

COMMUNITY & HOUSING OVERVIEW AND SCRUTINY COMMITTEE

Date of Meeting	Wednesday 15 th January 2025
Report Subject	Provision of Transit Site accommodation for the Gypsy Roma Traveller Community in Flintshire
Cabinet Member	Cabinet Member for Housing and Communities
Report Author	Chief Officer (Housing and Communities)
Type of Report	Strategic

EXECUTIVE SUMMARY

The Housing (Wales) Act 2014 places a legal duty upon local authorities to ensure that the accommodation needs of Gypsies and Travellers are properly assessed and the identified need for pitches is met.

Part 3 of the Housing (Wales) Act 2014 (the Act) places a duty on all local authorities to undertake a Gypsy and Traveller Accommodation Assessment (GTAA). The objective of the Gypsy and Traveller Accommodation Assessment is to provide data which will identify Gypsy and Traveller pitch needs, separate from wider housing need, demand and aspiration.

The provision of Gypsy and Traveller sites is one of several key issues that was addressed through the Local Development Plan making process.

Flintshire County Council commissioned independent consultants to undertake the GTAA on their behalf following the methodology set out in the Welsh Government Guidance.

The GTAA for Flintshire has been signed off by Welsh Government and indicates the need for a small-scale transit site. Transit sites are permanent facilities designed for temporary use by occupiers. These sites must be designated and managed as such and provide a route for Gypsies and Travellers to maintain a nomadic way of life. They also provide a location for the Council and North Wales Police to direct traveller groups to from illegal encampments within the County. Individual occupiers are permitted to reside on the site for a maximum of three months at a time.

This report provides an update on the delivery of an appropriate transit site in Flintshire and frames some of the challenges and considerations required to meet the statutory requirements now and in the future.

RECOMMENDATIONS

1	To acknowledge the adopted Local Development Plan (LDP) includes provision for a small-scale transit site in Flintshire.
2	To support officers to progress with the plans for the provision of a small-scale transit site as informed by the findings of the Gypsy and Traveller Accommodation Assessment.

REPORT DETAILS

1.00	Transit Site Provision
1.01	<p>The Housing (Wales) Act 2014 places a legal duty upon local authorities to ensure that the accommodation needs of Gypsies and Travellers are properly assessed and the identified need for pitches is met.</p> <p>Part 3 of the Housing (Wales) Act 2014 (the Act) places a duty on all local authorities to undertake a Gypsy and Traveller Accommodation Assessment (GTAA). The objective of the Gypsy and Traveller Accommodation Assessment is to provide data which will identify Gypsy and Traveller pitch needs, separate from wider housing need, demand, and aspiration.</p> <p>Local authorities are required to exercise their powers under section 56 of the Mobile Homes (Wales) Act 2013, as far as necessary, to ensure Gypsy and Traveller sites are provided for the unmet need.</p>
1.02	<p>The provision of Gypsy and Traveller sites is one of several key issues that was addressed through the Local Development Plan making process.</p> <p>Flintshire County Council commissioned independent consultants to undertake the GTAA on their behalf following the methodology set out in the Welsh Government Guidance.</p>
1.03	<p>The GTAA for Flintshire has been signed off by Welsh Government and indicates the need for a small-scale transit site. Transit sites are permanent facilities designed for temporary use by occupiers. These sites must be designated as such and provide a route for Gypsies and Travellers to maintain a nomadic way of life. Individual occupiers are permitted to reside on the site for a maximum of 3 months at a time and have the rights to four weeks' notice if the local authority intend to end their occupation early for any reason.</p>
1.04	<p>The provision of a transit site would empower Flintshire County Council and our partners, North Wales Police, to give directions to unauthorised encampments to either take up residency in the transit site or be given an order under s.61 Criminal Justice and Public Order Act 1994.</p> <p>This could be done without reference to the courts and would prevent a Gypsy and Traveller family from returning to Flintshire for three months.</p>

There will therefore be a significant saving for the Council and businesses in both direct costs and officer time. The direct costs of addressing unauthorised encampments, not including legal instructions and eviction (including bailiffs) are included in the table below. These costs would be significantly higher if we calculated and factored in staff time in addressing unauthorised encampments.

2020	£4,742.72
2021	£3,503.00
2022	£948.50
2023	£1,061.57
2024	£6,041.90*
Total spend	£16,297.69

Figures (from the caravan count data) for number of unauthorised encampments on local authority land.

Year	Total	CH6
2021/22	7	1
2022/23	13	6
2023/24	14	6
2024/25	11*	3*

It would also lead to an increase in confidence from the public and business community. The provision of a transit site would provide a location for the Council and North Wales Police to direct traveller groups to from illegal encampments within the County. The presence of a transit site may also deter Gypsy and Traveller groups from illegally locating within the County in the future.

1.05 Where a GTAA identifies an unmet need, planning authorities should allocate sufficient sites in development plans to ensure that the identified pitch requirements for residential and / or transit use can be met. Planning authorities will need to demonstrate that sites are suitable and deliverable in the identified timescales. With such policies in place there will be more certainty for all concerned when planning applications are determined.

1.06 In deciding where to provide for Gypsy and Traveller sites, planning authorities must first consider sustainable locations within or adjacent to existing settlement boundaries with access to local services e.g., education settings, health services and shops.

1.07 Early in the Local Development Plan (LDP) preparation process the Council undertook a 'Call for Candidate Sites' providing the opportunity for Gypsy and Traveller sites to be put forward. However, no sites were nominated by the Traveller community.

Faced with a potential lack of sites from which to meet the identified provision, several Council owned sites were identified for consideration. These sites largely comprised of vacant and underused pieces of land and were the subject of an independent appraisal by a planning consultant who had experience of assessing such sites.

	<p>In summary, the sites were generally not considered suitable given their location, relationship with and proximity to services and facilities, flood risk, contamination or poor vehicular access. It was not considered that the sites represented acceptable and suitable locations on which to provide a suitable standard of living, with the exception of a possible extension to the existing Riverside site at Pentre / Queensferry, which is now in fact allocated in the adopted LDP.</p> <p>In terms of the provision of a small transit site, the former Civic Amenity Site adjacent to Castle Park Industrial Estate, Flint was identified as being potentially suitable given its location adjacent to a main travelling route, proximity to services and facilities and relative separation from sensitive receptors such as existing residential or commercial development.</p>
1.08	<p>The Council's re-organisation of its public recycling facilities has seen several smaller recycling facilities closed in favour of larger recycling centres. The former civic amenity site in Flint is one such site. It is located in a main settlement, on one of the recognised travelling routes (A548), where a number of unauthorised encampments have been recorded.</p> <p>It is well screened by woodland, has an existing vehicular access which satisfactorily served the previous public recycling centre usage. It sits on the edge of Flint which is one of the Tier 1 Main Service Centres identified in the in the LDP, offering a range of employment, services, facilities, and transport. Apart from the vehicular access route passing residential properties on Evans Street, the site is located away from residential areas.</p> <p>The local highway network is deemed suitable to cater for the traffic generation from Castle Park Industrial Estate and the likely traffic generation from a small-scale transit site will not materially affect this situation.</p> <p>The site was considered suitable to accommodate a transit site by the independent assessors. Initial feasibility design work has established a capacity to accommodate the pitches on the site along with a site managers office (see appendix 5.01). The LDP heard evidence for and against the allocation of this transit site and found its inclusion in the adopted plan for a transit use to be sound and appropriate.</p>
1.09	<p>The Castle Park allocation now forms part of the adopted Local Development Plan (LDP) as being the most feasible location for a transit site. Members are asked to authorise officers to commence work on applying for planning permission to develop the site accordingly.</p> <p>The LDP is subject to ongoing monitoring of its performance and in respect of this allocated site there are two monitoring indicators built into the Plan - i) that planning permission be granted by 01/04/23 and ii) that pitches are provided by 01//04/26. Whilst delivery has been delayed against the first indicator, a commitment to the site's delivery will assist in ensuring the implementation of the Plan is on track.</p>

Accommodation for Gypsies and Travellers	
1.10	<p>The Well-being of Future Generations (Wales) Act 2015 sets a framework for local authorities across Wales to ensure the ‘sustainable development principle’ (meeting the needs of the present without compromising the ability of future generations to meet their own needs) is met.</p> <p>Section 4 of the Act puts in place well-being goals which authorities are to seek to achieve in order to meet this principle. These goals include achieving ‘a Wales of cohesive communities’, containing attractive, viable, safe and well-connected communities, and ‘a Wales of vibrant culture and thriving Welsh language’, containing a society that promotes and protects culture, heritage and the Welsh language.</p>
1.11	<p>It is reflective of the Government’s commitment to ensure equality of opportunity for all sections of the community and in this instance, Gypsies and Travellers (GRT) should have equal access to culturally appropriate accommodation as all other members of the community.</p>
1.12	<p>Where a lack of appropriate sites and insufficient provision exists within local authority areas, this has a significant detrimental impact on the lives of Gypsies and Travellers.</p> <p>Delivering appropriate Gypsy and Traveller site accommodation will have a beneficial impact on the communities’ ability to access other essential services. Delivery of appropriate site accommodation for Gypsy and Traveller communities could also have a beneficial impact on the settled community by reducing the number of legal challenges and costs incurred in challenging unauthorised encampments.</p>

2.00 RESOURCE IMPLICATIONS	
	Transit Accommodation Site
2.01	<p>All eligible costs for transit site provision will be considered by Welsh Government as part of the Gypsy and Traveller Sites Capital Grant. This will include the provision of the infrastructure for internet access and other utilities.</p> <p>The Sites Capital Grant is available for developments which will commence during the year 2024 - 2025. The grant funding may cover up to 100% of site development costs. Welsh Government operates a £150k per pitch threshold for new developments. At this stage Welsh Government have not announced what the budget will be for 2025 - 2026 hence the need to get planning permission secured for the proposed site within this financial year (if possible).</p> <p>The second of two bidding windows opened in the summer 2024. As such, the timing of a decision is key to ensure the funding available is accessed and there are no capital implications for the Council’s budget.</p>

2.02	A site manager will be appointed at the appropriate stage.
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3.00	IMPACT ASSESSMENT AND RISK MANAGEMENT	
	Transit Site	
3.01	All eligible costs for transit site provision will be considered by Welsh Government as part of our Gypsy and Traveller Sites Capital Grant. This will include the provision of the infrastructure for internet access and other utilities.	
3.02	The Welsh Government is committed to working with local authorities to deliver new Gypsy and Traveller sites. This commitment is addressed through the availability of Sites Capital Grant funding for the development of new sites.	
3.03	Despite identifying an unmet need for transit site provision, the Council may elect not to support the provision which will potentially be a breach of the Equality Act 2010 and our duty under the Housing (Wales) Act 2014.	
3.04	Ways of Working (Sustainable Development) Principles Impact	
	Long-term	Positive – Providing a sustainable solution to an identified need for additional accommodation for gypsies and travellers.
	Prevention	Positive - Preventing the issues relating to unauthorised encampments by ensuring there is adequate support and accommodation to cater for the needs of the gypsy and traveller community.
	Integration	Positive – Increased integration between services and partner organisations to provide accommodation and support to the gypsy and traveller community.
	Collaboration	Positive – Increased collaboration between services and partner organisations in addressing the needs of the gypsy and traveller community and in dealing with the issue of unauthorised encampments.
	Involvement	Neutral - engaging with local communities and stakeholders to understand their needs and preferences.

3.05	Well-being Goals Impact	
	Prosperous Wales	Positive - Maximising local employment and training opportunities for local people in building the site.
	Resilient Wales	Positive - Developing low / zero carbon amenity block by adopting modern methods of construction and other relevant technologies.
	Healthier Wales	Positive - Ensuring our transit site is fit for purpose and will enable people to stay in an approved location that will meet the needs of this diverse community.
	More equal Wales	Positive – Providing a good quality transit site for a vulnerable community which will be adapted to meet their needs.
	Cohesive Wales	Positive - Contributing to attractive, viable, safe and well-connected communities through collaborative delivery.
	Vibrant Wales	Positive - Ensuring our communities are diverse provision of a transit site and support.
	Globally responsible Wales	Positive - The outcomes of the strategy will contribute to improving the economic, social, environmental and cultural wellbeing of Wales.

4.00	CONSULTATIONS REQUIRED/CARRIED OUT
4.01	Dialogue with local service providers is key to ensure there is sufficient capacity locally to meet the demand of transit site provision. This includes availability of school placements and access to medical services.
4.02	Consultation was undertaken as part of the Local Development Plan. This plan has now been adopted by the Council.

5.00	APPENDICES
5.01	Appendix 1 - Draft plan for transit site Appendix 2 – Internal Stakeholder advice

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	Gypsy Traveller Accommodation Assessment 2022 Addendum to Gypsy Accommodation Assessment Flintshire LDP - Background Paper - Gypsy and Traveller Site Search
6.02	Designing sites (WG) https://gov.wales/sites/default/files/publications/2019-03/designing-gypsy-and-traveller-sites.pdf

7.00	CONTACT OFFICER DETAILS
7.01	Contact Officer: Dave Jolly, Gypsy Traveller & Resettlement Manager Telephone: 01352 702419 E-mail: dave.jolly@flintshire.gov.uk

8.00	GLOSSARY OF TERMS
8.01	<p>Gypsy, Roma and Traveller (GRT) is a term used to describe people from a range of ethnicities who are believed to face similar challenges. These groups are distinct but are often reported together.</p> <p>Gypsy Traveller Accommodation Assessment (GTAA) Part 3 of the Housing (Wales) Act 2014 (the Act) places a duty on all local authorities to undertake a Gypsy and Traveller Accommodation Assessment (GTAA) and to make provision for sites where the assessment identifies an unmet need for pitches. Where a need is identified it must either be evidenced as being able to be met through planning permissions or allocations in the LDP.</p> <p>Transit Site Transit sites are permanent facilities designed for temporary use by occupiers. These sites must be designated as such and provide a route for Gypsies and Travellers to maintain a nomadic way of life. Individual occupiers are permitted to reside on the site for a maximum of 3 months at a time.</p> <p>Local Development Plan (LDP) The LDP guides development within the County, sets out each local authority's proposals for future development and use of land in their area.</p>