

Report of the Cabinet Member for Place

Cabinet – 1 November 2012

APPROACH TO THE IDENTIFICATION OF ADDITIONAL GYPSY TRAVELLER SITE PROVISION

Purpose:	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.
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.
Recommendation(s):	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">• 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 & Finish Group meetings. 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.
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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