

Swansea Gypsy and Traveller Site Consultation

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 11th 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"> 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. b. Access would require encroachment onto land designated as EV24 Greenspace protection zone within the UDP. c. The access point is located alongside an existing main route bus-stop. d. The undesirability of traffic movement involving articulated vehicles in close proximity to a controlled junction is a material factor.

- 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 27th 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 27th 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

	Assessment	Comments
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 may 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 not listed among the criteria approved by the Task & 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

	Assessment	Comments
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 27th 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 1st 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 1st 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 8th 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 10th April 2012.

The minutes of both meetings were adopted as correct records by the reconstituted Task & Finish Group at its inaugural meeting on 19th 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 is 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 10th 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 be 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 10th 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 11th 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 27th 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 indentifies 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 10th 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

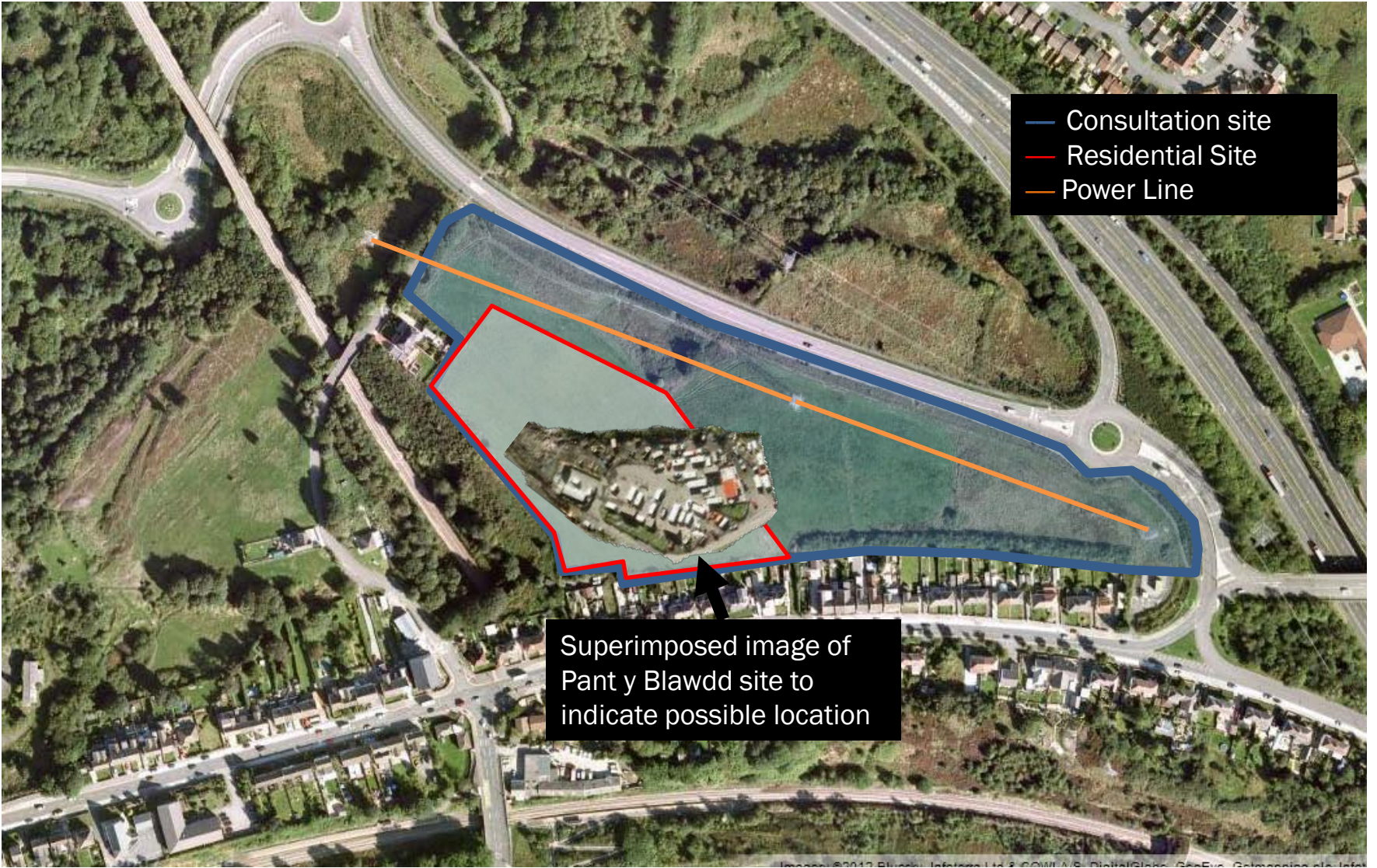
- 6.2.13 The proposed use of Site 17 as a Gypsy settlement is inconsistent with existing strategic development aims for a gateway location within the current Swansea Vale Master Plan and the proposed Swansea Vale Development Strategy.
- There is clearly considerable opposition to the proposal on the 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.

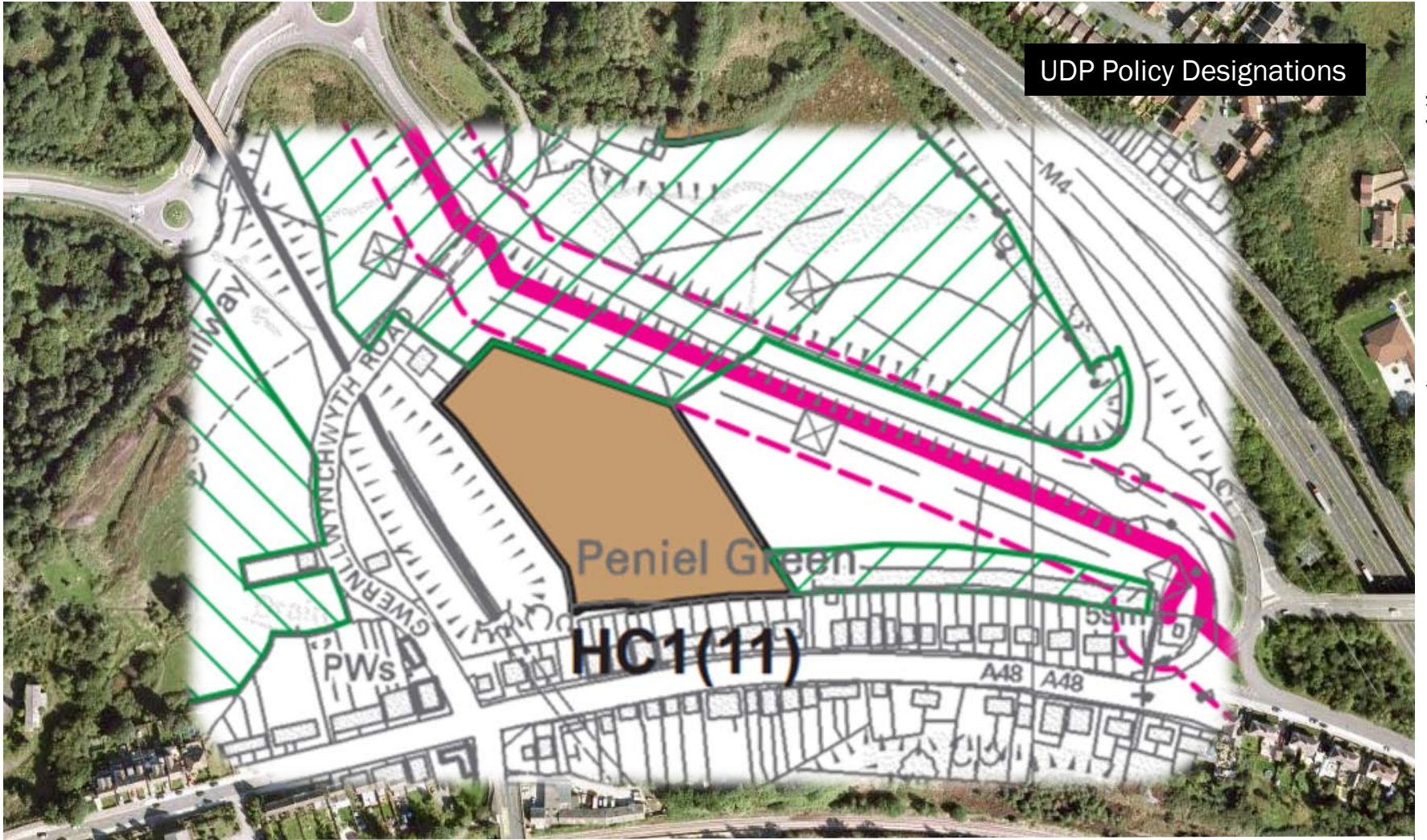
List of Attachments

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



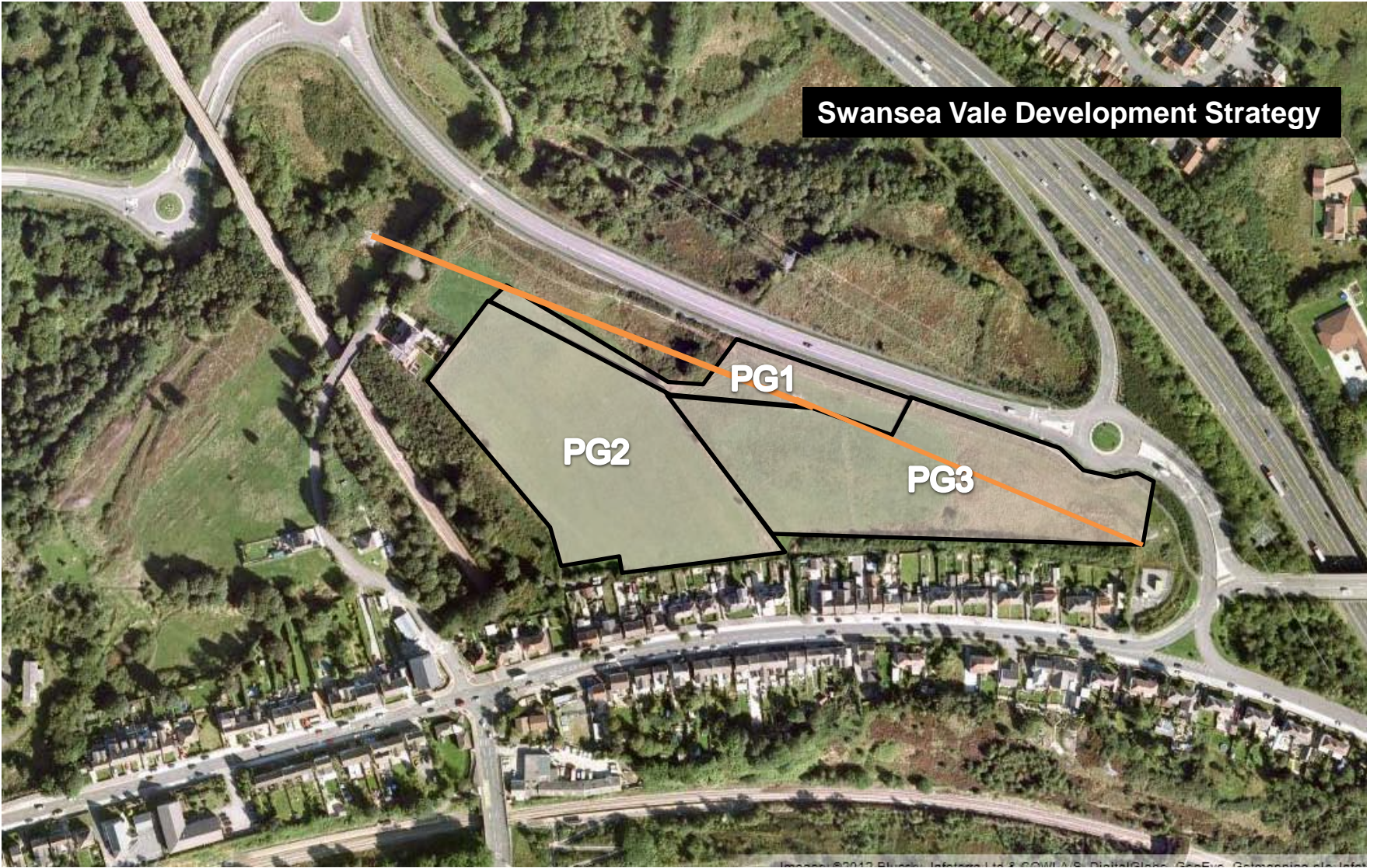
EV24 - Greenspace Protection



HC1 - Housing Site



EV41 - Hazardous Installation Consultation Zone

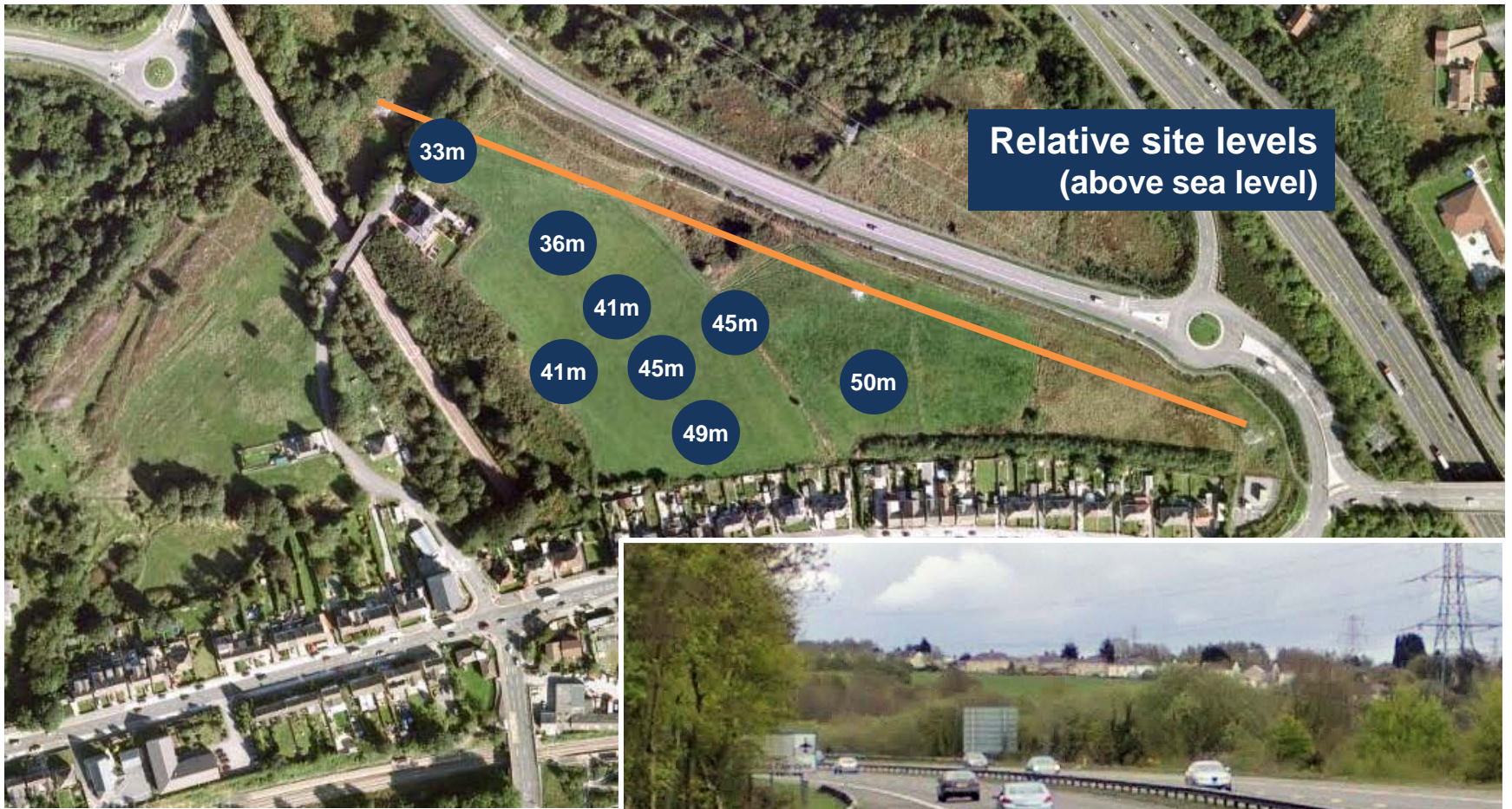


Swansea Vale Development Strategy

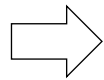
PG2

PG1

PG3



Site as viewed from eastbound lane of M4 Motorway





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 \[8.9Mb\]](#)

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 \[17.9Mb\]](#)

Other Constraints

 [Flood zones \[7.0Mb\]](#)

 [Contaminated land \[5.4Mb\]](#)

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"> Mostly defined as Housing Allocation (HC1 13) within the Unitary Development Plan and is therefore available for residential use The site is reasonably well located to services and facilities The site area provides sufficient scope for expansion 	<ul style="list-style-type: none"> Partly defined as Housing Allocation (HC1 13) within the Unitary Development Plan The site is reasonably well located to services and facilities 	<ul style="list-style-type: none"> The site has a low impact on the surrounding landscape partly due to its relatively isolated position with limited views from the wider area Within close proximity to the M4 Motorway The site area provides sufficient scope for expansion 	<ul style="list-style-type: none"> Within close proximity to the M4 Motorway The site is relatively self contained with sufficient scope for expansion
Cons	<ul style="list-style-type: none"> 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 Loss of housing landbank and reduction in potential capital receipts The site forms part of the Swansea Vale Joint Venture area and is subject to a legal agreement with Welsh Government The site is dissected by a line of high voltage cables 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 clearance works and landscaping 	<ul style="list-style-type: none"> 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 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 Loss of some housing landbank (what remains taking into account of the new playground) and reduction in potential capital receipts The site is dissected by a line of high voltage cables Investment in hardstanding and boundary works would be required The site would require clearance works and landscaping 	<ul style="list-style-type: none"> Defined as an area of Greenspace System (EV24) within the Unitary Development Plan Highway infrastructure is unsuitable The site is bound by the M4 Motorway and railway line, therefore there would be concerns about placing noise sensitive receptors into an existing noisy environment 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 clearance works and landscaping 	<ul style="list-style-type: none"> Defined as an area of Greenspace System (EV24) within the Unitary Development Plan Highway infrastructure is unsuitable 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 Investment in hardstanding and boundary works would be required The site would require clearance works and landscaping
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"> • Within close proximity to the M4 Motorway • The site area provides sufficient scope for expansion 	<ul style="list-style-type: none"> • Partly defined as Housing Allocation (HC1 11) within the Unitary Development Plan • 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 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 	<ul style="list-style-type: none"> • Partly defined as Housing Allocation (HC1 15) within the Unitary Development Plan and is therefore available for residential use • Within close proximity to the M4 Motorway • The site area provides sufficient scope for expansion 	
Cons	<ul style="list-style-type: none"> • Defined as an area of Greenspace System (EV24) within the Unitary Development Plan • The site is bound by the M4 Motorway and the road servicing Swansea Vale, therefore there would be concerns about placing noise sensitive receptors into an existing noisy environment • 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 clearance works and landscaping 	<ul style="list-style-type: none"> • 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 	<ul style="list-style-type: none"> • Partly defined as Greenspace System (EV24) within the Unitary Development Plan • Highway infrastructure is unsuitable • Loss of housing landbank and reduction in potential capital receipts • The site forms part of the Swansea Vale Joint Venture area and is subject to a legal agreement with Welsh Government • 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 clearance works and landscaping 	<p>As is the case with sites 12 & 13, Site 17 is dissected by a line of high voltage cables</p> <p>As is the case with sites 14 & 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.</p> <p>It is not readily apparent why these factors fail to be considered as contributing towards key restrictions in the case of Site 17</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