

Gypsy and Travellers Accommodation Needs - Topic Paper 11

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Carmarthenshire Local Development Plan

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Introduction

1. Purpose of this Paper

1.1 Carmarthenshire County Council is in the process of preparing a Local Development Plan for its area (excluding that part contained within the Brecon Beacons National Park). The aim of the new Local Development Plan's (LDP) is to make the development plan system more relevant, inclusive and engaging to local communities.

1.2 The LDP will set out the Local Planning Authority's proposals and policies for the future development and use of land within its administrative area. Upon adoption, the LDP will supersede the existing Unitary Development Plan (UDP) with decisions on planning permissions primarily based on its content. A Development Plan provides a measure of certainty about what kind of development will, and will not, be permitted during the Plan period.

1.3 The development of this Gypsy and Traveller Accommodation Needs Topic Paper coincides with the requirement for Carmarthenshire County Council to consider Gypsy Traveller needs through the development of planning and housing policies within the Local Development Plan.

1.4 This assessment considers all Gypsy Traveller Groups found in Carmarthenshire in both authorised and unauthorised sites, as well as those living in bricks and mortar housing. In total there are five authorised private sites within Carmarthenshire, and one local authority site, situated at Penybryn, Llanelli. The most recent WAG Bi-Annual Caravan Count (January 2011) illustrates that Carmarthenshire has the third largest caravan count in Wales, following Cardiff and Pembrokeshire, and figures suggest that there are 85 caravans within the county. There are Gypsy Travellers living in bricks and mortar accommodation in Carmarthenshire, although data on the size of this population is not accurate.

1.5 In order to inform the planning policy for the LDP, the research drew upon a number of primary and secondary data sources to inform the evidence base. Data collection and analysis followed practice guidance set out by the Welsh Assembly Government in 'Local Housing Market Assessment Guide' (March 2006).

1.6 Current WAG guidance focuses on increasing site provision for Gypsies and Travellers and encouraging local authorities to have a more inclusive approach to Gypsies and Travellers within their housing needs plans. A study for the Welsh Assembly Government stated that from 2005 to 2010 between 250 and 400 additional permanent pitches would be required, as would 100 to 150 transit pitches across Wales. The Welsh Assembly Government recognises that there is a need for substantial changes in approaches, actions and attitudes towards the Gypsy Traveller community. As a consequence local authorities are currently being encouraged rather

than compelled to provide new Gypsy and Traveller sites by WAG, and the need for any sites to be highlighted through a separate study such as this one, or as part of their main Local Housing Assessment. One strand of this encouragement to provide more sites is that grants have been made available to local authorities who wish to provide more socially rented sites. Another strand is that local authorities are being encouraged to be proactive in site planning, rather than waiting for unauthorised developments to take place.

1.7 There is now a legal framework in place for authorities to identify and address the needs of Gypsies and Travellers. This is set out in sections 225 and 226 of the Housing Act 2004, which places a statutory requirement on local authorities to carry out an assessment of Gypsy and Traveller accommodation needs.

Data Sources

1.8 In the Summer of 2009 Azadeh Community Network Ltd were commissioned to carry out a survey of the Gypsy Travellers Community's views on their accommodation, to quantify the accommodation needs of Gypsy Travellers in terms of residential and transit sites, and also bricks and mortar accommodation. This formed as a key source of information for this paper. Associations with residents and former residents of the site allowed the company to assess the needs of the wider Gypsy Traveller population within the county.

1.9 Further information to inform the paper were sourced from the WAG Bi-Annual Caravan Count, and particular emphasis was drawn from Carmarthenshire County Council's Gypsy and Traveller Community Strategy 2011-2014 which was undertaken by the Housing Section within the Local Authority.

1.10 Evidence was also drawn from the housing waiting lists within the County, which provides a source of information for those requesting socially rented caravan pitches.

Report Format

1.11 The Assessment is divided into nine sections. Section 2, 3 and 4 introduces the policy background and the requirements of undertaking the assessment; Section 5 and 6 introduces the primary data, the findings from the Azadeh surveys and the cross border collaborations regarding the study. Section 7 presents the summary and conclusions, whilst section 8 and 9 looks at the policy and monitoring framework respectively.

2. Policy and Legislative Context

2.1 There is a range of legislation, national policies and guidance concerning Gypsy Travellers. This chapter provides a brief overview of some of the most commonly used legislation and policy. Whilst there are a number of different Acts in relation to Gypsy Travellers, the most common policies and associated LDP policy requirements are set out below:

Race Relations Act 1976

2.4 Gypsies and Travellers are recognised ethnic minorities and are therefore protected by the Race Relations Act 1976. They are included in the scope of the duty to promote race equality and good race relations. This means that it is illegal for any organisation or group to treat Gypsies and Travellers less favourably than other racial groups, or to discriminate against them indirectly.

The Human Rights Act 1998

2.5 Article 8 of Part 1 of Schedule 1 of the Act is of major importance in connection with the home of a Gypsy or Traveller. "Home" can include a caravan even if it is unlawfully or illegally parked. Therefore Article 8 applies to those persons on unauthorised encampments as well as tenants of authorised caravan sites.

The Housing Act 2004

2.6 In December 2007, sections 225 and 226 of the Housing Act 2004 were commenced in relation to Wales. Sections 225 and 226 place a duty on local housing authorities to carry out an assessment of the accommodation needs of Gypsies and Travellers residing in or resorting to their district and to plan for these identified needs. The assessments will allow proper consideration to be given to the accommodation needs of Gypsies and Travellers and result in any provision being properly researched. The accommodation needs assessment inform the development of the local authority Housing Strategies and will assist local authorities to identify sites for Gypsies and Travellers as part of the Local Development Plans as outlined in the new Planning Circular WAG 30/2007 - Planning for Gypsy and Traveller Caravan Sites. Section 225(5)(a) of the Housing Act 2004 provides that regulations made by the Welsh Ministers are to set out the meaning of "Gypsies and Travellers". The definition, for the purposes of Housing Act, is contained in the Housing (Assessment of Accommodation Needs) (Meaning of Gypsies and Travellers) (Wales)

Regulations 2007 as detailed below:

Persons with a cultural tradition of nomadism or of living in a caravan; and all other persons of a nomadic habit of life, whatever their race or origin, including –

- (i) such persons who, on grounds only of their own or their family's or dependant's educational or health needs or old age, have ceased to travel temporarily or permanently; and*
- (ii) members of an organised group of travelling show people or circus people (whether or not travelling together as such).*

2.7 The definition for planning purposes differs slightly:

The term 'gypsy travellers' incorporates two main groups; Romani Gypsies and Irish Travellers. Romani Gypsies are an ethnic minority community and Irish Travellers are a distinct ethnic group. The two groups have shared traditions, histories and customs that distinguish them from members of the 'settled community'.

2.8 Both Romani Gypsies and Irish Travellers share a common history of 'travelling' and many continue to live a travelling lifestyle either on a permanent or seasonal basis i.e. to attend traditional fairs and celebrations. However, for a variety reasons, including the need to access health care or education, many Romani Gypsies and Irish Travellers no longer adopt a travelling way of life.

2.9 Some Romani Gypsies and Irish Travellers who no longer travel have chosen to live in 'bricks and mortar' accommodation but still see themselves as either being Romani Gypsy or Irish Travellers

2.10 While there is no specific duty on the local authorities to provide Gypsy Traveller sites, however there is a discretionary power to make provision for sites under Caravan Sites Control and Developments Act 1960 (s24).

3. The Local Development Plan and WAG legislation

3.1 The Welsh Assembly Government published in 2008 'WAG30/2007 – Planning for Gypsy and Traveller Caravan Sites'. The circular provides guidance on planning for Gypsy Traveller sites and encourages the use of brown field sites to make the best economic use of under utilised land. The circular's main aims are; to create and support sustainable, respectful, inclusive communities where Gypsy Travellers have fair access to suitable accommodation and access to services; reduce the number of unauthorised encampments; address the issue of site provision and to recognise, protect and facilitate the traditional way of life for Gypsy Travellers, whilst respecting the needs of the settled community. The guidance goes a long way to encourage local authorities to identify locations for authorised sites. Local authorities must assess any potential accommodation needs, supported by the results of an Accommodation Needs Assessment in their Local Development Plans. The LDP including all supporting evidence is submitted for examination and each Plan will have to demonstrate that they have assessed the accommodation needs of Gypsies and Travellers.

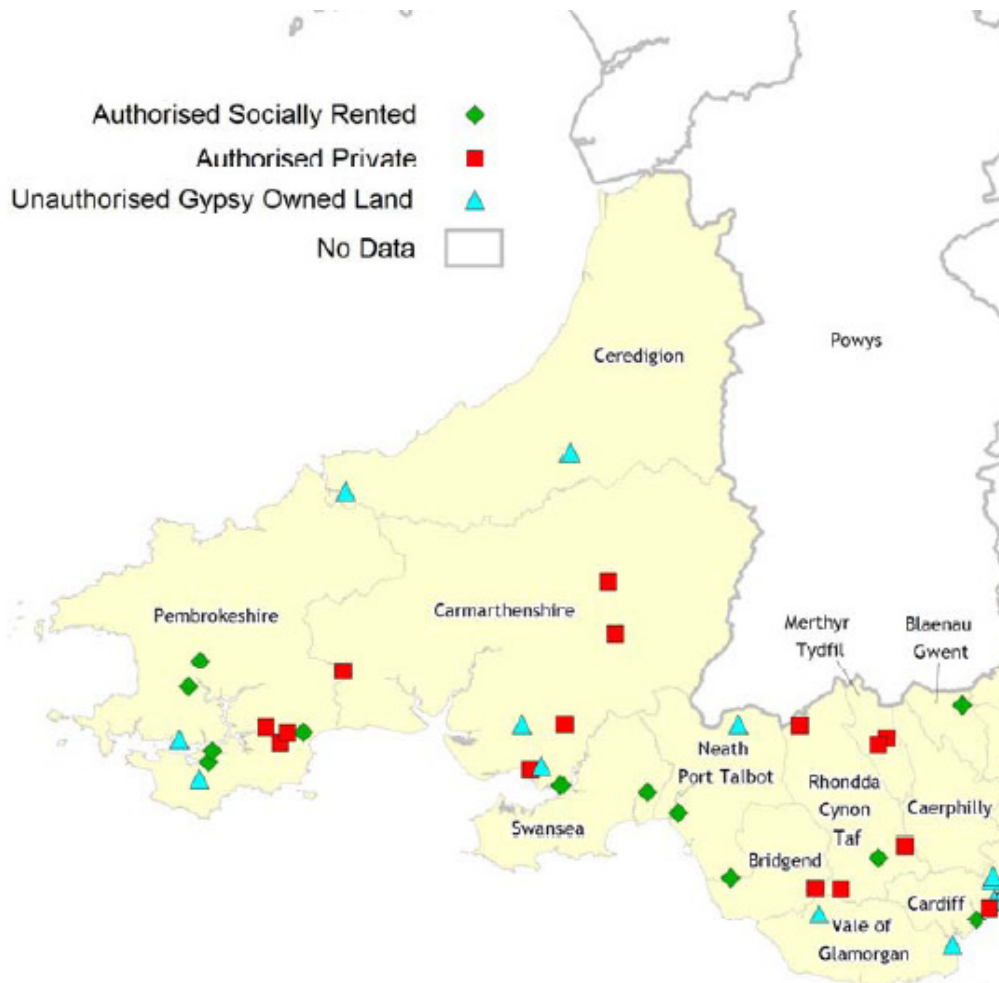
4. Communication with Gypsy Travellers in Carmarthenshire

3.2 Section 63 of the Planning and Compulsory Purchase Act 2004, requires local planning authorities to prepare their LDP in accordance with a Community Involvement Scheme and to set out their policy on involving their community in the preparation of Local Development Plans. Paragraph 15 of Circular *WAG30/2007 – Planning for Gypsy and Traveller Caravan Sites* indicates that it is expected that at an early stage in the preparation of LDPs, local planning authorities will discuss Gypsies and Travellers' accommodation needs directly with the Gypsies and Travellers themselves, their representative bodies and local support. Carmarthenshire's CIS as part of the Delivery Agreement for the LDP was agreed by the Welsh Assembly Government and included consultation involvement of the Gypsy Traveller Community. As a result, the Gypsy and Travellers communities were informed of the candidate site process for the submission and potential inclusion of new sites within the Local Development Plan. No candidate sites were submitted by Gypsy Travellers as part of the LDP process. They have also been consulted on other various stages of the Plan.

5. Data Sources – Gypsy Travellers in Carmarthenshire

5.1 This section examines the existing information that is available on the current Gypsy Traveller population in Carmarthenshire. This information is sourced from the national Gypsy Traveller Caravan Count, previous research and locally collected information.

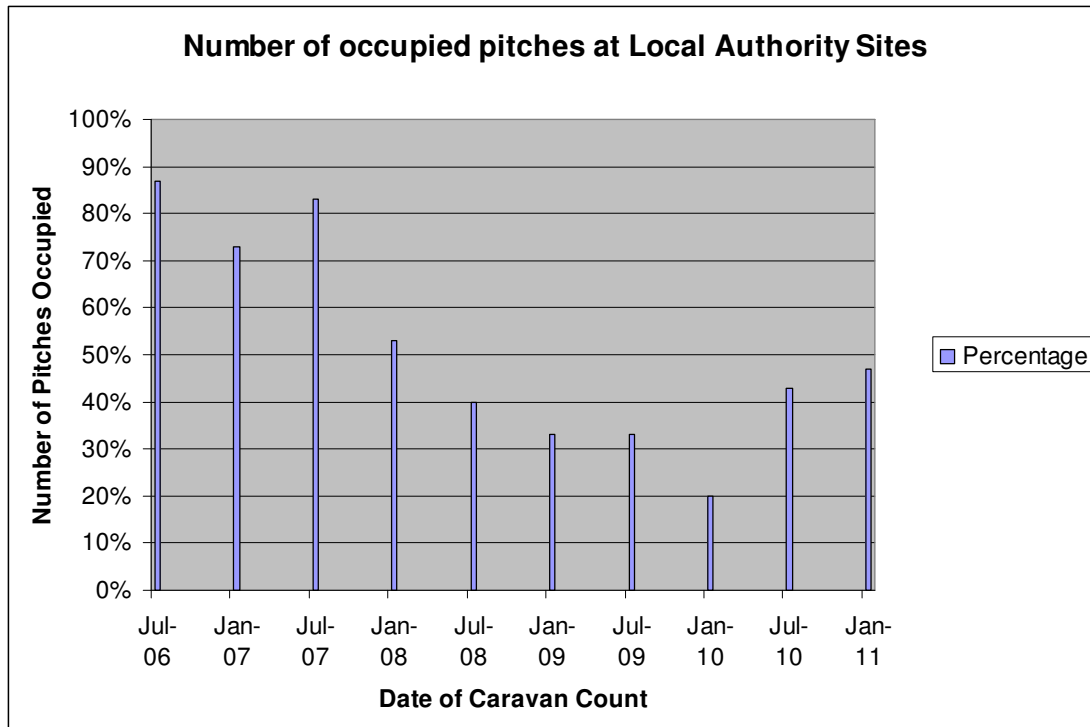
The map below indicates the location of all Gypsy Sites in South West Wales, as published in the January 2011 - WAG caravan count



Source: Statistical Directorate

Local Authority Sites

5.2 A key piece of evidence relates to the Statistical Release which presents the most recent results of the bi-annual Gypsy and Traveller Caravan Count which is conducted by local authorities in Wales. It sets out the number of Gypsy and Traveller caravans on authorised and unauthorised sites in Wales, and details of pitches on local authority sites. The Count is carried out in January and July every year.



5.3 The County has one existing Local Authority owned site at Penybryn, Llanelli. Penybryn, which covers a site area to accommodate 30 pitches, is the most recently developed local authority owned site in Wales and has been in its current location since 1996, replacing a former site at Morfa.

5.4 For Carmarthenshire the graph illustrates a downward trend in the percentage of pitches occupied by Gypsy Travellers. Based on the information from the Bi-annual traveller count the 100% target of occupied pitches relates to a land use total for 30 pitches which are allocated at Penybryn. Yet given the evidence from the Housing section this is misleading. At present (March 2011) the Council's housing section identifies that only 10 of the pitches at Penybryn are habitable and 4 pitches are accommodated by squatters. The remaining pitches are not up to habitable standards. Since those which are habitable are fully occupied the site is deemed to be at 100% capacity. From a land use perspective however the site offers opportunity to increase its number of pitches back up to 30 pitches, an increase of 16 pitches.

5.5 The current Gypsy and Traveller Community Strategy for Carmarthenshire 2011-2014 identifies that the site requires a substantial capital injection to bring it up to modern standards. A bid has been made for grant funding from the Welsh Assembly Government for the Penybryn site which would make several site improvements and refurbish 6 of the plots. This would bring the total number of habitable pitches up to 16 (discounting those occupied by the squatters). For the remainder of the site, it is financial pressures through the lack of funding which limits the availability of the remaining pitches for Gypsy Traveller use.

Private Sites

5.6 The county has four licensed private caravan sites which are permanently occupied by Gypsies and Travellers. They are

- Westover, Whitland
- Caer Elms, Stradey
- The Dingles, Cwmgwili
- The Paddock, Milo

5.7 The site at Westover in Whitland is the largest of the private sites in the county with 45 pitches, and it has existed for approximately 25 years. Westover provides a strategic location for Gypsy Travellers being located on the Pembrokeshire border and within close proximity to key services, such as health and education facilities which are located within Whitland. The Gypsy and Travellers Community Strategy identifies potential issues with regard to the Westover site due to change of ownership and some families may be required to vacate the site whilst works are done to some pitches. There is some uncertainty to date in respect of any potential changes to the site, and the Local Authority will continue to monitor the situation.

5.8 The Bi-annual caravan count for July 2010 and January 2011 indicates that of all caravans within Carmarthenshire, 3.09% and 5.88% respectively were on unauthorised sites, which represent a very low percentage. This is in contrast to some neighbouring authorities such as Swansea and Ceredigion which at the July 2010 count experienced 31% and 100% of caravans on unauthorised sites respectively.

Land Use and the Requirements for a Local Authority Sites

5.9 The information above acknowledges that the recent trends for occupied Local Authority pitches have been dwindling due to the inadequacy of on-site provisions. The following evidence indicates whether there is a requirement for a new Local Authority site within the county.

Interview Questionnaire

5.10 On behalf of the Housing section within the Local Authority, Azadeh Community Network Ltd undertook a questionnaire survey to gather evidence for the production of the Gypsy and Traveller Community Strategy for Carmarthenshire. The questionnaire indicated the Gypsy and Travellers' views on their current and future accommodation and issues regarding health and education. For the purposes of this study, and to inform policy development for inclusion within the Local Development Plan, only evidence on accommodation needs is drawn from the questionnaire.

5.11 Azadeh Community Network Ltd has significant experience in conducting Gypsy Travellers questionnaires, and at Penybryn they run the site on behalf of the Local Authority. Given this, most participants have built up trust with front line workers which allowed 28 households to partake in

the survey. The survey comprised of individuals and families living on authorised and unauthorised sites, and those living within bricks and mortar. The purpose of this assessment was to quantify the accommodation needs of Gypsy Travellers.

5.12 The survey will also be used to justify policy decisions for the Local Development Plan as it is considered fit for purpose.

5.13 The survey was made up of

- 1 gypsy passing through the county
- 10 living in bricks and mortar housing
- 7 living in Penybryn
- 4 in owner occupied sites
- 3 living in Westover
- 1 living in Tepee Valley
- 2 in other sites

5.14 At the time of the questionnaire, the bi-annual caravan count (July 2009) for both authorised and unauthorised sites stood at 102 caravans therefore 27% of households took part, and although the numbers of surveys completed was not large, it is a reasonable cross sectional percentage of the total Gypsy Travellers population in the County.

5.15 Each resident was asked whether they were happy with their present needs and if not, what accommodation needs they required. The results are summarised below.

	Aspirations					
	Want Local Authority Site	Want Local Authority Bricks and Mortar	Want Owner/Occupied site with planning permission	Want private site	Not want to move	Out of county
Current Accommodation						
Unauthorised	1					
In Local Authority Bricks and Mortar	5	1	2	1	2	
In LA site (Penybryn)	1		5		1	
Owner occupied caravan					2	
Whitland	1		1			1
Tepee valley					1	
Other(Bus and shack)		1			1	

5.16 The majority of questionnaires were undertaken by those at Penybryn and within bricks and mortar housing, and provides the main basis for the evidence from the survey work.

5.17 For clarity, for those in bricks and mortar there was more than one aspiration for one household. Five of those living in housing would welcome a traveller pitch within a local authority site whilst two households want an owner / occupied site with planning permission. A further two respondents did not want to move from Local Authority bricks and mortar.

5.18 On the other hand, five households within the existing Local Authority site at Penybryn wanted to live in an owner / occupied site with planning permission, and one respondent did not want to move.

Questionnaire Summary

- A number of respondents aspired to owner occupation
- For those within owner occupied caravans there was less desire to move.
- 30% of respondents did not want to move from their current situation.
- One household wanted to leave Whitland and move to another county.
- One respondent on an unauthorised site wanted a local authority pitch.

5.19 The county's Gypsy and Traveller Community Strategy 2011-2014 identified that based on the questionnaire survey results, up to 25 local authority pitches would be required during the period of the strategy. These figures are solely based on the representative 28% of caravans / households which took part in the survey results. Nonetheless, in land use terms the Penybryn site covers an area which can accommodate 30 pitches and it is only due to financial constraints which limits the local authority from making site improvements.

5.20 The responding evidence above suggests that the current site requirement for local authority pitches is minimal. The most recent bi-annual caravan counts shows that 16 pitches are not used at Penybryn although it has been acknowledged that only 10 are defined as being habitable. The questionnaire survey results show a variance in the split between the aspirations for LA sites and aspirations for owner/occupier sites, which added together indicates little net requirements

Housing Waiting Lists

5.21 Source of evidence can be found within the waiting lists for local authority housing which also provides the most up-to-date information on the requirements for Gypsy Traveller pitches. Current figures indicate that there are 14 applications for local authority pitches within the county. Two of those applicants already live at Penybryn Caravan Park and twelve applicants live

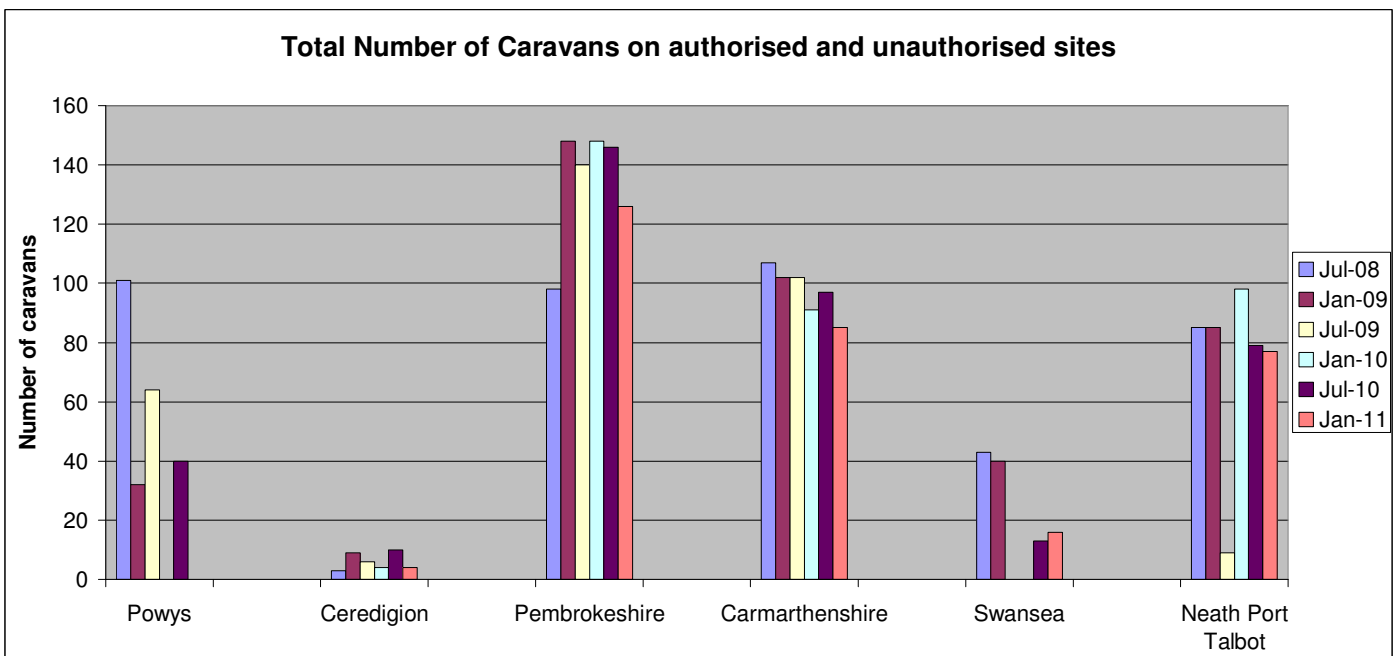
at Westover. This evidence suggests that the existing need for those applicants is being met and highlights the accommodation aspirations rather than a future need for those applicants.

Transit Sites

5.22 There is no current primary evidence for this topic paper to indicate the requirements of a transit site within the LDP period. The Local Authority will monitor through the Bi-annual caravan count and the LDP monitoring framework the requirement of such a site.

6. Cross Border Evidence and Implications

6.1 Carmarthenshire shares its border with six other local authorities (which include two National Park Authorities). Pembrokeshire, with its close links to Ireland has the second largest number of gypsy caravans in Wales. The most recent bi-annual caravan count indicated a total of 138 caravans on authorised sites and 8 caravans on unauthorised. During the preparation of their Deposit Local Development Plan, Pembrokeshire have identified in their surveys conducted by Azadeh Community Network Ltd that there was no additional need identified for pitches (residential or transit) within Carmarthenshire. No information is currently held by neighbouring local authorities regarding travellers’ needs specific to Carmarthenshire.



6.2 The chart above indicates the data from the bi-annual caravan counts from January 2009 to January 2011. Swansea and Powys did not take part in all counts and Pembrokeshire Coast National Park Authority.

7. Conclusions

7.1 To conclude, the following evidence has been identified within this assessment:

- The local authority has an area of land which can accommodate 30 local authority pitches (approx 1.3 hectares)
- Only 10 of those are habitable at present and four pitches are habited by squatters.
- Grant funding has been sought to bring 6 pitches at Penybryn back to habitable standards.
- There are 14 applicants on the Gypsy Traveller housing waiting list and all currently reside at Penybryn or Westover.
- There is uncertainty regarding the site in Whitland and the Local Authority is monitoring its development.
- There is an aspiration for those at Penybryn to have an owner occupied site.
- There is an aspiration for those in Bricks and mortar housing to be accommodated at a Local Authority Site.
- No evidence to suggest that there is a requirement for pitches in Carmarthenshire from Gypsy Travellers located in other local authority areas.

8. Policy Framework

8.1 The surveys have identified a greater requirement for owner occupied sites with planning permission, with 8 of the 27 questionnaires indicating such a requirement. Annex B of WAG Circular 30/2007 identifies the methods of good practice which LDP policy making should adhere to. Annex B makes specific reference to positive planning policy which should overcome restrictive and extensive criteria which allows greater flexibility in making adequate provision for Gypsy Travellers in appropriate locations. This is reflective in the policy framework for the LDP which is identified below.

Proposals for Gypsy and Traveller caravan sites or extensions to existing permitted sites will be allowed provided that:

- a) The proposed location is reasonably accessible to a range of facilities and services, including existing community, social, and educational provisions and within close proximity of main transport routes;**
- b) There is a demonstrable need for either permanent or transit gypsy traveller pitches to be located at its location, and evidence to indicate that the need cannot be met on the existing authorised sites in Carmarthenshire;**
- c) The proposal would not be detrimental to the amenity of nearby residents and adjoining land users;**
- d) The site is capable of being serviced with water, electricity, sewage and waste disposal.**

8.2 Whilst criteria a), c) and d) are based upon the location and amenity consideration within the submission of an application, criteria b) makes specific reference to the requirement that any application must include evidence to prove why a new site or extension to an existing site is required at that location. Such information should include evidence of a lack of availability of suitable permanent or transit pitches on existing sites.

8.3 As this information becomes available it allows the local authority through the monitoring framework to update and implement any necessary changes to the Gypsy Travellers accommodation needs.

9. Monitoring Framework

9.1 The Planning and Compulsory Purchase Act 2004 requires the Local Planning Authority to produce an Annual Monitoring Report. One of the main purposes of the report is to consider whether objectives set out in the Local Development Plan are being achieved. The continuing assessment for Gypsy Traveller accommodation needs falls into 4 separate indicators.

- a) Number of habitable Local Authority pitches available
- b) Gypsy Travellers waiting list for local authority pitches
- c) Private sites with planning permission
- d) Bi-annual Gypsy and Traveller Caravan Count.

9.2 Through an annual monitoring of these indicators, it provides the Local Planning Authority with an up to date assessment of accommodation needs. This coincides with Sections 225 and 226 of the Housing Act 2004, which places a duty on Local Authorities to carry out an assessment of the accommodation needs of Gypsies and Travellers residing in or resorting to their district, and to plan for these identified needs. The assessments will allow proper consideration to be given to the accommodation needs of Gypsies and Travellers and result in any provision being properly researched.