LOCAL PLAN FOR BOLSOVER DISTRICT

STATEMENT OF COMMON GROUND

AS AGREED BETWEEN

BOLSOVER DISTRICT COUNCIL

AND

THE NATIONAL FEDERATION OF GYPSY LIAISON GROUPS
1) Purpose

1.1 The purpose of this Statement of Common Ground is to inform the Inspector and other parties about the areas of agreement between Bolsover District Council and the National Federation of Gypsy Liaison Groups (NFGLG) on Policy LC6: Applications for Gypsies, Travellers and Travelling Showpeople of the Local Plan for Bolsover District submitted to the Secretary of State on the 31st August 2018.

2) Background

2.1 The Council set out its policies in its Publication Local Plan for Bolsover District in May 2018.

2.2 The NFGLG raised objections in its representation (ref: 83541) about the soundness of the wording of policy LC6 but also the under allocation of sites for Gypsies and Travellers.

Policy LC6 Applications for Gypsies, Travellers and Travelling Showpeople

1. Policy LC6 is too prescriptive, particularly in relation to indicating a desired distance from services and failing to recognise proximity to public transport as a factor.
2. Criterion (i) is wholly unacceptable and unnecessary and will place an unreasonable burden on applicants. Such restriction does not require a legal agreement but can be secured by condition.
3. Criterion (a) is unacceptable. It is non-compliant with National Policy as set out in Paragraph 10 of Planning Policy for Traveller Sites (2015), which requires that Local Plans must set out criteria to assess planning applications even where no need has been established.

Under Allocation of Pitches for Gypsies and Travellers

4. Whilst a small level of under-allocation is acceptable provided a flexible criteria based policy is included, we do not believe that the current plan is sound because the under allocation is significant and the criteria based policy is too restrictive. We believe there is further scope to increase the size of some small family pitches and we believe that some sites suggested in earlier consultations have been unreasonably dismissed.

2.3 The Council has considered these representations and has discussed a number of proposed modifications to the policies referred to above with the NFGLG to address their objections.

2.4 Based on these discussions, agreement between the Council and the NFGLG has been reached on the following modifications (as relevant text to be deleted shown as strikethrough and new text to be inserted shown as underline):

1 Representation references refer to the unique reference within the Council’s JDi consultation database system.
Policy LC6 Applications for Gypsies, Travellers and Travelling Showpeople

a) Proposals should be within development envelopes or on other suitable development land as provided for within the Plan unless they can be is shown to meet a need identified in an independent assessment;

c) Is located within a reasonable distance one kilometre, (preferably within 2 kilometres) of a convenience food store, a primary school, and a doctor’s surgery, or of access to public transport

i) Provides for a S106 agreement Acceptable proposals will be subject to a condition or agreement that ensures that the future use of the site shall only be to meet the needs of the Gypsy and Traveller community identified need.

Under Allocation

2.5 Regarding the issue of under-allocation, the Council has discussed with the NFGLG about increasing the size of some small family pitches, and also queried which sites that had been suggested in earlier consultations that have been unreasonably dismissed. These are ongoing issues.

2.6 Regarding increasing the size of small family pitches. The Council is allocating two pitches at Shuttlewood in its Publication Local Plan to meet a family need, in line with the site submitted by the Derbyshire Gypsy Liaison group. Another site was submitted to the Council earlier in the Local Plan process, Land to the rear of 2-12 Alfreton Road and 1 – 3 Brookhill Road, Pinxton for 1 or 2 additional pitches. However, at about the same time as the site was suggested to the Council, a planning application was made on the same land for residential development. The Council has not received confirmation that the landowner still wishes to see the site allocated for Gypsies and Travellers.

2.7 There have been no other sites suggested to the Council regarding increasing the size of small family pitches that could address the under-allocation.

2.8 Regarding the suggestion that sites suggested in earlier consultations have been unreasonably dismissed, this is not agreed. If the landowner or agent wishes to discuss sites initially suggested, such as those identified in the Gypsies and Travellers Land Availability Assessment (EB 30), at Hilcote or New Houghton, the Council would be happy to discuss them. The Council approached the Landowners in late 2017, but have received no positive response from them. On the basis that it appears that there is no landowner interest, it is reasonable to dismiss them; as they cannot be considered to be available. The NFGLG has not put forward any other sites that it considers have been unreasonably dismissed, that could otherwise address the under-allocation.

3) Areas of Common Ground

3.1 Bolsover District Council and the National Federation of Gypsy Liaison Groups agree that:
• Whilst an under-provision still exists, the Council has done all it can to allocate small family extensions given the lack of landowner interest, and no sites suggested in earlier consultations have been unreasonably dismissed.

• The modifications proposed by Bolsover District Council stated above address the concerns of the National Federation of Gypsy Liaison Groups raised in their representations ref. 8354, and given the under-provision allow for a flexible and fair Development Control policy to be considered when sites come forward in the future.

4) Area still to be resolved

4.1 There remains an area of conflict in so far as the NFGLG consider that a small level of under allocation is acceptable, but the level of under allocation remains significant. However, the Council, despite all of the work carried out have not been able to identify suitable deliverable sites and consider that utilising a positively worded exceptions policy is better to meet the demand when it arises, than allocating unsuitable sites for which there may not be an actual market demand.

5) Conclusion

5.1 Based on the stated areas of common ground, the National Federation of Gypsy and Traveller Groups agree that their representation in respect of Policy LC6 (ref. 8354) to the Publication Local Plan for Bolsover District has been addressed and can be withdrawn subject to the modifications stated above being made to the Plan.

5.2 Issues in connection with the under-provision of Gypsy and Traveller Pitches remain unresolved.
AGREEMENT

Dan Swaine, CEO  
On behalf of Bolsover District Council

Cllr Tom Munro, Chair of Planning Committee  
On behalf of Bolsover District Council

A R Yarwood  
On behalf of the National Federation of Gypsy and Traveller Groups

Dated: 20th December 2018