



Derbyshire Dales District Council
Traveller Sites Consultation 2024

Old Station Close, Rowsley

On Behalf of T.C. Harrison Group Limited

September 2024

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Client:

T.C. Harrison Group Limited

Project:

Old Station Close, Rowsley

Report Title / Version:

Derbyshire Dales District Council – Traveller Sites Consultation 2024 Representation

nineteen47 Reference:

n2497

Date:

September 2024

Written by:



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Approved by:



*Clare Plant
Director*

Section 1 | Introduction

- 1.1 This representation has been prepared by nineteen47 on behalf of T.C. Harrison Group Limited ["our Client"] in response to the Derbyshire Dales District Council Traveller Sites Consultation 2024 ["the Consultation"].
- 1.2 The representation relates to the parcel of land at Old Station Close, Rowsley ["the Site"], which is currently a Derbyshire Dales District Council Car Park located to the south of the A6 and north of the River Derwent as shown in Figure 1 below. We understand that the extent of the Site is under the ownership Derbyshire Dales District Council.

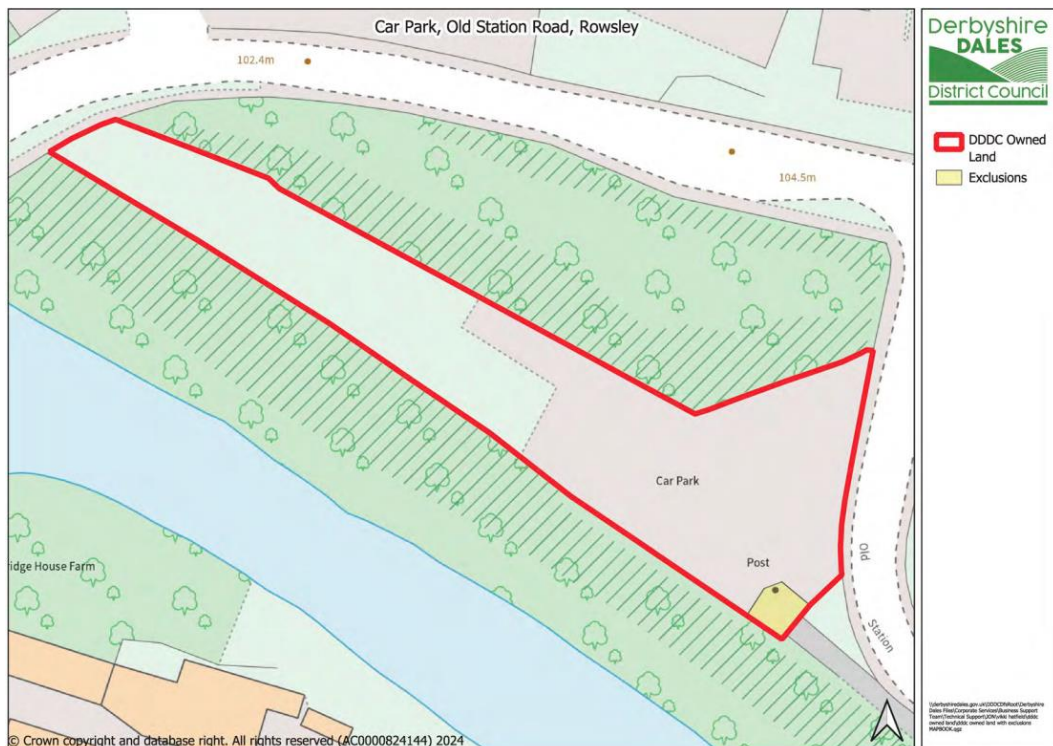


Figure 1: Site Location (source: DDDC)

- 1.3 As the Housing Authority, Derbyshire Dales District Council ["the Council"] has a duty in accordance with the Homelessness Reduction Act 2017 ["the Act"], to provide accommodation to those specific Gypsy and Traveller families with an accepted local connection with the Derbyshire Dales.
- 1.4 The Council has failed to identify any appropriate sites immediately available in the Derbyshire Dales for these families and, as such, the Council are not in a position to discharge their statutory duties under the Act by directing Gypsy and Traveller families to a designated site (temporary or otherwise).
- 1.5 The Council has therefore established a Traveller Working Group ["the Working Group"] comprising elected members from all political parties to provide political leadership in identifying potential solutions on this matter.
- 1.6 The Travellers Sites Consultation 2024 sets out the proposals of that working group to identify temporary sites to discharge the statutory duty, whilst a permanent solution is explored further.

- 1.7 Members of the Working Group have identified the following sites which could be appropriate for temporary use:
1. Car Park, Old Station Close, Rowsley (the Site)
 2. Land to south-east of Hopton Works, Middleton Road, Wirksworth
 3. Arc Leisure Car Parks, Morledge, Matlock
 4. Station Yard Car Park, Dale Road, Matlock Bath
 5. Car Park, Derwent Way, Matlock
 6. Land to north-west of Cemetery, New Road, Middleton
- 1.8 For the reasons set out within this representation, our Client **strongly objects** to the establishment of these temporary sites, and in particular the site at Old Station Close, Rowsley for traveller accommodation.
- 1.9 T.C. Harrison Group have engaged in consultation over a period in excess of 12 years regarding the search for both temporary and permanent Gypsy and Traveller sites in the District, during which time no suitable permanent solution has been secured. This representation sets out further, the reasons why the proposed approach to identifying temporary sites is inappropriate, why the Old Station Close site is not suitable for temporary use and why a permanent solution should be secured as a priority with existing sites at Matlock and Matlock Bath retained in the interim period as necessary.
- 1.10 A Public Meeting hosted by Derbyshire Dales District Council was held on Friday 13th September at Rowsley Village Hall to discuss the proposals at Old Station Close, Rowsley [“the Public Meeting”]. Our Client was in attendance at the meeting.
- 1.11 During discussions held at the Public Meeting, it was advised by Council representatives that only the family located at Matlock Bath require relocation, as the Matlock Station site will be retained for temporary use. Our Client requests clarification on the brief of the Consultation as the needs of the traveller family which are to be relocated will impact on which site is potentially the most suitable. For example, our Client understands that the Matlock Bath family have a strong preference to be located in the south of the District.
- 1.12 Finally, in that meeting it was also mentioned that the Matlock Bath site is required by the Council for the Illuminations, which take place annually. We however believe that the length of time it will take for this Consultation process to take place and a deliver at site, that the need for this years illuminations would have passed.

Section 2 | Response to Consultation

- 2.1 This section of the representation considers and responds specifically to the questions posed by the Council in their online survey on the Traveller Sites Consultation 2024.
- 2.2 Where relevant, the questions are considered in the context of the planning policies in the Derbyshire Dales Local Plan (2017) and the National Planning Policy Framework (NPPF, 2023), to ensure soundness of approach.
1. What is your postcode?
- 2.3 T.C. Harrison Group Limited are the owners of a commercial unit situated at Old Station Close in Rowsley. The Postcode is DE4 2EL.
2. Do you agree that we need to find sites for Travellers in the Derbyshire Dales.
- 2.4 The Homelessness Reduction Act 2017 sets out a clear duty to provide accommodation to those specific Gypsy and Traveller families with an accepted local connection with the Derbyshire Dales. Within this context, the need to find sites for travellers in Derbyshire Dales is accepted. However, the Council has failed to identify a permanent location for pitches for a period in excess of 12 years, during which time unauthorised and unauthorised encampments have arisen.
- 2.5 It is clear that a permanent solution must be identified as a matter of urgency for these families and the pursuance of further temporary solutions stands to divert important time and resource from identifying such a solution. On this basis, we strongly object to the temporary solution being progressed and implore the Council to move towards a permanent solution to this long-term requirement.
3. Which site do you wish to comment on?
- 2.6 Car Park, Old Station Close, Rowsley
4. How we could make this site work in practice for residents, businesses, local communities and the families themselves?
- 2.7 As set out in previous responses to consultation on this issue, there are a number of reasons why the Site at Old Station Close is not suitable for Gypsy and Travellers accommodation. These reasons are set out in response to Question 5 below.
- 2.8 We do not consider given the circumstances of the site, that these reasons could be suitably addressed to enable the families to occupy this site.
5. How is this site unsuitable in practice for residents, businesses, local communities and the families themselves?
- 2.9 The Council have assessed the six temporary sites as set out in the report at Appendix 1 of the Community & Environment Committee Meeting report from 22nd July 2024.
- 2.10 In respect of the Old Station Close site, there are two errors with the Site Assessment Document.

- 2.11 The first error relates to the size of the Site. The Site Assessment Document identifies that the area of the Site is 0.37ha. However, our own measurements of the Site, as shown in Figure 1, is that is actually circa 0.24ha. This is 0.13ha smaller than the Council’s measurement and below the minimum pitch size of 0.25ha identified in the Site Assessment Document. Furthermore, this site area includes areas of steep banking and heavy tree cover, which should not be included in the calculation on the ground that they are not suitable for pitch provision.
- 2.12 The Site would not therefore meet the minimum size criteria set out in the Site Assessment Document and should be discounted on this ground. This would be consistent with the Council’s appraisals of other sites in the District which did not make the shortlist for reasons relating to their size. For example, the site at Parsons Croft Car Park, Hartington, which measured 0.23ha.
- 2.13 The second error in the Site Assessment Document relates to the assertion that the Site is not within an area of high flood risk. However, as shown in Figure 2 below sourced from the Environment Agency, this is incorrect as the western section of the Site is located in Flood Zone 2. It is understood from the Public Meeting that the rear part of the Site is where the caravan pitches are proposed to be located, placing them directly in Flood Zone 2.

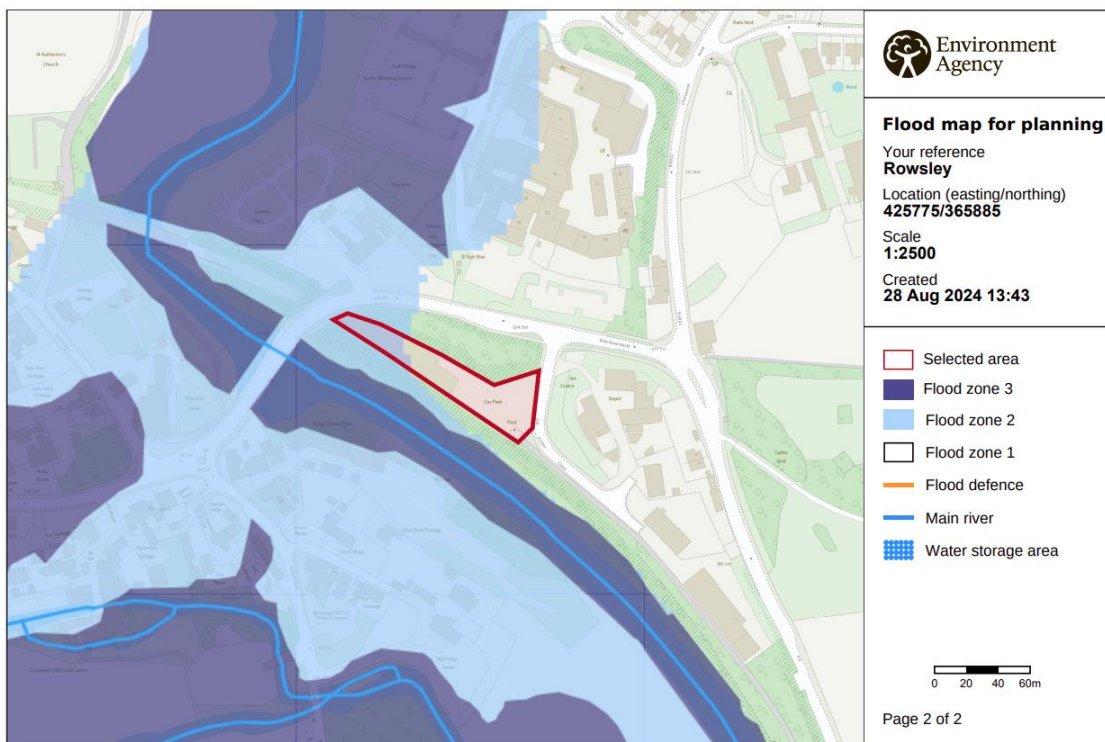


Figure 2: Environment Agency Flood Map for Planning

- 2.14 Provision of a traveller site within an area of high risk of flooding would be contrary to criteria F. of Policy HC6 of the Local Plan, which does not support traveller and gypsy accommodation in such areas. As a result, any planning application submitted for the Site as outlined in Figure 1 would be contrary to the Development Plan.
- 2.15 Furthermore, in accordance with sequential test requirements set out at paragraph 168 of the NPPF, development should be directed to areas at lowest risk of flooding. Therefore, other sites identified for traveller and gypsy accommodation and located entirely in Flood Zone 1 should be pursued in advance of the site at Old Station Close. Any other approach would be contrary to Paragraph 95 of the NPPF, which states that *“Where an application fails to satisfy*

the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 94, it should be refused.”

- 2.16 If the site area were to be reduced to avoid this area of increased flood risk, the total site area would be further reduced to circa 0.18ha, falling further below the Council’s minimum pitch size of 0.25ha.
- 2.17 It is clear in respect of matters of site size and flood risk, that the site is fundamentally unsuitable for temporary pitch provision. We therefore consider that the Site should be immediately discounted from further assessment and consideration.
- 2.18 Notwithstanding this, there are a number of additional reasons why the Site is unsuitable for traveller pitches. These are summarised as follow:

- **Site Sustainability** - the Site Assessment Document identifies that the Site is located greater than a 20min walk to shops, medical facilities and employment opportunities. The Site is not supported by high frequency public transport links and there are only limited local shops and amenities in the local area. The NHS website confirms that the nearest GP Surgery is Credas Medical, Darley Dale, which is 2.2 miles from the Site. The Site is therefore considered to be in a fundamentally unsustainable location in relation to the specific needs of Gypsy and Traveller families and is considered contrary to criteria f) of Policy HC6 of the Local Plan and the sustainable development objectives of the NPPF.
- **Highways impact** – In respect of providing safe access to and from the site for the temporary pitch provision, the Site is of a limited size, and it is unclear whether suitable turning facilities could be provided to facilitate safe access to the Site.

Furthermore, the provision of a pitch would result in the partial or complete loss of the existing public car parking provision, which is currently well used by visitors to local businesses and tourists. There is no alternative public parking provision within the locality and loss of this car parking area would likely result in increased instances of on-street parking along Old Station Close to the detriment of highway safety and access to the local businesses for large vehicle deliveries and visitors parking.

The demand for the existing car parking provision is anticipated to further increase following the upgrading of the White Peak Loop, along the current Derwent Valley Way, which will be accessed directly from this car park, which will contribute to the important tourism economy in the locality.

- **Site Layout** – It is unclear from the Consultation documents whether the Site is capable of physically accommodating the temporary use, particularly when omitting the part of the Site which is located in the Flood Zone. It is unclear whether the Site can achieve the necessary standards for this form of accommodation. For example, can sufficient separation distances between each caravan be achieved in relation to fire safety; is there sufficient room for both car parking and the caravans; does the Site provide sufficient ability to manoeuvre the caravans.
- **Environmental impact** – In response to an earlier application for temporary use of the Site for temporary gypsy and traveller facility, T.C. Harrison commissioned their own specialist ground stability reports to confirm the feasibility of works to provide pitches. The resulting report confirmed concerns relating to potential impact on the adjacent river and the adequacy of drainage attenuation within this area. At that time, the cost

of undertaking required works to provide a safe facility were estimated to be in the region of £70,000, excluding toilet facilities, which is excessive expenditure for a temporary site and would be better directed to identifying a permanent solution. It is also worth noting that these costs were obtained in 2014, therefore it is highly likely that significant tender price inflation has occurred since then, meaning the actual cost will be higher.

- **Biodiversity Impact** – There is significant potential for ecological impact as a result of any work. Part of the site has established tree and foliage cover and there is dense undergrowth towards the River Derwent. No formal survey work has as yet been commissioned to our knowledge, however it is likely that tree removal would be required to accommodate the use which, amongst other things, will have significant Biodiversity Net Gain (BNG) implications.
- The NPPF (paragraph 185) is clear that ecological networks should be conserved, restored and enhanced with measure net gain for biodiversity secured. Biodiversity Net Gain is now mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by schedule 14 of the Environment Act 2021). Avoidance of ecological impact will further restrict the available site area for the provision of pitches and the requirement for mandatory BNG will add additional potentially prohibitive costs to the provision of pitches
- **Residential Amenity** – The Council’s Assessment confirms that there are two residential properties within 100m of the Site. It is unclear where this measure is taken from ie. from the Site boundaries, or centrally within the Site, however we understand that there are more dwellings than two within 100m and that this is in the region of five dwellings. Whilst the woodland and/or the A6 are positioned between the Site and these dwellings, there still remains the potential for noise and disturbance on nearby residents should this Site progress as a temporary Travellers site. This would be particularly relevant during nighttime hours when the road and traffic noise would be at its quietest.
- **Accessibility** – It is widely understood that members of the traveller family have severely limited mobility. It is unclear whether the existing surfacing or any of the Site’s other features would be suitable for use by disabled persons.

2.19 For the reasons set out above, a temporary site on the Old Station Lane, Rowsley, is not appropriate, acceptable or deliverable and the site should be discounted from consideration.

6. In the case of sites, we are already using, how we could make any of these sites work better in practice for residents, businesses, local communities and the families themselves?

2.20 The Council is current utilising temporary pitch provision at Matlock and Matlock Bath Station car parks. Whilst there are acknowledged local concerns with these locations, as set out in our previous representations to the Community and Environment Committee (dated 19th July 2024), subject to the adoption of recommendations made to the Committee in relation to terms of reference, a code of conduct and practical arrangements, the short-term requirement for the provision of pitches is considered to be discharged.

7. Do you have any suggestions as to how sites could be managed if they were developed for use by Travellers on a temporary basis?

- 2.21 Paragraph 123 of the NPPF states that “Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, **while safeguarding and improving the environment and ensuring safe and healthy living conditions.**” (bold for emphasis)
- 2.22 As noted by Paragraph 123, it is important that planning decisions safeguard and improve the environment, whilst ensuring safe and healthy living conditions. Effective management of the sites is key to achieving this, and we would expect the sites to be managed by the Council to ensure that safe and healthy living conditions are provided.
- 2.23 Following discussions with Dr Siobhan Spencer of the Derbyshire Gypsy Liaison Group, our Client understands that the sites will be subject to the requirement of a Site Licence to ensure the correct regulation is in place for the sites.
- 2.24 We do not consider that such conditions would be achievable at the Old Station Close site, for the reasons set out above.

8. 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?

- 2.25 Notwithstanding the representations above regarding the unsuitability of the Old Station Close site for temporary (or permanent pitch provision), the Site is not of a sufficient size to meet minimum pitch requirements) and has a number of physical constraints which make it unsuitable for occupation at any time of the year.

9. Do you have any further comments?

- 2.26 It is important to note in relation to previous consideration of the Old Station Close site, that the Council has concluded in a meeting on 24th November 2022, that a number of sites including the Old Station Close site, should not be considered as suitable for temporary pitches. We are not aware of any evidence subsequently presented to alter this conclusion.
- 2.27 Notwithstanding this, the Council’s overarching assessment of each of the six temporary sites, concludes that alternative Site at Darley Dale and at Matlock result in a higher overall score in terms of the suitability matrix, compared to the Old Station Close site. The site at Matlock Bath scores similarly though the scoring for the Old Station Close site is identified above as flawed, and the Matlock Bath site has a lower number of ‘red’ scores. Therefore, the Sites at Matlock, Matlock Bath and Darley Dale should be considered as preferable to the Site in any case.
- 2.28 Finally ,regarding the pursuance of temporary pitches as a whole, it is strongly recommended that in light of the existing temporary pitches located at Matlock and Matlock Bath, a permanent solution is instead sought as a priority.
- 2.29 Despite previous assertions by the Council, we do not consider that it is necessary to await the progression of the Local Plan process, in order to identify and designate a permanent site solution. The delivery of a satisfactory, permanent site (or sites) can be secured through the submission of a planning application (following the identification of a site), to formalise the agreed location.

- 2.30 The permitted site could then be formally recognised and designated as a long-term site for Gypsy and Traveller occupation, at such time as a future Local Plan is progressed, without preventing the delivery of the permitted site in the interim period.
- 2.31 We note the pending Ark Report on this issue and request that this report is published and distributed to interested parties in advance of the current consultation period ending. This will allow full consideration of any additional evidence available on this matter.
- 2.32 Procedurally, our Client has concerns surrounding the timings of the Consultation during the summer holidays when many local residents are not necessarily at home, and also during a period when many parish and town councils are in recess.
- 2.33 Our Client also has concerns that the Consultation lacks sufficient details about how the sites will be delivered. For example, in the case of the Site, how it will be delivered alongside the existing car park. There is a lack of detail to demonstrate what has been undertaken at the feasibility stage to ensure each of the sites can accommodate the use whilst meeting all the necessary requirements.
- 2.34 Finally, our Client has concerns that the criteria within the Council's Site Assessment document have not been applied consistently between each of the potential sites. For example, it is unclear what the reference points are and where certain measurements are taken from in the assessment. Our Client requests more transparency on the criteria and how it has been applied.

10. Can you suggest any other sites that may be available and suitable for temporary use?

- 2.35 Our Client understands that the Woodyard Site at Homseford has recently become available, which benefits from a planning permission for the site. It would make sense from a financial and resource perspective to focus on a site which already has a planning permission rather than focus on a site which does not.
- 2.36 Our Client also understands that the site at Watery Lane, Ashbourne, which is owned by Derbyshire County Council, is available for lease and that this could be another option for the temporary use.

Section 3 | Conclusions

- 3.1 This representation has been prepared by nineteen47 on behalf of T.C. Harrison Group Limited in response to Derbyshire Dales District Council Traveller Sites Consultation 2024 in relation to the Site at Old Station Close, Rowsley.
- 3.2 The representation demonstrates that the Old Station Close Site should not be considered for temporary use as traveller and gypsy accommodation. The site does not meet the minimum size requirement, nor is it sequentially preferable or suitable in flood risk terms. Notwithstanding this, there are additional fundamental concerns, which in our view cannot be overcome and together these matters warrant the immediate removal of the Site from further assessment and consideration.
- 3.3 The additional constraints to the sites delivery for temporary gypsy and traveller accommodation including:
- Unsustainable access to local services and facilities;
 - Unsuitable ground conditions;
 - Unsafe highways impact;
 - Loss of tourism;
 - Environmental impacts, including biodiversity loss; and
 - Residential amenity.
- 3.4 Overall, the representation **strongly objects** to the Council's approach to alternative temporary pitch sites being identified and recommends that the Council instead seeks to focus available time and resource on the identification of a permanent solution to this long-term requirement.
- 3.5 We reserve the right to respond to make further comments on other matters as the Council's approach to addressing this matter progresses.



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CHARTERED TOWN PLANNERS
& URBAN DESIGNERS