

Aelod Portffolio ar faterion Datblygu Economaidd, Tai a Gwasanaethau Rheoleiddio

Man Cyfarfod

Dyddiad y Cyfarfod
Dydd Mawrth, 16 Mehefin 2020

Amser y Cyfarfod
Time Not Specified

I gael rhagor o wybodaeth cysylltwch â



Neuadd Y Sir
Llandrindod
Powys
LD1 5LG

Mae croeso i'r rhai sy'n cymryd rhan ddefnyddio'r Gymraeg. Os hoffech chi siarad Cymraeg yn y cyfarfod, gofynnwn i chi roi gwybod i ni erbyn hanner dydd ddau ddiwrnod cyn y cyfarfod

AGENDA

| | |
|----|--|
| 1. | PRYNU TIR COMIN ODDI WRTH CYFOETH NATURIOL CYMRU FEL RHAN O'R TRAFODYN CYFNEWID TIR COMIN I ALLUOGI DATBLYGU SAFLE SIPSIWN A THEITHWYR PARHAOL YM MACHYNLLETH |
|----|--|

(Tudalennau 1 - 14)

Mae'r dudalen hon wedi'i gadael yn wag yn fwriadol

CYNGOR SIR POWYS COUNTY COUNCIL**PORTFOLIO HOLDER DELEGATED DECISION**

by

County Councillor James Evans**Portfolio Holder Corporate Governance, Housing & Public Protection****June 2020****REPORT AUTHOR: Dafydd Evans, Service Manager Housing Solutions****REPORT TITLE: The purchase of common land from National Resources Wales (NRW) as part of the common land exchange transaction to enable the development of a permanent Gypsy and Traveller site in Machynlleth.**

REPORT FOR: Decision and Information

1. Purpose

- 1.1 Approval for the purchase of common land from NRW (Natural Resources Wales), in accordance with the common land exchange approved by Welsh Government Ministers on 14th January 2019, enabling the development of a permanent Gypsy and Traveller site in Machynlleth.
- 1.2 To provide an update on the development of the Machynlleth 5 pitch Gypsy and Traveller site.

2. Background

- 2.1 The need to provide a permanent Gypsy and Traveller Site in Machynlleth was identified in the Welsh Ministers approved Gypsy and Traveller Accommodation Needs Assessment (GTAA) in 2016 and the approved Local Development Plan (LDP). The need identified was for a permanent site with 5 pitches.
- 2.2 The Council formed a Gypsy and Traveller working group to consider suitable sites in Machynlleth. On the 1st August 2017 the Council secured planning approval for the 5 pitches and commenced discussions with Machynlleth Golf Club, the owners of the land for development.
- 2.3 The site identified has been used by the same family as an unofficial site for over ten years. The land subject to planning permission was common land and a deregistration of the common land and exchange was required in order to allow the development.

- 2.4 On the 14th January 2019, Welsh Ministers approved the deregistration of the land and the replacement of the common land with exchange land owned by NRW.
- 2.5 Since January 2019 the Council has been negotiating with Machynlleth Golf Club regarding securing the land and a 50 year lease has been agreed with Machynlleth Golf Club.
- 2.6 The Council has a duty to provide a site as identified in the GTAA and accordingly the development of a site has been approved in the Councils Capital Programme. The current capital allocation for the site is £1.285 million. This approval is for the development of the site only and does not include provision for the purchase of land from the NRW enabling the exchange of common land.
- 2.7 The new site development has been offered out to tender via Engineering Design Services with an approximate start on site August 2020.
- 2.8 Engineering Design Services have worked with Commercial Services to draw up appropriate clauses relevant to the Covid19 outbreak and any consequential events which may occur in the project.

3. Advice

- 3.1 Welsh Ministers approved the exchange of common land with land owned by NRW on the 14th January 2019. The development of the Gypsy and Traveller site in Machynlleth is approved within the Council Capital programme, however, this approval does not include the purchase of land from NRW.
- 3.2 The Head of Housing agreed in 2018 that upon exchange the Council would purchase the exchange land from NRW.
- 3.3 The Portfolio Holder is requested to approve the purchase of land from NRW for the sum of £10,275 in order to satisfy the common land exchange terms set out and agreed with NRW and as stated to Welsh Ministers.
- 3.4 The one off purchase of the NRW land will be funded from the Housing General Fund revenue budget 2020/21.

4. Resource Implications

- 4.1 The cost of the land has been negotiated and agreed by Property Services at a figure of £10,275 plus professional fees.
- 4.2 Property Manager notes that officers in Property Services have provided advice and will continue to support the recommendations and decision as required.

4.3 The purchase price and associated fees will be funded from the Housing General Fund revenue budget.

4.4 The Capital Accountant has confirmed the purchase of the land will be treated as capital expenditure funded from revenue.

4.5 The Head of Finance (Section 151 Officer) can support the recommendation.

5. Legal implications

5.1 The Property Lawyer (North) can confirm the lease for the new site is close to being agreed, and the common land re-allocation needs to be addressed as a consequence.

5.2 The Head of Legal and Democratic Services (Monitoring Officer) has commented as follows: "I note the legal comment and have nothing to add to the report".

6. Comment from local member(s)

6.1 Councillor Michael Williams supports the proposal.

7. Integrated Impact Assessment

7.1 Impact Assessment attached: "The purchase of the land from NRW and the development of the permanent site in accordance with the provisions of the Housing (Wales) Act 2014 will ensure that the five households are accommodated in appropriate accommodation, can access services and continue to be an integral part of the Machynlleth community."

8. Recommendation

8.1 Purchase of the common land exchange land from National Resources Wales (NRW) for the sum of £10,275, which will enable the development of the Gypsy and Traveller site in Machynlleth.

8.2 Note that the development of the site is currently out to tender.

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Head of Service: Nina Davies

Corporate Director: Nigel Brinn

Appendix 1

Mae'r dudalen hon wedi'i gadael yn wag yn fwriadol

Cyngor Sir Powys County Council

Impact Assessment (IA)

The integrated approach to support effective decision making



Please read the accompanying guidance before completing the form.

This **Impact Assessment (IA)** toolkit, incorporates a range of legislative requirements that support effective decision making and ensure compliance with all relevant legislation. **Draft versions of the assessment should be watermarked as “Draft” and retained for completeness. However, only the final version will be made publicly available. Draft versions may be provided to regulators if appropriate. In line with Council policy IAs should be retained for 7 years.**

| | | | | | |
|---|---|------------------------|-------------|-------------------------|------------------------|
| Service Area | Housing and Community Development | Head of Service | Nina Davies | Portfolio Holder | Councillor James Evans |
| Proposal | The purchase of common land from National Resources Wales (NRW) as part of the common land exchange transaction to enable the development of a permanent Gypsy and Traveller site in Machynlleth. | | | | |
| Outline Summary / Description of Proposal | | | | | |
| The need to provide a permanent Gypsy and Traveller Site in Machynlleth was identified in the Welsh Ministers approved Gypsy and Traveller Accommodation Needs Assessment (GTAA) in 2016 and the approved Local Development Plan (LDP). The need identified was for a permanent site with 5 pitches. The purchase of the land from NRW is required in accordance with the common land deregistration approved by Welsh Government Ministers on the 14 th January 2019. | | | | | |

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Version Control (services should consider the impact assessment early in the development process and continually evaluate)

| Version | Author | Job Title | Date |
|---------|--------------|-----------------------------------|----------------------------|
| V1 | Dafydd Evans | Service Manager Housing Solutions | 7 th April 2020 |
| | | | |
| | | | |

2. Profile of savings delivery (if applicable)

| 2018-19 | 2019-20 | 2020-21 | 2021-22 | 2022-23 | TOTAL |
|---------|---------|---------|---------|---------|-------|
| £ | £ | £ | £ | £ | £ |

3. Consultation requirements

| Consultation Requirement | Consultation deadline/or justification for no consultation |
|--------------------------|--|
| | |

| | |
|------------------------------|--|
| Public consultation required | Consultation took place with the Machynlleth Community and the Town Council prior to submission of the planning application. On the 1 st August 2017 the Council secured planning approval for the 5 pitches and commenced discussions with Machynlleth Golf Club, the owners of the land for development. The Housing Service has been in regular contact with the Gypsy and Traveller families and their advocates. Statutory consultation with interested parties was also undertaken in accordance with the common land deregistration process. The Council created a multi departmental Gypsy and Traveller Board in order to comply with the results of the GTAA and LDP. |
|------------------------------|--|

4. Impact on Other Service Areas

| Does the proposal have potential to impact on another service area? (Have you considered the implications on Health & Safety and Corporate Parenting?) PLEASE ENSURE YOU INFORM / ENGAGE ANY AFFECTED SERVICE AREAS AT THE EARLIEST OPPORTUNITY | | | |
|--|--------------------------|--|--------------------------|
| Adult Services | x | Education | <input type="checkbox"/> |
| Children's Services | <input type="checkbox"/> | Finance | x |
| Commissioning | <input type="checkbox"/> | Highways, Transportation and Recycling | x |
| Digital Services | <input type="checkbox"/> | Housing and Community Development | x |
| | | Legal and Democratic Services | x |
| | | Property, Planning and Public Protection | x |
| | | Transformation and Communications | <input type="checkbox"/> |
| | | Workforce and OD | <input type="checkbox"/> |
| Data Protection Impact Assessment | | | |
| Will the proposal involve processing the personal details of individuals? Yes x | | | |
| Is Powys County Council the data controller? Yes x Housing applications have been completed and a Homeless assessment, data protection measures already in place. | | | |
| If you have answered yes to either of the above you will be required to complete, as a minimum, the screening questions on the data protection impact assessment. For further advice please contact the Data Compliance Team. | | | |

4a Geographical Locations

What geographical area(s) will be impacted by the proposal? (Chose all those applicable)

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Impact Assessment (IA)

The integrated approach to support effective decision making



| | | | | | | | |
|-------|--------------------------|-------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Powys | x | Brecon | <input type="checkbox"/> | Llandrindod and Rhayader | <input type="checkbox"/> | Machynlleth | x |
| | | Builth and Llanwrtyd | <input type="checkbox"/> | Llanfair Caereinion | <input type="checkbox"/> | Newtown | <input type="checkbox"/> |
| North | x | Crickhowell | <input type="checkbox"/> | Llanfyllin | <input type="checkbox"/> | Welshpool and Montgomery | <input type="checkbox"/> |
| Mid | <input type="checkbox"/> | Hay and Talgarth | <input type="checkbox"/> | Llanidloes | <input type="checkbox"/> | Ystradgynlais | <input type="checkbox"/> |
| South | <input type="checkbox"/> | Knighton and Presteigne | <input type="checkbox"/> | | | | |

5. How does your proposal impact on Vision 2025?

| Council's Well-being Objective | How does the proposal impact on this Well-being Objective? | IMPACT Please select from drop down box below | What will be done to better contribute to a more positive impact or to mitigate any negative impacts? | IMPACT AFTER MITIGATION Please select from drop down box below |
|--|---|--|--|---|
| The Economy We will develop a vibrant economy | The development of the site will be tendered via PCC framework which will provide opportunities for employment. Clauses will be included mitigating the impact of COVID19 and possible delays. | Good | COVID 19 clauses to be included in contract documentation in order to mitigate impact on Council and appointed contractor. | Good |
| Health and Care We will lead the way in providing effective, integrated health and care in a rural environment | The provision of the site will provide appropriate accommodation for the Gypsy and Travellers identified in the GTAA. Access to Health and Care is a key consideration in the provision and location of the site. | Good | Due to COVID19 the offer of temporary accommodation has been made to the family as the caravan site they were going to move to temporarily is not available. | Neutral |
| Learning and skills We will strengthen learning and skills | The provision of suitable permanent accommodation will enable the access to education and training. | Good | | Choose an item. |
| Residents and Communities We will support our residents and communities | There is currently a tolerated unauthorised encampment on the site owned by the Golf Club, the provision of a permanent site will benefit the whole community. | Neutral | Permanent site will be managed in accordance with the occupation agreement. Occupiers will have to abide by the terms of the agreement, the Council will own the site. | Good |

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Source of Outline Evidence to support judgements

Gypsy and Traveller Accommodation Assessment (GTAA) https://en.powys.gov.uk/media/6630/EB03b-APPROVED-Gypsy--Traveller-Accommodation-Assessment-Final-Report-ORS---Nov-2016/pdf/EB03b_APPROVED_Gypsy_Traveller_Accommodation_Assessment_Final_Report_OR_S_-_Nov_2016.pdf?m=1539592426860 Welsh Government guidance. Local Development Plan <https://en.powys.gov.uk/ldp/> and guidance. Welsh Government Community Cohesion website documentation/guidance: <https://gov.wales/community-cohesion>

6. How does your proposal impact on the Welsh Government's well-being goals?

| Well-being Goal | How does proposal contribute to this goal? | IMPACT Please select from drop down box below | What will be done to better contribute to a more positive impact or to mitigate any negative impacts? | IMPACT AFTER MITIGATION Please select from drop down box below |
|---|--|---|--|--|
| A prosperous Wales: An innovative, productive and low carbon society which recognises the limits of the global environment and therefore uses resources efficiently and proportionately (including acting on climate change); and which develops a skilled and well-educated population in an economy which generates wealth and provides employment opportunities, allowing people to take advantage of the wealth generated through securing decent work. | The development of the site will be tendered via PCC framework, which will provide opportunities for employment. | Good | COVID 19 clauses to be included in contract documentation in order to mitigate impact on Council and appointed contractor. | Good |
| A resilient Wales: A nation which maintains and enhances a biodiverse natural environment with healthy functioning ecosystems that support social, economic and ecological resilience and the capacity to adapt to change (for example climate change). | | Neutral | | Neutral |

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| Well-being Goal | How does proposal contribute to this goal? | IMPACT Please select from drop down box below | What will be done to better contribute to a more positive impact or to mitigate any negative impacts? | IMPACT AFTER MITIGATION Please select from drop down box below |
|---|---|---|--|--|
| A healthier Wales: A society in which people's physical and mental well-being is maximised and in which choices and behaviours that benefit future health are understood. Public Health (Wales) Act, 2017: Part 6 of the Act requires for public bodies to undertake a health impact assessment to assess the likely effect of a proposed action or decision on the physical or mental health of the people of Wales. | The provision of the site will provide appropriate accommodation for the Gypsy and Travellers identified in the GTAA. Access to Health and Care is a key consideration in the provision and location of the site. | Good | Due to COVID19 the offer of temporary accommodation has been made to the family as the caravan site they were going to move to temporarily is not available. | Good |
| A Wales of cohesive communities: Attractive, viable, safe and well-connected Communities. | The Gypsy and Traveller households have a long term connection to Machynlleth and the site will provide permanent suitable accommodation. | Good | Site will be managed by the Housing Service. | Good |
| A globally responsible Wales: A nation which, when doing anything to improve the economic, social, environmental and cultural well-being of Wales, takes account of whether doing such a thing may make a positive contribution to global well-being. Human Rights - is about being proactive (see guidance) UN Convention on the Rights of the Child: The Convention gives rights to everyone under the age of 18, which include the right to be treated fairly and to be protected from discrimination; that organisations act for the best interest of the child; the right to life, survival and development; and the right to be heard. | The Gypsy and Traveller households have a long term connection to Machynlleth and the site will provide permanent suitable accommodation. | Good | | Choose an item. |
| A Wales of vibrant culture and thriving Welsh language: A society that promotes and protects culture, heritage and the Welsh language, and which encourages people to participate in the arts, and sports and recreation. <i>Incorporating requirements under the Welsh Language (Wales) Measure 2011 and the Welsh Language Standards</i> | | | | |
| Opportunities for persons to use the Welsh language, and treating the Welsh language no less favourable than the English language | | Neutral | | Neutral |

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| Well-being Goal | How does proposal contribute to this goal? | IMPACT Please select from drop down box below | What will be done to better contribute to a more positive impact or to mitigate any negative impacts? | IMPACT AFTER MITIGATION Please select from drop down box below |
|--|--|---|---|--|
| <i>Opportunities to promote the Welsh language</i> | | Neutral | | Neutral |
| <i>People are encouraged to do sport, art and recreation.</i> | | Neutral | | Neutral |
| A more equal Wales: A society that enables people to fulfil their potential no matter what their background or circumstances (including their socio economic background and circumstances). <i>Incorporating requirements under the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011 and the Social Economic duty (2020).</i> | | | | |
| <i>Age</i> | Suitable appropriate accommodation will benefit all age groups | Good | | Choose an item. |
| <i>Disability</i> | Scheme design will take account of any adaptations required and ensure access to health services. | Good | | Choose an item. |
| <i>Gender reassignment</i> | | Neutral | | Choose an item. |
| <i>Marriage or civil partnership</i> | | Neutral | | Choose an item. |
| <i>Race</i> | Suitable appropriate accommodation for Gypsy and Travellers in accordance with Welsh Government guidance | Good | | Choose an item. |
| <i>Religion or belief</i> | | Neutral | | Choose an item. |
| <i>Sex</i> | | Neutral | | Choose an item. |
| <i>Sexual Orientation</i> | | Neutral | | Choose an item. |
| <i>Pregnancy and Maternity</i> | | Neutral | | Choose an item. |
| <i>Socio-economic duty</i> | | Neutral | | Choose an item. |

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Impact Assessment (IA)

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| Source of Outline Evidence to support judgements |
|--|
| <p>Gypsy and Traveller Accommodation Assessment (GTAA) https://en.powys.gov.uk/media/6630/EB03b-APPROVED-Gypsy--Traveller-Accommodation-Assessment-Final-Report-ORS---Nov-2016/pdf/EB03b_APPROVED_Gypsy_Traveller_Accommodation_Assessment_Final_Report_OR_S_-_Nov_2016.pdf?m=1539592426860 Welsh Government guidance. Local Development Plan https://en.powys.gov.uk/ldp/ and guidance. Welsh Government Community Cohesion website documentation/guidance: https://gov.wales/community-cohesion</p> |

7. How does your proposal impact on the council's other key guiding principles?

| Principle | How does the proposal impact on this principle? | IMPACT Please select from drop down box below | What will be done to better contribute to a more positive impact or to mitigate any negative impacts? | IMPACT AFTER MITIGATION Please select from drop down box below |
|--|--|--|---|---|
| Sustainable Development Principle (5 ways of working) | | | | |
| Long Term: <i>Looking to the long term so that we do not compromise the ability of future generations to meet their own needs.</i> | Provision of appropriate permanent Gypsy and Traveller accommodation will ensure that the family have a place to live. | Good | | Choose an item. |
| Collaboration: <i>Working with others in a collaborative way to find shared sustainable solutions.</i> | Scheme has been worked up in partnership with the family and multiple agencies. | Good | | Choose an item. |
| Involvement (including Communication and Engagement): <i>Involving a diversity of the population in the decisions that affect them including:</i> Unpaid Carers: <i>Ensuring that unpaid carers views are sought and taken into account</i> | The local community and the Gypsy and Traveller households have been consulted and involved | Good | | Choose an item. |
| Prevention: <i>Understanding the root causes of issues to prevent them from occurring including:</i> Safeguarding: <i>Preventing and responding to abuse and neglect of children, young people and adults with health and social care needs who can't protect themselves.</i> | Permanent accommodation will ensure the households can access support and care as required. | Good | | Choose an item. |

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| Principle | How does the proposal impact on this principle? | IMPACT Please select from drop down box below | What will be done to better contribute to a more positive impact or to mitigate any negative impacts? | IMPACT AFTER MITIGATION Please select from drop down box below |
|--|---|--|---|---|
| Integration: Taking an integrated approach so that public bodies look at all the well-being goals in deciding on their well-being objectives. | | Neutral | | Choose an item. |
| Powys County Council Workforce: What Impact will this change have on the Workforce? | | Neutral | | Choose an item. |
| Payroll: How will this impact salary, any overtime/enhanced payments etc? Does this affect any particular group of employees? E.g. Male/Female dominated workforce. Does this proposal comply with the Councils Single Status Terms and Conditions? | | Neutral | | Choose an item. |
| Welsh Language impact on staff | | Neutral | | Choose an item. |
| Apprenticeships: Has consideration been given to whether this change impacts negatively, or positively on Apprenticeships within the service? | | Neutral | | Choose an item. |
| Source of Outline Evidence to support judgements | | | | |
| <p>Gypsy and Traveller Accommodation Assessment (GTAA) https://en.powys.gov.uk/media/6630/EB03b-APPROVED-Gypsy--Traveller-Accommodation-Assessment-Final-Report-ORS---Nov-2016/pdf/EB03b_APPROVED_Gypsy_Traveller_Accommodation_Assessment_Final_Report_ORS_-_Nov_2016.pdf?m=1539592426860 Welsh Government guidance. Local Development Plan https://en.powys.gov.uk/ldp/ and guidance. Welsh Government Community Cohesion website documentation/guidance: https://gov.wales/community-cohesion</p> | | | | |

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8. What is the impact of this proposal on our communities?

| Communities | How does the proposal impact on residents and community? | IMPACT See impact definitions in guidance document | What will be done to better contribute to a more positive impact or to mitigate any negative impacts? | IMPACT AFTER MITIGATION See impact definitions in guidance document | Source of Outline Evidence to support judgement |
|-------------|---|--|--|---|---|
| Machynlleth | <i>There is currently a tolerated temporary site in Machynlleth. The development of a permanent site which will be managed by the Housing service will benefit positively. In terms of the common land, the exchange of land with NRW owned land ensures that there is still common land available.</i> | Major | The site will be managed, rent will be paid and obligations for occupiers and the community. Alternative common land will be provided. | Major | <i>Gypsy and Traveller working group</i> |

9. What are the risks to service delivery or the council following implementation of this proposal?

Tudalen 13

| Description of risks | | | |
|--|--|--|--|
| Risk Identified | Inherent Risk Rating Impact X Likelihood (See Risk Matrix in guidance document) | Mitigation | Residual Risk Rating Impact X Likelihood (See Risk Matrix in guidance document) |
| Gypsy and Traveller families move off site | 2 | The family have been occupying the site for more than 10 years as an unauthorised encampment. The Housing Service have, and will continue to, engage with the family when the site is completed and they will become tenants of the local authority formalising the obligations to each other. | 1 |
| | | | |

10. Overall Summary and Judgement of this Impact Assessment?

| Outline Assessment (to be inserted in cabinet report) | Cabinet Report Reference: |
|---|---------------------------|
| The purchase of the land from NRW and the development of the permanent site in accordance with the provisions of the Housing (Wales) Act 2014 will ensure that the five households are accommodated in appropriate accommodation, can access services and continue to be an integral part of the Machynlleth community. | |

11. Is there additional evidence to support the Impact Assessment (IA)?

| What additional evidence and data has informed the development of your proposal? |
|--|
| |

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12. On-going monitoring arrangements?

What arrangements will be put in place to monitor the impact over time?

The site will be managed by the Housing Service.

Please state when this Impact Assessment will be reviewed.

12 months after completion of the site and the family have moved on to the site.

13. Sign Off

| Position | Name | Signature | Date |
|-------------------------|------------------------|-----------|----------------------------|
| Impact Assessment Lead: | Dafydd Evans | | 8 th April 2020 |
| Head of Service: | Nina Davies | | 8 th June 2020 |
| Portfolio Holder: | Councillor James Evans | | |

14. Governance

| Decision to be made by | Portfolio Holder | Date required |
|------------------------|------------------|---------------|
| | | |

FORM ENDS