

Supplementary Committee Agenda



**Epping Forest
District Council**

Cabinet Monday, 6th October, 2008

Place: Council Chamber, Civic Offices, High Street, Epping

Time: 7.00 pm

Committee Secretary: Gary Woodhall (The Office of the Chief Executive)
Email: gwoodhall@eppingforestdc.gov.uk Tel:01992 564470

8.b Gypsy & Traveller Development Plan Document - Public Consultation (Pages 3 - 88)

(Planning & Economic Development Portfolio Holder) Consultation document attached.

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Consultation on Options:

Development Plan Provision for Gypsies and Travellers in Epping Forest District

CABINET DRAFT

National Government has directed that a plan resulting from this consultation is produced by September 2009.



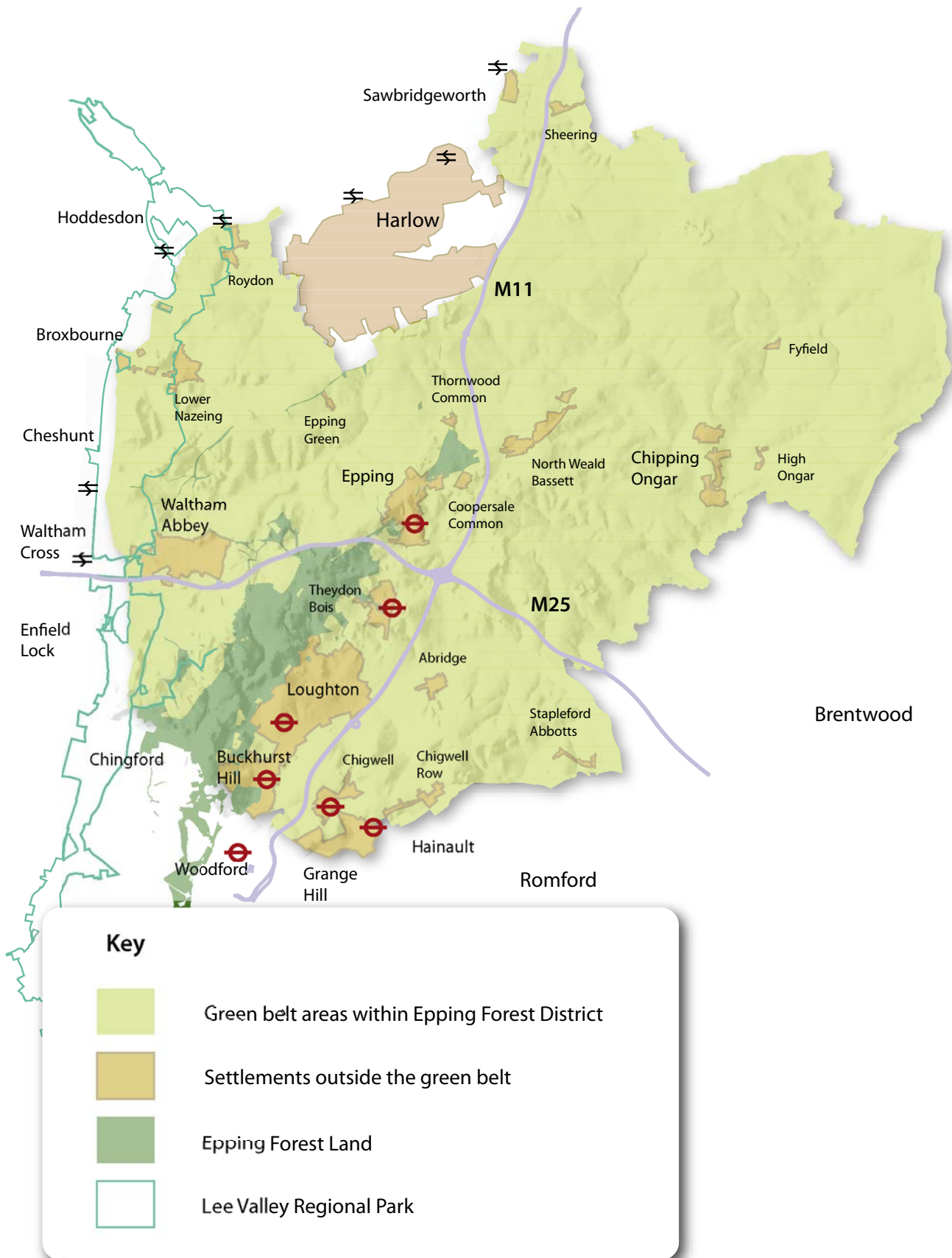
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Figure 1
Epping Forest District



A Background

The Purpose of this Document

The consultation on options seeks your views on, firstly, the strategy to be adopted for additional pitch provision in the district, and secondly potential sites which may be acceptable or otherwise depending in part on which strategy is chosen.

National and Regional Policy Requirements

- National planning policy requires a significant increase in the number of gypsy and traveller sites in appropriate locations, with a focus on increased provision over the next 3 to 5 years.
 - It aims to ensure that gypsies and travellers should not become homeless through eviction, without having alternative sites to move to.
 - Rural sites are acceptable in principle, nationally protected environmental designations are off limits. Sites outside the green belt must be considered before sites inside the green belt.
 - Local development plans must include land zoned for additional pitches (pitch allocations).
- The Government has directed Epping Forest District Council to produce such a plan by September 2009.
 - A review of the East of England Plan will establish targets for all local authorities in the region.
 - The level has yet to be finalised, and Epping Forest has disputed the draft figure, which is for an additional 49 pitches in the district by 2011 with a 3% annual increase (from planned 2011 levels) in the total number of pitches thereafter, to reflect household growth. On the basis of emerging evidence from research in Essex (Gypsy and Traveller Accommodation Assessment 2008) Epping Forest District estimates the need at 35 pitches (This includes estimates of need from those now living or wanting to live in 'bricks and mortar').
 - National and Regional Policies are summarised in more detail in Appendix 1.

What has happened so far and how you can influence what will happen next

- The Council is consulting on ways of meeting the national and regional requirements. You are asked to comment in this document.
- A site suitability study has been undertaken to assess broad areas of the district that are potentially suitable and unsuitable.
- What sites might be suitable and available have been examined within these broad areas. To aid this study a 'Call for Sites' exercise has been undertaken, asking developers and landowners what land might be potentially available.
- Specialist consultancy Myriad has been used to gauge the views of the local Gypsy and Traveller Community. This was done through a DVD and face to face interviews.
- You are encouraged to make comments online at www.eppingforestdc.gov.uk.
- This consultation paper, and the response form are available from and should be returned to (no stamp needed):

**Epping Forest District Council
Forward Planning - Gypsies and Travellers Consultation
Civic Offices, High Street
FREEPOST CL 3360
Epping
Essex CM16 4YA**

- The period for comments will run from **4th November 2008 to 5pm on the 20th January 2009**. Responses cannot be treated as confidential and must be made in a lawful way (see Appendix 2).
- Before making comments you are strongly advised to read through this document which sets out the context for the questions.
- When the Plan is finalised in 2009 and Epping Forest chooses its strategy and sites there will be a period for formal representations. An independent inspector will then determine whether or not the Epping Forest Gypsies and Travellers Plan meets the various legal and policy tests.
- At this stage the inspector will be looking for ways of correcting any deficiencies in the plan, e.g. if a site is unsuitable what better alternative sites exist. We must provide sufficient sites, non-provision is not an option. Representations should be cast with this in mind. For this reason responses solely of a negative nature may have a limited effect. Neither is it appropriate to make representations disagreeing with government policy, these should be directed to the government.
- The Court of Appeal in *N Smith v First Secretary of State* has ruled that fears and concerns of crime from gypsies and travellers sites not supported by evidence are not material planning considerations, they cannot be taken into account '*[Sites are] not like a polluting factory or a bail hostel, likely of its very nature to produce difficulties for its neighbours*' LJ Buxton

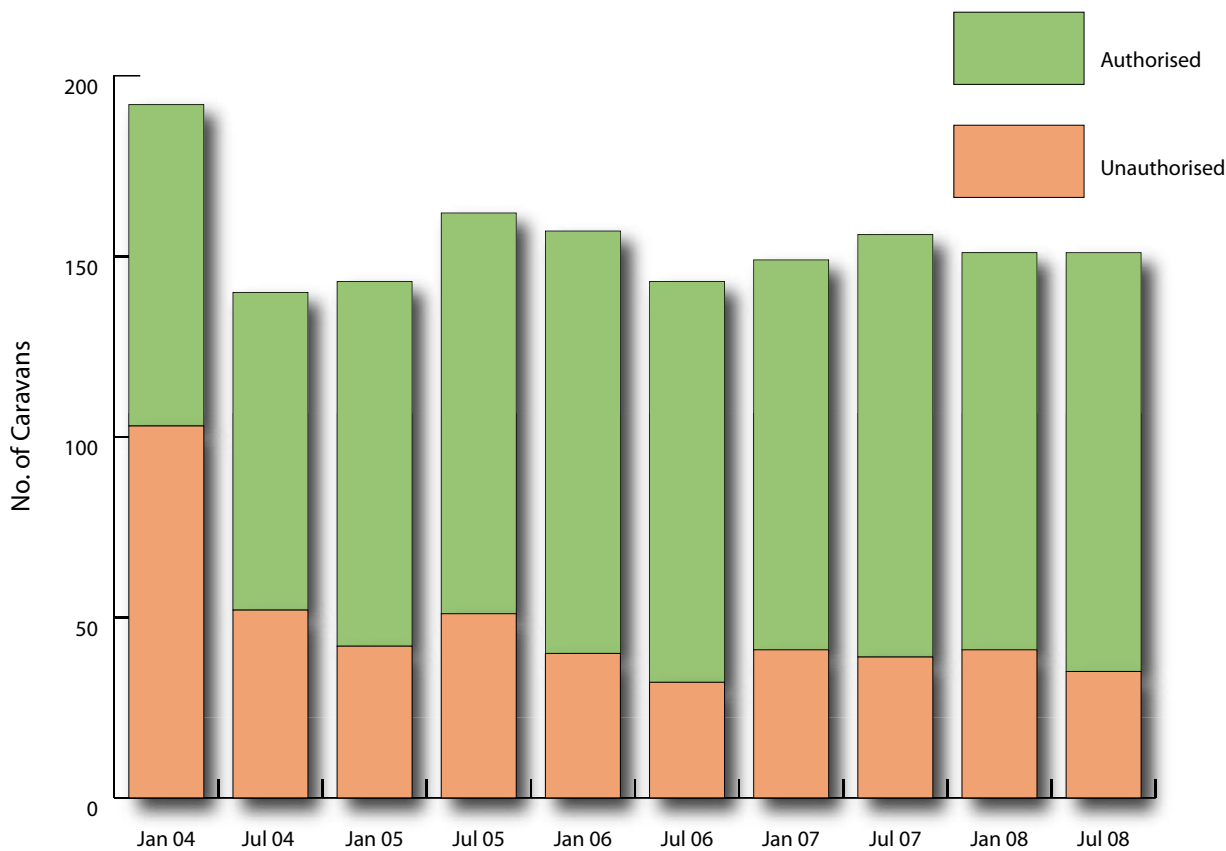
1. The Gypsy and Traveller Community in Epping Forest District

Key Findings from the Myriad Study

- Since 1994 there has been a dramatic decline in the number of unauthorised caravans and a steady rise in the number that are authorised (see Fig 2).
- There was strong suspicion and caution of the motives of Epping Forest District Council, as most contact in the past had been on enforcement issues
- The local gypsy and traveller community is unusually settled, with a significant number living in chalets rather than caravans.
- 20% of the local gypsy and traveller community responded.
- 89% of respondents stated that they would like to live on a private site. Of this group, 68% stated it should be self owned.
- 31% of respondents indicated no requirement for more pitches over the next 5 years. The remainder indicated a requirement for 44 pitches; this sample was affected by two families stating a requirement for six pitches and one for 10 pitches.

- These are aspirations not necessarily needs.
- Respondents found it quite difficult to think about other parts of the district that they would consider moving to. The concept of choice is unfamiliar with general restrictions on site availability and opposition from settled communities. Others simply wished to be allowed to stay where they were particularly if they had children in school.
- In terms of locational preferences for sites, access to healthcare was the most important factor.
- This was closely followed by access to schools. Employability was a significant factor. Access to the countryside and green spaces was also very important particularly for families living in close proximity to one another.
- Having access to a town, yet being away from the 'settled community' was important.

Figure 2 Trends in Bi-Annual Caravan Counts - Epping Forest District



Pitches

A pitch (also known as a plot) is the area of a gypsy/traveller site where a single family lives in their caravans (trailers).

Pitches may vary from being larger enough for on residential trailer (or mobile home) and one touring (small) trailer to pitches spacious enough to hold one or two larger mobile homes and several 'tourers; as well as working vehicles.

As the gypsy and travellers community in Essex is fairly settled the presence of tourers is less common although with the shortage of sites pitches tend to be occupied by extended families with often more than one mobile home.

In the East of England there is an average of 1.7 mobile homes per pitch but in Essex the average is 2 per pitch.

For the purposes of this document an average pitch size of 0.1 hectares has been taken to assess site size areas. A figure used across the East of England. Fire safety concerns and functional requirements (amenity unit, large trailer, touring caravan, drying area, lockable sheds, parking space) effectively set a minimum pitch size. Research in Huntingdonshire however suggests that this is on the small side so where there is space sites have been assessed with lower pitch numbers.

B Strategy

2. Possible Objectives of the Gypsies and Travellers Development Plan Document

2.1 All plans need a vision and objectives in terms of how that vision will be brought about. The Core Strategy will set out the vision.

2.2 The following are proposed as objectives:

1. To meet regional requirements for pitch provision for Gypsies and Travellers and to reduce unauthorised encampments;
2. To improve the living conditions of Gypsies and Travellers;
3. To improve the health and educational opportunities of Gypsies and Travellers;
4. To minimise the impact of sites on the countryside and on settled communities;
5. To make provision in areas that will minimise the need to travel; and
6. To protect nationally and internationally designated environmentally sensitive areas.

Question 1

Objectives

Do you agree with these objectives?

Yes

No

Please give reasons for your answer.

3. The Site Suitability Study

Key Findings

- The study is intended to inform debate and to provide evidence on those sites that might eventually be selected.
- Across the country, traveller's sites have been pushed to unsuitable and often unhealthy locations such as motorway underpasses, near sewerage works etc. as far away as possible from where other people live. Such sites will be untenable under the new plan making system.
- It took a fresh look and was not constrained by the existing Local Plan (policy H10A and supporting text under para 9.67).
- Areas with major physical and environmental constraints - such as flood risk areas and land protected for nature conservation - were excluded.
- Within the remaining undeveloped parts of the district, factors which might make it suitable were mapped. Four factors were used: access to primary health care; access to primary schools, access to shopping centres; and access to public transport - each factor was given equal weight.
- The resulting map was on a scale of 0-100 with the highest scoring areas being the most potentially suitable. A 'traffic light' system was used to map these, with red being least suitable and green being most suitable.

- Areas along the Roding Valley and Central Line are most 'green' (see fig 7), although potential areas around Loughton & Buckhurst Hill are severely constrained. Areas in and around Epping and to the East of Theydon Bois score well, as do areas in and around Chigwell and Abridge to a lesser degree.
- Also scoring reasonably well are the areas between Roydon and the West of Harlow, around Ongar (which has few constraints bar flooding in part of the area), to the south and north of Nazeing, to the north of North Weald, and around Epping Green. Other rural areas scored less well to varying degrees. Stapleford Abbots scored poorly, and its one bus service is now threatened with withdrawal. The open rural areas in the east of the district scored very badly with very few services, with the limited exception of Fyfield.
- The final suitability mapping was confined to the western parishes, those along and to the south/west respectively of the M11 and M25. This was partly because of the lack of services in the eastern area (with the exception, to a degree, of Ongar) but mainly because in recent years the main pressure for pitches has been from areas most accessible to the main urban area, with its employment opportunities. This is an important shift, as historically agricultural labouring had led to demand in the more remote rural areas.

- The analysis is what it says, it in no way implies that potentially suitable areas will be developed and it also does not and cannot examine intrusion into the green belt or landscape sensitivity and impact. This requires more detailed site/area specific analysis.

Question 2

Focus of Search for Sites

Do you agree that the search for sites should be broadly confined to the west and south of the district closest to the main urban areas, rather than the more rural northeast of the district?

Yes

No

Please give reasons for your answer

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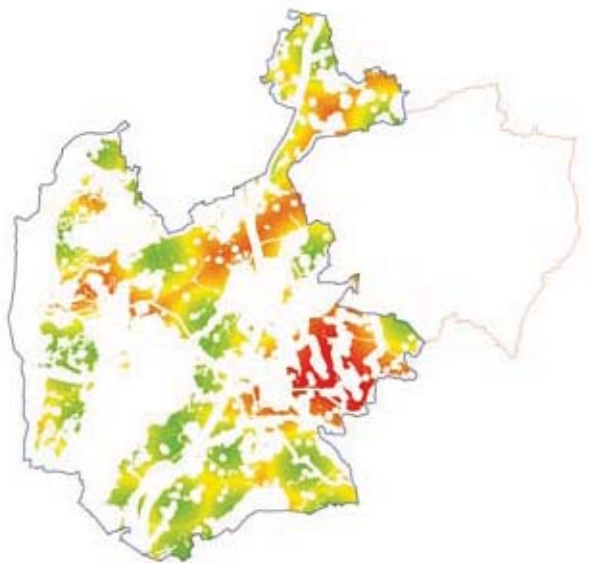


Figure 3 Access to Schools

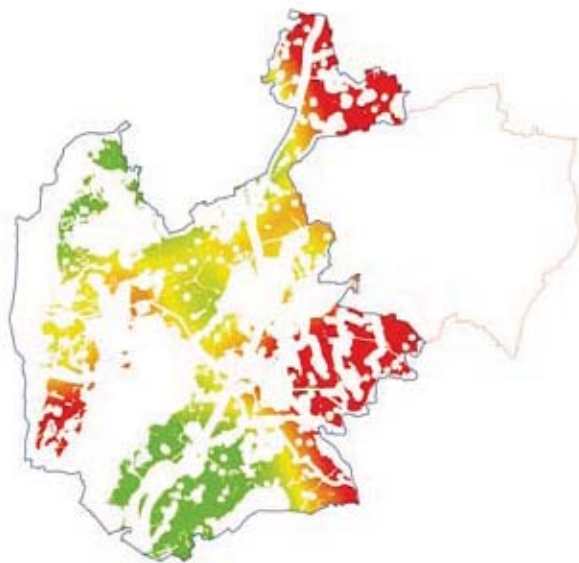


Figure 4 Access to Shops

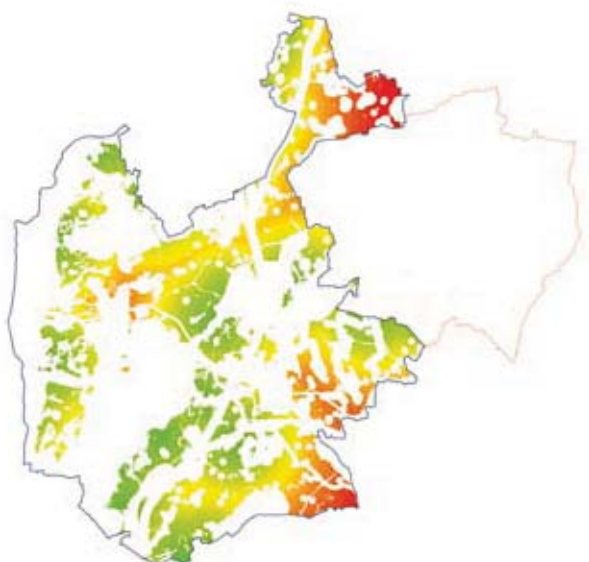


Figure 5 Access to Surgeries

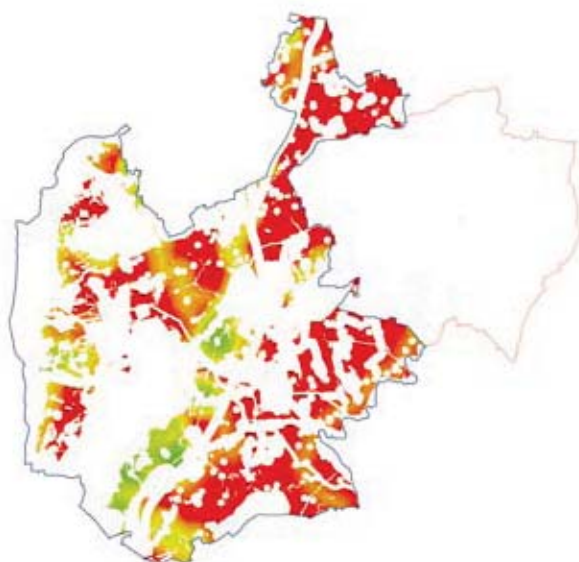


Figure 6 Access to Public Transport

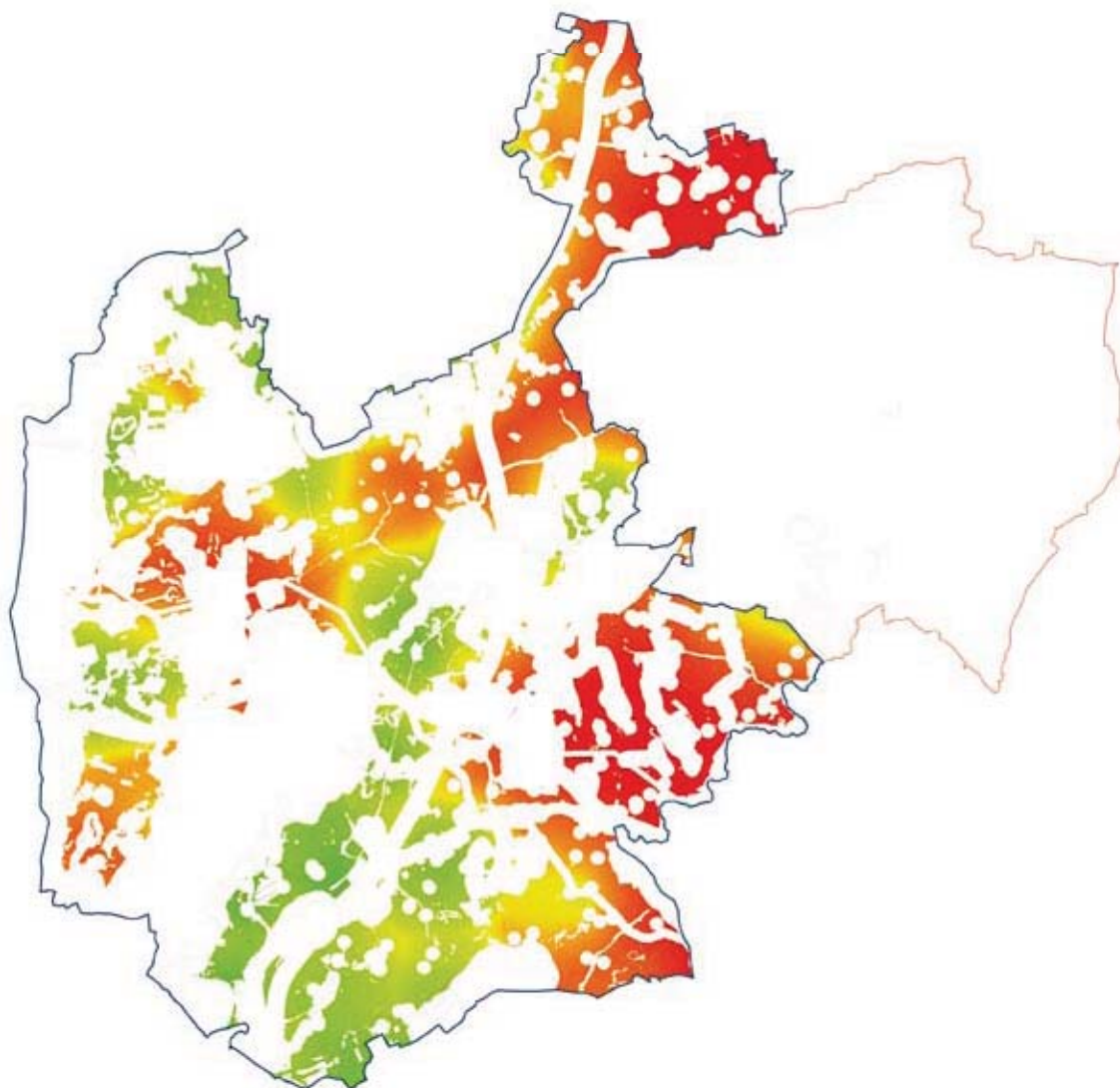


Figure 7 The Suitability Layers Combined - excluding east of District

4. The Call for Sites

Key Issues

- Landowners, developers and others have been asked to put forward sites for consideration. This was done for two reasons:
- Firstly, one of the key tests of government policy concerns the availability of sites; gauging interest of landowners and developers is a key part of this;
- Secondly the new development plans system requires a 'frontloading' of consultation on the key options. That is discussing key spatial options early rather than late in the process.
- All of the sites submitted are being considered on a 'without prejudice' basis and no assumption should be made that submitted sites will necessarily be eventually included in the development plan.
- Very few sites were put forward by the gypsy and traveller community, despite direct engagement with those resident in the district.
- If new sites are proposed as part of this options consultation there will be an additional period immediately following for the public to comment on these.

5. Phasing, Scale and Concentration of Sites

5.1 Phasing of Provision

Phasing Issues

- Phasing is when and how sites are released for development, over time. The East of England Plan Review sets down a frontloading of provision of 49 pitches by 2011 and then a further 57 pitches by 2023.
- The five year temporary permission of 8 pitches at Holmsfield Nursery, Nazeing, shifts the requirement for these 8 pitches to the second phase.
- The recent decisions to permit an additional 6 permanent pitches at Tomary, Hamlet Hill, Roydon, and 4 permanent pitches at Greenleaver, Hoe Lane, Nazeing, leaves a requirement for 30 pitches in the first phase (to 2011) and an overall requirement for 96 pitches by 2023.
- It is prudent to include a contingency for sites that may not come forward. 15 % (about 2 years spare supply) is generally recognised as sufficient - 10 pitches, split equally across phases.
- The increase after 2011 comes from local households, on new and existing sites. This may require the growth of existing sites, but there will be limits on the desirable scale of expansion.

- Whilst the need for expansion will vary from site to site, it is calculated that because of household growth about 40% of provision after 2012 will need to come from expansion of phase I sites, leaving a requirement that 60% of the provision after 2012 be on new sites.

5.2 If these principles are accepted the following phasing results.:

Phase I 2009-2011	34 additional pitches
Phase II 2012-2017	42 additional pitches
Phase III 2018-2023	34 additional pitches
Total Provision 2009-2023	110 additional pitches

Question 3

Phasing of Sites

Do you agree with this proposed phasing of pitch provision?

Yes

No

Please give reasons for your answer

5.3 Scale of Sites

Site Scale Issues

- Work in the East of England and locally amongst gypsies and travellers has revealed a preference for sites of around 6-15 pitches.
- The draft government guidance on the design of sites for gypsies and travellers also states that smaller sites of 6-12 pitches are most popular with gypsy and traveller communities. It also states 'Sites should not normally exceed 20 pitches'.
- National Circular 1/2006 however, cautions against a rigid upper threshold without considering site circumstances.
- In the district authorised sites have often been very small, typically 1-4 pitches. Unauthorised encampments of a very large scale, 50 or more caravans, became a new issue in the 1990s but none remain or have occurred for several years.
- There is a preference from the district and county, in site management terms, for smaller sites.
- Smaller sites are easier to assimilate in the countryside, but obviously, the smaller the sites, the more have to be delivered, and site availability is a significant issue.

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Question 4

Scale of Sites

Which option do you prefer for the typical scale of gypsy and traveller sites?

Option one - sites of 1-5 pitches, with potential to expansion to 2-7 pitches (requiring at least 15 additional sites)

Option two - sites of 5-10 pitches, with potential to expansion to 15 pitches (requiring at least 5 additional sites)

Option three - sites of 16-30 pitches, with potential to expansion to 21-45 pitches (requiring 2-3 additional sites)

Please tick only one box

Please give reasons for your answer

5.4 Concentration of Sites - The issue of Roydon and Nazeing

Concentration Issues

- A particular issue in Epping Forest District is the concentration of sites around Nazeing and to the south of Roydon.
- 11 of the 18 gypsy and traveller sites in the district are in Roydon and Nazeing parishes (one site is unauthorised, one has temporary consent, one is part unauthorised and two are tolerated). This is 75 of the 95 pitches in the district (authorised and unauthorised) - 79% of all pitches (81% once two new permissions are implemented).
- This concentration seems to be because of the proximity of the area to the main urban areas, and also because of the concentration of the glasshouse industry, and the availability of small plots of land, glasshouse and chalet plots.
- There is a particular concentration in the Sedge Green and Roydon Hamlet areas, and to a lesser degree in Bumbles Green/Long Green.
- The potential impact of an over-concentration of sites, and the impact on settled communities, are clearly important issues.
- On the other hand, parts of this area are accessible to schools and other services, are close to the built up area, and have some public transport. With the exception of the Lee Valley Regional Park and areas of flood risk, it also may have a number of other potentially suitable sites. A number of tolerated sites in the area may also be suitable for granting permanent consent.

Question 5

Concentration in Roydon and Nazeing Area

Which option do you prefer?

Option one - No special restriction, sites in this area considered on their merits

Option two - Restriction on new sites in the Roydon Hamlet/Hamlet Hill, Sedge Green and Bumbles Green/Long Green areas, but authorisation of tolerated sites and expansion of existing suitable sites.

Option three - No further permissions granted in the whole of the Roydon and Nazeing areas.

Please tick only one box

Please give reasons for your answer

6. The Three Main Potential Strategies

6.1 In order to determine which sites should be taken forward, it is necessary to identify the broad locations in which sites would be acceptable.

6.2 The possible strategies considered below will all be deeply constrained by the availability of sites.

6.3 Edge of Urban Areas/Urban Extensions - Strategy Option 1

6.4 In this option, the most accessible and sustainable locations, e.g. around Harlow, would be used. But because of the 'frontloading' of provision in the East of England Plan before 2012 Harlow extensions may come too late for the first phase.

6.5 It makes sense that the identification of specific locations and planning for such sites takes place as part of the more detailed planning of these areas.

6.6 Elsewhere, any urban extension might not be needed until towards the end of the plan period, although with the frontloaded regional targets, site availability would be a significant issue with this option.

6.7 Rural Areas close to Chigwell, Abridge, Waltham Abbey, Epping, Epping Green, Theydon Bois and North Weald Bassett - Strategy Option 2

6.8 Under this option, sites would be allocated according to the results of the Site Suitability Study (see section 3), in areas with the best access to services and least environmental harm. Provision would be focussed in areas close to this list of settlements which scored highest in the study.

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6.9 Wider Distribution Option - Option 3

6.10 In this option, locational strategy would be something of a back seat concern. A more distributed pattern would be sought, potentially across all, or a large part, of the district.

Question 6

The Main Possible Strategies

Which option do you prefer?

Option one - Edge of Urban Areas/Urban Extensions Option

Option two - Rural Areas close to Chigwell, Abridge, Waltham Abbey, Epping and Epping Green, Theydon Bois and North Weald Bassett

Option three - Wider distribution throughout the district

Please tick only one box

Please give reasons for your answer

7. The Site Search Sequence

7.1 The purpose of the sequence is to minimise the release of rural greenfield sites. The following sequence, in descending order of priority, is in line with guidance in Circular 1/06.

- Urban previously developed (brownfield) sites.
- Sites close to the urban edge provided as part of any wider urban extension.
- Rural previously developed sites not at the urban edge in locations with suitable access and services.
- Followed by, other rural sites in locations with suitable access and services.

Question 7

Site Search Sequence

Do you agree with the above proposed site search sequence?

Yes

No

Please give reasons for your answer

C Sites

8. Sites in the Urban Area

Urban Sites Issues

- No urban sites have been suggested for gypsy and travellers sites as part of the 'Call for Sites' process.
- In the appeal case at Holmsfield Nursery (June 2008) the Secretary of State accepted that a site within the built up area would be unlikely to be suitable because of amenity considerations, or affordable because of values of competing land uses.
- If sites in the urban area are to come forward they are likely to be publicly owned. An exhaustive search has been undertaken of sites on the 'terrier' which is the map of Council owned sites. The Council owns considerable areas in each of the main towns, most of these areas are housing estates and employment areas arising from post-war expansion. No suitable vacant or underused sites were found that are not currently being promoted for affordable housing.
- In terms of industrial areas, the high demand and challenging employment requirements of the East of England Plan mean there are few vacant plots and those that exist are likely to be required for development; although the study setting out revised employment land requirements has yet to be completed for the district.

8.1 The two largest current technically 'previously developed' brownfield sites in the district are both in Epping, at St Margaret's Hospital and St John's School. Both now have outline permission and with no requirement for gypsy/traveller provision. Careful consideration has been given to whether or not Gypsy/traveller provision should be sought here, but because of the advanced stage of both schemes, and because both are 'enabling development' this has been rejected.

8.2 If other large brownfield sites come forward provision might be sought, this could be equivalent to 20% of the site area for sites of 1 Ha or above. As this would eat into the site area and would reduce the area available for affordable housing an alternative might be contributions towards off site provision, where a developer secures that site.

Question 8

Large Urban Sites

Should large brownfield sites (1 ha +) in the urban areas outside the Green Belt be required to provide 20% of their land area for travellers pitches?

Yes

No

Should the alternative of off-site provision be allowed even if this were in the green belt?

Yes

No

Please give reasons for your answer

9. Green Belt

Green Belt Issues

- There is a national policy presumption against inappropriate development in the green belt. By definition such development is harmful and is only permissible in 'very special circumstances'. Gypsy and traveller sites are inappropriate in the green belt.
- In planning law, a balancing act then needs to be struck between the harm and benefits of a proposal. Benefits must 'clearly outweigh' any harm.
- As well as harm from an inappropriate use it also includes harm to the openness of the green belt and the harm to the character and appearance of the countryside.
- Benefits would include meeting the needs of the gypsy and traveller community, and the ability of the scheme to meet this need given the shortage of sites.
- The whole of the rural area of Epping Forest District is in the green belt, apart from land within some of the larger villages. But the Holmsfield Nursery appeal decision has concluded that some new pitches in the green belt will be needed because of the shortage of suitable and affordable urban sites.

- In the case of R (Wychavon District Council) v Secretary of State for Communities and Local Government and Others [2008] it was confirmed that loss of a gypsy home without replacement, could in the light of the Convention for the Protection of Human Rights, be 'very special circumstances'. Gypsy/traveller status alone is not sufficient. These circumstances need to be sufficiently unique as to not create a precedent. Inspectors have confirmed at a number of recent development plan inquiries (such as Windsor and Maidenhead) that inability to meet regional targets can be a 'very special circumstance'.

9.1 Circular 1/06 allows for the possibility of sites on the edge of urban areas being removed from the green belt so they can be used as gypsy and traveller sites. Green belt boundaries should be defensible in the long term and where possible follow natural features (PPG2). A single field is unlikely to meet this requirement. Also sites are more likely to find public acceptance when slightly removed from residential areas, one or more fields beyond, although this might not always be possible. Approving a small 'hole' in the green belt at such locations may set an undesirable precedent and raise 'hope' value for other uses, such as housing, only appropriate outside the green belt. For rural allocated sites therefore it may be more appropriate for the green belt to remain and to continue to 'wash over' them.

10. Urban Extensions

10.1 Urban Extensions to Harlow

Harlow Urban Extension Issues

- The East of England Plan requires a strategic review of green belt boundaries around Harlow.
- This proposes major extension to Harlow to the north, but also to some degree in other directions.
- Some of this expansion will be in Epping Forest District, which is working with Harlow and East Herts Districts, and the counties, on coordinating planning for the town's expansion.
- Although the conclusions of work won't be known for a while they could involve extension west of Harlow in the Sumners and/or Katherines area. There is also potential for extension east of Harlow between the town and the M11.
- To the South/South East of Harlow is more constrained, with a clear ridge line forming an important setting for the town.
- Further employment land will also be needed and this will require examination of the potential to extend the Pinnacles employment area, although care would need to be taken to avoid convergence with Roydon.

- Extension will need to extend and incorporate the principles of the Harlow 'Gibberd Masterplan' including extending the town's green network, these areas will be unsuitable for gypsy & traveller sites.

10.2 In each of these cases there is potential to integrate gypsies and travellers sites within the overall scheme, and discussions have been held with consortia promoting such schemes. In addition there may be potential for small scale gypsy and travellers sites on parts of Harlow's fringe unsuitable for major urban extension. As the major centre in the wider region, with good public transport, schools and health facilities it is the most overall sustainable location for gypsies and travellers sites and it may be appropriate that it takes a part of overall provision.

10.3 To the west of Harlow there is the issue of the existing concentration of provision in the Roydon/Nazeing areas. However this need not mean an increase in overall pitches in this area. It could for example involve relocation of caravans from an existing temporary or unauthorised site to a more suitable one.

10.4 These extensions will not come forward in the short term, and so cannot be considered for phase I, although a western extension may come forward first.

10.5 It is felt that the pitch allocation should be for Harlow (as extended), irrespective of district boundaries, as with the housing allocations. This would enable pitches to be located best with regard to existing and proposed services and not arbitrarily according to where district boundaries lie.

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10.6 The proposed phasing is as follows (final distribution may be amended following Harlow options appraisal, as required in East of England Plan):

Phase II 2012-2017	6 pitches West of Harlow with potential for expansion by 3 pitches 2017-2023
Phase III 2018-2023	6 pitches North East of Harlow with land (with potential for expansion by 3 pitches after the Plan period, held as a reserve)

Total Pitches around Harlow (from EFDC allocation) 2012-2023 15

Question 9

Sites as part of Harlow Urban Extensions

Do you agree with these proposals for gypsy/traveller sites to be provided as part of urban extensions to the West of Harlow Harlow?

Yes

No

Do you agree with these proposals for gypsy/traveller sites to be provided as part of urban extensions to the North East of Harlow?

Yes

No

Please give reasons for your answer

10.7 Other Potential Urban Extensions

Other Possible Urban Extension Issues

- The regional requirements for housing in the rest of the district have lowered from that initially proposed, as the requirements in the London-Stansted-Cambridge corridor have focussed on Harlow and Hertfordshire.
- The current targets are able to be achieved from current permissions and known sites in the urban area for a number of years. But the district will require 10 years supply from permissions and identified sites which can realistically be delivered from the date of adoption of the Core Strategy (2011). It is very unlikely that currently identified supply will be enough for 10 years supply, so additional sites will be required.
- As a result, and if sufficient previously unidentified sites in the urban area cannot be found, there may or may not be a requirement to expand one or more of the district's towns and/or villages involving a targeted and selective review of the boundary of the green belt. This will be an issue to be explored as part of the Epping Forest Plan Core Strategy Options consultation which is to follow in 2009.

10.8 It is most likely that any such urban extension would not be required until the final phases or phases of the local development framework. A requirement of 12 pitches as part of any such extension is considered reasonable as analysis later in the paper shows that a larger figure results will conflict with the 'front-loading' of pitch provision in the period up to 2011 and the growth of these sites afterwards. It is also an option for one of these urban extensions to provide an emergency move on site or transit site (see later section). If an urban extension or extensions are not needed, then a future review may mean allocation of extra sites, potentially near the edge of existing towns.

Question 10

Sites as part of other Urban Extensions

Do you agree that one of the urban extensions to the towns in the district that is likely to be required after 2017 should be required to provide a gypsy/travellers site or site totalling fifteen pitches?

Yes

No

Please give reasons for your answer

11. Existing Sites

11.1 Approved sites

Issues on the Extension of Existing Authorised Sites

- A balance has to be struck between the expansion of existing sites and the creation of new sites.
- Some new households may not want to live alongside existing ones. Some allowance must also be made for mobility of households between different regions.
- Forecast household growth means that households on existing sites will grow by 40% up to 2021. New sites will also see household growth to an extent depending on when they come forward.
- Regard needs to be had to the maximum desirable size of sites once expanded.
- As the government 'Road Ahead' report notes, it is tempting to take the path of least resistance and simply expand existing sites, but because of the need to limit site size it notes *'it is unlikely to be appropriate for the accommodation needs of Gypsies and Travellers to be met solely through site extensions.'* (Chapter 4)
- Larger existing sites tend to be overcrowded with small pitches on sites that are difficult to expand. Smaller existing sites often cater for individuals, often elderly people, not extended families, and hence have less pressure to grow in size. Of the sites with potential for expansion a number have recently been granted permission.

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Figure 8 Little Brook Road Roydon



11.2 The existing site at **Hopgardens**, to the west of Little End, is the only public site in the district with 16 (very small) pitches. It is in a very rural location in the east of the district, remote from services. It is also on an exposed ridge. Because of these factors, and that it is at the upper end of site size in terms of what is desirable, it is recommended that the site is not expanded.

11.3 There are two authorised sites at Long Green to the west of Bumbles Green, a hamlet near Nazeing. One site **Mamelons Farm** has 16 (small) pitches, but the land rises rapidly on its northern flank, so as well as trying to avoid too many pitches, visual considerations prevent enlargement.

11.4 Similar visual considerations apply to the site a short distance to the east at **Carters Mead**; this has 1 pitch on a similarly sized site, but the rest of the site is used for paddocks, which visually screen the site successfully right on the edge of Bumbles Green. Although the site has limited physical scope for expansion,

limited to perhaps an additional 4 pitches, the recent Secretary of State decision on the site opposite, focussing on the encroachment of Bumbles Green into the green belt, means this is unlikely to be found suitable.

11.5 There are two single pitch sites, at **Longmead** and **Victory Orchard** in the east of the district, but because of their discreet nature and remote locations they are not recommended for expansion.

11.6 There are three small sites close to each other in Roydon Hamlet, including **Reeds Farm** and **Downshoppit**, one of which at **Tomary** has recently been granted permission to expand from six to 12 pitches, but because of the concentration of sites in this area and the wider Nazeing area (see earlier section) it is not recommended that these expand. Slightly to the west in Sedge Green Nazeing is a single pitch at **Moss Nursery** but this is also in a designated flood risk area and in the Lee Valley Regional Park.

Figure 9 Existing Authorised Sites

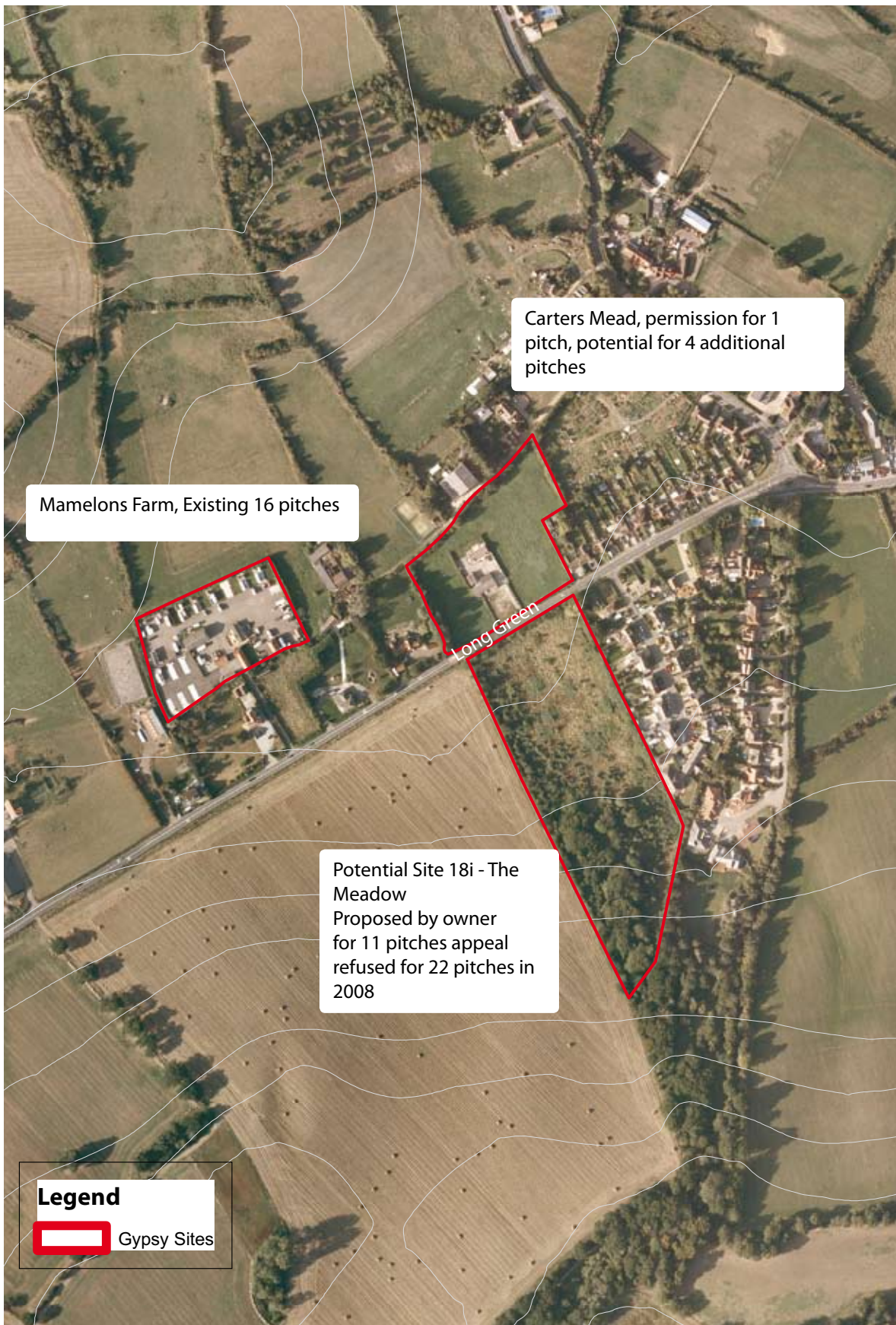
Ref.	Site	Parish	Approved Pitches	Proposal
10a	Little Brook Road, Roydon	Roydon	2	Expansion by up to 4 pitches
11a	Hopgardens, Little End	Stanford Rivers	16	No Extension
11b	Mamelons Farm, Long Green, Bumbles Green	Nazeing	16	No Extension
11c	Longmead, Moreton	Moreton	1	No Extension
11d	Victory Orchard, Berners Roding	Abbess Beauchamp & Berners Roding	1	No Extension
11e	Weald Hall Lane	North Weald Bassett	1	No Extension
11f	Moss Nursery	Nazeing	1	No Extension
11f	Tylers Cross Nursery	Roydon	15 (authorised)	No Extension
11g	Greenleaver	Nazeing	10	No Further Extension
11h	Richards Farm, Hamlet Hill	Roydon	1	No Extension
11i	Downshoppit, Hamlet Hill	Roydon	1	No Extension
11j	Tomary, Hamlet Hill	Roydon	12	No Further Extension

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Figure 10 Hopgardens - Existing Public Site



Figure 11 Sites at Bumbles Green/Long Green



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Figure 12 Exiting Site at Greenleaves - Hoe Lane Nazeing

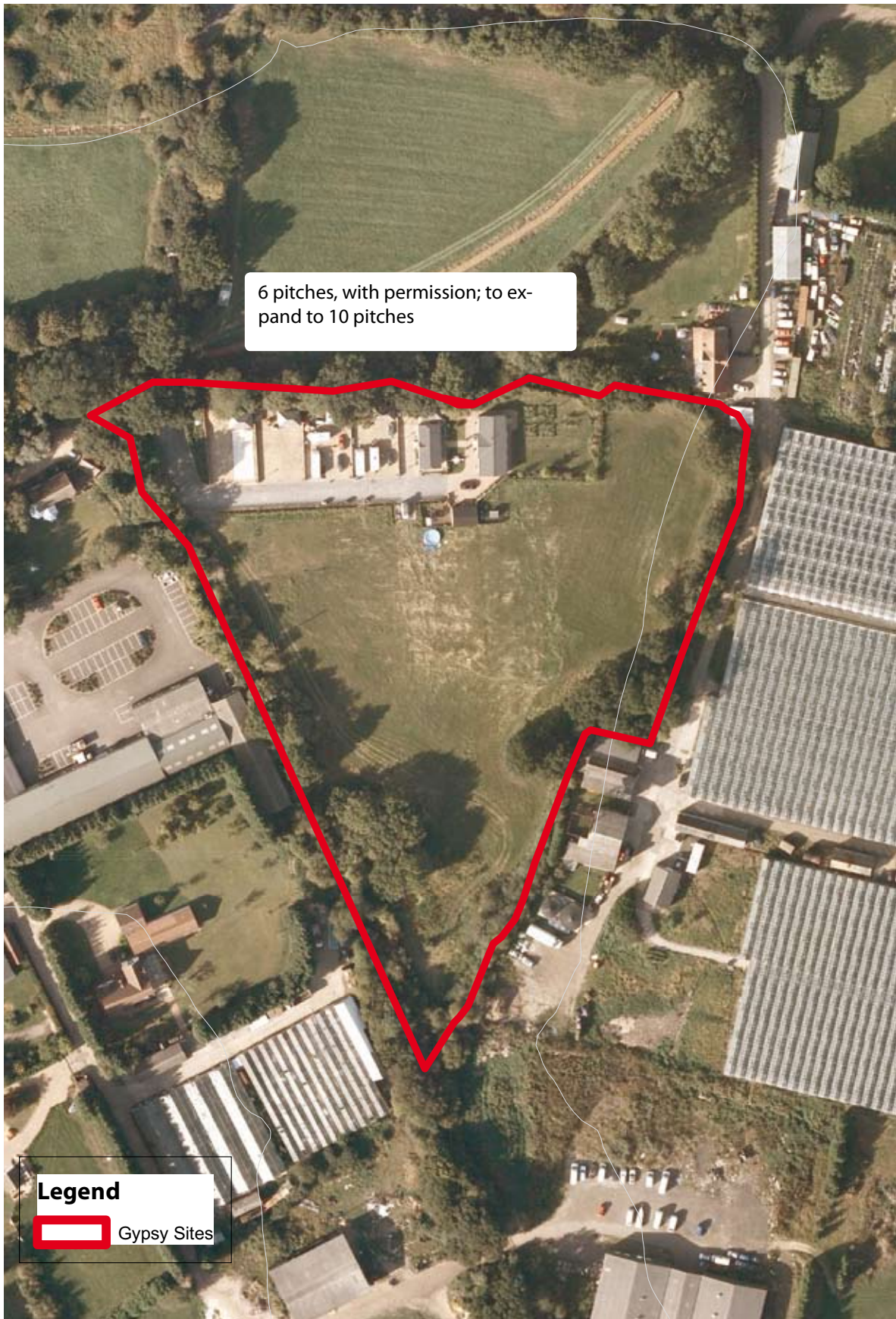
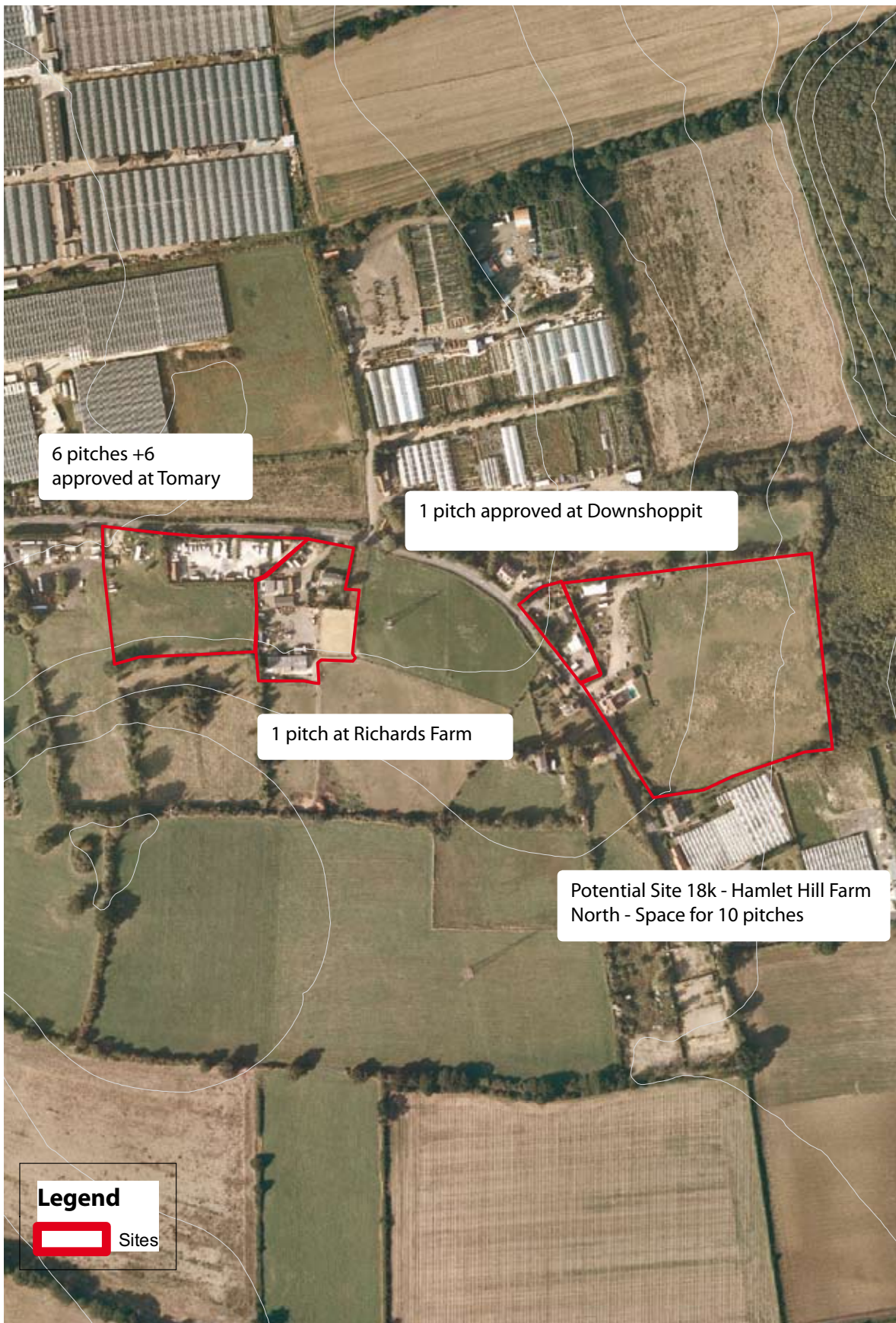


Figure 13 Sites at Hamlet Hill Roydon



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Figure 14 Exiting Site at Tylers Cross Nursery Roydon



11.7 There is another authorised site to the east of Nazeing at [Greenleaver](#) which has six pitches on a site of 2 Ha. The remainder of the site is used as a paddock. Despite the overall concentration of sites in Nazeing this is on balance a good site accessible to services in the village, strongly visually contained by other land uses. For these reasons permission was granted for expansion to 10 pitches in Feb 2008, by increasing the length of the row of pitches on the site's northern edge. Further expansion would be undesirable.

11.8 There is a single pitch on a site on [Weald Hall Lane](#) on the northern edge of North Weald Airfield, but physically it cannot expand. East of Stapleford Abbots there is a two pitch site at [Horsemanside Farm](#) adjoining the Brentwood border, but it is physically constrained and cannot expand within this district.

11.9 At [Tylers Cross Nursery](#) in Roydon, is a site with 15 authorised pitches. This site has a complex history and has had problems of anti-social behaviour and unauthorised addition of pitches. Because it is at the upper limit in terms of normally desirable site size and because of concentration of pitches in this area it is not recommended for expansion. To the north is the contained single tolerated pitch on [La Rosa Nursery](#).

11.10 There is an authorised site now with two pitches (1 occupied) at the [Moore's Estate Little Brook Road](#), to the east of Roydon, it is well concealed. Historically there have been few complaints of antisocial behaviour although complaints have increased recently. It has potential to expand by up to 4 pitches. Historically the site had two additional pitches which have now been abandoned.

11.11 Overall then, the potential for expansion of existing sites with permanent consent is limited, perhaps to around 4 pitches if the above analysis is accepted.

Question 11

Potential for Expansion of Site at Little Brook Road Roydon

Do you agree with the expansion of this site by up to 5 pitches.

Yes

No

Please give reasons for your answers

Question 12

Potential for Expansion of Other Existing Authorised Sites

Do you agree with the assessment of the unsuitability for extension of these sites?

Yes

No

Please give reasons for your answers

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11.12 Tolerated Sites

Tolerated Sites Issues

- The district has five tolerated sites
- These are sites where enforcement action has not been pursued or followed through for one reason or another (such as enforcement priorities or family circumstances).
- Because of the rules on limitations of enforcements, it is now not possible to take enforcement action on these sites, or it may not be expedient.
- Because in most cases appeals have been lost, they do not automatically benefit from 'lawful' use rights

11.13 Over the years the District has considered whether to grant permission for some or all of these sites. This has previously been re-

sisted because of the previous appeal decisions and the risk of setting a precedent for sites in the green belt.

11.14 This may have to be reconsidered in the light of Circular 1/2006 which stresses that sufficient sites must be found even in circumstances where there are significant policy constraints.

11.15 A number of these sites do not have significant policy constraints other than that of the green belt. Some have existed for many years without raising significant concerns, are not obtrusive in the landscape nor have amenity problems.

11.16 Given that it is not possible to take enforcement action, and the challenging targets for pitch provision, a pragmatic way forward might be to allocate some of these sites and grant them planning permission.

11.17 The first potential tolerated site is one of one pitch at **Hosanna Sedge Green** Nazeing. This is in a prominent position, close to a concentration of other sites and so making the site permanent is not recommended. Nearby is a single tolerated pitch at **La Rosa Nursery**, but because of the particular concentration of pitches at Hamlet Hill, and poor relationship with the garden centre, making it permanent is not recommended.

Figure 9 Tolerated Sites

Ref.	Site	Parish	Existing Pitches	Proposal
12a	Hosanna, Sedge Green	Nazeing	1	Do not grant permanent permission
12b	La Rosa Nursery, Sedge Green	Nazeing	1	Do not grant permanent permission
12c	Carisbrook Far, Kiln Lane	North Weald Bassett	1	Grant permanent permission
12d	Hoe Lane, Nazeing	Nazeing	1	Grant permanent permission
12e	Dales, Perry Hill	Nazeing	1	Grant permanent permission
13a	Pond View, Bournebridge Lane	Stapleford Abbots	1	Grant permission and potential expansion by up to 4 pitches

Figure 10 Existing tolerated site at Bournebridge Lane Stapleford Abbots and Potential extension



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11.18 Carisbrook Farm Kiln Road North Weald has a single pitch, in a well screened location, fairly close to services. It may now be a good candidate for granting permission.

11.19 At Hoe Lane, Nazeing is a single pitch site, there is no localised concentration of sites in this part of Nazeing, and the site causes no problems. Though in a fairly prominent location the site is partially screened. On balance it might be considered for granting permission. There is also an unobtrusive single pitch site at Dales at Perry Hill Nazeing.

11.20 A final tolerated site is a single pitch site at Pond View, Bournebridge Lane, Stapleford Abbots. The site is well screened and adjoins the village, again on balance it might be considered suitable for granting permission. The site at Bournebridge Lane is also of interest in that the adjoining field has potential for a new site, possibly of around 4 pitches, the access, visibility and amenity issues arising from access need careful examination. The site is accessible to the village and relatively well screened, although Stapleford Abbots itself does not have the accessibility and range of services of other parts of the District, for this reason it would not be a preferred site if other more accessible sites could be found.

Question 13

Tolerated Sites

Do you agree with the assessment that the listed three tolerated sites should be allocated permanently?

Yes

No

Please give reasons for your answer

Question 14

Potential Extension of Tolerated Site- Bournebridge Lane Stapleford Abbots

Should this site could be expanded by around 5 pitches?

Yes

No

Please give reasons for your answer

11.21 **Unauthorised Sites**

Unauthorised Sites Issues

- In July 2008 the number of unauthorised and not tolerated caravans in the district was down to nine, on three sites.

11.22 Apart from the unauthorised pitches at Tylers Cross Nursery considered earlier there are now only two other unauthorised sites.

11.23 At Hillmead Nursery, Nazeing Lane there are 2 unauthorised pitches. This location, though close to services, has very poor access down Nazeing Lane which has long been established as unsuitable for travellers sites, following earlier enforcement action.

11.24 At Devoncot Carthagen Estate there are 2 unauthorised pitches. This location, though it is reasonably accessible to services, is in the Lee Valley Regional Park and is in a flood risk area, and such chalet plots have special policies preventing permanent dwellings. As such it could set a precedent which could un-

dermine the planning efforts to restrict permanent dwellings in this area.

11.25 Historic unauthorised sites previously rejected on appeal have not been considered further; these have all been on very unsuitable sites and almost without exception have been on sites poorly located in terms of services, typically just off motorway junctions.

Question 15

Unauthorised Sites

Do you agree that the unauthorised sites listed above are unsuitable?

Yes

No

Please give reasons for your answer

Figure 11 Unauthorised Sites

Ref.	Site	Parish	Unauthorised Pitches	Current Status
14a	Tylers Cross Nursery, Broadly Common	Roydon	5	Unsuitable, enforcement action being pursued
14b	Hillmead Nursery, Nazeing Lane	Nazeing	2	Unsuitable, enforcement action being pursued
14c	Devoncot, Carthagen Estate	Nazeing	2	Unsuitable, enforcement action being pursued

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Figure 12 Site with temporary permission, Holmsfield Nursery, Meadgate Road, Nazeing



11.26 Temporary Permissions

Temporary Permission Issues

- There are eight caravans (on single caravan pitches) on the Holmsfield Nursery site near Nazeing, now with temporary planning permission for five years granted on appeal in June 2008.
- The key issues were that the site was in the green belt, in the Lee Valley Regional Park and in a flood risk area.
- The Secretary of State, agreeing with the Inspector, granted temporary planning permission. However she also agreed with the Inspector that the site should not be granted permanent planning permission.

11.27 Following a site specific flood risk assessment however the Environment Agency dropped its objection. However the Council's drainage engineers did not have an opportunity to comment on the report at the appeal and they dispute its findings, as it did not deal with the loss of flood storage through land levels possibly being raised, the filling in of a watercourse, and the more detailed local information on flood risk available in the emerging Strategic Flood Risk Assessment. The northern part of the site suffers from noise from a nearby minerals site and cannot be developed.

11.28 The inspector concluded '*on balance, I am not persuaded that [need and personal circumstances] clearly outweigh the harm to the openness of the green belt and by reason of inappropriateness and the harm caused to the character and appearance of the area and the landscape and recreational value of the Lee Valley Regional Park, such as to justify the granting of permanent planning permission for the development.*'

11.29 Given this precedent it is not recommended that the site be allocated as a permanent site, rather that it be replaced by sites or sites formed as part of nearby Harlow urban extensions.

11.30 The granting of temporary permission is not a permanent fix. As 'The Road Ahead' report stresses it is important to be wary of granting temporary permissions that will create a bottleneck of provision when they come to an end.

Question 16

Temporary Permission at Holmsfield Nursery Nazeing

Do you agree that the this site should not be given temporary permission beyond five years (or the coming on stream of sites secured through urban extensions to Harlow if these do not come forward within five years)?

Yes

No

Please give reasons for your answer

12. Remaining Requirements for Additional Sites

12.1 Figure 13 shows the potential phasing and distribution of sites on the preferred options set out previously. It implies that the priority requirement is to find between two and six new sites totalling up 35 pitches by 2012.

12.2 What is clear is that expansion of existing sites will be insufficient. There will need to be some new sites granted permission.

12.3 The resultant phasing would be as shown in Fig 13. If previously unconsidered sites come forward and are granted permission, phasing requirements would need to be adjusted accordingly. The same principle would apply if either or both of the two brownfield sites in Epping came forward.

12.4 The phasing assumes existing and new site households will grow by 3%, and limits are set on the size of extended sites.

12.5 Counting the potential sources of supply from previous section we have a possibility of around 27 pitches from urban extensions, 4 pitches from authorisation of some tolerated sites, and 4 pitches from expansion of an authorised site. This totals 35 pitches, however only 9 of these could be provided by 2012.

12.6 So even if as a result of this consultation all of these sites were accepted this would leave a requirement of $110-35=75$ additional pitches on new sites on greenfield or rural brownfield locations. However the shortfall by 2011 would be $34-9=25$ pitches which would require around two to three new sites of between 6-15 pitches in phase I.

Figure 13 Potential Phasing -Overall

Phase I 2008-2011	Phase II 2012-2017	Phase III 2018-2023	Total
Potential authorisation of tolerated sites (if appropriate) - 4 pitches Expansion of existing authorised Site - 4 pitches	Sites in urban extensions/ edge of South/West Harlow - 6 pitches	+Sites in urban extensions/ edge of North East of Harlow - 9 pitches +Extension of phase II South/West Harlow site - 3 pitches	Total South/West of Harlow 9 pitches Total North East of Harlow 6 pitches - with potential for an expansion by 3 pitches beyond plan period.
+Plus new sites (26 pitches - 4 brownfield and 22 Greenfield - capable of expansion up to 10 pitches in phase II and phase III).	+Extension of new phase I sites - 5 pitches +31 pitches from new sites	+Sites on urban extensions around other towns- 12 pitches +5 pitches from expansion of new phase II sites +5 pitches from final expansion of phase I sites	
Total : 34 pitches (as required by RSS)	Total : 42 pitches	Total: 34 pitches	Total 110 pitches - including contingency of 10 pitches in case of non-delivery.

13. Rural Areas

13.1 Rural Exceptions Sites - Affordability of Sites

13.2 Like the general population, gypsies and travellers have varying incomes and some will not be able to afford to buy sites themselves. This may produce a need for policy to aid the provision of 'affordable' gypsies and travellers pitches. This might include sites which are rented from a specialist registered social landlord or sites purchased by such a social landlord and sold or having shared equity with gypsies/travellers.

13.3 A number of sites could be specifically identified for provision of affordable pitches, although this would raise equity issues concerning which sites were identified in this manner and which that were not. The new Essex Gypsy and Traveller Accommodation Assessment will provide more information on affordability.

13.4 National policy allows for a 'rural exceptions' policy for gypsies and travellers sites similar to the 'rural exceptions' site policy used for affordable housing. Such sites are typically not identified and occur on sites normally protected from development in the countryside but where there is a pressing need - such as for affordable housing. This is no substitute however for sufficient provision of allocated sites (that is sites identified on the proposals map as part of the approved plan).

13.5 If previously unconsidered sites come forward unexpectedly then there might be a role for a 'rural exceptions' policy, if the site is suitable and it meets an unmet need. Although rural sites are acceptable in principle, according to national policy, it is difficult to see how such a scheme could be an 'exception'. Most sites for gypsies and travellers will be required to be affordable anyway because of income levels and receipt of housing benefit.

13.6 There is an inherent tension in national policy. 'Exception' sites must be restricted in terms of local connections, but Circular 1/2006 states that local occupancy conditions for gypsies and travellers conflict with the national definitions that such persons enjoy a nomadic lifestyle.

13.7 Rural Brownfield Sites

13.8 Within the green belt there are a small number of previously developed 'Brownfield' sites. Although the fact that a site is previously developed in no way makes inappropriate development in the green belt appropriate, if sites in the green belt do have to be considered then it makes sense to consider brownfield sites first.

13.9 The airfield at North Weald Bassett is in full use, and a small area on its northern edge is already a small authorised gypsy/travellers site. Adjoining and to the west of Merlin Way is a significant area of derelict land which used to contain wartime airfield buildings. A small part of this land at Merlin Way's southern end now has permission for housing.

13.10 Part of this land is potentially contaminated, although whether or not this creates a constraint which cannot be overcome will require further investigation.

13.11 East of Merlin Way the land forms a thin green belt buffer between the airfield and North Weald Bassett and this means that release from the green belt would be unwise as it would form an awkward boundary hard to defend in the long-term.

13.12 Because of the poor appearance of the land however, and good access to North Weald Bassett the site may have potential for development of a gypsy/traveller site. Figure 14 shows a potential arrangement whereby a site of 0.6 ha, and capable of accommodating around 4 pitches, could be concealed behind a landscaping strip to improve the appearance of Merlin Way.

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13.13 This still leaves a significant remaining area (3.6 ha). There is the option of using part of this land as an emergency stop-over site with a maximum capacity of around 25-30 pitches, or perhaps in part as a transit site (see later section). The purpose of an emergency site is to aid enforcement of unauthorised sites, in that the police can more easily move travellers on where there is an emergency stopping place used only for a few days or weeks. The Courts are likely to require that there is a detailed consideration of individual circumstances before an eviction, and relocation to an emergency stopping place provides the time and space to do so. Its existence acts as a deterrent and this means that such sites might not actually be used frequently.

13.14 There are at least two other 'major developed' sites in the Green Belt which have been considered and rejected. Firstly the former Ongar Research Centre was discounted, as it is at a remote location in the rural east of the district. Secondly the redundant part of Luxborough Lane Sewage treatment works Chigwell, although reasonably close to the services of Chigwell, part is in a flood risk area, part suffers from M11 noise and part from smell.

Question 17

Rural Brownfield Sites at North Weald - Merlin Way

A) Do you agree that a small permanent travellers site is suitable in this location?

Yes

No

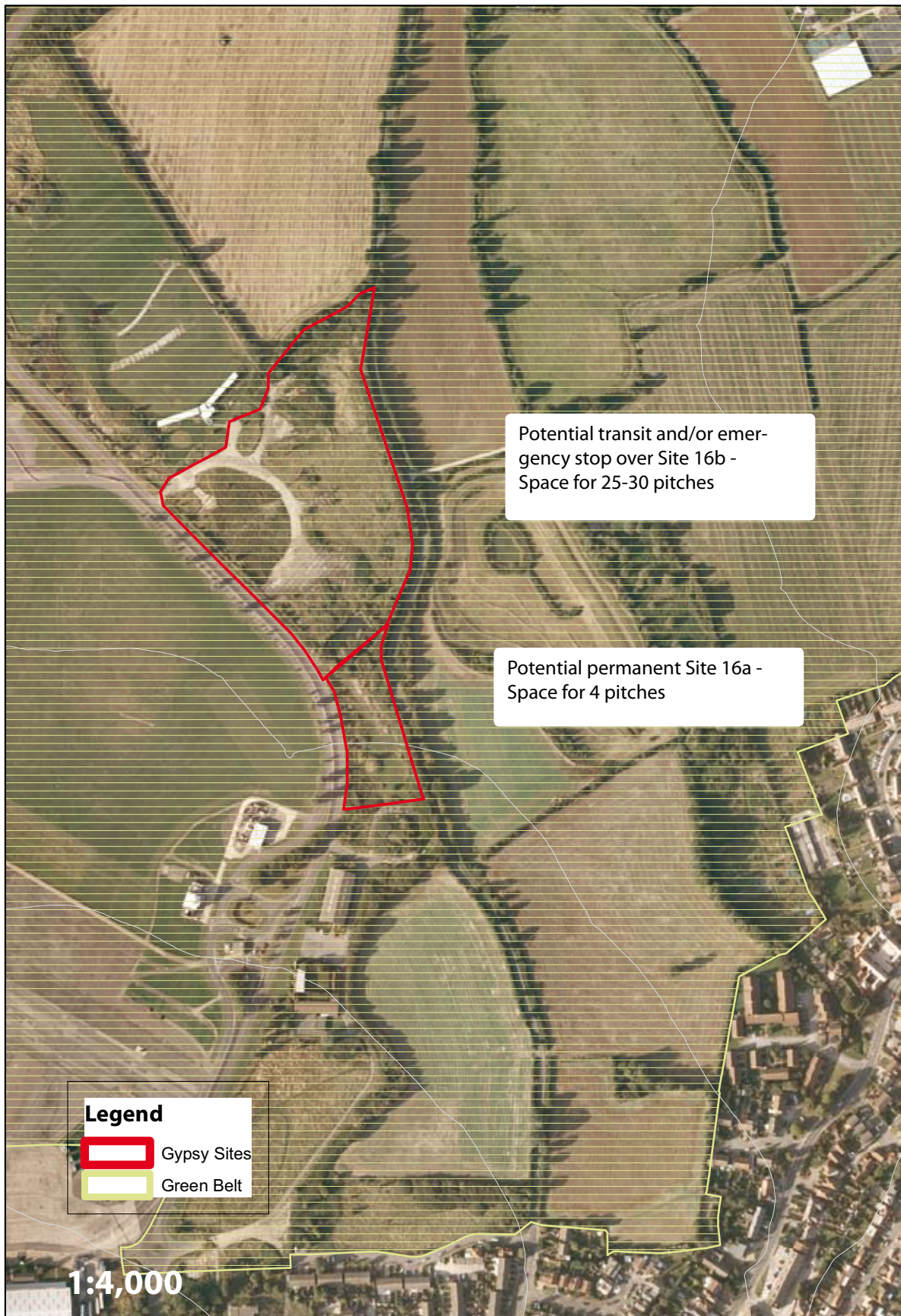
B) Do you agree that this location is suitable for a transit and/or emergency stop over facility?

Yes

No

Please give reasons for your answers.

Figure 14 Merlin Way North Weald



14. Additional Site Options

14.1 Potential New Sites

14.2 The total number of pitches examined in following sections is around 200, not all of them will prove ultimately acceptable, as the requirement in fig. 13 for new sites (not as part of urban extensions) is 75 pitches. So at least around 40% of the 200 will need to go into the final plan.

14.3 A rigorous search has been undertaken of potential new sites. Within the 'area of search' a further search was undertaken of plots of land that might be of suitable size. Given a normal maximum size of 15 pitches and an assumed site coverage of 60%, this implies a search for plots of land below 2.5 ha. To allow for paddock areas etc. a maximum threshold of 5 Ha has been used to investigate potential sites. Subdivision through separation of small plots of the large arable fields that make up so much of Epping Forest district is undesirable, because irregular field sizes make it difficult to use agricultural machinery. Smaller fields and paddock areas are to be preferred and in general are usually on agricultural land of lesser quality.

14.4 Many of the potential sites are close to each other. In some cases the possible excessive concentration of sites may mean not all potential suitable sites in proximity may be chosen. On the other hand, the fact that many potential sites are inevitably close to each other, given the geography of the district, means that some degree of concentration may be unavoidable.

14.5 So as not to prejudice consideration of options for urban extensions areas as part of the Core Strategy consultation, some areas have been excluded. It is not yet known if these areas will be needed or not, and as stated if they are needed they would come forward too late to be able to meet most of the require-

ment. This means that some areas around Waltham Abbey, Theydon Bois, Chigwell, Harlow and Epping have been excluded. The 'hope value' of these areas could also hinder delivery.

14.6 With this proviso all sites with at least some potential have been included, there is no list of excluded sites.

14.7 Potential Sites around Epping and North Weald Bassett

14.8 Looking firstly at areas around Epping, Epping Green, Thornwood and North Weald Bassett.

14.9 One site is an overgrown former allotment area to the west of **Wintry Park** House and in the ownership of the Copped Hall Estate, the site is close to high voltage power lines and an electricity sub station though. This potential site could take around 4 pitches.

14.10 To the east is a paddock next to Wintry Park Farm. This site could take around 6 pitches.

14.11 Close to Epping there is a site to the rear of the Estate Cottages at 137-167 **Lindsey Street**, which includes a disused part of an allotment and a paddock. The site could take around 15 pitches with a small paddock area. The site is under the ownership of the Copped Hall Estate.

14.12 A site lies to the **south west of Epping Green** on a flat area of land. This is an area of paddocks, part of the Copped Hall Estate, which could accommodate a site of 15 pitches with generous paddock areas. This road is a dead end and so a site would not be visible to through traffic, and is very close to the primary school.

14.13 Another site lies to the immediate **east of Epping Green**. This is a disused part of an allotment, this could take 2 pitches. The access would need improvement.

14.14 Turning to around Thornwood.

Figure 16 Potential Sites to the North of Epping

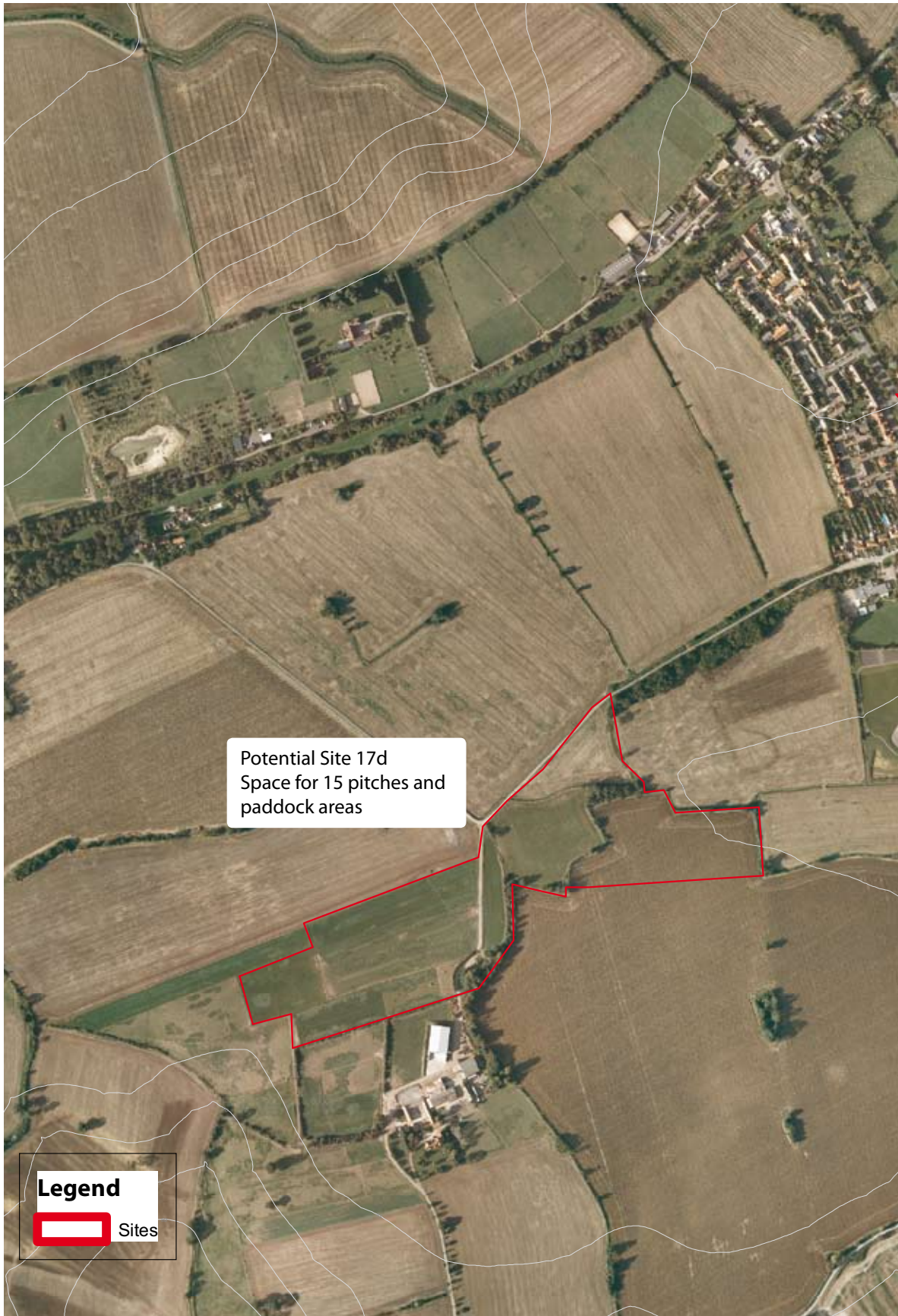


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Figure 17 Potential Site Lindsey Street



Figure 18 Potential Site West of Epping Green



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Figure 19 Potential Site East of Epping Green

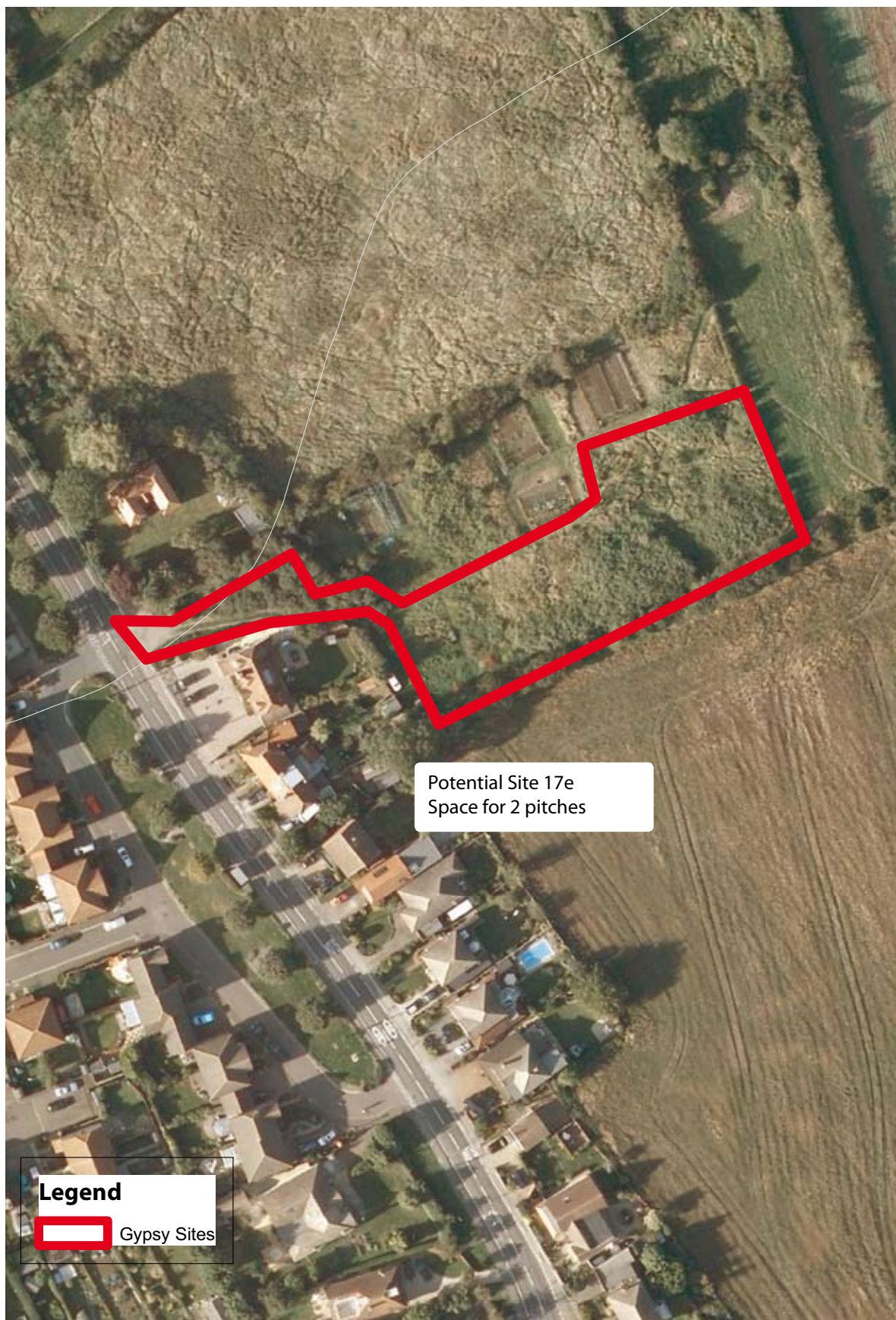


Figure 20 Potential Site East of Thornwood - Duck Lane



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Figure 21 Possible Site at Rear of Forest House Woodside - Thornwood



Figure 22 Possible Site North of Thornwood- Upland Lane



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Figure 23 Possible Site North of Thornwood- Rye Hall Road



Figure 24 Possible Site West of Tylers Green, North Weald Bassett



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14.15 To the east of the village there is a site directly to the north of Woodside industrial estate and facing **Duck Lane** which might accommodate around 8 pitches. The possible site area excludes an historic moated area. Possible noise from a scrapyard area to the south is an issue.

14.16 Further south on **Woodside Road to the rear of Forest House**, to there is a paddock area which could accommodate around 10 pitches.

14.17 To the north of Thornwood there is a potential site comprising a paddock area directly to the rear of a petrol station at the **Junction of Thornwood Road and Upland Road**, which could take around 8 pitches.

14.18 To the North of Thornwood there is a potential site on a paddock area directly to the **rear of Neales Garage** Thornwood Road - again this could take around 8 pitches.

14.19 In North Weald Bassett, one area has been looked at earlier in the paper on Merlin Way, there is also a paddock **West of Tylers Green** which could take around 15 pitches.

Figure 15 Potential New Sites - around Epping and North Weald Bassett

Ref.	Site	Parish	Potential Pitches
17a	West of Wintry Park House	Epping	4
17b	East of Wintry Park House	Epping	6
17c	Rear of the Estate Cottages at 137-167 Lindsey Street	Epping	15
17d	West of Epping Green	Epping Upland	15
17e	Disused Allotments, East of Epping Green	Epping Upland	2
17f	Duck Lane Woodside	North Weald Bassett	8
17g	Woodside Road to the rear of Forest House	North Weald Bassett	10
17h	Junction of Thornwood Road and Upland Road, Thornwood	North Weald Bassett	8
17i	Rear of Neales Garage, Thornwood	North Weald Bassett	8
17j	West of Tylers Green North Weald Bassett	North Weald Bassett	8
16a, 16b	East of Merlin Way	North Weald Bassett	4 +potential transit and emergency stop-over provision

Question 18

Potential Sites in the Epping and North Weald Bassett Areas

Please tell us whether or not each of these sites should be taken forward?

Site 17a - Former Allotment -Wintry Park Epping

Yes No

Site 17b - Paddock -Wintry Park Epping

Yes No

Site 17c - Land at Rear of 137-167 Lindsey Street Epping

Yes No

Site 17d - West of Epping Green

Yes No

Site 17e - East of Epping Green

Yes No

Site 17f- Duck Lane Woodside

Yes No

Site 17g- Woodside Road to the rear of Forest House

Yes No

Site 17h - Junction of Thornwood Road and Upland Road, Thornwood

Yes No

Site 17i -Rear of Neales Garage, Thornwood

Yes No

Site 17i - West of Tylers Green North Weald Bassett

Yes No

Please give reasons for your answer

If you know of other sites in this area that are better and/or also should be considered please state which ones and why

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14.20 Potential New Sites - around Waltham Abbey, Roydon, Nazeing and Sewardstone

14.21 There are a number of potential sites to the north and south of Waltham Abbey.

14.22 The sites to the north lie along Crooked Mile, one at or in a yard area to the rear of the derelict **Lea Valley Nursery** It could take around 10 pitches, either as a standalone site to the rear or as part of a wider development, if such a development were to be found acceptable. This has been removed from the area permitted for glasshouse extensions in the Local Plan Alterations. It should be noted that this policy (E13) is a permissive one, and does not safeguard land for this use.

14.23 A romany museum was previously proposed for this site and found unacceptable.

There is a planning brief for the site, now somewhat out of date and no longer in conformity with national policy. The future of this site/ area will be considered further as part of the Core Strategy. Any development, if the location were found acceptable, would have to improve open vistas from Crooked Mile, and if necessary would have to enact traffic safety measures on Crooked Mile. Views from Paternoster Hill would be an issue. As with all green belt sites the dereliction by itself is not a material planning consideration, and neither are considerations over whether the existing owner should be rewarded or punished.

14.24 Slightly to the north is a **smallholding area off Crooked Lane**, in a messy area of urban fringe uses, which could accommodate 10 pitches.

Figure 25 Potential New Sites - around Waltham Abbey, Roydon/Nazeing and Sewardstone

Ref.	Site	Parish	Potential Pitches
18a	Yard/Car park at rear of Lea Valley Nursery Crooked Mile, Waltham Abbey	Waltham Abbey	10
18b	Smallholding off Crooked Mile, Waltham Abbey	Waltham Abbey	10
18c	Former Kingsfield Nursery, Sewardstone	Waltham Abbey	4
18d	Chandlers Farm, Sewardstone	Waltham Abbey	8
18e	Part of Northfield Nursery	Waltham Abbey	2
18f	Northfield Farm, and the rear of Beechfield Nursery, Sewardstone	Waltham Abbey	15
18g	Meadows Long Green, Bumbles Green	Nazeing	8
18h	Spinney Nursery Hoe Lane Nazeing	Nazeing	4
18i	Part of Burleigh Nursery Hose Lane Nazeing	Nazeing	4
18j	Hamlet Hill Farm	Roydon	8

Figure 26 Possible Sites North of Waltham Abbey - Crooked Mile



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Figure 27 Possible Sites In Sewardstone



Figure 28 Possible Sites at Hoe Lane Nazeing



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14.25 Sewardstone has potential sites. The northern part of this area closest to the facilities at Waltham Abbey has been the focus of the search.

14.26 The **former Kingsfield Nursery** is now largely overgrown, but part has been given over to a paddock which could be incorporated into any scheme. The site is within the boundary of the Lee Valley Regional Park. It could take 4 pitches. This is zoned as an area where glasshouses are permitted in the local plan as altered.

14.27 Slightly to the North behind the Plough pub is **Chandlers Farm**, in reality just a single field, and is now used for turf sales. It could take 8 pitches.

14.28 To the South is a derelict part of **Northfield Nursery**, which could take 2 pitches.

14.29 Finally there is the site of **Northfield Farm, and the rear of Beechfield Nursery**. This is partly a former nursery falling into dereliction and partly unused ground. Here there may be an opportunity to improve the openness of the green belt through removing disused buildings and creating public access, whilst having a gypsy site of around 15 pitches on the remainder. This has been removed from the area where glasshouses are permitted.

14.30 Because of the number of existing sites in the Nazeing area the Council has not actively sought out additional ones. Several sites have been promoted for gypsy and traveller use in the 'Call for Sites' exercise however.

14.31 One site is at the **Meadows, Long Green**, on the western edge of Bumbles Green, opposite an existing site. This site has twice been refused planning permission on appeal, for 23 pitches in 2003 and for 22 pitches in 2008. It is now being put forward by the owner for 11 pitches. Part of this land is wooded, so the maximum potentially developable area of the site with the plot size and site

layout principles used in this paper is likely to be 8 pitches.

14.32 In the appeal in 2008 the Inspector concluded and the Secretary of State agreed that the development would be a significant extension of a settlement of limited size into the open countryside. This, exacerbated by the undulating topography would cause significant harm to the openness of the green belt and from encroachment into the countryside.

14.33 This was not outweighed by evidence on personal circumstances. No evidence on personal circumstances and need was presented by the appellants.

14.34 At **Hoe Lane** Nazeing there are 4 adjoining areas of 'nurseries', which have been put forward in the 'Call for Sites' exercise by the landowners for gypsy and travellers or other uses such as employment or housing. They are Spinney Nursery, Burleigh Nursery, Ridge House and Stoneyfield.

14.35 In actuality the glass has been cleared on all of this area, apart from one glasshouse at Burleigh Nursery. This is an area zoned for glasshouses under the Local Plan, but the industry has been in decline in this specific area. In reality much of the area of these sites is now firmly established as houses in large gardens, with lawful use of some dwellings granted consent many years ago for horticultural worker occupancy now as unrestricted residential. Together with the poor access on Hoe Lane, the lack of dereliction means that there is a lack of a special case for significant development here. The most scope for gypsy and traveller development here may lie at Spinney Nursery, which has two employment uses granted employment permissions, and the remaining area of glass at Burleigh Nursery. Either of these could accommodate around four pitches. Access issues along Hoe Lane are important, although this did not prove insuperable at the recent Greenleaver planning consent.

14.36 The site of **Hamlet Hill Farm North** Roydon is being promoted by its owner for eight pitches. It was refused permission as a Gypsy and Travellers site in 2001 and the owner is now resident at Holmsfield Nursery. Though it would undoubtedly lead to further concentration of sites in this area arguably it has fewer planning issues than the Holmsfield Nursery site and could serve as a replacement site. An historic site slightly to the south west at Hamlet Hill Farm South has not been proposed (it was refused on appeal in 2003) because it is on a dangerous bend.

Question 19

Potential Sites in the Waltham Abbey, Roydon and Nazeing Areas

Please tell us whether or not each of these sites should be taken forward?

Site 18a - Yard/Cark park at rear of Lea Valley Nursery, Crooked Mile

Yes No

Site 18b - Smallholding off Crooked Mile

Yes No

Site 18c -Former Kingsfield Nursery, Sewardstone

Yes No

Site 18d - Chandlers Farm Sewardstone

Yes No

Site 18e - Part of Northfield Nursery Sewardstone

Yes No

Site 18f - Northfield Farm and Adjoining Land -Sewardstone

Yes No

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Figure 30 Possible Site South of Victory Hall, Hainault Road Chigwell



Figure 31 Possible Sites off Abridge Lane Theydon Bois



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Figure 32 Possible Site East of Abridge



Figure 33 Possible Site - Former Crowther Nursery, Ongar Road Abridge



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Site 18g- Meadows Long Green/Bumbles Green

Yes No

Site 18h- Spinney Nursery, Hoe Lane Nazeing

Yes No

Site 18i- Burleigh Nursery Hoe Lane Nazeing

Yes No

Site 18j- Site to West of Bumbles Green

Yes No

Site 18k- Hamlet Hill Farm (North)

Yes No

Please give reasons for your answer

If you know of other sites in this area that are better and/or also should be considered please state which ones and why

14.37 Potential New Sites - in the Roding Valley

14.38 The constraints of Epping Forest and the River Roding Flood Plain mean that the number of potential sites in the Roding Valley is more limited.

14.39 Because of these constraints no potentially suitable sites have been found around Loughton.

14.40 At Chigwell there is a site of overgrown former allotments south of **Victory Hall** on Hainault Road. It could take two pitches.

14.41 Potential sites have been examined around Chigwell Row, but the village lies atop a ridge making potential sites very visually prominent and this could harm the sensitive setting of Hainault Forest to the south which can be

Figure 29 Potential New Sites - in the Roding Valley

Ref.	Site	Parish	Potential Pitches
19a	South of Victory Hall, Chigwell	Chigwell	2
19b	Coopersale Road	Theydon Garnon	11
19c	Abridge Road	Theydon Garnon	10
19d	East of Abridge, Ongar Road	Lambourne	4
19e	Former Crowther Nursery, Ongar Road	Lambourne	15

seen from a considerable distance including from the northern side of the Roding Valley.

14.42 At Theydon Bois there are potential sites along **Abridge Road**, one is on Abridge Road itself and one on Coopersale Lane - a protected lane.

14.43 Turning to **Abridge** - to the east of the village is a Paddock which might take four pitches.

14.44 Further east is the now disused site of the garden centres at **Crowther Nurseries** on Ongar Road. This could take around 15 pitches.

Question 20

Potential Sites in the Roding Valley Area

Please tell us whether or not each of these sites should be taken forward?

Site 19a - Site next to Victory Hall Chigwell

Yes No

Site 19b- Paddock east of Theydon Bois - Abridge Road

Yes No

Site 19c- Paddock east of Theydon Bois - Coopersale Lane

Yes No

Site 19d - Paddock east of Abridge

Yes No

Site 19e - Crowther Nursery Abridge

Yes No

Please give reasons for your answer

If you know of other sites in this area that are better and/or also should be considered please state which ones and why.

15. Windfall Sites

Windfall Sites Issues

- Over the period of the plan not all sites allocated (that is zoned for development) may come forward. Also unexpected sites may come forward which may in some cases be preferable to allocated sites.
- These are known as windfall sites. It is necessary to have a policy for assessing the suitability of such sites, and to act as a benchmark for considering the suitability of allocated sites.
- It is not necessary for such a policy to repeat policy elsewhere in the development plan - for example on flood risk or protection of conservation areas, or to repeat national planning policy.
- Government policy in Circular 01/2006 makes it clear that criteria should not be so strict as to effectively thwart site provision.

can be very visually prominent locations and therefore intrude into and be harmful to the character and openness of the green belt.

15.1 Because of this it may not be reasonable to constrain sites to locations away from close proximity to residential properties. Although discussions with gypsies and travellers themselves reveal a desire for some separation from settled communities, to retain privacy and cultural identity, the problem is one of site availability. It might be considered too tight a restriction, not supported by national policy, that would preclude the vast majority of potential sites in the district, and which would favour inaccessible locations with poor access to services. If sites are small, well located and with proper landscaping then experience nationally suggests they can make very good neighbours. This is not to suggest that sites directly on a settlement edge is always a good idea, these

15.2 Secondly the existing local plan requirement to be 'in close proximity to an area frequented by gypsies' has been vague and open to interpretation, and has arguably led to an excessive concentration of gypsy sites in some areas. The key issue is that sites should be in areas gypsies would wish to frequent because of accessibility to jobs and services.

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Potential Policy

Applications for gypsy and travellers sites will be permitted where all of the relevant criteria below are met:

a. The site would be occupied solely by persons meeting the official definition of gypsies and travellers;

b. The site is necessary to meet the required need and phasing of provision for gypsy and traveller pitches as set out in the development plan. If the site is not allocated then it must either meet a shortfall in provision from allocated sites, or be preferable to allocated sites when both are assessed against this policy;

c. Further provision in the Sedge Green, Hamlet Hill and Bumbles Green/Long Green areas will not be permitted as this will exacerbate an unacceptable concentration of pitches in these areas;

d. Where the proposal is for an extension to an existing site then this must be justified by the housing needs of those living on the site or their families;

e. The location must have adequate access to public transport, schools, shops, primary healthcare and local services;

f. The proposal must have a satisfactory relationship with, and must not be likely to cause unacceptable disturbance to, settled residential areas;

g. The proposal must be of an appropriate size so as to not put unacceptable strain on infrastructure or dominate settled communities - schemes of no more than 15 pitches should be the norm but each proposal will be assessed on its merits;

h. Site design must ensure that pitches are of adequate size, with appropriate amenity and

communal facilities including for children's play;

i. There must be no significant detrimental visual impact on the landscape which could not be overcome by appropriate landscaping, planting or screening;

j. The site should have safe and suitable access for caravans and mobile homes; and

k. Where the proposal is in the green belt then there must be very special circumstances (which might include personal circumstances of housing need and the requirement to meet the pitch provision requirements of the development plan) which clearly outweigh the harm by virtue of the inappropriate use, the harm to the openness of the green belt, the harm to the character and appearance of the area and other harm.

Proposals for associated stabling and/or yard working areas will be assessed on their own merits and will be acceptable if they meet these criteria.

Criteria d-k will also be used to assess proposals for sites for Travelling Showpeople. Regard will be had for the need for larger yard sizes and access for plant.

Figure 33 Travelling Showpeoples Site - Moreton



Question 21

Criteria for Windfall Sites

Do you agree with the wording of the suggested policy on this and the the previous page?

Yes

No

Please give reasons for your answer

16. Transit Sites and Emergency Stop Over Sites

Transit and Emergency Stop-Over Site Issues

- Transit sites are sites designed to be occupied on a temporary basis by those undertaking a nomadic lifestyle.
- The need for such sites has lessened as travellers have adopted a more sedentary lifestyle, especially in Epping Forest District.
- The scale of this need is not accurately known as there has not yet been a full regional study of need. There has also been concern that demand may be distorted by the shortage of permanent pitches.
- Initial work at a regional level aims to estimate need by examining the number of summer unauthorised encampments (that is on land not owned by gypsies or travellers). As there are no unauthorised encampments remaining in the district the need is likely to be very low.
- The purpose of an emergency stop-over facility it is to enable swift eviction by the police of unauthorised encampments, by having a temporary alternative place to move on to. Temporary in this case means the time needed to assess personal circumstances - usually several weeks.

16.1 Until there is firmer evidence of need it might be inappropriate to make a significant level of transit site provision, although individual proposals will be assessed on their merits.

16.2 There remains a need for emergency stop over facilities. Earlier in the paper an area at Merlin Way North Weald has been suggested as a potential site. This might also include an element of transit provision.

Question 22

Transit Sites

Do you agree with the initial assessment that the need for transit sites is very low in the district?

Yes

No

Please give reasons for your answer

17. Travelling Showpeople's Sites

Travelling Showpeople's Sites Issues

- There is a similar lack of evidence regarding travelling showpeople. The Regional Assembly has yet to carry out an assessment of need, although one is being carried out by the Showman's Guild
- Relatively recently an appeal has granted permission for a significant travelling showpersons site at Moreton, on a former caravan park. This has 9 yards.
- It should be noted that the government direction does not cover provision for travelling showpeople as they fall outside the official definition of gypsies and travellers.
- The draft Essex Gypsies and Travellers Accommodation Assessment 2008 includes an estimate of need for provision for travelling showpeople over 15 years. The draft assessment for Epping Forest District is 3 plots, derived from household growth from the existing site. This growth is causing the eviction of one yard to make way for a family member. This creates an urgent need for one additional yard.

17.1 As the need derives from growth of the existing site it makes sense that this be provided at Moreton. The site cannot physically expand because of extensive landscaping. However some of the residential plots are very large and could be subdivided if necessary. This would need to be proposed by the existing

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occupiers if they had requirements from family growth. The single urgent need yard could be accommodated one one of several smaller sites considered earlier, subject to the stricter access and amenity requirements of travelling showpeoples sites. There is also a possibility that some districts may be required to accommodate some overflow from the severe over-concentration of travelling showpeoples sites in Thurrock.

Question 23

Travelling Showpeople

Do you agree with adding two extra yards to the site at Moreton, and one additional yard elsewhere?

Yes

No

Please give reasons for your answer

D Delivering Sites

18. Site Delivery

Site Delivery Issues

- The Gypsy and Travellers Development Plan will require a clear delivery strategy, that is a strategy for bringing sites into use.
- Very few sites are in public ownership. Also it is very unlikely on the basis of proposals so far that sufficient suitable sites will be put forward by landowners and Gypsies and Travellers themselves.
- This leaves a particular problem. It is possible that some very suitable sites may need to be brought forward even though the landowner has either not brought it forward or opposes it.
- This may mean that many more sites than are needed should be allocated - on the expectation that some will not come forward, and/or the need for a fallback position of the use of proactive planning powers, including potentially use of compulsory purchase powers.

18.1 An argument for the use, or threat of use, of such powers, is that often landowners will refuse to release allocated sites on the expectation of higher land values from rural sites from uses such as residential, the value of such sites can be over 100 times that of agricultural use. For the most part though the potential sites included in this document have no prospect of ever being granted permission for residential development.

18.2 For about a decade years from 1994 the presumption was that gypsies and travellers would meet their own needs by developing sites themselves. Adequate provision did not come about however as applicants struggled to get planning permission. By itself though allocating sites and granting planning permission will not meet needs if landowners are not forthcoming in releasing sites.

18.3 Although the District and County have such powers the powers, resources and expertise are much greater in the newly established Homes and Communities Agency.

18.4 The government has made it clear that meeting the housing needs of gypsies and travellers are one of the key roles of the agency.

18.5 The agency has powers to purchase and provide land as well as to regulate housing associations. It also now has responsibility for grant funding of gypsy/traveller sites.

18.6 In the past very few housing associations have provided for such groups, considering it a role for a specialist provider. New guidance published in July 2008 makes it clear that provision of such accommodation is the core business of associations¹. Failure to do so could mean that associations are not meeting their responsibilities conferred on them by the Race Relations (Amendment) Act 2000.

18.7 There is an East of England based registered social landlord (RSL) with particular expertise in this field. The District hopes to work with them in partnership but hopes that in due course local RSLs will consider this part of their core role. The scope for Gypsy and Traveller led Housing Associations is also being explored in some areas.

18.8 100% of the cost of funding new sites (75% for site extensions) is available through the Gypsy and Travellers Sites grant funded through the single housing pot. The single larg-

¹ Gypsies and Travellers Financial Toolkit for RSLs - Niner and Walker 2008

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est allocation for 2008-2011 is available for the East of England.

18.9 Average costs per new pitch (excluding land costs) are £80,000 a pitch for new pitches). Adding land costs (at agricultural land values) using the previous assumptions on pitch size and net site area adds about £1,400 to cost per pitch. There will also be legal, administrative and design costs, and compulsory purchase compensation costs, so final costs are unlikely to be below £100,000 per pitch.

18.10 If the District received grant proportional to pitch provision in the East of England Plan it would receive around 4.1% of grant or £95,000, barely sufficient to provide one pitch.

18.11 Additional site provision will lead to lowered costs of enforcement, which several years ago in the district was running well over £200,000 a year. although this forms part of a business case for provision as a proportion of required costs it is low and makes only a marginal impact.

18.12 It is quite clear then that public funding in this area is inadequate, less than 1% of the funding required if public provision were the sole means of provision.

18.13 In actuality publicly facilitated provision will not be the sole means of provision, but shortage of traveller/landowner promoted sites means that it may have to be the primary means.

18.14 The Council has the ability but no longer the duty to provide sites using the Caravan Sites and Control of Development Act 1961.

18.15 Although additional public sites may be part of the answer consultation has shown that travellers themselves desire to own sites, though like conventional housing not all may be able to afford owner occupancy.

18.16 A solution may lie in an RSL buying a site with the Homes and Communities Agency - whereby the agency compulsorily purchases

a site and the RSL immediately buys it leading to no limited up front cost to the agency.

18.17 The RSL could then sell plots on a leasehold arrangement to gypsies and travellers or sell only a share in the lease on a shared ownership basis. Public investment would need to be protected or recycled. The District could set up a trust which could act as a rolling fund for lending for the capital costs associated with site development. Such mechanisms could lead to much more effective leverage of limited grant funding.

18.18 These mechanisms, which are being pioneered in some authorities, are particularly encouraged as innovations the government wishes to support in grant guidance².

18.19 Because sites would be permitted and zoned only for gypsy and traveller provision they could not in due course become chalet plots. The Council is aware that this situation has arisen in locations in parts of Essex. With suitable planning conditions/obligations and robust enforcement action where necessary this should not become a problem on designated sites.

² Gypsy and Travellers Sites Grant guidance 2006-2008 (Updated 2007) Department of Communities.

Question 24

Site Delivery

Which option towards ensuring site delivery do you think should be prioritised

A) Allocating many more sites than are needed on the expectation that some will not come forward

or

B) Purchase of sites using compulsory powers if necessary

Please tick only one.

Please give reasons for your answer

19. Monitoring and Indicators

19.1 The following are potential indicators of how successfully or otherwise the plan is being implemented.

- Number of unauthorised pitches;
- Number of authorised pitches;
- Number of planning approvals given, by allocated and unallocated sites and whether in conformity with the development plan or not; and
- Number of enforcement/stop notices issued

Question 25

Indicators

Do you agree with the proposed suite of indicators?

Yes No

Please give reasons for your answer

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Appendix 1 National and Regional Planning Policy on Gypsies and Travellers

Circular 1/06 (Planning for Gypsy and Traveller Caravan Sites)

In this the Government indicates its intention to (a) increase significantly the number of gypsy and traveller sites in appropriate locations with a focus on increasing provision over the next 3 to 5 years; and (b) ensure that gypsies and travellers should not become homeless through eviction, without having alternative sites to move to.

The Government is satisfied that there is a strong link between the lack of good quality sites and poor health and education – research indicates that gypsies and travellers experience the worst health and the lowest educational standards of any disadvantaged group. Provision of an adequate number of suitable sites is therefore very high on the national political agenda. Paragraph 18 of the Circular states that “There is a need to provide sites, including transit sites, in locations that meet the current working patterns of gypsies and travellers. In view of the changes in their work patterns these may not be the same areas they have located in or frequented in the past.”

The circular Requires that the Local Development Framework should include a strategy for the location of sites and criteria based policy to assess them. Local authorities must then allocate sufficient pitches to meet the requirements of the Regional Spatial Strategy. Sites must be suitable and their should be a realistic likelihood of them being made available. Where necessary allocation documents specific to Gypsies and Travellers should be brought forward in advance of other documents.

In terms of potential locations they should not undermine the objectives for the designation of nationally recognised sites e.g. Sites of Special Scientific Interest, Conservation Areas). Sites on the outskirts of built-up areas may be appropriate, rural settings, where not subject to special planning constraints, are acceptable in principle. Sites should respect the scale of, and not dominate the nearest settled community.

In addition Circular 04/07 on Planning for Travelling Showpeople provides guidance on provision of safe, permanent bases (primarily for winter storage of equipment) and also accommodation. The guidance parallels that for Gypsies and Travellers with a requirement to assess needs as part of GTAAs.

In September 2007, this Council was served with a Direction from the Secretary of State for Communities and Local Government. This Direction requires the preparation of a Development Plan Document (DPD) dealing specifically with increased provision of pitches for gypsy and traveller caravans within the district. The DPD should be ready for submission for independent examination by September 2009 to meet the target identified in the Single Issue Review of the East of England Plan (EEP) – see immediately below.

The East of England Plan – Single Issue Review – Gypsy and Traveller Accommodation

The EEP Single Issue Review (Planning for Gypsy and Traveller Accommodation in the East of England) requires the provision of an additional 49 pitches in the district by 2011 with a 3% annual increase (from planned 2011 levels) in the total number of pitches thereafter to allow for household growth. The Single Issue Review is due to be considered at an Examination in Public (EiP) starting in October 2008. The Council has objected to the figure and may therefore be invited to attend the EiP to present its case for a reduction. Details of the objection are given in Appendix 1.

The Single Issue Review figure does not include any level of transit pitch provision or any consideration of the requirements for travelling showpeople. These are now being assessed in a new Gypsy and Travellers Accommodation Assessment for Essex.

The proposed policy (H4) requires local development documents to consider policies which make exceptions to normal policies of rural restraint and to later green belt boundaries where necessary.

Appendix 2 Legal Background

Race Relations and Inclusive Communities

Issues surrounding gypsies and travellers have often been divisive. In particular, the identification and provision of sites has historically caused tension and has generated a hostile response from some parts of the community.

Epping Forest District Council has a statutory general duty under the Race Relations (Amendment) Act 2000 to 'pay due regard' to the need to eliminate unlawful racial discrimination, to promote equality of opportunity and to promote good race relations between different racial groups.

As legally recognised ethnic groups, Romany Gypsies and Irish Travellers are protected by the Race Relations Act, and included in the scope of the duty to promote race equality and good race relations. This means that it is unlawful for any individual or organisation to treat Gypsies or Irish Travellers less favourably than other groups, or to discriminate against them indirectly.

As the Council wishes to promote sustainable, inclusive communities, when consulting on this document the Council will not tolerate any representations, objections or comments that are deemed to be racist. In general terms, a racist representation is one which includes words, phrases or comments which are likely:

- to be offensive to a particular racial or ethnic group;
- to be racially abusive, insulting or threatening;
- to apply pressure to discriminate on racial grounds ; or
- to stir up racial hatred or contempt.

Human Rights Issues

The Human Rights Act 1998 is a United Kingdom Act of Parliament whose aim is to "give further effect" in UK law to the rights contained in the European Convention on Human Rights. The Act makes available in UK courts a remedy for breach of a Convention right, without the need to go to the European Court of Human Rights in Strasbourg.

Article 8 of the HRA is sometimes cited in planning cases for Gypsies and Travellers.

Everyone has the right to respect for his private and family life [and] his home...

There should be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.'

Article 8 therefore has to be balanced out with the needs of the wider community as well as the interests of Gypsies and Travellers.

Consideration of Human Rights Act (HRA) issues is a material consideration in the determination of a planning application or a development plan. Personal circumstances are only exceptionally relevant to planning decisions. However the Convention puts emphasis on the rights of the individual unless there is clear justification in interference in these rights in the public interests. Decisions therefore require a careful balancing of individual rights and the public interest.

Article 8 of the HRA is sometimes cited in planning cases for Gypsies and Travellers.

It should be noted that Article 8 gives rights to the whole community and does not single out any specific community. The rights of gypsies and travellers have therefore to be balanced out with the needs of the wider community. It is certainly not a *carte blanche* for gypsies and travellers to establish un-

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authorised encampments without any fear of legal punishment.

A number of key case law precedents and planning appeals have set out how this balancing act is to be carried out.

In *Chichester v Doe & Ors* the case involved Gypsies on land with no special designation and the Inspector concluded that there was minimal visual impact. The Court of appeal upheld the inspector's reasoning on breach of Article 8 based on Chichester's long-standing failure to allow any Gypsy sites in the area despite the proven need.

In *Chapman* case, which went to the European Court of Human Rights because a local authority refused her application to live on land she owned, the court decided that the council had interfered with the rights of her family (article 8) but these actions were justified because of the need to protect the rights of the wider community and preserve the environment.

In all cases the rights of the family needs to be balanced with the rights of the wider community and public policy on the protection of the environment, and following this assessment action must be proportionate. Consideration of unmet need and availability of alternative sites are material considerations in carrying out this assessment.

In a number of recent appeal cases in Essex the Secretary of State, having made this assessment considered that matters of wider public interest were overriding (including at the large encampment at Crays Hill Basildon). However in some cases she has ruled that it would be a disproportionate interference of Article 8 rights, despite the unacceptably of the site, harming the health and education of the occupants, to grant permanent consent in the absence of alternative sites. In these cases temporary consent of three-five years have been granted

to enable alternative sites to be found.

Therefore Human Rights considerations, though material, do not give special exemptions in the exercise of Planning Law to any group.

This balancing of rights also applies in cases of forced eviction of unauthorised encampments, but in a judicial review of eviction at the Crays Hill sites the judge, whilst conceding that eviction at some point was inevitable, overturned³ eviction, partly on the grounds that the District had not made provision for additional gypsy pitches as required by the East of England Plan. The gypsies here now concede they will have to move and have asked the district to provide alternative sites. The lesson then is clear eviction of clearly unacceptable sites may be hindered unless sufficient alternative provision on acceptable sites is made in line with regional policy.

Data Protection

All representations are public and cannot be made confidential.

In some circumstances, particularly where it relates to human rights issues, those making representations may wish to put forward certain personal circumstances as favouring their case. In doing so the Council will have regard to its duties under the Data Protection Act 1998 and in putting forward personal information:

- You should only provide personal information if you are happy for it to be available to the public.
- Do not include personal information about other people (including family members) unless you have told the person concerned and they are happy for you to send it. If such information is included the submission may be returned.

³ [http://www.basildon.gov.uk/80256B92004EA7AF/vWeb/f1EFEN7ELD2K/\\$file/high+court+of+justice+-+judgement+approved+by+the+court+-+9+may+2008.pdf](http://www.basildon.gov.uk/80256B92004EA7AF/vWeb/f1EFEN7ELD2K/$file/high+court+of+justice+-+judgement+approved+by+the+court+-+9+may+2008.pdf)

The Definition of a Gypsy and Traveller Household

There are currently two definitions of Gypsies and Travellers, a planning definition and a proposed housing definition.

The planning definition (circular 1/2006) seeks to define gypsies and travellers specifically for the purposes of regulating the use and development of land. As such the planning definition is limited to those who can demonstrate a specific land use requirement arising from their nomadic lifestyle.

The planning definition defines gypsies and travellers as: Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds of their own or their family's or dependants' education or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such.

The definition was amended following consultation in December 2004, and in recognition of the fact that many gypsies and travellers stop travelling permanently or temporarily because of health reasons or caring responsibilities, but still want to maintain their traditional caravan dwelling lifestyle.

It is not based on ethnicity or cultural tradition, as many ethnic gypsies and travellers will not have an individual history of nomadism, and hence will have no associated land use requirements for a site. On the other hand, groups such as 'new travellers' who have a nomadic way of life may have such a requirement. To fall within the planning definition a person must either have or at some time have had a nomadic habit of life.

The proposed housing definition (for the purposes of the Housing Act 2004) is wider, defining Gypsies and Travellers as: Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds of their own or their family's or dependants' education or health needs or old age have ceased to travel temporarily or permanently, and all other persons with a cultural tradition of nomadism and / or caravan dwelling but

not excluding members of an organised group of travelling show people or circus people travelling together as such.

The definitions are different because they cover different purposes⁴. The housing definition is intended to be a much wider definition which will enable local authorities to understand the possible future accommodation needs of this group and plan strategically to meet those needs. It recognises that there will be movement between sites and bricks and mortar housing, and that an understanding of the full gypsy and traveller community, not just those who are currently travelling, is needed.

The Housing Act 2004 requires local authorities to undertake regular assessments of the needs for gypsies and travellers living in or resorting to their areas and requires them to include their needs in any housing strategies, and to take any such strategy into account when exercising other functions such as planning.

Although nomadism and an itinerant lifestyle remain important for a minority of gypsies and travellers, there has been a shift towards a more settled lifestyle, making access to health, education and employment facilities more important.

4 <http://www.communities.gov.uk/archived/publications/housing/definition>

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Appendix 3 - Background to the Debate over Epping Forest Pitch Require- ments

Planning for gypsies and travellers is required to be based on an up to date assessment of need, a Gypsy and Travellers Accommodation Assessment (GTAA) in accordance with duties set out in the Housing Act 2004. This is done through a Gypsy and Traveller Needs Assessment in accordance with government guidance (issued in October 2007)⁵.

Prior to this an assessment was carried out for the Essex Local Authorities by a team from Salford University in February 2006⁶.

The number of pitches required for each local planning authority is determined by the Regional Spatial Strategy, in this case the East of England Plan, and in this process the number of pitches provided by local level GTAA's are checked and if necessary modified according to new research.

To assist in this process in March 2007 the government published a report, Preparing Regional Spatial Strategy Reviews on Gypsies and Travellers by regional planning bodies⁷. The East of England was used as a case study for the methodology, and as part of this work the report authors concluded that the Essex GTAA was likely to have significantly underestimated the scale of need.

Part of the reason for the wide discrepancy is that the Essex report was carried out at an early stage in the refinement of current methodologies, and for this reason underestimated need. In particular no allowance is made for overcrowding, concealed households (that is households sharing with others but which to form their own) and transfer from housing to sites (about half of gypsies live in settled communities, many of which want to live on sites but cannot because of shortage of sites). It **effectively made** no allowance for the current pitch

5 [http://www.communities.gov.uk/publications/housing/accommodation assessments](http://www.communities.gov.uk/publications/housing/accommodation%20assessments)

6 Ahmed, A Brown, P and Stelle, A (2006) Looking Back, Moving Forward: *Assessing the needs of Gypsies and Traveller in Essex*, Essex Planning Officers Association, Chelmsford.

7 <http://www.communities.gov.uk/publications/housing/preparingregionalspatial>

shortfall other than unauthorised development.

Accepting these inadequacies there was still concern about some of the data sources used in the government report which may have exaggerated need in Essex.

The Regional Planning Body, the East of England Regional Assembly, has carried out a single issue review of the East of England Plan (Regional Spatial Strategy 2001-2021) on the accommodation needs of Gypsies and Travellers. Following consultation in May-June 2007, a draft policy was published between February and May 2008 with formal representations invited. Epping Forest District has submitted its representations and an Examination in Public will hear invited representations in September-October 2008. The Examination Panel will then present a report to the Secretary of State who will publish the final policy amendment in 2009.

In 2008 the Essex Planning Officers Association and the Essex Housing Officers Group commissioned an updated Gypsy and Traveller Accommodation Assessment (GTAA) in accordance with duties set out in the Housing Act 2004 and Government guidance published in October 2007. It is hoped that results of this will be available for use during the Single Issue Review EiP. The GTAA will also assess the need for transit pitches and the future requirements of travelling showpeople.

This timetable will overlap with the consultation on this development plan document; however the pitch requirements should be finalised before Epping Forest has to submit the strategy in October 2009.

There is a considerable variation between the Regional Spatial Strategy needs assessment, based on the government report, and the earlier Essex GTAA. There is a requirement for 28 additional pitches by 2011 estimated in the Essex GTAA, and 186 pitches estimated in the government report.

The Essex GTAA suggested a need for 28 pitches by 2011, in addition to finding provision for the 221 households living on unauthorised developments.

The government report found a need for 186 extra

pitches by 2011, in addition to a need for pitches to accommodate 252 households living on unauthorised developments, a total of 438 pitches in Essex.

In this light Fordham Research were commissioned to carry out a Review of Gypsy and Traveller Pitch Requirement Figures July 2007 for Essex Planning Officers Association. Following the critique of the data used in government report by Fordhams an attempt was made to find common ground. In the event whilst some changes were made no final consensus could be reached on these matters. The submitted regional policy sets out a requirement for 371 pitches by 2011 in Essex of which 49 were required to be in Epping Forest District.

In addition to account for household h after 2011 allowance needed to be made for an annual 3% growth thereafter, in Epping Forest this would be around 4.4 extra pitches per year on the regional figures, or 57 additional pitches over the 15 year life-span of the Epping Forest Gypsies and Travellers Development Plan. In total 106 pitches.

In its representations Epping Forest has challenged these figures. It used the Fordhams Report as the basis of its representations.

The Essex local authorities are now jointly commissioning a revised Gypsies and travellers accommodation assessment from Fordhams.

Needs are dynamic and will change for each site over time. On some smaller long established sites there may no longer be children of school age, but conversely this may need to new households with housing requirements.

The formula used in the government report on needs assessment and the regional spatial strategy policy (single issue review) is effectively as follows:

$$\text{Requirement} = \text{Unauthorised pitches} + (\text{authorised pitches} \times 0.4)$$

Number of caravans per pitch

The number of caravans per pitch figure was based on a regional average of 1.7. Epping Forest District Council submitted that county figures should be based on county specific ratios. The average number of caravans per pitch in Essex is 2 not 1.7.

Secondly the count of unauthorised pitches was initially based on a single count in 2006. The Fordhams review took averages over five years. This produced revised figures of 196 unauthorised and 349 authorised pitches as opposed to 252 unauthorised and 464 authorised in the government report. Following a review of this by Pat Niner Consultant on behalf of EERA this point was conceded and an average of three successive caravan count figures was used (2005-2007).

Thirdly the count of caravans was wrong in the first instance for Epping Forest District.

For example even on the basis of the formula, if the number of authorised pitches is based on the January 2006 caravan count, and using the average of 2 caravans/pitch, Epping Forest's figures for the number of authorised caravans at that date is 110, which converts to authorised 55 pitches, rather than the 94 listed in consultation documents. Also the number of unauthorised pitches in June 06 was 56 not 39 as listed in the CLG report. A correction has also been submitted as the caravan count returns incorrectly identified tolerated pitches as authorised.

Finally the calculation of household growth is based on a sample of gypsy and travellers assessments to obtain an average ratio of household growth to existing caravans. The figure varied widely between 15% and 74%. The Fordhams report excluded outliers and produced a revised multiplier for Essex of 0.3.

On the basis of the distributional strategy of the draft policy, which Epping Forest District Council objected to for reasons given below, the corrected calculation of Epping Forest District should be:

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$$\text{Requirement} = 56 + (55 \times 0.3)$$

2

= 36 pitches.

Epping Forest District Council has also criticised the proposed locational strategy.

Very limited account was taken of the fact that this district, with the exception of the towns and larger villages, is entirely within the Metropolitan Green Belt. Land values in urban areas, and expected densities of development on such sites, effectively preclude any such sites from making provision for the travelling community. The evidence of the local sites already with authorised (and unauthorised) pitches is that all are in the Green Belt, i.e. none of them are in the built-up parts of the district.

Whilst a small reduction in pitches (10) has been made in the Regional Strategy target for Epping Forest District to take account of this we consider this reduction to be too small and there should be a greater redistribution away from wholly green belt districts.

Also Epping Forest District put forward that the distribution of provision away from districts with current high levels of provision towards those with little or no provision is too limited and unfairly penalises the District. The District being close to the urban edge has suffered from high levels of unauthorised development sometimes in large encampments in wholly unsuitable locations. In only redistributing away from the four local authorities in the region with current high levels of provision this penalises Epping Forest District which currently makes the second highest level of authorised provision in Essex. Also a minimum district level figure of 15 pitches was too low for some larger districts currently making no provision.

We put forward that there should be a further redis-

tribution of 10-20 pitches away from Epping Forest District towards those Essex districts making little or no provision. Also we consider district specific figures for unauthorised pitches should pay no part in setting regional targets, rather this should be distributed regionally according to a clear spatial strategy (lacking at the moment) taking into account constraints and accessibility to services, as well as historical patterns of gypsy and traveller settlements and demand.

The District also put forward that the current concentration in the District is contrary to government policy, in particular the reference in the Circular to avoiding dominance of settled communities.

The regional policy suggested that provision be made as part of large scale developments, such as urban extensions, the District put forward that the right timescale, with provision frontloaded in a short timescale by 2011, made this impractical and an extended period should be considered.

Planning permission will be required for what is an inappropriate use, and this is very likely to raise the concerns of the settled community, leading to the need for appeals and Inquiries, all of which will add to the delay in deliverability of the requisite number of pitches. A single field review of green belt boundaries is impractical given the need for permanent and defensible boundaries based on natural features. Also it is very unlikely that urban extensions will come on stream by 2011.

Although the District has put forward the submission that 15-20 pitches by 2011 is a more realistic estimate of need it must be stressed that the Epping Forest Gypsies and Travellers Accommodation Strategy must legally be in general conformity with the East of England Plan and therefore must accept its final figures.

On this basis this policy options paper has used the regional figures of 49 extra pitches by 2011 and a total of 106 extra pitches by 2025 as a starting point, but the strategy itself will need to have flexibilities and contingencies to allow for lower or higher levels of pitch provision in the finalised or future reviews of the regional spatial strategy.

Across Essex a revised Gypsies and Travellers Accommodation Assessment is being undertaken, Preliminary estimates based on secondary data place the level of 'need' arising in Epping Forest District, with the adjustments on the same basis as the single issue review at around 35 pitches. This is before any 'strategy' redistribution away from areas with high numbers of unauthorised pitches or away from green belt areas.

Appendix 4 - The Site Suitability Study

In order to examine the suitability and availability of potential sites for Gypsies and travellers a study has been undertaken. This has had a number of stages.

The first stage was to filter out those areas which were unsuitable for development. This discounted areas which had physical or environmental factors which made them unsuitable for development, factors which largely apply equally to suitability for permanent housing development. This included factors such as steep slopes and safeguarding areas from hazardous installations. A total of 21 layers of information were used (see appendix 2). For some of the more sensitive areas, such as nature conservation areas protected under European legislation a 'buffer' area was also excluded. In all cases information was correct as of May 2008. The best agricultural land was not excluded, as more than half of the district outside Epping Forest Act Land is Grade II this was considered an unreasonable restriction.

At that time mapping of open space/playing fields in the green belt was incomplete so this constraint was applied site by site rather than as part of this broader mapping exercise. The excluded areas were chosen with particular reference to factors important to gypsy/travellers caravan sites, so for example given the sensitivity of caravans to flooding areas at risk were excluded entirely. Although traditionally used by gypsies Epping Forest and Common Land were excluded as these have been effectively closed to gypsies and travellers since the Caravan Sites and Control of Development Act of 1967.

As the factors chosen were based on the physical suitability of sites factors solely of a policy nature – such as green belts, were excluded. This was done so this analysis could inform policy designations including as part of any analysis of whether there is sufficient evidence to justify altering existing boundaries,

The following areas were excluded.

1. Areas with a slope of 20% or more;
2. Special Protection Area – Buffer of 400m

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3. Special Area of Conservation - Buffer of 400m;
4. Sites of Special Scientific Interest;
5. County Wildlife Sites;
6. Ancient Woodland;
7. Common Land;
8. Conservation Areas;
9. Lee Valley Regional park;
10. Setting of Listed Buildings (buffer of 150m);
11. Ancient Monuments;
12. Sites Accessed by Quiet Lanes;
13. Historic Parks and Gardens;
14. Ancient Landscapes;
15. Landfill Sites - (buffer of 250m);
16. Contaminated Land;
17. Areas in the High Pressure Gas Pipeline Safeguarding Zone;
18. Flood risk areas (zones 2 and 3);
19. Areas within 300m of a motorway;
20. Hazardous Installations Consultation Zones;
21. Areas within 150m of a high voltage overhead power line.

From this work the different layers were overlaid progressively excluding parts of the district. The resulting area produced an 'area of search' (see diagrams earlier). Detailed site specific investigation may show that some constraints, such as potentially contaminated land, might not prohibit development.

Within this area additional layers of information were added to map the positive aspects that made an area suitable for development. These layers were chosen specifically to reflect the main factors

which might make an area suitable for gypsies and travellers sites, reflecting national policy in Circular 01/2006, and further advice in the Government 'Draft Guidance on the design of Sites for Gypsies and Travellers'.

The chosen layers were access to primary care (doctors surgeries), access to public transport – weighted according to frequency and capacity of services, access to services (designated shopping areas), each were given equal weighting.

In addition it maps a fairly limited range of objective factors. Other issues such as landscape sensitivity will need to be examined on an area by area and site by site basis. Other factors that will need to be examined in this finer grained analysis are issues such as highway access and the capacity of infrastructure to accommodate development at different scales, as well as issues such as availability of mains services.

At this stage this is a broad brush analysis to help focus attention away from the most patently unsuitable areas and help narrow down options and site choices. In a few cases where a site conflicted with one or two criteria that might not be fundamental on further analysis they were not excluded from consideration as sites.

The data sets used are of varying quality, as will always be the case. Information on County Wildlife Sites and locally important archaeological sites is badly out of date. Where these factors lead to areas being possibly excluded therefore further work will need to be done to ensure that potentially good sites are excluded (or included) because of out of date information.

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