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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 ☒
- b. Sound** Yes ☐
To be 'sound' a Local Plan should be positively prepared, justified, effective and consistent with national policy. This is required by Government guidance No ☒
(if you **do not consider the LDP to be sound**, please complete section 2.3. below)

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

- a. Positively prepared** X
To be positively prepared the plan should be prepared on a strategy which seeks to meet objectively assessed development and infrastructure requirements
- b. Justified** X
To be justified the plan must be:
 - Founded on a robust and credible evidence base;
 - The most appropriate strategy when considered against the reasonable alternatives.
- c. Effective** X
To be effective the plan must be:
 - Deliverable;
 - Flexible;
 - Able to be monitored.
- d. Consistent with National Policy** X
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.

Historically MDC have failed to adopt a policy regarding Traveller sites and we are still experiencing the significant effects of that failure. Consecutive Inspectors have criticised the lack of policy. Now when given an opportunity to make a robust, informed policy, based on the local knowledge and input from local residents the council has completely ignored any calls to revisit this particular policy. Despite repeated requests to proactively make provision across the district the council has adopted a policy of intensification and expansion of existing sites as its starting point in making provision for Gypsy and Traveller sites. The idea of deliverable sites is that they are available at the present time. Maldon has made no effort to identify or purchase sites, nor does it include any provision for Travellers within other current development proposals. A prime example of this is the current proposal for the "Wickham Bishops Community Housing Scheme". At 5.49 the council states that it aims to "promote integrated co-existence between the site and the community" This policy is acting in direct contravention of that stated aim. The intensification of sites has the opposite effect and widens the polarisation between Travellers and the settled community. The travellers at Lea Lane have virtually no interaction with the settled community whatsoever. They have their own community and do not feel any loyalty or involvement to the village or offer any support in village matters. Despite this under current proposals it may well be deemed suitable for expansion and intensification!

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.

Maldon District Council last made any Public provision for Gypsy and Travellers **20 YEARS AGO**.

We were told by a member of the council that they were told that if they did this they would be "OK". Since then they have simply kept their heads down and let the Inspectorate do their work for them.

Maldon District Council need to actively identify future sites and if necessary apply for a portion of the £60m which has been made available by Central Government to enable councils to fulfil their statutory obligations to the Travelling Community. By failing to do that they have left the allocation of pitches in the hands of a relatively small but individually wealthy number of travellers who gain consent by default or windfall status. This does not assist the members of the travelling community with poor health and educational issues that the 2006 ODPM Document was designed to assist in finding sites. I attach a copy of my correspondence with MDC suggesting how this might be equitably done.

An alternative sequential approach should be as follows:

1. The Council will proactively seek to meet identified need by identifying sustainable sites across the district. New proposals will be considered via the development management process using a sequential approach that avoids intensification and expansion of existing sites. The allocation of new sites will seek to secure provision of suitable accommodation from which Travellers can access education, health, welfare and employment infrastructure.

This should take place within a period determined by the inspector in order to provide a five year supply of deliverable sites.

2. All new housing developments should include some provision of Gypsy and Traveller pitches to ensure interaction and integration between the travelling and settled communities.

3. Sites within the existing development boundaries or strategic growth areas

4. Expansion of existing sites for strict familial purposes with a set limit to avoid exponential expansion for example no more than 10 sites in one location – a policy which Chelmsford District has adopted in its LDP

Please see correspondence below.

-----Original Message-----

From: [REDACTED]
Sent: Friday, October 14, 2011 10:06 AM
To: Cllr. Penny Channer
Subject: Fw: Traveller site consultation

Dear Ms Channer

I have spoken to Henry Bass this morning with regard to the Gypsy and Traveller working party. He briefly outlined the work they have been undertaking and stressed that theirs is mainly a fact finding exercise not one of formulating strategies.

As a local resident who has been affected by Gypsy and Traveller issues, I have been in regular correspondence with MDC officials, and was responsible for organising the public meeting in Wickham Bishops. Attendees of that meeting will testify that there was no anti gypsy agenda and the issues

discussed were about MDCs lack of strategy in dealing with these matters. The message that came out of it was to encourage people to lobby for change.

Putting my personal concerns aside, I have come to realise that there really needs to be a new way of thinking about these issues if MDC is going to successfully deal with it's outstanding allocation of pitches and a form a proper strategy for future provision. This has to serve the needs of genuinely homeless travellers whilst guarding against the sorts of abuses we have seen in the Appeal and subsequent certificate of Lawfulness application on land adjacent to our home. Equally it must take into consideration the views of the settled population. I believe that with the right, pragmatic approach, all these issues can be addressed.

MDC is not alone in its idea of placing new pitches next to existing pitches, but if you take the time to read through my extensive correspondence, you will see the reasons why we believe this is a deeply flawed course of action. I recently attended an Oral Consultation at the Department of Communities offices at Eland House. You will see from my letter to Fiona Marshall below the conclusions which were reached at that hearing.

I am keen to engage with the process and have been asking to have a reasonable dialogue with council officials as I believe my experience has some value and might provide some insight that will assist members.

Henry suggested that I copy you some of my correspondence in view of your interest in these matters. If you require any additional information. please let me know

Yours sincerely

----- Original Message -----

From:

To: fiona.marshall@maldon.gov.uk

Sent: Thursday, July 28, 2011 11:30 AM

Subject: Traveller site consultation

Dear Ms Marshall

Thank you for taking the time to ring me this morning. I am setting out some of the points that we discussed. I hope that I might be involved in helping the working party address the provision of gypsy and traveller sites in our district as someone who has directly suffered the consequences of the councils lack of strategy.

To date, one of the planning departments stated methods has been to look at existing sites and see if they could allow additional extra pitches nearby and get some of their allocation that way - hence the original application by Mr & Mrs King was recommended by approval. This also explains why there was no proper local consultation or site visit and Jennifer Candler's comment that they considered that it would cause "the least harm". There should be far better local consultation methods than are currently in place.

The siting of new pitches next to existing settlements is a very short sighted approach, and one that could ultimately cause more problems than it solves. Lumping together pitches in this way does not help either the travellers or the local settled community. It allows sites to grow too large and is in effect creating ghettos within villages. It means there is less chance of integration, and causes tensions with the settled residents. The other problem is that if the council adopts this as a strategy it makes it very difficult for them to defend themselves at appeal if a site is not suitable - as in our case.

We feel that the council should concentrate on creating small family settlements , not sprawling sites. A smaller more natural family expansion over several years, without regular subdivision of plots is far more in keeping with the rural environment and is a pragmatic, tolerable solution to a problem that is not going to go away - Localism Bill or not.

An example of how this should work. The Clarkes in Lea Lane have lived on their site for 20 years, it has never been subdivided and only last year they finally applied for and got permission for a couple of extra family plots. They are on good speaking terms with local people, their children attended local schools. If anything they suffer from being tarred with the same brush as the neighbouring site. This is an extract from my letter regarding their appeal
HAVING RAISED THESE POINTS WE WOULD ADD THAT WE ARE NOT ANTI EXPANSION IN PRINCIPLE. THIS

APPLICATION (AS OPPOSED TO 09/00013), SEEMS TO US MORE IN KEEPING WITH THE SITE. IT APPEARS TO BE A MORE NATURAL EXPANSION IN TERMS OF MAINTAINING FAMILIAL LINKS, AND SENSIBLE USE OF THE EXISTING SPACE. THIS HALF OF THE SITE HAS NOT GROWN BEYOND ITS ORIGINAL OCCUPANTS, AND THERE DOES NOT APPEAR TO BE ANY UNLAWFUL OCCUPATION, INFLUX OF ADDITIONAL FAMILIES NOR DISREGARD OF THE PLANNING REGULATIONS. WE ASSUME THAT THE COUNCIL WILL JUDGE THESE TWO APPLICATIONS IN TANDEM AND THESE POINTS SHOULD OBVIOUSLY BE VIEWED IN A POSITIVE LIGHT WHEN COMPARING AND CONSIDERING BOTH APPLICATIONS.

Whereas on the adjoining site Mr Stanley has regularly subdivided and sold off plots to vaguely related people who now want even more and we are seeing the honey pot effect that Russell Forde described at our public meeting. The other aspect of this plot and the outstanding appeal is that there has historically been a manipulation of traveller status in order to gain planning advantages over the settled community. There is no positive interaction with the community, the children are home schooled and noise and other issues are affecting local people. The important point here is that these applications are for the same people simply improving their own circumstances by improving their prospects before inevitably applying for bricks and mortar permission in the future. As such they are not in reality providing any more pitches in the district or allowing anyone on a council waiting list to take up a pitch. It is those people that are being failed while others are abusing the system for financial advantage.

The opposite side of the story can be seen in Cold Norton. When a long term resident family recently made a similar application to the Clarke's they were subjected to physical and verbal abuse and withdrew their application immediately in tears. Up to that point they had been well integrated in village life, the children attended local schools, the wife was involved in running the local nursery. Cold Norton clearly missed an ideal opportunity for providing a couple of pitches to a well known local family and reducing the Councils outstanding allocation. Instead they adopted a stereotypical anti gypsy stance, behaved atrociously and obviously destroyed the trust and ties this family had to their community.

We feel that our campaign has been well measured, not at all anti gypsy in it's message - despite travellers press comments to contradict this. It was more focused on MDCs lack of strategy and how it had resulted in an unnatural pooling of virtually all the new pitches allowed in the last five years being placed in one spot. If the current Appeal is successful Lea Lane will have provided 6 out of the necessary 15 plots. We exist within a democratic system, which in theory provides equivalent opportunities & benefits for all sections of society, the other side of this is that all sections of society must also accept a share of any perceived disadvantage, whether this is additional housing, industrial developments or in this instance Gypsy pitch allocation. It is simply unfair & undemocratic to expect any area, town or ward to bear the brunt of all of any type of development to the benefit of all others. This is particularly relevant in this instance, as it would never be considered as acceptable to provide all of Maldon's outstanding housing allocation to a single site in the district. If people wish to live in a democratic society they must accept their responsibilities to that society, nimbyism is just not acceptable, in short other wards must shoulder some of the responsibility.

We think it is time for Maldon to act decisively in tandem with Parish Councils to identify potential small pitches throughout the district, for example two or three in each ward. There should be published criteria and guidelines to help them make their recommendations, (some of these could be like the Cold Norton site for strict familial expansion on a very small scale). The suggested sites could be thinned out with a weighting system to arrive at the current shortfall plus a potential future supply. I understand that in the new bill figures will need to be projected for 15 years with at least a five year supply identified. The council have no choice but to explain the necessity of their actions to local people and implement their responsibilities.

This should be seen as an opportunity for Maldon District to set an example to the other District Councils (who all have the same issues) in adopting a proactive policy which in turn will benefit both the settled and the travelling communities. I am not suggesting that this will be either easy or popular, but councillors were elected for their abilities to deal with the rough and the smooth, and it is by showing integrity in the face of such difficult issues that will ultimately garner the respect of their communities.

I look forward to hearing from you

Most sincerely

From FM

With regards to the Working Group, unfortunately it is not possible for an individual representative of the community to have a place on this group. I can however confirm that Members of the group are fully aware of your concerns and are being pro-active in seeking solutions that help to meet the identified need in a way that is felt to be equitable to the community. Officers are currently undertaking work to gain a greater understanding of the current position in terms of need and existing pitches located within our District and will use this to shape and develop a project plan focussed at addressing the targets that have been laid down. I cannot say at this time what the conclusions of this work will be and will not be in a position to do so until the matters have been considered by Members at the appropriate committee or meeting of Full Council. I apologise if this seems vague, but I am sure that you are aware proper processes have to be followed. I would however like to stress that the Council is taking this matter seriously and is directing resources to this as a matter of urgency.

Dear Ms Marshall

I am writing further to my letter of 28th July and your response dated 22nd August. I am sorry not to have come back to you sooner, however I have been very tied up with drafting my objections to the Certificate of Lawfulness application behind my home and drafting further submissions to the Inspector with regard to the further hearing on the Appeal for land in front of my home.

Yesterday I attended an Oral Hearing and Workshop at the Department of Communities and Local Government offices at Eland Place. It was a very interesting discussion and involved a variety of people including travellers from council run sites in London and representatives from agencies involved in traveller welfare and housing. I am copying this letter to Mrs Ruth Stainer who is the Deputy Director of the department involved in the consultation process for the Draft Planning policy Framework Consultation. She chaired both the the Oral Hearing and the workshop in the afternoon.

With regard to the Oral Hearing. We only had one hour to get our points across, but still managed to cover a lot of ground and I would like to pass on some of the points that came up. The difficulties faced by the London Boroughs are a lot more challenging in some ways as they have such a high density of development and a real lack of available or suitable land. The traveller pitches that have sprung up and are now run by the council are usually in pretty undesirable and in some cases unhealthy locations. There are virtually no private sites and therefore they do not experience the setting up in remote areas etc that we tend to get, so there was a recognition that different locations pose their own problems. However, to take Camden as an example, they are having to find twenty pitches and despite the extreme paucity of available land they are rising to the challenge.

One of the clearest points to arise was that travellers themselves do not want to live on large sites, especially as in built up areas they live cheek by jowl with the settled population. It was agreed that larger sites inhibit integration and once a site reaches certain proportions it creates problems and generates mistrust within the wider community. This is precisely the point I made in my earlier letter to along with my request that MDC seriously revisits its practice of looking to place new sites adjacent to existing sites. It is a very short sighted and crude method of dealing with the this problem. As I pointed out at the hearing, in all new development there is a degree of social engineering to ensure a mix of social and affordable housing along with private provision . All the people around the table recognised that although extended travelling families would prefer to live together on the same site, it is simply not practical to keep enlarging or intensifying the number of pitches on a particular site. The travellers present felt that so long as their children and extended families could be allocated pitches within a reasonable radius it was still better than them being forced into bricks and mortar housing. The overriding problem in both the towns and in rural areas is the need for more small, well managed, council run sites.

Another point that arose was that there is a clear demarcation between two very different types of travellers. There is a large group who have very few options regarding where they live, who experience a lot of discrimination and who suffer with poor educational and health outcomes. Then there are the type of individuals we have been dealing with, who are independently wealthy, have no proven housing need and who are using the current planning provisions for Gypsy and Travellers to obtain planning that would be denied to the settled community. Government needs to find a way to help the first and identify the second. As I said at the hearing - would someone with a £750,000 house be considered eligible for a council house? If not, why would they be considered eligible to have a caravan on a greenfield site?

I was very disappointed by your response. We both know that I did not ask for a place on the working party, I simply wanted the opportunity to make either written or oral representations in order to help find a solution to this problem. As it was I had to go to London to do it.

Give the problems we are facing as a family I think that we have worked extremely hard to retain a reasonable and even handed approach and if you speak to your officers I would hope that they would confirm that. The representatives at the hearing yesterday recognised my need to engage with the issues in a frank and open discussion and appreciated that we are not coming from an anti gypsy standpoint. Bearing that in mind I would still

welcome the opportunity to address the working party and would be grateful if you would reconsider my request.

Finally, I would be grateful if you could provide me with

a) details of how the working party complies with MDCs Adopted Statement of Community Involvement, particularly page 4 section 2

b) A schedule of meetings for the working party along with any minutes that are publicly available and details of any meetings which are open to members of the public.

I look forward to hearing from you

Kind regards

[REDACTED]

MALDON DISTRICT COUNCIL

Princes Road
Maldon
Essex CM8 3DL



14 December 2011



Enquiries to Jennifer Candlen
Email: jennifer.candlen@maldon.gov.uk

Dear Ms Hopkins

Freedom of Information Request:

Thank you for your request for information which was received by Maldon District Council on 11 October. Please accept my apologies for the delay in replying to you.

You asked:-

- Has Maldon District Council taken action against any persons during the last 10 years under Section 194 for giving false information or withholding information with the intention to deceive?
- If so how many such prosecutions have taken place in the last 10 years?
- Has this particular issue been debated by members? If so are there any minutes available?
- Could I also please have minutes of any meetings of the current working party for Gypsy and traveller provision?

In relation to the first three requests that you make, I confirm that the answer to the first question is that the Council has not taken any such action and it follows that the answers to the other two questions are also in the negative.

Turning to your final question, we consider that the information you have requested is exempt from disclosure under the Freedom of Information Act 2010, although we hold the information, we shall not be providing it to you.

The exemption we are applying is that disclosure of the information would, in the opinion of the qualified person for the Council, prejudice the effective conduct of public affairs because disclosure would be likely to inhibit the free and frank exchange of views for the purposes of deliberation under section 36 (2)(b)(ii) of the Freedom of Information Act.

The factors we have taken into account before reaching the decision are that if the minutes were disclosed those participating in the working group would not be able to express their views freely and debate would be stifled. Although there is an interest in offering the public access to the details of debate there is also an interest in enabling the free and frank exchange of views as a preliminary to the taking of decisions in the public arena, to which

(cont'd....)



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.

We have been requesting Maldon District Council to fulfil their statutory obligation in respect of Gypsy and Traveller Provision for almost four years. Despite this we have seen very little progress, no Council owned pitches have been delivered and this has resulted in the pooling of all applications in one area. The "significant failure of policy" identified by consecutive Inspectors has resulted in a devastating loss of amenity and planning blight on our home of 20 years. We have seen continued manipulation and misleading behaviour and we have serious concerns no lessons have been learned from our own bitter experience. A more equitable policy is long overdue.

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.