

**W R & A Hopkins, Broomfields Farm, Lea Lane,
Great Braxted, Essex, CM8 3ER**

25th October 2016
BY EMAIL

Adrian Tofts Esq
Strategic Planning Manager
Maldon District Council
Princes Road
Maldon
Essex CM9 5DL

Dear Sirs

LDP Current Consultation September 2016

I am writing to make the following representations in relation to the documents currently being consulted on in relation to the Maldon District Local Development Plan.

In the Secretary of State's decision letter dated 6th March 2016 he stated that "Policy H6 (Provision for Travellers) of the Maldon District Local Development Plan as submitted is not consistent with national policy" and that the Secretary of State considered that the council should "be given the opportunity to try and remedy the problems identified with Policy H6."

National policies for Gypsies and Travellers have not fundamentally changed since the Secretary of State's decision save for a slight alteration to the definition of gypsies and travellers in Annexe 1, The Glossary of Planning Policy for Travellers August 2015

As a result of the delays the new Inspector requested an updated sustainability appraisal. The results of that appraisal were published on 8th September 2016. The completed document features a Sustainability Framework which sets out sustainability objectives and key indicators in a table and is described as a "key component in carrying out the Sustainability Assessment".

Given that the plan was called in by the Secretary of State, as I have described, and because Policy H6 Provision for Travellers was found not to be consistent with national policy, it seems remarkable that the “key” Sustainability Framework contains no reference to Gypsy and Traveller Provision.

Objectives 2 (affordable housing), 3 (health and wellbeing) and 4 (social exclusion), all “key” issues affecting Gypsies and Travellers, set out no Indicators regarding the number of pitches to be provided under those Objectives over the plan period.

In Section 2.3 on page 14 the assessment notes a reduction in the overall provision of traveller pitches due to the updated GTAA. However, given that some of the provision has been outstanding since 2013 there is no mention of the implications of delaying the provision of Traveller pitches to a later DPD. Nor is this dealt with later in Tables 5 or 10.

We do not know, therefore, what are the potential adverse effects of delaying this provision and whether it needs to be mitigated in some way.

For instance, it might be necessary to allocate some of the 32 pitches now in this Plan whilst the later Site Allocations DPD is being prepared.

We note that, despite its previous objections, the Council now accepts the Essex Gypsy and Traveller and Travelling Showpeople Accommodation Assessment 2014 [EB007b]; and that consequently the Council now considers that it should make provision for 32 additional traveller pitches by 2028. Again, since the outstanding number of sites dates from 2013 no acknowledgement is given to potentially urgent need or to current waiting lists.

At the previous hearings part of our evidence related to the council’s proposals to deal with Gypsy and Traveller provision in a separate, later Local Plan. We voiced strong objections to this given the Council’s long failure to make provision. We have no faith that the matter would be dealt with if it is allowed to be effectively set aside from the main LDP. Our reasons form part of the transcripts and our statement given at the last hearings.

Another objection we raised related to our own personal vulnerability in that delays in adopting a coherent Traveller policy, in line with Government policy, increased the likelihood of further pitches being granted on the land directly adjacent to our home. In a series of appeals,

Inspectors have consistently allowed pitches in Lea Lane some citing MDCs serious failures of policy or failure to make provision as lending significant weight to their decisions to allow appeals.

For example, I attach Appeal Decision APP/X1545/A/09/2112221 which Inspector Jean Russell criticises lack of site allocations weighing in favour of the Appeal and resignedly states *“there is little further to be gained by criticising the Councils past performance.”* She also notes at para 86. that apparently a Site Allocations DPD commenced in April 2011 would be adopted in 2012. The inspector notes *“in any event, the DPD will not be adopted in time to provide 13 sites by 2011”*.

Two years later in Appeal Decision APP/X1545/A/11/2146639 (also attached) the Inspector notes at para 22. that at the time of the hearings in June & November 2011 the Council *“had a shortfall of 9 pitches”*, and at para 25. *“The Council has failed to provide sufficient sites. In addition, there is no real likelihood of its meeting even the lower requirement...in any planned way. The Council has no policy against which potential sites can be assessed... this amounts to a serious failure of policy. This failure, together with unmet need carries significant weight in favour of the appellant.”*

The failure of H6 threw the future of the whole LDP into question. The policy was found not to conform to government guidelines, and yet when the hearings resume I understand from a recent conversation with Adrian Tofts that the Sites Allocation DPD containing Traveller provision will not have been consulted upon and therefore cannot be properly considered. How can the hearings go ahead without a draft of this DPD given its significance in the current situation? It was first mentioned in April 2016 however, having looked at all the correspondence on the Local Plan Examination webpage, I cannot find any discussion about the effective segregation of the DPD from the process or any progress reports as to its likely delivery

So our immediate question is: is there a timetable which sets out when the new DPD will be consulted on, published and submitted to the Secretary of State?

We have been unable to find the new Site Allocations DPD in the Council’s adopted Local Development Scheme (2014). Please would the Council provide us with a copy of its most up-to-date LDS? If it is not included, surely it should be?

We have little idea of what, if any, provision the Council intends to make, although a draft version is available on the Council's website. However, it does not make edifying reading. Following a call for sites in 2015, in August this year the Council discussed draft proposals centring on 3 particular sites with a view to meeting its requirement for 32 pitches. These sites were all within a 2-mile radius of each other around the borders of Great Totham.

So within the entire district, one very small geographic area was proposed to take the entire requirement of 32 pitches. This approach mirrors the approach of councils across the country. The local plan system has amplified the shift away from smaller sites to larger ones. It is tempting for councils to look for a big site that answers all of their problems, rather than drawing fire from lots of smaller localities.

In Policy H6, the Council's stated aim is:

"to ensure fair and equal treatment for Travellers, in a way that facilitates the traditional and nomadic way of life while respecting the interests of the settled community."

The recently completed sustainability appraisal lists the following (abbreviated) objectives relating to Gypsy and Travellers:

"to maintain and improve accessibility to services and facilities, to provide "housing of appropriate size, mix and location... to promote healthier lifestyles, to reduce rural isolation and social exclusion geographically and demographically, to maintain and improve public transport to reduce journey miles undertaken by car..."

Exactly how was that proposal to put all the Travellers around one small, remote, rural area, which already has a significant Traveller population, going to fulfil any of those objectives? Essentially the Council was prepared to undertake a wholesale dumping programme in one small area, without any proper regard for sustainability objectives whatsoever.

Subsequently this early draft proposal failed after some of the sites were withdrawn. The Council is presumably now trying to find alternatives. They have recently voted to form a new Gypsy and Traveller Working Party to assist with this process - 5 years after the last G&T working party was formed which, as I mentioned at the last hearing, succeeded only in counting the number of pitches in the district.

The fact that this was a draft proposal which subsequently failed has a direct bearing on H6 because it shows a council struggling to find a district-wide strategy and actual sites. Moreover, this initial failure shows how difficult and time consuming it will be to produce the new DPD. It may not even be produced. If the Inspector agrees that this is a possibility then we would ask him to consider allocating the 32 pitches now, in the present Plan being examined.

The new Housing and Planning Act's intention is to *"incorporate the needs of Gypsies and Travellers within the general housing needs assessments"*, and part of our argument has been that councils should be utilising section 106 Obligations to make up some of the shortfall in their traveller provision. Developers should include traveller provision alongside existing requirements for social or affordable housing – commonly set at around 30% of any development figures. In setting out major development schemes everything else is taken in to consideration including bats, bridleways and badgers but not, it seems, Travellers.

For instance, if each development of say 1000 houses had to incorporate 6 pitches which equates to 0.6%, on a total requirement of say 4000 houses throughout the district you arrive at a total of 24 pitches. Realistically, a proportion of these developments will be smaller. For example, a scheme of 300 houses would only yield 2 pitches and a significant number of developments will be too small to justify any pitch provision. However, if utilised properly as an alternative or supplement to applications for privately owned pitches, it could achieve significant progress towards the current requirement for 32 pitches.

This approach would fulfil the objectives of the sustainability appraisal and furthermore it would:

- Promote and improve integration
- stop sites becoming overblown, inward looking, no go areas.
- give genuine travellers improved access to the health, education and social facilities that they sorely need
- reduce rural isolation
- discourage some anecdotal problematic behaviour that is associated with remote Traveller sites
- give parity with the settled community
- improve sustainability of sites
- spread sites more evenly across the district

At the very least it would be *some* progress bearing in mind that no provision has been made for at least 22 years. I was unaware until the hearings that the Woodham Walter provision was effectively imposed on Maldon by Essex CC, so the Council cannot even take credit for that site - described as “a miracle” by a participant at the previous hearings and, given the inertia at the heart of the Council, it was indeed a miracle.

I spoke to members of the travelling community during the Gypsy and Traveller planning policy consultations by the DCLG. One particular family I talked to had a council owned pitch by the side of the railway lines on an old brownfield site. When they originally moved there they had absolutely no facilities, and they were subjected to historic prejudices and difficulties we all know exist.

Subsequently new housing came to the area and their pitch is situated at the end of a cul-du-sac of houses. Every day they take their grandchildren to school with all the other mums down that road and feel accepted and well-integrated into their community and still have the freedom to live in a way that facilitates their traditions. These changes don't happen overnight, they take time, but unless someone takes the first step nothing will change. And we don't think good, proactive traveller provision should be a lottery. We think Maldon should have taken the opportunity to set the gold standard when we first asked them to over 5 years ago.

That family made one important comment: they said they recognised that any additional expansion on the current site would jeopardise their integration and they agreed that larger sites bring about unwanted tensions with the settled community. Despite this, in the draft Site Allocations DPD Maldon are still talking about potential intensification and expansion of existing sites. We urged the Council not to follow this course of action but Mr David Coleman, Maldon's former Head of Planning Strategy, firmly asserted at the previous hearings that this was definitely achievable.

We come at this from the opposite end of the spectrum. Rather than the one Traveller family at the end of a cul-du-sac of settled families, we are the one settled family at the end of a cul-du-sac of sorts, surrounded by Traveller families. And no-one speaks for us. The one thing that we have refrained from talking about during this process is the effect that this has had on us as a family. We have tried very hard to concentrate on policy, as we are fully aware that the minute one talks about personal circumstances any argument is dismissed as either nimbyst or racist,

and in all our submissions to the Council over the years there is not one word of anti-Gypsy sentiment.

We were quite naïve twenty-two years ago when we moved in to Broomfields Farm. When questioned about the proximity of two quiet Traveller pitches, we always adopted a live and let live approach. My son went to primary school with one of the girls who lived on the site and he was welcome in their home and likewise she was welcome here. When the Oaks put in an application to add an additional couple of pitches we considered that to be a natural, small scale, familial expansion and we didn't object. We had no way of foreseeing the position we currently find ourselves in; we were completely ignorant of the Councils long history of ignoring their statutory obligations; or how that would result in a long spate of successful appeals.

The two quiet pitches have transformed into a large, noisy, boarded up site with no interaction with local people. And we are, to all intents and purposes, stuck fast. Our options to move away have been effectively removed from us. The whole situation has been injurious to us in terms of our health, wellbeing and our ability to enjoy our amenity. We have been strategically targeted by a specific group of individuals within the travelling community who have at times made our lives intolerable. Two weeks ago we were informed by another local traveller that one of that group was about to submit an application for 9 additional pitches directly behind our house, specifically with Irish Travellers in mind, and he apologised to me as it was well known in local Traveller circles that those individuals had, as he put it *"tortured the life out of you"*. Imagine how that made me feel. And there is no end in sight for us in terms of that type of behaviour.

And yet here we are, arguing for better gypsy provision. We are only too aware of the historic failings by the Council that have resulted in our current situation. Our neighbours are in a similar situation and Lea Lane is now synonymous with Gypsies. But, as I stated previously, it is too late to change our own circumstances, yet equally we do not want them to be made even worse due to current poor policy or prolonged delays in adopting sound policy. The proposals we are making are to ensure that this does not happen to other small communities like ours. And to prevent sites becoming so big that they effectively blight not only the families who have no choice but to live adjacent to them, and also the lives of the people on the site, behind the high fences.

On 21 March 2011 Mr Coleman, wrote to Priti Patel MP's office stating that all policies relating to provision of Gypsy and Traveller sites had expired on November 3rd 2008 and that as a result there were no existing policies in place and that no sites had been identified in the replacement local plan. He went on to say that Maldon were currently planning for future provision within the emerging draft core strategy. Bear in mind that at this time the government had just made £60m available to assist councils with their Gypsy and Traveller provision.

Four years later in February 2015 Mr Coleman was asked by the Inspector how the council was intending to fulfil the outstanding identified requirement for 17 pitches. He responded that they would simply wait for applications to come forward. The hearing recordings verify this. We asked him how could that be considered deliverable, and how would it assist Travellers who lack sufficient funds to purchase a private pitch? His unwillingness to engage further clearly showed the Council's total lack of understanding or commitment and was completely unacceptable. However, what is even worse than that, is the fact that in a few short weeks we will be approaching the second anniversary of those hearings and **no progress has been made**. We are appalled at the fact that despite the apparent, high level, rigorous scrutiny of this particular policy H6, and despite having had almost two years to set their house in order, the Council have still no coherent policy for travellers and the DPD promised in April 2016 is still not finalised.

As I said at the hearing almost two years ago, *"let no-one in this room be in any doubt whatsoever, that we need more pitches"*.

The only person listening to us that day was Inspector Vickery, and he has been castigated for it. In the light of the past 18 months could any reasonable person judge his reluctance to believe that the Council was either capable of, or willing to adopt, a workable Gypsy and Traveller Policy as being unjustified?

W R & A Hopkins