

Darren Millar AM / AC

Shadow Minister for Health
Gweinidog yr Wrthblaid dros Iechyd

Welsh Conservative Member for Clwyd West
Aelod y Ceidwadwyr Cymreig dros Orllewin Clwyd

Cynulliad
Cenedlaethol
Cymru
National
Assembly for
Wales



Ref: DM/AB/GT

Strategic Planning Policy Service
Muriau Building
Rosehill Street
Conwy
LL32 8LD

6th February 2015

Dear Sir/Madam,

Re: Proposed Gypsy & Traveller Transit Site, Smithy Layby, St George

I write in response to the pre-planning consultation in respect of the above.

In recent months, I have been contacted by a large number of constituents with regards to Conwy County Borough Council's proposals to establish a Gypsy & Traveller Transit site at the Smithy Layby, St George. This submission is based on the communications received from my constituents and the views which were expressed during a public meeting which was held in St George on the evening of the 9th January and following a protest march on 31st January - both of which were attended by between 250-300 people.

Whilst I acknowledge that the local authority has an obligation to provide for the accommodation needs of the gypsy/traveller community, I am concerned that the Council has failed to undertake adequate consultation in bringing forward its proposals for the Smithy Layby site; that it has failed to pay adequate regard to national and local planning policy; and that it has failed to follow the advice and recommendations in the Gypsy and Traveller Accommodation Needs Assessment undertaken by Bangor University (hereafter GTANA) which the Council jointly commissioned.

I would therefore request that the local authority note my strong objections to the proposals on the following grounds:

Lack of adequate consultation

There was inadequate consultation by the Council with the public and other key stakeholders such as schools, health services providers, town councils, Assembly Members and neighbouring local authorities prior to the Cabinet decision on 9th December to 'progress planning applications' for Gypsy/Traveller Sites in the area.

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Denbighshire County Council has confirmed that it was unaware of the intention to progress with a planning application for the Smithy Layby site in spite of its close proximity to the local authority border.

Conwy has failed to consult with local primary and secondary schools in St George, Abergele and Bodelwyddan, all of which may need to cater for the education needs of gypsy/traveller children. The local authority also overlooked consultation with GP surgeries in the area which are already overstretched and finding it difficult to meet patient demand.

In addition to the above the local authority has failed to consult with local Assembly Members and both Abergele and Bodelwyddan Town Councils.

Perhaps most remarkable is the failure of the Council to consult with site owners when considering the suitability of sites; this is a fundamental flaw in the decision making process which leaves the local authority at risk of judicial review.

That Conwy has consulted on its Local Development Plan (LDP) does not mitigate against the need to undertake rigorous consultation on aspects of the LDP which were not settled at the time of its publication. Paragraph 16 of WAG Circular 30/2007 Planning for Gypsy and Traveller Caravan Sites makes reference to the need to abide by the local authority's LDP Community Involvement Scheme when identifying sites - this has clearly not been the case in respect of the current proposals.

I note that the current consultation is pre-application in nature and is intended solely to inform the content of a subsequent planning application. Pre-application consultations provides no opportunity to question whether the identified sites which form part of the current consultation are the most appropriate to proceed to application or whether the process by which they were identified and shortlisted was robust - this is unacceptable.

A full public consultation should have been undertaken prior to the decision by Cabinet on 9th December when it resolved to 'progress planning applications' on the chosen sites. Pre-application consultations generally afford no opportunity for local residents to influence whether these site should proceed to development and the Council is at risk of appearing to be 'going through the motions' rather than genuinely seeking the views of residents with regard to the suitability of the sites in question.

In addition, I am advised that it is highly irregular for decisions relating to the identification of new development land to be undertaken without any consultation, or adherence to other requirements. A number of other local authorities are currently seeking to identify new traveller sites in their areas, unlike Conwy all are proceeding with widespread and well publicised public consultation.

Poor site selection process

Of equal concern is that the detailed methodology that was used to select these sites remains unpublished. This means that it is impossible to scrutinise or critically assess the work that has been undertaken. All that is available on the Council's web-pages is a brief one-and-a-half page executive summary with no details of the assessment criteria that have been applied. For example, the following aspects of the site assessment remain unavailable:

- The Cabinet Report states that a total of 55 potential sites were initially identified. However, only 10 of these have been published. No details of the remaining 45 sites or the reasons they were discounted are available.
- All sites were scored at 1, 2, or 3 against a series of measures. However, no detail is given regarding the scoring criteria. For example, the 'amenities' criteria simply states 'Local amenities and facilities, such as shops and schools should be close by'. How this has been translated into a score of 1, 2, or 3 is not explained. Was a mapping exercise undertaken to measure the distance to the nearest facilities? Were sites within a certain distance (e.g. 1 km) scored higher, and sites outside of this distance scored lower? Which facilities were counted in this assessment – just schools and shops (as is implied) or were proximity to public transport and health facilities considered (as required by the Conwy LDP Policy HOU/9)? This is completely unclear.
- A similar lack of clarity applies to the other criteria that have been used. What would distinguish a score of 2 from a score of 3 for the 'ownership', 'accessibility' or 'availability' measures? On what basis was the 'utilities' measure scored, and which utilities providers were consulted? Similarly how has 'location' been scored? If there are preferred 'areas of search' then has a mapping exercise been used to measure the distance of the site from this area? Or has a 'rule of thumb' approach been used? This is not remotely clear.
- Under 'environment' it is unclear as to which factors other than flood risk have been considered. Noise and air pollution would be an obvious concern for sites adjacent to the A55, especially given the inability of the planning system to require sound insulation of touring caravans. I am aware that there are strict planning limits that apply to new residential development in relation to noise (including traveller accommodation) – were these considered? Again, on what basis would a score of 1, 2, or 3 be applied?
- Paragraph 3.2.3 of the Welsh Government's Good Practice Guide in Designing Gypsy Traveller Sites in Wales indicates that 'Local authorities should avoid locating sites next to or near hazards which present specific risks to children and adults such as dual carriage-ways'. I note that the Smithy Layby is located adjacent to the A55 dual carriageway and see no evidence that the guidance in the Good Practice Guide has been considered as part of the site selection process.
- Paragraph 3.2.3 of the same document also indicates that "Sites should not be considered if they are near refuse sites or facilities, industrial locations and other hazardous locations such as motorway flyovers'. Again, the Smithy Layby is located directly adjacent to a dual carriageway flyover and I see no evidence that this aspect of the guidance in the Good Practice Guide has been considered during site selection processes.

The fact that all of these questions remain unanswered implies either that there has been a deliberate attempt to conceal the criteria that have used, or that the site assessment process contained no clear scoring criteria and is therefore not fit for purpose. In either case, this is completely unacceptable for a Council decision in which there is significant public interest.

Deviation from National and Local Planning Policy

I have already demonstrated that the Council appears has departed from Welsh Government Guidance as set out WAG Circular 30/2007 Planning for Gypsy and Traveller Caravan Sites and the Good Practice Guide in Designing Gypsy Traveller Sites in Wales. In addition to this the 2013 Conwy Local Development Plan contains a specific criteria-based policy for determining proposals for new traveller sites (Policy HOU/9) much of which appears to have been ignored.

Most of the criteria set out in the Policy HOU/9 appear to have been ignored in drawing up the site selection methodology. For example, the policy states that 'previously developed land, or vacant land, on the edge of urban areas will be considered before sites in rural locations'. The Smith Layby site is in an unambiguously rural location some distance from the urban edge. Despite this however, it has been given the highest possible score for 'location' (3).

More worryingly, Policy HOU/9 appears to be factually incorrect. It contends that 'the GTANA identifies a likely need for a transit site (for up to 7 caravans) on the county border with Denbighshire'. In fact, paragraph 12.39 of the GTANA simply indicates that there may be a need for a transit site somewhere near to the Conwy and Denbighshire border, but the suggested size and location of the site is unspecified throughout the document. It is clear from the survey of members of the gypsy/traveller community which is referred to in Table 15 in the GTANA that there is a preference for a transit site in the Rhyl area. I suspect that the lack of availability of a site in Rhyl has contributed to the establishment of unlawful sites in the Kinmel Bay area where there has been relatively easy access for caravans to stop at the Tir Llwyd Industrial Estate.

Of major concern, is the criterion that the site should be delivered within the timescale of the LDP. Pursuit of the Smithy Layby site has the potential to render this improbable.

Lack of Collaboration With Neighbouring Authorities

The need for a transit site is not specific to Conwy, but could be located in either Conwy or Denbighshire. However there is no evidence of any joint working with Denbighshire to identify a site. The GTANA specifically states that the provision of a transit site should be dealt with on a regional basis.

Paragraph 12.36 of the Gypsy and Traveller Accommodation Needs Assessment undertaken by Bangor University indicates that North Wales 'local authorities should work jointly to identify appropriate sites for temporary accommodation on a regional basis.' I am concerned that there is no evidence that this advice has been taken forward.

Financial Implications

The local authority has suggested that costs associated with establishing a gypsy/traveller transit site in the Smithy Layby will be met by the Welsh Government, yet this is contrary to information in the Welsh Government's Good Practice Guide in Designing Gypsy Traveller Sites in Wales, chapter seven of which clearly states that, unlike permanent sites, "the Welsh Assembly Government does not provide funding for 'transit sites'".

Given the above I am perplexed as to why local authority members, the media and the public have been advised that costs of the proposed Smithy Layby site will be met by the Welsh Government. Should you have evidence that this will be the case then I would request that it be published in the public domain.

No matter which part of the public purse funds any future site, I am alarmed that a business plan for the Smithy Layby transit site is yet to be developed. It is important that taxpayers should be able to scrutinise the capital and revenue costs associated with a proposed site and these should have been considered as part of the site selection process to ensure value for money for the public purse.

Highway Safety

The Smithy Layby is adjacent to an expressway flyover and there is evidence of a number of accidents on the verges along St Asaph Road on the approach to the 'T' junction adjacent to the site with a number of broken and damaged rails. I am advised that a number of vehicles have left the road and rolled down the verge into the site.

Access to the Smithy Layby site with trailers and caravans will require traffic to drive through Bodelwyddan due to the angle of the entrance of the site to the highway. Given the impact of the proposal on traffic flows through Bodelwyddan I am concerned that I can find no evidence of discussions between Conwy and Denbighshire regarding this issue.

Impact on Historic Landscape

The Smithy Layby site is in very close proximity to the St George Conservation Area and almost immediately opposite Golden Lodge, a Grade 1 Listed Building, and is itself set within a historical landscape of significant cultural importance. Development of the site as a gypsy/traveller transit site would be wholly inappropriate given this location.

Amenity

The development of the site would impact on the amenity of nearby properties and is completely overlooked by vehicles travelling on the St George Road. Anyone staying on the proposed gypsy/traveller site would be deprived of any privacy rendering it unsuitable for development as such.

Adverse Economic Impact

The Smithy Layby lies on the main route used by tourists into the important seaside resorts of Towyn and Kinmel Bay. Tourists generally arrive from the west-bound carriageway on the A55 and take the slip-road signposted to Towyn. It has been suggested by tourism businesses in Towyn and Kinmel Bay that the visual appearance of a gypsy/traveller site at the Smithy Layby would be very unappealing to customers and could damage the visitor economy in the locality.

I have also been contacted by the representatives of the owners of the Grade 1 listed Kinmel Hall who is seeking to develop the historic building. I have been advised that the development of a gypsy/traveller site at the Smithy Layby would result in funding for the project being withdrawn and scores of jobs being lost to the local economy.

Local residents have also expressed concerns over the impact of development on property values in the area. Having made enquiries it has been suggested that values can fall by up to 50% when in close proximity to traveller sites - this is a matter of significant concern for many.

Environmental and Ecological Concerns

A ditch runs along the Smithy Layby which is known to have a population of water vole. Further investigation of the impact of any development on this species should be undertaken prior to a gypsy/traveller site being established.

The ditch also presents a potential hazard for children and is a potential risk of flooding if poorly managed or blocked by irresponsible members of the traveller community.

Community Safety

A number of former police officers attended the public meeting on the 9th January and relayed their experiences of violent behaviour and theft by members of the gypsy/traveller community. They suggested that that criminal behaviour was more prevalent amongst travellers who moved regularly from place to place and expressed concern that should the Smithy Layby be developed as a transit site then this would have an adverse impact on local crime rates.

Local farmers and other businesses have also contacted me to relay their experiences of theft by members of the gypsy/traveller community. These comments have been supported by businesses on the Tir Llwyd Enterprise Park following recent unlawful sites. A number of business owners have indicated their intention to relocate should the site be developed.

Educational Concerns

Governors and parents at St George School have expressed concerns at the ability of the school to meet the needs of the gypsy/traveller community and the potentially disruptive impact of children moving in and out of the school on a regular basis.

As a small school with small year groups the adverse impact of mid-term changes in the school roll is likely to be amplified and very unsettling for pupils. Larger schools may be better suited to make provision for the children associated with a transit site.

Given the above, I would urge the Council to withdraw its proposals for the development of a gypsy/traveller transit site at the Smithy Layby and request that the local authority develop alternative proposals. New proposals should incorporate a transparent site selection process which involves extensive public and stakeholder consultation, collaboration with other local

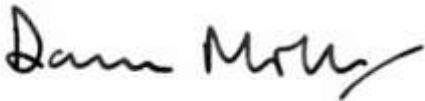
authorities, and reflect the findings and recommendations of the both Gypsy and Traveller Accommodation Needs Assessment and Welsh Government guidance and good practice.

Please note that I have also enclosed a large petition which has been relayed to my office by local residents with this letter. I have encouraged residents to also write in with their own views.

I trust that this consultation response is helpful and that it supports the Council in fulfilling its obligations to both local residents and the gypsy/traveller community.

Should you require any further information then please do not hesitate to contact me.

Yours faithfully,

A handwritten signature in black ink, appearing to read "Darren Millar". The signature is written in a cursive, flowing style.

Darren Millar AM