

Welsh Government Joint Position Statement Cardiff County Council Replacement LDP – Gypsy & Traveller Accommodation

Context

1. This statement is clarification on how the Development Plans Manual (DPM, Edition 3, March 2020) should be applied to Cardiff Council's emerging Replacement LDP (RLDP) in light of Gypsy & Traveller (G&T) proposed site provision, specifically the scale of the proposed provision versus the scale of site need, as identified in the agreed Gypsy & Traveller Accommodation Assessment (GTAA) 2021 (Updated June 2024). The GTAA identified a total need of 73 permanent G&T pitches across the Cycle 2 GTAA period (2016-2022) and 117 permanent G&T pitches over the plan period to 2036. The proposed allocation in the RLDP is for 80 pitches which meets the immediate need (up to 2026), leaving a shortfall of 37 pitches over the remaining plan period to 2036.
2. The Welsh Government is seeking to take a pragmatic view for this plan, at this point in time, given the exceptional circumstances which exist due to the scale of the proposed site(s) and identified need. This scale of need is unprecedented in Wales, and exceptional when compared with other plans across the UK. The Welsh Government wish to make it clear this position statement refers only to the scale of provision, not the specific proposed site or the site selection process undertaken by the Council. These are matters for the Council to justify, as reflected in our formal representation to the Deposit RLDP, 15th April 2025. This position has not changed.
3. The Planning and Compulsory Purchase Act (2004) as amended (PCPA 2004) sets out the legal framework for the preparation and examination of Local Development Plans (LDPs), including RLDPs in Wales. Section 64(5) explains that the purpose of the examination is to determine whether a LDP is 'sound' and whether it has complied with various procedural requirements, including the Town and Country Planning (Wales) Local Development Plan Regulations 2005 (as amended) (LDP Regs).
4. Section 75 of the PCPA 2004 provides that any guidance prepared by the Welsh Government must be taken into account when considering the 'soundness' of plans. The DPM is the current statutory guidance governing development plans in Wales. Chapter 6 of the DPM contains guidance regarding the examination process and Table 27 (page 166) specifically the 'Tests of Soundness' that form the basis of how plans are examined. Paragraph 6.27 of the DPM states that the Welsh Government will consider plans in relation to the soundness tests and any comments made will be considered as part of the examination, in conjunction with those submitted by other parties.
5. The Welsh Government acknowledges that the provision of G&T pitches proposed in the RLDP is 37 pitches short of the total need identified in the GTAA up to 2036, albeit it meets the immediate need of 73 pitches to 2026. The Welsh Government representation (15th April 2025) did not object to the identification of

80 pitches, or the shortfall in relation to the overall need through the statutory plan preparation process. The Welsh Government maintains this position.

Purpose of Soundness Tests

- 5 The purposes of the 'soundness' tests are to apply them to a LDP/RLDP at the plan making level. They are not applicable to a planning application. When being applied to the plan level they are not imposing a mathematical/scientific approach, applied to the nth degree. Plan-making is not an exact science. It is important to remember that formulating and evidencing a plan that covers a 15 year period cannot be precise. Numerical levels of need may increase or decrease over a plan period.
- 6 The key issue for Cardiff's RLDP is the significant scale of the identified need over the plan period in the GTAA and the ability of the Council to meet this need through the provision of site(s). The GTAA and level of need form part of the evidence for the plan to address/reconcile reflected in plan policies/allocation outcomes. The tests of 'soundness' set out the scrutiny process by which the evidence and plan outcomes should be considered. All issues should be treated and scrutinised on an equal basis.
- 7 The Housing (Wales) Act 2014 places a statutory duty on local authorities to assess the accommodation needs of Gypsies and Travellers. Once a Gypsy and Traveller Accommodation Assessment (GTAA) is approved by Welsh Ministers, section 103(1) of the Act requires that, where need is identified, a local housing authority must exercise its powers under section 56 of the Mobile Homes (Wales) Act 2013, so far as may be necessary to meet those needs.
9. Where a shortfall remains, this should be addressed through plan-led mechanisms, including future plan review, additional site identification, or other appropriate interventions to ensure that unmet need continues to be progressed.

Proposed approach for Cardiff

- 8 The Welsh Government is of the opinion that this case is exceptional in the scale of need identified in the GTAA over the plan period. It is unique in Wales, significantly larger than any other LDP/RLDP examination to date in Wales. An indication of scale being 117 pitches could result in an approximate population of 350 to 500 people, comprising a minimum of 117 caravans, space for operating vehicles, additional toilet/wash/communal facilities and space to ensure a site layout meets relevant health/safety/fire regulations. The physical scale of such a site is exceptional in site area in Wales.
- 9 The Welsh Government is of the opinion that achieving the delivery of 80 pitches whilst not meeting the overall need, but does address the immediate need, is a significant and important contribution towards the overall provision in Cardiff. **Not delivering 80 pitches in Cardiff's RLDP would have significant adverse consequences to addressing the needs of this community.** It is important to note that the allocation would address the immediate need.

10 Achieving an adopted RLDP is considered more prudent in addressing this specific issue rather than not having an adopted RLDP in place and losing a site to accommodate 80 pitches. **This is a joint Welsh Government position representing Planning & Equality and Human Rights.**

Mark Newey/Suzanne Smith
Head of Plans Branch/Senior Policy Officer, Gypsy, Roma & Traveller Branch
Planning Directorate/Equality & Human Rights Division
Welsh Government
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