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2nd March 2015

Mrs Andrea Copsey
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Dear Madam

Further to your emails of 23rd February and 2nd March I wish to make the following comments on the Councils Proposed Further Modifications to Policy H6 and also the questions arising from the Inspectors consideration of Moore & Anor -v-SSCLG & Ors.

The first and fourth proposed modifications are minor substitutions to text clarifying the current "on the ground" status of existing sites and as such have no impact on policy H6.

Whilst I agree that the criteria should be considered before the sequential approach I maintain my position that the current steps 1-4 in the sequential approach are deeply flawed especially in regard to their preference for the intensification or expansion of existing sites. They are highly discriminatory to both the settled and the travelling communities. As residents who live adjacent to a traveller site our amenity would be further compromised by this policy. Conversely there is no other section of our society who would tolerate the idea that in order to obtain Planning Permission they should be sited with others who share their cultural beliefs or protected cultural characteristics. This is clearly in breach of s149 Public Sector Equality Duty as it does not

1(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; or
1(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

In the 2014 GTTA, only Braintree Stakeholders seem to have given proper consideration regarding the intensification and expansion of existing sites. *Braintree 4.51 Stakeholders noted that the existing sites should not be extended and that further provision should be dispersed around the District, possibly to the west of Braintree. When asked to consider what criteria were important when considering the location of any future sites, stakeholders mentioned the importance of access to services and facilities, but felt that sites should not be adjacent to existing housing or Traveller sites as this was likely to be unpopular with both Travellers and the settled community.*

The Council's statement at the hearing that they would simply await applications to fulfil their current requirement of 17 pitches in the next 3 years illustrates the complete absence of will to address the objectives for traveller provision as set out in the 2014 GTAA.

Among other objectives, the aims of the policy in respect of Traveller sites are (Planning Policy for Traveller Sites Pages 1-2):

To ensure that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites. To encourage local planning authorities to plan for sites over a reasonable timescale.

For local planning authorities to ensure that their Local Plan includes fair, realistic and inclusive policies.

To increase the number of Traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply.

For local planning authorities to have due regard to the protection of local amenity and local environment.

1.24 In producing their Local Plan local planning authorities should:

» Identify and annually update a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set targets.

» Identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15.

» *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 strategic planning issues that cross administrative boundaries).*

» *Relate the number of pitches or plots to the circumstances of the specific size and location of the site and the surrounding population's size and density.*

» *Protect local amenity and environment.*

Maldon has had many years to formulate sound policies in relation to Gypsy and Traveller Planning. Their current draft is discriminatory and their proposal for further delay is equally discriminatory. One of the criticisms levelled at SSCLG was the unconscionable delays in dealing with relatively small applications which led to particular hardship for the Claimants. This Policy should be considered in tandem with Planning Policy for the settled Community; provision for Travellers should have been incorporated in the Heybridge and Burnham schemes from their outset.

In Moore –v- SSLG Mr Justice Gilbert notes:

“Thus, in the context of a policy, if a choice exists between a method which discriminates against an ethnic group, and one which does not, or one which advances the specified objectives in s 149, and one which does not, there must be good proportionate reason advanced by the policy maker to choose the former pair and not the latter.” Maldon have not provided a good or proportionate excuse for their poor and discriminatory policy H6.

In conclusion the proposed changes do not render H6 “sound” and I would ask the Inspector to consider Maldon’s long history of failures in respect of Traveller Provision and refuse their request to further postpone their responsibilities until 2016/17 and insist that they actively identify specific, deliverable sites.

Kind regards

Annie Hopkins