Chesterfield Borough Council
Gypsy and Traveller Sites
Detailed Site Assessment
Methodology

February 2018
1. **Introduction**

1.1 The Local Plan Steering Group (LPSG) in January 2016 agreed an approach and methodology for identifying and assessing sites for Gypsy and Traveller accommodation in the borough. That approved methodology takes a step by step approach which considers the suitability, availability and viability of land.

1.2 However, the agreed approach acknowledged that a more detailed methodology for assessing specific aspects of viability and suitability would be needed. The following report sets out that more detailed methodology and also updates the LPSG on progress towards identifying suitable sites. It also provides further clarification of the assessment of availability for potential Gypsy and Traveller sites.

2. **Policy Context**

**National Planning Policy Framework (NPPF)**

2.1 The National Planning Policy Framework clearly sets out the role of the planning system in significantly boosting the supply of housing. In plan-making, local planning authorities are directed to plan positively to meet the housing needs of an area and respond to market signals such as housing affordability in order to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.

2.2 To deliver this, paragraph 50 states that local planning authorities should plan for a mix of housing based on demographic and market trends as well as the specific needs of different groups in the community. Furthermore, it directs planning authorities to identify the size, type, tenure and range of housing required in particular locations.

**Planning Policy for Gypsy and Traveller Sites**

2.3 The government published a separate planning document alongside the NPPF with a specific focus on providing traveller accommodation. ‘Planning policy for Traveller Sites’ (PPTS August 2015) requires local authorities to:

- make their own assessment of need for the purposes of planning
- set pitch and plot targets for permanent and transit accommodation
- identify a five year supply of specific and deliverable sites against locally set targets
- identify a supply of specific developable sites or broad locations for growth, for years 6 to 10 and where possible for year 11 to 15
- consider production of joint development plans that set targets on a cross-authority basis, to provide more flexibility in identifying sites, particularly if a local planning authority has special or strict planning constraints across its
area (local planning authorities have a duty to cooperate on planning issues that cross administrative boundaries)

2.4 PPTS aims to ensure local authorities increase the number of sites in suitable locations with permission to address under provision, reduce tensions between the settled community and traveller communities in plan making and planning decisions and have due regard to the protection of local amenity and local environment.

2.5 PPTS is clear that if a local authority cannot demonstrate a five year supply of specific and deliverable sites against our target, it should give this significant consideration in favour of granting temporary permission for traveller accommodation unless in Green Belt.

3. Duty to co-operate

3.1 Currently the assessment of sites is not sufficiently progressed to know if there is a requirement to approach neighbouring councils to accommodate the borough’s need. Both Bolsover District Council and North East Derbyshire District Council have approached the borough for assistance to meet their pitch requirements.

4. Chesterfield Borough Gypsy and Traveller Accommodation Needs

4.1 The Joint Gypsy and Traveller Accommodation Assessment1 (2014) forms the evidence base for the Council’s approach to meeting the accommodation needs of Gypsies, Travellers and Travelling Showpeople. It was undertaken in accordance with the requirements of the Housing Act 2004 and PPTS (2012). The GTAA shows that there is a need within the study area for 70 additional pitches during the period 2014-2019 and 134 additional pitches for the period 2014-2034.

4.2 More locally, the TAA shows that there is a need in the ‘North Derbyshire’ Gypsy and Traveller housing market area for 17 new pitches between 2014 and 2019 and 34 pitches between 2019 and 2034. A total of 51 pitches.

4.3 Within Chesterfield Borough the TAA has identified a need for 4 pitches for gypsies and travellers and no plots for travelling showpeople over the next 20 years. Part of this requirement has already been met by the grant of planning permission for 2 pitches. The pitches should be provided between 2014 and 2019.

4.4 The TAA indicated that a ‘Housing Market Area’-style approach may be appropriate. This would include the Local Authority areas for Chesterfield, Bolsover and North East Derbyshire. The relationship of need and also the options for provision across these three authorities needs to be considered as part of the Duty to Co-operate.

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1 The Derby, Derbyshire, Peak District National Park Authority and East Staffordshire Gypsy and Traveller Accommodation Assessment 2014
5. **Site Search methodology**

5.1 No sites were put forwards as available for Gypsy and Traveller use, in response to recent call for sites: for the Local Plan; Sites and Boundaries Issues and Options document (November 2012); and the January 2016 call for sites. No sites were put forward as part of the consultation on the Draft Local Plan which ended in February 2017.

5.2 Derbyshire County Council were specifically asked if they have sites available for allocation as a Gypsy and Traveller site but to date has not made the borough council aware of any such sites. Consequently the focus has turned onto sites owned by CBC and in particular garage sites. CBC Housing Services have been undergoing a review of garage ‘plot’ sites (sites where tenants provide their own hard surfacing and garages as opposed to sites with council built garages) with a view to disposal where appropriate. The process undertaken by Housing Services has not as yet taken into account the garage sites suitability or otherwise as Gypsy and Traveller site allocations. However, the possibility of Gypsy and Traveller site use as an alternative land use was referred to in an appendix to the relevant Housing Services report to Cabinet on disposal of the sites.

5.3 The garage sites tend to be located in or on the edge of the existing urban area and are not ‘large’, being a reasonable potential source of land supply for meeting the borough’s need for Gypsy and Traveller accommodation. The LPA has been provided with a list of garage ‘plot’ sites that Housing Services currently deems available for disposal and will assess these sites for their suitability (in accordance with planning policy) and viability, as Gypsy and Traveller site allocations with a view to finding a pool of available sites that can be subject to public consultation prior to a council decision on which if any, should be included in the draft local plan.

6. **Sites Assessment**

6.1 Sites will be considered using the criteria set out in the Land Availability Assessment methodology (LAA) and previously approved Gypsy and Traveller Site Assessment Methodology. There is no need to duplicate this methodology where it can be appropriately applied to the assessment of Gypsy and Traveller Sites. Consequently the existing approved methodology will be sufficient to guide an appraisal of a site in terms of the following: -

- Flood Risk
- Pollution Risk
- Risk from Hazardous Installations
- Heritage Impact
- Impact on biodiversity, ecology and local nature conservation
- Safe and convenient access to the highway network
- Impact on the highway network
- Privacy and residential amenity for neighbouring and future occupiers
- Impact on green infrastructure (e.g. green wedges, strategic gaps, public open spaces)
- Adequacy of existing local infrastructure

6.2 However, there is a need for clarification of how Gypsy and Traveller specific planning policies and also the specific difficulties relevant to assessing a land supply for potential Gypsy and Traveller sites\(^2\) will be factored into certain site assessment criteria.

6.3 The criteria in question are:

- Availability
- Viability
- Green Belt
- Accessibility to local services and facilities by walking, cycling and public transport, in particular access to centres, health services and schools
- Scope for live/work (mixed use)
- Site size and capacity for pitches and phasing
- Adequacy of drinking water, sewerage provision and gas or electricity
- Scale of a site in relation to the nearest settled community to which it relates
- Degree to which the site might promote peaceful and integrated co-existence between the sites occupiers and the local community

6.4 The above when combined with the already approved methodology should equate to an assessment against the requirements of policy CS12 and the national Planning Policy for Traveller Sites.

6.5 It is acknowledged that over-long criteria can be confusing for both settled communities and Gypsy and Traveller communities and can make the process of site assessment less transparent. Hence the aim is to cover relevant considerations in as straightforward manner as is reasonable, avoiding complex scoring systems. There is an intention to summarise the assessment criteria provided below for public consultation purposes.

**Availability**

6.6 Availability will be considered with regard to the approved joint North Derbyshire and Bassetlaw Land Availability Assessment methodology but a more sophisticated approach is needed given the inherent problems associated with land availability for Traveller sites. Availability for use as a Gypsy and Traveller site is not a simple matter of sites being for sale on the open market. Research indicates that Gypsies and Travellers are subject to high levels of poverty as a community\(^3\) and it is unlikely that most have the capital to compete on the open market for land when combined with the further cost of

\(^2\) Assessing local housing authorities’ progress in meeting the accommodation needs of Gypsy and Traveller communities in England (Equalities and Human Rights Commission) 2009 and also; Inequalities Experienced by Gypsy and Traveller Communities: A Review (Equalities and Human Rights Commission) 2009

\(^3\) Inequalities Experiences by Gypsy and Traveller Communities: A Review (Equalities and Human Rights Commission 2009)
providing essential services to a site. Furthermore, the potential for hostility in local land markets is acknowledged in planning guidance as a possible barrier to the purchase of land and the intention of land owners is an important consideration. Accordingly any call for sites for the Local Plan or Land Availability Assessment shall include an invitation to submit sites that are specifically available for Gypsy and Traveller use.

6.7 Furthermore, the LPA will seek to assess any new potentially surplus public sector land when it becomes aware of other Council departments reviewing their land holdings. For the purposes of initial assessment and consultation such land will be treated as available where a Council Department identifies it as so. However, before wider consultation is carried out and the site is categorised as definitely available, the LPA will seek confirmation from the relevant Council department responsible for the land that the land would be available for Traveller use including options such as long term lease. The reason for such an approach is that for a site to be realistically available for use by a Gypsy or Traveller family an alternative to open market auction or sale is likely to be needed.

6.8 The Council’s legal services will be consulted to determine if any legal constraints prevent such sites being available for Gypsy and Traveller use.

Viability

6.9 Planning Practice Guidance states that plans should be deliverable and the NPPF requires the realistic likelihood of development happening to be taken into account. LPA’s are advised not to plan to the margin of viability and instead to provide a buffer to respond to changing markets. Normally a potential sites land and development value, costs of development and likely return for land owner and developer would be assessed. However, research has indicated that the Travelling community is subject to high levels of poverty and so are unlikely to be able to compete on the open market for sites. The GTAA 2014 acknowledges the problem:

‘The traditional method of identifying need by considering the ability to afford the required accommodation on the open market cannot be applied to Gypsies and Travellers: firstly since the barriers to accessing pitches are not always cost-related, and secondly because gathering reliable financial and employment information from Gypsies and Travellers, due to cultural barriers, can be difficult.’ (paragraph 10.5 Derbyshire and East Staffordshire GTAA 2014)

6.10 The GTAA confirms that most existing sites in Derbyshire and East Staffordshire are privately owned and that families would prefer to reside on privately owned sites, however, only two respondents to the survey indicated that they could afford to purchase land to develop their own site. As a

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4 Paragraph 16 Gypsy and Traveller Accommodation Needs Assessment (DGLG October 2007)
5 Paragraph: 001 Reference ID: 10-001-20140306 Planning Practice Guidance
6 Inequalities Experiences by Gypsy and Traveller Communities: A Review (Equalities and Human Rights Commission 2009)
consequence of the resulting need for affordable provision, the GTAA advises that funding where available should be sought by the LPA to facilitate sites on a cooperative basis. This would include shared ownership, or small sites owned by a local authority, but rented to an extended Gypsy or Traveller family for their own use. These options might involve the families carrying out physical development of the site (self-build) with the land owner providing the land on affordable terms.

6.11 Accordingly the LPA will categorise site’s viability as follows:

<table>
<thead>
<tr>
<th>Table 1</th>
<th>Land Tenure Options</th>
</tr>
</thead>
<tbody>
<tr>
<td>Viability (Land Tenure)</td>
<td>Good</td>
</tr>
<tr>
<td></td>
<td>Moderate</td>
</tr>
<tr>
<td></td>
<td>Poor</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Table 2</th>
<th>Likely Development Costs (site servicing and preparation)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Viability (Site Preparation)</td>
<td>Good</td>
</tr>
<tr>
<td></td>
<td>Moderate</td>
</tr>
<tr>
<td></td>
<td>Poor</td>
</tr>
</tbody>
</table>

Green Belt

6.12 Policy CS12 is clear in not permitting Gypsy and Traveller sites that are in Green Belt. The LAA methodology does not categorise sites that are mainly outside of Green Belt as unsuitable, on the basis that an element of development could occur without compromising openness or the purposes of Green Belt. A similar approach can be applied to Gypsy and Traveller sites on the basis that provided the minimum site size can be accommodated outside of the Green Belt designation as site will not be categorised as unsuitable.

Accessibility to local services and facilities

6.13 Local and national planning policy in effect require sites to be ‘reasonably’ accessible to community services and facilities, in particular health services and schools. This requirement is different to that required for bricks and mortar accommodation in the Core Strategy, in that it does not rule out sites that are more than 800m from a centre where these sites are otherwise accessible to

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7 CBC Local Plan: Core Strategy 2011-2031 policies CS1 and CS12
8 Planning Policy for Traveller Sites (August 2015) DCLG
community services and facilities. The reason for this difference is to take into account the fact that the potential supply of available land for a Traveller allocation is likely to be significantly limited relative to that for bricks and mortar housing and that applying the ‘800m of a centre’ restriction on suitability to such a limited supply, would potentially rule out sites that are in all other respects in accordance with planning policy and could make an important contribution towards addressing inequalities\(^9\) in the Travelling communities health and wellbeing.

6.14 By way of an example, sites that are within 800m walking distance of a town, district or local centre\(^10\), a GP surgery and also a Primary School will clearly meet planning policy in respect of accessibility. However, other locations which are not so close could still be described as ‘reasonably accessible’ to a centre, services and facilities. For instance a site that is within 15 minutes travel time by bus of a centre and the same community facilities, would satisfy the planning policies relevant to Gypsy and Traveller sites. To ensure that suitable locations are not overlooked, any site that has moderate to good accessibility to a centre, a primary school, a GP’s surgery and a secondary school will be considered to be ‘reasonably accessible to community services and facilities’. Accessibility will be judged as follows:

<table>
<thead>
<tr>
<th>Accessibility</th>
<th>Distance/Time to Community Services / Facilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Excellent</td>
<td>Destinations are all within 800m on foot.</td>
</tr>
<tr>
<td>Good</td>
<td>Destinations are within 15 minutes by foot, bicycle or public transport.</td>
</tr>
<tr>
<td>Moderate</td>
<td>Destinations are all within 30 minutes by foot, bicycle or public transport.</td>
</tr>
<tr>
<td>Poor</td>
<td>Any one destination is over 30 minutes by foot, bicycle or public transport.</td>
</tr>
</tbody>
</table>

**Table 3**

**Scope for live/work (mixed use)**

6.15 National planning policy requires consideration of the extent to which a site can accommodate a business use (allowing a Gypsy or Traveller to live and work from home). In practice this means making a judgment as to the capacity of a site to contain a business use without causing unacceptable impacts to

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\(^9\) Ministerial Progress report by the ministerial working group on tackling inequalities experienced by Gypsies and Traveller April 2012 and Inequalities Experienced by Gypsy and Traveller Communities: A Review 2009 by the Equalities and Human Rights Commission

\(^10\) Consistent with the CBC LAA Methodology Stage 2b
highway safety and the local environment (including future and neighbouring occupier’s amenities)\(^{11}\). This would take into account matters such as; the sensitivity of neighbouring land uses to effects such as noise from working and disturbance from traffic, local ecology, prominence to view, access and boundary treatments.

6.16 The scope for a mixed residential and business use on a site will be categorised as follows:

<table>
<thead>
<tr>
<th>Scope for Mixed Use</th>
<th>Likely Impact on Locality of a Mixed Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Excellent</td>
<td>No material adverse impact</td>
</tr>
<tr>
<td>Good</td>
<td>Adverse impact could happen but mitigation is feasible.</td>
</tr>
<tr>
<td>Moderate</td>
<td>Adverse impact likely and the feasibility of mitigation need’s further investigation.</td>
</tr>
<tr>
<td>Poor</td>
<td>Adverse impact is likely but mitigation is not feasible.</td>
</tr>
</tbody>
</table>

Site size and capacity for pitches and phasing

6.17 The now withdrawn (and not replaced) Government design guide for Gypsy and Traveller sites\(^{12}\) still sets out relevant information. The guide advised that there is no ‘one-size-fits-all’ pitch size. However, the guide did suggest that an average sized family pitch would be capable of containing an amenity building, a large trailer and touring caravan, parking space for two vehicles and a small garden area. The Derbyshire GTAA 2014 advises that 500sqm would accommodate the above including a static caravan and a hard standing for a storage shed and drying. As such 500sqm is to be used as a minimum pitch size.

6.18 In terms of site size the Derbyshire GTAA 2014 identifies a need for 2 pitches which suggests a need for one site for use by a single extended family. The withdrawn Government guide suggested a maximum site size of 15 pitches and also that smaller sites of 3-4 pitches could be successful, particularly where designed for one extended family.

6.19 To take account of guidance and need a minimum site size of 500sqm will be used in the land search in line with the Local Plan call for sites threshold. The ideal size of site would accommodate one extended family (catering for growth in the family over time). Such a site of 3-4 pitches would be around 2000sqm in area and would allow for a phasing over time. The shape of a site will also affect the sites ability to be phased. A maximum size is also appropriate given the need to promote peaceful co-existence between settled and travelling

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\(^{11}\) CBC Local Plan: Core Strategy 2011-2031 policies CS2, CS8, CS9, CS12, CS18 and CS20

\(^{12}\) Designing Gypsy and Traveller Sites: Good Practice Guide (DCLG May 2008)
communities and an area of 2180sqm would be appropriate (2000sqm plus a 2m wide landscaping boundary). Where part of a larger site can be appropriately used with defensible boundaries the assessment will focus on the smaller part of the wider site.

Sites that are above the minimum size will be categorised as follows:-

<table>
<thead>
<tr>
<th>Table 5</th>
<th>Site Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Excellent</td>
<td>2000sqm to 2180sqm</td>
</tr>
<tr>
<td>Good</td>
<td>1000sqm to 1999sqm</td>
</tr>
<tr>
<td>Moderate</td>
<td>800sqm to 999sqm</td>
</tr>
<tr>
<td>Poor</td>
<td>500sqm to 799sqm Or materially larger than 2180sqm</td>
</tr>
</tbody>
</table>

Sites will be categorised as follows in terms of phasing: -

<table>
<thead>
<tr>
<th>Table 6</th>
<th>Ability to phase</th>
</tr>
</thead>
<tbody>
<tr>
<td>Good</td>
<td>Site can be phased</td>
</tr>
<tr>
<td>Poor</td>
<td>Phasing is not feasible</td>
</tr>
</tbody>
</table>

Utilities (Drinking water, sewerage, electricity and gas)

6.20 Local planning policy requires sites to be adequately served with drinking water and sewerage facilities, whilst national policy also requires an adequate electricity or gas supply. To determine the potential for a supply the relevant utility provider will be consulted. Constraints such as proximity to utilities, capacity of existing services, legal and ownership constraints, need for engineering solutions will be taken into account.

6.21 In the case of drinking water a private supply can be accepted with evidence. With regard to sewerage, a mains connection is not always necessary to ensure adequate servicing for a caravan site with possible alternatives of package sewage treatment plant, septic tank or cess pit. However, package treatment plants will be treated as good quality non-mains provision, whilst
septic tanks and cess pits will not, given their higher potential for environmental problems.

Table 7

<table>
<thead>
<tr>
<th>Potential for a Utility / Provision</th>
<th>Availability of Supply</th>
</tr>
</thead>
<tbody>
<tr>
<td>Excellent</td>
<td>Straightforward connection to mains readily achievable.</td>
</tr>
<tr>
<td>Good</td>
<td>Connection to mains is feasible. Constraints are present but readily mitigated.</td>
</tr>
<tr>
<td>Moderate</td>
<td>Connection to mains is feasible but constraints are significant and not readily mitigated; or Mains not feasible but a good quality alternative non-mains provision feasible.</td>
</tr>
<tr>
<td>Poor</td>
<td>Connection to mains not feasible; or Mains not feasible and a poor quality alternative is feasible or not feasible.</td>
</tr>
</tbody>
</table>

Scale of a site in relation to the nearest settled community to which it relates

6.22 National planning policy requires that Gypsy and Traveller sites do not dominate the nearest settled community in rural and semi-rural locations. It is considered that this aspect of size is an appropriate consideration given that Chesterfield Borough has settlements surrounded by open countryside. To assess this aspect of a site a judgment is necessary on the degree to which a site would complement the character of an existing settlement in terms of scale.

6.23 For the purposes of assessment scale will be taken as the area covered by the site in relation to that of the nearest existing settlement and also the likely possible population of the site versus that of the existing settlement. Where the site would represent more than 25% of the existing nearest settlements size or population then it will be considered to have significant potential to dominate, any final judgment also being subject to consideration of its visual prominence and visual relationship to that settlement.

Table 8

<table>
<thead>
<tr>
<th>Scale of Site</th>
<th>Scale in Relation to Nearest Settlement in terms of population or area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Excellent</td>
<td>10% or less</td>
</tr>
<tr>
<td>Good</td>
<td>20% or less</td>
</tr>
</tbody>
</table>
Degree to which the site might promote peaceful and integrated co-existence between the sites occupiers and the local community

6.24 The national policy for Traveller sites requires consideration of the degree to which a site might promote peaceful co-existence between the sites occupiers and the local community but the Government has provided little in the way of guidance as to how such a matter might be assessed. What is clear from relevant research is that it is not merely a matter of a site’s physical characteristics that influences community cohesion. Nevertheless the following are proposed as important factors in terms of site assessment, for peaceful co-existence:

- Small size of site for one extended family
- Site located to give privacy to existing and future occupiers but still readily accessible to community services and facilities especially schools
- Site not adjoining communal land uses or open spaces such as play areas or football pitches unless possible issues such as opportunity for encroachment, vulnerability to antisocial behavior, opportunity for visitors to camp outside the site and community fear have the potential to be mitigated.
- Private non-shared access which isn’t used by pedestrians
- A location and site boundary that means the site is inconspicuous or blends in with the character of the locality

6.25 Whilst the above can be taken into account for each site assessed another aspect of reducing community tension is an early effective approach taken by the Council to stakeholder, public and Gypsy and Traveller consultation when looking to find a suitable site and make a decision on allocation. The process of consultation will be set out in a separate document.

6.26 The degree to which a site is likely to promote peaceful co-existence will be subject to an analysis via a commentary and on this basis a category of excellent, good, moderate or poor will be given.

7 Consultees

7.1 The approach to site search and assessment requires full public and stakeholder consultation as part of a new draft Local Plan. However, an initial internal consultation process is appropriate in order that any sites with fundamental problems be identified early so as to minimise the likely public controversy. The following are considered to be appropriate internal consultees. The only exception to this internal list would be the Highway Authority, whose view would also be sought at an early stage and other neighbouring planning authority teams where cross boundary issues might arise.

- Asset Management
- Community Safety
- Corporate Policy Team
- Drainage (Engineering Services)
- Development Management (including Conservation, TPO’s and Urban Design)
- Environmental Protection
- Housing
- Legal Services
- Leisure Services
- Private Sector Housing (Site Licensing)