

# Conwy Deposit Local Development Plan 2007 – 2022 (Revised edition 2011)



## REVISED BACKGROUND PAPER 22 – SUBMISSION

### Gypsy and Traveller Site Demand Assessment

August 2012

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## **1. Section 1**

### **Background**

1.1 This paper is one of a series of background papers accompanying the Local Development Plan (LDP) – Submission. When the Council submits its LDP it must also explain how the policy has been formulated, based on the most up-to-date evidence base available to the Council at the time. This background paper discusses the following:

**1. The demand for gypsy and traveller sites / pitches in the Plan Area of Conwy County Borough, which is the area outside the Snowdonia National Park.**

**Having regard to the objections raised by the Welsh Government under soundness tests C2, CE1 & CE2 at revised deposit stage, the suitability of the data then available to determine the type and size of site required in order to allocate a site in the LDP.**

**2. Site location and the reasoning and justification for removing the Gypsy and Traveller Site Search Area as proposed in the 2009 Deposit LDP.**

1.2 The BP is presented in three sections.

Section 1: Background (this section)

Section 2: Assessing the level of evidence available at revised deposit stage to determine the type and size of site required within the Plan Area (Points 1 and 2)

Section 3: Assessing the appropriate location for a site having assessed the evidence base and the justification to remove the proposed Gypsy and Traveller Site Search Area as proposed in the 2009 Deposit LDP (Point 3)

1.3 Legislation and guidance from Government has indicated its commitment to resolving some of the long-standing accommodation issues for the gypsy and

traveller communities. The legislation has the overarching aim of ensuring that members of the gypsy and traveller communities have equal access to the same decent and appropriate accommodation options as every other member of society. As a result, a number of Gypsy and Traveller Accommodation Assessments (GTAAAs) are now being undertaken across the UK, as local authorities respond to these new obligations and requirements.

- 1.4 In preparation of the Conwy LDP the Council has undertaken the North West Wales Local Housing Market Assessment (LHMA) in partnership with neighbouring authorities and Bangor University. A Gypsy and Traveller Accommodation Assessment (GTAA) comprises part of Phase 2 of the LHMA to inform the Councils of the need for Gypsy and Traveller Accommodation in the area. While the GTAA has not yet been published a draft has recently been completed and the results have been taken into account in the 'focussed changes' to the Plan as referenced in Section 3.

### **Background paper 23**

- 1.5 The Council previously undertook a review of the unlawful Gypsy and Traveller encampments within the County Borough as part of the Deposit LDP (April 2009) with the aim of assessing the identified need at the time. Subsequently further site search appraisal work was undertaken to seek to accommodate the need identified and a Gypsy and Traveller Site Search Area was identified. This work is detailed in the previous BP/23 'Gypsy and Traveller Site Search and Appraisal Study' a summary of which is included in Appendix 2 of this Background Paper. However, as further evidenced in this revised submission BP, the suitability of the unlawful encampment trend data and the steer from national guidance, warranted the removal of the Search Area. In the revised deposit LDP the site search area was therefore replaced by a criteria based policy which references implementation following the outcome of the GTAA.
- 1.6 The revised Deposit LDP was published for consultation in March 2011 for a 6 week period. Objections were raised by the Welsh Government under soundness tests C2, CE1, and CE2 as follows:

**Matters where it appears that the deposit plan has not satisfactorily translated national policy down to the local level and there may be tensions within the plan, namely:**

*“i. Gypsy & Traveller site provision - No specific site provision has been made to address the evidence which indicates a site(s) is required. The plan objectives include making provision for Gypsy & Traveller site needs. Whilst policy HOU/4 provides a criteria based approach to meet any unidentified need arising over the plan period, in accordance with Circular 30/2007 the evidence indicates that there is an outstanding existing need, and as such an appropriate number of site(s)/pitches should be identified in the plan. No allocation has been made to satisfy the existing need. The technical work necessary to determine how the existing need will be addressed should be completed, with any appropriate allocation being made through a Focused Change”.*

- 1.7 Sections 2 and 3 of this BP specifically concentrate on the objection raised in terms of the suitability of the data to assess the needs for a site in Conwy.

## 2. Section 2

### Assessment

- 2.1 A review of unlawful Gypsy and Traveller encampments within the County Borough has been undertaken to cover the period 2007-2010 as shown in Appendix 1. While this was the only evidence available to the Council at the time, it was appreciated that it may not accurately represent the population of Gypsies and Travellers frequenting Conwy and neighbouring counties. The Council acknowledged that there could well be other members of the population who are visiting the County Borough but not coming to the attention of the Council under the unlawful encampment data. It was clear from the available data, therefore that there were significant limitations as presented in Appendix 1 and as demonstrated in this BP, which questioned the merits of its use in concluding the type and size of site required and its preferred location.
- 2.2 While the data was useful, it was fully accepted that further work was required to establish the true population of Gypsy and Travellers visiting and residing within the County Borough through the Gypsy and Traveller Accommodation Assessment (GTAA). While the GTAA has not yet been published, as referenced previously, the draft findings have recently been made available to inform the situation.

### Data Analysis

- 2.3 The analysis of the available data demonstrated that:

**Frequency:** The majority of unlawful encampments fell within the Kinmel Bay Area (approximately 70%) and Gypsy and Traveller parties had an overall preference for this area for unlawful encampments.

**Number of caravans recorded at unlawful encampments:** 2 Caravans (38%), 3 Caravans (23%), 4 Caravans (15%), 5 Caravans (8%), 7, 10, 17 & 20 Caravans (4% each). The majority of recordings being 2, 3 & 4 Caravans)

**Mean Number of Caravans:** 26 / 132 Caravans = 5.07 Caravans

As regards the numbers of caravans making up Unlawful Encampments, the most frequent class was by far the "1 to 4" class. However, the two counts present in the "17 to 20" required investigation. If the "17 to 20" caravans per Unlawful

Encampment class was used as the upper limit of site capacity, this would have implications for the design and provision of future sites and, accordingly, cost. It was felt this required further analysis as part of the GTAA.

**Encampments by Month:** Unlawful Encampments do occur all year round, but are mainly confined to the summer and autumn months.

The above analysis raised further important questions which needed to be analysed through the GTAA:

1. Why was there a peak in Unlawful Encampments in the summer months? It would not be unexpected to assume that Unlawful Encampments would be at a constant level all year round if the Gypsy and Traveller population in Conwy itself was constant.

2. Where do the Gypsy and Traveller parties' who frequent Conwy go to over-winter? Again, the GTAA could examine travel patterns to seek to answer this.

**Annual totals of Unlawful Encampments:** 8 in 2008, 6 in 2009, 1 in 2010 and nil in 2011. This showed a consistently decreasing number of Unlawful Encampments on an annual basis over time.

This trend needed further investigation through the GTAA involving a thorough consultation with the travelling community to understand patterns.

**Length of stay in days arranged in ascending order for the 13 records where this data is recorded:** A series of days were recorded. Of those detailed in the appendix, approximately 50% were only recorded as follows:

**Days Stay Recorded:** 1 3 3 4 7 7 12 15 19 24 36 55 75

The above analysis again raised some important questions which required further analysis through the GTAA:

1. The first point was that the data set was incomplete as 50% of the encampments could not be analysed on the basis of length of stay at a given location.

## **Data Shortfalls**

- 2.4 The previous background paper to the Deposit LDP (2009) applied the available unlawful encampment data to determine the type and size of site and location. However, the Council subsequently accepted, following further analysis, that there were shortfalls in proposing an allocation on this basis. A number of key questions relating to this point have been highlighted above under the data analysis. Firstly, there were variations between the range of statistics produced on a year by year basis. Secondly, the data set presented in the recorded unlawful encampment data was incomplete. Thirdly, it was not possible to determine whether Gypsy and Traveller parties which contributed to the data set are all different, or, whether certain parties were repeatedly counted at Unlawful Encampments (that is, the same parties set up camp and were counted more than once at Unlawful Encampments for the period 2007 to 2011).
- 2.5 Notwithstanding the conclusions that the data was insufficient to propose the type and size of site, there were also a number of key questions that needed to be explored through consultation with the Gypsy and Traveller community to fully understand and determine the type and size of site, for example:
  1. Travel patterns: annual travel cycles, location and length of stays, predictability of travel cycles and more.
  2. Gypsy and Traveller party size and composition for both people and vehicles (caravans and associated vehicles) plus additional clarification.
  3. The factors which influence the choice of travel cycles and family and work relationships with the Conwy Area
3. Assessment of preferred locations for new sites.

4. Gypsy and Traveller site dimensions and services requirements such as: size, number of pitches, vehicle parking capacity, access to water and power, sanitary services, special services such as laundry and community rooms, children's facilities such as play areas, animal accommodation, domestic and bulk work related refuse disposal and recycling and more.
5. Assessment of Gypsy and Traveller party reactions and sensitivity to site pricing scales.
6. Requirements for non-site specific facilities such as amongst others: access to schools and children's services, health care, benefits, advice regarding legal, financial and other problems.

2.6 The GTAA was required to include face-to-face interviews with Gypsy and Traveller parties to fully understand the site type, size and location requirements.

2.7 Three of the key drivers regarding the provision of Gypsy and Traveller sites within Conwy and associated councils are legislative, namely, the Human Rights Act, Housing Act and European Community endorsed legislation. It is a requirement of the Council to fulfil their requirements regarding this legislation. The analysis above demonstrates that the previous evidence based on the data shown in Appendix 1 could be considered to be flawed as a basis to facilitate a site search to accommodate the right type and size of site and the right location.

2.8 It was therefore considered that these shortfalls could be addressed through the GTAA, which could:

1. Overcome significant gaps present in the above data set.
2. Provide further information on Gypsy and Traveller party movement and encampment patterns.
3. Provide further analysis of the movement frequency. It cannot be assumed that each Unlawful Encampment represented a different party. The Unlawful Encampment records might well have involved the same parties being counted again and again. Detecting the latter trends is necessary to accurately quantify

the known population of parties frequenting the county and neighbouring counties. This is essential to the type of site required.

4. Engage with the travelling community by inviting Gypsy and Traveller parties to work in partnership with the Council in resolving their site provision needs.

2.9 The events in Appendix 1 indicate only those instances where the legal section had been advised and instructed to take proceedings against unlawful encampments. Additionally, the length of stay had not always been recorded, therefore the data does not provide a true recording of actual need in terms of the type of site required (e.g. Temporary, Transit or Permanent). As enforcement action has been taken, this data is unable to indicate how long Gypsies and Travellers wished to stay on the site if they had the choice to do so. It was also unable to identify any local connections or work commitments within the area which may be attracting Gypsies and Travellers into Conwy. If such connections exist, this may suggest the need for a different type of site which permits occupants to stay for longer periods of time. Also, there has been a decrease in the number of unlawful encampments within Conwy over the past two years; therefore a more in depth method of assessment is needed to fully understand the needs of Gypsies and Travellers in Conwy through the GTAA. Overall, the significant gaps in the data are likely to skew the true site size and type needed and in what location without further essential analysis through the GTAA.

### **3. Section 3**

#### **Justification for the removal of the site search area proposed in the Deposit LDP (2009) and proposed actions.**

- 3.1 Welsh Government guidance on the provision of Gypsy and Traveller sites is principally contained in Welsh Assembly Government Circular 30/2007, 'Planning for Gypsy and Traveller Caravan Sites'. While the guidance acknowledges that a range of information sources can be considered in assessing the need and level of provision required, it emphasises that the information must be robust. The guidance recognises that Local Housing Market Assessments (LHMA's) provide the key source of information enabling local Authorities to assess the level of Gypsy & Traveller accommodation provision that is required when preparing their LDP's. Separate Welsh Government guidance on the preparation of LHMA's (March 2006) strongly recommends that local authorities work in partnership with neighbouring authorities, as travelling patterns are liable to cross local authority boundaries.
- 3.2 Notwithstanding the gaps in the previous data impacting on site type, size and location actually required, Conwy could have made provision for a transit site within its own boundary using the available data as presented. It is suggested that this would have been an inappropriate response to the needs identified. The needs are arguably different within each authority area, and there are clear patterns which can be identified within the encampment data. Given the pattern of encampments, provision within Conwy alone would have been inappropriate without firstly analysing the regional and joint approaches to accommodating need. Policy clearly suggests a collaborative approach to the provision of transit sites, which could extend beyond the boundary of the Conwy LDP area in particular, to maximise usage of the site.
- 3.3. It has also been demonstrated that the unlawful encampment data is unable to show whether or not the same family of Travellers are moving from one site to another as a result of enforcement action, this may also be the case between authorities. For this reason, national guidance promotes a regional approach to site allocation so that neighbouring local authorities may provide a joint site within one of the authority areas.
- 3.4 It has been clearly demonstrated that without the completion of the GTAA, the Council could not assess the possibility of taking on-board neighbouring needs or allocating a site jointly. It was therefore considered essential that the GTAA was finalised to ensure a holistic approach to site search and selection based on up-to-

date robust data. For these reasons, the previous Site Search Area was removed in the revised deposit LDP

- 3.5 No allocation for a Gypsy and Traveller site is proposed as part of the 'focussed changes' submission document and instead, a criterion based policy (HOU/9) is proposed as in the Revised LDP. However in the light of the draft results of the GTAA which have now been released, and which indicate a possible need for a transit site on the border of Conwy and Denbighshire, policy HOU/9 has been amended through a 'focussed change' to also reference the Council's commitment to seeking to provide a site in this area. Given the draft findings and policy guidance on encouraging a collaborative approach the Council will seek to work collaboratively with Denbighshire County Council on site identification and provision to meet the need identified in the draft GTAA.
- 3.6 The Council also proposes to make a 'focussed change' to the monitoring and implementation section of the plan to respond to the need identified in the GTAA within a specific timescale.
- 3.7 Conwy County Borough Council is committed to providing the right site at the right size and in the right location. It has been demonstrated above that it was premature to propose a Site Search Area in the Deposit LDP (2009), predominantly as a result of the lack of sufficient evidence, implications of national guidance to apply a regional approach and the lack of essential engagement with the Gypsy and Traveller community.

#### 4. Appendix 1 Unlawful Encampment Data 2007-2010

Location	Approximate date of arrival	Approximate date travellers moved on	Number of caravans	Number of other vehicles	Adults	Children
Pensarn Beach Car Park	27/11/2010	02/12/2010	6	7	24 persons in total	
Pensarn Beach Car Park	19/10/2008	Not known	17	Not known	40	20+
Pensarn Beach Car Park	01/08/2008	08/08/2008	1	Not known	2	6
Pensarn Beach Car Park	29/05/2008	Not known	2	2	5	5
Pensarn Beach Car Park	10/11/2007	Not known	20	16	Not known	Not known
Pentre Mawr Park, Abergele	28/08/2007	Not known	3	Not known	Not known	Not known
Pentre Mawr Park, Abergele	Not known	Not known	2	2	5	5
Tir Llwyd Industrial Estate	28/04/2011	16/05/2011	7	7	14	10
Tir Llwyd Industrial Estate	17/09/2010	Not Known	15	16	18	14
Tir Llwyd Industrial Estate	01/06/2010	10/06/2010	Not known	Not known	Not Known	Not known
Tir Llwyd Industrial Estate, Kinmel Bay	23/03/2010	11/04/2010	2	2	3	6
Tir Llwyd Industrial Estate, Kinmel Bay	30/06/2009	Not known	7	8 vans 4 cars	12	5
Tir Llwyd Industrial Estate, Kinmel Bay	29/06/2009	Not known	3	3	8	5
Tir Llwyd Industrial Estate, Kinmel Bay	29/06/2009	29/06/2009	2	2	4	7
Tir Llwyd Industrial Estate, Kinmel Bay	14/06/2009	21/06/2009	3	2	5	7
Tir Llwyd Industrial	25/04/2009	27/06/2009	1	1	3	2

<b>Estate, Kinmel Bay</b>						
<b>Tir Llwyd Industrial Estate, Kinmel Bay</b>	22/08/2008	15/09/2008	10	12	Not known	Not known
<b>Tir Llwyd Industrial Estate, Kinmel Bay</b>	03/08/2008	N/K	Not known	Not known	Not known	Not known
<b>Tir Llwyd Industrial Estate, Kinmel Bay</b>	03/07/2008	07/07/2008	2	1 Jeep	4	3
<b>Tir Llwyd Industrial Estate, Kinmel Bay</b>	30/05/2008	02/06/2008	5	5	Not known	Not known
<b>Tir Llwyd Industrial Estate, Kinmel Bay</b>	18/05/2007	01/08/2007	1	1	Not known	Not known
<b>Tir Llwyd Industrial Estate, Kinmel Bay</b>	02/11/2007	07/12/2007	4 (+2 from 12/11/200 7)	6	Not known	Not known
<b>Tir Llwyd Industrial Estate, Kinmel Bay</b>	30/07/2007	14/08/2007	2	Not known	Not known	Not known
<b>Tir Llwyd Industrial Estate, Kinmel Bay</b>	02/05/2007	14/05/2007	3	2	5	2
<b>Tir Llwyd Industrial Estate, Kinmel Bay</b>	03/01/2007	Not known	3	3	6	4
<b>Asda / Catalogue Shop, Kinmel Bay</b>	01/08/2007	Not known	2	2	4	0
<b>Kinmel Bay promenade</b>	07/07/2009	10/07/2009	2	2	4	9
<b>St David's Church, Pensarn</b>	04/07/2007	Not known	2	0	4	0
<b>Builder Street Football Club, Llandudno</b>	15/01/2008	Not known	3	Not known	10	10
<b>Beach Car Park, Kinmel Bay</b>	13/06/2007	01/08/2007	1	0	4	0
<b>Tir Llwyd Recreation Ground</b>	21/08/2010	30/08/2010	10	10	20	14

## **5. Appendix 2 Summary of Background Paper 23 from the First Deposit LDP**

- 5.1 TEP – The Environment Partnership was commissioned by Conwy County Borough Council (CCBC) to identify and assess a number of candidate sites to be allocated in the Deposit Local Development Plan (LDP) to be issued for public consultation in April 2009.
- 5.2 It is now a statutory requirement under Section 225 of the Housing Act 2004 for all local planning authorities to assess the accommodation needs of all Gypsies and Travellers and address any identified needs through the planning system. All local planning authorities are, therefore, required to include suitable policies in the LDP to be used in the consideration of proposed Gypsy and Traveller sites and to allocate sites where a clearly defined need has been identified.
- 5.3 CCBC in collaboration with the County Councils of Anglesey, Gwynedd, Denbighshire and Flintshire are currently assessing the accommodation needs of Gypsies and Travellers through the North West Wales Local Housing Market Assessment (LHMA). However, the results of the LHMA will not be available in time to inform the evidence base of CCBC's Revised Deposit LDP. CCBC, therefore, agreed with the Welsh Assembly Government (WAG) to use the most up-to-date evidence available to address accommodation needs.
- 5.4 Unlawful encampments have been actively monitored by CCBC over the period 2005 – 2008. Upon completion of the LHMA, the LDP will be subject to review of its adopted approach to Gypsy and Traveller accommodation needs.
- 5.5 For planning purposes, Gypsies and Travellers are defined as:

*“Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependents' 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”.*

5.6 The key information contained in WAG Circular 30/2007 is that in advance of LHMA data becoming available, other sources of data may be used including planning applications, waiting lists, the status of existing lawful encampments, monitoring of unlawful encampments and the WAG twice-yearly caravan count.

### 5.7 **Stakeholder Workshop**

A consultation event comprising workshops was held on 12<sup>th</sup> December 2008 at Venue Cymru in Llandudno to obtain views from a number of relevant stakeholders as to the criteria that should be used to select and assess sites for their suitability to be allocated as a transit Gypsy and Traveller site. Stakeholders invited to attend the workshop included representatives of Gypsies and Travellers from the private and public sector, North Wales Police, relevant officers from CCBC and other local authorities and local councillors.

### 5.8 **Site Size**

Guidance is contained within the draft WAG document 'Site Design Guidance' (May 2008) as to the layout of proposed sites and facilities to be provided. A site of relatively flat topography and approximately 0.5Ha in size is considered sufficient to provide the following facilities on each pitch:

- Water, electricity, drainage and sewerage facilities;
- Waste disposal. As a minimum, a communal waste disposal should be provided although disposal for individual pitches is preferred;
- Hardstanding to accommodate one touring caravan and at least one car parking space;
- Private amenity block for each pitch providing a toilet, wash basin, and shower with hot and cold water supply (minimum floor space of 7.5m<sup>2</sup>);
- Sluice;
- Children's play space; and
- Provision of space for animals/work.

### 5.9 **Proximity to Key Services**

Planning Policy Guidance Note 13 (PPG13) – 'Transport' states that *'walking is the most important mode of travel at the local level and offers the greatest potential to replace short car trips, particularly under 2 kilometres. Local authorities should use their planning and transport powers to give greater priority*

*to walking*'. However, research published by the Institute of Highways and Transportation 'Guidelines for Providing for Journeys on Foot, 2000' states that the average walking distance is 1000m. In addition, it is documented in a number of sources (BREEAM Ecohomes Guidance (2006) and Institute of Highways and Transportation (2000)) that acceptable walking distances are 800 – 1000 metres (approximately 10 minutes walking time).

#### 5.10 **Public Transport**

The provision of public transport (bus and train services) is an important factor in the deliverability of sustainable development. A site that is well-served by public transport is more accessible to the end users and ensures that the facilities stated are also more accessible.

#### 5.11 **Utilities**

Basic utilities should be able to be provided on site to ensure that appropriate standards of living are achieved. The provision of utilities for Gypsy and Traveller sites, including electricity, water, drainage and sewage, is specified in all relevant WAG guidance documents.

#### 5.12 **Flood Zones**

Technical Advice Note 15 (TAN15) – 'Development and Flood Risk' states that highly vulnerable development should not be permitted in flood zone C2 and should only be considered in flood zone C1 if determined by the local authority to be justified in that location (paragraph 6.2 of TAN15). Any sites considered potentially suitable in principle but requiring an FCA will be subject to further assessment by the Council.

#### 5.13 **Green Barriers**

Green barriers are designated by the local planning authority to protect urban character, to stop settlements from merging together and to provide an element of control as to the location of new development. It is considered appropriate to consider a potential Gypsy and Traveller transit site in the green barrier provided that sites in central locations are assessed for their suitability first and the loss of that part of the green barrier will not undermine its core purpose for being designated in the first instance.

#### 5.14 **Internationally and Nationally Designated Sites**

An assessment of likely significant adverse effects on sites designated for their international or national importance is considered as an essential criterion. Designated sites include Natura 2000 sites such as Special Protection Areas (SPAs), Special Areas of Conservation (SAC), Ramsar sites, Sites of Special Scientific Interest (SSSI) and National Nature Reserves (NNR).

#### 5.15 **Regionally and Locally Designated Sites**

Potential impacts on regionally and locally designated sites such as wildlife sites, Local Nature Reserves, listed buildings and Conservation Areas were considered. Significant impacts on such sites are not acceptable unless suitable mitigation measures can be implemented to reduce or avoid such impacts.

#### 5.16 **Risks to Health, Safety or Amenity**

The site should be suitably located as to avoid the likelihood of risks to human health, safety or amenity. Features that can potentially pose a risk to health, safety or amenity can include quarries, heavy industrial developments and high speed roads (direct danger from traffic and noise impacts), overhead power lines (due to effects on amenity and site layout), railway lines and water bodies.

#### 5.17 **Effects on the Surrounding Area**

In accordance with standard development control guidance policies adopted by all local planning authorities, the impact of the site on the character and setting of the immediate locality was taken into consideration. Careful consideration was given to the likely effects of the site in terms of its scale, size, design and use of materials and an assessment of the likely visual impact taking into consideration any soft and hard landscaping likely to be required.

#### 5.18 **Costs and Acquisition**

Ease of site acquisition can influence the deliverability of a site and is very difficult to accurately assess. Clearly sites owned by the Council, WAG or another public body will probably prove easier to acquire and develop than privately-owned sites. However, there may be instances where private landowners may be perfectly willing to sell a site for a transit Gypsy and Traveller site. In such circumstances, it

would be presumptuous and introduce bias to assess Council-owned sites as being easier to acquire without direct consultation with individual landowners.