

Dear Sir/Madam,

Please see the following from the Inspector which has been sent to the Council and Representors.

I have two queries on policy H6 (Travellers) resulting from the hearing on 3 February 2015. I am addressing them primarily to the Council, but I am also sending this to other Examination participants in case they wish to comment on the court case referred to in my second query below.

1 Gypsy and Traveller Accommodation Assessment

Document EB007b, which is the Gypsy and Traveller Accommodation Assessment 2014 (the GTAA), came with the Council's letter of 22 August 2014 to me (CED10), and with it also came a Report which said that the Council would require more time to consider its conclusions and implications (paragraph 87). The Council wishes to undertake a later formal or focussed review of policy H6 to identify an appropriate provision for Travellers (paragraph 5.48 of the submitted Plan and elaborated upon in the Council's later suggested main modifications).

At the hearing session on 3 February 2015 about policy H6 (Matter 9), the Council's witness (Mr Coleman) said that the Council had not had a direct role in the production of the GTAA as it had been drawn up by the Essex Planning Officers Association. In response to my queries, he stated that the Council had no better figures and that the GTAA represented the latest available evidence on the policy to the Examination. I note that the Council's hearing statement on policy H6 (Matter 9) says that it "*accepted that there is likely to be a higher gypsy need in the District than previously identified, hence a need to allocate new gypsy sites*" (paragraph 9.3).

However, Mr Coleman also said at the hearing the Council had "*some objections*" to the GTAA. Unfortunately, I have not been able to find in the Council's written evidence what its objections are to the GTAA, or how these might affect the figures in the GTAA. Therefore, please would the Council draw my attention to where I can find this, or else please would it explain to me what are these objections and how they might affect the figures in the GTAA?

Please would the Council let me have its reply to the above GTAA query by close of play on Tuesday 10 March 2015.

2 Court Case

Whilst the hearings were taking place a High Court judgement was issued concerning the use of the Secretary of State's call-in powers in relation to gypsy and traveller planning appeal cases – Moore & Anor v Secretary of State for Communities and Local Government & Ors [2015] EWHC 44 (Admin) (21 January 2015). Since the hearings finished on 4 February 2015 I have had the opportunity of reading it, and it is available on the web link below:

<http://www.bailii.org/ew/cases/EWHC/Admin/2014/44.html>

The court case involved consideration of s19 (discrimination) and s149 (the Public Sector Equality Duty) of the Equality Act 2010. These considerations may be of relevance to my examination of the soundness and/or legal compliance of policy H6.

Bearing in mind the tests required to assess these parts of the Equality Act 2010 that the judge set out in that court case, does the Council and other parties consider that policy H6 complies with sections 19 and 149 of that Act in dealing with the need for traveller pitches by delaying allocations to a later Local Plan? Please explain your conclusions.

Please would the parties reply to this particular query by close of play on Friday 13 March 2015. I would be sympathetic, within reason, to any request for more time if it is needed.

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Kind regards,

Andrea Copsey

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