

NORTH EAST DERBYSHIRE LOCAL PLAN EXAMINATION



STATEMENT OF NORTH EAST DERBYSHIRE DISTRICT COUNCIL

15 February 2019

Main Matter 15

Provision for Gypsies and Travellers

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Main Matter 15 – Whether or not the plan would make appropriate provision for gypsy and traveller accommodation over the plan period having regard to the evidence of need and proposed sites?

Issue – Whether the plan is based on a robust assessment of need for gypsies and travellers

Question 1

Has the Council complied with the duty to co operate in respect of the assessment of need and provision of sites for gypsies and travellers? How has that co operation been undertaken and what outcomes have resulted from that process?

Council's Response:

- 1.1. In terms of both the assessment of need and the provision of sites the Council believes that it has complied with the Duty to Cooperate. Paragraphs 54 to 58 of the Duty to Cooperate Statement of Compliance Submission Version (**SD-5b**) lay out the Council's approach to working together collaboratively with all Derbyshire authorities and beyond. This, in fact, has a long history and dates back to 2008, when the first jointly commissioned Gypsy and Traveller Accommodation Assessment (GTAA) was undertaken.
- 1.2. The Gypsy and Traveller Accommodation Assessment 2014 (**EB-G&T1b**) comprises the findings of the latest assessment which was completed in June 2015. The GTAA 2014 also shows how the eleven study area local councils liaise with each other as well as with neighbouring local authorities to ensure a coordinated approach to Gypsy and Traveller and cross-border issues.
- 1.3. However, the GTAA 2014 does not identify specific sites within the local authorities' areas. It is therefore the onus of each local authority to fully explore opportunities to allocate land to meet its identified requirements for gypsies and travellers within its own administrative area.
- 1.4. Until early 2018, the Council has been unable to find suitable sites to allocate within the District. It has therefore made a formal request to neighbouring authorities as to whether they are able to help accommodate the identified need. However, none of the other neighbouring authorities have indicated that they are currently in a position to assist the Council in meeting its unmet land requirements for Gypsy and Traveller pitches.
- 1.5. Further to this, the Council's planning and housing officers have taken part in regular meetings and discussions with the Derbyshire Gypsy Liaison Group (DGLG) and the Traveller Issues Working Group (TIWG) during the last few years. DGLG advised the Council on needs of the local traveller community and TIWG supports the Council on a wide range of traveller issues within the GTAA area of Derby, Derbyshire, Peak District and East Staffordshire.

Question 2

Is the assessment methodology in the GTAA robustly based and in line with national policy as set out in the Planning Policy for Traveller Sites (2015) (PPTS)? Does the PPTS have any implications for the assessment and would the definition of gypsies, travellers and travelling showpeople in the PPTS have any implications for the level of need identified?

Council's Response:

- 2.1. The Council believes that the assessment methodology of the GTAA 2014 (**EB-G&T1b**) is robustly based and in line with the national Planning Policy for Traveller Sites (PPTS 2015)¹. The study has a base date of 2014 and provides a snapshot in time based largely on survey evidence collected between October 2013 and February 2014.
- 2.2. The accommodation need for the study area and districts was assessed using a model in accordance with Practice Guidance issued by the Department for Communities and Local Government (DCLG-2007) and which is in line with the PPTS. In the 2014 consultation response the Government said that it will lay before Parliament a proposal to revoke "Gypsy and Traveller Accommodation Needs Assessments – Guidance" (2007). In 2016 the Government published draft guidance to local housing authorities on assessing housing needs for people living in caravans and houseboats, in relation to the Housing Act. As yet there is no indication of when the Government will publish new guidance on traveller accommodation needs assessments.
- 2.3. With regard to the requirement in PPTS for an up-to-date evidence base, in January 2018 a view was taken amongst the commissioning group members that the best way forward would be for a full review / refresh of the GTAA to be commissioned in 2019 /2020 on behalf of partners, when the first five year tranche of pitch requirements from 2014 to 2019 set out in the GTAA had expired.
- 2.4. The study considered the need for, and supply of sites based on the survey work. The survey also included those in "bricks & mortar" accommodation who, because of 'a psychological aversion to that form of accommodation' may need site accommodation, and family units expected to move from sites into housing within 5 years.
- 2.5. The GTAA itself refers to the 2014 CLG consultation on planning policy and Traveller sites and its intention to remove the word 'permanently' from its definition of Gypsies and Travellers i.e. the definition would be limited to those who have a nomadic habit of life. The GTAA states that any change "does not impact on the findings of this study. However, it would impact on future Gypsy and Traveller accommodation assessments by not considering the needs of

¹ Planning Policy for Traveller Sites, Department for Communities and Local Government, August 2015

families who have permanently ceased to travel.” In other words, on this Council’s understanding of the changes, the estimate of need or provision would, in some cases, be reduced. However, this is neither quantified, nor is any nominal reduction made for North-East Derbyshire.

- 2.6. The change in the definition of Gypsies and Travellers referred to above is the only substantive difference between the 2012 and the 2015 guidance in relation to evidence and the assessment of accommodation needs.

Question 3

Does the GTAA appropriately identify the level of need for different types of accommodation in the plan area including permanent residential sites, transit sites and emergency stop over sites and for different types of tenure on residential sites?

Council’s Response:

- 3.1. See response to Q1 & 2 above.
- 3.2. The purpose of the GTAA (**EB-G&T1b**) was to quantify the accommodation and housing related support needs of Gypsies and Travellers in terms of residential pitches and transit/emergency sites, and bricks and mortar accommodation.
- 3.3. The GTAA sets out an accommodation need for North East Derbyshire of 15 additional pitches between 2014-2034, of which 6 will be needed between 2014-19; there is a further need of 3 pitches for each of the five year periods beyond to 2034.
- 3.4. For transit pitches, the need within Derbyshire as a whole was estimated at 3 additional transit or emergency sites; no sub-area distribution was made. In an accompanying statement the Derbyshire Traveller Issues Working Group (TIWG) and East Staffordshire Borough Council indicated that they would take forward the recommendations of the GTAA, including further more detailed work to consider the need for transit sites and pitches across the study area.
- 3.5. A funding stream to establish transit sites was available from Homes England but investigations by Derbyshire County Council up to 2018 revealed that it was heavily over-subscribed and no money was available. The scheme was subsequently scrapped and Homes England no longer has a specific funding available. This issue was considered at later meetings of the TIWG, but no further action has yet resulted. The TIWG and its members continuously monitors and supports the health and welfare of travellers on unauthorised (i.e. emergency and transit) sites across Derbyshire.
- 3.6. With regard to tenure, the Gypsy and Traveller Topic Paper (EB – G&T2) addresses this matter in Section 5. The necessary sites could be delivered by a variety of tenures as is presently the case with existing sites.

Question 4

Does the GTAA identify any need for travelling showpeople's accommodation within the District?

Council's Response:

- 4.1. No, the GTAA (**EB-G&T1b**) does not identify any need for travelling showpeople's accommodation within the District (Table 10.3, p166).

Question 5

Is any further joint assessment of the need for gypsy, traveller and travelling showpeople's accommodation with other adjoining local planning authorities necessary and are there any firm proposals to undertake this work?

Council's Response:

- 5.1. The Derbyshire Local Authorities are currently considering commissioning an update to the 2014 GTAA (**EB-G&T1b**) in 2019/ 2020. This is yet to be decided by the County Planning Officers Group.

Question 6

How would the needs of the wider community who reside in caravans or houseboats including people who are no longer classified as gypsies, travellers and travelling showpeople be identified and addressed?

Council's Response:

- 6.1. For the purposes of local plan-making, a future GTAA would be expected to assess these needs. The current GTAA has addressed the need arising from existing caravan dwellers, and those in bricks and mortar dwellings with a need to move into a caravan (ch. 7). Outside of the Council's planning responsibilities, any need arising in this way would also be part of the periodical review of housing need as required under section 8 of the Housing Act 1985 as amended by the Housing and Planning Act 2016 (s.124).
- 6.2. Where static caravans are used for permanent residence they are treated as part of the housing stock, and any need arising from those residents is subsumed in the overall requirement for housing, as is provision to meet that requirement, which is delivered through all relevant Plan policies (outside of LC8). A number of sites in the District, and recent permissions, are for static caravans. A future GTAA and Local Plan review would need to consider whether the need arising from those dwellings should be separate from the overall provision, in light of s.124 of the Housing and Planning Act 2016.

6.3. This response is restricted to residents of caravans as, pending a formal assessment, no houseboats are known to be located in the District, nor are there any known potential mooring sites[;neither the River Rother, nor the Chesterfield canal are navigable within North East Derbyshire].

Question 7

In assessing the level of need, has appropriate account been taken of:

- ***Overcrowding on existing sites;***
- ***Newly forming households;***
- ***Future household formation from families moving out of bricks and mortar accommodation.***

Council's Response:

7.1. Yes, as described in Table 9.1 and A.17, and supporting text (paras 9.30, 9.36-38) in the GTAA (**EB-G&T1b**). The proportion of family units currently overcrowded on pitches seeking residential pitches in the study area was determined by the survey.

Question 8

Have the affordable housing needs of gypsies and travellers been assessed as part of the mix of affordable housing provision? How would this need be identified and addressed?

Council's Response:

8.1. No, although questions were asked about tenure in the GTAA (para 6.46). The Gypsy and Traveller Topic Paper (**EB – G&T2**) addresses this matter in Section 5; no forms of tenure have been excluded by the Council in searching for sites. The necessary sites could be delivered by a variety of tenures as is presently the case with existing sites.

Question 9

Does the GTAA address the qualitative as well as quantitative need for additional pitches including in terms of site location, site size, access to services and facilities and site facilities?

Council's Response:

9.1. Yes, the GTAA (**EB-G&T1b**) survey included residents' views on the facilities and their satisfaction with sites through stakeholder consultation and survey (GTAA Ch.5, paras 5.39-43, and Ch. 6, paras 6.11-27,6.39-51).

Question 10

Do the 5 authorised sites in the District referred to in the Gypsy and Traveller Topic Paper (EB – G&T2) (paragraph 3.13) have a permanent planning permission? In addition, are any of the permissions personal to the occupants and if so, can the Council please provide the necessary details?

Council's Response:

10.1. All 5 authorised sites in the District have a permanent planning permission but none of them are personal to the occupants. Two of those sites were allowed on appeal.

Question 11

Are any improvements to facilities and services on any of the existing authorised sites necessary and which policies in the plan would be used to assess such proposals?

Council's Response:

11.1. See Question 9. Paragraph 5.85 of the Local Plan addresses such situations, it states: "In cases where mobile homes, residential caravans and chalets are occupied as a main residence, it will be subject to the same planning considerations as conventional housing. These dwellings require essentially the same range of services and utilities for their proper functioning as conventional housing. As a result, planning applications for this type of accommodation will be judged against the same Local Plan policies as applications for conventional dwellings in similar locations." Several policies in the Plan would facilitate improvements to sites, including LC5, LC8, SS9 (as modified).

Issue – Whether or not the proposed sites identified for gypsy and traveller accommodation would be soundly based in terms of their location and site specific impacts

Question 12

Is the site selection process soundly based and has it been informed by the consideration of relevant factors including site location, access to services and facilities, site size and other relevant constraints? How were the assessment criteria modified compared with those used in the assessment of general housing sites and is the approach justified?

Council's Response:

12.1. The Council believes that the site selection process and in particular the site assessment is soundly based and that it has been informed by the consideration of relevant factors for traveller sites. As laid out in paragraph 4.14 of the Gypsy & Traveller Topic Paper (**EB G&T2**) it was recognised that modified or new criteria are needed to assess traveller sites in a more appropriate way and to reflect differences with the standard approach to general housing sites. The following assessment criteria were modified:

- Suitability of site size & capacity (Q1)
- Degree of integrated co-existence (Q16)
- Location in relation to nearest settlement/main road (Q4)
- Scale in relation to settlement (Q22)
- Previously developed status and contamination (Q15)

12.2. The amended criteria also account for some alignment with methodologies of Bolsover and Chesterfields' site assessment process. Appendix 5 of the Gypsy & Traveller Topic Paper (**EB-G&T2**) explains in more detail how the above criteria were modified.

12.3. Based on the findings of the Gypsy and Traveller Accommodation Assessment 2014 (GTAA, **EB-G&T1b**) it was considered reasonable to lower the site size threshold (Q1) of 0.5 ha to provide for smaller family-sized sites with three to four pitches. The GTAA advises that 500 sqm. would accommodate one single average sized family pitch and this should be used as a minimum pitch size. A site with three to four pitches would therefore need around 2,000 sqm. of land.

12.4. Paragraph 13 of the PPTS states that local planning authorities should ensure that traveller sites are sustainable. Within criteria a) local planning authorities should also ensure that their policies "*promote peaceful and integrated co-existence between the site and the local community*". The Council included therefore this criteria (Q16) within the site assessment methodology. Appendix 5 of the Gypsy & Traveller Topic Paper (**EB-G&T2**) explains further which factors were considered for this.

- 12.5. In terms of location (Q4) it is considered preferable that a new traveller site would be situated in close proximity to an existing settlement/SDL (up to 250m) or at least close to a settlement without a SDL. If the site is up to 500m away, there will be a degree of judgement if this would be still acceptable.
- 12.6. Paragraph 14 of the National Planning Policy for Traveller Sites states that local planning authorities should ensure that the scale of traveller sites (Q22) do not dominate the nearest settled community in rural and semi-rural locations. The Council therefore proposes a site scale of area in relation to the nearest settlement and defines thresholds.
- 12.7. Q15 of the Housing LAA asked if a site was previously developed. As brownfield land is often associated with potential contamination or pollution risks it was felt that contamination/pollution should be included within this criteria because potential sites could be situated on previously developed land.
- 12.8. Overall, the Council believes that the modified criteria helped to assess traveller sites in a more appropriate way and that this approach is therefore justified.

Question 13

Has the site selection process been informed by Sustainability Appraisal and is it clear how this has informed the identification of the sites proposed for gypsy and traveller accommodation?

Council's Response:

- 13.1. Yes, the site selection process has been informed by the Sustainability Appraisal. Reasonable alternatives for sites have been assessed at two stages of the SA process; as part of the Appendix D Regulation 18 Addendum of the Sustainability Appraisal Regulation 19 Report (**SubD3a**) in February 2018 and within the Sustainability Appraisal of the Gypsy and Traveller Sites Assessments in November 2018 (**ED44b**).
- 13.2. In total, 26 sites have been assessed through Sustainability Assessment. However, it is concluded on page 37 of **ED44b** "that predominantly negligible impacts would be anticipated at each location because of the proposed site use. A single best performing option could not be identified as many of the sites have both positive and negative scores."

Site CAL/2301T – The Old Potato Store, Dark Lane, Calow (2 pitches)

<p>Question 14: <i>Would the proposed allocation be justified and appropriate in terms of its location including access to services and facilities and the size of the site?</i></p>	<ul style="list-style-type: none"> • The Council believes that the proposed allocation is justified and appropriate in terms of its location. • The proposed allocation is adjacent to an existing traveller site. The area has a considerable planning history and the principle of development is well established. • The site is located to the south of Calow along Dark Lane, less than 1km away from Calow Church of England Primary School, a convenience store and a pharmacy. • Appendix D Regulation 18 Addendum of the Sustainability Appraisal Regulation 19 Report (SubD3a) also shows that the site is only 985m away from Calow Church of England Primary School and 1.75km from Hasland Hall Community School. The site is 850m away from a GP surgery and approx. 1.3km from Chesterfield Royal Hospital. The site has therefore good access to education and health facilities. • As submitted to the Council the site size is 1,200 sqm. which would provide for two pitches plus a spare capacity of c. 200 sqm. This is only 300 sqm. smaller than a family-sized site with three pitches. 	
<p>Question 15: <i>Can a satisfactory form of development be achieved having regard to:</i></p>	<ul style="list-style-type: none"> • <i>The local environment;</i> 	<ul style="list-style-type: none"> • Derbyshire Wildlife Trust note that the “site is partially bounded by hedgerows, no other features identified. No impacts identified, but access could impact on hedgerows. The land does not have a nature conservation designation. • An assessment of hedgerows and measures to avoid/minimise impacts is needed. For planning purposes a Phase I extended habitat survey is advisable to ensure that no protected species or habitats are affected.” • There are no Green Infrastructure (GI) impacts related to this site. As it is unlikely that the development would need to include recreational space, there would be a neutral impact on GI. • Development will not result in the loss of the best and most versatile agricultural land.
	<ul style="list-style-type: none"> • <i>Connections to utility services including water,</i> 	<p>As mentioned in Q14 the site has a considerable planning history and as such planning permissions were granted subject to conditions relating to the provision of utility services.</p>

	electricity, gas and drainage;	
	• Access onto the local highway network;	<ul style="list-style-type: none"> • Highway comments in July 2017 stated that “it is uncertain if suitable access can be made from Dark Lane. Visibility to southeast is currently severely substandard due to overgrown vegetation in land which may not be in the control of the applicant.” However, in the consultation representations in February 2019 the County Council made no further highway comments on this site due to its small scale.
	• Adjoining uses;	<ul style="list-style-type: none"> • The site adjoins an existing traveller site and residential (Jubilee Cottages) further to the east and fields to the south and west. The site would be an extension of existing traveller provision. The site would benefit from private non-shared access and would not adjoin communal land/open space.
	• Air and water quality, noise pollution, land stability and flood risk.	<ul style="list-style-type: none"> • The Sustainability Appraisal indicates that there is only a neutral impact on residents relating to road and vehicle associated noise, air and light pollution. There are currently no Air Quality Management Areas in the District. • Impact on air and water quality and noise pollution will be considered as part of the planning application process, and where necessary appropriate mitigation measures identified. • The majority of the site lies within an area which has been defined by the Coal Authority as a low risk area, only a small part is located within a Coal Authority Referral Area. • The site is located within Flood Zone 1. The site contains a small area at low risk of surface water flooding.
Question 16: Is the proposed allocation deliverable within the plan period and has it been		<ul style="list-style-type: none"> • The site was brought to the Council’s attention during a ‘call for sites’ in January 2016. The landowner indicated that development would be completed within five years. • Availability of the site was further confirmed by the agent in November 2018.

<p><i>confirmed by the landowner as being available for the use proposed?</i></p>	
<p>Question 17: Are any additional measures or safeguards necessary to achieve an acceptable form of development?</p>	<ul style="list-style-type: none"> • None identified at this stage, however If necessary any additional measures or safeguards could be imposed during the planning application process.
<p>Question 18: What would the 'spare capacity' of the site be in terms of pitch numbers and how would any future proposals be assessed?</p>	<ul style="list-style-type: none"> • As noted under Q14 the site size is 1,200 sq. which would provide for two pitches plus a spare capacity of c. 200 sqm. This however would not be large enough to create another pitch.

Site NW/2301T – Dark Lane, North Wingfield

<p>Question 19: <i>Is the proposed allocation justified and appropriate in terms of its location?</i></p>	<ul style="list-style-type: none"> The site is located within close proximity (shortest distance approx. 150 m) to North Wingfield and is also situated opposite an existing traveller site. The Council believes therefore that the proposed allocation is justified and appropriate in terms of its location. 	
<p>Question 20: <i>Can a satisfactory form of development be achieved having regard to:</i></p>	<ul style="list-style-type: none"> The local environment; 	<ul style="list-style-type: none"> Derbyshire Wildlife Trust notes that “no impacts are identified, but access could impact on hedgerows. There is a small building on site and although there are no records for bats it is possible that bats might use a building like this for roosting. No other protected species are considered likely to be present. The land does not have a nature conservation designation. If the building is to be demolished or renovated a bat assessment should be undertaken. If the hedgerows bordering the site are going to be affected a survey should be undertaken and measures identified to minimise any adverse impact. For planning purposes a Phase I extended habitat survey is advisable to ensure that no protected species or habitats are affected.” There is a footpath (PRoW) running in the west along the access track and there are King George V playing fields opposite the site. As it is unlikely that the development would need to include recreational space, there would be a neutral impact on Green Infrastructure. Development will not result in the loss of the best and most versatile agricultural land.
	<ul style="list-style-type: none"> Connections to utility services including water, 	<p>As mentioned in Q19 the site is situated opposite an existing traveller site. The site was subject to a planning application for a traveller site in 2016 when the provision of utility services was investigated. It was considered that water supply and electricity are available on site but a septic tank would need to be installed for foul water. However, planning permission for the site was refused on other grounds.</p>

	electricity, gas and drainage;	
	• Access onto the local highway network;	<ul style="list-style-type: none"> • In 2016, the Highway Authority raised no objection to the proposal subject to one parking space being provided within the site for each pitch. It was also considered that the existing track is used as a footpath (public right of way) but that the level of use by travellers is likely to be relatively low, speeds will be low and forward visibility is reasonable.
	• Adjoining uses;	<ul style="list-style-type: none"> • The site is surrounded by fields and opposite an existing traveller site (former farmstead). The site is located to give privacy to occupiers but is close to playing fields to the north-west and a public right of way. Due to a distance of approx. 150m from the settlement edge and nearby dwellings, there would be no loss of residential amenity.
	• Air and water quality, noise pollution, land stability and flood risk.	<ul style="list-style-type: none"> • The Sustainability Appraisal indicates that there is only a neutral impact relating to pollution. However, the proposed use of the site could potentially increase the risk of pollution of the waterway running adjacent to the site's eastern perimeter. • There are currently no Air Quality Management Areas in the District. • Impact on air and water quality and noise pollution will be considered as part of the planning application process, and where necessary appropriate mitigation measures will be identified. • The site lies within a low risk area as assessed by the Coal Authority. • The site is located within Flood Zone 1.
Question 21: Is the proposed allocation deliverable within the plan period and has it been confirmed by the landowner as		<ul style="list-style-type: none"> • The site was brought to the Council's attention during a 'call for sites' in January 2016. The landowner indicated that development would be completed within five years. The Council believes that this is a suitable location for development. • Availability of the site was further confirmed by the agent in October 2018.

<i>being available for the use proposed?</i>	
Question 22: Are any additional measures or safeguards necessary to achieve an acceptable form of development?	<ul style="list-style-type: none"> • At this point in time there are no additional measures or safeguards necessary. However, during the planning application process any necessary measures could be imposed.
Question 23: What would the 'spare capacity' of the site be in terms of pitch numbers and how would any future proposals be assessed?	<ul style="list-style-type: none"> • The site size is 1,800 sq. which would provide for at least three pitches with a spare capacity of c. 300 sq.

Site GT/06 – Greenway, Wingerworth

<p>Question 24: <i>Would the proposed allocation be justified and appropriate in terms of its location including access to services and facilities and the site size?</i></p>	<ul style="list-style-type: none"> • The Council believes that the proposed allocation is justified and appropriate in terms of its location. The site is situated along the A61 and is part of the Hunlocke Estate. • Wingerworth is considered a settlement with a good level of sustainability in the Settlement Hierarchy Study (EB-SS1). Hunlocke Park Primary School is less than 1.0 km away from the site and Tupton Hall Secondary School ca. 1.8km. • The Sustainability Assessment of the Gypsy & Traveller Sites Assessments (ED44b) shows that the site users would have good access to an NHS Hospital, the closest being Walton Hospital situated 3.1km to the north west. The site is outside the target distance of a GP surgery, the closest being Blue Dykes Surgery 1.2km east. Overall, the site has good access to education and health facilities. • The site size is 2,400 sqm. which would provide for four pitches for a family-sized site. As the existing footpath through the site would be kept there is no spare capacity on site. 	
<p>Question 25: <i>Can a satisfactory form of development be achieved having regard to:</i></p>	<ul style="list-style-type: none"> • <i>The local environment;</i> 	<ul style="list-style-type: none"> • Derbyshire Wildlife Trust noted in October 2018 that “the land does not have a nature conservation designation and there are no records for protected species within the site boundaries. Current land-type appears to be grassland bordered by hedgerows. • Overall the scale of any impacts is considered likely to be low. The likelihood of protected species is considered to be low. Ecological impacts are not considered likely to be significant enough to prevent development /use and any impacts on species could potentially be mitigated. • The site would need to be assessed on the ground and might need a protected species assessment. Mitigation measures might need to include timing the clearance of vegetation to avoid periods of activity.” • Derbyshire Wildlife Trust confirmed the initial desktop-based assessment by visiting the site in January 2019. It stated (in Rep ID 9226) that the site is dominated by amenity grassland and that the site is general of low ecological value, with the boundary features providing most interest.

	<ul style="list-style-type: none"> • The site is an informal open area of maintained grass but was not assessed within the Recreation Study (EB-OS1). If developed it would be lost but the existing footpath crossing the site from the A61 to Greenway would be retained. • Development will not result in the loss of the best and most versatile agricultural land.
<ul style="list-style-type: none"> • Connections to utility services including water, electricity, gas and drainage; 	<ul style="list-style-type: none"> • The site is an infill plot; therefore utility services like water, electricity, gas and drainage are in place.
<ul style="list-style-type: none"> • Access onto the local highway network; 	<ul style="list-style-type: none"> • The County Council initially considered that there was potential for some form of direct access to the A61, Derby Road but raised concerns with regards to the potential impact on the existing highway and exit visibility. Subsequently, a speed survey was commissioned by the District Council which revealed that a satisfactory level of visibility was achievable. However, at a later stage, the County Council took also into account the proposed access of a residential development on the opposite side of the A61 which raised highway safety issues. The County Council considered two different potential solutions but neither was feasible. The County Council therefore determined that the provision of a safe access to the A61 was not possible (see also statement to Inspector's MIQs on behalf of Derbyshire County Council).
<ul style="list-style-type: none"> • Adjoining uses; 	<ul style="list-style-type: none"> • The site adjoins residential to the north, south and east and the A61 to the west. However, the site gives a degree of privacy due to the hedges along the A61, a few mature trees and shrubs along the northern boundary and walls and fences to the east and south side of the site. The site does not adjoin playing fields.
<ul style="list-style-type: none"> • Air and water quality, noise pollution, land stability and flood risk. 	<ul style="list-style-type: none"> • The Sustainability Appraisal of the Gypsy & Traveller Sites Assessments (ED44b) indicates that "this site is adjacent to the A61 and as such, site users would be expected to be exposed to unhealthy levels of road traffic associated with greenhouse gas pollution, as well as light and noise pollution." However, impact on air and water quality and noise pollution will be further considered as part of the

		<p>planning application process, and where necessary appropriate mitigation measures will be identified.</p> <ul style="list-style-type: none"> • There are currently no Air Quality Management Areas in the District. • The site lies within a development low risk area as assessed by the Coal Authority. • The site is located within Flood Zone 1.
<p>Question 26: <i>Is the proposed allocation deliverable within the plan period and has it been confirmed by the landowner as being available for the use proposed?</i></p>	<ul style="list-style-type: none"> • The District Council as landowner took the view in January 2019 that they no longer wished to propose the land for use as a gypsy and traveller site. It is therefore no longer available. 	
<p>Question 27: Are any additional measures or safeguards necessary to achieve an acceptable form of development?</p>	<ul style="list-style-type: none"> • None identified at this stage, however if necessary any additional measures or safeguards could be imposed during the planning application process, such as no commercial activities shall take place on the land. 	

Site GT/09 – Temperance Hill, Woolley Moor

<p>Question 28: <i>Would the proposed allocation be justified and appropriate in terms of its location including access to services and facilities and the site size?</i></p>	<ul style="list-style-type: none"> • The Council believes that the proposed allocation is justified and appropriate in terms of its location. The site is in close proximity to Woolley Moor (c. 230m as the crow flies or c. 350m along Temperance Hill) and around 2.7km away from the A61 (along the B6036). Stretton Handley C o E Primary School is less than 500m away from the site; there is also a bus stop with a bench and a post box adjacent to the site. Other local services (shops, pharmacy, etc.) are further away (closest is Stretton which is 3.35km from the site). • The Sustainability Assessment of the Gypsy & Traveller Sites Assessments (ED44b) states that “site users would be expected to have good access to Stretton Handley Primary School located 350m to the north west of the site; however, the nearest secondary school is located in Tupton, approximately 4.6km away to the north east”. • In terms of health provision the SA further states that the site “is within the target distance of a NHS Hospital” (note: ‘Clay Cross Hospital’ provides only a limited range of services), “situated 3.4km to the north east in Clay Cross. However, the site is nearly 3km away from the nearest GP surgery, Ashover Medical Centre, and 3.5km away from the closest leisure centre, Sharley Park. Site users would be expected to have good access to a diverse range of natural habitats.” • The total site size is 0.38ha but the larger part to the west is woodland and slopes down to the brook and is therefore excluded; the remaining site size is 1,500 sqm. which would provide for three pitches for a family-sized site. 	
<p>Question 29: <i>Can a satisfactory form of development be achieved having regard to:</i></p>	<ul style="list-style-type: none"> • <i>The local environment including the impact on landscape quality;</i> 	<p>In October 2018, Derbyshire Wildlife Trust (DWT) noted in their initial comments that:</p> <ul style="list-style-type: none"> • “the land does not have a nature conservation designation and there are no records for protected species within the site boundaries. The predominant habitat type appears to be managed grassland or possibly arable. There are records for badger within 500 m. • Overall the scale of any impacts is considered to be low. There is a possibility that the grassland could be of greater interest, but currently there are no records for this land parcel. Ecological impacts are not considered likely to be significant

		<p>enough to prevent development /use and any impacts on species could potentially be mitigated.</p> <ul style="list-style-type: none"> • The site should be subject to a walkover survey prior to development to check for any habitats of interest that might need to be taken into consideration”. <p>Derbyshire Wildlife Trust visited the site in January 2019 and state in their representation (Rep ID 9225) that</p> <ul style="list-style-type: none"> • Site comprised wholly of amenity grassland (low intrinsic ecological value). Evidence of badger activity, but no badger setts identified on site. • An (non-EIA) ecological impact assessment should be undertaken to accompany any planning application. • Development would likely result in loss of grassland. Southern hedgerow and northern trees should be retained, and woodland to west adequately protected. • Human disturbance could impact on woodland. • Drainage should be carefully considered to ensure pollution impacts to the stream and potentially Ogston Reservoir are fully assessed. • Unlikely to be any ecological constraints significant enough to prevent development of the site, however development has the potential to be detrimental to the adjacent woodland and cause a minor loss of foraging habitat for local wildlife. • Mitigation/compensation measures may be necessary to achieve this. • Site in 'Area of Primary Sensitivity', due to the landscape character of the site and surrounding area, rather than ecology.” <p>The Landscape Appraisal (ED44c) for site GT/09 at Temperance Hill, Woolley Moor concludes that:-</p> <p>“proposals such as Gypsy and Traveller Accommodation are unlikely to be able to be brought forward without adverse effects on the landscape character of this Landscape Character Type (LCT) and the visual amenity of receptors within the local context. There is the potential for tree and other planting to mitigate some of the potential effects on views towards the site. However, the local landscape</p>
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		<p>context to the site is considered to have a unified character with key features that are representative of the Wooded Valleys and Slopes LCT. Proposals which do not respect or enhance the local context, such as Gypsy and Traveller Accommodation, are likely to have an adverse effect on the character of this sensitive landscape.</p> <p>Mitigation recommendations:</p> <ul style="list-style-type: none"> ○ Retain the hedgerow on the southern site boundary and respect its rooting area. ○ Vegetation at the western and northern boundaries to the site, while lying outside the site, has the potential to have root areas which are within the site. These features should be respected in any future proposals for the site. ○ The eastern boundary to the site is open and lacks a physical boundary. Any future proposal for the site should include boundary treatments that respect the character of the local context and help to filter potential views towards the site from the local context, for example, a native, mixed hedgerow with hedgerow trees.” <ul style="list-style-type: none"> ● There is a footpath to the north of the site and a PRoW NE17/10/2 further to the east but there are no Green Infrastructure impacts on the site. ● Development will not result in the loss of the best and most versatile agricultural land.
	<ul style="list-style-type: none"> ● Connections to utility services including water, electricity, gas and drainage; 	<ul style="list-style-type: none"> ● There used to be terraced houses on the site which have been demolished in the 1950s. ● The Environment Agency states that “the site appears to be situated near to an existing combined sewer and foul drainage should be connected to this if feasible. If this is not the case the foul drainage will need to be connected to a Package Treatment Plant (PTP)” (Rep ID 9185).
	<ul style="list-style-type: none"> ● Access onto the local highway network; 	<ul style="list-style-type: none"> ● The Council commissioned speed readings along Temperance Hill to identify the required visibility splays. The Highway Authority has confirmed that the site can achieve the required visibility splays and hence a satisfactory access is achievable.

	<ul style="list-style-type: none"> • Adjoining uses; 	<ul style="list-style-type: none"> • There are fields to the north and east, residential to the south and woodland to the west. The site would give a reasonable amount of privacy (hedgerow along road to be planted), does not adjoin communal land and could provide private access.
	<ul style="list-style-type: none"> • Air and water quality, noise pollution, land stability and flood risk. 	<ul style="list-style-type: none"> • The Sustainability Appraisal of the Gypsy & Traveller Sites Assessments (ED44b) indicates that “the proposed site use would not be expected to increase the risk of pollution and site users would be unlikely to be exposed to unhealthy levels of noise, air or light pollution.” • However, Natural England state in their representation that “the site GT/09 is approximately 250m away from Ogston Reservoir which is designated at a national level as a Site of Special Scientific Interest (SSSI). Due to this, drainage issues would need to be considered at this site to protect the SSSI.” Therefore, any impact on water quality will be further considered as part of the planning application process, and where necessary appropriate mitigation measures will be identified. • There are currently no Air Quality Management Areas in the District. • The site lies within a development low risk area as assessed by the Coal Authority. • The site is located within Flood Zone 1.
<p>Question 30: <i>Is the proposed allocation deliverable within the plan period and has it been confirmed by the landowner as being available for the use proposed?</i></p>	<ul style="list-style-type: none"> • The site is owned by the District Council which does not have any current plans to enhance the area further. There are no current formal tenancies on the land. The site is therefore available to accommodate a traveller site. • The proposed allocation is deliverable within the plan period. 	

Question 31: Are any additional measures or safeguards necessary to achieve an acceptable form of development?	<ul style="list-style-type: none">• Based on representations and comments made (Q29) recommended mitigation measures (boundary treatment, drainage) need to be provided.• These measures could be imposed during the planning application process such as planting of a hedgerow along Temperance Hill, appropriate drainage, no commercial activities on site, etc.
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Issue – Whether or not the approach to assessing other proposals for gypsy, traveller and travelling showpeople’s accommodation would be soundly based and five year supply

Question 32

Does Policy LC8 set out appropriate and clear criteria for the assessment of planning applications for other gypsy, traveller and travelling showpeople’s sites that may come forward during the plan period? In particular:

- **How would proposals for gypsy, traveller and travelling showpeople’s sites within settlement development limits be assessed?**
- **Criteria 3 of the policy states that ‘In the case that the provision of traveller sites has achieved the level recommended by the Gypsy and Traveller Accommodation Assessment, or the proposal is for a site of more than 5 pitches, then sufficient need will have to be demonstrated through an independent assessment’. Is that approach justified and would it be consistent with national policy?**

Council’s Response:

32.1. The Council considers that Policy LC8 sets out appropriate and clear criteria subject to the following suggested modifications:

- Re-word part 1 of Policy LC8 as suggested within the Council’s Responses to Specific Suggestions to the Plan (**ED-6c**) (p.256-7):

~~“1. Sites to meet the accommodation needs of gypsies, travellers, or travelling show people as assessed through the current Gypsy and Traveller Accommodation Assessment (or its replacement) will be encouraged.~~

The Council will seek to ensure the provision of sufficient pitches within the District to meet the accommodation needs of gypsies and travellers as assessed through the current Gypsy and Traveller Accommodation Assessment (or its replacement).”

- Delete reference to Policy SS9 in part 2 of Policy LC8 as suggested within **ED-6c** (p.257):
~~“2. Development proposals which would otherwise be contrary to Policy SS9 (Development in the Countryside) will be granted for sites for travellers including gypsies and travelling showpeople where the proposed development:”~~
- Modify criteria 2a of part 2 in line with national Planning Policy for Traveller Sites:
~~“a. is in keeping with the local landscape setting and the form and character of any nearby settlement~~ **is reasonably accessible to local amenities and services including schools, shops, health services, public transport and other community facilities;”**
- Modify criteria 2d of part 2 in line with national Planning Policy for Traveller Sites.:

~~“d. Will only be for the accommodation for travellers (as defined in National Planning Guidance) in perpetuity. **is reasonable in scale in relation to the nearest settled community.**”~~

- Delete part 3 of Policy LC8 entirely as suggested within **ED-6c** (p.258-9):
~~“3. In the case that the provision of traveller sites has achieved the level recommended by the Gypsy and Traveller Accommodation Assessment, or the proposal is for a site of more than 5 pitches, then sufficient need will have to be demonstrated through an independent assessment.”~~

The Council noted in **ED-6c** that “it is considered that all planning applications for traveller sites should be determined on their merits. Planning Policy for Traveller Sites states in paragraph 11 that “criteria based policies should be fair and should facilitate the traditional and nomadic life of travellers while respecting the interests of the settled community.” Therefore, part 3 of Policy LC8 should be deleted as it would otherwise place additional requirements on the applicant.

A further change in relation to Gypsy and Traveller is proposed to Policy SS9 as included within **ED-6c** suggesting that an additional criterion after criterion e of Paragraph 1 of Policy SS9: Development in the Countryside should be introduced (p. 258):

“f. It involves a use for a Traveller Site in accordance with Policy LC8.”

Question 33

Will a five year supply of specific developable sites for gypsies and travellers be provided on adoption of the plan together with a supply of specific, developable sites for years 6 to 10? How would any shortfall be addressed?

Council's Response:

- 33.1. The Gypsy and Traveller Accommodation Assessment (**EB-G&T1b**) shows for North East Derbyshire that there is an accommodation need for 15 additional pitches (2014-2034), 6 of which are required from 2014 to 2019. For the following 5 year period the requirement is for further 3 pitches. This means that the Council would need to find 9 pitches up to 2024.
- 33.2. The Council's latest work on Gypsies and Travellers is laid out in the Updated Addendum to Gypsy & Traveller Topic Paper (**ED44d**). It concludes that “if all four sites were to be allocated this could provide up to 12 pitches in total. Whilst this would not meet the full need of 15 pitches up to the end of the plan period as identified in the GTAA, it would exceed the minimum need for 9 pitches (the 6 pitches ‘backlog’ from between 2014 to 2019 and a further 3 pitches as a five year forward supply from the point of Plan adoption).”
- 33.3. However, as indicated in response to Q25 the District Council as landowner no longer wishes to put site GT/06 – Greenway, Wingerworth forward. This means that only three sites could be allocated with an overall provision of

8 pitches. The other Council owned site GT/09 – Temperance Hill, Woolley Moor could be delivered within the first five years of adoption.

- 33.4. In terms of timescales it is considered that both privately owned sites (site CAL/2301T – Dark Lane, Calow and site NW/2301T – Dark Lane, North Wingfield) would come forward within the first five years after adoption of the Plan. As recently as October/ November 2018 both landowners re-confirmed their interest in developing the sites².
- 33.5. The Council considers that any shortfall during the plan period could be addressed through the planning application process using criteria based Policy LC8. The Council's view is that the revised policies LC8 and SS9 will accommodate a less restrictive approach to traveller sites than in the past, allowing for more sites to come forward and obtain planning permission. The Council is also committed to continue working together collaboratively with all Derbyshire authorities, the Derbyshire Gypsy and Liaison Group and beyond to facilitate additional provision.

² In communication from Derbyshire Gypsy Liaison group.