



OPEN REPORT LOCAL PLAN SUB COMMITTEE

Local Plan Sub Committee
30th November 2023

**Derby, Derbyshire and East Staffordshire Gypsy and Traveller
Accommodation Assessment 2023**

Report of Director of Regulatory Services and Policy Manager

Report Author and Contact Details

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Wards Affected

All

Report Summary

The reports provides Members with details of the Derby, Derbyshire and East Staffordshire Gypsy and Traveller Accommodation Assessment 2023. It seeks Members endorsement of the contents of the report.

Recommendations

1. The contents of the Derby, Derbyshire and East Staffordshire Gypsy and Traveller Accommodation Assessment 2023 be endorsed.
2. That the contents of the Derby, Derbyshire and East Staffordshire Gypsy and Traveller Accommodation Assessment be taken into account in the future review of the Derbyshire Dales Local Plan.
3. A further report be brought to this Sub Committee which sets out policies and proposals that address the consequences of the Derby, Derbyshire and East Staffordshire Gypsy and Traveller Accommodation Assessment.

List of Appendices

Appendix 1 Copy of the Derby, Derbyshire and East Staffordshire Gypsy and Traveller Accommodation Assessment 2023

Background Papers

None

Consideration of report by Council or other committee

None

Council Approval Required

No

Exempt from Press or Public

No

Derby, Derbyshire and East Staffordshire Gypsy and Traveller Accommodation Assessment 2023

1. Background

- 1.1 The requirement to assess the accommodation needs of Gypsies and Travellers and Travelling Show people is established through national guidance contained in Planning Policy for Travellers (DCLG, 2015). The guidance emphasises the need for local authorities to use evidence to plan positively and manage development.
- 1.2 The Derby, Derbyshire and East Staffordshire Gypsy and Traveller Accommodation and Assessment (GTAA) research drew on a number of data sources including:
- Review of secondary information: a review of national and local planning policies and recently undertaken GTAAs, and analysis of secondary data. This included analysis of the most recently published (July 2022) Department for Levelling Up, Housing and Communities (DLUHC) Traveller Caravan Count to determine trends in the population of Gypsies and Travellers¹.
 - An online survey, and telephone interviews with key stakeholders providing qualitative data regarding the accommodation needs of Gypsies, Travellers, Travelling Showpeople and boat dwellers.
 - Extensive face-to-face and telephone surveys of Gypsies, Travellers and Travelling Showpeople, in January 2022, covering a range of issues related to accommodation and service needs
- 1.3 This updated evidence will help the District Council to determine the extent to which Gypsy and Traveller provision will need to be addressed in the future, both through its policies in the Local Plan and practically on the ground.

2. Key Issues

- 2.1 The DLUHC July 2022 Gypsy and Traveller Count indicated that there was a variation in the number of caravans in each local authority with no caravans recorded in Amber Valley, High Peak, and the Peak District National Park; only 5 caravans recorded in Chesterfield, 9 in Derbyshire Dales, 12 in East Staffordshire, 28 in Derby City, 37 in North East Derbyshire, 110 in Bolsover, and 138 in South Derbyshire. The count recorded 296 caravans on private

¹ Please note that due to Covid-19 restrictions the Traveller Caravan Count did not take place in July 2020 or January 2021.

pitches with permanent planning permission and 28 on social rented pitches. Only 15 caravans were recorded on unauthorised pitches.

- 2.2 In relation to unauthorised encampments, the assessment concluded that local authorities in the study did not keep consistent records of for example the number of vehicles involved or length of stay.
- 2.3 However, between January-March 2016 and April-June 2020 271 unauthorised encampments took place in the study area. A significant proportion of the recorded unauthorised encampments took place in Derby City and Derbyshire Dales (20% each), and around a sixth on land managed by Derbyshire County Council (15%) or in South Derbyshire (14%). Fewer unauthorised encampments were recorded in Chesterfield (7%), Bolsover (7%), North East Derbyshire (5%), East Staffordshire (4%), and Amber Valley (1%).
- 2.4 Taking all factors into account the GTAA indicates the following summary of needs for Derbyshire Dales for the period 2020 to 2040 :

Period	Ethnic definition	PPTS 2015 definition
Total 2020-25	8	7
Total 2025-30	1	1
Total 2030-35	1	1
Total 2035-40	1	1
Total 2020-40	11	10

- 2.5 These figures reflect the numbers identified within the two homeless families at the time of the survey work and are still broadly correct. The numbers in the 'ethnic definition' column are more likely to reflect the true need that requires accommodation and since the PPTS definition has been seriously called into question by the Lisa Smith Court of Appeal decision, it is recommended that the 11 pitches identified be the number that the District Council needs to work towards. The actual number of pitches required by each family will need to be further informed through direct engagement with the families going forwards.
- 2.6 The GTAA also advises that some of the accommodation need identified within the Derbyshire Dales local authority area arises from households who have occupied temporary unauthorised encampments on land that is situated within the Peak District National Park. The GTAA confirms that 18 temporary unauthorised encampments took place on land covered by the Peak District National Park between January-March 2016 to October-December 2019. These are mainly in relation to temporary unauthorised encampments occupied by two extended families.

- 2.7 Given that accommodation need arises on land covered by both Derbyshire Dales District Council and the Peak District National Park, this suggests that there is an evidence of need within both areas. The report does not, however, indicate that any of the number of pitches required across Derbyshire Dales need be provided within the National Park. As such the report indicates that all 11 pitches should be provided within the Derbyshire Dales local planning authority area.
- 2.8 The report recommends that the District Council and the Peak District National Park Planning Authority should liaise regarding how the accommodation needs of the two extended families can best be met. This, however, can be undertaken as part of the Duty to Co-operate requirements.
- 2.9 The report recommends that each local planning authority determines for itself which of the accommodation needs figures in relation to Gypsies and Travellers it chooses to prioritise in its Local Plan. It does however recommend adopting the 'ethnic' definition accommodation needs figures i.e. meeting the accommodation needs of all households who ethnically identify as Gypsies and Travellers. It is suggested that this will not only demonstrate knowledge of the overall accommodation need of all Gypsies and Travellers, but also how the accommodation needs in relation to households not meeting the PPTS definition are being addressed.

3. Options Considered and Recommended Proposal

- 3.1 None at this time, as the purpose of this report is to note and endorse the recommendations of the GTAA. It will however be necessary to reflect upon the contents of the GTAA and seek to ensure that the revised DDLP

4. Consultation

- 4.1 As set out in the GTAA extensive consultation was undertaken to establish the current and future accommodation needs of the Gypsy and Traveller community.
- 4.2 Any revision to Local Plan or other District Council policies relating to Gypsy and Travellers will be required to be subject to public consultation in accordance with the statutory requirements. At this time it is anticipated that consultation on the Local Plan will commence sometime in March.
- 4.3 It is understood that the District Council's Traveller Working Group are assessing the suitability of sites to accommodate the future gypsy and traveller needs. As such, in order to be able to incorporate the conclusions

of their work into the revised Local Plan for consultation purposes it will be necessary for their work to be expedited as soon as possible.

5. Timetable for Implementation

- 5.1 Revisions to Local Plan policy will be brought forward to a future meeting of this Committee in accordance with the Local Development Scheme (as approved by the Local Plan Sub Committee on 27th September 2023.).

6. Policy Implications

- 6.1 The evidence in the GTAA needs to be taken into account in the Derbyshire Dales Local Plan. In order to achieve a sound plan the Derbyshire Dales Local Plan will need to identify a site(s) for Gypsies and Travellers. Without such an allocation(s), the Derbyshire Dales Local Plan is unlikely to be found sound by an independent Planning Inspector and therefore not capable of being adopted to guide future development.

7. Financial and Resource Implications

- 7.1 The development of permanent Traveller sites is likely to have financial implications for the authority. Council has recently approved a process by which consultation and financial appraisal for any such development will be undertaken and these processes will ensure that the financial implications of any proposals are fully understood at the proper time.

8. Legal Advice and Implications

- 8.1 The report fulfils the requirements of Government policy that the District Council should ensure that it has an understanding of the future needs for Gypsy and Travellers.
- 8.2 The evidence from the GTAA will need to be factored into the revisions to the Local Plan and in decision making on planning applications.
- 8.3 There are 3 recommended decisions to be taken as noted at the start of this report. The legal risk for a challenge connected to the recommendations has been assessed as low.

9. Equalities Implications

- 9.1 There are likely to be Equalities implications arising from the GTAA. The District Council is required, under the Equality Act 2010, to have due regard to the need to eliminate discrimination, victimisation and harassment, advance equality of opportunity and foster good relations between different groups.

9.2 The Council is also required to consider how their policies or decisions affect people who are protected groups under the Equality Act, which specifically includes Romany Gypsies and Irish Travellers in the protected characteristic of Race. An Equalities Impact Assessment will be carried out on any policies or proposals that emanate from the conclusions in the GTAA, and where necessary identify and mitigate any Equalities implications. The detailed impact of Equalities implications would then be taken into account at the point that any decisions are required to be made on policy approaches.

10. Climate Change and Biodiversity Implications

10.1 There are no direct climate change or biodiversity implications as a consequence of the GTAA. Any decisions that the District Council may need to make in response to the findings of this research will need to take account of both climate change and biodiversity.

11. Risk Management

11.1 The development of Traveller sites carries significant levels of financial and reputation risks for the Council, particularly where the development role falls to the local authority. The processes adopted by Council at the meeting held on 28 September 2023 are intended to ensure that decision making is fully transparent and will therefore mitigate those risks.

Report Authorisation

Approvals obtained from:-

	Named Officer	Date
Chief Executive	Paul Wilson	16/11/2023
Director of Resources/ S.151 Officer (or Financial Services Manager)	Karen Henriksen	21/11/2023
Monitoring Officer (or Legal Services Manager)	Kerry France	20/11/2023