

## **For publication**

### **Chesterfield Local Plan Review Site Consultation and Progress – Gypsy and Traveller Sites Report – Approval of draft for Consultation (EG0000)**

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Meeting:	Cabinet
Date:	30 January 2018
Cabinet portfolio:	Cabinet Member for Economic Growth
Report by:	Strategic Planning and Key Sites Manager

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### **1.0 Purpose of report**

- 1.1 To seek approval for the Gypsy and Traveller Sites Consultation Report and supporting material (Sustainability Appraisal).
- 1.2 To seek approval to commence a public consultation on the Gypsy and Traveller Site Options running from Monday 12<sup>th</sup> February for a six week period.

### **2.0 Recommendations**

- 2.1 That Cabinet agree the Gypsy and Traveller Sites Consultation Report (Appendix A) and associated Sustainability Appraisal (Appendix B) for public consultation.
- 2.2 That Cabinet resolve to retain ownership and control of all the potential sites (including those that passed Stage 2a of the

assessment) in order to ensure they remain available until site/s are formally allocated in an adopted Local Plan.

- 2.3 That the Strategic Planning and Key Sites Manager has delegated authority, in consultation with and with the agreement of the Executive member for Planning, to make minor amendments and corrections to the Draft Local Plan and associated material to make it ready for public consultation.
- 2.4 That the consultation report and supporting material are shared with Planning Officers at neighbouring authorities (NEDDC and BDC) and Derbyshire County Council prior to the public consultation in the interests of the Duty to Cooperate.
- 2.5 That Cabinet agrees that the garage sites are the only CBC owned land that is currently available.
- 2.6 That Cabinet note the responses to the requests from BDC and NEDDC for assistance in meeting their need for Gypsy and Traveller sites (Appendix D).

### **3.0 Background**

- 3.1 The National Planning Policy Framework (NPPF) requires that Local Plans make suitable provision of sites for Gypsies and Travellers based on an up to date assessment of need. If land is not allocated to meet the five year pitch requirement that is required by the NPPF there is a significant risk of a soundness challenge to the Local Plan at examination.
- 3.2 Since the adoption of the Core Strategy new evidence has been published (Derby, Derbyshire, Peak District National Park Authority and East Staffordshire Gypsy and Traveller Accommodation Assessment (GTAA) 2015) that identified a pitch requirement for the Borough of 4 pitches over the period 2014 to 2019, with no requirement for the remainder of the plan period. Half of this need has already been met through the granting of a planning permission for 2 pitches.
- 3.3 The Draft Local Plan consultation at the start of the year included information about the need for Gypsy and Traveller sites, and stated that in the absence of any submissions of private land the

Council must look to its own land holdings, and that due to the small size of site required for 2 pitches the assessment will concentrate of vacant and under-used Council owned garage sites.

- 3.4 Prior to the public consultation on the Draft Local Plan, Cabinet decided that the Strategic Planning and Key Sites Manager would have delegated authority, in consultation with and with the agreement of the Executive member for Planning, to approve a final list of potential Gypsy and Traveller sites for public consultation should the relevant authority be secured for their disposal in advance of the public consultation (Cabinet Report 13<sup>th</sup> December 2016).
- 3.5 Therefore, planning officers in collaboration with Local Plan Steering Group have been working towards a standalone consultation on potential Gypsy and Traveller sites.

#### **4.0 Gypsy and Traveller Sites – Site identification and assessment process**

##### **Site Identification**

- 4.1 The consultation report (Appendix A) sets out the site identification process in some detail. No privately-owned sites were put forward for use as Gypsy and Traveller sites in three separate Local Plan preparation stages. Derbyshire County Council were asked directly and confirmed that they do not have any sites within the borough suitable for use as a Gypsy or Traveller site. Other sources of land considered and rejected included using part of a Strategic Site (Staveley Corridor, Waterside, and Dunston Proposed Reserved Site) and any sites within the Green Belt.
- 4.2 As a result, the focus turned to sites owned by Chesterfield Borough Council. In particular, garage sites were investigated for two main reasons:
- The Council's Housing Service has been doing a review of garage 'plot' sites with a view to disposal where appropriate
  - Garage sites tend to be located in or on the edge of the existing urban area and are not 'large', therefore are a

reasonable potential source of land supply for meeting the borough's need for Gypsy and Traveller accommodation.

- 4.3 A total of 46 garage sites were identified. There is a possibility that the council will be asked if there is other council land that has not been identified. It is recommended that Cabinet make a clear statement to clarify that the garage sites are the only council owned land that is currently available.

### **Site Assessment**

- 4.4 The consultation report (Appendix A) sets out the site assessment process in some detail. It is a comprehensive three stage assessment, the same as that used to assess all Local Plan housing sites, with the addition of a specific Gypsy and Traveller assessment (appended to the consultation report) in order to fully accord with government guidance 'Planning Practice for Traveller Sites' (2015).
- 4.5 The shortlisted sites have been subject to Sustainability Appraisal (SA) (Appendix B) which is a requirement of Section 19(5) of the Planning and Compulsory Act 2004 and helps the Council guide the selection and development of policies and proposals in terms of their potential social, environmental and economic effects. The SA plays an important role in demonstrating that a local plan reflects sustainability objectives and has considered reasonable alternatives.

### **5.0 Public Consultation**

- 5.1 Following advice from the Derbyshire Gypsy Liaison Group and the council's Communications team, officers suggest that a full borough wide consultation is undertaken, rather than a focused consultation on the wards where sites are located. This will ensure that all residents and interested parties have the opportunity to be involved and make comments, and reduce the risk of challenge.
- 5.2 It is suggested that the following methods are used:

*Pre-consultation*

- 5.3 A Briefing Paper (Appendix C) was sent out to all Members with an invitation to attend a drop-in session at the Town Hall on 22<sup>nd</sup> January 2018. This was considered an important measure to ensure that all members had sufficient information to deal with any enquiries following the publication of the cabinet papers. Planning officers were on hand to answer questions, and members were able to view the consultation material.
- 5.4 The consultation report and supporting material will be shared with planning officers at neighbouring authorities and DCC in the interests of the Duty to Cooperate.

#### *6 week Public Consultation*

- Advertising - Council website, direct mail out to all Local Plan contacts, Press release, article in council magazine (timings permitting).
- Events - Drop-in sessions at Staveley Healthy Living Centre and Chesterfield town centre (Market Hall).
- Meetings/presentations - Staveley Town Council and Derbyshire Gypsy Liaison Group.
- Individual meetings with planning officers with all Ward members in areas where the six shortlisted sites are located.

### **6.0 Duty to Cooperate implications**

- 6.1 Meeting the need for Gypsies and Travellers is an issue that requires cooperation with neighbouring authorities. The 2015 GTAA recommended that the study area local authorities adopt Housing Market Area (HMA) type collaborative structures to help determine how to jointly meet the accommodation needs of Gypsies and Travellers, with Chesterfield Borough Council, Bolsover District Council and North East Derbyshire District Council forming the North Gypsy and Traveller HMA.
- 6.2 Officers from the three authorities have worked together to achieve some level of consistency in terms of how sites are assessed, but differences remain between the respective methodologies.

6.3 In November Bolsover District Council made a formal request to the council to assist them in meeting their need for Gypsy and Traveller sites. In January this year North East Derbyshire District Council made a similar request. With approval from the cabinet member for Planning officers provided a response to both councils (Appendix D). The main concern is ensuring that both councils have fully explored their own land holdings before seeking the assistance of neighbouring authorities. It is important that the approach we would expect from other authorities is similar to that which is applied to our own site identification and assessment process.

## **7.0 Human resources/people management implications**

7.1 There are no human resources implications at this stage, although the public consultation is likely to require input from officers in the Housing and Communications Teams.

## **8.0 Financial implications**

8.1 The council has set aside a reserve to pay for the examination of the Local Plan. The preparation of evidence and consultation on the draft Local Plan will be paid for from existing budgets.

## **9.0 Legal and data protection implications**

9.1 The plan has been prepared in accordance with The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) and the guidance set out in the National Planning Policy Framework and National Planning Policy Guidance.

9.2 The plan has been prepared in accordance with the Duty Co-operate set out in the Localism Act.

## **10.0 Consultation**

10.1 The Gypsy and Traveller Sites Report will be the subject of a minimum of six weeks public consultation in accordance with the council's adopted Statement of Community Involvement.

## **11.0 Risk management**

Description of the Risk	Impact	Likelihood	Mitigating Action	Impact	Likelihood
Objections received to potential sites through consultation	Low/ Med	Certain	Objections assessed, considered and reported in preparing revised plan	High	Certain
A Petition is lodged with the Council.	Med	Medium	Sufficient time in programme to allow for Council meeting and consideration of petition. It is a requirement of national policy to meet the requirement for sites.	Low	Medium
Challenge that the Council has not fully investigated all sources of land for use as gypsy and traveller pitches	Med	Medium	The council to make a clear statement that the garage sites are the only CBC owned land that is currently available	Med	Med
Gypsy and Traveller Sites report is not approved for consultation – Risk of delay to the Local Plan as a whole. This will increase the risk of not being able to find a 5 year supply	High	Low/med	Procure legal advice on approach to five year supply in advance of any appeal	Med	Med

<p>of housing land. Although there is currently a supply, this can change and is liable to be challenged at appeal.</p>					
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## **12.0 Equalities Impact Assessment (EIA)**

12.1 The consultation report does not propose new policies. The policies for Gypsy and Traveller sites are contained within the draft Local Plan. As the Draft Local Plan retains the overall strategy from the adopted Local Plan Core Strategy, a preliminary Equalities Impact Assessment was undertaken, which concluded that the policy and approach to sites has not changed and was therefore previously subject to EIA. This EIA has been updated (Appendix E). At this stage (preparing for consultation), no additional impacts are anticipated as the approach to assessing and allocating sites has not been changed. The EIA will be reviewed again following the consultation and subsequent recommendations. A full EIA assessment will be undertaken prior to 'pre-submission' consultation, the stage before the final plan is submitted to the Secretary of State.

11.2 In addition to the EIA, a Sustainability Appraisal has taken place on all potential sites, taking into consideration (amongst other factors) health and wellbeing and deprivation impact on the communities.

## **13.0 Alternative options and reasons for rejection**

13.1 The alternative approach to identifying, assessing and allocating a site for Gypsy and Travellers, is to rely on windfalls and a criteria based policy for assessing planning applications as and when they are submitted. This approach was considered by officers and dismissed due to the following reasons:

- high level of risk on the soundness of the Draft Local Plan
- increased likelihood of unauthorised encampments
- lack of control over location of sites
- less opportunity for the public to have a say on the location of sites



## **14.0 Recommendations**

- 14.1 That Cabinet agree the Gypsy and Traveller Sites Consultation Report (Appendix A) and associated Sustainability Appraisal (Appendix B) for public consultation.
- 14.2 That Cabinet resolve to retain ownership and control of all the potential sites (including those that passed Stage 2a of the assessment) in order to ensure they remain available until site/s are formally allocated in an adopted Local Plan.
- 14.3 That the Strategic Planning and Key Sites Manager has delegated authority, in consultation with and with the agreement of the Executive member for Planning, to make minor amendments and corrections to the Draft Local Plan and associated material to make it ready for public consultation.
- 14.4 That the consultation report and supporting material are shared with Planning Officers at neighbouring authorities (NEDDC and BDC) and Derbyshire County Council prior to the public consultation in the interests of the Duty to Cooperate.
- 14.5 That Cabinet agrees that the garage sites are the only CBC owned land that is currently available.
- 14.6 That Cabinet notes the responses to the requests from BDC and NEDDC for assistance in meeting their need for gypsy and traveller sites (Appendix D).

## **15.0 Reasons for recommendations**

- 15.1 To allow consultation to be undertaken on Gypsy and Traveller Sites in order to progress the Local Plan in accordance with the council's published Local Development Scheme.
- 15.2 To ensure that potential Gypsy and Traveller sites remain available until site/s are formally allocated in an adopted Local Plan.
- 15.3 To allow for minor amendments to make the consultation report ready for public consultation.

- 15.4 To demonstrate that the council is meeting the Duty to Cooperate.
- 15.5 For the avoidance of doubt and to prevent potential challenge.
- 15.6 To demonstrate that the council is meeting the Duty to Cooperate.

<b>Glossary of Terms</b> <i>(delete table if not relevant)</i>	
<i>NPPF</i>	<i>National Planning Policy Framework</i>
LDF	Local Development Framework
DPD	Development Plan Document
SCI	Statement of Community Involvement
LDS	Local Development Scheme
LAA	Land Availability Assessment
SA	Sustainability Appraisal

### **Decision information**

<b>Key decision number</b>	<i>674</i>
<b>Wards affected</b>	<b>All</b>
<b>Links to Council Plan priorities</b>	<p>A thriving Borough, where everyone has access to the jobs, training and support they need.</p> <p>A clean, green and attractive Borough, where our open spaces and built heritage are valued.</p> <p>A healthy and safe Borough, where the community is free from the fear of crime.</p> <p>A place where everyone has fair access to a decent and affordable home.</p> <p>An inclusive Borough, where everyone feels valued and has equal and fair access to local services.</p>

## **Document information**

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<b>Background documents</b>			
These are unpublished works which have been relied on to a material extent when the report was prepared.			
<b>Appendices to the report</b>			
Appendix A		Consultation Report	
Appendix B		Sustainability Appraisal	
Appendix C		Members Briefing Paper	
Appendix D		Responses to BDC and NEDDC	
Appendix E		Equalities Impact Assessment	