Hearing Session 13

GYPSY AND TRAVELLER PROVISION

9.30 am, Friday 30 September 2016

Anglesey and Gwynedd Joint Local Development Plan

CYNGOR SIR YNYS MÔN ISLE OF ANGLESEY COUNTY COUNCIL

This Statement has been produced by the Isle of Anglesey County Council and Gwynedd Council to set out their response to the matters and issues raised by the Inspector for the Hearing relating to Gyspy and Traveller Provision in the submitted Anglesey and Gwynedd Joint Local Development Plan.

This Statement relates to the elements of the Plan that have been raised by the Inspector as matters to be discussed. Where appropriate the Statement draws on and cross-refers to the main sources of information used in the preparation of the Plan such as the outcomes of public consultation, the Sustainability Appraisal, the Background Documents and the supporting Topic Papers. Document reference numbers are given where appropriate.

For the purpose of clarity within this statement any Matters Arising Changes suggested to the Deposit Plan and/or a Focussed Change to the Plan, is shown in bold **Red** and underlined. Any Focussed Change text to the Deposit Plan is shown in **Bold** underlined

Matters and issues Agenda

1	**Introduction**

2	**Procedural Matters**

3	**Is the Plan based on a sound assessment of the accommodation needs of Gypsies and Travellers?**

3.1 **Response** - Yes. The Plan is based on a sound assessment of the accommodation needs of Gypsies and Travellers. The Plan preparation period is covered by two assessments, both of which have identified a level of need in the Plan area: (i) the published 2013 North West Wales and Flintshire Gypsy and Traveller Accommodation Needs Assessment (GTANA) (DC.028); and (ii) the Gwynedd and Anglesey Gypsy Traveller Accommodation Needs Assessment, May 2016 (DC.024).

https://www.gwynedd.llyw.cymru/en/Council/Documents---Council/Strategies-and-policies/Environment-and-planning/Planning-policy/Supporting-documents/DC.024-Anglesey-Gwynedd-Gypsy-and-Traveller-Accommodation-Needs-Assessment-(draft-2016).pdf

3.2 The latter Assessment has been carried out in accordance with the Welsh Government Guidance Undertaking Gypsy and Traveller Accommodation Assessments (May 2015). It has been submitted to the Welsh Minister and is awaiting approval, - anticipated during September 2016. Paragraph 7.4.90, as amended by Focus Change NF70, provides details of the results of the latest GTANA. In response to representations made during the public consultation about Focus Changes, the Councils have suggested additional amendments to this paragraph as set out in the report outlining observations about representations regarding focus changes (CDLL.029). If deemed acceptable and appropriate by the Inspector, the Councils would therefore like to propose the following amendments (in red) to paragraphs 7.4.89 - 7.4.90 to be addressed by Matters Arising Changes:

7.4.89 **Housing (Wales) Act 2014 places a duty on local authorities to provide sites for** Gypsies and Travellers **where a need has been identified.** In accordance with the Housing Act 2004, the North West Wales and Flintshire Gypsy and Traveller Accommodation Needs Assessment (GTANA) **(~~2011~~ published 2013)** was undertaken for all the North Wales Local Planning Authorities apart from Wrexham (who had undertaken a separate study). **A Gwynedd and Anglesey Gypsy and Traveller Accommodation Needs Assessment was undertaken in 2015 (published 2016) in accordance with Welsh Government guidelines to identify unmet need for the Plan period (to 2026) ~~of 5 years~~.**

7.4.90 The findings of the GTANA 2015 indicate that there is a requirement for ~~11~~ 4 **permanent** residential pitches to replace the existing tolerated site near Pentraeth **Road, Anglesey** and a requirement for an additional ~~10~~ **11 permanent residential** pitches in Gwynedd **up to 2026 ~~over the next 5 years~~.** **The GTANA ~~2015~~ 2016 ~~–~~also**

recommended allocating two temporary stopping places along the A55 on Anglesey (one in the Holyhead area and one in the centre of the Island), and one in Caernarfon to cater for Gypsies and Travellers who have regularly made unauthorised encampments in the area. There are currently no authorised transit sites in North Wales. 'Transit' pitches can either be on formal sites that are similar to permanent residential sites but the occupier can only stay up to 3 months. A**l**ternatively they can be temporary stopping places **where occupiers can stay for shorter periods**. Conwy County Borough Council and Denbighshire County Council are currently working together to ~~identify~~ **develop a** permanent residential Gypsy and Traveller site **near Conwy** as well as ~~and~~ **to provide a** formal transit site.

3.3 Topic Paper 18B Identifying Gypsies and Travellers Sites – update (DA.022) records the results of each Assessment. For ease of reference, the following table provides the results of both Assessments:

2013 GTANA	**Permanent residential pitches**	**Transit/ Temporary pitches**	**Temporary Stopping Pitches**
Anglesey	11	28 pitches across the study area	
Gwynedd (county)	5		
2016 GTANA	**Permanent residential pitches**	**Transit pitches**	**Temporary Stopping pitches**
Anglesey	4	0	6 pitches (up to 12 caravans) Site in Holyhead Area 8 pitches (up to 15 caravans). Centre of Island
Gwynedd (county)	11	0	5 pitches (up to 9 caravans) 1 Site Caernarfon

Note: 1 Temporary Stopping Pitch is capable of accommodating 2 touring caravans.

TABLE 1 - Findings of 2013 and 2016 GTANA

3.4 The numbers of households living on the unauthorised tolerated encampment between Menai Bridge and Pentraeth has decreased from 11 to 4 between the 2013 and 2016 GTANA. The provision of a new site of 4 permanent residential pitches

would facilitate the relocation of the 4 households currently living on the unauthorised encampment in the layby between Menai Bridge and Pentraeth.

3a	**Is there an adequate assessment of need over the Plan period?**

3.5 **Response** - Yes. As set out in the proposed Matters Arising Change noted above, the latest GTANA provides an assessment of need over the Plan period (up to 2026). The Housing (Wales) Act 2014 requires each Local Authority in Wales to undertake an assessment of need tor Gypsy and Traveller accommodation at least every 5 years, with assessments required to be submitted to Welsh Ministers for approval.

3.6 The next accommodation assessment will be required by 2021. Whilst the Plan has assessed the need over the Plan period, the Councils agree with the Welsh Government's view that is difficult to accurately assess Gypsy and Traveller population over a period longer than 5 years.

3.7 The Plan will be underpinned by a robust Monitoring Framework that will be used to monitor the implementation of policies and proposals contained in the Plan. This will directly feed into the Annual Monitoring Report (AMR) and, in turn be used to inform any future Plan reviews. The Councils are prepared to make minor changes to the Monitoring Framework to ensure it provides the best possible mechanism to monitor and take advantage of evolving best practice as incorporated in recently adopted Plans. The Plan will be due for review in 2021.

3.8 Both Local Authorities now maintain a separate register for Gypsy and Travellers seeking a residential caravan pitch to rent, although there are currently no Council owned sites available on the Island.

3.9 The new system for undertaking the Gypsy and Traveller Caravan Count involving continuous recording of unauthorised encampments should provide a more robust basis for calculating the future needs for temporary Gypsy and Traveller accommodation in the Plan Area.

310 The Project Steering Group set up to oversee the completion of the GTANA 2016 has agreed to continue to meet twice a year to ensure that ongoing monitoring will be maintained and to identify whether further residential or temporary stopping places should be delivered to meet any further identified need. The Project Steering group intend to develop a joint action plan, which will also address any outstanding issues from the 2013 Gypsy and Traveller Accommodation Needs Assessment.

3.11 Whilst the Councils consider that there is adequate assessment of need over the Plan period, it is considered important that the Councils monitor changes in the accommodation needs of Gypsy Travellers and the availability of pitches. The steps referred to above will help monitor the situation and will enable the Councils to adapt its approach if deemed necessary in the light of new evidence.

3b	**Does the Plan make adequate provision to meet the identified need of Gypsies and travellers for permanent pitch communities? Is the provision suitably located to meet those needs?**

3.12 **Response** – As shown in the response to question 3a above the GTANA 2016 identified the need for permanent residential pitches for Gypsies and Travellers on Anglesey and in Gwynedd

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3.13 The proposed extension to the Llandegai Site, near Bangor, can provide sufficient pitches to meet the needs of Gypsies over the Plan period. The existing site has 7 pitches. A proposed extension shown on the Proposals Map in the Deposit Plan provided for 5 pitches in order to address the need as identified in the 2013 Study. Focus Change NF 72 expands the original extension to the site to provide a total of 11 pitches to reflect the identified need in the 2016 Draft Study. Gwynedd Housing Service has commissioned preliminary work to design a new layout with a view to applying for planning permission before Christmas 2016 and applying for Welsh Government grant funding in 2017/2018

3.14 A site at Penhesgyn, Anglesey has been put forward to address the accommodation needs of the four New Age Traveller households, who currently live at the tolerated site on the Pentraeth Road (A5025). The site at Penhesgyn has been recommended for inclusion in the Plan by the Isle of Anglesey County Council's Executive Committee following public consultation between 11th February and 11th March 2016 (DA022 Appendix 2).

http://democracy.anglesey.gov.uk/ieListDocuments.aspx?CId=134&MId=3048&Ver=4&LLL=0

3.15 The map included in **Appendix 1** to this Statement shows the location of the site. The Housing Service will undertake more detailed work during 2016 with a view to submitting the requisite planning application and applying to Welsh Government for a grant to develop the site. It is important to note that only part of the land shown in **Appendix 1** will be required to accommodate the Travellers currently residing on the tolerated encampment in the lay-by, Lon Pentraeth. The precise boundaries of the land to be developed to be determined at a later stage, dependant on access requirements and detailed design assessments.

3.16 In addition, Policy TAI 11 of the Plan, as amended by Focus Change NF71, safeguards existing Gypsy and Traveller sites. Policy TAI 12 allocates new sites. The results of the additional work undertaken by the Isle of Anglesey County Council post submission requires an amendment to Policy TAI 12 to identify the Penhesgyn site. The amendment to the Policy requires a consequential amendment to the Proposals Map. If deemed acceptable and appropriate by the Inspector, the Councils would therefore like to propose the aforementioned amendments to be addressed via Matters Arising Changes:

3.17 The sites identified are considered to be suitably located to meet the needs of gypsies and travellers identified in the GTANA 2016. The Council have followed the methodologies referred to Topic Papers 18,18A and 18B to assess possible suitable sites. They have taken account of Welsh Government Circular 30/2007 (PCC24) and Good Practice Guide in Designing Traveller sites in Wales (2015) (PCC27).

POLICY TAI12: GYPSY AND TRAVELLER SITE ALLOCATIONS

To contribute to fulfilling the identified need for Gypsy and Traveller pitches as shown in the Gypsy and Traveller Accommodation Needs Assessment the following ~~locations~~ sites, as shown on the Proposals Map, ~~have been identified for potential development~~ are allocated for permanent residential Gypsy ~~or~~ and Traveller use, to be solely occupied by Gypsies ~~or~~ and Travellers:

Permanent Gypsy ~~or~~ and Traveller sites

Location	Number of pitches	Occupants
Extension to existing site at Llandygai, Bangor	~~5~~ 11	Gypsies
Land at Penhesgyn, Penmynydd	4	Travellers

~~The Councils are applying a Gypsies and Travellers Sites Assessment Methodology to identify sites for an additional 16 4 permanent residential pitches as well as a series of temporary stopping pitches for Gypsies and Travellers in accordance with the Accommodation Needs Assessment Study.~~

The Councils are applying a Gypsies and Travellers Sites Assessment Methodology to identify sites for a series of temporary stopping pitches for Gypsies and Travellers in accordance with the Accommodation Needs Assessment Study 2016.

3.18 Additionally, Policy TAI 13 is criteria based policy to enable Gypsy and Travellers to develop land that would not otherwise be released for residential development to be developed for permanent residential pitches for Gypsies and Travellers.

3.19 In identifying sites the Councils have taken account of guidance published by Welsh Government, e.g. Welsh Government Circular 30/2007 (PCC24) and Good Practice Guide in Designing Traveller sites in Wales (2015) (PCC27). The Circular states that in identifying a site, local authorities will need to demonstrate that sites are suitable and there is a realistic likelihood that the specific sites allocated in the local development plan be available for that purpose.

3.20 Topic Papers 18, 18A and 18B: Identifying Gypsy and Traveller Sites (PT.030, PT.031 and DA.022) describes the site assessment process, which includes consideration of a range of likely constraints and refers to Committee reports.

3.21 Additionally, the report about the Sustainability Appraisal of the Plan (CDLL.007) and a post submission Addendum (DA.021) as well as the Habitats Assessment Report and its addendum (CDLL.008 and DA.019) assess the suitability of the proposed sites.

3.22 The Councils are of the view that the site assessment process used to identify possible sites to allocate for permanent residential use by Gypsies and Travellers is robust and accords with Welsh Government guidance.

3c	**Does the Plan in combination with the plans of neighbouring authorities make adequate provision for transit sites?**

3.23 **Response** - Yes. This is a joint local development plan and therefore represents close collaboration between the Isle of Anglesey County Council and Gwynedd Council. The Snowdonia National Park Authority occupies part of Gwynedd in land terms, however that area is covered by its respective LDP. The Gwynedd Local Planning Authority adjoins 4 other local planning authority areas: Conwy County Borough Council, Denbighshire County Council, Powys County Council and Ceredigion County Council. The Councils have had regular contact with neighbouring authorities both individually (particularly Snowdonia National Park Authority who sit on the 2016 GTANA Steering Group) and collectively at regional level (through the Regional Gypsy &Traveller Co-ordination Panel and North Wales Planning Policy Officers Group).

3.24 As described in Table 1 above the 2013 GTANA (DC.028) identified a need for 28 'transit' pitches across the study area. The report at paragraphs 113-118 referred to addressing this requirement through transit sites or temporary stopping places. There are currently no authorised transit sites or recognised temporary stopping places located within the Plan area or within neighbouring authorities. Conwy and Denbighshire have identified a suitable site for a temporary stopping place near St George, Bodelwyddan, however this site has not been provided to date.

3.25 The GTANA 2016 explains why the Councils have concluded that accommodation needs of visiting Gypsy and Travellers in the Plan area should be met by providing temporary stopping places rather than transit sites, where Gypsies and Travellers are allowed to stay for up to 3 months. It is considered that having regard to the low numbers of recorded incidences of unauthorised encampments and the comparatively short duration of visits that there is no need to provide transit sites with associated permanent facilities where Gypsies and Travellers may stay for up to 3 months.

3.26 The need for all Local Authorities in Wales to comply with the requirements of the Housing (Wales) Act 2014 and the findings of the GTANA may in time result in the provision of a network of additional transit sites (including temporary stopping places) in neighbouring authorities.

3.27 The Councils consider that that they should only seek to provide suitable temporary stopping places in accordance with the recommendations of the Gwynedd and Anglesey GTANA 2016 for each County. There is no evidence to support an over-provision of temporary stopping places in the Plan Area in an attempt to address possible shortfalls in provision in neighbouring authorities.

3.28 It is intended that the three temporary stopping places to be provided will be available for occupation by Gypsy Travellers throughout the year but that the Councils will exercise control over the length of time that Gypsy and Travellers are allowed to stay and the numbers of caravans allowed to stay at any one time on each authorised site.

3.29 The GTANA 2016 provides the justification for seeking to provide a temporary stopping place in the Caernarfon Area. The GTANA explains that because the majority of the unauthorised encampments in Gwynedd have been for one visit over

the course of a year, the allocation of further temporary stopping places cannot be justified. The Council will continue to apply its tolerated protocol for these kinds of visits. Gwynedd Council has identified a site known as part of Shell car park to address the need identified in the GTANA 2016. The map in **Appendix 2** to this Statement identifies the site.

3.30 The Isle of Anglesey County Council has sought to identify 2 sites to address the need for temporary stopping places on the Island. Topic Paper 18B (DA.022) records the results of work undertaken so far, which includes public consultation about various options. On the 25th July 2016 the Executive Committee resolved that the County Council should carry out further investigations into Site 1, Strip of land between the A5 and A55 between Llanfairpwll and Star Crossroads to confirm suitability with regard to further assessment of any safety or technical risks posed by the site, and to consider the site design can resolve these issues. The full minutes are available to view at:-

http://democracy.anglesey.gov.uk/ieListDocuments.aspx?CId=134&MId=3071&LLL=

Appendix 3 is a Plan showing the Site.

3.31 The Executive Committee also resolved that neither of the two sites consulted upon in the Holyhead area should be included in the Joint Local Development Plan. They resolved that further work should be carried out to identify possible sites to meet the needs for a temporary stopping place for Gypsies and Travellers in the Holyhead area. .The Executive Report and Minutes may be viewed at:-

http://democracy.anglesey.gov.uk/ieListDocuments.aspx?CId=134&MId=3071&LLL=

3.32 If deemed acceptable and appropriate by the Inspector, the Councils would therefore like to propose the following amendment to 7.4.99 and 7.4.100 to be addressed via Matters Arising Changes to ensure that the needs for temporary stopping sites identified in the GTANA can be addressed.

7.4.99 **GTANA 2015 and** Council records indicate that there have been occurrences of up to 15 caravans stopping at any one time on the same site in the Plan area for relatively short periods. However, most of the unauthorised encampments have involved much smaller numbers of caravans. **A single temporary stopping site to accommodate 15 caravans would require 8 pitches (2 touring caravans per pitch). Both Councils are committed to meeting the accommodation needs of visiting Gypsies and Travellers identified in the GTANA 2016. The site identified in Caernarfon is owned by the Council and is available for use by visiting Gypsy and Travellers. The Isle of Anglesey County Council has identified land near Star that is considered to be suitable as a temporary stopping place for Gypsy Travellers. However, further investigations are required to confirm its suitability and to establish whether the site can be purchased. The Council to date have not been able to identify a proposed stopping place in the Holyhead area to meet the need identified in the latest GTANA. They therefore have resolved to carry out further work to identify a suitable site for Gypsies and Travellers in the Holyhead Area.**

7.4.100 It is intended that the three temporary stopping places to be provided will be available for occupation by Gypsy Travellers throughout the year but that the Councils will exercise control over the length of time that

Gypsy and Travellers are allowed to stay and the numbers of caravans allowed to stay at any one time on each authorised site. Until sufficient temporary stopping sites have been developed to meet the needs of travelling Gypsies and Travellers identified in the GTANA, both Councils will continue to apply their existing tolerated protocols for dealing with unauthorised Gypsy and Traveller encampments that may occur within the Plan Area. Further information about the assessment process is included in Topic Paper 18, 18A and 18B Identifying Gypsy and Traveller sites, which are published alongside the Plan. Further information about the assessment process is included in Topic Paper 18, 18A and 18B, Identifying Gypsy and Traveller sites, which is published alongside the Plan.

3d	**Can land identified to meet the needs of Gypsies and Travellers be delivered in a timely fashion?**

3.33 The proposed allocation at Llandegai is on land owned by Gwynedd Council. The Council is not aware of any issues or constraints that would prevent the delivery of this site in a timely fashion. The Housing Service intends to submit a planning application before Christmas 2016 and thereafter apply to Welsh Government for a grant to develop the site. Similarly the proposed temporary stopping place Shell car park, Caernarfon is also on land owned by Gwynedd Council. The Council intend to submit a planning application relating to the use of this land as a temporary stopping site for Gypsies and Travellers in the near future.

3.34 With regard to the proposed allocation at Penhesgyn, part of the land is in Council ownership and part in private ownership. The Council will need to acquire some of the private land to form a vehicular access that will comply with highway requirements. The Isle of Anglesey County Council intend to undertake detailed technical assessments regarding access proposals and health impact assessments to support the proposed planning application. Whilst there are some matters associated with the site that will need to be addressed, the Council is of the view that these can be adequately addressed through appropriate design and management at the planning application stage. The Housing Services intend to be in a position to progress to the planning application stage in 2017, and thereafter apply for Welsh Government grant aid.

3.35 The Isle of Anglesey County Council has identified a possible temporary stopping place for Gypsies and Travellers at Site 1, Strip of land between the A5 and A55 between Llanfairpwll and Star Crossroads. However, further assessments of any safety matters and technical risks posed by the site need to be undertaken, and consideration should be given to whether site design can resolve these issues.

4	**Are the monitoring and implementation frameworks relating to Gypsy and Traveller accommodation sound and sufficiently responsive to change?**

4a	**Does the Plan include mechanisms that will enable any under provision to be identified and to trigger an appropriate response?**

4.1 **Response** – Yes. The Plan will be underpinned by a robust Monitoring Framework that will be used to monitor the implementation of policies and proposals contained in the Plan. This will directly feed into the Annual Monitoring Report (AMR) and, in turn be used to inform any future Plan reviews.

4.2 Targets, indicators and trigger points have been set out in the refreshed monitoring framework (DA.010c) which aims to provide a mechanism for recording whether the proposed sites come forward as planned. The Councils are prepared to make minor changes to the Monitoring Framework to ensure it provides the best possible mechanism to monitor and take advantage of evolving best practice as incorporated in recently adopted Plans.

4.3 If particular targets are not met, trigger points will be activated and investigated in the Annual Monitoring Report to establish whether any further actions are required e.g. revision of policies or a review of the Plan.

4.4 Information from the registers of Gypsy Travellers seeking permanent council pitches and from the caravan count should help provide a more robust basis for calculating the current and future needs for temporary Gypsy and Traveller accommodation in the Plan Area.

4.5 The Project Steering Group continues to meet twice a year to ensure that ongoing monitoring will be maintained and to identify whether further residential or temporary stopping places should be delivered to meet any further identified need.

4.6 The findings of the next GTANA by 2021 will be used to update the Councils' evidence base and to help determine whether the Councils' policies and proposals in the Plan are still relevant or whether they require review.

4.7 Considering the above sources together will allow the Councils to have a clear and up to date assessment on the accommodation needs of Gypsy and Travellers.

5 Any other matters

Appendix 1

Plan of proposed allocation for permanent residential Traveller Site, Land at Penhesgyn, Penmynydd, Isle of Anglesey County Council, Executive Committee, 31 May 2016.

Appendix 2

Plan of Temporary Stopping Site, Shell Car Park, Caernarfon.

Appendix 3

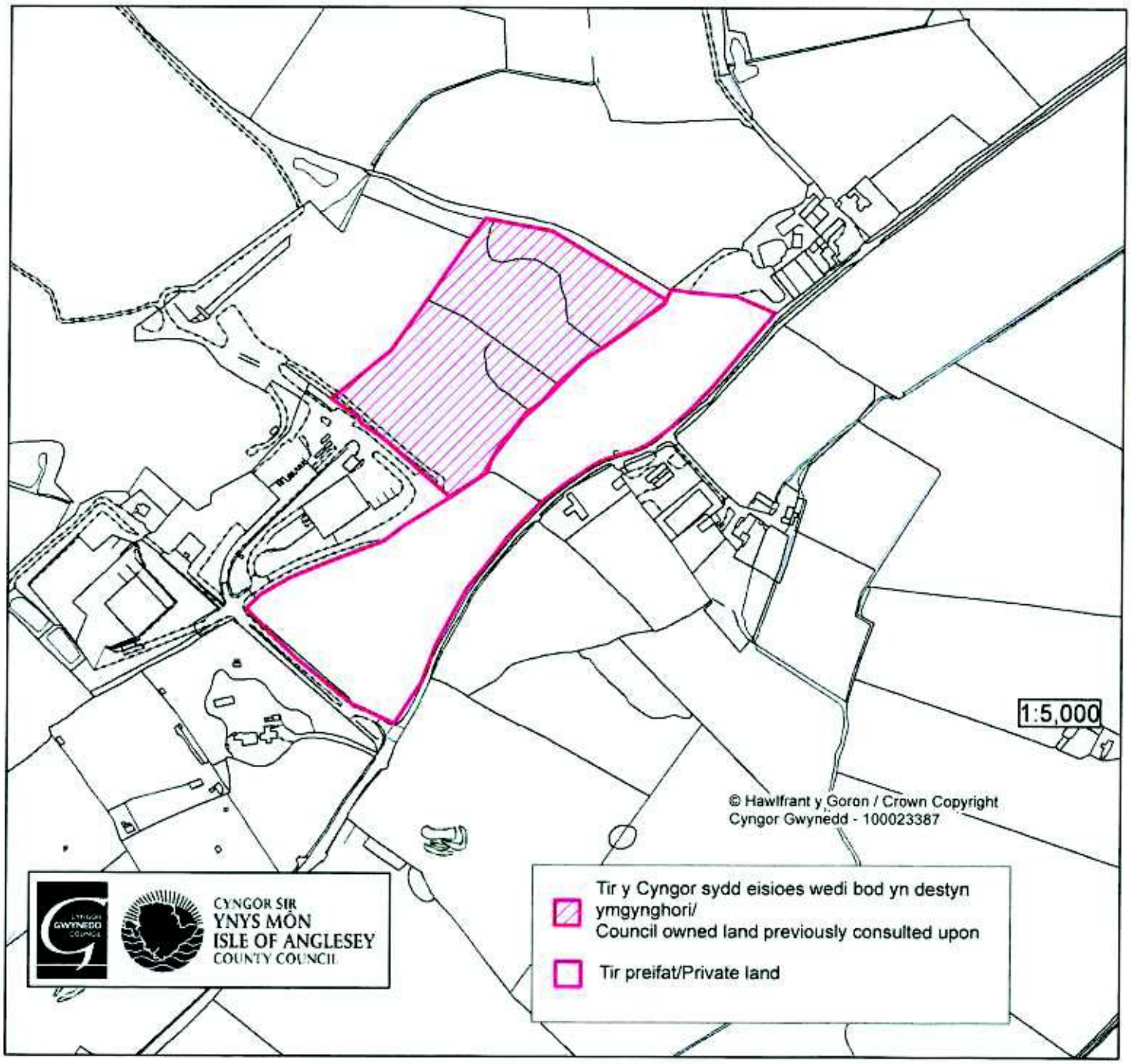
Plan of Site 1, Strip of land between the A5 and A55 between Llanfairpwll and Star Crossroads.

Atodiad / Appendix 1

Cynllun Datblygu Lleol ar y Cyd
Joint Local Development Plan

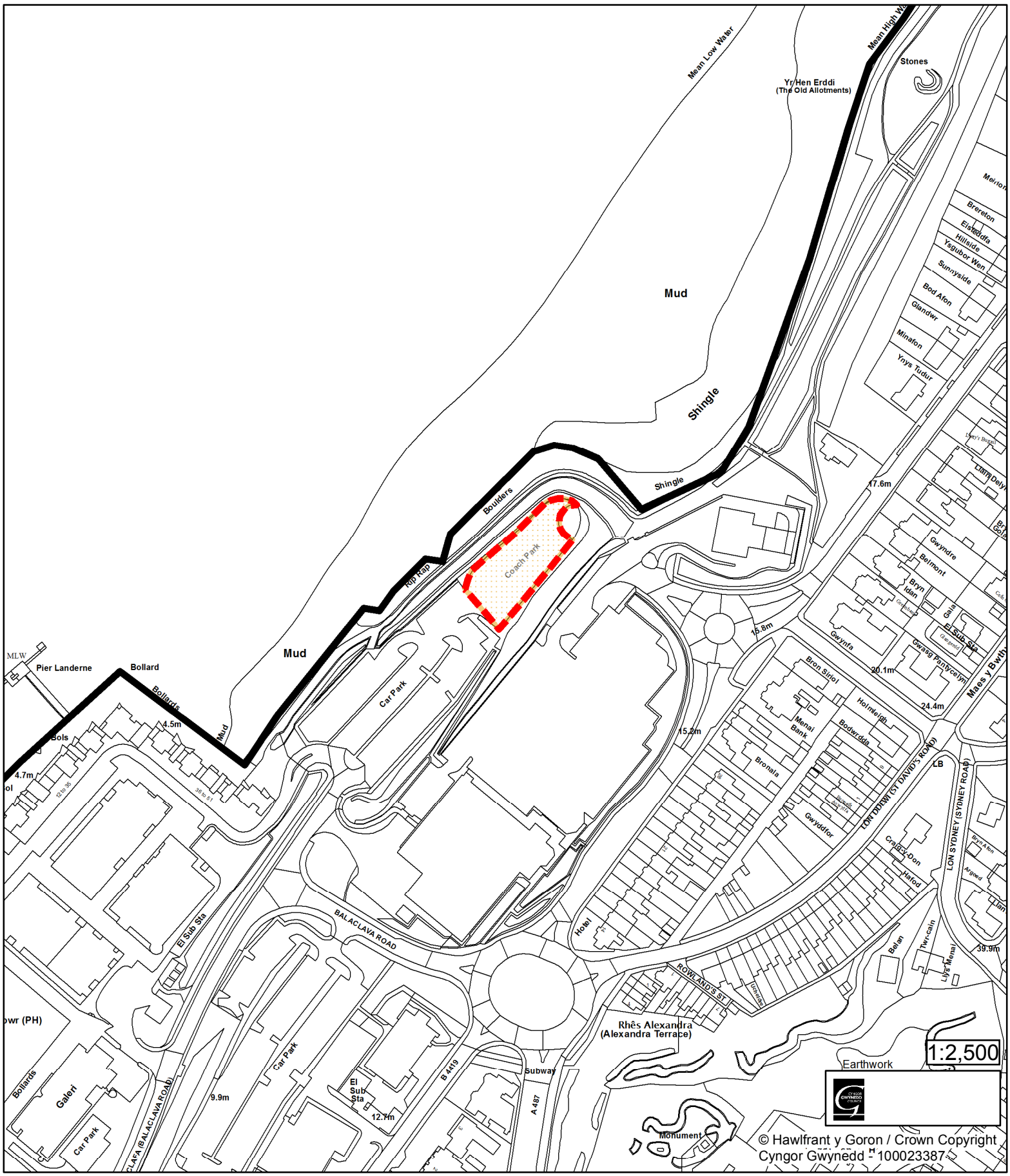
Safle Posib Sipsiwn a Teithwyr / Potential Gypsy a Travellers Site

SAFLE DIWYGIEDIG/ REVISED SITE 3



Tir ger Safle Penhesgyn/Land adj.t to the Penhesgyn Site

Safle Dros Dro Caernarfon

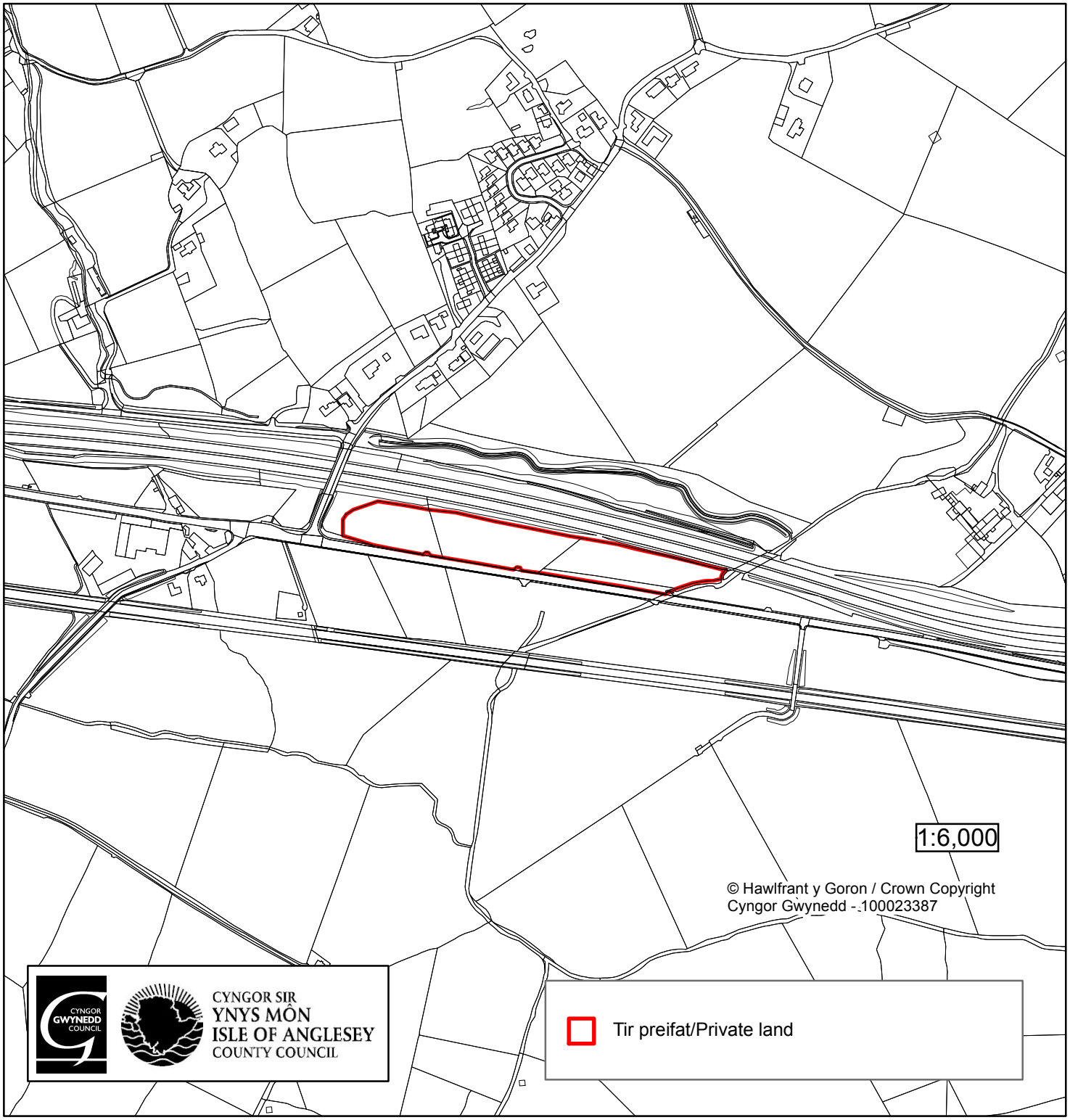


Safle Shell Caernarfon

Dynodi Safle Sipsiwn a Theithwyr Dros Dro Newydd
Allocate new Temporary Gypsy and Traveller Site

Cynllun Datblygu Lleol ar y Cyd
Joint Local Development Plan

Safle posib Dros Dro Sipsiwn a Teithwyr /
Possible Temporary Gypsy a Travellers Site



Tir rhwng yr A5 a'r A55 rhwng Star a Llanfairpwll/
Land between A5 and A55 between Star and Llanfairpwll