, Site 17 covers 4.6 hectares (11.4 acres) or 46,000 square metres. It is bounded to the west by a railway line cutting. An arterial road connecting the M4 to Swansea Vale and Tregof Village forms the north-east boundary. A row of residential properties at Peniel Green Road are to the south.

It is a prominent sloping site which is visible from the motorway and established nearby communities. It is repeatedly described in the Council’s marketing literature to investors as a ‘gateway’ location serving Swansea Vale and a valuable strategic development site.

#### 2.2.2 Planning Constraints

In terms of the relevant Unitary Development Plan (UDP) designations, the site is largely bounded by EV24 Greenspace protection zones. The western section contains an area indicated as HC1(11) Housing. A section at the north-eastern boundary is marked EV41 – Hazardous Installation Consultation Zone which refers to a gas pipeline and pressure control station. Policies EV21 Rural Development and EV22 Countryside General Policy also apply. Key designations are as indicated in Attachment 2.

The area is listed within the draft Local Development Plan as a candidate development site – **LS0004 (1.41 hectares) – Land at Peniel Green Road (2), Llansamlet.**

This designation encompasses the entire site which is described as ‘undeveloped land’ with a proposed residential use. There are four registered objections/comments relating to the proposal.

The site also lies within the Swansea Vale development area. Supplementary Planning Guidance exists to support Part 2 of the Unitary Development Plan (Developing the Economy) which lists the stated aim to “develop SA1 and Swansea Vale as high quality mixed use strategic development locations.”

The council has recently completed consultation on the **Swansea Vale Development Strategy**. The proposed site, described again as ‘a gateway location’ is included within the proposed Peniel Green Development Strategy area. (See Attachment 3).

The document contains the following development aims:

*PG.1 Safeguard the provision of a Safe Route to Work strategic footpath and cycle route through PG1 to connect Tregof Village to Llansamlet Railway Station.*

*PG.2 Capitalise on accessibility to the M4 in the design, layout and orientation of commercial development, whilst also reflecting the need to deliver access by sustainable modes.*

*PG.3 Ensure that residential development is designed to meet a minimum of Code for Sustainable Homes Level 3 and integrates low and zero carbon technologies as appropriate.*

*PG.4 Design proposals should ensure seamless integration of development with the established community of Peniel Green, delivering a complementary mix of uses and avoiding the introduction of competition.*

### 2.2.3 Strategic Importance

The strategic nature of the area and its unsuitability as a Gypsy Traveller site is very adequately described in the comments provided by the Council’s own Economic Development (Economic Regeneration Planning) as detailed in the Stage 3 assessment report for Site 17, which reads:

*This is a prominent site at the Eastern gateway to Swansea Vale off Junction 44. Though unallocated in the UDP it does feature in the existing and draft Swansea Vale Strategy (named as PG3).*

*The site is allocated for business/commercial use and is closely related to site PG2 allocated for mixed uses. The site slopes steeply to the North, is highly visible to main entrance to Swansea Vale, is dissected by high voltage cables and has no service connections.*

*Its development for high quality permanent commercial land use is part of an ongoing comprehensive strategy for the future regeneration of the SV area. Its use for a permanent Travellers site should be resisted.*

It is also worth noting that these comments resemble those made by the same department in respect of the other six prospective Llansamlet sites within Swansea Vale. In these instances, the economic development issues were cited among reasons later quoted for rejection. I will return to this particular point.

#### 2.2.4 Terrain

Although described in the Stage 3 assessment report as ‘generally flat’, a visit to the site will confirm that it slopes significantly across its total area. A desktop assessment indicates a 12 metre change in level from southern to northern boundaries. This includes an 8 metre change in level over what is considered to a marginally useable section. There is also an estimated drop of 7-8 metres between eastern and western boundaries. Details can be seen in Attachment 4. The photograph below shows the sloping nature of the site, as viewed from the eastbound lane of the M4 motorway.



#### 2.2.5 Proximity

I estimate that a maximum buffer area of probably less than 10 metres would be available from the site boundary to the rear gardens of properties at Peniel Green Road. This would have an obvious deleterious impact upon amenity affecting both the Traveller community and existing residents.

In light of these spatial restrictions, it is difficult to see how the limited amount of useable land could usefully accommodate a compact settlement let alone one capable of future expansion.

### 2.2.6 Access

The site is bounded to the east by a railway cutting. To the northeast is a three lane arterial road connecting the M4 to Swansea Vale and Tregof Village. Peniel Green Road (A48 trunk road) is to the south comprising of a near continuous row of residential properties. A small section of Gwernllwynchwyth runs across the north-western boundary.

Access is considerably limited due to existing highways constraints. I am puzzled as to how the assessment process could therefore consider site access as ‘practical, available and suitable’. (Stage 2 assessment criteria)

A conditional comment from Highways in the Stage 3 Assessment observes: *There would be a need to avoid direct access onto the estate road and this will result in a secondary access having to be constructed. The site may be suitable subject to detailed layout being satisfactory.*

Clarification is needed as to whether the reference to “estate road” is in relation to the road connecting the M4 to Swansea Vale.

WAG Circular 30/2007 – Planning for Gypsy Caravan Sites – states: *Sites, whether public or private, should be identified having regard to highways considerations. In setting their policies, local planning authorities should have regard to the potential for noise and other disturbance from the movement of vehicles to and from the site, the stationing of vehicles on the site, and on-site business activities. However, projected vehicle movements for Gypsy and Traveller sites should be assessed on an individual basis for each site. Proposals should not be rejected if they would give rise to only modest additional daily vehicle movements and/or the impact on minor roads would not be significant.*

In this respect, neither the A48 Peniel Green Road nor the access road to Swansea Vale can reasonably be described as ‘minor roads’.

There are five available access points. These are marked on Attachment 6. Each represents a challenging and costly prospect.

Access	Comments
1	<ul style="list-style-type: none"> <li>a. Located between Nos 249 and 253 Peniel Green Road is 2.6 metres wide lane which would need to be enlarged significantly to enable even single lane access plus visibility splay.</li> <li>b. Access would require encroachment onto land designated as EV24 Greenspace protection zone within the UDP.</li> <li>c. The access point is located alongside an existing main route bus-stop.</li> <li>d. The undesirability of traffic movement involving articulated vehicles in close proximity to a controlled junction is a material factor.</li> </ul>

- 2 a. This access point located between Nos 279 and 283 is subject to much the same constraints as described above. It is 2.2 metres in width.
- 
- 3 a. This is a dedicated access for a gas transfer/pressure control station.  
b. Located within 3 metres of the M4 motorway junction. Eastward traffic joining at this point from the A48 is split into two lanes. Oncoming vehicles from the west would either have to traverse two oncoming lanes or find a suitable turning spot. This is clearly unacceptable.
- 
- 4 a. A possible access can be constructed off the mini-roundabout to the north-west of the site. This would require construction of a new access road approx 230 metres in length to the settlement.  
b. Careful consideration will need to be given as to how the road can traverse the gas pipeline without subsequent damage/earth disturbance.  
c. There is a probability that the new roadway would become an unsightly 'overspill' parking area. It may be anticipated that on-going issues of enforcement will also arise. (Attachment 8 - point 10)
- 
- 5 a. This location offers limited access. However, as mentioned, the lower end of the site slopes steeply at this point. Vehicles towing caravans would find it difficult to traverse.  
b. There are no pavements along the length of Gwernllwynchwyth Road.
- 

### 2.2.7 Services

The point regarding a lack of available services for the site is made in the comments from Economic Development in the Stage 3 assessment report.

I further note that the minutes of the Gypsy Traveller Site Task & Finish Group held 27<sup>th</sup> September 2012 contains a reference which states that *"sites are yet to be considered by the utility companies given the confidential nature of the work. This could be done either informally prior to the consultation exercise or will automatically be undertaken as part of the planning application stage."*

No further information is available as to what work has been undertaken in this respect but I should advise that there is no mains sewerage provision for properties in Gwernllwynchwyth Road which bounds the site. Easement to provide an uphill pumping system into the main sewer running along Peniel Green Road would be required. There is also no gas-main provision for Gwernllwynchwyth Road or the proposed site

### 2.2.8 Land Condition

My recollection is that previous soil condition testing on the site, conducted by potential developers, exhibited a [fragile] clay content combined with pockets of spoil/debris attributed to excavation of the adjacent railway cutting.

There is reportedly extensive surface water run-off from the site onto Gwernllwynchwyth Road and thereby onto the Swansea Vale access road following rainfall.

Large-scale development/excavation required to create roadways and hard standings will most likely necessitate stabilisation works required to ensure that Gwernllwynchwyth Road and nearby properties do not become liable to surface water and possible flooding.

### 3.0 Assessment and Selection Process

#### 3.1 Methodology

My reading of the minutes of the Gypsy Traveller Site Task & Finish Group, held 27<sup>th</sup> September 2012, is that a three stage process has been deployed to identify suitable sites for permanent/transit camps. This has been conducted through what is described on the Council's consultation website as an 'evolved' set of criteria. See Attachment 6.

Stage 1 employed an initial sieve of possible locations to identify sites that complied with Appropriate Constraints (spatial & demographic criteria) agreed by the Task & Finish Group. The outcome of this exercise was a list of 1006 potential sites.

Stage 2 saw assessments performed for applicability to specific criteria, namely:

- Site Size
- Liability to flooding
- Contamination
- Council land ownership
- **Access (Practical, available and suitable)**
- Presence of other buildings on the land
- Third-party leasing arrangements

This 'filtering' exercise produced a long-list of 19 sites.

Stage 3, which took into account Welsh government guidance and relevant planning policies, produced a shortlist of five sites that were presented to the Task & Finish Group.

Prior to public consultation, an independent review of the assessment process has been undertaken by internal and external third-parties.

#### 3.2 Issues Arising

I have no doubt that every effort has been made to apply all due diligence throughout the assessment process and subsequent independent reviews. I have however identified a number of anomalies which I feel need to be addressed in specific relation to Site 17.



### 3.2.1 Outcomes

My view is that there is cause to revisit a number of specific outcomes which do not appear to conform to the 'evolved' list of criteria. These are:

7	Reasonably flat?	<i>As previously described, the site is subject to considerable changes in level.</i>
24	Sewerage?	<i>There is no mains sewerage provision on site or for Gwernllwynchwyth Road. Easement would be required in order to provide a pumping system into the main sewer at Peniel Green Road.</i>
38	Effect on the amenity of neighbouring properties e.g. proximity, overlooking	<i>The available site places the camp less than 10 metres from the boundary of existing properties. Occupiers would therefore be overlooked. The amenity of neighbouring properties will also be affected.</i>
39	Acceptable residential amenity for the occupiers of the site e.g. any sources of nearby noise/pollution, proximity, overlooking?	<i>The site is located alongside a railway line. Note: this disadvantage is cited for two adjacent sites which were rejected. It is not listed in the Site 17 assessment.</i>
41	Is the site located in acceptable surroundings away from industrial sites, motorways, rivers/canals?	<i>The proposed site is located alongside junction 44 of the M4 motorway and adjacent to a railway line.</i>

### 3.3 Other Inconsistencies

The selection process identified seven of the nineteen potential sites within Llansamlet Ward. I have included their respective assessments and locations as Attachments 9a and 9b. The assessment of Site 17, which appears to be considerably more detailed than is the case with the other sites, fails to make mention of two factors:

1. That the site is dissected by a line of high voltage cables.
2. That the site is bound by a road and **railway line**, therefore there would be concerns about placing noise sensitive receptors into an existing noisy environment

These factors, which are deemed to key restrictions with the regard to the other Llansamlet sites also affect the suitability of Site 17 and will inhibit future expansion.

### 3.4 Site Assessment Commentary

To aid reporting, I have listed the respective Pros and Cons as described in the Stage 3 assessment for Site 17 and added my comments to each point. Several comments are further elaborated upon elsewhere in this response and should be taken in conjunction.

### 3.5 Pros

	<b>Assessment</b>	<b>Comments</b>
3.5.1	Partly defined as Housing Allocation (HC1 11) within the UDP and is therefore available for residential use	<i>This fails to give due regard to the adverse impact upon mixed (commercial) development land designated alongside. (ED comment)</i>
3.5.2	Highway infrastructure acceptable for proposed use (subject to access modifications)	<i>No evidence to support this view. The Highways statement advises a need "to avoid direct access onto the estate road and this will result in a secondary access having to be constructed. The site <b>may</b> be suitable subject to detailed layout being satisfactory."</i>
3.5.3	In accordance with the legislative framework the site is positioned within an existing settlement.	<i>The legislative framework also states that site allocation must include a social, environmental and economic impact assessment in accordance with the requirements of a sustainability appraisal. Inconclusive evidence that work has been undertaken/planned.</i>
3.5.4	The site is reasonably well located to sufficient services and facilities	<i>Access to facilities by pedestrians is considerably restricted. This will add to any anticipated traffic movements.</i>
3.5.5	Within close proximity of the M4 motorway and has potential scope as a permanent or transit site	<i>Proximity to the motorway is <b>not</b> listed among the criteria approved by the Task &amp; Finish Group. Note: A stated constraint is that sites should be 'away from industrial sites, motorways, rivers/canals'.</i>
3.5.6	The site area provides sufficient scope for expansion	<i>The scope for expansion is significantly limited by a combination of changing site levels, restricted access and a hazardous consultation zone (overhead power cable and gas pipeline transfer station).</i>

### 3.6 Cons

	<b>Assessment</b>	<b>Comments</b>
3.6.1	Partly defined as an area of Open Countryside (EV22) within the Unitary Development Plan	<i>Policy EV21 Rural Development also applies.</i>
3.6.2	Partly defined as an area of Greenspace System (EV24) within the Unitary Development Plan	<i>The overall site is actually bounded on three sides by this designation.</i>
3.6.3	A small proportion of the site is identified as a Consultation Zone for Hazardous Installations (EV41) within the UDP.	<i>In practical terms, the EV41 zone affects approx 25% of the overall site. This is a current constraint that will also inhibit site expansion.</i>
3.6.4	Loss of housing landbank and reduction in potential capital receipts	<i>This is estimated at approx. £650,000 subject to planning consents (based on commensurate Swansea Vale land values).</i>
3.6.5	Investment in hardstanding and boundary works would be required	<i>The site would require extensive levelling with no appreciable cost-benefit.</i>
3.6.6	The size of the site is excessive for the requirements so subdivision would be necessary	<i>The physical constraints already described render most of the site unusable.</i>
3.6.7	The site would require landscaping works	<i>The site would require <u>extensive</u> screening work. Landscaping would need to ensure that surface water run-off is not exacerbated.</i>
3.6.8	Subject to grazing license – expires 24/03/2013	<i>None</i>

### 3.7 Sustainability

As mentioned in 3.5.3, there is a requirement to utilise the Local Development Plan approach as outlined in **WAG Circular 30/2007 – Planning for Gypsy Caravan Sites when considering the appropriateness of Site 17 Swansea Vale (Llansamlet).**

There is no evidence that this work has been undertaken or planned. This omission raises the question as to how sustainability factors have been taken into account as part of the assessment process *prior* to the public consultation stage. See Attachment 8.

## 4.0 Governance Issues

### 4.1 Functions

My understanding is that the respective functions of Members and Officers with regard to decision-making are listed within the Scheme of Delegation as outlined in the Council's written constitution.

Task & Finish Groups are informal advisory bodies set up to address specific issues. They are by definition, single-issue and short-term in nature. They are not committees of the Council and have no decision-making powers. They can however recommend a course of action to the appropriate Executive (Cabinet) member or Officer who can in turn report to either Cabinet or Council depending on whether there is an impact upon policy or a course of action that can be taken within an existing policy framework.

In the instance of new Gypsy Traveller site selection, the remit of the Group has been to undertake its work within the context of the existing relevant policy framework(s). The reporting method is explained in an extract taken from the minutes of the Gypsy Traveller Site Task and Finish Group 27<sup>th</sup> September 2012 which reads:

*... It was suggested that an independent Head of Service would undertake a review of the process to ensure that there is an extra level of transparency. In addition, an external auditor (potentially a planner from an adjoining authority) would be appointed to review the application of all appropriate guidance/legislation as part of the assessment. If necessary a final meeting of this Task and Finish Group could then take place to assess these findings. However, if their conclusions would confirm the assessment of the Group then the five sites would be **submitted to Cabinet and Council** [my emphasis] and be subject to a consultation exercise.*

*It was AGREED that the final stages in this procedure as outlined above be accepted and agreed.*

There is no indication that a subsequent meeting of the Task & Finish Group was held. The methodology described above therefore may be construed as the definitive one.

### 4.2 Sequence

The sequence of actions, as set out in the Task & Finish group minute, is unambiguous in that it is stated that consultation would follow on from the submission of the five selected sites to Cabinet and Council (for approval).

Statements supporting this progression can also be seen in preceding reports and on the Council's consultation website.

### 4.3 Cabinet

The report submitted by the Cabinet Member for Place to the Cabinet meeting of 1<sup>st</sup> November 2012 – *Approach to the Identification of Additional Gypsy Traveller Site Provision*, describes the consultation process to be undertaken in some detail.

However the report does not specify which sites are to be the subject of public consultation. The only supporting information provided is the ‘evolved’ selection criteria. There is no reference to the outcomes of Stage 2 & 3 assessments, save that they are to be submitted for independent review.

Recommendation (c) of the report of 1<sup>st</sup> November 2012 merely states that “*a public consultation exercise is commenced seeking opinions on the outcomes of the exercise so far.*”

It should also be noted that relevant reports and minutes of the Gypsy Traveller Site Task & Finish Group had not yet been placed in the public domain at that time.

The absence of a shortlist of identified sites in the report to Cabinet indicates that most members were unaware of the identity of the five locations and were not in a position to examine the basis of the recommendations. I would submit that it does not represent the normal practice of informed decision-making at executive level.

If matters of detail were deemed unduly sensitive then I am sure suitable arrangements could have been approved by the responsible officer for key relevant information to have been provided under separate cover.

### 4.4 Decision-Making

Paragraph 3.6 of the Cabinet report states: *Following the public consultation exercise, a full report on all these matters will be made to Council prior to Council deciding which site or sites are to go forward for Planning Permission.*

Council is clearly not the decision-making body in this instance. Nor can Council operate in an advisory capacity that imposes political direction and which would be regarded as fettering of executive discretion. In my experience, it is unusual for a Cabinet report to contain this kind of material inaccuracy.

It is not for me to comment on the lawfulness of the decision-making process undertaken to date or suggested as future arrangements but there are patently several governance anomalies which the local authority should address if it is to avoid subsequent third-party challenge.

It will also be necessary for the local authority to similarly satisfy the Welsh Government and partnership agencies that all relevant and proper procedures have been complied with in arriving at an outcome.

#### **4.5 Shortlisted Sites**

A further source of confusion arises from the minutes of the meeting of the Gypsy Traveller Site Task & Finish Group held 8<sup>th</sup> March 2012. These appear to indicate that **three** sites were selected - with a further two considered by members to be inappropriate due to a possible loss of housing land bank. There is no evidence that this stated and considered view was amended following the subsequent site visits of 10<sup>th</sup> April 2012.

The minutes of both meetings were adopted as correct records by the reconstituted Task & Finish Group at its inaugural meeting on 19<sup>th</sup> July 2012.

The proposed reduction in the number of sites, which I understand specified the deletion of Site 17 Swansea Vale (Llansamlet) from the shortlist, receives no further mention in follow up reports. This situation requires explanation.

#### **4.6 Substance of Consultation**

When considering the anomalies listed in this section, it reasonable to conclude that there is some confusion, both within and outside the local authority, as to what are the substantive issues upon which consultation is being carried out. While this should in no way adversely reflect upon the willingness of the Council to engage communities in dialogue, it is nonetheless an important underlying matter in need of resolution.

### **5.0 Other Matters**

#### **5.1 Planning**

My reading of reports and recommendations associated with the assessment process is that considerable emphasis has been placed upon the action of seeking planning consent as a means of determining the final suitability of shortlisted sites.

This is a marked departure from accepted practice in that the LA would first commission feasibility reports and obtain rigorously tested data regarding demonstrated need, social impact and costs if the project in hand were, say, a school or community facility.

The use of the planning process as a 'catch-all' facility not only has the potential to diminish the role of the Development Control function but fails to recognise the potentially abortive expense associated with assembling a very significant amount of supporting information which will need to be made available in advance. Such information would include a traffic impact assessment, environmental impact assessment (subject to scoping outcomes) plus design and access statements.

I note that a report to the New Gypsy & Traveller Site Task & Finish Group on 10<sup>th</sup> April 2012 contained a list of similar necessary safeguards. This contrasts greatly with advice to the successor T&F Group which implied that it would sufficient to have something in place that 'resembles' the Local Development Plan process.

It is reasonable to assume, notwithstanding the provisions of relevant Welsh Government circulars and Planning Policy Wales, that an application for a Gypsy Traveller site would need to be advertised as a departure from the Unitary Development Plan.

My view is that substantial pre-application work will be needed in relation to a scheme likely to have significant impact upon a prominent site of stated strategic importance.

This opinion is based upon professional experience gained in working with the local authority in the formulation of two separate Development Frameworks deemed necessary to inform the scope of planning requirements for private-sector projects.

## 5.2 Cost

I recognise that a proportion of the cost for a new site will fall to the Welsh government (less non-reimbursable costs). That said, I am sure the local authority will share the view that there is an inherent obligation for public bodies to seek value for money in all circumstances. A report to the Gypsy & Traveller Site Task & Finish Group 10<sup>th</sup> April 2012 advised along similar lines:

*... The likely economic viability of delivering the sites by taking into account cost factors (site preparation, infrastructure costs, etc) and whether the value of potential alternative uses of the site makes its delivery unlikely will need to be considered further. Costs could include – on particular sites without any drainage provision the Authority will have to fund a bio bubble/other on site waste treatment facility (See Appendix 3 as a practical example from an English authority).*

The example given is for a site of 4 pitches at a cost of £334,000. As such, I think it is quite reasonable to adopt cost-analysis as part of the evolving site selection process.

## 5.3 West Glamorgan Agreement

I have some knowledge of what is referred to as the “West Glamorgan Agreement” and which I would describe as an accommodation reached between elected members of the former City of Swansea and West Glamorgan County Council. I was present as a Llansamlet councillor at the joint-authority meeting held in 1986 in Committee Room 1 at County Hall in Oystermouth Road.

The provision of Gypsy Traveller sites at the time was a responsibility of West Glamorgan County Council. The granting of [deemed] planning consent was likewise a function of the County Council although the City, which was a district council, was a consultee and also the appropriate Housing Authority.

My personal recollection of events is that a mutual agreement was reached by which it was accepted that the unofficial site at Pant-y-Blawdd Road would be given formal status with the proviso that it would be the only such site in Llansamlet Ward. Any further sites (in Swansea) would be situated in other localities.

I accept that this was essentially an agreement at political level and that the official minutes can only reflect what was presented to the WGCC Policy & Resources Committee at the time. I further recognise that the City and County of Swansea feels itself to be under no legal obligation to abide by any inferred responsibility arising from these events.

#### **5.4 Enterprise Park & Swansea Vale**

Nonetheless, I would contend that a consistent policy position held thereafter by West Glamorgan County Council and its successor body, the City and County of Swansea, is that adequate site provision had been made available as a consequence.

This same policy position underpinned the future on-going actions of the successive local authorities in the protection of council-owned assets within the Enterprise Park and Swansea Vale from illegal incursions. Enforcement actions included eviction supported by exclusion orders to prevent a return to the same site or to one in close proximity.

As far as I am aware, this approach remained the position of the local authority until 2009 when it became partially unsustainable due to a legal judgement which ruled that enforcement arrangements had been compromised by an internal breach of procedures. I note however that an official statement provided by the City and County of Swansea to the local press following the unfavourable High Court judgement reads:

*"... it is important to note the court did grant the council a possession order which forbids further encroachment of the whole area of the Enterprise Park in the future by these and other gypsy traveller families." (S.Wales Evening Post 1.April 2009)*

This statement, taken in conjunction with the report of the Cabinet Member for Environment to Cabinet, dated 11<sup>th</sup> March 2010, indicates that the term "Enterprise Park" is one used to encompass the Enterprise Park and Swansea Vale.

Although I accept that the local authority has not been able to maintain a robust level of asset protection at the western entrance to Swansea Vale, it has nonetheless upheld this approach with regard to its remaining properties. It is reasonable to expect that a similar level of determination should apply in respect of the area's strategic eastern gateway.

#### **5.5 Llansamlet Ward**

I think it is reasonable to say that there is an evident bias towards Llansamlet Ward as an outcome of the site selection process. The resultant pattern is especially remarkable when one considers the diverse range of spatial, demographic and environmental factors reported to have been employed during the objective assessment process.

The incidence of seven out of nineteen potential sites being clustered within a few square kilometres from an initial tranche of 1006 locations across the 36 wards that make up the City and County of Swansea would, in any other field of work, be considered statistically significant, i.e. unlikely to have occurred through chance. (Attachment 9b)



All affected communities and Llansamlet in particular will need to be assured that the assessment outcome has not been skewed or otherwise weighted to accommodate factors other than those agreed as applicable by the Task & Finish Group (Attachment 6).

It is important that the local authority provides this assurance accompanied by detailed evidence in order to avoid considerable future difficulties likely to impact upon subsequent project formulation and delivery.

It would be similarly helpful for the local authority to seek validation of the findings of the two independent reviews and to establish if the abnormal incidence of Llansamlet Ward sites within the final assessment stages was commented upon.

### **5.6 Gypsy Traveller Community Input**

I note that the minutes of the Gypsy Traveller Site Task & Finish Group of 27<sup>th</sup> September 2012 make reference to a statement that: *“the Chair and Officers had met representatives of the Gypsy and Traveller Community in order to inform them of the assessment process currently ongoing and to discuss their potential site requirements. The feedback received from this meeting would be incorporated into this exercise.*

There is no indication as to whether these discussions were site specific or if any particular preferences were expressed by the Gypsy Traveller community representatives. This is unfortunate as it would have greatly informed the consultation process.

## 6.0 Conclusion & Summary

### 6.1 Overall

As previously stated, it is to the credit of the City and County of Swansea that an extensive consultation exercise of this nature has been undertaken. The openness and transparency employed by the local authority since May 2012 in respect of this previously hidden process augurs well for the future.

My expectation is that meaningful consultation will allow this response to be reported to Cabinet in appropriate detail along with comments from Officers to the respective points.

### 6.2 Summary

#### Site Suitability

- 6.2.1 The Swansea Vale (Llansamlet) site is unsuitable for use either as a permanent or transit location by virtue of poor access and unmanageable terrain. It clearly fails the Stage 2 test of access being 'practical, available and suitable'.
- 6.2.2 The description in the assessment summary of the site as 'generally flat' is inaccurate. The restricted amount of usable area is subject to a change of level of up to 8 metres (26 ft) and 12 metres overall.
- 6.2.3 The resultant constrained nature of the site would mean siting pitches in close proximity to existing properties with a consequent adverse effect on amenity.
- 6.2.4 The presence of an adjacent railway line and power cables which rule out other nearby prospective sites should also make Site 17 unsuitable. The presence of a gas pipeline & transfer station is a further matter of concern.
- 6.2.5 Both the proposed site and adjoining street are un-serviced in respect of gas and mains sewerage. Easement onto the site will be necessary.

#### Assessment methodology

- 6.2.6 There is a measure of doubt as to whether the assessment process which has resulted in the inclusion of Site 17 in the shortlist has given appropriate regard to criteria agreed by the Task and Finish Group. There are also issues of inconsistency in application (Section 3.2).
- 6.2.7 Undue reliance is given to the seeking of planning consent as a 'catch-all' means of assessing site suitability. A considerable amount of supporting information is required which will have significant resource implications. It is doubtful that the local authority would apply the same unfocussed approach when determining the feasibility of other community-based facilities.

- 6.2.8 Close proximity to the motorway is described as a 'pro' in the Stage 3 assessment report for Site 17 – as is the case in other assessments - but it is not among the desirable criteria approved by the Task & Finish Group (Attachment 6). If anything, this factor conflicts with the requirement for sites to be “away from industrial sites, motorways, rivers/canals”.
- 6.2.9 Cost-benefit analysis and comparisons should be part of the selection process.

#### Process & Governance

- 6.2.10 The absence of a formally recorded decision (by Cabinet) which identifies the shortlisted sites for consultation is a worrying omission. The local authority will need to satisfy itself, and affected third-parties, that due process has been properly observed.
- 6.2.11 The minutes of the Task & Finish Group of 10<sup>th</sup> April 2012 suggest that **three** (and not five) sites were deemed as suitable. This situation needs to be clarified along with reasons as to why the recommendation was not adopted.
- 6.2.12 The local authority will need to provide more detailed evidence as to how it has given (or intends to give) proper regard to the applicable range of sustainability issues as specified by Welsh government policy guidelines.

#### Strategic

- 6.2.13 The proposed use of Site 17 as a Gypsy settlement is inconsistent with existing strategic development aims for a gateway location within the current Swansea Vale Master Plan and the proposed Swansea Vale Development Strategy.
- There is clearly considerable opposition to the proposal on the part of the local authority's own Economic Development arm. I see no scope for reconciling what are mutually exclusive ambitions.
- 6.2.14 The selection of the Site 17 would be contrary to the operating principle that Gypsy and Traveller sites are incompatible with the preferred land development uses associated with the Enterprise Park and Swansea Vale.

#### Other

- 6.2.15 The local authority should seek to confirm that its assessments have not been skewed or are in any way weighted to accommodate factors other than those declared as relevant criteria by the Task & Finish Group.

**List of Attachments**

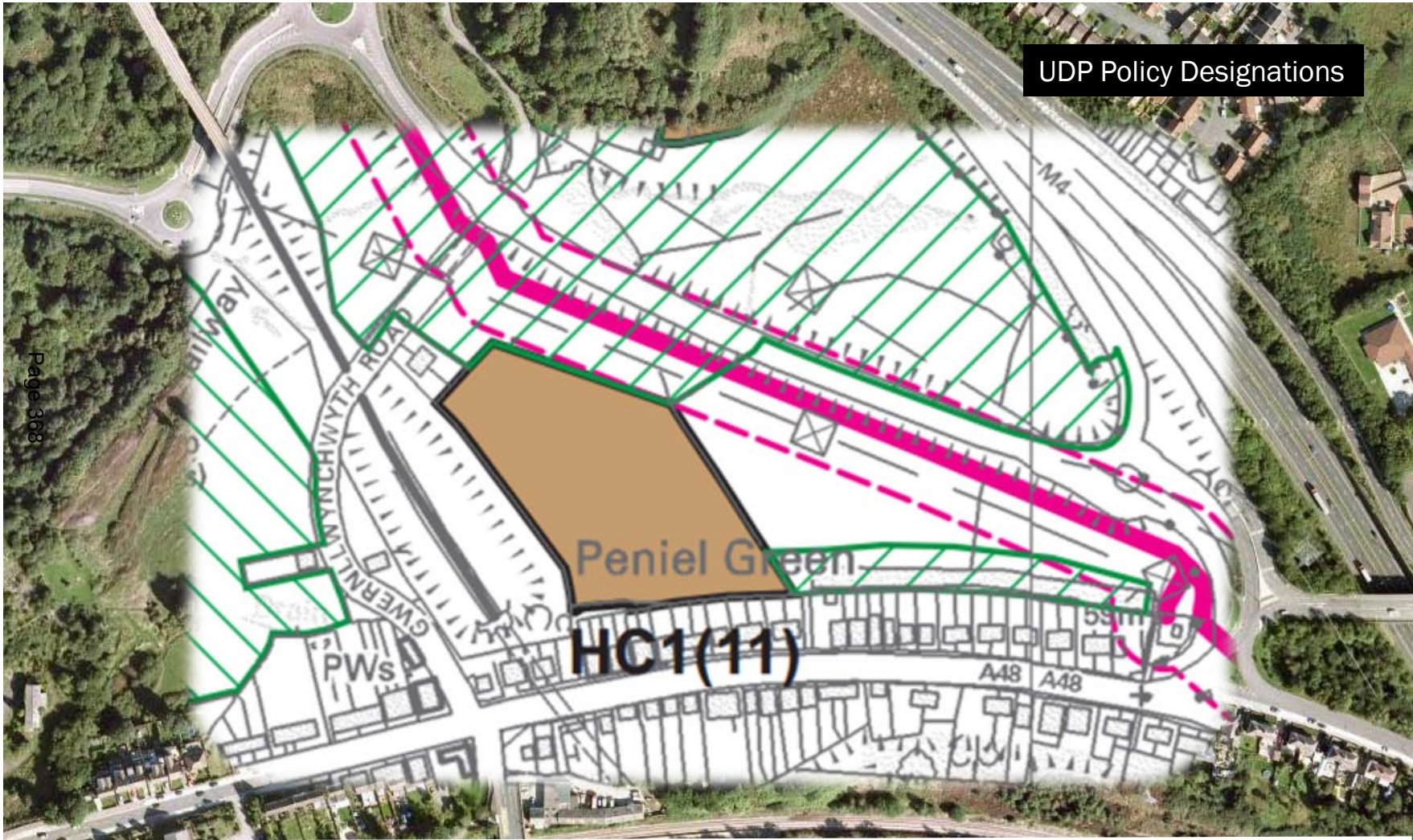
1. Site Layout inc. superimposed image of probable settlement location
2. UDP Policy Designations – Swansea Vale (Llansamlet)
3. Swansea Vale Development Strategy – Designations
4. Relative site levels – Swansea Vale (Llansamlet)
5. Site Access Points – Swansea Vale (Llansamlet)
6. 'Evolved' Site Selection Criteria
7. Appropriate Constraints (Stage 1)
8. Planning for Gypsy And Traveller Caravan Sites – WAG – December 2007
- 9a Site Assessment Comparison (Sites 12-18) Llansamlet Ward
- 9b Site locations – Llansamlet Ward



- Consultation site
- Residential Site
- Power Line

Superimposed image of  
Pant y Blawdd site to  
indicate possible location





UDP Policy Designations

Peniel Green

HC1(11)



EV24 - Greenspace Protection

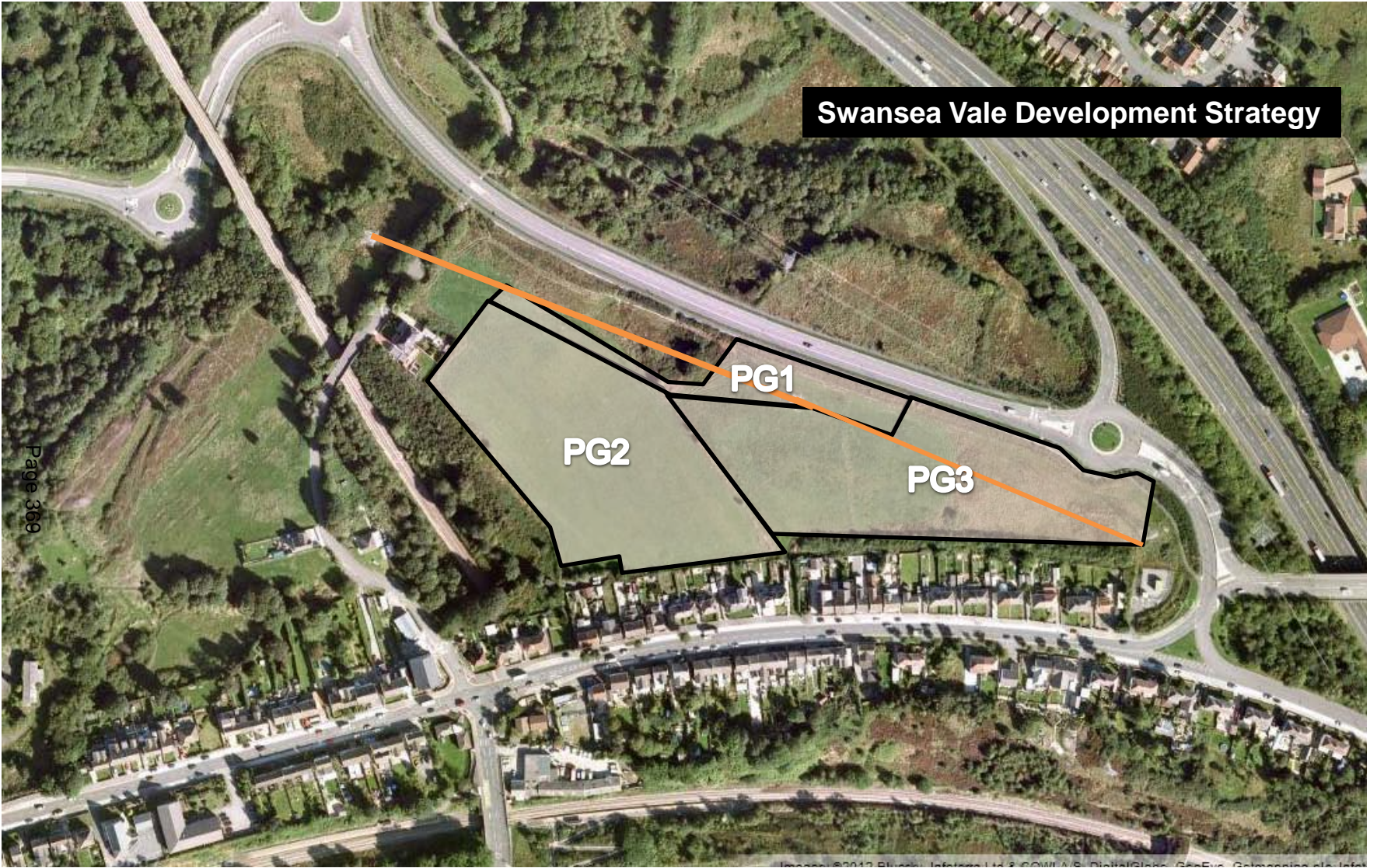


HC1 - Housing Site



EV41 - Hazardous Installation Consultation Zone





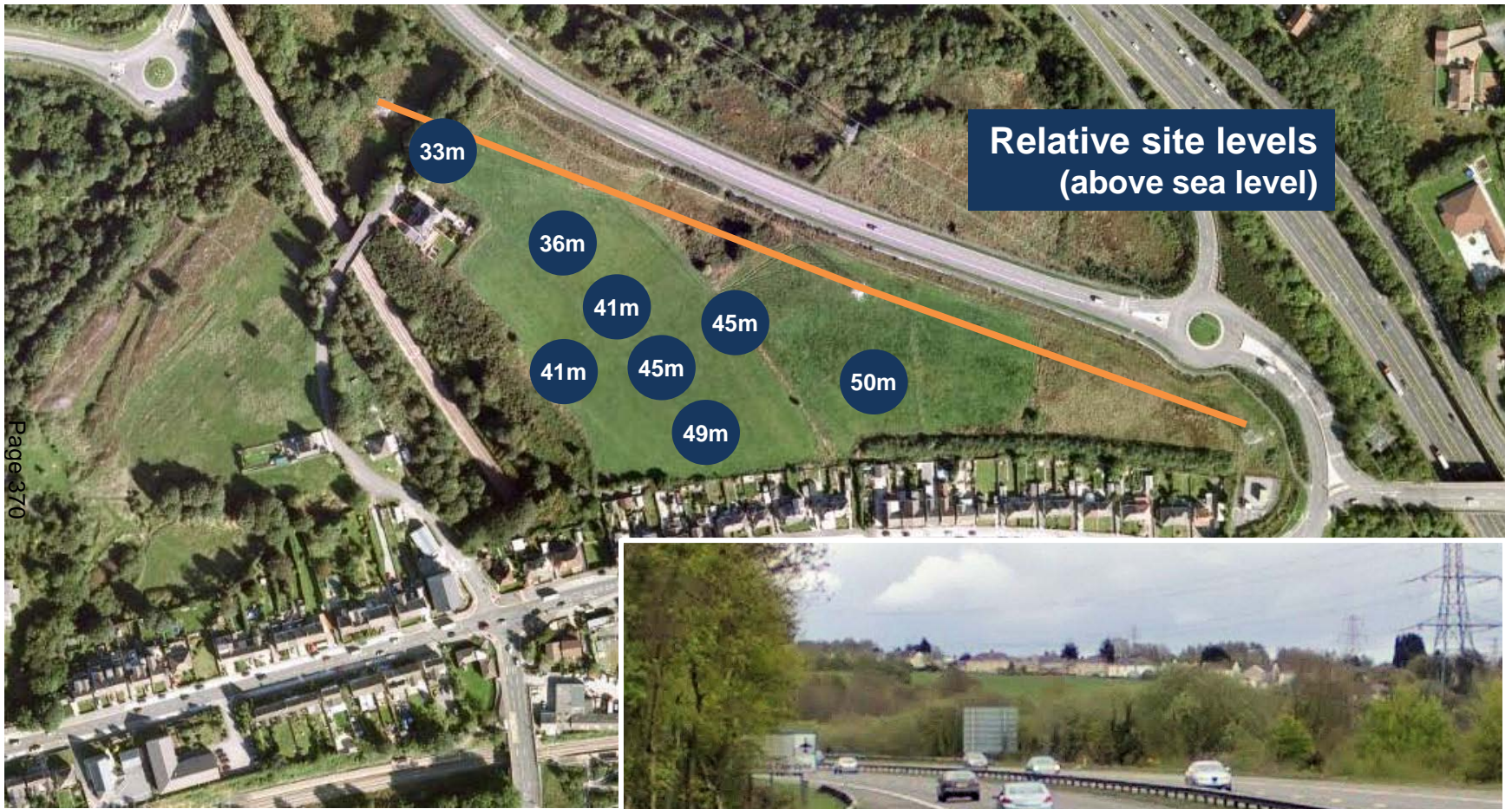
**Swansea Vale Development Strategy**

**PG2**

**PG1**

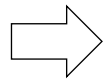
**PG3**





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Site as viewed from eastbound lane of M4 Motorway







Available access points

5



4



1



2



3

## Attachment 6

### **'Evolved' Site Selection Criteria**

#### **Site Constraints:**

1. Size of site – over 0.5 hectare?
2. Is the land in a flood risk area (TAN15)?
3. Is the land on the Contaminated Land Register?
4. UDP allocation/policies?
5. Is there adequate access?

#### **Site Characteristics:**

6. Allows capacity for growth if necessary?
7. Reasonably flat?
8. Suitable hard standing surface?
9. Readily available e.g. public ownership/willing landowner/ lack of restrictive covenants?
10. Free from potential hazards?
11. Previously developed land?
12. Adequate security arrangements e.g. ability to install a controlled entrance/exit, defined boundary?
13. Presence of former mine workings (Coal Authority)?

#### **Highway Issues:**

14. Separate site access?
15. Surrounding road network adequate?
16. Adequate space for parking, turning and servicing on site?
17. Reasonable pedestrian route to main settlement?
18. Access for emergency vehicles?
19. Nearby public transport provision?
20. Conflict with Public Rights of Way?

#### **Infrastructure:**

##### **Access to:**

21. Water?
22. Electricity?
23. Drainage?
24. Sewerage?
25. Lighting?
26. Gas?
27. Waste Disposal?

**Local Services:**

**Access to:**

- 28. Schools where capacity is available?
- 29. Primary Health Care where capacity is available?
- 30. Council owned community facilities?
- 31. Food shops?

**Potential Environmental Impacts:**

**Any adverse significant impact on:**

- 32. The Gower AONB?
- 33. Nature conservation, in particular designated areas?
- 34. Landscape (e.g. can be mitigated by screening/landscaping)?
- 35. Listed Buildings/Conservation Areas/Ancient Monuments/other cultural assets/
- 36. Green Wedge?
- 37. Registered Common Land?

**Amenity Issues:**

- 38. Effect on the amenity of neighbouring properties e.g. proximity, overlooking?.
- 39. Acceptable residential amenity for the occupiers of the site e.g. any sources of nearby noise/pollution, proximity, overlooking?
- 40. Would the location meet the needs of prospective occupiers?
- 41. Is the site located in acceptable surroundings away from industrial sites, motorways, rivers/canals?

## Attachment 7

### Appropriate Constraints (Stage 1)

#### Baseline

 [Council owned land \[8.9Mb\]](#)

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#### Unitary Development Plan Constraints

 [City Centre \[34.9Mb\]](#)

 [Common land \[35.3Mb\]](#)

 [Conservation areas \[35.0Mb\]](#)

 [District shopping centres \[35.0Mb\]](#)

 [Historic parks and gardens \[39.0Mb\]](#)

 [Sites of Special Scientific Interest and National Nature Reserves \[35.6Mb\]](#)

 [Strategic Employment Sites \[6.5Mb\]](#)

 [Urban woodland \[17.9Mb\]](#)

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#### Other Constraints

 [Flood zones \[7.0Mb\]](#)

 [Contaminated land \[5.4Mb\]](#)

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#### Outputs

 [Council owned land with constraints excluded \[4.8Mb\]](#)

 [Council owned land not affected by contaminated land or flood zones \[14.8Mb\]](#)

Extract

***WAG Circular 30/2007 - Planning for Gypsy And Traveller Caravan Sites  
Welsh Assembly Government - December 2007***

19. Issues of **site sustainability** are important for the health and well being of Gypsy and Travellers not only in respect of environmental issues but also for the maintenance and support of family and social networks. It should not be considered only in terms of transport mode, pedestrian access, safety and distances from services. Such consideration may include:

- opportunities for growth within family units;
- the promotion of peaceful and integrated co-existence between the site and the local community;
- the wider benefits of easier access to GP and other health services;
- access to utilities including waste recovery and disposal services;
- access for emergency vehicles;
- children attending school on a regular basis;

also other educational issues such as space e.g. for touring or static play bus, homework club, teaching base for older children and adults - (see proposed Good Practice for Local Education Authorities in Wales in meeting educational needs at Annex A);

- suitable safe play areas;
- contribute to a network of transit stops at intervals that reduce the need for long-distance travelling - see paragraph 7;
- possible environmental damage caused by unauthorised encampment;
- not locating sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans and;
- regard for areas designated as being of international or national importance for biodiversity and landscape - see paragraphs 34-35 below.

20. In deciding where to provide for Gypsy and Traveller sites, local planning authorities should first consider locations in or near existing settlements with access to local services e.g., shops, doctors, schools, employment, leisure and recreation opportunities, churches and other religious establishments. All sites considered as options for a site allocation in a LDP must have their social, environmental and economic impacts assessed in accordance with the requirements of sustainability appraisal. (Section 3 of the LDP Manual (W.A.G 2006) introduces the process; section 5 explains the process with regard to Evidence Gathering and Objectives; and section 6 explains the process in Strategic Options and Preferred Strategy). Local authorities should also be aware of site design guidance, and site management guidance, to be issued in 2007/08 by the Welsh Assembly Government.

Attachment 9a – Site Assessment Comparison (Sites 12-18)

Site	Site 12 – Tregof Village	13 – Tregof Village	14 – Swansea Vale	15 – Swansea Vale
Pros	<ul style="list-style-type: none"> <li>Mostly defined as Housing Allocation (HC1 13) within the Unitary Development Plan and is therefore available for residential use</li> <li>The site is reasonably well located to services and facilities</li> <li>The site area provides sufficient scope for expansion</li> </ul>	<ul style="list-style-type: none"> <li>Partly defined as Housing Allocation (HC1 13) within the Unitary Development Plan</li> <li>The site is reasonably well located to services and facilities</li> </ul>	<ul style="list-style-type: none"> <li>The site has a low impact on the surrounding landscape partly due to its relatively isolated position with limited views from the wider area</li> <li>Within close proximity to the M4 Motorway</li> <li>The site area provides sufficient scope for expansion</li> </ul>	<ul style="list-style-type: none"> <li>Within close proximity to the M4 Motorway</li> <li>The site is relatively self contained with sufficient scope for expansion</li> </ul>
Cons	<ul style="list-style-type: none"> <li>Partly defined as an area of Open Countryside (EV22) within the Unitary Development Plan</li> <li>Partly defined as an area of Greenspace System (EV24) within the Unitary Development Plan</li> <li>Loss of housing landbank and reduction in potential capital receipts</li> <li>The site forms part of the Swansea Vale Joint Venture area and is subject to a legal agreement with Welsh Government</li> <li><b>The site is dissected by a line of high voltage cables</b></li> <li>Investment in hardstanding and boundary works would be required</li> <li>The size of the site is excessive for the requirements so subdivision would be necessary</li> <li>The site would require clearance works and landscaping</li> </ul>	<ul style="list-style-type: none"> <li>Even though the site is partly defined as Housing Allocation (HC1 13) within the Unitary Development Plan a significant part of the land identified has been used for providing playground facilities</li> <li>Partly defined as an area of Open Countryside (EV22) within the Unitary Development Plan</li> <li>Partly defined as an area of Greenspace System (EV24) within the Unitary Development Plan</li> <li>Loss of some housing landbank (what remains taking into account of the new playground) and reduction in potential capital receipts</li> <li><b>The site is dissected by a line of high voltage cables</b></li> <li>Investment in hardstanding and boundary works would be required</li> <li>The site would require clearance works and landscaping</li> </ul>	<ul style="list-style-type: none"> <li>Defined as an area of Greenspace System (EV24) within the Unitary Development Plan</li> <li>Highway infrastructure is unsuitable</li> <li>The site is bound by the M4 Motorway <b>and railway line</b>, therefore there would be concerns about placing noise sensitive receptors into an existing noisy environment</li> <li>Investment in hardstanding and boundary works would be required</li> <li>The size of the site is excessive for the requirements so subdivision would be necessary</li> <li>The site would require clearance works and landscaping</li> </ul>	<ul style="list-style-type: none"> <li>Defined as an area of Greenspace System (EV24) within the Unitary Development Plan</li> <li>Highway infrastructure is unsuitable</li> <li>The site is bound by a road and <b>railway line</b>, therefore there would be concerns about placing noise sensitive receptors into an existing noisy environment</li> <li>Investment in hardstanding and boundary works would be required</li> <li>The site would require clearance works and landscaping</li> </ul>
Outcome	<p>Site should not be considered further as there are other more suitable alternatives available.</p> <p>Key restriction – Site forms part of the Swansea Vale Joint Venture area and is subject to a legal agreement with Welsh Government</p>	<p>Site should not be considered further as there are other more suitable alternatives available.</p> <p>Key restriction – A significant part of the remaining Housing Allocation land available for development has now been used for providing playground facilities</p>	<p>Site should not be considered further as there are other more suitable alternatives available.</p> <p>Key restriction – Highways/Part of the Greenspace System/Noise Pollution</p>	<p>Site should not be considered further as there are other more suitable alternatives available.</p> <p>Key restriction – Highways/Noise Pollution</p>



Attachment 9a – Site Assessment Comparison (Sites 12-18)

Site	16 – Swansea Vale	17 – Swansea Vale	18 – Swansea Vale	Observations
Pros	<ul style="list-style-type: none"> <li>• Within close proximity to the M4 Motorway</li> <li>• The site area provides sufficient scope for expansion</li> </ul>	<ul style="list-style-type: none"> <li>• Partly defined as Housing Allocation (HC1 11) within the Unitary Development</li> <li>• Plan and is therefore available for residential use</li> <li>• Highway infrastructure acceptable for proposed use (subject to access modifications)</li> <li>• In accordance with the legislative framework the site is positioned within an existing settlement</li> <li>• The site is reasonably well located sufficient services and facilities</li> <li>• Within close proximity to the M4 Motorway and has potential scope as a permanent or transit site</li> <li>• The site area provides sufficient scope for expansion</li> </ul>	<ul style="list-style-type: none"> <li>• Partly defined as Housing Allocation (HC1 15) within the Unitary Development Plan and is therefore available for residential use</li> <li>• Within close proximity to the M4 Motorway</li> <li>• The site area provides sufficient scope for expansion</li> </ul>	
Cons	<ul style="list-style-type: none"> <li>• Defined as an area of Greenspace System (EV24) within the Unitary Development Plan</li> <li>• The site is bound by the M4 Motorway <b>and the road servicing Swansea Vale</b>, therefore there would be concerns about placing noise sensitive receptors into an existing noisy environment</li> <li>• Investment in hardstanding and boundary works would be required</li> <li>• The size of the site is excessive for the requirements so subdivision would be necessary</li> <li>• The site would require clearance works and landscaping</li> </ul>	<ul style="list-style-type: none"> <li>• Partly defined as an area of Open Countryside (EV22) within the Unitary Development Plan</li> <li>• Partly defined as an area of Greenspace System (EV24) within the Unitary Development Plan</li> <li>• A small proportion of the site is identified as a Consultation Zone for Hazardous Installations (EV41) within the Unitary Development Plan</li> <li>• Loss of housing landbank and reduction in potential capital receipts</li> <li>• Investment in hardstanding and boundary works would be required</li> <li>• The size of the site is excessive for the requirements so subdivision would be necessary</li> <li>• The site would require landscaping works</li> <li>• Subject to grazing licence – expires 24/03/13</li> </ul>	<ul style="list-style-type: none"> <li>• Partly defined as Greenspace System (EV24) within the Unitary Development Plan</li> <li>• Highway infrastructure is unsuitable</li> <li>• Loss of housing landbank and reduction in potential capital receipts</li> <li>• The site forms part of the Swansea Vale Joint Venture area and is subject to a legal agreement with Welsh Government</li> <li>• Investment in hardstanding and boundary works would be required</li> <li>• The size of the site is excessive for the requirements so subdivision would be necessary</li> <li>• The site would require clearance works and landscaping</li> </ul>	<p><b>As is the case with sites 12 &amp; 13, Site 17 is dissected by a line of high voltage cables</b></p> <p><b>As is the case with sites 14 &amp; 15, Site 17 is bound by a road and railway line, therefore there would be concerns about placing noise sensitive receptors into an existing noisy environment.</b></p> <p><b>It is not readily apparent why these factors fail to be considered as contributing towards key restrictions in the case of Site 17</b></p>
Outcome	<p>Site should not be considered further as there are other more suitable alternatives available.</p> <p>Key restriction – Highways/Noise Pollution</p>	<p>Part of the site suitable to be considered further and possibly assessed via planning application</p>	<p>Site should not be considered further as there are other more suitable alternatives available.</p> <p>Key restriction – Highways</p>	

Attachment 9b – Site Locations – Llansamlet Ward



Site	Location	Comments	Outcome	Reason
12	Tregof Village	ED – objection	Rejected	Swansea Vale JV agreement
13	Tregof Village	ED – objection	Rejected	Play area designation
14	Swansea Vale	ED – objection	Rejected	Greenspace area
15	Swansea Vale	ED – objection	Rejected	Highways noise & pollution
16	Swansea Vale	ED – objection	Rejected	Highways noise & pollution
17	Swansea Vale	ED – objection	Recommended	
18	Swansea Vale	ED – objection	Rejected	Highways concerns



## Scrutiny Committee

I have lived in Llansamlet Ward for most of my life and I have shown an active interest in politics and community affairs. In 1986 I lived in Birchgrove and my wife's parents lived in Llansamlet and one of her brothers in Pantyblawd Road. My first point is about the West Glamorgan Agreement. I clearly remember community feelings on the proposed Gypsy/Traveller site and a meeting in the Parish Hall of St Samlet Church. County Councillor Wyndham Davies made it quite clear that if Llansamlet accepted a Gypsy/Traveller site, it wouldn't have another one. He argued that this was a political decision of the Labour controlled County Council.

Over twenty five years later a leaflet came through my door for the 2012 local elections. Three Labour Councillors who were standing for re-election stated clearly that there was a West Glamorgan Agreement from 1986. The councillors stated "Llansamlet Labour Councillors will be reminding the council of it's duty to honour the agreement made by West Glamorgan County Council in the 1980s that there would only be one travellers site in Llansamlet." This leaflet like all election leaflets would have been vetted by the Labour Party hierarchy. The Labour Party Councillors probably thought that they would be reminding the Liberal Democrat and Independent Administration. However Labour won control of the council and very quickly decided (with expensive legal opinion) that there was no agreement. Either the Labour Councillors misled the electorate or the Labour Party hierarchy have misrepresented the whole situation regarding this matter. This leads me to ask whether the electorate can believe the Labour Party in Swansea.

The Council paid for a London barrister's advice about the Agreement and Mr Arran, Head of Legal and Monitoring Officer, also gave advice. Both (unsurprisingly) claimed there was no formal agreement. Yet in both documents there are references to a political or moral agreement. An example in council documents is Mr Burgess of WGCC talking about councillors' accepting a site "provided it is the only site to be established in their area." Again Mr Burgess "I would expect that it would be a condition of their proceeding with a site at this location, that it should be the only official site in Llansamlet." The WGCC Policy and Resources Committee 7/4/86 noted "that the provision of of a small Gypsy site, to accommodate not more than 12 caravans at Pantyblawd Road, Llansamlet would be supported locally provided it is the only site in the Llansamlet area." The full meeting of West Glamorgan County Council on 18/4/1986 resolved "(i) that subject to the amendment in (ii) below the Minutes of the following Committees on the date stated be received and adopted" Policy and Resources 7/4/1986 is listed. Then (ii) states Policy and Resources Committee 7/4/1986 paragraph 8, that the words in the last paragraph be amended to read "site in the Llansamlet Ward as it is now defined". This means that the Council adopted the proposal of its Policy and Resources Committee quoted above with the amended location. An almost exact statement was made by WGCC at a Public Local Inquiry on 27/1/1987, "their view was that a small site would not be opposed by the local residents providing it was the only one in their area"

Mr Arran and the barrister Mr Goudie have both claimed that legally there isn't an agreement. However legalistic views, which could be wrong, are not important here, the matter is a political and moral one. The

Labour controlled councils in 1986 agreed that there wouldn't be another site in Llansamlet. Just as importantly the public knew there was this agreement. The election leaflet mentioned above made local residents of a certain age remember back twenty five years and recall the 1986 Agreement. I and other petitioners found this out when we were knocking on doors and the electorate were angry about the Labour council's view that there was no agreement.

I wrote to the Leader of the Council (email), David Phillips on 8/3/2013 regarding the WGCC Agreement, the Labour election leaflet and the Council's position etc. I pointed out that Councillor Ryland Doyle had stated in a public meeting, that he had checked the leaflet with the Labour leadership, since he was election agent. Both David Phillips and June Burtonshaw have said there was no agreement, yet the election leaflet went out, after Councillor Doyle checked the leaflet with David Phillips. I also mentioned in the email to him that in the public meeting mentioned above Swansea East A.M. Mike Hedges stated that there was an agreement in the 1980s. The point is that either the Agreement existed or Labour set out to mislead the electorate in Llansamlet. Mr Phillips didn't reply to my email or a second one a week later. I can only assume he couldn't answer the points, so he choose to ignore it!! I also wrote to David Hagendyk on 8/4/2013 and 18/4/2013, with the same result, no reply!!!.

My second point is with regards to the Task and Finish Group. The minutes of 8/3/2012 made it clear that councillors wanted only three sites to be looked at, "It was considered appropriate by members that three sites go forward as being considered suitable." In the minutes of 10/4/2012, 19/7/2012 and 27/9/2012, there is no mention of Llansamlet being added. Officers may have different views to councillors, but councillors make decisions. It appears the term "member led Task and Finish Group" is inappropriate. When the administration changed after the 2012 election, it doesn't appear that the second Task and Finish Group were told that its predecessor had rejected two of the five sites. The Task and Finish Group on a site visit never got off the bus and they couldn't even see the Peniel Green site, due to its topography. The new Task and Finish Group never went on a site visit. Was this a robust process ?

I would like to know if the Task and Finish group or even the wider council considered a policy of dispersal, rather than concentration in one area. I believe that there is evidence from the old WGCC that dispersal is the best policy.

The question must be asked into whether the Task and Finish Group or the wider council tried to determine the relative weighting of Travellers' views and the views of local residents. It appears from various statements by some officers that the Travellers' views were seen as primary. Reena Owen in a Scrutiny meeting in March said that "they wanted to stay where they are", as if that was the end of the matter. Other people have stated that the Gypsy/Travellers won't go elsewhere. I believe the Traveller Liaison Officer has stated something rather similar. There doesn't seem to have been clarity with regards to this issue, indeed what weighting was given to the wider public's views, in terms of petitions against the site in Peniel Green and in the consultation process. We don't know the relative weighting on this matter and the process doesn't

seem robust. Indeed it appears that a new site might be developed and the problem of illegal sites continues. However I have an email from Martin Saville, Head of Public Protection dated 25/2/2013 regarding the temporary movement of Gypsy/Travellers to Millstream Way. In the email he discusses the temporary move but then goes on to say that "the site is only for the family that is residing at the temporary Park and Ride site, they will be required to move once a permanent site is developed elsewhere and this piece of land will be reverted back to scrubland." In other words wherever the new site is positioned, the Gypsy/Travellers who were on the illegal but tolerated site, will have to move there. Again a different view. Where is the clarity and robustness of the process?

My third area of concern is in relation to the site at Peniel Green. The site is a green field with animals grazing immediately behind my back garden and I would be opposed to £200,000 plus housing being proposed, as much as a proposed Gypsy/Traveller site. The site is far too big and will waste valuable council land. The site slopes downwards by over ten metres towards the north and eight metres east to west. The site retains so much water, there are mine workings, electricity pylons, a gas pipeline, a railway line and houses extremely close. There is no infrastructure whatsoever and no access road. An access road will cost hundreds of thousands of pounds.

When councillors finally visited the site in the Autumn, one councillor asked Mr Saville why is Llansamlet on the list? The councillor pointed out that they had visited the five sites and he couldn't believe

Llansamlet(Peniel Green) was on the list. He said-----

One out of five sites has no access road—Llansamlet.

One out of five sites slopes enormously—Llansamlet.

One out of five sites has no screening---Llansamlet.

One out of five has houses extremely close—Llansamlet.

One out of five has no infrastructure----Llansamlet.

Silence was the response.

The field has had one drift mine access filled in to the depth of forty metres, it only appeared in the last two years. The Coal Authority in Mansfield were responsible for filling the hole in and they told me that there is another one which might collapse.

The proposed site is part of the proposed Eastern Gateway to Swansea, which is obviously valuable and will play a key role in attracting business and commercial interests and therefore much needed jobs. In the Autumn of 2012 there was a consultation process with regards to the Swansea Vale Development Strategy . The Council's presentation described the land as a "Gateway Location." Council Officers stated in the documentation "the site is not suitable for a Gypsy/Traveller site and must be resisted"

Finally two other matters lead me to ask if the process has been fair and robust? Firstly there are serious doubts with relation to who was leading the whole process. In the cabinet meeting 1/11/2012 most members were unaware of the process and the identity of the sites. It appeared that the minutes of the Task and Finish

Group hadn't been seen and relevant information hadn't been taken on board. At the meeting Council Leader David Phillips misled the public in relation to who will make the decision. He said the full Council would and Mr Arran didn't correct him and state that the Cabinet would make the decision This isn't informed decision making and doesn't give you faith in the whole process. Perhaps someone here can tell me who was in charge of the whole process.

Secondly it appears that a lot of people in positions of power in the council wanted the site to be in Llansamlet. For a very long period of time the term Swansea Vale was being used to hide the reality of the site being immediately behind houses on the north side of Peniel Green Road. Indeed it was only in the autumn 2013 that the name Peniel Green surfaced. The council was using Swansea Vale to confuse the situation. Swansea Vale is a modern term to describe the lower Swansea Valley and was used in terms of the Enterprise Zone and some fairly new housing. Llansamlet residents would think that the proposed site would be near the River Tawe, perhaps in a similar position to the existing legal site. Is that we mean by a fair and robust process.

I would like to thank the meeting for letting me speak about my serious concerns.



Tom Jenkins,

269 Peniel Green Road,

Peniel Green,

Swansea.

SA79BJ

17/5/2014



thomas jenkins <tom.jenkins@ntlworld.com>

## Llansamlet Labour Party Leaflet and the Gypsy ?traveller Site

2 messages

thomas jenkins <tom.jenkins@ntlworld.com>  
To: david.phillips@swansea.gov.uk

8 March 2013 14:21

Dear Mr Phillips

I have been advised by Mr Saville to write to you before I take the issue further. It is with regards to an official Labour Party leaflet for the May elections last year, which was delivered to homes in the Llansamlet ward. Three councillors, Dennis James, Ryland Doyle and Penny Matilews told the electorate "Llansamlet Labour Councillors will be reminding the council of it's(sic) duty to honour the agreement made by West Glamorgan County Council in the 1980s that there would only be one travellers (sic) site in Llansamlet" This statement obviously contributed to Labour winning all four of the seats. Since May there have been statements by a number of leading Labour Politicians denying the agreement. Also the City and County of Swansea has two reports on their website denying the "legality of the agreement", though both seem to accept that some sort of policy regarding this matter was agreed by officers and I believe elected members in the 1980s. (I am more than happy to use alternative words to West Glamorgan Agreement, such as policy, outcome, decision etc) The Llansamlet elected members would have included County Councillor Wyndham Davies and District Councillors Dennis James, Eileen Chilcott and Lawrence Bailey. I believe that there was also input from Morriston Councillors because of the site being so close to the Morriston Ward. If there was a policy (agreement) then this should be faced up to politically and morally by the Labour controlled council. If there wasn't an agreement then three Labour councillors misled the Llansamlet electorate and this may have largely contributed to four Labour councillors getting elected. It may also have had an impact in neighbouring wards. In Bonymash, which looked like returning well known independent Councillors, Labour won two seats. Only a few miles away in St Thomas and Landore, Independents and Liberal Democrats lost due to huge swings to Labour.

Only nine days ago a public meeting was held against a second gypsy/traveller site in Llansamlet. At that meeting Councillor Ryland Doyle claimed that in 2012, he checked with the local Labour leadership that the leaflet could go out to the electorate. This was because he was responsible for the leaflet as he was the agent. It is also obvious to anyone involved in local politics that the Labour Party leadership, including yourself, would have given permission for the leaflet to go out to the electorate. Almost certainly the Welsh Labour Party bureaucracy in Cardiff was consulted, with David Hadendyk giving permission. At the same meeting, which you were invited to attend, Mike Hedges the Labour A.M. for Swansea East, stated that there was an agreement in the 1980s, that there shouldn't be another gypsy/traveller site in Llansamlet. He also clearly stated that in 2013 there shouldn't be another site in Llansamlet or indeed Morriston. Either the agreement existed or the Labour Party's campaign in the local elections of 2012 set out to mislead the electorate, particularly in Llansamlet, but it may have had a much wider significance throughout Swansea. If I do not have a satisfactory explanation from you, then I will be forced to use other avenues in order to achieve a satisfactory conclusion to this whole matter.

Tom Jenkins,  
269 Peniel Green Road,  
Swansea,  
SA79BJ

thomas jenkins <tom.jenkins@ntlworld.com>

26 March 2013 08:51



thomas jenkins &lt;tom.jenkins@ntlworld.com&gt;

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**Gypsy/Traveller Sites**

5 messages

**Saville, Martin** <Martin.Saville@swansea.gov.uk>

25 February 2013 19:11

To: tom.jenkins@ntlworld.com

Cc: "Straw, Jack (Chief Executive)" &lt;Jack.Straw@swansea.gov.uk&gt;, "Saville, Martin" &lt;Martin.Saville@swansea.gov.uk&gt;, "Arran, Patrick" &lt;Patrick.Arran@swansea.gov.uk&gt;, "Owen, Reena" &lt;Reena.Owen@swansea.gov.uk&gt;, "Phillips, David (Leader)" &lt;david.phillips@swansea.gov.uk&gt;

Dear Mr Jenkins, further to your e-mail of the 20<sup>th</sup> February and my acknowledgment, I have now had the opportunity to draft this response to you.

In respect of the Task and finish Group minutes of the meeting held on the 8<sup>th</sup> March 2012, members' views were that they preferred three sites as opposed to five but there were no valid grounds for excluding the other two at that stage and they were advised accordingly. This was made perfectly clear to the members in the meeting and subsequently members visited all five sites.

You are quite right that the Gypsy Traveller Liaison Forum is formally provided for in the council's constitution but has not met since the meeting you refer to in 2010. The work of the Task and Finish Group did run side by side with the forum and having not been involved in the dealing with Gypsy and Travellers at that time, I can only presume that the search for a site took priority. Of the eight members on the forum, five of them formed the task and finish group so were well aware of the aims of the forum. I understand that a meeting of this forum will be held in the near future after the consultation period in the search for a new site has finished.

In terms of the movement of the Gypsy Traveller family from their temporary position on the Park and Ride site, the Council really has no option but to move them to facilitate the Swansea Vale Flood Defence Scheme. The costs of repositioning the family has to be found from within the Council's existing budget. We do not know the precise costs of the move until all the facility providers have completed their work and we see just how much work has to be done to complete the access track. An estimate of about £80,000 was indicated when the feasibility of a move was considered but this does pale into insignificance against the £7,000,000 European Convergence money being spent on the flood defence works which will safeguard parts of Morryston and Llansamlet.

The site is only for the family that is residing at the temporary park and ride site, they will be required to move once a permanent site is developed elsewhere and this piece of land will be reverted back to scrubland.

Regards

Martin Saville

Head of Public Protection

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**From:** thomas jenkins [mailto:tom.jenkins@ntlworld.com]

Thank you for giving me the opportunity to speak to you. I'd like to give you a bit of my background and then follow on with my observations and the questions I would like answered about the process.

I have grown up and lived in the Llansamlet area for most of my life and know the area very well. I have lived in Peniel Green for the past twenty four years. I wish to emphasise that Peniel Green is a distinct area and it is not in Swansea Vale. Swansea Vale, used as the location name for the Peniel Green Road site, is a more recent term used to describe the area of the Lower Swansea Valley encompassing the Enterprise Zone, Tregof Village and the area of land on the eastern bank of the River Tawe. The current permanent Gypsy/Traveller site is on Pantyblawd Road, behind the Asda store by the River Tawe and near to the Morganite plant. In fact the site has always been known locally as the Morganite Caravan Site. Pantyblawd Road used to be a through road running from behind the church in Llansamlet around to the river. It split after about half a mile so you could either go towards Morriston, or towards Ynystawe by the side of the River Tawe. When I lived in Church Road Llansamlet with my parents I used to walk down Pantyblawd Road to go down to the River Tawe. My friends and I used to sunbathe and swim in the river by the weir. I do not remember any Gypsy/travellers in the area in the Sixties.

In the Seventies (1976) Morganite relocated from London and the first Enterprise Zone in the UK was set up in 1981 to regenerate the industrial wasteland that was the Lower Swansea Valley. With the regeneration of this former industrial area came the infrastructure for the retail and industrial businesses located there today. Although originally meant to be an Enterprise Zone for industry and small businesses, it was later allowed to have retail units. There were many areas of waste land but with redevelopment came roads and water and, more importantly, access to areas of waste and derelict land. You may well say who would blame the Gypsy/Traveller families for seeking an isolated spot to set up home. Also they didn't have much bother from officialdom. I am not sure of the protocol of mentioning Gypsy/Traveller family names, perhaps Mr Chairman could guide me? I certainly remember families in the Eighties; [REDACTED], [REDACTED], [REDACTED], [REDACTED] and other names come to mind. In the late Seventies/early Eighties illegal camping by Gypsy/Travellers became more of a problem and local residents were getting irate about the Councils', both Swansea City and West Glam, failure to deal with the problem.

West Glamorgan Council and Swansea Council did try to find a solution by drawing up the West Glam Agreement(WGA). Whether you believe there is any validity to it or not the result was the only official site in the Swansea/Gower area. There would have been no official site without the WGA. Unfortunately, the compromise of that piece of political acumen was not built on by succeeding Councils. The preferred option at that time was for there to be small sites in different areas of the city. It would have allowed the Gypsy/Traveller families to integrate into many communities and they would have been more readily accepted. Indeed in the **Neath Port Talbot Gypsy and Traveller Accommodation Needs Assessment of December 2012** they state, "Thinking about future site provisions smaller sites are preferred over the creation of large sites. Smaller sites tend to be easier to manage and also more likely to be able to integrate with the settled community". The Council have allowed the Gypsy/Travellers to congregate mainly in one area of Swansea, namely, Llansamlet. Swansea Council seems to have underestimated the number of pitches needed for Gypsy/Travellers and I am interested if there has been consideration given for permission for private sites as the Welsh Government allows private sites under a "Rural Exception Site Policy". Indeed the Council lost an appeal last year against a private site being set up in Birchgrove. According to the **NPT Needs Assessment Dec 2012**"Local need does not have to be proven for private sites". **Has there been any discussion with Gypsy/Travellers about establishing a private site?**

The beginning of this drama for me and my family, was just over two years ago when my husband and I were on holiday in France. We received a phone call from our son, to say that the Evening Post had published an article, about a shortlist of five possible sites for an additional Gypsy traveller site. He explained that the field behind our house was on the shortlist. We frankly didn't really believe him. There is no getting away from the fact that there is a need for additional places for Gypsy/Travellers in Swansea. There has been an ongoing problem in the Enterprise Zone/Swansea Vale for years and it appears that the Council has been reluctant to move Travellers parked illegally

there. There seems to have been a *laissez-faire* (literally meaning-let it be, let them do as they will, or leave it alone) attitude of leaving the travellers in one place and that appears to be the policy whilst the search for another site continues. People in Llansamlet believe there has been a determination by officers to put an additional site(s) in the Llansamlet area. They believe that promises have been made to the Gypsy/Travelier families.

The two main areas I now wish to concentrate on are:

Firstly; the process started under the previous administration and how it came to a shortlist of five/two sites.

Secondly; how the Gypsy/Travellers have been dealt with in this process.

## 1006 to 2

Under the previous administration a Task and Finish Group was set up to evaluate suitable sites and make recommendations to officers. It has been stated that 1006 sites covering all 36 wards of the Council would be looked at. A decision was made to only look at Council owned sites which all sounds very wide ranging and fair. Every ward has Council owned property and the criteria would be applied to each site.

Firstly let's look at the myth of 1006 possible sites. When you look at the detail of the 1006 sites you can see straightaway that the majority of sites are unfeasible. Out of 36 ward areas 29 have no suitable land leaving only 7 wards in Swansea with the possibility of a new site. That means that there would be 29 wards whose Councillors could be certain that they would not have to justify a Gypsy/Traveller site being set up in their area. It does make you wonder if someone was trying to find the most acceptable decision for the most number of Councillors. On the one hand, it is obvious that there is still a lot of unused land in Swansea Vale/Enterprise Park, Felindre and some of the other areas. That is partly why there were 7 sites in Llansamlet out of the 19 sites shortlisted in the first sieve of sites. On the other hand, you could say that ONLY taking Council land into consideration would always give a lot of sites in Llansamlet. Some people have said that is the result that was wanted. There is a theory that a site was chosen and then the process was made to fit. Some of the criteria used to reject some sites applies equally to the Peniel Green Road site, but are not then used to reject the Peniel Green Road site !

The 7 areas with 19 possible sites are: Bonymaen, Cockett, Cwmbwria, Gorseinon, Llanguyfelach, Llansamlet and Penderry.

When you look at examples of the Council owned land listed you can see that most of them are completely unsuitable as schools, parks, libraries, community centres and Council housing are included in the list.

Examples from the 1006 sites:

Penlfergaer-Penlfergaer Primary School unable to be included because of buildings and playing fields !!; Council Housing Estates off Llewellyn Road, Heol Y Gelli and Heol Dewi Sant-unable to build because of buildings i.e. peoples' homes !!!

Pontardulais-Coedbach Park unable to be included because of Highways issues and it's a park; Council Housing off Pantiago Road unable to be considered because there are buildings i.e. peoples' homes!!

St Thomas- Danygraig Cemetery unable to be included because of Highways issues and it's a cemetery; Council Housing off David Williams Terrace unable to be used because of buildings peoples' homes !!!

Sketty-Council estates at Aneurin Close, Briar Dene, Laurel Place etc-unable to site because of buildings i.e. peoples' homes !!

Llansamlet- Heol Las Park; Primrose Park; Llansamlet Library, Talycopa Primary School;

I notice that some of the land in the list of 1006 sites is unsuitable because it has been leased out.



The shortlisted site at Peniel Green Road has been leased out for years and has always been used for agricultural purposes. In the last 23 years it has been used for growing silage and for grazing for cows and horses. I do not know the state of the current leasing arrangement but I understand the previous lease ended rather conveniently last year, towards the end of March. There has been no break in the field being used and there are still horses in the field.

Who was involved in the decision to only look at Council owned land?

Who made that decision?

Why was the Felindre site not seriously considered?

Has there been any discussion with Gypsy/Travellers about the possibility of a privately owned site?

#### WHAT WAS SAID?

My second point is to ask you to find out the truth about any conversations that have occurred between any Council Officers and the Gypsy/Travellers. There is no argument that there should be more places provided for Gypsy/Travellers. There is a big question mark over the number of places required. The illegal permitted site already looks overcrowded. It is better for Gypsy/Travellers to have a permanent base with facilities and to enable their children to go to school. When we have heard the much quoted comment "they would prefer to stay where they are", in what context has that comment been made? Has anyone explained that the Council proposal is to move the Gypsy/Travellers from "where they are" and that the Peniel Green site is nearly two miles away? I believe the other Gypsy/Traveller sites in the former West Glam area are in secluded, discreet positions away from local residents just as the Pantyblawd Road site is. The Gypsy/Traveller family on the permanent site are happy with the position of their site.

What Council officers have been involved in discussions, are they available to answer questions or can they make themselves available? If not, will they give written answers to questions submitted to them?

Has anyone other than paid Officers of the Council been involved in any discussions? Save the Children? Police Liason officers? Etc.

Are the Gypsy/Travellers aware how overlooked the proposed site in Peniel Green would be?

What notes have been kept of discussions?

What promises have been made to the Travellers?

Has an up to date Accommodation Needs Assessment been made as there seems to have been an increase in the numbers of Gypsy/Travellers on the illegal but permitted site?

Final question is how much weight has been given to the Travellers wishes?

Some or perhaps all of these questions may have been asked before. There are officers of the Council who have been involved who have left the employ of the Council. If this process has been open, honest, procedurally correct and robust then there would be notes and minutes of all meetings that have taken place so far. These would presumably be made available to Scrutiny? If there are no records then what has been going on? I understand it is part of the Scrutiny Committee's job to ask questions about the robustness of the process. That is a valuable part of the process but unless questions can be answered then it will be very difficult for the Council to move forward to find a solution. If these questions cannot be answered then what is the point of a scrutiny process?

Thank you for your time and for allowing me to speak to you.

## **Evidence from Councillor Jennifer Raynor:**

Cllr Raynor was formerly vice-chair of the second Member Gypsy Traveller Site Task & Finish Group for a short period. She attended to give views on the process and outline concerns about the role of the Task & Finish Group. She made reference to the Minutes of the Task and Finish Group held on 8 March 2012, 10 April 2012, 19 July 2012 and 27 September 2012, which were circulated to Committee Members. She also referred to a report and briefing note provided to the Group on 19 July 2012 (which she attended), and minutes of an informal meeting held on 7 September (which she also attended) between members, officers and representatives of the Gypsy & Traveller families to brief them on the ongoing assessment process, discuss potential site requirements, and seek the views of the gypsy and traveller community. These documents are attached.

Key points made by Councillor Raynor:

- Resigned from Member Task & Finish Group due to concerns about the process, including a lack clarity about the aim of the site search, the methodology used, the site selection, and consultation.
- Concern about lack of clarity about purpose of site search. The Terms of Reference of the Task & Finish Group were minimal and unclear – ‘complete a review of all Council owned land and Council land allocated for housing, and produce a report setting out options’. The purpose of the review was not clear and members were also not clear on what the options were. It was not clear whether it was a search for one site or sites, or whether this was about addressing a problem in a specific area. It was also not clear why the Terms of Reference had changed during 2010 - the March Cabinet report described that the purpose of an alternative site would be to accommodate the Gypsy and Traveller families presently occupying the unauthorised site at Swansea Vale, but the August Cabinet report (which established the Task & Finish Group) no longer mentioned this specific purpose. It could not be explained in July 2012 whether there had been a change in thinking during this time, though it still seemed that a solution for Swansea Vale was the primary concern for officers as the information / focus at the time was on the relocation of relevant families with pressure to enable access to the site for the Environment Agency in relation to the Morriston Flood Defence Scheme.
- There was confusion as to the decision-making process in the site selection process, and inter-relationship between the Task & Finish Group, Cabinet and Council. There were contradictory statements made, e.g. there was reference to the shortlisted sites being referred to Council, there was also reference to the Task & Finish Group making a report to Cabinet.

- She felt that there was inconsistent application of criteria during the site sieve process. For example, there was a selective use of information to describe sites when indicating distance from housing. There was the exclusion of Velindre on the basis of other intended uses but similar could be said for sites that went forward.
- The Task & Finish Group did not have sufficient time / resources to discuss and consider the information presented to it. It was also not satisfactory that members of the second Task & Finish Group (formed after the 2012 Council elections) were advised to visit the shortlisted sites in a personal capacity, and it was difficult for members to fully understand how the shortlist developed from 19 to 5 sites. As information about these 5 sites had found their way into the local media even before the council elections there were concerns raised by the public.
- Concerned that the housing needs assessment presented to the Task & Finish Group in March 2012 did not provide comprehensive picture of needs across the city as it only referred to needs at the official Ty Gwyn site, the 'tolerated' site and the encampments in Swansea Vale industrial park, and no reference of encampments elsewhere. It was not clear how up-to-date the needs assessment was and information about future demand.
- Concern about lack of wider consultation with the gypsy and traveller community save the 3 main gypsy and traveller families. She felt that consultation should have been carried out at an earlier stage, and given a greater degree of importance. The informal meeting held on 7 September revealed that the future housing needs of these families was greater than previously known. All 3 families expressed a willingness to share a suitable site but did not want to share with strangers on a joint transit permanent site. At the September meeting information about the shortlisted sites was shared with the three families, at a time when many councillors were denied information.
- She offered the following as learning points:
  - The governance arrangements / 'decision making' process needs to be transparent. Respective roles and responsibilities of members (including bodies such as Task & Finish Groups) and officers need to be very clear from the outset
  - The process should have a degree of flexibility with confidence to adjust things based on experience, with a clear audit trail back to the commissioning body.
  - A clear methodology and weighting should be clear from the start
  - For future public consultation exercises we must ensure the public is clear about what they are being consulted upon.

## **CITY AND COUNTY OF SWANSEA**

### **MINUTES OF THE GYPSY TRAVELLER SITE TASK AND FINISH GROUP**

**HELD AT THE CIVIC CENTRE, SWANSEA ON THURSDAY 8 MARCH 2012**  
**AT 9.00 A.M.**

**PRESENT:** Councillor J B Hague (Chair) presided

<b>Councillor(s):</b>	<b>Councillor(s):</b>	<b>Councillor(s):</b>
A C S Colburn J Evans	R L Smith	P M Matthews

**Officers:**

E Jones, A Kirczey, M Saville, D Smith, P Williams, S Willingale and J Tinker.

21. **APOLOGIES FOR ABSENCE**

No apologies for absence were given.

22. **DECLARATION OF INTEREST**

In accordance with the provisions of the Code of Conduct adopted by the City and County of Swansea, no interests were declared.

23. **MINUTES**

**AGREED** that the Minutes of the Gypsy Traveller Site Task and Finish Group held on 7 December 2011 be accepted as a correct record.

24. **PROVISION OF A NEW GYPSY SITE AND TRAVELLER SITE: ASSESSMENT UPDATE**

E Jones presented the Assessment Update Report which provided an overview of progress in the assessment of filtered Gypsy and Traveller sites. Following on from the initial assessment of the suitability of all land under Council ownership, a total of nineteen sites remained in the process (as identified within Appendix 1). It was verbally amended that the electoral division for Site 19 should be Penderry rather than Llansamlet. These sites had been further refined utilising a stringent filtering mechanism based on relevant Welsh Government guidance which resulted in five realistic site options being presented. These sites were assessed for their relative accessibility to key services as well as infrastructure and potential environmental impacts, all of which were detailed in the report.

Minutes of the Gypsy Traveller Site Task and Finish Group  
(08.03.2012) Cont'd

Given the confidential nature of this exercise it was recommended that consultation with the statutory consultees or other third parties would not take place at this stage. It was deemed suitable for this work to take place during the detailed planning application stage. It was emphasised that if Members disagreed with the suitability of the remaining sites then any of the others discounted earlier could be reconsidered.

The pros and cons of the five sites were discussed and their suitability assessed. It was considered appropriate by Members that three sites go forward as being considered suitable. The least preferred sites were not considered suitable given concerns regarding loss of potential capital receipts on a large scale housing allocation and the proximity to an existing Gypsy and Traveller site. The Head of Service recommended that members visit all five sites for completeness before finalising their thoughts.

E Jones stated that the Authority had an obligation to consult with representatives of the Gypsy and Traveller Community and the Group considered it appropriate that the preferred sites be presented.

It was queried why a certain site within close proximity to Site 5 had been rejected. It was recommended that Member site visits would take place to the preferred site options.

The Group agreed that consultation with statutory consultees would take place during the planning application stage. Reference was made to Appendix 2 of the report which detailed the likely work required (sketch layouts etc) prior to being able to present a planning application.

Pitch size requirements were discussed ranging from a need for permanent or transit site (or both). D Smith, the Legal Officer, clarified that at the start of this process this Task and Finish Group were charged with finding alternative site provision which included a range of possible sites - permanent, transit or emergency.

Reference was made to Appendix 3 of the report which detailed approximate costings for site provision.

It was established that the filtered sites would have to be subject to Sustainability Appraisal whilst sites within the catchment of the Carmarthen Bay and Estuaries European Marine Site may have to be assessed via the EU Habitats Directive.

It was queried whether planning permission would now be sought for all remaining sites. It was clarified that in accordance with the Terms of Reference of the Gypsy and Traveller Task and Finish Group, that a report would be prepared for consideration by Cabinet on the filtered sites options which would then subsequently be reported to Council recommending that one or more sites should be taken forward to the planning application stage.

P Williams outlined the accommodation needs assessment. It was calculated that in the next five years there would be a need for an extra four pitches on the unauthorised site and six on the Ty Gwyn site. Associated work was also being undertaken with the Education Section.

It was queried how many sites had been identified both in Carmarthenshire and Neath Port Talbot Council areas. The provision within these areas were broadly identified and discussed.

The Group considered it appropriate for all Members to undertake the site visits and that they would remain open-minded in looking for a transit site.

**AGREED** that:

- (1) Site visits be undertaken to the sites as discussed.
- (2) Confirmation be sought why a certain site within close proximity to Site 5 had been discounted.

The meeting ended at 9.40 a.m.

**CHAIR**

## **CITY AND COUNTY OF SWANSEA**

### **NOTES OF THE GYPSY TRAVELLER SITE TASK AND FINISH GROUP SITE VISITS**

**HELD ON TUESDAY 10 APRIL 2012 AT 12.30 P.M.**

**PRESENT:** Councillor J B Hague (Chair)

<b>Councillor(s):</b>	<b>Councillor(s):</b>	<b>Councillor(s):</b>
A C S Colburn J Evans	P M Matthews	R L Smith

**Officers:**

E Jones, R Jones, R Owen, D Turner and J Tinker

25. **APOLOGIES FOR ABSENCE**

No apologies for absence were given.

26. **DECLARATION OF INTEREST**

In accordance with the provisions of the Code of Conduct adopted by the City and County of Swansea, no interests were declared.

27. **SITE VISITS**

R Owen advised Members that it was appropriate in order to ensure the transparency and completeness of the work of the Task Group that site visits should take place to all five sites and that consultations should take place with representatives of the Gypsy and Traveller community prior to making recommendations to Cabinet. It was queried if an additional site visit could also be undertaken to a site that had been previously filtered out and was located within close proximity to Site 5 referred to in the report. However, the Group decided that this was not appropriate.

Site visits then took place to all five sites in turn and Members viewed from certain aspects the actual position of the five sites. E Jones outlined the pros and cons of the five sites and their suitability, and summarised the presentation given at the meeting on 8 March 2012. This included the planning allocation of the site in the UDP, infrastructure, access to key services, highway access, as well as the loss of housing land bank and size of the site. It was emphasised that before any sites were discounted relevant and appropriate reasons needed to be given.

Notes of the Gypsy Traveller Site Task and Finish Group Site Visits  
(10.04.12) Cont'd

It was considered beneficial that a meeting of the Group be arranged to discuss feedback from these site visits.

The site visits ended at 2.15 p.m.

**CHAIR**

S: CM95120410  
(JT/KL)



**Report of the Corporate Directors of Environment and  
Regeneration and Housing  
Gypsy & Traveller Site Task and Finish Group  
19 July 2012**

**Provision of New Gypsy & Traveller Site  
Background and Context**

The following breakdown provides a general overview of progress in the assessment of filtered Gypsy & Traveller sites.

**1.0 Gypsy & Traveller Site Search**

Following on from the initial assessment of the suitability of all land under Council ownership (5,300 hectares covering 36 Wards) a total of 19 sites (See Appendix 3) still remained in the process. These sites were further refined utilising a stringent filtering mechanism (as previously endorsed) based on all relevant Welsh Government guidance. The suitability and likely availability of the sites was then assessed against criteria which were broadly grouped into policy requirements, land ownership, physical constraints and potential impacts. An outline of the approach adopted and the outputs from the previous Task and Finish Group sessions are set out in Appendices 1 and 2 respectively.

**2.0 Assessment Approach**

All of the sites were assessed individually and their suitability was tested in recognition of the likely requirements associated with their consideration via the planning application process. Initial site surveys were prepared whilst photographs were taken to aid in site identification.

The reasons for rejection during this stage varied considerably from sites being subject to physical constraints incapable of mitigation, to likely adverse impacts on adjoining environmental designations. The approach recognised that certain constraints are clear cut and are absolute, whilst others require more detailed site examination and may be capable of mitigation. Given the scale of the exercise, no sites were subject to detailed viability assessments at this stage. However, some sites, because of the likely cost required to remove identified physical constraints, were rejected on the grounds that site assembly and development are unlikely to be achievable.

All sites were assessed for their relative accessibility to key services, such as medical, retail, education and transportation provision/facilities. Local authorities are advised in the relevant Circulars/guidance to be realistic about the availability of alternatives to the car in accessing local services. Therefore, the intention will be to further examine the shortlisted site(s)

through the planning application stage and to give a preference to those sites located in or near settlements with access to these services.

Site capacity will have to take account of on-site constraints and the need, where appropriate, for landscaping and other mitigation measures to achieve a suitable development. A generous approach to landscaping and access arrangements will have to be adopted to ensure a high standard of design can be achieved on site. This will result in sufficient access and accommodation space to create a site which Gypsy & Travellers find acceptable. At the same time, sufficient space and landscaping will help conserve the residential amenity of neighbouring uses.

### 3.0 Outputs of the Assessment

The following table highlights the more realistic site options in alphabetical ward order:

Site Code	Ward	Name of Preferred Site	Rationale
A5 S1	Cockett	Former Greyhound Stadium	Probable infrastructure availability and set within the defined urban area
A9 S1	Gorseinon	Rear of Parc Melyn Mynach	Available Housing Allocation
A9 S20	Gorseinon	Proposed Cemetery	Probable infrastructure availability
A17 S20	Llansamlet	Swansea Vale	Part available Housing Allocation
A26 S2	Penderry	Milford Way	Available Housing Allocation

The full assessment of the above sites is set out within Appendix 4.

It is recommended that Members consider the above options in line with the desired site(s) requirements. Members may conclude that some of the sites previously recommended as being inappropriate may still be deemed suitable for further consideration (i.e. if sufficient financial resources are made available to mitigate identified issues).

### 4.0 What Happens Next

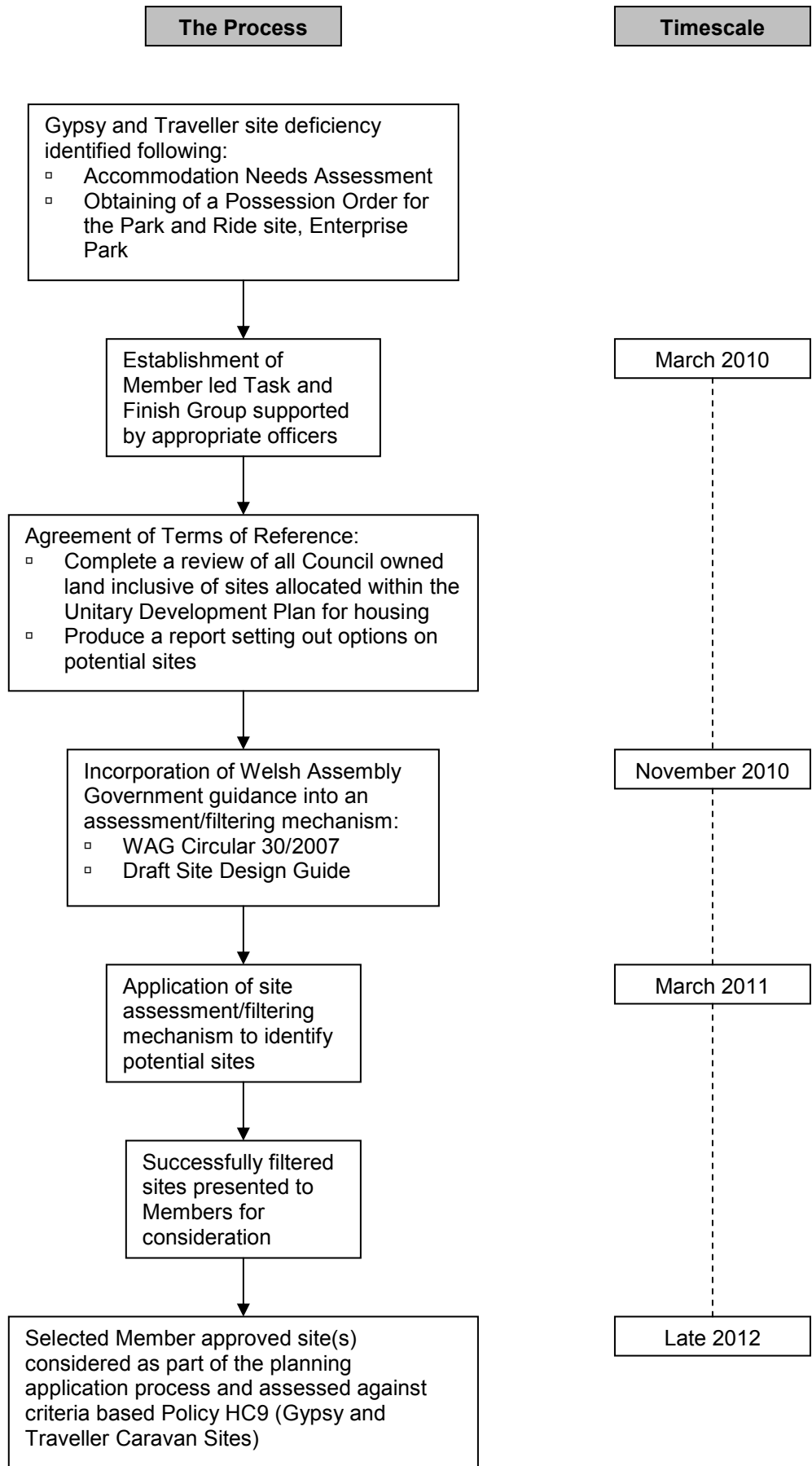
Progress will depend on the feedback gained from the Task and Finish Group session. In addition, the key considerations identified within Part 5.0 of this report may influence the predicted timescales. In accordance with the Terms of Reference of the Gypsy & Traveller Task and Finish Group successfully filtered site(s) will be recommended to Council as being suitable to take forward to the planning application stage and be assessed via Policy HC9 (Gypsy & Traveller Caravan Sites) of the Unitary Development Plan.

## 5.0 Key Considerations

- The preferred site(s) will have to be subject to an initial broad assessment of the number of pitches or plots which could be provided on site. They will have to be subject to more detailed work, sketch layouts and costings, to enable practical delivery.
- The likely economic viability of delivering the sites by taking into account cost factors (site preparation, infrastructure costs, etc) and whether the value of potential alternative uses of the site makes its delivery unlikely will need to be considered further. Costs could include – on particular sites without any drainage provision the Authority will have to fund a bio bubble/other on site waste treatment facility.
- Identification of likely site requirements – Permanent/Transit or a combination. This may influence the positioning and characteristics of site provision. Even though the final report will highlight the most appropriate site option(s), the excluded sites may be reconsidered if they are deemed more suitable once the detailed site requirements are finalised.
- The Authority has a statutory obligation to consult with representatives of the Gypsy & Traveller community. It is recommended that this takes place following the identification of the preferred site(s) options but prior to the planning application stage.
- Given the confidential nature of this work it is recommended that consultation with the statutory consultees or other third parties will take place either just prior or during the detailed planning application stage. This will mean that only the more realistic options will be assessed.
- Advice should be sought whether the Authority could/should submit an application to the Welsh Government for a share of the Gypsy and Traveller New Sites Grant for 2013.
- Site(s) identification should cater for the immediate provision deficiency and ensure that sufficient pitches are in place for future demands during the Local Development Plan period.
- The preferred site option(s) will have to be subject to a Sustainability Appraisal (SA). Sustainability principles have been integrated into the process of site selection to help make sure the sites chosen for development are compatible with sustainable development principles. The criteria used in site selection already closely relate to sustainable development, covering environmental protection and meeting social needs. It is proposed that a matrix will be prepared as soon as the final site option(s) are identified that will compare the sites with the sustainability objectives set and make recommendations where necessary. This will inform the site selection exercise and provide a better fit with sustainability principles.

- Should any of the filtered sites be within the catchment of the Carmarthen Bay and Estuaries European Marine Site (CBEEMS) then the Authority is required to meet its obligation under the EU Habitats Directive, to ensure no new developments adversely affect the Special Area of Conservation. The European marine site designation means that any new development or permits which may impact upon the features of the CBEEMS must undergo a "Habitats Regulation Assessment". This has led to a precautionary approach to new applications for development that may add additional loading on the public and private sewerage infrastructure in the area.

## Appendix 1: Gypsy and Traveller Site Selection Sequence



## Appendix 2: Gypsy & Traveller Task and Finish Group Sessions

### Gypsy & Traveller Site Task and Finish Group 8<sup>th</sup> November 2010

Outcome:

- **Terms of Reference as agreed by Cabinet were adopted**
- **Criteria for assessment agreed by Cabinet were accepted**
- **Criteria for first sieve were accepted**

### Gypsy & Traveller Site Task and Finish Group 8<sup>th</sup> December 2010

Outcome:

- **Discussion on potential sites incorporating the agreed criteria**
- **Consideration and agreement of a variety of maps highlighting 'first sieve' site constraints**
- **'Second sieve' site constraints agreed**
  - Map 1: Council land ownership as at December 2010
  - Map 2: Areas of the County affected by contaminated land
  - Map 3: Areas of the County affected by Flood Zones 1&2
  - Map 4: Contaminated land/Flood Zones 1&2 and Council land ownership as at December 2010
  - Map 5: Council owned land not affected by contaminated land of Flood Zones 1&2
  - UDP Proposals Maps
  - Sketch Map: Illustrating smaller search areas and map showing Strategic Employment Sites

### Gypsy & Traveller Site Task and Finish Group 12<sup>th</sup> January 2011

Outcome:

- **Consideration of potential sites and the next steps**
- **Consideration and agreement of a variety of maps highlighting 'second sieve' site constraints:**
  - Map 1: Council land ownership as at December 2010
  - Map 2: Areas of the County set within Environmental Designations (International/National/Local)
  - Map 3: Areas of the County set within UDP environmental designations
  - Map 4: Council land ownership as at December 2010 incorporating locations of Strategic Employment Sites, District Shopping Centres and City Centre Boundary
  - Map 5: Council land ownership as at December 2010 excluding land with the constraints identified to date
  - Map 6: Proposed areas of search

### Gypsy & Traveller Site Task and Finish Group 9<sup>th</sup> February 2011

Outcome:

- **Consideration and agreement of a Pilot Study area presented via maps representing:**

Pilot 1: Council ownership with title implications

Pilot 2: Pilot 1 with all previously agreed constraints removed

Pilot 3: Pilot 2 showing sites remaining

Plan A: Council ownership across the whole City with Housing Revenue land removed

- **Consideration and agreement of a suggested search criteria:**
  - 1) Overlay the previously agreed site constraints plan against a plan of the Council's entire ownership
  - 2) Overlay Housing Revenue Account ownerships against what's left
  - 3) Commence the project on an area by area basis (36 areas)

#### **Gypsy & Traveller Site Task and Finish Group 9<sup>th</sup> March 2011**

Outcome:

- **Feedback on the exercise that had been conducted using the procedures previously agreed**
- **Agreed that the sites resulting from the investigations will be presented in individual Tranches (36 in total)**

#### **Gypsy & Traveller Site Task and Finish Group 6<sup>th</sup> April 2011**

Outcome:

- **Verbal feedback on Tranche One of the site analysis**
- **Agreement that approximately 5 Tranches will be presented to Members following removal of Corporate Property/Planning constraints**

#### **Gypsy & Traveller Site Task and Finish Group 1<sup>st</sup> June 2011**

Outcome:

- **Reminder of the adopted site analysis and site selection process**
- **Feedback on the review of 6 Tranches**
- **Discussion on Historical Sites**

#### **Gypsy & Traveller Site Task and Finish Group 3<sup>rd</sup> August 2011**

Outcome:

- **Feedback on the review of Tranches**

#### **Gypsy & Traveller Site Task and Finish Group 7<sup>th</sup> December 2011**

Outcome:

- **Presentation of the full outputs of the Assessment**
- **Identification of the site boundaries of the 19 successfully filtered sites**
- **Presentation of Report on Title (Deeds) on the 19 successfully filtered sites**

**Gypsy & Traveller Site Task and Finish Group 8<sup>th</sup> March 2012**

Outcome:

- **Presentation of the detailed assessment of the 19 successfully filtered sites**
- **Identification of the 5 final filtered sites**

**Gypsy & Traveller Site Task and Finish Group (Site Visit) 10<sup>th</sup> April 2012**

Outcome:

- **Undertook a site visit to the 5 final filtered sites**

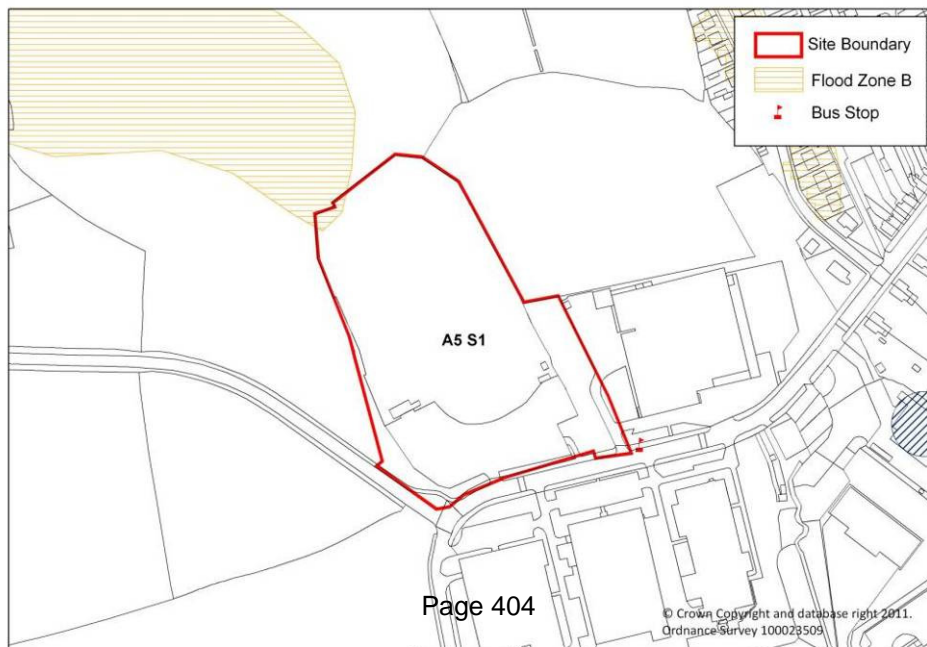


### **APPENDIX 3: Site Assessment Outputs – Initially Filtered 19 Sites**

- Site 1 (A2 S3) Garage site RO Carmel Road (Bonymaen)
- Site 2 (A5 S1) Former Greyhound Stadium (Cockett)
- Site 3 (A5 S2) Adj to Greyhound Stadium (Cockett)
- Site 4 (A5 S38) Abergelly Road (Cockett)
- Site 5 (A6 S1) Heol Y Gors (Cwmbwrla)
- Site 6 (A9 S1) Rear of Parc Melyn Mynach (Gorseinon)
- Site 7 (A9 S3) Land off Heol Y Mynydd (Gorseinon)
- Site 8 (A9 S4) Former Railway from High Street (Gorseinon)
- Site 9 (A9 S20) Proposed Cemetery (Gorseinon)
- Site 10 (A16 S15) Bryntywod (Llangyfelach)
- Site 11 (A16 S16) Adj Afon Tinplate (Llangyfelach)
- Site 12 (A17 S14) Tregof Village (Llansamlet)
- Site 13 (A17 S15) Tregof Village (Llansamlet)
- Site 14 (A17 S16) Swansea Vale (Llansamlet)
- Site 15 (A17 S17) Swansea Vale (Llansamlet)
- Site 16 (A17 S19) Swansea Vale (Llansamlet)
- Site 17 (A17 S20) Swansea Vale (Llansamlet)
- Site 18 (A17 S21) Swansea Vale (Llansamlet)
- Site 19 (A26 S2) Milford Way (Penderry)

## Appendix 4: Detailed Site Assessments – Final Filtered 5 Sites

### Site 2 (A5 S1) – Former Greyhound Stadium (Cockett)



<b>Site Details</b>	
Site Reference	A5 S1
Ward	Cockett
Address	Former Greyhound Stadium
Site Size	2.4 hectares
Service Area Ownership	Estates
<b>Site Constraints</b>	
UDP Designation	Within Urban Area
Flood Zone	B: Minimal C1: N/A C2: N/A (See Constraints Map)
Contamination	N/A
<b>Site Characteristics</b>	
Flat	Yes
Surface	Partial tarmacadam and turf
Status	Vacant
Availability	Council owned and available
Capacity for growth	Yes, more than the required site size
Security	Would require boundary works
Hazards – gaspipe etc	N/A
Coal	N/A
<b>Highway Issues</b>	
Highway comments	<p>This site is located within the Swansea West Industrial Estate and is accessed directly from Ystrad Road. Roads within the estate are designed and maintained to accommodate commercial traffic movements and are therefore suitable in principle to the type and level of traffic that is likely to need accommodating</p> <p>Ystrad Road leading south from the site has some restrictions as the standard is reduced with limitations in width and a height restriction where it passes under the railway bridge before connecting to Cwmbach Road between Cockett and Waunarlyydd. This junction is not suited to the type and frequency of traffic associated with the use sought and therefore there may be a need to consider restrictions preventing its use, although if relying on traffic orders as opposed to physical</p>

	<p>barriers enforcement may be a problem</p> <p>Ystrad Road leading north from the site does pass some residential properties and there have been concerns in the past with commercial traffic movements along that particular section which have lead to a restrictive 'gateway' being constructed at the junction with Carmarthen Road. Whilst both ends of Ystrad Road have limitations and restrictions, there are alternative routes through the estate out onto Carmarthen Road to the east along the routes taken by all the industrial estate traffic and this would avoid increasing commercial vehicle movements past residential properties until it meets the wider strategic highway network</p> <p>The site access would need to be modified however it is established and has accommodated a commercial level of use in the past</p>
Pedestrian route to settlement	Yes, existing pathways
Public transport provision	Provided in the immediate vicinity
Public transport distance	823 metres
PROW	N/A
<b>Infrastructure</b>	
Water	Existing main identified within close proximity to the site – Ystrad Road
Drainage/Sewerage	No public sewer identified within immediate proximity to the site. Private sewer may be available or alternatively a bio-bubble/other on site waste treatment may be required
Electricity	Good prospect of delivery – Will be assessed prior/during planning application stage
Lighting	Good prospect of delivery – Will be assessed prior/during planning application stage
Gas	Will be assessed prior/during planning application stage
Waste Disposal	Good prospect of delivery – Will be assessed prior/during planning application stage

## Local Services

Schools	<p>Primary:</p> <ul style="list-style-type: none"> <li>▫ Cadle Current Surplus Capacity: +65 (Sept 2011) Projected Surplus Capacity: +6 (Sept 2018)</li> <li>▫ Waunarlwydd Current Surplus Capacity: +65 (Sept 2011) Projected Surplus Capacity: +34 (Sept 2018)</li> <li>▫ YGG Login Fach Current Surplus Capacity: +10 (Sept 2011) Projected Surplus Capacity: -28 (Sept 2018)</li> </ul> <p>Secondary:</p> <ul style="list-style-type: none"> <li>▫ Bishop Gore Current Surplus Capacity: +239 (Sept 2011) Projected Surplus Capacity +70 (Sept 2018)</li> <li>▫ Gowerton Current Surplus Capacity: +34 (Sept 2011) Projected Surplus Capacity +254 (Sept 2018)</li> <li>▫ Y Gwyr Current Surplus Capacity: +254 (Sept 2011) Projected Surplus Capacity -50 (Sept 2018)</li> </ul>
Health Care Facilities	<ul style="list-style-type: none"> <li>▫ Doctors Surgery: Cheriton Medical Centre, Portmead</li> <li>▫ Dentist Surgery: Jeremy P Richards, Cwmbwrla</li> </ul>
Community Facilities	<ul style="list-style-type: none"> <li>▫ Cockett Community Centre: Main Hall/Kitchen</li> <li>▫ Fforestfach Library</li> <li>▫ Penlan Community Leisure Centre</li> </ul>
Food Shops	<ul style="list-style-type: none"> <li>▫ Tesco, Fforestfach</li> </ul>

## Potential Environmental Impacts

AONB	N/A
Green Wedge	N/A
Registered Common Land	N/A
Nature Conservation	N/A
Listed Buildings/Conservation Areas/Ancient Monuments etc	N/A

## Amenity Issues

Amenity – Neighbours	Adjacent to light industrial/warehousing/retail uses
Amenity – Occupiers	Site is bounded by a road and partial light industrial activity and thus would be subject to some noise pollution

## Comments Received

**Economic Regeneration:** Though unallocated in the UDP, the site is linked to a wider area of CCS ownership totalling 14+ hectares which is identified in the current UDP for employment uses (EC1). There is an indentified shortage for land for employment uses within CCS and Swansea West is well placed to provide future development of this kind perhaps linked to a wider comprehensive development area with a range of mixed uses. These are options are being considered as part of the LDP process and strategic studies informing that process. Use of this land for a travellers site would potentially compromise the opportunity of considering the longer term opportunities the wider area at Swansea West may offer, and should be resisted

## Conclusion

### Pros

- Defined in the Unitary Development Plan as being within the urban area
- Hardstanding and infrastructure available
- The site is reasonably well located to services and facilities
- Highway infrastructure acceptable for proposed use (subject to access modifications)
- The site is relatively self contained with sufficient scope for expansion

### Cons

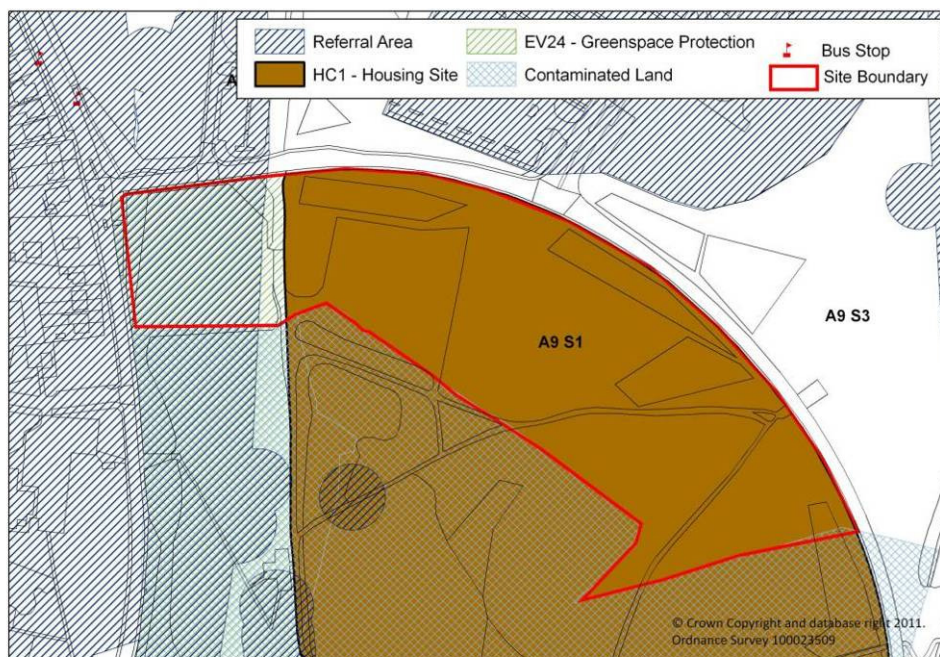
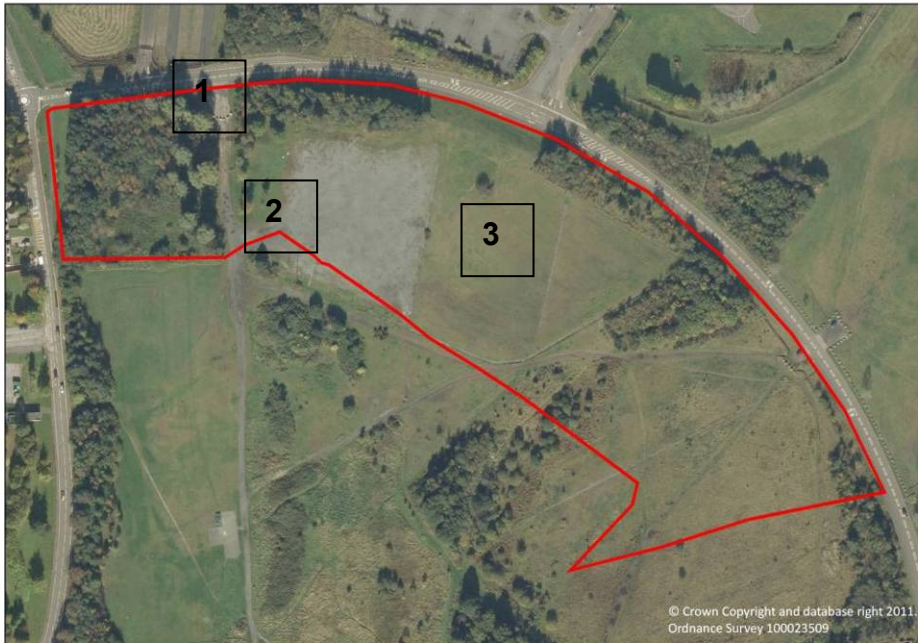
- Part of a Local Development Plan Candidate Site submission for a mixed use strategic site
- Site is set within a light industrial area and there are concerns on placing noise sensitive receptors into this environment
- Given that the site is within the Gowerton waste water treatment works catchment there will be a requirement to investigate whether the proposal could adversely affect the Special Area of Conservation

## Recommendation

Site suitable to be considered further and possibly assessed via planning application



## Site 6 (A9 S1) Rear of Parc Melyn Mynach (Gorseinon)



<b>Site Details</b>	
Site Reference	A9 S1
Ward	Gorseinon
Address	Rear of Parc Melyn Mynach
Site Size	5.05 hectares
Service Area Ownership	Estates & Leisure
<b>Site Constraints</b>	
UDP Designation	HC1 (102) – Housing Allocation EV24 – Greenspace System
Flood Zone	N/A
Contamination	Yes, minimal – See Constraints Map
<b>Site Characteristics</b>	
Flat	Generally flat
Surface	Partly hardcore and grassland
Status	Partly undeveloped housing allocation and recreational land
Availability	Council owned and available
Capacity for growth	Yes, more than the required site size
Security	Open – Would require boundary works
Hazards – gaspipe etc	N/A
Coal	Referral Area
<b>Highway Issues</b>	
Highway comments	<p>The site is suitably located with regard to highway access. Whilst there is residential development to the south, developments in the vicinity of the site are commercial/industrial with access being from Heol Y Mynydd which is of sufficient standard to accommodate the likely level and type of traffic associated with a traveller site</p> <p>Subject to details of access position, its standards and the layout of a traveller site this site could be considered suitable for further consideration</p>
Pedestrian route to settlement	Yes, existing pathways
Public transport provision	Provided in the immediate vicinity
Public transport distance	614 metres
PROW	N/A



<b>Infrastructure</b>	
Water	Existing main identified within immediate vicinity to the site – Heol Y Mynydd
Drainage/Sewerage	No existing public sewer identified within immediate proximity to the site – Pontardulais Road. Private sewer may be available or alternatively a bio-bubble/other on site waste treatment may be required
Electricity	Good prospect of delivery – Will be assessed prior/during planning application stage
Lighting	Good prospect of delivery – Will be assessed prior/during planning application stage
Gas	Will be assessed prior/during planning application stage
Waste Disposal	Good prospect of delivery – Will be assessed prior/during planning application stage
<b>Local Services</b>	
Schools	<p>Primary:</p> <ul style="list-style-type: none"> <li>▫ Gorseinon Infants Current Surplus Capacity: +40 (Sept 2011)</li> <li>▫ Gorseinon Junior Current Surplus Capacity: +2 (Sept 2011)</li> <li>▫ Gorseinon Primary (Sept 2012) Projected Surplus Capacity: 6 (Sept 2018)</li> </ul> <p>Secondary:</p> <ul style="list-style-type: none"> <li>▫ Penyrheol Current Surplus Capacity: +127 (Sept 2011) Projected Surplus Capacity +216 (Sept 2018)</li> </ul>
Health Care Facilities	<ul style="list-style-type: none"> <li>▫ Doctors Surgery: Tyr Felin Surgery, Gorseinon</li> <li>▫ Dentist Surgery: M&amp;B Gabe, Gorseinon</li> </ul>
Community Facilities	<ul style="list-style-type: none"> <li>▫ Canolfan Gorseinon Centre: Nursery/Café/Community Cinema/Meeting Room/Conference Room</li> <li>▫ Penyrheol Leisure Centre: Gym/Swimming Pool</li> <li>▫ Gorseinon Library</li> </ul>
Food Shops	<ul style="list-style-type: none"> <li>▫ Asda, Gorseinon</li> </ul>

## Potential Environmental Impacts

AONB	N/A
Green Wedge	N/A
Registered Common Land	N/A
Nature Conservation	EV24 – Greenspace System
Listed Buildings/Conservation Areas/Ancient Monuments etc	N/A

## Amenity Issues

Amenity – Neighbours	Opposite to a car components factory. Open space provision will be lost
Amenity – Occupiers	There may be some minimal noise pollution from the factory. The site is open in nature and would require boundary works

## Comments Received

**Property Development:** Is allocated in the UDP for permanent residential use under policy HC1 (10+ units). The site is also identified in the disposal programme as an asset for future sale in support of the capital programme. The site also has sewer infrastructure issues as it is intended for foul water sewers to connect to the pumping station at High Street/Heol Y Mynydd junction however this station is not adopted by DCWW and therefore connection would be resisted until adoption is arranged. The site was subject to remediation and decontamination through a land reclamation scheme funded by WDA in the 1980's and clawback provisions remain in force until disposal and capital receipts have been received. In addition the site is adversely affected by the ongoing Bury Inlet issues whereby EA and CCW would object to development on the grounds that it would add to the yield at Gowerton Sewage works

## Conclusion

### Pros

- Partly defined as Housing Allocation (HC1 102) within the Unitary Development Plan and is therefore available for residential use
- Highway infrastructure acceptable for proposed use (subject to access modifications)
- Partial hardstanding available
- The site is reasonably well located to services and facilities
- In accordance with the legislative framework the site is positioned within close proximity to an existing settlement
- The site area provides sufficient scope for expansion

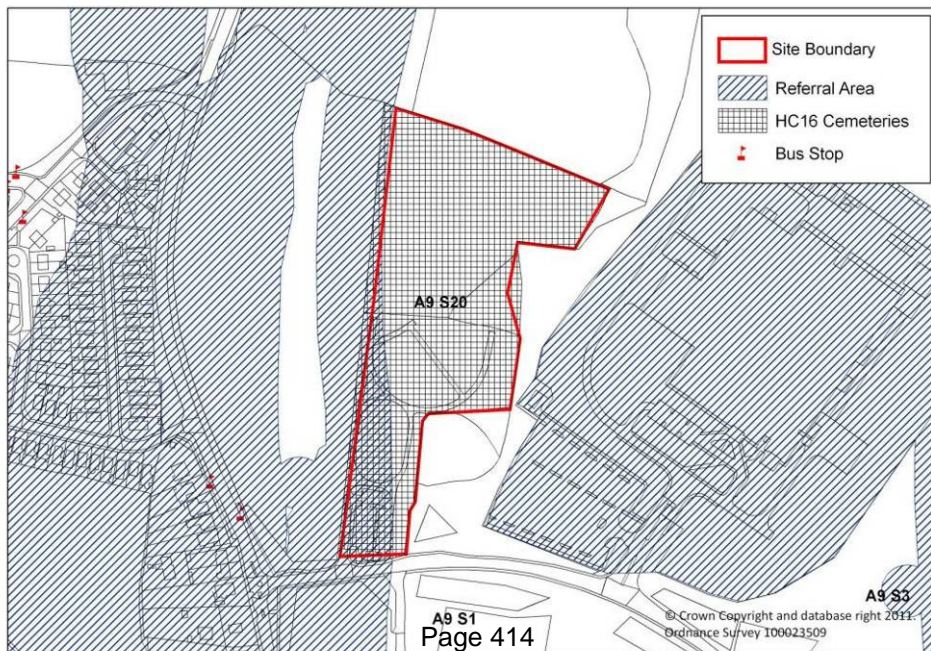
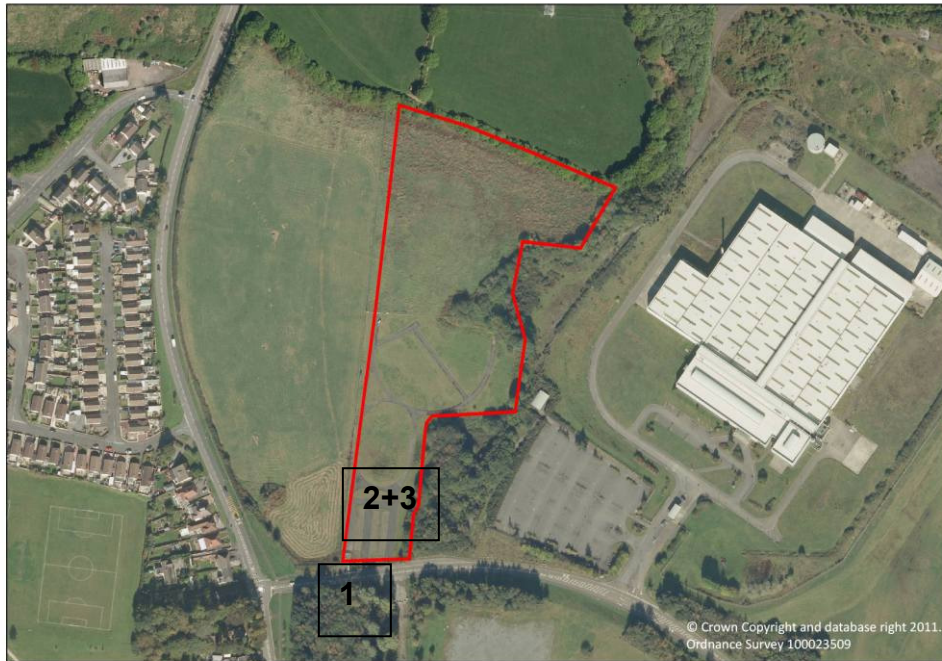
#### Cons

- Partly defined as an area of Greenspace System (EV24) within the Unitary Development Plan
- Loss of housing landbank and reduction in potential capital receipts
- Welsh Development Agency (Now part of the Welsh Government) reclamation scheme clawback provisions remain in force until disposal and capital receipts have been received
- Investment in boundary works would be required
- The size of the site is excessive for the requirements so subdivision would be necessary
- The site would require landscaping works
- Given that the site is within the Gowerton waste water treatment works catchment there will be a requirement to investigate whether the proposal could adversely affect the Special Area of Conservation

#### **Recommendation**

Site suitable to be considered further and possibly assessed via planning application

# Site 9 (A9 S20) Proposed Cemetery (Gorseinon)



<b>Site Details</b>	
Site Reference	A9 S20
Ward	Gorseinon
Address	Proposed Cemetery
Site Size	3.21 hectares
Service Area Ownership	Environment
<b>Site Constraints</b>	
UDP Designation	HC16 – Cemeteries
Flood Zone	N/A
Contamination	N/A
<b>Site Characteristics</b>	
Flat	Flat tiers, gradual gradient
Surface	Partial tarmacadam and turf
Status	Council owned and available
Availability	Unused Cemetery Allocation
Capacity for growth	Yes, more than the required site size
Security	Fully enclosed and secure
Hazards – gaspipe etc	N/A
Coal	Referral Area
<b>Highway Issues</b>	
Highway comments	<p>The site is suitably located with regard to highway access, developments in the vicinity of the site are commercial/industrial with access being from Heol Y Mynydd which is of sufficient standard to accommodate the likely level and type of traffic associated with a traveller site</p> <p>Subject to details of the layout of a traveller site this site could be considered further, however the current proposed use of the site would need to be abandoned and this may preclude its consideration as suitable</p>
Pedestrian route to settlement	Yes, existing pathways
Public transport provision	Provided in the immediate vicinity
Public transport distance	371 metres
PROW	N/A



<b>Infrastructure</b>	
Water	Existing main identified within immediate vicinity to the site – Heol Y Mynydd
Drainage/Sewerage	No existing public sewer identified within immediate proximity to the site – Pontardulais Road. Private sewer may be available or alternatively a bio-bubble/other on site waste treatment may be required
Electricity	Good prospect of delivery – Will be assessed prior/during planning application stage
Lighting	Good prospect of delivery – Will be assessed prior/during planning application stage
Gas	Will be assessed prior/during planning application stage
Waste Disposal	Good prospect of delivery – Will be assessed prior/during planning application stage
<b>Local Services</b>	
Schools	<p>Primary:</p> <ul style="list-style-type: none"> <li>▫ Penyrheol</li> </ul> <p>Current Surplus Capacity: +109 (Sept 2011) Projected Surplus Capacity +135 (Sept 2018)</p> <p>Secondary:</p> <ul style="list-style-type: none"> <li>▫ Penyrheol</li> </ul> <p>Current Surplus Capacity: +127 (Sept 2011) Projected Surplus Capacity +216 (Sept 2018)</p>
Health Care Facilities	<ul style="list-style-type: none"> <li>▫ Doctors Surgery: Tyr Felin Surgery, Gorseinon</li> <li>▫ Dentist Surgery: M&amp;B Gabe, Gorseinon</li> </ul>
Community Facilities	<ul style="list-style-type: none"> <li>▫ Canolfan Gorseinon Centre: Nursery/Café/Community Cinema/Meeting Room/Conference Room</li> <li>▫ Penyrheol Leisure Centre: Gym/Swimming Pool</li> <li>▫ Gorseinon Library</li> </ul>
Food Shops	<ul style="list-style-type: none"> <li>▫ Asda, Gorseinon</li> </ul>

## Potential Environmental Impacts

AONB	N/A
Green Wedge	N/A
Registered Common Land	N/A
Nature Conservation	N/A
Listed Buildings/Conservation Areas/Ancient Monuments etc	N/A

## Amenity Issues

Amenity – Neighbours	Adjacent to a car components factory. No other immediate neighbours
Amenity – Occupiers	There may be some minimal noise pollution from the factory

## Comments Received

**Corporate Property:** Currently being grazed unofficially. Agreement proposed and under negotiation to formalise occupation by way of twelve month licence from 25/03/12 to protect Councils interest (not completed as yet)

## Conclusion

### Pros

- Highway infrastructure acceptable for proposed use (subject to access modifications)
- Partial hardstanding and boundary fencing already available
- The site is reasonably well located to services and facilities
- The site is relatively self contained with sufficient scope for expansion

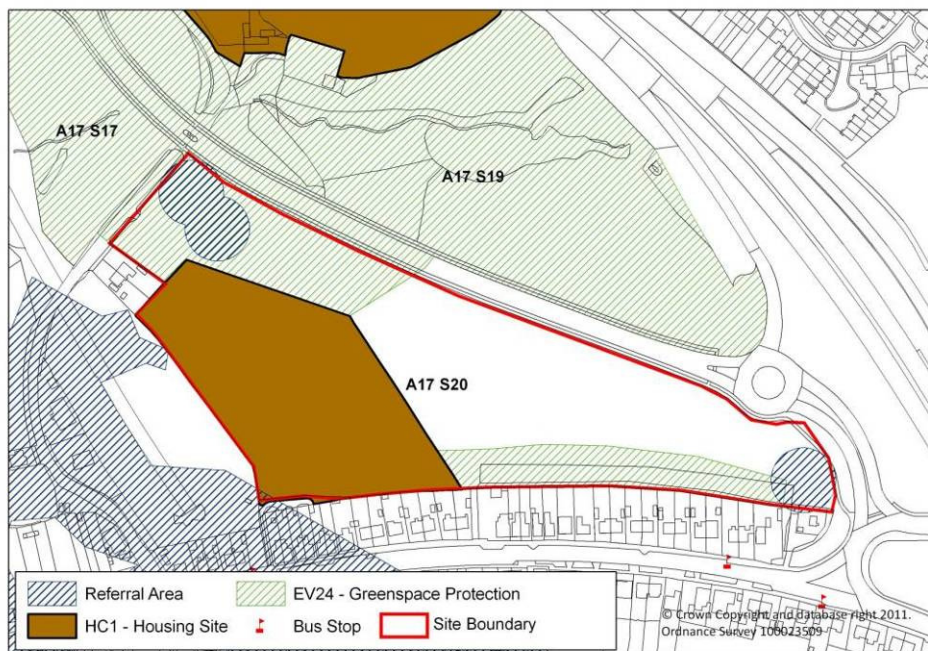
### Cons

- Defined as a Cemetery Allocation (HC16) within the Unitary Development Plan
- Site is tiered with a gradual gradient
- Given that the site is within the Gowerton waste water treatment works catchment there will be a requirement to investigate whether the proposal could adversely affect the Special Area of Conservation

## Recommendation

Site suitable to be considered further and possibly assessed via planning application

## Site 17 (A17 S20) Swansea Vale (Llansamlet)





<b>Site Details</b>	
Site Reference	A17 S20
Ward	Llansamlet
Address	Swansea Vale
Site Size	4.60 hectares
Service Area Ownership	Estates
<b>Site Constraints</b>	
UDP Designation	HC1 (11) – Housing Allocation EV21 – Rural Development EV22 – Countryside General Policy EV24 – Greenspace System EV41 – Hazardous Installations/Consultation Zones
Flood Zone	N/A
Contamination	N/A
<b>Site Characteristics</b>	
Flat	Generally flat
Surface	Shrub/Grassland
Status	Open land
Availability	Council owned and available – following expiry of
Capacity for growth	Yes, more than the required site size
Security	Open – Would require enclosure works
Hazards – gaspipe etc	Gas pipeline
Coal	Referral Area
<b>Highway Issues</b>	
Highway comments	There would be a need to avoid direct access onto the estate road and this will result in a secondary access having to be constructed. The site may be suitable subject to detailed layout being satisfactory.
Pedestrian route to settlement	Yes, existing pathways
Public transport provision	Provided in the immediate vicinity
Public transport distance	199 metres
PROW	N/A

<b>Infrastructure</b>	
Water	Existing main identified within close proximity to the site – Gwernllwynchwyth Road
Drainage/Sewerage	No public sewer identified within immediate vicinity of the site – Peniel Green Road. Private sewer may be available or alternatively a bio-bubble/other on site waste treatment may be required
Electricity	Good prospect of delivery – Will be assessed prior/during planning application stage
Lighting	Good prospect of delivery – Will be assessed prior/during planning application stage
Gas	Will be assessed prior/during planning application stage
Waste Disposal	Good prospect of delivery – Will be assessed prior/during planning application stage
<b>Local Services</b>	
Schools	<p>Primary:</p> <ul style="list-style-type: none"> <li>▫ Trallwn Current Surplus Capacity: +82 (Sept 2011) Projected Surplus Capacity +32 (Sept 2018)</li> <li>▫ YGG Lonlas Current Surplus Capacity: +26 (Sept 2011) Projected Surplus Capacity +8 (Sept 2018)</li> </ul> <p>Secondary:</p> <ul style="list-style-type: none"> <li>▫ Cefn Hengoed Current Surplus Capacity: +221 (Sept 2011) Projected Surplus Capacity +228 (Sept 2018)</li> <li>▫ YG Bryntawe Current Surplus Capacity: +306 (Sept 2011) Projected Surplus Capacity +41 (Sept 2018)</li> </ul>
Health Care Facilities	<ul style="list-style-type: none"> <li>▫ Doctors Surgery: Frederick Place Surgery, Llansamlet</li> <li>▫ Dentist Surgery: Davies &amp; Davies, Llansamlet</li> </ul>
Community Facilities	<ul style="list-style-type: none"> <li>▫ Birchgrove Community Centre: Main Hall/Sports Hall/Committee Room/Kitchen</li> <li>▫ Llansamlet Community Centre: Main Hall/Kitchen</li> <li>▫ Llansamlet Library</li> </ul>
Food Shops	<ul style="list-style-type: none"> <li>▫ Petrol station off Peniel Green Road</li> </ul>

## Potential Environmental Impacts

AONB	N/A
Green Wedge	N/A
Registered Common Land	N/A
Nature Conservation	EV24 – Greenspace System
Listed Buildings/Conservation Areas/Ancient Monuments etc	N/A

## Amenity Issues

Amenity – Neighbours	Site adjoins existing residential properties where amenity and privacy levels will be affected
Amenity – Occupiers	The site is open in nature and would require boundary works

## Comments Received

**Economic Development:** This is a prominent site at the Eastern gateway to Swansea Vale off Junction 44. Though unallocated in the UDP it does feature in the existing and draft Swansea Vale Strategy, named as PG3. The site is allocated for business/commercial use, and closely related to site PG2 allocated for mixed uses. The site slopes quite steeply to the North, is highly visible to the main entrance to Swansea Vale, is dissected by high voltage cables and has no service connections. Its development for high quality permanent commercial land use is part of an ongoing comprehensive strategy for the future regeneration of the SV area. Its use for a permanent Travellers site should be resisted

**Corporate Property:** Subject to grazing licence – expires 24/03/13

## Conclusion

### Pros

- Partly defined as Housing Allocation (HC1 11) within the Unitary Development Plan and is therefore available for residential use
- Highway infrastructure acceptable for proposed use (subject to access modifications)
- In accordance with the legislative framework the site is positioned within an existing settlement
- The site is reasonably well located to sufficient services and facilities
- Within close proximity to the M4 Motorway and has potential scope as a permanent or transit site
- The site area provides sufficient scope for expansion

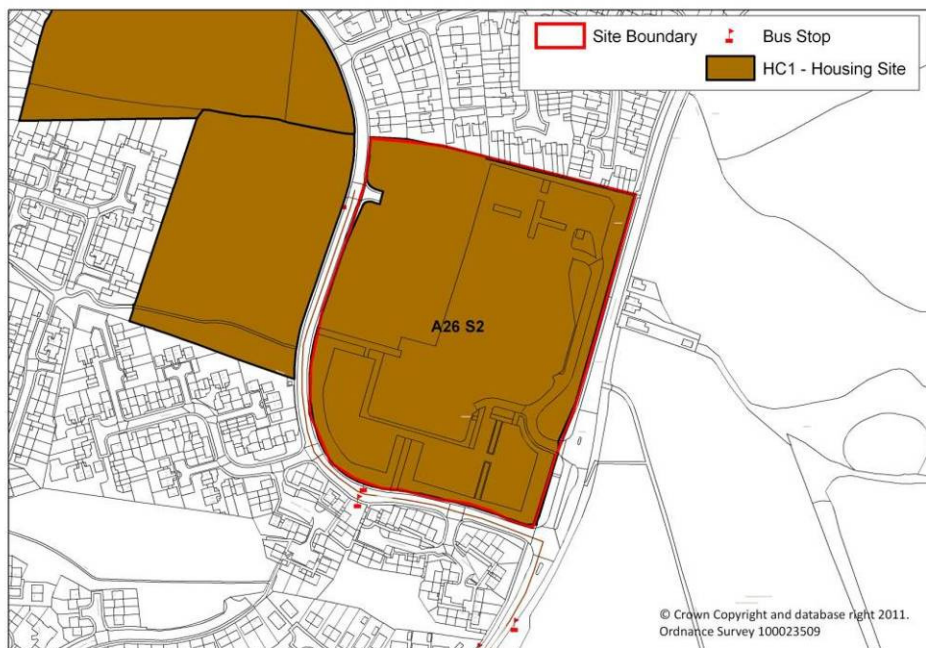
#### Cons

- Partly defined as an area of Open Countryside (EV22) within the Unitary Development Plan
- Partly defined as an area of Greenspace System (EV24) within the Unitary Development Plan
- A small proportion of the site is identified as a Consultation Zone for Hazardous Installations (EV41) within the Unitary Development Plan
- Loss of housing landbank and reduction in potential capital receipts
- Investment in hardstanding and boundary works would be required
- The size of the site is excessive for the requirements so subdivision would be necessary
- The site would require landscaping works
- Subject to grazing licence – expires 24/03/13

#### **Recommendation**

Part of the site suitable to be considered further and possibly assessed via planning application

# Site 19 (A26 S2) Milford Way (Penderry)



<b>Site Details</b>	
Site Reference	A26 S2
Ward	Penderry
Address	Milford Way
Site Size	4.83 hectares
Service Area Ownership	Housing & Estates
<b>Site Constraints</b>	
UDP Designation	HC1 (37) – Housing Allocation
Flood Zone	N/A
Contamination	N/A
<b>Site Characteristics</b>	
Flat	Generally flat
Surface	Partially tarmacadam and turf
Status	Undeveloped Housing Allocation
Availability	Council owned and available
Capacity for growth	Yes, more than the required site size
Security	Open – Would require enclosure works
Hazards – gaspipe etc	N/A
Coal	N/A
<b>Highway Issues</b>	
Highway comments	<p>This site is located off the main road connecting Fforestfach to Treboeth and therefore carries distributor road traffic levels. The site itself was formerly a Leos Superstore and therefore has adequate access and has generated a significant amount of traffic of both a commercial and domestic level with service vehicle access and customer access off the same junction. The site is quite large and clearly could accommodate a traveller site however this would likely restrict potential for any alternative/ additional shared use of the site.</p> <p>The site is potentially acceptable for traveller site use.</p>
	Yes, existing pathways adjoining site
Public transport provision	Provided in the immediate vicinity
Public transport distance	138 metres

PROW	N/A
<b>Infrastructure</b>	
Water	Existing main provided on site
Drainage/Sewerage	Existing public sewer provided on site
Electricity	Good prospect of delivery – Will be assessed prior/during planning application stage
Lighting	Good prospect of delivery – Will be assessed prior/during planning application stage
Gas	Will be assessed prior/during planning application stage
Waste Disposal	Good prospect of delivery – Will be assessed prior/during planning application stage
<b>Local Services</b>	
Schools	<p>Primary:</p> <ul style="list-style-type: none"> <li>▫ Portmead Current Surplus Capacity: +47 (Sept 2011) Projected Surplus Capacity +29 (Sept 2018)</li> <li>▫ YGG Pontybrenin Current Surplus Capacity: +72 (Sept 2011) Projected Surplus Capacity -107 (Sept 2018)</li> </ul> <p>Secondary:</p> <ul style="list-style-type: none"> <li>▫ Bishop Gore Current Surplus Capacity: +239 (Sept 2011) Projected Surplus Capacity +70 (Sept 2018)</li> <li>▫ Y Gwyr Current Surplus Capacity: +254 (Sept 2011) Projected Surplus Capacity -50 (Sept 2018)</li> </ul>
Health Care Facilities	<ul style="list-style-type: none"> <li>▫ Doctors Surgery: Cheriton Medical Centre, Portmead</li> <li>▫ Dental Surgery: Ravenhill Dental Surgery, Cwmbwrla</li> </ul>
Community Facilities	<ul style="list-style-type: none"> <li>▫ Penlan Community Centre: Sports Hall/Committee Room/Kitchen</li> <li>▫ Blaenymaes Community Centre: Main Hall/Sports Hall/Committee Room/Kitchen/Boxing Gym</li> <li>▫ Penlan Library</li> </ul>
Food Shops	<ul style="list-style-type: none"> <li>▫ A range of shops on Broughton Avenue</li> </ul>



## Potential Environmental Impacts

AONB	N/A
Green Wedge	N/A
Registered Common Land	N/A
Nature Conservation	N/A
Listed Buildings/Conservation Areas/Ancient Monuments etc	N/A

## Amenity Issues

Amenity – Neighbours	The site adjoins a number of residential properties
Amenity – Occupiers	Given the open nature of the site boundary works will be required

## Comments Received

**Property Development:** Is allocated in the UDP for permanent residential use under policy HC1 (10+ units). The site is also identified in the disposal programme as an asset for future sale in support of the capital programme. In addition the site may be adversely affected by the ongoing Bury Inlet issues whereby EA and CCW would object to development on the grounds that it would add to the yield at Gowerton Sewage works

## Conclusion

### Pros

- Defined as Housing Allocation (HC1 37) within the Unitary Development Plan and is therefore available for residential use
- Highway infrastructure acceptable for proposed use (subject to access modifications)
- In accordance with the legislative framework the site is positioned within an existing settlement
- The site is reasonably well located to services and facilities
- Hardstanding and infrastructure available
- The site area provides sufficient scope for expansion

### Cons

- Loss of housing landbank and reduction in potential capital receipts
- The size of the site is excessive for the requirements so subdivision would be necessary
- Investment in boundary works would be required



**Recommendation**

Site suitable to be considered further and possibly assessed via planning application

## BRIEFING NOTE

### GYPSY TRAVELLERS

#### 1.0 Legislative Background

- out of date  
annually?*
- 1.1 The Council has a legal requirement to undertake a Housing Needs Assessment as part of the development of its Housing Strategy. This was undertaken in 2007/8 and prior to adoption of the Council's current Housing Strategy and identified the need for the provision of additional Gypsy Traveller sites within Swansea. Welsh Government guidance also specifically identifies the need for Councils to consider the provision of permanent and transit sites and emergency stopping places for Gypsy Travellers (GT).

#### 2.0 Gypsy Travellers in Swansea

- 2.1 For over 10 years, there have been three extended G.T families living in and around Swansea.

##### 2.1.1

This extended family lives on the official Ty Gwyn site which has provision for seven plots (14 caravans) and is fully occupied. The site is limited in area, and not regarded as capable of being extended to any significant degree. It is also on a flood plain which means it would not receive favourable planning consent now.

##### 2.1.2

- 2.1.2.1 This extended family has lived in and around the Enterprise Park for many years and their children attend local schools. Following a series of evictions over a period of years, the family encamped upon the Park & Ride site. Subsequently, following a high profile court case, the court directed that the family should be tolerated to remain on the site until an official alternative site was made available. The Council did apply for temporary planning permission for this site but this was refused on the basis that the site is on a flood plain. More recently, the Children's Commissioner for Wales has effectively directed the Council to provide temporary toilet and washing facilities for the children and they have been provided in a portacabin on the site.

- 2.1.2.2 A further complication is that this family will have to be relocated away from the entrance of the Park and Ride site to allow the Environment Agency to prepare and undertake the Morrison flood defence scheme. This hopefully will be by agreement with the family. Officers are currently investigating the issues associated with the relocation of the family further southwards onto the fringe of the Park and Ride

site. If the Environment Agency's contractors cannot have free control of the site by December 2012, the scheme will not go ahead and several million pounds worth of grant funding may be lost.

## 2.13

This family whilst basing themselves in Swansea for a lot of the time, have from time to time left to visit other parts of the U.K etc. While in Swansea, they have generally encamped in and around the Enterprise Park and their children have attended local schools. Whilst the family were party to the original court case when encamped alongside the , they have subsequently left and therefore have no continued temporary rights of possession . More recently the have returned to Swansea and encamped again on various parts of the Enterprise Park and given rise to much complaint from neighbouring businesses.

Evictions have seen the in the last few months move from the Park & Ride site, to Millstream Way and to Mallard Way (where they resided until last week). There have also been threats of legal action being commenced against the Council by businesses on the Enterprise Park for failure to remove the family from outside of their premises.

## 3.0 Member Task & Finish Group

3.1 In August 2010, Cabinet agreed to set a Member Task & Finish Group to identify suitable additional site(s) for GTs in Swansea. The terms of reference of the group and membership was agreed by Cabinet (see Appendix A). Since this time the group has met at regular intervals and viewed over 1000 Council owned parcels of land across the City & County of Swansea against an agreed set of criteria (Appendix B). By applying the criteria, the list of suitable sites has been refined firstly to a long list of 19 sites and subsequently to a shorter list of 5 potential locations, which were the subject of recent site visits by the Task Group.

*not included.*

3.2 Prior to putting forward sites to Cabinet, the next step identified as "key" in the process is the consultation with the GT families in accordance with Welsh Government Guidance.

## 4.0 Conclusion

4.1 There is no doubt that both the and the have local connections with Swansea and have identified housing needs that are not met by the current Gypsy Traveller site provision within the County.

- 4.2 The current housing provision for both families is unsatisfactory and does not meet the current guidance. There are particular concerns with regard to the timing of the flood remediation works which create a pressure to move the . Further, the pressure of local businesses complaints with regard to the encampments by the is escalating.
- 4.3 Therefore it is important that the Task Group is re-established at an early stage so that the work can be completed and preferred sites identified and agreed to be put forward by Cabinet for planning permission.

**Reena Owen**  
**Director of Environment**



## **CITY AND COUNTY OF SWANSEA**

### **MINUTES OF THE GYPSY AND TRAVELLER SITE TASK AND FINISH GROUP**

**HELD AT THE CIVIC CENTRE, SWANSEA ON THURSDAY 19 JULY 2012**  
**AT 12.00 NOON**

#### **PRESENT:**

##### **Councillor(s):**

N S Bradley  
A C S Colburn

##### **Councillor(s):**

J W Jones  
E T Kirchner

##### **Councillor(s):**

J A Raynor  
G D Walker

#### **Officers:**

R Owen, E Jones, A Kirczey, S Malough, M Saville, D Smith, D Turner, S Willingale and J Tinker

#### **1. APPOINTMENT OF CHAIR**

**AGREED** that Councillor N S Bradley be appointed Chair for the ensuing Municipal Year.

(COUNCILLOR N S BRADLEY PRESIDED)

#### **2. APPOINTMENT OF VICE-CHAIR**

**AGREED** that Councillor J A Raynor be appointed Vice-Chair for the ensuing Municipal Year.

#### **3. APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor M Thomas.

#### **4. DECLARATION OF INTEREST**

In accordance with the provisions of the Code of Conduct adopted by the City and County of Swansea, no interests were declared.

#### **5. MINUTES**

**AGREED** that the Minutes of the Gypsy and Traveller Site Task and Finish Group meeting held on 8 March 2012 and notes from the subsequent site visits held on 10 April 2012 be accepted as correct records.

6. **TERMS OF REFERENCE**

The Terms of Reference of the Gypsy and Traveller Site Task and Finish Group were submitted for information.

**AGREED** that the Terms of Reference be noted.

7. **PROVISION OF NEW GYPSY AND TRAVELLER SITE -  
BACKGROUND AND CONTEXT**

The report submitted provided a general overview of progress in the assessment of filtered Gypsy and Traveller sites. An outline of the approach adopted and the outputs from the previous Task and Finish Group sessions were set out in Appendices 1 and 2 respectively. Appendix 3 listed the 19 sites initially filtered whereas Appendix 4 contained detailed site assessments of the final filtered 5 sites. A briefing note was circulated which outlined the legislative background and the history of the three extended Gypsy and Traveller families living in and around Swansea.

R Owen gave an overview regarding the need for Gypsy and Traveller accommodation in the area which had been identified as part of the Housing Needs Assessment. It was stated that the official Ty Gwyn site was fully occupied and was not capable of being extended given to its positioning on a flood plain. It was also confirmed that temporary toilet and washing facilities had been provided for the unauthorised encampment on the Park and Ride site, as directed by the Children's Commissioner.

E Jones described the Gypsy and Traveller site selection sequence. It was stated that following on from the initial assessment of the suitability of all land under Council ownership, a total of 19 sites had remained in the process. All of these sites were assessed utilising a stringent filtering mechanism based on all relevant Welsh Government Guidance/Circulars.

They were then further refined to focus on 5 final sites for consideration. In order to move the assessment process forward the importance of the key considerations set out within Section 5 of the report were outlined. This centred on the need to:

- undertake a detailed layout/costings proposal;
- undertake economic viability profile;
- clarify the scope of providing permanent and transit site(s);

Minutes of the Gypsy Traveller Site Task and Finish Group  
(19.07.2012) Cont'd

- consult with the Gypsy and Traveller Community;
- consider whether Welsh Government New Sites Grant funding could become available;
- ensure that there is enough provision to cater for the immediate site provision deficiency and future Local Development Plan requirements;
- undertake a Sustainability Appraisal/Strategic Environmental Assessment on the selected site(s);
- undertake a Habitats Regulations Assessment if any site(s) are positioned within the Bury Estuary catchment area.

Questions were raised regarding the list of criteria against which the sites would be assessed and the actual size required. As this is a fluid situation it would be difficult to assess the exact number, but it was considered important that the site would have capacity for growth if necessary.

Concern was expressed regarding the objections in relation to these sites and that public consultation should be part of the process.

It was agreed that a public consultation exercise would take place prior to the submission of a planning application.

It was recognised that this filtering process had been undertaken in a transparent and rational way.

Further questions were asked regarding:

- information regarding the initially filtered 19 sites;
- who in the gypsy community should be consulted;
- if joint working with other Authorities was part of this process.

8. **NEXT STAGES**

It was agreed that the detailed assessment of the initially filtered 19 sites would be circulated to Group Members prior to the next meeting.

The Chair stated that he would be undertaking site visits to the five shortlisted sites and Members were urged to also attend these site visits.



Minutes of the Gypsy Traveller Site Task and Finish Group  
(19.07.2012) Cont'd

**AGREED** that:

- (1) Members undertake private site visits to the five shortlisted sites;
- (2) Officers informally seek the views from representatives of the Gypsy and Traveller community;
- (3) the next meeting be arranged in approximately one month to discuss these views and to examine the five final filtered sites.

The meeting ended at 1.00 p.m.

**CHAIR**

S: Gypsy Traveller Site Task and Finish Group - 19 July 2012  
(JT/HCR)  
23 July 2012

# Minutes

## PRIVATE AND CONFIDENTIAL

### CITY AND COUNTY OF SWANSEA GYPSY TRAVELLER MEETING

FRIDAY, 7<sup>TH</sup> SEPTEMBER - 10.30AM, COUNCIL  
CHAMBER MEETING ROOM, CIVIC CENTRE

**Present:**

City and County of Swansea

Councillor Nick Bradley (Chair) - NB

Councillor Jen Raynor - JR

Martin Saville, Head of Public Protection - MS

Simon Malough, Gypsy Liaison Officer - SM

Stuart Willingale, Team Leader, Housing and Public Health - SW

Emyr Jones, Principal Planner, Regeneration - EJ

Item 1 Only (10.30am)

Item 2 Only (12.00)

Sue Highfield, Traveller Education Officer - SH

Item 3 Only (12.45pm)

Sue Highfield, Traveller Education Officer - SH

Item 4 Only (1.30pm)

Sue Highfield, Traveller Education Officer - SH

<b>ACTION</b>
---------------

1.

MS advised that the Council have looked at 1,024 potential permanent gypsy traveller sites in Swansea, these have been shortlisted down to five. MS explained that the meeting had been called to get the views of the travellers and which sites would be best suited.

advised that she has 7 adults and 13 children between 9 months and 14 years on site. Therefore at present 6 pitches would be required on the new site.

EJ looked at various sites with [redacted] and advised that assessments had been carried out which included visiting the sites and looking at them in relation to infrastructure, environmental issues, medical and community facilities and the suitability of the site from a planning perspective.

Sites discussed include:

- Site 1 – Greyhound Stadium (Cockett Ward)
- Site 2 – Rear of Parc Mynach (Gorseinon Ward)
- Site 3 – Proposed Cemetery (Gorseinon Ward)
- Site 4 – Swansea Vale (Llansamlet Ward)
- Site 5 – Milford Way (Penderry Ward)

[redacted] preference was towards the Gorseinon (2) and Swansea Vale (4) sites and advised that hard ground, toilets and showers would be required facilities on site.

EJ advised that there are Welsh Government standards which need to be complied with once the site has been allocated and designed.

[redacted] raised concerns with other families joining the permanent site and suggested a separate transit site. No concerns raised with sharing the site with the [redacted] family.

[redacted] stated that Site 3 and Site 5 would not be a suitable due to the housing estate close by.

NB advised that the decisions made would be reported to Members, then go out to public consultation. No final decisions to be made today.

[redacted] requested a barrier be erected to avoid fly tipping when the temporary move takes place due to flood zone work at her current site.

Site maps given to [redacted] to discuss with family and to come back to group if any other issues.

**MS**

2.

NB advised [redacted] that the meeting had been called to have an informal chat with gypsy traveller families regarding the potential permanent traveller site in Swansea. No final decisions to be made at the moment but keen to move forward as a Council in the next 12 months.

[redacted] discussed issues with Park and Ride site, currently looking for a permanent site to settle at and avoid concerns with being moved on.

[redacted] raised concerns with new gypsy travellers using the new permanent site, NB advised that the group are looking at two sites, one permanent and one transit site.

advised that there are 14 children, aged between 8 and 29, and 17 grandchildren. 8 pitches would be required at the new site. The children attend St Iltyds and Bishop Vaughn School, transport is provided by the Council for Catholic Schools.

ran through the suggested sites. Site 1 and 4 preferred. stated that he would be happy to share the site with the family.

3.

advised that he wanted his family to get off the road onto a permanent site. stated that they have 5 children that currently attend St Iltyd's Primary School in Bonymaen.

NB explained the purpose of the meeting and EJ showed the potential sites to the

agreed site 4 would be suitable as it is close to the children's school. Site 5 would not be suitable due to the close location to the housing estate.

stated that he would agree to sharing the new site with the family but would prefer a separate site for travellers just passing through.

currently looking for a site until the permanent site becomes available.

4.

NB advised that the group is currently looking at a potential permanent gypsy travellers site and that he understands that the family have a permanent site at Morganite.

EJ showed the 5 potential sites to the family.

suggested expanding the Morganite site as it is classed as a permanent site, EJ advised that there are some issues with flooding therefore cannot be expanded.

advised that she has 2 young sons, her sister in-law has young 2 girls therefore more plots will be needed in future, they currently have 7.

family asked to come back to group if they have any issues/concerns with the sites discussed.

5. **DATE OF NEXT MEETING**

Gypsy Forum taking place on 27<sup>th</sup> September, MS to arrange.

MS



## **CITY AND COUNTY OF SWANSEA**

### **MINUTES OF THE GYPSY AND TRAVELLER SITE TASK AND FINISH GROUP**

**HELD AT THE CIVIC CENTRE, SWANSEA ON THURSDAY 27  
SEPTEMBER 2012 AT 4.30 P.M.**

**PRESENT:** Councillor N S Bradley (Chair) presided

<b>Councillor(s):</b>	<b>Councillor(s):</b>	<b>Councillor(s):</b>
A C S Colburn J W Jones	E T Kirchner	M Thomas

**Officers:**

R Owen, E Jones, A Kirczey, S Malough, M Saville, D Smith, S Willingale and J Tinker

9. **APOLOGY FOR ABSENCE**

An apology for absence was received from Councillor G D Walker.

10. **DECLARATION OF INTEREST**

In accordance with the provisions of the Code of Conduct adopted by the City and County of Swansea, no interests were declared.

11. **MINUTES**

**AGREED** that the Minutes of the Meeting of the Gypsy and Traveller Task and Finish Group held on 19 July 2012 be accepted as a correct record.

12. **MATTERS ARISING**

It was stated that the Chair and Officers had met representatives of the Gypsy and Traveller Community in order to inform them of the assessment process currently ongoing and to discuss their potential site requirements. The feedback received from this meeting would be incorporated into this exercise.

13. **DISCUSSION OF SHORTLISTED SITES**

E Jones explained to the Group that the filtering process had been undertaken on all available Council owned sites. It was stressed that all the tranches were subject to the same stringent filtering mechanism and that a consistent, accountable and transparent assessment approach was maintained throughout.

Minutes of the Gypsy Traveller Site Task and Finish Group  
(27.09.2012) Cont'd

The following stages of the filtering process were explained via a wide range of A1 Plans:

**Stage 1 Site Filtering: Identification of Constraints**

- 1) Council land ownership as at December 2010
- 2) Extract initial constraints (e.g.):
  - Environmental designations
  - Flooding
  - Contamination
  - Strategic Employment Sites
- 3) Council land ownership as at December 2010 excluding land with identified initial constraints

Following the completion of this exercise 1006 sites were identified.

**Stage 2 Site Filtering: Key Site Specific Constraints**

Sites were then assessed via agreed constraints (e.g.):

- Site size (more than 0.5 ha)
- Highway issues
- Leasing issues
- Vacant sites (No buildings on site)

Following the completion of this exercise 19 sites were identified.

**Stage 3 Site Filtering: Application of Appropriate Legislation/Guidance**

Sites were then assessed via local and national policy provisions:

- Appreciation of Policy HC9 (Gypsy & Traveller Caravan Sites) of the Unitary Development Plan
- Welsh Government Circular 30/2007
- Welsh Government Draft Site Design Guide

Following the completion of this exercise 5 sites were identified.

Members questioned the reasons why this work had to be undertaken. The following justification was provided:

- Identified need established within the Housing Accommodation Needs Assessment

Minutes of the Gypsy Traveller Site Task and Finish Group  
(27.09.2012) Cont'd

- Imminent introduction (2014) of the Housing White Paper whereby there will be a duty on local authorities to provide sites for Gypsy and Travellers
- The need to identify suitable provision within the forthcoming Local Development Plan (up to 2025)

Potential site size requirements was discussed and the need to accommodate for future expansion. It was established that both a permanent and transit site were required. It was queried how the filtered sites conformed to the provisions of the Unitary Development Plan.

It was confirmed that no changes had been made to the legislative framework since this process had been undertaken and therefore if the assessment was repeated the same conclusions would be reached. Members requested that a flowchart be prepared in order to clearly highlight how this process had been carried out. It was suggested that a workshop be organised for all Members in order for them to be able to appreciate the full mechanics of the assessment.

It was stated that the sites are yet to be considered by the utility companies given the confidential nature of the work. This could be done either informally prior to the consultation exercise or will automatically be undertaken as part of the planning application stage.

It was recognised that the Gypsy and Traveller community should be consulted throughout the process. Human Rights issues was queried and it was felt that an Equality Impact Assessment would need to be undertaken..

It was suggested that an independent Head of Service would undertake a review of the process to ensure that there is an extra level of transparency. In addition, an external auditor (potentially a planner from an adjoining authority) would be appointed to review the application of all appropriate guidance/legislation as part of the assessment. If necessary a final meeting of this Task and Finish Group could then take place to assess these findings. However, if their conclusions would confirm the assessment of the Group then the five sites would be submitted to Cabinet and Council and be subject to a consultation exercise.

**AGREED** that the final stages in this procedure as outlined above be accepted and agreed.

The meeting ended at 5.50 p.m.

**CHAIR**



# **REPRESENTATION FROM COCKETT WARD**

①

My name is Mr Phil Robins an as a resident of Cockett Ward fully recognise the legal obligation of Swansea City Council to provide a permanent residing place for the cities Travelling Gypsy Community. However the site proposed for consideration in the Cockett Ward, the former greyhound track is totally unsuitable.

I myself have been a resident of Denver Road Fforestfach since 1965. It is an estate of 40 houses, which directly overlooks the greyhound track. We are a very strong community that has supported the expansion of a post war industrial estate, which over recent years has not only expanded it is nearly to its maximum capacity and thriving. It is one of the only communities in the city that can boast it has a well supported village pub, church and local post office.

As you are aware a consultation document was drawn up by your Officers to support the consideration of the former greyhound track as a suitable site. This document is not only flawed it is 80% inaccurate!

- The document in question was at the time of consultation over 3 and a half years out of date
- I would like to highlight the inaccuracies under the section marked site constraints. It states that contamination is not applicable. It is a well known fact that during the 1970s ICI dumped waste on the said site and also the long closed/disused Geranium Colliery also used the ground to dispose of colliery waste.
- Which leads me into the section marked characteristics where it clearly states coal is not applicable. There is a stream which runs adjacent to the former greyhound track and the mine slurry can clearly be seen in it. Across the road there are also open mine shafts which are totally hidden by dense vegetation mainly Japanese knot weed. In recent years there was a major incident in the area with all emergency services including mines rescue from Porth Rhondda when a missing child was believed to have fallen down an open shaft!
- Moving onto the section marked highway issues, when the document was put together the industrial estate was in a double dip recession and the highways would have been in principal suitable to the type of traffic visualised. However the estate is now thriving and one only has to drive around in the early evening to see the traffic chaos caused by one unit alone i.e. the gym.
- Titanium Road which is adjacent to the site has a constant flow of HGV vehicles with many carrying tons of raw material. These vehicles directly pass the former greyhound track. Many of the HGV vehicles are of left hand drive and find it difficult to navigate their way around the current road system. I would like to bring to your attention that many of the satellite navigation systems that these vehicles are using bringing them through the estate and Ystrad Road causing chaos.

- You can often see residents assisting the drivers to navigate the correct route almost turning these vehicles to do 3 point turns in the road.
- The consultation report states that public transport is provided in the immediate vicinity, we as residents have consulted with First Cymru and at the point of publication there have been no bus services pass this site for over 25 years.
- The document once again contradicts itself stating the distance to the bus stop is 823 metres which to you and I is approximately half a mile. Hardly the immediate vicinity stated.
- Moving onto the section marked infrastructure (I apologise if I am throwing a lot of factual information at you but it is necessary to show you in inaccuracies of this document).
- The document states that a water main is identified within close proximity to the site but what it fails to tell you is that it is only one five major hydrants in the whole and I mean the whole of Swansea. And this hydrant is directly outside this site and is used to serve the whole estate and surrounding community. Many of you will remember the tyre factory fire 18 months ago, which is approximately a mile away from this hydrant.

It was from this area (the hydrant) that all emergency services operated from, bringing the estate into lock down. They also had to call upon neighbouring fire services to borrow pipe work to cover this great distance. I must reiterate that this fire hydrant is the only one servicing the whole community. If it was compromised in any way LIVES WOULD BE PUT AT RISK!

- Section marked local services. No consideration has been taken into place for the basic human rights of the proposed residents/tenants. I.e. travellers. Travellers are staunch Catholics who practise their faith. The schools that have been considered are not catholic education centres and thereby would not be suitable for travellers children impacting on their education.

The health care facilities that you have mentioned that would be used by the travellers (and please bare in mind the travellers have different health requirements/needs to people who live in a permanent dwelling). You have suggested that they attend Cheriton Medical Centre, Portmead. Which is already at full capacity and is not in the catchment area for the former greyhound track. The dental surgery you suggest Jeremy P. Richards, Cwmbwrla closed over fours years ago. I know it is hard to find a dentist these days but it is impossible to visit Mr Richards at his practice when he retired four years ago.

- Under the section marked potential environmental impact you state that the green wedge is not applicable, but we as residents would like to draw your attention to the fact that the land is due to be considered under the Unnity Development Plan, currently known as UDP.

You also state registered common land is not applicable but there are vast wedges of this in the immediate vicinity. Nature conservation also achieves a

not applicable marking. But from documentation submitted by Asbri Planning on behalf of residents and businesses alike this is of major concern.

- Amenity issues. The document states the site is bound by partial light industrial activity and would be subject to some noise pollution. It does not mention the residential homes clearly visible on Google maps are joining the site or KEEPERS LODGE FARM which often has 500 pigs in residence. Or the thriving Harris Bros tyre depot, which immediately joins the site. This company uses drills and airguns as part of their daily work.

How can this document state that this site is bound by partial and light activity when in fact this road is named Titanium road (after the company sited at the end of it) and is one of the largest industrial employers of this city.

- Drawing this document to a close it also failed to identify that there is a childrens playground in the immediate vicinity. It is clearly set down in law that no traveller/gypsy sites are to be places near such an area.

As a community we are supporters of ethnic minorities being integrated into our community. We already have two Romany gypsy families who we have supported in excess of 40 years (one directly opposite the proposed site). I am not sure if you are aware of the ethnic tension between Romany and Gypsy travellers. At best described by the Romany resident himself as 'how can a fox and chicken ever reside in harmony?'

I myself have visited the traveller families on the unauthorised site in Llansamlet and have been clearly informed by them they have no intention of leaving this site and more so do not wish to relocate to the former greyhound site. You may recall the passionate and emotional address the travelling community expressed at the cabinet meeting in November 2013 to stay in Llansamlet.

I would like to draw your attention to the fact that myself and other residents have sat in these council offices requesting a meeting with officers or Mr Martin Saville to address these inaccuracies. Only to be told to come back tomorrow and then to be told that they do not see or speak to members of the public. Therefore how has it been possible to put forward for an impartial vote on a suitable site.

For an impartial vote to be gained the information supplied to the voters to allow them to reach their decision must be to the best of your knowledge at the time of the vote factually correct. The information must be open, honest and transparent, <sup>without</sup> ~~without~~ prejudice and adhering to the human rights of all parties concerned. The consultation document for the Cockett Ward was far from that.

(4)

There are many more points I could have raised but due to the constraints of time I have tried to make it as concise as I can.

I thank you for your time.

One last point it is very frustrating when sitting in the public gallery to hear senior officers not giving truthful and honest answers to questions from councillors when asked "have you consulted with other councils? Have they had any problems with gypsy traveller sites? To be told yes, no problems it is quite obvious she did not consult Cardiff city/council. RE Rover Way I do ask you to visit rover way Cardiff to see the results of what bad policy planning has done to a once thriving industrial estate.

## CITY AND COUNTY OF SWANSEA

### MINUTES OF THE SCRUTINY PROGRAMME COMMITTEE

HELD AT COMMITTEE ROOM 1 - CIVIC CENTRE ON TUESDAY, 27 MAY  
2014 AT 4.00 PM

**PRESENT:** Councillor R V Smith ( Chair) presided

<b>Councillor(s)</b>	<b>Councillor(s)</b>	<b>Councillor(s)</b>
A M Cook	P Downing	A J Jones
A C S Colburn	E W Fitzgerald	P M Meara
D W Cole	J E C Harris	
J P Curtice	T J Hennegan	
N J Davies		

Co-opted Councillor R A Clay and S Joiner  
Members:

Officers:

T Meredith – Deputy Head of Legal, Democratic Services and Procurement  
B Madahar - Scrutiny Coordinator  
J Tinker - Democratic Services Coordinator

#### 6 **APOLOGIES FOR ABSENCE.**

There were no apologies for absence.

#### 7 **DISCLOSURES OF PERSONAL & PREJUDICIAL INTEREST.**

In accordance with the Code of Conduct adopted by the City and County of Swansea, the following interests was declared:

Councillor A M Cook - personal - Minute No. 10 - Ward Member from Cockett - one of the wards that was shortlisted.

Councillor J P Curtice - personal - Minute No. 10 - Ward Member from Penyrheol which abuts two of the five previously nominated sites.

Councillor R A Clay – personal & prejudicial – Minute no. 10 – Llansamlet Ward Councillor and Secretary of the former campaign in the Ward against a second site.

8 **PROHIBITION OF WHIPPED VOTES AND DECLARATION OF PARTY WHIPS.**

In accordance with the Local Government (Wales) Measure 2011, no declarations of Whipped Votes or Party Whips were declared.

9 **MINUTES:**

**RESOLVED** that the minutes of the meetings of the Special Scrutiny Programme Committee held on 3 April 2014 and 23 April 2014 be accepted as a correct record.

10 **EVIDENCE SESSION: GYPSY & TRAVELLER SITE SEARCH PROCESS:**

The Chair referred to the fifth evidence session which would focus on evidence from members of the public and other Councillors who had contacted the Committee.

The following persons were in attendance to provide evidence:

- a) Councillor Jennifer Raynor
- b) Hilary & Tom Jenkins
- c) Philip Robins
- d) Lawrence Bailey

a) The Chair invited Councillor Jennifer Raynor to speak. Cllr Raynor was formerly vice-chair of the second Member Gypsy Traveller Site Task & Finish Group for a short period. She attended to give views on the process and outline concerns about the role of the Task & Finish Group. She made reference to the Minutes of the Task and Finish Group held on 8 March 2012, 10 April 2012, 19 July 2012 and 27 September 2012, which were circulated to Committee Members. She also referred to a report and briefing note provided to the Group on 19 July 2012 (which she attended), and minutes of an informal meeting held on 7 September (which she also attended) between members, officers and representatives of the Gypsy & Traveller families to brief them on the ongoing assessment process, discuss potential site requirements, and seek the views of the gypsy and traveller community. The committee sought clarification about access to the additional material referred to.

Key points made by Councillor Raynor:

- Resigned from Member Task & Finish Group due to concerns about the process, including a lack clarity about the aim of the site search, the methodology used, the site selection, and consultation.
- Concern about lack of clarity about purpose of site search. The Terms of Reference of the Task & Finish Group were minimal and unclear – ‘complete a review of all Council owned land and Council land allocated for housing, and produce a report setting out options’. The purpose of the review was not clear and members were also not clear on what the options were. It was not clear whether it was a search for 1 site or sites, or whether this was about addressing a problem in a specific area. It was also not clear why the Terms of Reference has changed during 2010 - the March Cabinet report describes that the purpose of an alternative site would be to accommodate the Gypsy and Traveller families

presently occupying the unauthorised site at Swansea Vale, but the August Cabinet report (which established the Task & Finish Group) no longer mentioned this specific purpose. It could not be explained in July 2012 whether there had been a change in thinking during this time, though it still seemed that a solution for Swansea Vale was the primary concern for officers as the information / focus at the time was on the relocation of relevant families with pressure to enable access to the site for the Environment Agency in relation to the Morrision Flood Defence Scheme.

- There was confusion as to the decision-making process in the site selection process, and inter-relationship between the Task & Finish Group, Cabinet and Council. There were contradictory statements made, e.g. there was reference to the shortlisted sites being referred to Council, there was also reference to the Task & Finish Group making a report to Cabinet.
- Felt that there was inconsistent application of criteria during the site sieve process. For example, there was a selective use of information to describe sites when indicating distance from housing. There was the exclusion of Velindre on the basis of other intended uses but similar could be said for sites that went forward. Also felt the Task & Finish Group did not have sufficient time / resources to discuss and consider the information presented to it.
- It was not satisfactory that members of the second Task & Finish Group (formed after the 2012 Council elections) were advised to visit the shortlisted sites in a personal capacity, and it was difficult for members to fully understand how the shortlist developed from 19 to 5 sites. As information about these 5 sites had found their way into the local media even before the council elections there were concerns raised by the public.
- Concerned that the housing needs assessment presented to the Task & Finish Group in March 2012 did not provided comprehensive picture of needs across the city as it only referred to needs at the official Ty Gwyn site, the 'tolerated' site and the encampments in Swansea Vale industrial park, and no reference of encampments elsewhere. It was not clear how up-to-date the needs assessment was and information about future demand.
- Concern about lack of wider consultation with the gypsy and traveller community save the 3 main gypsy and traveller families. Felt that consultation should have been carried out at an earlier stage, and given a greater degree of importance. The informal meeting held on 7 September revealed that the future housing needs of these families was greater than previously known. All 3 families expressed a willingness to share a suitable site but did not want to share with strangers on a joint transit permanent site. At the September meeting information about the shortlisted sites was shared with the three families, at a time when many councillors were denied information.
- Offered the following as learning points:
  - The governance arrangements / 'decision making' process needs to be transparent. Respective roles and responsibilities of members (including bodies such as Task & Finish Groups) and officers need to be very clear from the outset
  - The process should be have a degree of flexibility with confidence to adjust things based on experience, with a clear audit trail back to the commissioning body.
  - A clear methodology and weighting should be clear from the start



- For future public consultation exercises we must ensure the public is clear about what they are being consulted upon

Questions were asked regarding the case for a new site, the meeting with gypsy and traveller families in September 2012, the discussions held by the Task & Finish Group about excluding some of the shortlisted sites, weighting of gypsy and traveller family views, and needs assessments.

The Chair thanked Councillor Raynor for her submission.

b) The Chair invited Mr Tom Jenkins and Mrs Hilary Jenkins to speak. They were residents living in close proximity to one of the shortlisted sites and attended to give views about the site selection process.

Mr Tom Jenkins referred to his submission and advised that he would make a copy available to the Committee.

Mr Jenkins read his submission to the Committee.

Key points made by Mr Jenkins:

- Felt there was a lack of leadership to drive the process and lack of a clear vision and methodology to address the issue.
- The Council has stumbled its way through the last few years in dealing with this issue – with various people involved hampering continuity and focus.
- Contradictory statements made in public about the 'West Glamorgan Agreement'.
- Respective roles and relationship between the Member Task & Finish Group and officers unclear given dispute about which sites should be taken forward. Also, at certain stages it was not clear whether Cabinet or Council was the decision maker.
- Site visits were not thorough – more time should have been spent to survey sites by Members.
- The process should have included an element of weighting of certain factors – should be clarity about relative weighting of gypsy and traveller community views and residents' views.
- The 1006 sites included some very bizarre pieces of land, which were always going to be taken out. Process would have been swifter and less costly if it had been centred on where the gypsy and traveller families wanted to go.
- Concern about how site selection criteria was applied given significant issues being raised about the suitability of shortlisted sites.
- Some of the names given to the shortlisted sites may have been confusing for some residents (e.g. some people may not have associated their areas with 'Swansea Vale').
- Communities distrustful of the process and rationale behind shortlisting, and has had negative effect on community cohesion (causing hostility, alarm and panic).

The Chair thanked Mr Tom Jenkins for his submission.

The Chair invited Mrs Hilary Jenkins to speak.

Mrs Jenkins referred to his submission and advised that she would make a copy available to the Committee.

Mrs Jenkins read her submission to the Committee, which echoed a number of points made by Mr Jenkins.

Key points made by Mrs. Jenkins:

- The Council has been slow to address the issue, which has been hanging over the council for many years, and find a permanent solution – has been too much of a 'laissez-faire' attitude.
- The aim should have been to find a number of small sites in different areas of Swansea, i.e. dispersal rather than concentration, and would have improved community integration. Felt this is what gypsy and traveller families preferred.
- The council's needs assessment underestimated the number of pitches needed and future demand.
- Difficult to understand how site sieve could only find suitable sites in a small number of wards. Site selection criteria not consistently supplied, and people's concerns not taken on board. Some people feel that certain areas were targeted.

A question was asked regarding Mrs Jenkins' view about smaller sites and dispersal.

The Chair thanked Mrs Hilary Jenkins for her submission.

c) The Chair invited Mr Philip Robins to speak. Mr Robins lived in the vicinity of one of the shortlisted sites and attended to share observations about the site selection process.

Mr Robins referred to his submission and advised that he would make a copy available to the Committee.

Mr Robins read his submission to the Committee.

Key points made by Mr. Robins:

- Site selection process and consultation process flawed.
- Many relevant constraints relating to specific sites not given sufficient consideration, or inaccurately described.
- Clear that main gypsy and traveller families want to stay where they are
- No opportunities to talk directly with officers during the consultation.
- Lack of work done to consider and learn from experiences (good and bad) elsewhere in other council areas.

A Councillor indicated that she was aware of Mr Robins concerns that had been raised in a ward meeting.

The Chair thanked Mr Philip Robins for her submission

d) The Chair invited Mr Lawrence Bailey to speak. Mr Bailey represented Llansamlet ward as a councillor between 1983-2007. He had provided the committee with a copy of this original response to the Council consultation. Although site specific he attended to address matters of process and inconsistency in the use of selection criteria.

Mr Bailey referred to his submission which had already been submitted to the Committee, in particular issues relating to:

- Governance and decision-making – mixed messaged with regard to role of the Task & Finish Group, Cabinet and Council, and lack of 'scrutiny'
- Site suitability - relevant constraints not given sufficient consideration, or inaccurately described within site assessments
- Assessment methodology – assessment process not consistent with criteria agreed by cabinet and inconsistency in application (example given of a site near a motorway, also policy conflicts where sites identified for regeneration). Feeling that certain areas were targeted
- Consultation – some confusion as to what the substantive issues were which were being consulted upon. Whilst the approach to consultation itself was positive, there was no logic to Cabinet agreeing to public consultation but not identifying the individual sites that were being proposed. Disappointed in the way council's response to consultation – a summary appeared in the council report of October 2013 but relevant points were dismissed or not answered at all.
- Planning – process was a departure from accepted practice when compared with the use of the planning process in relation to, for example, a new school or community facility – undue reliance on the seeking of planning consent as a 'catch-all' for site suitability

•  
A question was asked in respect a meeting leading to what has been referred to as the 'West Glamorgan Agreement'. Mr Bailey confirmed was present during the discussion and described the 'accommodation' which was reached between the former City of Swansea and West Glamorgan County Council in 1986. There has been a presumption since then against any further site in Llansamlet Ward, backed up by the various use of powers against unauthorised encampments over the years.

The Chair thanked Mr Lawrence Bailey for his submission

11 **TIMETABLE OF WORK (DATE AND TIME OF FURTHER SPECIAL MEETINGS TO BE CONFIRMED).**

The committee was informed that Councillor C A Holley had been in contact and requested to give evidence. It was agreed that this be dealt with at the next meeting. It was also suggested by members that it may be beneficial for the committee to invite former Councillor John Hague, as former Deputy Leader of the Council, Cabinet Member for Environment and Chair of the Gypsy Task and Finish Group, to also give evidence, to complement evidence from the former Leader of the Council.

The chair stated that having held a number of evidence sessions it was important for the committee to pause for reflection, consider what further evidence gathering is

necessary, and agree the plan to conclude the review. It was agreed that appropriate arrangements be made to facilitate this discussion.

**RESOLVED** that the Scrutiny Officer circulate proposed dates of the next meeting to Committee Members.

12 **COPY OF SUBMISSIONS OF EVIDENCE (23 APRIL COMMITTEE MEETING).  
(FOR INFORMATION).**

Submissions of Evidence from the meeting held on 23 April 2014 were submitted for information.

The meeting ended at 6.45 p.m.

**CHAIR**