

## **Welsh Government Response: Transit Gypsy & Traveller Provision**

The Inspector has asked the Council to consider how it intends meet the identified need for transit accommodation in the plan period (7 pitches) following the removal of the site at Celtic Way.

### **Summary**

The Welsh Government considers that there are two possible outcomes that could arise from the Hearing sessions. This note does not pre-determine the Inspector's conclusions, but identifies potential options available, the Welsh Government's view on them and the potential solutions.

The Welsh Government consider that 'Outcome 1: Submitted LDP' which identifies the Ringland allotment site in the submitted LDP as the preferred solution, subject to the Inspector's conclusions on the site's validity (Option B Council's recent note). The site already forms part of the submitted plan, a plan the Council considers to be 'sound'. The site should remain in the plan.

If the Inspector considers the evidence to support the retention of the Ringland allotment site in the LDP is not sufficient, then the Welsh Government considers that an indicator in the monitoring chapter/Annual Monitoring Report with a relevant action highlighting a review of the plan if a site(s) have not been identified within a specified time period (potentially 2 years) would be required. This would align with recent statements made by the Welsh Government at the most recent LDP examination, Carmarthenshire. However, we note the Council's lack of certainty that an outcome can be achieved based on past work.

Whilst the Welsh Government has indeed suggested that a regional approach to resolving transit sites could be a possibility through a Strategic Development Plan (SDP) based around Cardiff (i.e. representations to Cardiff's Deposit LDP) this argument has yet to be discussed at an examination. In addition there are implications regarding timing of preparing a SDP (potential adoption 2020/2021) as well as circumstances unique to Newport in that the Council has already identified two sets of sites in two iterations of a deposit plan. This option would be the least preferred and if it were to be progressed would require further discussion.

### **Outcome 1: Submitted LDP**

The Council has already identified the Ringland Allotment site (Policy H15ii) to accommodate a shortfall, if one were required, an allocation that the Council considers to be 'sound' and suitable as a transit site. This site is in the LDP submitted to Welsh Ministers for examination. As the site is proposed by the Council in a LDP that it considers to be 'sound', should the need arise, the fact that the need has now arisen answers the Inspector's question, it should remain in the plan. (Option B in the Council's recent note).

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Newport's LDP benefits from an allocation contained within the plan it has submitted for examination that can meet the need, Ringland Allotment (Policy H15(ii)). **The Council have allocated the former Ringland Allotment site to meet its own need of 7 pitches which, unless the Inspector concludes this site cannot be delivered within the plan period, should remain as an allocation in the plan.**

### Note:

It is perplexing that the Council has prepared a paper that puts forward four options when Option B is the current LDP position contained in the plan submitted for examination, a plan the Council considers to be 'sound' which includes the Ringland Allotment site (Policy H15(ii)). The Council's latest response identifying four options and conclusion that an alternative option to that set out in the submitted LDP would appear to question the 'soundness' of its own plan, indicating that the evidence to support the Ringland allocation is not 'sound'. The Council need to explain if this is correct and why this would be contrary to previous written and oral evidence given through the examination process.

### **Outcome 2: Inspector Removes Ringland Allocation**

If the Inspector considered that Policy H15(ii) were to be removed from the plan, for whatever reason he considers appropriate, the Welsh Government consider this would be a substantive change to the plan. The removal of this site would have significant ramifications for the Council in its ability to deliver on its statutory duty regarding Gypsy and Traveller provision, specifically in that an identified need that had previously been met, according to the Council, would now not be met. A shortfall in transit pitches would arise, not delivering on the Council's own evidence.

**It would not be appropriate for the plan to avoid addressing this issue.**

### Option 1

This is Option D in the Council's recent note.

The Council should include an indicator in its monitoring chapter and subsequent Annual Monitoring Report (AMR) which specifies what level of need is required and a timetable of how that would be achieved. Dates would need to be specified with appropriate triggers to ensure they are adhered to. Actions would also be required to specify what would happen if they are not adhered to. The Welsh Government has followed this course of action at Carmarthenshire and Conwy. Although it is not ideal it potentially offers a solution. The action would be to achieve the relevant sites possibly within two years. If not, the penalty would be to review the entire plan.

The Welsh Government notes the Council's comments in that due to the extensive survey work they do not attach a high degree of certainty in achieving an outcome. This would suggest that this is not a viable solution.

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### Option 2

Note, this potential option has yet to be aired and discussed in public through an examination process. (This is Option A as proposed by the Council's recent note.)

The Welsh Government is currently progressing a Planning Bill, with royal assent anticipated July 2015. The Bill proposes a strategic layer of plan to address those issues which have cross boundary implications and are difficult to resolve through LDPs, an example cited in the consultation document supporting the Bill was Gypsy and Traveller transit sites. This process, assuming the Bill becomes an Act on time and the content remains the same, could result in a Cardiff SDP being adopted 2020/2021, subject to political agreement and public examination. This would have implications for Newport's LDP time period and lack of delivery on the current evidence submitted by the Council to the examination.

Furthermore, the Council have already had two attempts to identify appropriate transit sites which, with Celtic Way being considered unsuitable and if Ringland were also considered to be the same, would not engender certainty on a resolution being arrived at through a SDP (or necessarily through a monitoring approach to the LDP). A high degree of uncertainty would remain.

The Welsh Government considers that this option could provide a solution; it is the least preferred and would require further public deliberation. The Inspector would need to ensure that other options have been pursued and that the timings, level of need and appropriate outcome can be achieved. The Inspector could of course conclude that this is not appropriate and determine that the Council have not fulfilled their statutory duty and addressed their own evidence base.

### Clarification of Welsh Government comments on LDPs:

For clarity, the 'direction of national planning policy' as referred to by the Council in respect of Gypsy and Traveller, the Welsh Government's provision has not changed. Local authorities have a statutory duty under sections 225 & 226 of the Housing Act 2004 to consider the needs of Gypsies & Travellers. The Council is required to identify suitable sites in the LDP to meet identified unmet need (paragraph 17, Welsh Government Circular 30/2007 'Planning for Gypsy and Traveller Caravan Sites'). In the case of Newport the Gypsy & Traveller needs study has identified a need for 7 transit pitches.

The Welsh Government has submitted a Category B objection to the both Cardiff and Vale of Glamorgan's Deposit LDPs in respect of G&T transit provision. It has proposed a regional approach as a potential solution, although this will be for the appointed Inspector to determine.