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Part 2 - Regulation 19 and 20 Town and Country Planning (Local Planning) (England) Regulations 2012 "Pre-Submission LDP" consultation

Please note that all comments on the Pre-Submission LDP consultation should be provided by completing Part 2 of this form. A separate completed Part 2 should be provided for each comment made within a representation.

2.1. To which part of the Maldon District Pre-Submission Local Development Plan (LDP) does this representation relate?

- | | | |
|---|--|----|
| a. Paragraph
(please specify paragraph number) _____ | b. Policy
(please specify policy reference) _____ | H6 |
| c. Proposals Map _____ | d. Other section
(please specify) _____ | |

2.2. Do you consider the Maldon District Pre-Submission LDP to be (tick as appropriate):

- | | | |
|---|-----|-------------------------------------|
| a. Legally compliant | Yes | |
| To be 'legally compliant' the LDP has to be prepared in accordance with the Duty to Co-operate and legal and procedural requirements. This is required by Government guidance | No | <input checked="" type="checkbox"/> |
| b. Sound | Yes | <input type="checkbox"/> |
| To be 'sound' a Local Plan should be positively prepared, justified, effective and consistent with national policy. This is required by Government guidance
(if you do not consider the LDP to be sound , please complete section 2.3. below) | No | <input checked="" type="checkbox"/> |

2.3. Do you consider the Maldon District LDP to be unsound because it is not (tick as appropriate):

- | | |
|---|-------------------------------------|
| a. Positively prepared | <input checked="" type="checkbox"/> |
| To be positively prepared the plan should be prepared on a strategy which seeks to meet objectively assessed development and infrastructure requirements | |
| b. Justified | <input checked="" type="checkbox"/> |
| To be justified the plan must be: | |
| <ul style="list-style-type: none"> Founded on a robust and credible evidence base; The most appropriate strategy when considered against the reasonable alternatives. | |
| c. Effective | <input checked="" type="checkbox"/> |
| To be effective the plan must be: | |
| <ul style="list-style-type: none"> Deliverable; Flexible; Able to be monitored. | |
| d. Consistent with National Policy | <input checked="" type="checkbox"/> |
| The Plan must be consistent with Government guidance as set out within the National Planning Policy Framework | |

On the following pages, please explain why you think the Plan is unsound or not legally compliant, and set out any changes you feel should be made to the Plan to make the Plan sound or legally compliant.

Please note: As there will not normally be a subsequent opportunity to make further representations based on your representation at this stage, please include all the information, evidence and supporting information necessary to support/justify your representation and the suggested change(s) to the Plan. After this stage, further submissions will only be invited at the request of the Planning Inspector, based on the matters and issues the Inspector identifies for examination.

2.4. If you consider the Maldon District LDP to be unsound or not legally compliant please explain why in the box below.

Please be as precise as possible. Please also use this space for any comments in support of the LDP.

The Policy H6 fails the primary requirement of “The Planning Policy for Travellers (ISBN 978140983052)” with regard to “deliverable sites”. The primary route to additional plots through intensification, simply hands the choice and option for expansion to a limited number of private individuals. The Council has no power over these landowners to develop, expand or intensify the sites at their location. Nor does it have any power to compel the adjacent landowners at the same sites to allow expansion on their land. The policy will cause a significant increase in value to the land at these locations due the restricted availability. This is totally contrary to the intentions of the 2006 legislation, which was aimed at assisting those members of the Gypsy and Traveller community, who had little assets and were involuntarily itinerant. In plain terms the policy will be divisive within the community it is aimed at assisting

The proposed sequential approach to permissions fails on the following points

1- Intensification of existing sites

This is a poor route to providing additional plots. Increasing the density of population of any one group in a particular location leads to isolation, and increased separation from the local community. The policy risks producing sites which due to size & density become socially self sufficient, removing the general aim of all planning policy which is to improve social and economic integration between all racial & socio-economic groups. This policy effectively breaches the requirement of PPT B11a which requires the adopted policy to encourage integration between the communities.

2 – Expansion of existing sites

Expansion and Intensification of sites within small rural communities as exist in the Maldon District causes and magnifies imbalances between the traveller and settled community. Consideration could be made for encouraging small family groups of perhaps 2-3 plots on a site. Sites with multiple plots and unrelated occupants risks isolation & tension with the settled community.

3 – Social Housing Provision

The policy takes no consideration of those members of the Gypsy and Traveller communities who cannot afford to purchase their own land. I believe the last social housing provision in Maldon District for this community was made more than 20 years ago and now has a waiting list. This failure to address the social housing needs of this section of society is even more surprising considering the well publicised and available £60M central government funding for such projects.

Legal compliance – Minutes from general council meetings detail that proposals made by the “Gypsy and Traveller working party” were adopted for inclusion in the LDP. Information about the committee proposals have previously been denied under a freedom of information act request due to confidentiality. The chairman of the committee is related to occupants of a Gypsy site. I seek confirmation that all the processes and recommendations of this committee were fair, open and unprejudiced.

As further evidence, I attach a copy of previous correspondence on this policy to Maldon Council “LDP OBJECTION SEPT 2012”

2.5. Please explain in the box below what change(s) you consider necessary to make the Maldon District LDP legally compliant and sound.

Please be as precise as possible. Please explain why this change will make the Maldon District LDP legally compliant and sound. It will be helpful if you are able to put forward any suggested revised wording of the policies or supporting text.

The new policy should be fully reconsidered with a view to social integration.

Sites suitable for Gypsy and traveller pitches should be identified and allocated within all parishes..

These locations should not be isolated away from the settled community, but included within the general village plans.

A limit of no more than 10 pitches within any one site or near location should be made. This would maintain balance with the settled community and encourage interaction. Constant expansion of existing sites only encourages separation between communities.

Conditions should be made within the Section 106 regulations, to include Gypsy and traveller allocation as part of the social housing provision conditions, as has occurred within the Chelmsford City Council Plan.

Permanent conditions should be imposed on sites to ensure all future occupants genuinely fall within the definition of Gypsies and Travellers.

2.6. Do you consider it necessary to attend and give evidence at the hearing part of the examination? (tick as appropriate)

No, I wish to communicate through written representations ☐

Yes, I wish to speak to the Inspector at the hearing sessions ☒

Please note: The Inspector will determine the most appropriate procedure to hear those who have indicated that they wish to participate at the hearing part of the examination

2.7. If you wish to participate at the hearing part of the examination, please outline why you consider this to be necessary.

The Council's historic identified lack of policy with regard to Gypsy and Traveller planning has had serious health and financial effects on my family, with planning decisions being made by the Inspectorate rather than locally. Our detailed representations throughout the LDP process have not been addressed. In my view the implementation of a poor policy in place of no policy is not an improvement. Adoption of the proposed policy will not benefit the travelling or settled communities. It will however remove criticism of the council for not having a policy at future Planning hearings and enquiries, however because of it's poor and ill considered route to approvals it will be virtually undefendable at Appeals

This is the end of Part 2 (Regulation 19 and 20) of the response form. Please complete this form for each representation you wish to make. You only need to complete Part A once. Please submit all of your response forms together.

[REDACTED]

From: [REDACTED]
To: <policy@maldon.gov.uk>
Cc: ">" <priti.patel.mp@parliament.uk>
Sent: 10 September 2012 19:36
Subject: LDP consultation attn Mrs P Channer

[REDACTED]

Dear Mrs. Channer

Re - LDP Consultation

I expressed my interest by e-mail to take part in the LDP consultation process prior to the closing date on 28th August. I believe I may have misunderstood the process. I was advised by Cllr Delderfield at a Gt Braxted Parish council meeting last week, that there is unlikely to be an open debate/consultation process, however comments submitted will be reviewed by a panel. I have therefore completed my submission in writing below to ensure my comments on the proposed plan are heard and may be considered.

My particular interest is with the proposed H6 Gypsy & traveller provisions policy, you will be fully aware of the history on the sites at Lea Lane and the repeated criticism by Planning Inspectors of the lack of local adopted policy for more than 20 years.

Having read and reviewed the proposed policy, I consider it to be a simplistic solution to a politically difficult subject which wholly fails both residents in Great Braxted and other wards with existing sites. Furthermore the policy does not appear to take fully into consideration the published government guidance "Planning policy for traveller sites" published 23/3/12 (ISBN 978140983052). Having sat in a number of planning enquiries & hearings, I am aware of the weight placed on adherence to the published guidance by inspectors. To ignore this legislation at the development of the new LDP is very short-sighted, as future inspectors will be free to overrule any locally determined decisions due to the policy failure. This would consequently keep local planning control for Gypsy & traveller sites in Maldon District under the Inspectorate in Bristol as it has been for many years. This clearly does not encapsulate the "localism" intent of the recent government legislation. It seems obvious that this opportunity to develop a strong, fair and integrated policy should not be overlooked or dismissed due to the difficulty of the challenge. Surely the role of the council is to approach these difficult issues and address them to the benefit of both the settled & traveller and also avoid further financial losses in defending appeals, which are indefensible, due to the repeated failure to address the problems proactively.

With regard to the particular policy notes, I make the following comments some of which are general and some relate to Lea Lane Great Braxted

5.6.8 - Intensification of existing sites

I consider this to be a poor route to providing additional plots. Increasing the density of population of any one group in a particular location leads towards isolation and separation from the local community increases. The policy risks producing sites which due to size & density become socially self sufficient, removing the general aim of all planning policy which is to improve social and economic integration between all racial & socio-economic groups. This policy effectively breaches the requirement of PPT B11a which requires the adopted

policy to encourage integration between the communities.

For the Lea Lane site the continued intensification on the original sites and the recent site expansion has left the entire location out of balance with the local settled population. This is out of line with Planning Policy for Travellers sites policy H para 23 regarding domination of local environment. To implement the proposed policy would provide the route to further plots being applied for and placed at Lea Lane, increasing the imbalance and palpable animosity between communities. A further valid point is the views of many of the Gypsy & traveller population. There is a well document case in Cambridgeshire, where a settled group of travellers objected to local intensification themselves, as they felt it would cause friction with the local population. My wife also spoke with a number of Gypsies during government gypsy & traveller consultation process in London, many of them expressed the same view, that small sites were fine, but larger intensified sites risked social and integration issues.

5.6.9 - This policy is failed by the primary preferred route to providing additional plots by intensification. Intensification of sites within small rural communities as existing in the Maldon District causes imbalances between the traveller and settled community. Consideration could be made for encouraging small family groups of perhaps 2-3 plots on a site. Sites with multiple plots and unrelated occupants risks isolation & tension with the settled community.

In Lea Lane the policy has already failed with regard to local environmental quality. In this location there is a continuing situation of burning garden business waste, noise from dog breeding pens and reported raw sewage in the ditches. All of these issues have been referred historically to the various regulatory bodies and council departments, they continue. It would appear that to control these problems is considered too challenging. As a consequence there is a real loss of amenity to the settled community in Lea Lane.

5.6.11 - This policy severely fails the requirement of the Planning Policy for Travellers legislation. The requirement of PPT B9a requires councils to identify a deliverable 5 year supply of additional plots. As far as I am aware all of the sites identified excluding Woodham Walter are privately owned. I cannot see how the council can suggest any plots are "deliverable" on private sites, unless they have entered into contract with those land owners. PPT H25 Clearly states that failure to provide a clear deliverable 5-year supply will be held strongly against any decision taken at appeal. Again adopting a weak policy leaves the Planning Inspectorate a clear route to overturn any local decisions. Furthermore the policy takes no account of the provision for travellers who are unable to provide their own sites as detailed in PPT D13, & leaves the permissions effectively only open to wealthy individuals to promote their own traveller development schemes on the land they own and which is already identified within the policy plans.

The following further requirements of PPT 23-3-12 are not addressed within the document

Sustainability - The preferred route does not detail the necessity of sustainability as required in PPT B7 & B11. Sustainability is probably the most discussed planning issue presently, there at the very least should be a paragraph within in policy document requiring real sustainability. On Lea Lane we have seen a number of appeals where the sustainability was accepted unchallenged, even though there are no facilities, limited water & electricity services, no bus route, no mains drainage. In real terms every resident in the area drives to work, the shops etc. I cannot see how further intensification of any residential occupation within such a rural location could be determined as sustainable.

Joint development plans - PPT B9c requires councils to discuss with neighbouring districts

joint planning policy. No such planning is detailed in the policy nor is any consultation detailed with the County Council, who I am led to believe are responsible for publicly owned and operated sites.

With the proposed MDC LDP Policy H6 alternative options, I would also make the following comments regarding the delay in preparing and adopting the local plan. As the council had no adopted policy for Gypsy & Traveller sites since the 1999 document, it is ludicrous to suggest that this opportunity to make a real and proper change to policy should be overruled on a time basis. Should this occur and the proposed policies be adopted the only beneficiaries will be the council members & officials, who could no longer be criticised for having no policy. No benefit to either settled or traveller communities would be gained, other than those lucky individuals with spare space on the existing sites. Policy should be for the benefit is the local community not self serving.

Harm – This is a difficult issue as any comment on harm potentially risks comment of racism, however having lived in the community for 18 years, having moved in to our house with the knowledge of the original travellers site and having had our children go to school and also play with children from the adjacent site, I would hope that these comments are taken as a subjective consideration. The basic premise of planning policy is that no permission or group of permissions should cause harm. Lea Lane would now appear to be blighted by the recent spate of applications, appeals & permissions, which have allowed the site to become out of balance with the local settled community. Unfortunately in the real world where people make individual choices, the existence of a large intensive Gypsy site in any location has an immediate negative impact on desirability. There are presently a number houses on Lea Lane that have been for sale for a reasonably long period & no sales have been possible. More importantly I have been told that the old school house on Braxted Park Rd has had two sales fall through after local searches revealed the local Gypsy planning history, the potential purchasers being wary of further expansion. Clearly harm has occurred to all property owners in Lea Lane & also the sphere of influence of this site extends nearly ¾ mile. In consideration of small sites with only a couple of plots, this harm effect would obviously be much less. As a proof of this situation, we had no concerns in 1994 in buying our house in the full knowledge of the existing Lea Lane site, which at that time only had 2 plots.

From LDP documents I understand there are 17 wards in Maldon, presently only 6 or 7 wards have registered traveller sites. With a view to low level development, the low level of demand as identified with the LDP proposal document and a more effective integration of communities, I would suggest the following action be taken.

MDC should pro-actively seek out suitable sites within all wards in the district, it must consider making provision for those travellers who are not wealthy enough to provide for themselves, if necessary in conjunction with the County Council, this has occurred previously with the Woodham Walter site. It must identify sites which are deliverable either by approaching land owners or offering incentives/requirements within other planning schemes. This concept is not new, there has been a clear policy for social housing inclusion within large or exclusive housing schemes for many years, why not for traveller provision? Particularly as the planning regulations identifies them as being disadvantaged and requiring special treatment

I realise that all Councillors will react by wanting to protect their electors, however if a policy was developed to require all wards to provide and accommodate a small quota of the required additional plots, then no one ward or district would have to suffer an unnecessary development burden or would be in a position to complain about being unfairly dealt with. If we are to live in a democracy it is an inherent requirement to accept some perceived

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detriment rather than only benefit. By developing small sites the probability of acceptance and integration by and with the settled community would be much greater. This policy would require strong commitment and leadership from the elected members, new thinking, which could however be seen as truly being progressive for the entire community. Should the policy be passed as proposed however, the continuing issues on policy failure at appeals will continue, the only difference being the criticism of poor policy rather than none.

I look forward to your reply.

Most sincerely

A solid black rectangular box used to redact the signature of the sender.