

**Powys County Council**

**Powys LDP Topic Paper**

**Gypsy and Traveller needs in Machynlleth**

**April 2015**

**1 Legislative background and context.**

1.1 Welsh Government in its “Travelling to a Better Future” strategy set out a framework for Gypsy and Travellers in Wales which seeks to ensure the needs of Gypsies and Travellers are assessed, planned and implemented in a more strategic way. Through the framework they are developing and improving access to services for Gypsies and Travellers in Wales. They recognise the cultural differences which have often led to the social exclusion of these groups and they want to ensure these communities are heard in service delivery.

1.2 There are a number of pieces of legislation which relate to this strategy and Welsh Government has introduced specific legislation which aims to meet the strategic intent stated in “Travelling to a Better Future”. The Housing (Wales) Act 2014 does mean that in Wales the approach and commitment for the provision of accommodation for Gypsy and Travellers is significantly different from the rest of the United Kingdom. A summary of the specific requirements of the 2014 Act and the guidance in relation to undertaking assessments is referenced below. Other pieces of legislation which need to be taken into consideration are: The Caravan Sites Act 1968, The Mobile Homes Act 1983 updated by the Mobile Homes Act 2013, The Housing and Regeneration Act 2008, The Housing Act 2004, Local Development Plans (LDP’s) and Land Use Planning. Advice is also contained in Welsh Government Circular 30/2007 Planning for Gypsy and Traveller Caravan Sites.

1.3 The Housing (Wales) Act 2014 places a duty on Local Authorities to undertake a Gypsy Traveller Accommodation Assessment (GTAA). Although Powys has previously undertaken an assessment and recently updated the assessment a number of local authorities and regions had not or assessments had not been undertaken consistently. The Housing Act 2004 states that if Local Authorities identify a need then a site must be provided. The Housing (Wales) Act 2014 now places a duty to undertake a GTAA.

1.4 On the 25<sup>th</sup> February 2015 Part 3 of the Housing (Wales) Act 2014 (except sections 103 and 104) commenced. Under this Part of the Act, Local Authorities are required to carry out a Gypsy and Traveller Accommodation Assessments (GTAA). This is a new duty and a new methodology for completing the GTAA. In terms of compliance, Local Authorities have until 25 February 2016 to complete the new GTAA. Once accepted the Council would be expected to undertake a further assessment within 5 years.

1.5 Local Authorities must submit a report on the GTAAs they have completed to the Welsh Ministers for their approval. The Welsh Ministers have issued statutory guidance which all Local Authorities must have regard to in carrying out their functions under Part 3. Reference is made below to the main activities that the Council will have to undertake in order to comply with the statutory guidance issued on the 27<sup>th</sup> February 2015 and the resources required.

1.6 The Housing (Wales) Act 2014 and guidance confirms the broadening of the definition of Gypsies and Travellers as referenced by section 108 of the Act. All persons of a nomadic habit of life whatever their race or origin are to be considered in the assessment. This means we will be required to contact, engage and collect data on a broader spectrum of persons than previously. For example new age travellers, travelling show people and circus people will need to be included. The guidance is very detailed and prescriptive and to illustrate this, the list below is taken from the guidance and details what the guidance aims to set out to achieve:

- a.* Why a specific GTAA is required;
- b.* What should be produced;
- c.* Who needs to be consulted;
- d.* What data sources need to be reviewed;
- e.* Understanding the culture of Gypsy and Traveller communities;
- f.* How to identify and communicate with Gypsies and Travellers;
- g.* How to design, manage and undertake a GTAA;
- h.* Support with partnership working and working regionally;
- i.* Exploring specialist surveys, techniques and questions to be used;
- j.* How accommodation 'need' is assessed;
- k.* Submitting reports to Welsh Ministers;
- l.* How to make provision for identified need. “

1.7 The guidance states that a steering group should be set up to manage the process the responsibilities of the steering group will include:

- a. Recommending the survey area;
- b. Design the study aims and outcomes;
- c. Appoint the researchers (in-house or external);
- d. Publicising the study to stakeholders;
- e. Providing local knowledge to the researchers;
- f. Providing feedback to consultation participants and stakeholders;
- g. Ensuring results are taken seriously and acted upon. “

1.8 The guidance states that the membership of the steering group may include; Local Authority Housing and Planning Departments; Local Gypsy and Traveller community; Organisations working to support Gypsy and Traveller communities; Other relevant services such as Traveller education services, Gypsy and Traveller liaison officers or health board officers who work closely with Gypsy and Traveller communities and may have the best knowledge of communities in the area; Local Authority Councillor, for example, the Equality or Planning portfolio holder.

1.9 The GTAA must include the collection / survey and analysis of primary data from Gypsies and Travellers throughout Powys this will include those residing on Council sites, those residing on private sites and those living in bricks and mortar accommodation. The guidance provides an engagement checklist and questionnaire that should be used to assess the needs.

1.10 Although the Council have recently updated its GTAA and even though this included the collection of some primary data the methodology used was in accordance with previous guidance and therefore the Council will be required to undertake a new assessment using the new guidance issued in February 2015.

## **2 The evidence of need arising from the updated gypsy and traveller accommodation needs assessment**

2.1 The Housing and Planning Services worked on updating the GTAA which was undertaken jointly between Shropshire, Herefordshire, Telford & Wrekin & Powys and published in 2008.

2.2 The update was undertaken as the Council fulfilled the recommendation of the GTAA published in 2008 by providing the Kings Meadow site in Brecon and the Council had begun the preparation of the Local Development Plan (LDP) for which evidence of accommodation needs is required.

2.3 The methodology used in the update was similar to the GTAA published in 2008 and included interviews undertaken by the Council's Gypsy Liaison Officer.

2.4 The projected family growth in Leighton Arches, Welshpool and Kings Meadow, Brecon from the models for determining future provision were not substantiated as the family members who were expected to require a plot / pitch in Welshpool moved from the site and in Brecon the occurrence of two vacant plots not long after the site opened resulted in a re-evaluation of need. The report recommends that any future need in Welshpool and Brecon can be accommodated by re-configuring the existing sites.

2.5 The GTAA update identified the need for a transit site in the Machynlleth area. After consultation the Housing Service has spoken with the Gypsies in Machynlleth and their representatives, the Unity Project, and established that there is a need for a small permanent site in Machynlleth, although the precise number of pitches remains to be identified following further discussion.

2.6 There has been an unauthorised site in Machynlleth for some time which has been recorded in the bi-annual Caravan Count. The unauthorised site and occupants have been assessed in accordance with the Welsh Government's Unauthorised Site Guidance published in December 2013. The families have a long association with Machynlleth as well as Carmarthenshire. They are currently sited on private land which is also designated Common Land. Accordingly the Councils' Housing service are unable to provide temporary facilities to the families.

2.7 The Housing Service has been working with the family and their representatives the Unity Project to identify land to temporarily re locate the family which would enable the provision of facilities.

2.8 The specific needs of the current occupants of the unauthorised site remain unmet and therefore the Council has undertaken an assessment of the land availability in Machynlleth for a small permanent site of three pitches, although the precise level of need will be clarified in further discussion with the family. The family and its representatives have also been consulted as to sites they would like to be considered.

### 3 Initial Assessment of Land availability in Machynlleth

3.1 The family have been offered on more than one occasion temporary accommodation but have refused and do not want to consider any bricks and mortar accommodation.

3.2 The family wish to be accommodated in Machynlleth.

3.3 Below is a summary of the enquiries undertaken to date:

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3.4 Housing Service and family members considered a number of options including the current unauthorised site. The initial considerations were proposed by both officers from Housing and the family. Sites were considered for both temporary and permanent sites. All areas of land in the Council's ownership were looked at using details from GIS produced maps and these were presented and discussed with the family. A number of locations were discounted immediately as they were not large enough for the proposed three caravans/pitches for both temporary and permanent sites. The family have also stated that they do not wish to be in the middle of a Council housing estate.

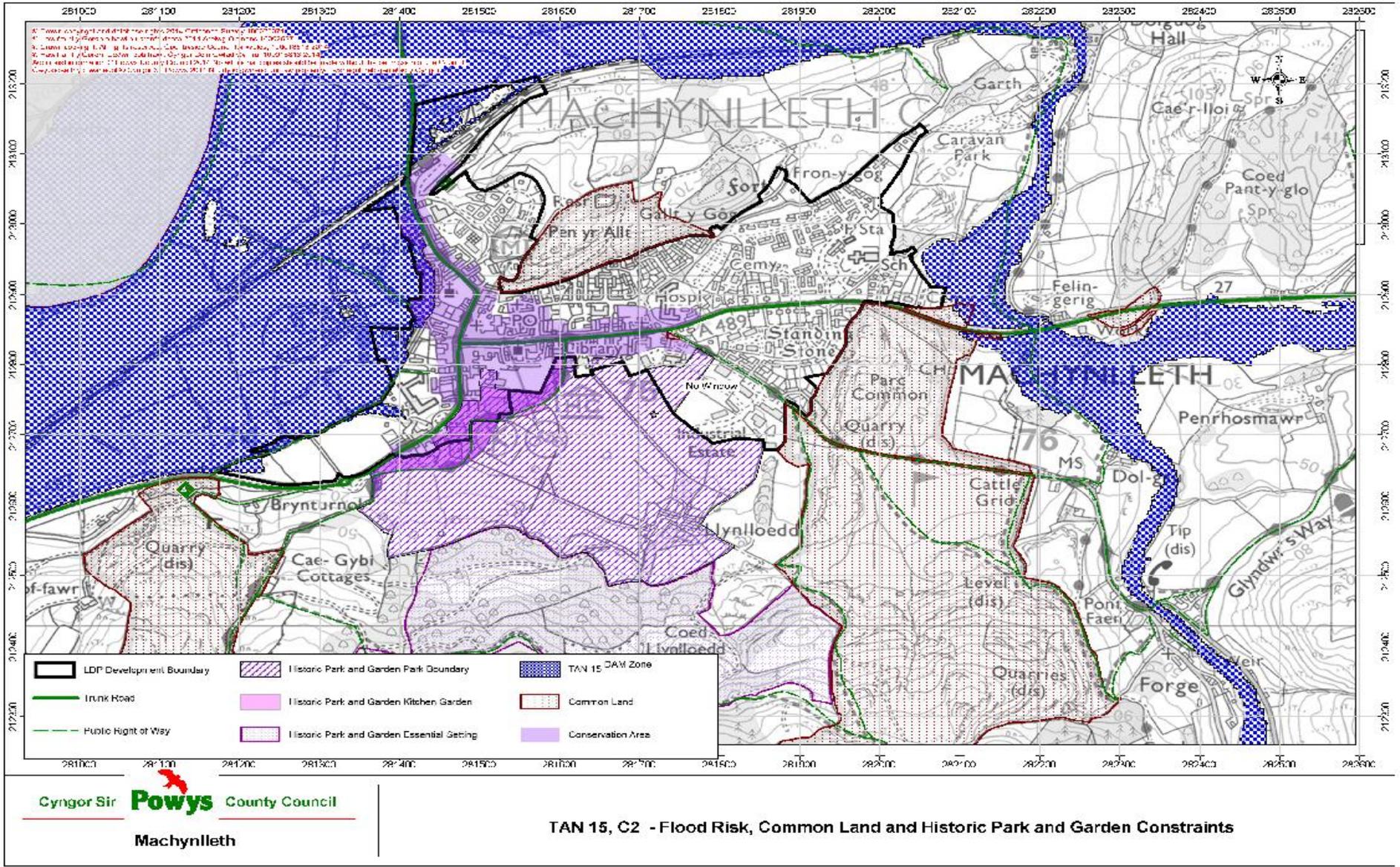
3.5 The Council will have to have regard to Welsh Government's site guidance and in particular Fire Safety regulations. This stipulates distances between caravans and other features. With regard to a permanent site the Council has over the last few years refurbished its site in Welshpool and constructed a new site in Brecon in accordance with the new Welsh Government site guidance.

3.6 The Housing service has reviewed the availability of Housing Revenue Account land which could be used to temporarily accommodate the family in Machynlleth, this was done using both GIS system but also site visits to the Council's Housing Estates. There were no pieces of land large enough or with suitable access for the families.

3.7 With the family and using the maps referred to above detailing all the Councils land holdings in the area the following pieces of land were considered in any detail.

<b>Site</b>	<b>Reasons for elimination</b>
Old Potters yard. (Currently an enclosed level concrete yard with services in place.)	Located within flood risk area and other occupied factory units in very close proximity. Also discovered that the lease is still running between the land owner and Potters group. The site may only be suitable as a temporary site

	and may not be large enough for a permanent site
Vacant areas of PCC land owned by housing within the estates of Brynygog, Cae Crwn, Treowain and Tregarth.	All areas looked at were deemed too small even as a temporary site.
Remaining on the existing unauthorised site and applying for a permanent site.	The existing area is on common land owned by the golf club and the church. The main issue is the fact that the land is within the flood risk area.
Field adjoining current unauthorised site.	Land owner would not grant permission for temporary site but may consider for permanent site if planning permission granted. The land is not Common Land, the field forms the boundary to common land. The field is however in the flood risk area and in the 100 year flooding category.
Many other areas of land were considered but due to the fact that they were all in the flood risk area eliminated them from the process.	Please see the plan below that shows the very limited options available.



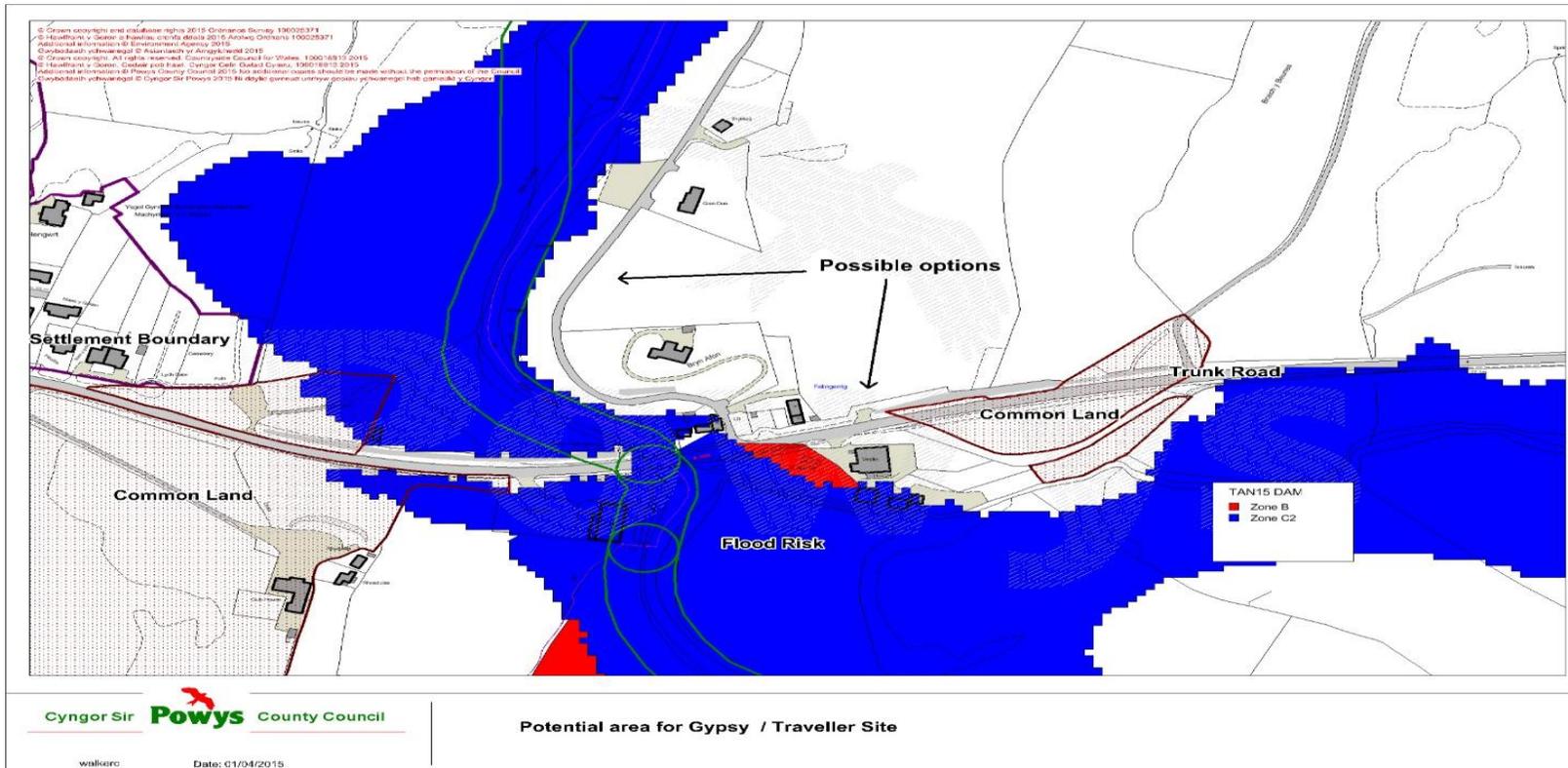
3.8 The Local member Councillor Michael Williams has been introduced to the family.

3.9 The field next to the unauthorised site has been considered and owner contacted for both temporary and permanent provision. Unfortunately this land is subject to flood risk see above.

### **March / April 2015**

3.10 Desk top exercise with access to local constraints information undertaken using GIS by Housing and Planning services.

3.11 Current site location is designated common land and in private ownership. This would necessitate de-registering of the common land on the site and exchanging with something suitable that is owned by the council and would be appropriate as common land. This would require consent through the planning inspectorate and all those with an interest in the common land and its uses would need to be consulted. The family and their representatives at this juncture do not think this is feasible for both a temporary or permanent provision. Much of the site is in an area of flood risk (as identified in TAN 15) and excluding this would not leave a big enough area for what would be required. Many areas of Machynlleth are severely constrained by Flood Risk as identified in TAN 15, and this influenced potential sites considerably which included the old Potters yard mentioned above. The only site identified unaffected by flooding and with suitable access and in proximity to Machynlleth is to the east of Machynlleth on the Newtown road as coming into the town. See the plan below.



3.12 The location of this new site would be outside of the settlement boundary as identified in the deposit Powys LDP and could possibly involve a Compulsory Purchase process.

3.13 Housing have approached the Trunk Roads Agency regarding forming a new junction into the potential site. It is considered that given the layout and visibility restrictions of the existing unclassified junction nearby, any development that would generate more traffic using it would be unlikely to gain approval from Welsh Government without significant alteration. In addition the junction was unfortunately the scene of a fatal accident several years ago and the subsequent coroner's inquest raised the issue of the junction layout. As a result there is an as of yet unfunded desire to improve or realign the junction and the preference would likely be moving the junction further east in the vicinity of the field access that has been suggested as being a possible option, with

the access looping behind some of the properties and connecting back onto the unclassified road. Trunk Road Agency envisages any approval of development would require just such a moving of the junction. Highway schemes have been brought forward in combination with other new developments in the past. The Welsh Government will now be contacted to discuss options.

3.14 Housing Services are currently enquiring with the Land Registry as to the ownership of the land.

3.15 The Deposit Draft of the Powys LDP, June 2015 proposes the above site as a permanent site to accommodate the Gypsy family. The LDP will undergo a statutory six week period of public consultation between June and July 2015, and comments can be made on the proposal. All comments will be considered by the Council.