

GYPSY AND TRAVELLER SITE PROVISION IN THE DISTRICT
REPORT OF THE TRAVELLER WORKING GROUP
COUNCIL MEETING – 28 SEPTEMBER 2023

Foreword by Councillor Marilyn Franks – Progressive Alliance Lead Member

I would like to introduce this report by reiterating previous comments that the District Council acknowledges its duty as the Housing Authority to provide accommodation to those specific Gypsy and Traveller families with an accepted local connection to the Derbyshire Dales. This Working Group seeks to provide political leadership in identifying potential solutions to an issue that has gone unresolved for far too long.

The task of the working group was to identify two permanent gypsy/traveller sites and the three temporary gypsy/traveller sites based across the district, i.e. in the North, South and Central areas. This report details the work and conclusions of the group. The majority of members of the group accept, that whilst Council-owned car parks are not ideal temporary sites, we have a legal duty to provide accommodation for two families, hence a level of pragmatism was needed when considering the various options. The group agreed that the long-term solution to the issue is to identify permanent traveller sites for the two families where there is a statutory responsibility due to their high level of assessed need and this report outlines proposals which will assist in achieving this aim.

Additionally, the report acknowledges the importance of consultation with all involved, local communities and gypsy and travellers and details how this can take place. Lease agreements outlining expectations and responsibilities were considered and a proposal is contained within the report. The report provides clarity over the council decision making process. The report also makes some recommendations in respect of funding to test out the viability of a possible permanent site and additional officer time in order to further progress the acquisition for sites.

Not all the recommendations made in this report have received the support of every member, they are however supported by the majority of the members.

Finally, I would like to express my thanks to the members, officers and Dr Spencer, who have given their time to the deliberations of the group, and provided information and guidance. Also, I would like to thank the officers from regulatory, housing and corporate services for their continuing support to the families thereby ensuring that the council has met its statutory responsibilities.

I trust the council will receive this report in good faith and through supporting the recommendations show a will and determination to find a permanent resolution for the two identified families.

Councillor Marilyn Franks
Progressive Alliance Lead Member

Recommendations

These recommendations were endorsed (except where indicated) for submission to Council by Members of the Traveller Working Group:

1. That the Council approves and adopts a requirement to undertake online consultation supplemented by public meetings on proposals to allocate land for use as temporary or permanent Traveller sites for a minimum of six-weeks, with relevant consultation materials being made available on the Council's website and in other formats to enable a wide level of response.
2. That the Council approves and adopts the decision-making processes outlined in the report in respect of permanent and temporary Traveller sites which clearly sets out the various stages involved in a clear and transparent manner and encourages engagement and participation in those decision making processes.

There was no unanimous agreement on the approach to take in respect of consulting on specific sites. However, with the exception of Councillor Susan Hobson, the majority of the Working Group recommends:

3. That the Council agrees to undertake a period of six-weeks online consultation in respect of designating Council land owned at Old Station Close, Rowsley and Ashbourne Fishpond Meadow Overspill Car Park as temporary Traveller sites
4. That the Council rescinds the following decision taken on 24 November 2022:-

(a) That having considered the views of Town/Parish Councils, local residents, businesses and Ward Members, the following sites not be considered as suitable for designation by the Council as potential temporary sites for Gypsies and Travellers with a local connection to the Derbyshire Dales:

- i. Auction Close Car Park, Ashbourne*
- ii. Leisure Way Car Park, Ashbourne*
- iii. Clifton Road Coach and Car Park, Ashbourne*
- iv. Cokayne Avenue Recreation Ground, Ashbourne*
- v. Cokayne Avenue Car Park*
- vi. Shawcroft Car Park, Ashbourne*
- vii. Fish Pond Meadow Overspill Car Park, Ashbourne*
- viii. Fish Pond Meadows Playing Fields, Ashbourne*
- ix. Playing Field, Ashes Avenue, Hulland Ward*
- x. Old Station Close Car Park, Rowsley*
- xi. Land north west of Middleton Cemetery, New Road, Middleton*
- xii. Land adjacent to 26 Griggs Gardens, Wirksworth*

- xiii. Land to South East of Hopton Works, Middleton Road, Wirksworth**
- xiv. Arc Leisure Car Parks, Morledge**
- xv. Temple Walk Car Park, Matlock Bath**
- xvi. Artist Corner Car Park, Dale Road, Matlock Bath**
- xvii. Huntsbridge Recreation Ground, Alfreton Road, Tansley**
- xviii. Town Hall Rear Car Park, Edgefold Road, Matlock**
- xix. High Tor, Matlock**
- xx. Land at Harrison Way, Northwood**
- xxi. Monsal Head Car Park, Ashford**
- xxii. Land to the south of 59 Yeld Close, Bakewell**
- xxiii. Car Park at Agricultural Way, Bakewell**
- xxiv. Nether End Car Park, Baslow**
- xxv. Hawkhill Road Car Park, Eyam**
- xxvi. Parsons Croft Car Park, Mill Lane, Hartington**
- xxvii. Land to the rear of Edge View, Stoney Middleton**

****This would not preclude third parties from approaching the Council in respect of these sites or submitting planning applications for the development of these sites. This decision would not indicate predetermination in respect of any future deliberation in respect of these landholdings of the Council.***

There was unanimous support from the Working Group to recommend:

- 5. That the Council recommends the Planning Policy Manager to review the assessment of Clifton Road Coach and Car Park against Local Plan Policy HC6 in view of the representations received from a member of the public.**
- 6. That the Council agrees to undertake a period of six-weeks of online consultation supplemented by public meetings in respect of designating The Woodyard, Homesford as a temporary Traveller site post completion of the RIBA stage 3 assessment.**
- 7. That following positive engagement with the Traveller families and confirmation that the site is a viable option, authority be delegated to the Director of Housing to commission the necessary works up to RIBA Stage 3 (planning submission) and that a supplementary revenue budget of £25,000 be financed from the General Reserve to facilitate this work.**
- 8. That the Council appoints land agents to proactively seek suitable locations and undertake targeted engagement with local landowners and organisations, such as the NFU, to establish whether any landowners would be willing to enter into negotiations.**

- 9. That the Council approves a supplementary revenue budget of £33,000 to be financed from the General Reserve to establish a 2 year fixed term contract position(s) as recommended by the Corporate Leadership Team to assist with the search for sites and manage any future designated sites.**

- 10. That the Council adopt Licence Agreements to establish agreed standards of behaviour and outline what action the Council will take in the event of breaches of the agreement.**

**REPORT OF THE TRAVELLER WORKING GROUP
COUNCIL – 28 SEPTEMBER 2023**

1. Introduction

- 1.1 This report has been prepared by a cross party, Member-led working group that was established to make recommendations to the Council proposing solutions in respect of sites that may be suitable for occupation by Gypsy and Traveller families to whom the District Council has a statutory homelessness duty.
- 1.2 The working group was established after the local elections in May 2023 after the Leader of the Council indicated in his first address that finding suitable sites across the Derbyshire Dales would continue to be a priority for the new Council. Following this a representative from each political group has been appointed to work with officers to identify solutions. The following are members of the working group:
- Councillor Marilyn Franks – Liberal Democrat Group
 - Councillor Susan Hobson – Conservative Group
 - Councillor Laura Mellstrom – Green Party Group
 - Councillor Peter Slack – Labour and Councillor O'Brien Group
- 1.3 This report focuses on providing clarity to all those affected by or interested in the Council's efforts to identify suitable locations for Traveller site accommodation within the Derbyshire Dales. A combination of recommendations are submitted for Council's consideration to confirm processes in respect of consultation and decision-making, but the report also seeks to commence consultation and assessment of other sites in the Council's ownership that may be suitable for this purpose on a temporary basis.

2. Consultation Procedures for Proposed Sites

- 2.1 Local authorities do not normally find themselves in a situation of identifying potential sites for Travellers in the way that Derbyshire Dales needs to at the present time. Ordinarily, the process for the identification of sites is undertaken as part of adopting a Local Plan. Indeed, the last iteration of the Derbyshire Dales Local Plan did include the identification of a potential permanent site, but this option was quickly lost following a change of position from Derbyshire County Council in respect of the site. Therefore the Council is now in the position of having to identify options for permanent and temporary sites outside of this process.
- 2.2 One of the overriding messages from the leaders of all political groups on the Council is that decision making needs to be open and transparent. Having kept this principle at the fore of our minds, the working group considers that there are approaches from the Local Plan process that can

be followed in respect of consultation on proposals for either permanent or temporary sites. Looking to the future, all proposals should be subject to a period of six-weeks of consultation to enable all stakeholders to provide feedback that Members can have regard to when making decisions on potential permanent or temporary sites.

2.3 It is also recognised that the Council will need to prepare proposals for consultation and be proactive in seeking responses and attempting to address concerns during that consultation period and process. Meaningful consultation is underpinned by good communication. Local authorities have been successful in their approach to consultation where they have set out answers to the following points:

- The need for accommodation for Travellers
 - What is the need identified within the Gypsy and Traveller Accommodation Assessment for Derbyshire and East Staffordshire?
 - How is a 'pitch' defined?
 - How are the terms 'Gypsy and Traveller' defined, and what process is carried out to confirm if people meet this criteria?
- Site Selection
 - There is a lot of unused land across the Derbyshire Dales, so why is this site being considered?
 - Why are none of the sites located in the Peak District National Park?
 - Why can't the site be located in another neighbouring authority?
 - Why can't the site be allocated in a more rural location?
 - Why can't one of the identified housing allocations be used for this purpose?
- Site Constraints
 - I don't think this site is suitable for development. What assessments have the District Council carried out to ensure that the site is deliverable?
 - How will any identified constraints be managed and mitigated against?
 - I am concerned that development of the site will impact on the views from my house
 - A number of other options have been ruled out because of size. What are the size requirements for a site of this type?
 - Will a Gypsy and Traveller site put additional strain on key services? How will this be addressed?
- Managing and running of the site
 - What happens once the land is allocated?
 - How will the site be managed?

- How will it be ensured that more than x (number of) pitches will not be put on the site?
- Do Travellers pay Council Tax, Rent and Charges?
- Public Engagement
 - Will there be public meetings to discuss this proposal?
 - Why has the consultation been structured in this way?
 - How will my consultation response be used following the consultation?

2.4 It is recommended that the above structure forms the outline of any information provided as part of any future initial consultation process, with surveys to be undertaken online via the Council's website, in respect of Traveller sites with additional resources made available online through the Council's website and also through its social media channels. It is also recommended that questions are structured as follows:

- 1. Do you agree that we need to find sites for the x pitches arising from the definition of Travellers in the Government's Planning Guidance for Travellers?**
- 2. To what extent do you agree or disagree with this proposal as our preferred option?**
 - **Strongly agree**
 - **Agree**
 - **Neither**
 - **Disagree**
 - **Strongly disagree**
- 3. Do you have any suggestions as to how such a site could be managed if it were developed for use by Travellers on a permanent/temporary basis?**
- 4. Can you suggest any reason why such a site could not be occupied for 12 months of the year? What are the seasonal implications associated with the use of the site?**
- 5. Do you have any comments regarding this proposal?**
- 6. Can you suggest any other sites that are available and suitable for temporary stopping use?**

2.5 It is recommended that feedback sessions are held in locations where Traveller sites are proposed to be located so that all stakeholders (which include but is not limited to specific Traveller families concerned, local residents and businesses, Ward Members and Parish Councils) have an opportunity to ask questions, share their views and offer solutions. As well as promoting through the usual social media channels, parish councils should be encouraged to share details of consultation events to ensure that

there is full awareness of any proposals. These events should be facilitated by relevant staff and Ward Members, along with members of the relevant body proposing the site. It was noted that Derbyshire Gypsy Liaison Group would be willing to attend consultation sessions and it may be the case that representatives of the specific Traveller families concerned may also wish to attend such sessions.

- 2.6 It is the view of the Working Group that any and all consultation processes in respect of permanent or temporary sites should be undertaken for a minimum of six-weeks. This is recommended on the basis that the above actions are agreed by the Council to form the outline of all consultations in respect of Traveller sites in the Derbyshire Dales.

3 Decision Making Procedures

- 3.1 Members of the Working Group have been mindful of the need to establish clear, open and transparent procedures for decision-making. It is recognised that where these procedures are established, clearly communicated and followed there will be greater confidence in the Council even where there are disagreements over the actual decisions that have been made. On this basis Members have identified that the Council should agree and communicate the processes that will be followed when considering any options for allocation or development as permanent or temporary sites for Travellers.
- 3.2 Whilst it is not explicitly stated in the Council's Constitution, decision-making in respect of the designation of Council-owned land for use by Travellers is a matter reserved to Council. This has become the default position following a vote at a Council meeting in July 2021 which effectively removed delegated authority for officers to manage the specific Traveller families to whom the Council has a statutory homelessness duty. Since that time all matters have been reported to full Council and this will continue to be the case until such a time as the Council delegates authority to a committee or officer.
- 3.3 The identification and delivery of sites is a clear priority for all political groups on the Council and there is a stated desire to move at pace in this particular area of work. This working group, and the former Gypsy and Traveller Working Group, has been established to bring pace and Member input and oversight of this work for that exact reason. Whilst this is important, it is obvious that any decisions that the Council may make will be subject to challenge from various parties so ensuring that decision-making processes are robust and sound is a key consideration.
- 3.4 In identifying solutions the Council is likely to be presented with two approaches to the provision of either permanent or temporary sites. The first will be to allocate land already in the ownership of the Council where the level of expenditure required is below £25,000. In such situations, subject to consultation processes being undertaken, the Council would be recommended to adopt the site and for planning permission to be sought.

The other approach would be to acquire or lease land owned by another individual or organisation. It would follow this process:

- **STAGE 1: - Traveller Working Group** – considers merits of the site and considers whether to recommend that the Council commence consultation on a site.
- **STAGE 2 – Corporate Leadership Team** – prepares a report for Council outlining the recommendation of the Traveller Working Group and provides officer advice on implications associated with a proposed site, as well as recommending that a period of consultation be initiated for a period of six-weeks.
- **STAGE 3 – Council** – to establish whether there is potential merit in a site, agreeing arrangements for consultation and engagement with local residents and other stakeholders, and to determine whether and when to authorise officers to submit a planning application to judge the site against planning considerations (if planning permission does not exist on a site)
- **STAGE 4 - Planning Committee (if required)** – if the Council consents to the submission of a planning application, the role of this Committee would be to consider the recommendations of the Planning Officer and feedback from statutory consultees and the public. This will all be subject to consultation in accordance with planning law, and the Committee will have to determine whether any application met the threshold for approval or should be refused
- **STAGE 5 – Council** – the Council will have to consider the outcome of the planning process and any further consultation activity with local people and the specific Traveller family, to determine whether to proceed with the development of the site or to consider what steps to take in light of a planning process that had resulted in refusal

3.5 In the event that land not owned by the Council is identified and where there will be a need to enter into a commercial negotiation, or where the Council owns the land but will need to spend capital monies on its own land, this will require a much more detailed process which would require viability assessments and the allocation of funding in the event that the Council chose to proceed to acquire or lease land. Such a process is outlined within the Council's Financial Regulations but it is worth reiterating the process here in seven stages which would apply to any site requiring expenditure above £25,000 regardless of ownership:

- **STAGE 1 – Traveller Working Group** – considers merits of the site and considers whether to recommend that the Council commence consultation on a site.
- **STAGE 2 - Capital Programme Working Group** – an officer body (referred to in the Council's Financial Regulations) with responsibility for

assessing a full business case, which must be completed for each proposed capital project, and for making recommendations to the Corporate Leadership Team

- **STAGE 3 - Corporate Leadership Team** – review proposals from the Capital Programme Working Group, taking into account the Council's priorities, the availability of funding etc. and decide whether to make a recommendation to the relevant policy committee.
- **STAGE 4 – Community and Environment Committee** - where projects are expected to incur expenditure of over £25,000, or those of a political nature, a report is required to the relevant policy committee before the project is referred to Council for inclusion in the Capital Programme
- **STAGE 5 – Council** – to consider inclusion of the project in the Capital Programme and to establish whether there is potential merit in a site, agreeing arrangements for consultation and engagement with local residents and other stakeholders and, to determine whether and when to authorise officers to submit a planning application to judge the site against planning considerations (if planning permission does not exist on a site)
- **STAGE 6 - Planning Committee (if required)** – if the Council consents to the submission of a planning application, the role of this Committee would be to consider the recommendations of the Planning Officer and feedback from statutory consultees and the public. This will all be subject to consultation in accordance with planning law, and the Committee will have to determine whether any application met the threshold for approval or should be refused
- **STAGE 7 – Council** – the Council will have to consider the outcome of the planning process and any further consultation activity with local people and the specific Traveller family, to determine whether to proceed with entering into an agreement for the purchase or lease of the land and agree to the development of the site or to consider what steps to take in light of a planning process that had resulted in refusal.

3.6 The above indicates that the decision-making process will not be one that moves quickly and will have multiple opportunities for public involvement. Whilst the absence of pace could be a cause for frustration, it will increase public confidence to take matters through a clearly defined and transparent decision-making process and it will also reduce the likelihood of a successful challenge against a decision because a correct process has been followed.

3.7 Such a process will also give the public confidence that there will be sufficient airing of issues and opportunities for engagement and debate. Whilst some may not agree with a decision, setting out a clear decision-making process will increase confidence that the Council is acting in an open and transparent manner. This is important in such matters given the history of this particular issue in the Derbyshire Dales. It is recommended

that the Council formally agrees these approaches and makes them available in an accessible format on the website so that anyone can access information on the decision-making process for future discussions.

4 Specific Sites to consider for designation as Temporary Traveller Sites

4.1 The Working Group consists of two longstanding Members and two Members who were newly elected in May 2023. As such, Councillors Franks and Mellstrom, along with Councillor Slack who was not a member of the former Gypsy and Traveller Working Group, visited the sites that were recommended by officers to the Council and rejected in July 2021. They also visited some other sites that had been considered by the previous Gypsy and Traveller Site Provision Working Group in 2022. Councillor Hobson, who had previously chaired the former Gypsy and Traveller Site Provision Working Group and had visited the sites in 2022, did not attend.

4.2 The sites visited were:

- Artists Corner Car Park, Matlock Bath
- Matlock Bath Station Yard Car Park
- The Woodyard, Homesford
- Middleton Road, Wirksworth
- New Road, Middleton
- Fishpond Meadows Overspill Car Park, Ashbourne
- Clifton Road Coach and Car Park, Ashbourne
- Watery Lane DCC site, Ashbourne
- Watery Lane District Council Depot, Ashbourne,
- Matlock Station Car Park, Derwent Way, Matlock
- Old Station Close Car Park, Rowsley
- Agricultural Business Centre, Bakewell

4.3 Following these visits, Councillors Franks, Mellstrom and Slack discussed the pros and cons of these locations with Councillor Hobson at a meeting of the working group. Being mindful of the wishes of the Leader of the Council to identify options in the north, south and central areas of the District, discussions focused on could be delivered within the Council's ownership and what may be available.

4.4 The working group were only able to establish a consensus in respect of one site in the Council's ownership – Matlock Station Car Park – which is currently occupied by a specific Traveller family.

4.5 The working group did not agree on the suitability of Matlock Bath Station Yard Car Park as a temporary site. This site has been occupied by a specific Traveller family since November 2022, having been designated as a temporary Traveller site by the Council until January 2023. The specific Traveller family have remained on this site as no alternative sites have been identified or designated by the Council. Councillor Hobson indicated her

view that the family should remain at this site having been designated by the previous Council, but the other three Members of the working group consider that this location is not suitable, particularly during the summer time with increased use of the car park by visitors and tourists. The working group acknowledges the frustration of the specific Traveller family and their desire to relocate to a more suitable location. The working group is also aware of the strong representations made by residents and Matlock Bath Parish Council in respect of the length of time that the specific Traveller family has remained in situ. The majority view of the working group (not supported by Councillor Hobson) is that an alternative location must be identified for this specific Traveller family.

- 4.6 The working group acknowledges the efforts of Council officers to manage the challenges of reduced coach parking at the Matlock Bath Station Yard Car Park during the 2023 tourist season. Arrangements were made for alternative parking at Cromford Meadows, which has largely worked well.
- 4.7 Due to the lack of coach parking facilities at Matlock Bath, several coach firms have advised that they have removed this as a destination for their customers, choosing other locations across Derbyshire which ensure adequate parking facilities are available for coaches and their passengers, which do tend to be the older generation. They feel they have been undervalued as an industry which brings a significant number of visitors/tourists to the area who do contribute financially to the businesses and the local area.
- 4.8 That being said, they have stated that should the situation change and the coach parking area becomes available, they will consider adding Matlock Bath again to their list of destinations. A decision would have to be made quickly for Matlock Bath to be included for next year's tourist season.
- 4.9 There was unanimous agreement to further continue discussions in respect of The Woodyard at Homesford, which is not owned by the Council, but there was an awareness that the landowners were open to negotiation. Whilst the Council have resolved (12th September 2023) to grant planning permission for this site (23/00630/FUL - Change of use of land to 8 no. pitch traveller site with associated new access), Members recognised that a viability assessment would still be required to report on access to services and ground stability. The working group unanimously supports and recommends consultation in respect of this site as a potential temporary Traveller site. The working group also unanimously recommends that the Council allocates funds for further investigation of The Woodyard, subject to the Council (via the Traveller Working Group), having prior engagement directly with the Traveller families concerned to confirm that the site represents a feasible and viable option for them.
- 4.10 There is understandable enthusiasm from some to press on with the Woodyard site, however there are also a number of predevelopment issues for the Council to consider, not least the process set out in para 3.5 above which would need to be followed in the interests of openness and

transparency. The Council will need to undertake its own due diligence. The approved planning application did not provide detail on access to services, the nature and stability of the ground or any form of amenity building. The current national guidance for the provision of permanent traveller sites includes government publications and more recently 'Places we're proud of' (2021) published by the National Policy Advisory Panel on Gypsy and Traveller - 'A short guide to providing and managing sites for Gypsies and Travellers'. This guide highlights best practice in the delivery of the permanent plan led traveller sites. The examples from other areas are impressive and highlight the work required to transform the Homesford site into a suitable place for travellers to call their home. The guide is attached at Appendix 1.

- 4.11 In order for the Council to be satisfied that The Woodyard is a permanent, deliverable Traveller site, the following works would need to be undertaken, prior to the Council determining its future position and engaging in discussions about potential lease or acquisition terms etc. (estimated costs are excl. VAT) :

1. Flood Risk assessment	£1,200
2. Topographical survey	£1,000
3. Phase 1 Habitat Survey including protected species.	£2,500
4. BNG- impact assessment by Ecologists	£2,000
5. Utility searches	£200
6. Drainage strategy by engineers	£1,500
7. Site investigation Ph1 & 2	£6,000
8. Planning drawings , site layout, sections submission to planning for building / engineering works	£5,000
9. Visual appraisal from the A6	£1,800
10. Cost advice	£450
Total	£21,650

In order to progress with an evaluation of The Woodyard, it is recommended that following positive engagement with the Traveller families and confirmation that the site is a viable option, authority be delegated to the Director of Housing to commission the necessary works up to RIBA Stage 3 (planning submission) and that a supplementary revenue budget of £25,000 be financed from the General Reserve.

- 4.12 Three Members of the Working Group have also recommended, by way of a majority decision not supported by Councillor Hobson, that the Council considers undertaking consultation in respect of designating Fishpond Meadow Overspill Car Park in Ashbourne as a temporary site for use by

specific Traveller families. This is recommended as an alternative provision in the event that The Woodyard cannot be delivered.

- 4.13 Three Members of the Working Group have also recommended, by way of a majority decision not supported by Councillor Hobson, that the Council consider undertaking a consultation in respect of Council owned land at Old Station Close Car Park in Rowsley as a potential temporary Traveller site. Any consultation should be according to the terms recommended by the Working Group in section 2 of this report unless otherwise amended by the Council. On 24 November 2022, the Council resolved that the authority owned land at Old Station Close, Rowsley not be further considered for use as a Traveller site. It will be necessary for the Council to rescind this decision before such consideration of the site can be given. The majority of the working group, except Councillor Hobson, recommend that the Council formally rescinds the decision taken in November 2022 to rule out all Council owned land other than Matlock Bath Station Yard Car Park and Matlock Station Car Park.
- 4.14 In considering sites across the Derbyshire Dales that are within the Council's ownership, the Working Group noted a representation from a member of the public in Ashbourne concerning the size of the Clifton Road Coach and Car Park which had been visited by the previous Gypsy and Traveller Site Provision Working Group and referred to in Appendix 2 of their report to Council on 24 November 2022. Whilst the Appendix cannot be republished as it is the report of the former Working Group to Council, this working group is happy to correct the public record that the Clifton Road Coach and Car Park was not accurately described in size. The member of the public has indicated that the assessment of the site on this basis would be Red (not viable) in relation to Policy HC6 of the Derbyshire Dales Local Plan, which provides the planning policy basis for any decisions in relation to permanent Traveller sites within the local planning authority area. It is recommended that Planning Policy Officers revisit the exercise of evaluating Council owned land against Planning Policy HC6, having regard to the representations received specifically in respect of Clifton Road Coach and Car Park.

5 Identifying potential locations for Permanent Traveller Sites

- 5.1 This process will need to dovetail with the review of the Derbyshire Dales Local Plan which was highlighted as a priority for the new administration after the elections in May 2023. This was previously agreed by the Council in July 2021 and is standard practice for authorities considering the allocation of land for purposes under the Local Plan framework.
- 5.2 The working group considered that the Council needed to be more imaginative in its search for suitable sites across the district. Previous calls for sites from landowners had not resulted in suitable locations being identified. The working group felt it was important to engage new land agents to assist with the search for sites and also recommend that officers

engage with the local NFU representatives to encourage the promotion of land currently used for farming for consideration.

- 5.3 In essence, the Working Group consider that a more targeted approach to the identification of sites is required than the “distress call” approach of previous calls for sites. A proactive and engaging approach, coupled with clarity of purpose and understanding in respect of decision-making processes, was considered to be the correct way forward. The Working Group unanimously recommend this approach to the Council.
- 5.4 A representative of Derbyshire Gypsy Liaison Group (DGLG) met with the Working Group in August 2022 to represent the specific Traveller families and provide an informed view in respect of the opportunities and challenges in identifying potential sites in the Derbyshire Dales. The working group welcomed the advice of Dr Spencer and asked for DGLG to work with the specific families to identify potential plots of land that may be suitable in meeting their needs. Since that time, they have actively looked for potential plots of land that could be developed and have approached officers with their suggestions. At the time of drafting this report, officers are approaching the relevant landowners to establish whether there is any interest in potential negotiations. Any progress in respect of these options should be made according to the provisions set out above regarding consultation and decision-making.

6 Resourcing the Council’s ambition

- 6.1 Over many years the Council has managed its responsibilities in respect of Travellers through the hard work and dedication of specific staff across a number of Council services. The Constitution of the Council provides Environmental Health and the Director of Regulatory Services with authority to deal with unauthorised encampments, but no other officers have any authority to make decisions in respect of Travellers or Traveller sites. The Council expressly revoked the authority of officers in July 2021 and effectively reserved all decision-making to all Members of the Council alone.
- 6.2 Whilst the Working Group acknowledges that the full Council continues to be the appropriate decision-making body to allocate or designate sites for use by Travellers to whom the Council has statutory homelessness duty, Members have been receptive to the advice of officers that the resources allocated to address the identification of sites and then manage any agreed site do not match the priority that the Council has given to this issue. The contributions of Service Directors to this work has been commendable, but the extent of the portfolio of responsibilities held by these officers means that it can be difficult to make progress.
- 6.3 Officers have advised the Working Group that they consider it necessary to allocate a specific resource to the task of identifying sites for consideration and undertaking the assessments and studies required to bring forward sites. Such a role may be initially akin to the existing Rural Housing Enabler role. However, in the longer-term the resource requirement may alter and

require an individual who can potentially manage sites, undertake community engagement and enable access and support from other public sector agencies.

6.4 Officers have estimated that two Directors spend the equivalent of a day each on Traveller related issues every week. A rough cost estimate of their time would be approximately £39,000 per annum (including on-costs). In addition, the following resources are currently expended on a regular basis:

- Environmental Health officers – 1 day per week on average for site management.
- Council Solicitor – 0.5 days per month.
- Clean and Green Team – involved when we evict and clean a site.
- Derwent Treescapes for site works - £6,720 in 2022/23
- Wheeled bin recharges - £4,764 in 2022/23.
- Provision of Portaloos - £21,600 in 2022/23.

6.5 Whilst it is acknowledged that further work is required to establish the exact requirements of a post, that is not a matter for Members to determine. It is the role of officers to manage the authority within the budgetary framework set by the Council. It is therefore recommended that the Council make provision within the revenue budget for such a post to be established.

6.6 This new post, which may be part-time to start, would focus primarily on enabling the development of permanent and temporary traveller sites as required. The post would also be the single point of contact for enquiries and leading on the consultation process. The post would be based in the Housing Department.

7 Managing Designated Sites

7.1 The challenge of providing suitable site accommodation for the specific Traveller families is considerable and this is made much more difficult because of the perceptions held by some in respect of the role of Council and the impact of Travellers in any given location.

7.2 The Council has powers to remove unauthorised encampments from its land across the Derbyshire Dales, but it cannot seek to evict specific Traveller families to whom it has an accepted statutory homelessness duty. In the event that the District Council seeks to move those specific families, a Magistrate will require the Council to detail where the specific families are to move to before granting any eviction order.

7.3 Should the Council be successful in identifying, allocating and developing temporary or permanent sites for the specific Traveller families it will in effect become a landlord for the Traveller families, who will be regarded as licensees on the sites provided. Officers have drafted a Licence Agreement

which will act as a legal contract stating the rights and obligations of the Derbyshire Dales District Council and of the Licensee on any site.

7.4 The agreement would cover the following requirements:

- Payment of rent for use of the Designated Site, the day of the week on which payment was due and the regularity of payments required
- The application of all rules in respect of the site to all persons listed as occupying the Designated Site (anyone not listed will be evicted)
- The licensee being responsible for the behaviour of all persons on Designated Site
- Not tolerating harassment of any person residing on or visiting the Designated Site
- Not tolerating nuisance, annoyance or disturbance to any other person engaged in a lawful activity in the locality of the Designated Site
- The licensee must not, either on the Designated Site or in the locality of the Designated Site commit any criminal offence and/or use or supply illegal drugs and/or use for any immoral purpose
- the Designated Site must be kept in good clean condition with all rubbish being placed in the bins provided
- the Licensee and other persons permitted to occupy the Designated Site must use toilets where provided; if no toilets are provided, must not go to the toilet in public view and not leave used toilet paper lying around
- the Licensee must keep all animals under control and all mess should be cleaned up
- The Licensee must not leave children under the age of 16 unattended on the Designated Site at any time
- The Licensee must keep noise within reasonable levels so as not to disturb others residing in the locality of the Designated Site, with generators not being permitted for use after 10 p.m. or before 7 a.m.
- The Licensee must park vehicles safely and they should not obstruct public highways or rights of way
- The Licensee must ensure litter or rubbish – this includes domestic waste and trade, is disposed of in the correct manner i.e. in bags/bins provided or local waste stations
- The Licensee must not damage any facilities provided by the Council
- The Licensee must not chop down or damage any trees in the locality of the Designated Site.

7.5 In setting out the standards and requirements expected for any future designated sites, the Council will serve notice to end a licence if the Licensee has breached any of the terms of the agreement or if Council has ended any of its duties as defined in Part 7 of the Housing Act 1996 as amended by the Homelessness Reduction Act 2017. In effect, this

agreement defines the consequences of not complying with the requirements set out.

- 7.6 The Working Group is supportive of this approach and unanimously recommends the adoption of such Licence Agreements to provide clarity of understanding between the Council and any Travellers accepted on designated sites. It will also provide reassurance to other interested parties of the standards expected and an understanding of the action that the Council will take where those standards are not met.
- 7.7 Managing permanent traveller sites is not something the Council has previous experience of. With our own council housing, the management is contracted out to Nottingham Community Housing Association and reflects the complexity and specialist skills required of modern social housing management. Managing a traveller site will require the council to either contract with a specialist management provider or recruit a new post that can provide the service. Budgetary provision will be required for the management service. Officers will review arrangements put in place by other councils to before making recommendations to Council.

8 Conclusions and Recommendations

- 8.1 The Working Group has approached this challenge by learning lessons from the previous approaches adopted by the Council in seeking to deliver the required accommodation provision for specific Traveller families. This is not an easy task, but it should be done in an open and transparent way. The working group unanimously recommend:

Consultation Processes

- 1. That the Council approves and adopts a requirement to undertake online consultation supplemented by public meetings on proposals to allocate land for use as temporary or permanent Traveller sites for a minimum of six-weeks, with relevant consultation materials being made available on the Council's website and in other formats to enable a wide level of response.**

Decision-Making Processes

- 2. That the Council approves and adopts the decision-making processes outlined in the report in respect of permanent and temporary Traveller sites which clearly sets out the various stages involved in a clear and transparent manner and encourages engagement and participation in those decision making processes.**

There was no unanimous agreement on the approach to take in respect of consulting on specific sites. However, with the exception of Councillor Susan Hobson, the majority of the Working Group recommends:

Identifying Potential Temporary Sites

3. That the Council agree to undertake a period of six-weeks online consultation in respect of designating Council land owned at Old Station Close, Rowsley and Ashbourne Fishpond Meadow Overspill Car Park as temporary Traveller sites
4. That the Council rescinds the following decision taken on 24 November 2022:-

(b) That having considered the views of Town/Parish Councils, local residents, businesses and Ward Members, the following sites not be considered as suitable for designation by the Council as potential temporary sites for Gypsies and Travellers with a local connection to the Derbyshire Dales:

- xxviii. Auction Close Car Park, Ashbourne*
- xxix. Leisure Way Car Park, Ashbourne*
- xxx. Clifton Road Coach and Car Park, Ashbourne*
- xxxi. Cokayne Avenue Recreation Ground, Ashbourne*
- xxxii. Cokayne Avenue Car Park*
- xxxiii. Shawcroft Car Park, Ashbourne*
- xxxiv. Fish Pond Meadow Overspill Car Park, Ashbourne*
- xxxv. Fish Pond Meadows Playing Fields, Ashbourne*
- xxxvi. Playing Field, Ashes Avenue, Hlland Ward*
- xxxvii. Old Station Close Car Park, Rowsley*
- xxxviii. Land north west of Middleton Cemetery, New Road, Middleton*
- xxxix. Land adjacent to 26 Griggs Gardens, Wirksworth*
- xl. Land to South East of Hopton Works, Middleton Road, Wirksworth*
- xli. Arc Leisure Car Parks, Morledge*
- xlii. Temple Walk Car Park, Matlock Bath*
- xliii. Artist Corner Car Park, Dale Road, Matlock Bath*
- xliv. Huntsbridge Recreation Ground, Alfreton Road, Tansley*
- xlv. Town Hall Rear Car Park, Edgefold Road, Matlock*
- xlvi. High Tor, Matlock*
- xlvii. Land at Harrison Way, Northwood*
- xlviii. Monsal Head Car Park, Ashford*
- xlix. Land to the south of 59 Yeld Close, Bakewell*
 - l. Car Park at Agricultural Way, Bakewell*
 - li. Nether End Car Park, Baslow*
 - lii. Hawkhill Road Car Park, Eyam*
 - liii. Parsons Croft Car Park, Mill Lane, Hartington*
 - liv. Land to the rear of Edge View, Stoney Middleton*

**This would not preclude third parties from approaching the Council in respect of these sites or submitting planning*

applications for the development of these sites. This decision would not indicate predetermination in respect of any future deliberation in respect of these landholdings of the Council.

There was unanimous support from the Working Group to recommend:

- 5. That the Council recommend the Planning Policy Manager to review the assessment of Clifton Road Coach and Car Park against Local Plan Policy HC6 in view of the representations received from a member of the public.**
- 6. That the Council agrees to undertake a period of six-weeks of online consultation supplemented by public meetings in respect of designating The Woodyard, Homesford as a temporary Traveller site post completion of the RIBA stage 3 assessment.**
- 7. That following positive engagement with the Traveller families and confirmation that the site is a viable option, authority be delegated to the Director of Housing to commission the necessary works up to RIBA Stage 3 (planning submission) and that a supplementary revenue budget of £25,000 be financed from the General Reserve to facilitate this work.**

The Working Group recognised that there was a need to undertake further work to identify potential locations for permanent Traveller sites which would complement the review of the Local Plan. As such the Working Group unanimously recommend:

Identifying potential locations for permanent site provision

- 8. That the Council appoint land agents to proactively seek suitable locations and undertake targeted engagement with local landowners and organisations, such as the NFU, to establish whether any landowners would be willing to enter into negotiations.**

Providing an appropriate level of resource within the authority to meet our responsibilities will be key to giving confidence to the specific Traveller families and the wider community. The Working Group understands that there is no specific resource allocated presently, with members of the Corporate Leadership Team spending a disproportionate amount of time on issues connected to Travellers. It is therefore recommended:

Allocating resources

- 9. That the Council approves a supplementary revenue budget of £33,000 to be financed from the General Reserve to establish a 2-year fixed term contract position(s) as recommended by the Corporate Leadership Team to assist with the search for sites and manage any future designated sites.**

Looking to the future, it will be necessary to set standards and provide assurances in respect of how the Council intends to operate and manage designated sites. The Working Group recommends the use of Licence Agreements between the Council and Travellers occupying any future designated sites:

Managing Designated Sites

10. That the Council adopt Licence Agreements to establish agreed standards of behaviour and outline what action the Council will take in the event of breaches of the agreement.