

Committee Agenda



**Epping Forest
District Council**

Local Development Framework Cabinet Committee Wednesday, 15th April, 2009

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

Time: 7.00 pm

Democratic Services Officer: Gary Woodhall
email: gwoodhall@eppingforestdc.gov.uk
Tel: 01992 564470

Members:

Councillors Mrs A Grigg (Chairman), R Bassett, Mrs D Collins, Mrs M Sartin, D Stallan, Ms S Stavrou and C Whitbread

<p>PLEASE NOTE THE START TIME OF THIS MEETING</p>
--

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

(Assistant to the Chief Executive) To declare interests in any item on the agenda.

3. MINUTES

To confirm the minutes of the last meeting of the Cabinet Committee (not required on this occasion).

4. ANY OTHER BUSINESS

Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs (6) and (24) of the Council Procedure Rules contained in the Constitution requires that the permission of the Chairman be obtained, after prior notice to the Chief Executive, before urgent business not specified in the agenda (including a supplementary agenda of which the statutory period of notice has been given) may be transacted.

In accordance with Operational Standing Order (6) (non-executive bodies), any item raised by a non-member shall require the support of a member of the Cabinet Committee and the Chairman of the Cabinet Committee. Two weeks' notice of non-urgent items is required.

5. REGIONAL SPATIAL STRATEGY SINGLE ISSUE REVIEW ON GYPSY & TRAVELLER ACCOMMODATION - PROPOSED RESPONSE (Pages 5 - 10)

(Director of Planning & Economic Development) To consider the attached report (LDF-001-2008/09).

6. GYPSY & TRAVELLER OPTIONS - CONSULTATION (Pages 11 - 16)

(Director of Planning & Economic Development) To consider the attached report (LDF-002-2008/09).

7. ANALYSIS OF GYPSY & TRAVELLER OPTIONS CONSULTATION (Pages 17 - 24)

(Director of Planning & Economic Development) To consider the attached report for the Cabinet meeting scheduled for 20 April 2009 (C-120-2008/09).

8. ESSEX COUNTY COUNCIL STRATEGIC ENVIRONMENTAL ASSESSMENT

(Director of Planning & Economic Development) To receive an oral update.

9. OTHER LOCAL DEVELOPMENT FRAMEWORK MATTERS

(Director of Planning & Economic Development) To receive an oral update on any other matters of concern to the Local Development Framework.

10. CALENDAR OF MEETINGS FOR 2009/10

(Assistant to the Chief Executive) To consider and agree the following proposed dates for meetings of the Cabinet Committee in 2009/10:

- (i) Thursday 2 July 2009;
- (ii) Thursday 10 September 2009;
- (iii) Thursday 5 November 2009;
- (iv) Thursday 7 January 2010; and
- (v) Thursday 11 March 2010.

11. EXCLUSION OF PUBLIC AND PRESS

Exclusion: To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

The Local Government (Access to Information) (Variation) Order 2006, which came

into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

Confidential Items Commencement: Paragraph (9) of the Council Procedure Rules contained in the Constitution require:

- (1) All business of the Council requiring to be transacted in the presence of the press and public to be completed by 10.00pm at the latest.
- (2) At the time appointed under (1) above, the Chairman shall permit the completion of debate on any item still under consideration, and at his or her discretion, any other remaining business whereupon the Council shall proceed to exclude the public and press.
- (3) Any public business remaining to be dealt with shall be deferred until after the completion of the private part of the meeting, including items submitted for report rather than decision.

Background Papers: Paragraph (8) of the Access to Information Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of executive reports, the advice of any political advisor.

Inspection of background papers may be arranged by contacting the officer responsible for the item.

This page is intentionally left blank

Report to the Local Development Framework Cabinet Committee



**Epping Forest
District Council**

Report reference: *LDF-001-2008/09*
Date of meeting: *20 April 2009*

Portfolio: Planning and Economic Development
Subject: Regional Spatial Strategy Single Issue Review on Gypsy and Traveller Accommodation – Proposed Response
Responsible Officer: Andrew Lainton (01992 564482).
Democratic Services Officer: Gary Woodhall (01992 564470).

Recommendations/Decisions Required:

That members agree this report as the Epping Forest District Council response to the Secretary of State's consultation on her response to the Draft East of England Plan Single Issue Review on Gypsies and Travellers accommodation – following the findings of the Examination in Public panel earlier this year.

Executive Summary:

The East of England Regional Assembly (EERA) published a proposed Single Issue Review to the East of England Plan (EEP) in 2008. The review covered proposed district level pitch requirements for Gypsy and Traveller accommodation, and for Travelling Showmen. Following a period of public consultation an Examination in Public (EiP) by an independent inspector took place late last year. The EiP panel published its report early in December 2008 and proposed lowering the additional pitch requirement for Epping Forest District by 2011 from 49 to 39. In March 2009 the Secretary of State (SoS) published her response and proposed changes for consultation. This includes lowering the Epping Forest District target by a further 5 to 34 because of what are described as "delivery problems" in the District.

Reasons for Proposed Decision

The further reduction in the 2011 target to 34 pitches is considered to be reasonable in the context of local need within the district.

Other Options for Action

While a case could be made for arguing for a further reduction, officers believe it is unlikely that this would be accepted by the Secretary of State, given all the evidence that was considered at the EiP.

Report:

The Single Issue Review

1. In February 2006 EERA commenced a single issue review of the EEP to address the accommodation needs of Gypsies and Travellers.

2. The single issue review was required to:
 - (a) Address the pressing need for regional policy to assist local authorities in the East of England in identifying the appropriate number and location of Gypsy and Traveller caravan sites through their Local Development Frameworks;
 - (b) Conform with ODPM Circular 01/2006 (Planning for Gypsy and Traveller Caravan Sites), which states that Regional Spatial Strategy (RSS) revisions should "identify the number of pitches required (but not their location) for each local planning authority in the light of local authority Gypsy and Traveller Accommodation Assessments (GTAAs) and a strategic view of needs across the region"; and
 - (c) Reflect The Housing Act 2004 and The Planning and Compulsory Purchase Act 2004.
3. EERA has worked with local authorities across the region to identify the number of additional pitches that are required. In addition to this, EERA commissioned research (in partnership with Communities and Local Government (CLG) and other regional bodies) to assess the local authority Gypsy and Traveller Accommodation Assessments and to propose a method of translating regional pitch need into pitch provision. The results of the CLG/EERA research and advice from local authorities informed the content of an Issues and Options document which was widely consulted on in Mid 2007ⁱ. In light of the responses received to that consultation, results of additional research and further advice received from the local authorities, EERA approved a revised draft policy (H4) "Provision of Pitches for Gypsy and Traveller Caravans" for Submission to the Secretary of Stateⁱⁱ.

The Examination in Public (EiP)

4. The EiP took place in the week beginning 20 October 2008 and was carried out by an independent panel of three planning inspectors, appointed by the Secretary of Stateⁱⁱⁱ. A planning consultant presented Epping Forest District Council's views.
5. The EiP Panel Report was submitted to the Secretary of State on 17 December 2008^{iv}. It gave a green light to the policy and target levels with a number of changes. It also proposed an approach of redistributing provision levels from some districts with very high levels of existing provision (such as Basildon) towards other districts.
6. On the issue of Green Belt the panel found that there was very little evidence to support EERA's contention that in districts with tightly drawn green belt boundaries sites could be found outside the green belt. One of the main reasons for this is high land costs (para. 3.39). The panel considered that the regional requirements would provide the necessary 'very special' circumstances for development in the Green Belt (para 3.40) as follows:
 - (a) the urgent and compelling objective of making authorised provision for the reasons as stated in circular 1/2006 including to improve health and education services and to avoid the harm from unlawful camping;
 - (b) the benefit to delivery that will be achieved by a wider distribution of sites;
 - (c) providing sites in a spread of locations, and achieving better fit with planning considerations such as access to employment;
 - (d) Equity between local authorities; and

(e) Closer alignment with housing and employment development with the settled community in order to facilitate access to jobs and services.

7. Specifically with regard to provision targets in Essex and Southend-on-Sea, the panel did not accept the request from EFDC to base targets on the Draft Essex, Southend on Sea and Thurrock Gypsy and Traveller Accommodation (GTAA) assessment then being prepared, as it had not yet been completed or published. The panel considered that any new GTAA should form the basis for a formal review of the strategy covering provision levels post 2011.

8. Specifically with regards to Epping Forest District the panel found that the strategic review of green belt and provision for urban extensions around Harlow may provide some scope for 'contributing to the needs arising in both districts' but not in the first phase (to 2011) (para. 4.19).

9. This Council's argument that the approach adopted in the draft policy overestimated need because of the unusually aged nature of the local Gypsy and Traveller community was accepted by the panel (para. 4.20) with support coming from the local Myriad survey finding that a third of respondents saw no need for new pitches for their families.

10. In addition to the constraint of the Green Belt the panel accepted this Council's arguments that the amount of land not covered by constraints such as nature conservation designations is fairly low (para. 4.21). The panel also noted the high concentration of existing pitches in the Nazeing area and a recent Secretary of State decision that sites within the built up area would be unlikely to be suitable because of amenity and affordability concerns. The panel therefore recommended that the requirement be lowered by 10 pitches to 39 by 2011. This would accordingly lower the requirement in subsequent years.

The Secretary of State's Response

11. The Secretary of State has considered the recommendations in the panel's report. Her Proposed Changes to the draft policy on Gypsy and Traveller accommodation in the East of England and her Decisions on the recommendations of the EiP Panel were issued on 27 March 2009. They are now subject to eight weeks public consultation with a closing date for responses of 17:00 on 22 May 2009.

12. A Sustainability Appraisal, Habitats Regulations Assessment and a Non-Technical Summary were also published on 27 March.

13. Key elements of the Proposed Changes in large part followed the recommendation of the panel and include:

(a) increasing the numbers of additional pitches to be provided in the East of England by 2011 from 1,187 to 1,237 and treating them as minima;

(b) provision for 160 transit site, and 184 Travelling Showpeople, pitches in the region by 2011; and

(c) slightly lower pitch requirements for Basildon and Epping Forest Districts, recognising the particular delivery challenges in those areas.

14. Copies of the Proposed Changes and Decisions have been sent to the local authorities, MPs and MEPs in the East of England. The documents will also be made

available for public inspection in libraries across the region and can be downloaded via the online consultation^v.

15. The only significant changes to the panel's recommendations are the lowered targets for Epping Forest and Basildon and the transfer of the differences to other districts (in this case the requirement for East Hertfordshire District is increased by 5). The Secretary of State simply states that the reasons for the changes are those as stated in the panel report and the 'particular delivery challenges' in this District.

16. Clearly the arguments put forward by EFDC, including that some nearby districts need to do more to 'pull their weight', have to a great degree been accepted. That comment is against the background of the significant level of provision already made, and being made, in this district. The Council had argued that level of provision, if based on the evidence of the draft GTAA, should be around 35 pitches. If constraints in the District, and the need for other districts to provide more, were accepted the target could even have been reduced to around the mid 20s.

The Draft Essex and Southend-on-Sea Gypsy and Traveller Accommodation Assessment 2008/2009

17. Since the EiP, work on the GTAA has progressed and a draft has been prepared but not yet published. It agrees with the panel about the overall level of need in the county, but looks at a number of alternative approaches towards its distribution.

18. In one approach, based on redistributing pitches away from Basildon, it proposes 34 pitches for Epping Forest District. In another approach, based on meeting need where it arises, it proposes only 20 pitches. The research is based on questionnaire responses and, as in any such survey, the quality of the findings depends on the level of response.

19. The GTAA draft also needs to be considered alongside evidence of local need. If the number of unauthorised, including tolerated, pitches (and one refused a Certificate of Lawful Development (CLD)) in the district are added to current and expected applications and recent approvals (since the start date of the policy) to extend or intensify existing sites then this adds up to a need for 40 pitches. This includes an extra 6 pitches at Tomary (as it seems that the original consent will not achieve licensing). Temporary consents for Holmsfield Nursery and Mamelons Farm are not included as these expire after 2011 and will add to need in a later period. It should be noted that on some sites, although proposed residents are family members with local connections, they may currently be living in other districts and so will have been counted in the GTAA as requiring need in these districts rather than Epping Forest. For this reason the local 'demand' for 40 pitches may be considered on the high side as an assessment of local 'need'. For the same reason, however, granting permissions for family members with local connections, even if it reaches a minimum pitch requirement in the RSS, might not fully meet local need if there are still temporary permissions or unauthorised development which need replacement. For this reason, amongst others, the pitch requirements are no longer proposed to be 'at least' levels.

20. The assessment of local need based on current evidence therefore has a lower level of 20 pitches and an upper level of 40. The Secretary of State is effectively suggesting the transfer of a proportion of local need to East Herts District.

Conclusions

21. On this basis it is suggested that 34 pitches is not a wholly unreasonable number and that it perhaps is as low as the Council might reasonably expect, although a case

could be made on the basis of the draft GTAA for a figure closer to 20 pitches. If there was no regional target and levels were set on the basis of evidence of local need then 34 pitches would be a reasonable target. This is recommended as the proposed response.

22. Local groups and residents are able to and are encouraged to make their own responses on the regional consultation portal.

Resource Implications:

Funding for regional planning related issues is covered by the Forward planning budget.

Legal and Governance Implications:

The East of England Plan will form part of the statutory development plan once finalised.

Safer, Cleaner and Greener Implications:

No significant implications have been identified.

Consultation Undertaken:

Consultation on the Proposed Changes and Decisions runs from 30 March to 22 May (8 weeks).

Background Papers:

Consultation on Options: Development Plan Provision for Gypsies and Travellers in Epping Forest District (2008);
PPS12: Local Spatial Planning (2008);
Draft Single Issue Review- East of England Plan – Gypsies and Travellers Accommodation – as well as panel report and Secretary of State’s proposed response;
Draft Essex, Southend on Sea and Thurrock GTAA 2008/9.

Impact Assessments:

The Secretary of State has also published a Sustainability Appraisal which incorporates Strategic Environmental Assessment.

ⁱ <http://www.eera.gov.uk/What-we-do/developing-regional-strategies/east-of-england-plan/planning-for-gypsy-and-traveller-accommodation-single-issue-review-/gypsy-and-traveller-issues-and-options/>

ⁱⁱ <http://www.eera.gov.uk/What-we-do/developing-regional-strategies/east-of-england-plan/planning-for-gypsy-and-traveller-accommodation-single-issue-review-/gypsy-and-traveller-draft-policy/>

ⁱⁱⁱ <http://www.eera.gov.uk/What-we-do/developing-regional-strategies/east-of-england-plan/planning-for-gypsy-and-traveller-accommodation-single-issue-review-/gypsy-and-traveller-examination-in-public/>

^{iv} http://www.planning-inspectorate.gov.uk/pins/rss/east_of_england_gypsy/index.htm
Please note the link to the panel report has been overwritten by the secretary of state. A paper copy of the panel report has been lodged in the members room.

^v http://www.planning-inspectorate.gov.uk/pins/rss/east_of_england_gypsy/index.htm

This page is intentionally left blank

Report to the LDF Cabinet Committee

Report reference: LDF-002-2008/09

Date of meeting: 15 April 2009



**Epping Forest
District Council**

Portfolio: Planning and Economic Development

Subject: Gypsy and Traveller Options – Consultation.

Responsible Officer: Andrew Lainton (01992 564481).

Democratic Services Officer: Gary Woodhall (01992 564470).

Recommendations/Decisions Required:

- (1) To note this report on the consultation undertaken on the Gypsy and Traveller Development Plan Document; and**
- (2) To acknowledge that the responses are currently undergoing data entry and analysis and the results will be presented to a future meeting.**

Executive Summary:

The report describes the consultation carried out between 4 November 2008 and 20 February 2009 and indicates the broad scale of the response.

Reasons for Proposed Decision:

There are no decisions required at this stage. The report is simply intended to keep Members up to date with progress.

Other Options for Action:

To present a report only when results of the consultation have been fully assessed. This could be several months away, and officers believe this progress report is beneficial in the meantime.

Report:

The Consultation

1. Formal public consultation on the options for sites for Gypsies and Travellers ran from 4th November 2008 to 20th February 2009. This followed a number of discussions with stakeholders prior to the preparation of the 'Consultation on Options' document. These included:

(a) the Government Office for the East of England (GO-East) on the timing and content of the plan;

(b) the local Gypsy and Traveller community on their requirements and needs. Myriad Consultants, an external consultancy company with relevant expertise, carried this out on

behalf of the council. The Council was concerned about meaningful contact with this 'hard to reach' group, taking into account the often poor literacy rate and record of enforcement based hostility to the local planning authority;

(c) a 'call for sites' exercise with landowners and developers on potential development sites for a wide range of land uses. Myriad was engaged by the Council to promote this exercise amongst the local Gypsy & Traveller community, using direct contact and a bespoke DVD.

2. The main consultation carried out was via the options document. This set out the main potential options for the strategy and described a 'long list' of potential sites and sought views. The consultation on the options paper ran for three months between early November and late February.

3. The local publicity that the draft options paper received in its progression to Full Council led to a large number of requests from the public for paper copies. There was also a large public attendance at the meetings of the Cabinet and Full Council prior to the issue of the options paper. These meetings were also webcast (available live and viewable later).

4. The Council initially wrote to around 2,900 bodies and interested individuals incorporating a copy of the options document and a consultation pack and inviting comments. This included 74 specific bodies required to be consulted by law. Many more names and addresses (around 1,100) were added to the database during the course of the consultation and all received a copy of the documentation. In addition North Weald Parish Council made its own copies and sent these to all households in that parish. 12 libraries in and around the District were also sent consultation packs.

5. The consultation pack comprised the options document, the questionnaire and accompanying notes to aid its completion, a list of Frequently Asked Questions and a leaflet setting out dates of the exhibitions. All of these were available on the website and the options document and the leaflet went to a second printing because of the demand. Due to a delay in the initial printing a fortnight was added to the consultation period, which was originally intended to end on 20 January 2009. A further two-week extension was later given to allow for the delay in running a training event (see paragraph 10).

6. The Council wrote to all of the occupiers of properties within 300 metres of the possible sites identified in the options document enclosing a leaflet informing them of the consultation packs' availability and the exhibitions. This amounted to approximately 2,800 properties.

7. HM Land Registry searches were undertaken to obtain the details of the owners of possible sites. One-to-one meetings were offered with owners and/or their agents, and these were held where requested.

8. There were requests to make the document available to every household. Because of the very considerable costs involved, and because this would involve sending documents to many people not affected this was rejected by Members. A number of local groups did make copies for local residents. The Council did not object to this action on the strict understanding that no accompanying material was included so as not to slant the response. Multiple copies (within reason) were sent to parish and town councils together with posters to publicise the exhibitions.

9. A briefing session was held for parish and town councils at the regular Local Councils' Liaison Committee prior to commencement of the consultation period. Here it was stressed how joint responses by groups on behalf of individuals were to be encouraged, and a special

group response form capturing the names and addresses of individual supporters of that particular response (as required by the regulations) was circulated. Officers believe that group responses have been particularly successful in this consultation.

10. A training session for local groups on how to successfully engage with the LDF process was held on the 21 January 2009 hosted by POS Enterprises. On the same day a similar event, with particular reference to the Gypsy and Traveller consultation, was held for Members, again run by POS Enterprises.

11. The options document and supporting consultation papers were made available on the Council's website. This was further supported by a considerable volume and variety of background information. Initially this included the exchange of correspondence with GO East which led to the Direction being issued, relevant national planning policy and a number of significant appeal and court decisions. If an individual raised a matter which was considered to be of wider interest this was added to the website, and the Frequently Asked Questions document was updated on a number of occasions. A series of fact sheets for each of the possible sites was published, as were the accessibility scores for each of the sites. The two training sessions that were run for groups and Members were webcast, and are still available to view on the Planning pages of the website. A link to the consultation pages was added to the front page of the website. There was also the opportunity to make comments through the website via an online questionnaire.

12. A series of local exhibitions were organised which are listed below. The last three dates were added at the specific request of the local communities:

- (a) Epping, St Johns Road, Epping - Monday 10 November 2008 from 2pm to 8pm;
- (b) Loughton Methodist Church, 260 High Road, Loughton - Friday 14 November 2008 from 5pm to 8pm;
- (c) The Leisure Centre, Bumbles Green - Monday 17 November 2008 from 5pm to 8pm;
- (d) Waltham Abbey Town Hall, Highbridge Street, Waltham Abbey - Thursday 20 November 2008 from 5pm to 8pm;
- (e) Abridge Village Hall, 39 Ongar Road, Abridge - Friday 21 November 2008 from 7pm to 10pm;
- (f) Thornwood Village Hall, Weald Hall Lane, Thornwood - Monday 24 November 2008 from 5pm to 8pm;
- (g) North Weald Methodist Church, High Road, North Weald - Thursday 27 November 2008 from 5pm to 8pm;
- (h) Theydon Bois Village Hall, Coppice Row, Theydon Bois - Friday 28th November 2008 from 5pm to 8pm;
- (i) Roydon Village Hall, Harlow Road, Roydon - Friday 5 December 2008 from 5pm to 8pm;
- (j) Limes Farm Hall, Limes Avenue, Chigwell - Tuesday 16 December 2008 from 5pm to 8pm; and
- (k) Stapleford Abbots Village Hall, Stapleford Rd, Stapleford Abbots - Tuesday 27 January 2009 from 5pm to 8pm.

13. A special exhibition was also held for members of the local Gypsy and Traveller community, at their request, on neutral territory at the Latton Bush centre in Harlow. This ran from 5 to 8pm.

14. The events were exhibitions rather than public meetings. Their purpose was to publicise the consultation, explain its rationale and help people respond. It was considered that traditional public meetings would not achieve these objectives, as they are often confrontational and charged. They are also likely to exhaust participants and are representative of a traditional 'announce and defend' approach rather than showing openness to participation. It was also considered that the loudest and most outspoken individuals could dominate such events. Local groups were free to host their own public meetings and plainly a considerable number of them did so.

15. Large attendances were achieved at the earlier exhibitions in the larger towns and those communities most effected by the possible sites. For example attendances of over 100 were achieved in Epping and nearer 200 in Waltham Abbey. Good turnouts were also achieved in Thornwood and North Weald. Loughton, which had no possible sites, had a very low turnout (around 16), as did Chigwell (12). A number of lessons can be learnt from this:

(a) a parish by parish approach appeared to have had diminishing returns in terms of effectiveness. A spread of exhibitions in the largest settlements with the greatest possibilities for change is likely to be most effective; and

(b) Adding meetings to the end of a consultation period does not appear to have been effective. The most interest is generated at the start of a consultation.

16. The events were successful in further explaining the process. Large numbers of the consultation pack were distributed, questions answered and names and addresses taken for addition to the consultation database. A number of residents expressed thanks for the manner in which they had been conducted. Inevitably a number of angry and concerned residents did attend, and special measures were taken to keep matters in order. These were successful and at no stage did the police (which supported the events) need to get involved or did crowd numbers or safety become a significant issue, albeit that stewarding was required.

17. Considerable efforts were made to generate local publicity. The Forester was distributed to every household before Christmas 2008 with an article explaining the process. This is a very effective means of reaching the vast majority of households in the District, but it is by no means the only step taken.

18. A media briefing for local newspaper reporters was held and a general media release was published. This coincided with the letters sent out to all the owners of the possible sites. The briefing was attended by the Guardian, Mercury and Gazette newspapers, who all produced extensive coverage as a result. The briefing was held before the first Cabinet meeting on the matter and at least a month before the formal consultation started.

19. Several further media releases were issued to address issues of information or concern raised by residents. The levels of publicity and public awareness led to national newspaper coverage (including the Daily Mail and Express), questions in Parliament and TV interviews by several people including the Leader of Council.

20. Many residents took their own steps to hold meetings, put up notices and distributed leaflets. Local websites and online chat rooms were created. Many of the town and parish councils affected by the consultation were very pro-active in raising awareness.

21. While the Council can never guarantee to reach every individual within its area, the scale of publicity surrounding the Gypsy and Traveller consultation is almost unprecedented. Over a prolonged period, the only issues that may have received comparable or greater publicity in recent years are the introduction of wheelie bins/alternate weekly collection and the East of England Plan, which remained in the headlines for several years.

The Scale and Form of Comments Received

22. Around 640 comments were received online (once around 80 duplicate anonymous and racist comments were filtered out). 900 individually completed paper questionnaires were received and around 8,100 residents signed up to group responses. This means a total of about 9,600 returns were made, which is considered to be a high level of response, reflecting good use of the online and group response forms. These responses are being checked (eg to ensure there is no duplication), and very few have so far been returned because (for example) of racist language.

23. There were a number of oral concerns raised by local residents that the form was hard to fill in. Office received very few calls asking about the meaning or interpretation of specific questions, although there were many requests for more specific information or explanation of parts of the text of the options paper. Overall there is little evidence that significant numbers of residents were deterred from commenting.

24. On reflection some questions were technical in nature (e.g. on phasing) and might have been deleted, and a longer summary in newsletter or leaflet form might have been beneficial. The issues being dealt with were inevitably complex and controversial. Locals with a professional planning background aided many residents in their responses or related background and some commissioned professional advice. This helped ensure the level and quality of responses was higher than is normally expected in a consultation of this kind, possibly also reflecting also in part the support and training given to consultees.

Summary of Responses

25. To be presented to a future meeting.

Resource Implications:

Analysis of consultation responses will be carried out by Forward Planning and Development Control staff, from existing budgets.

Legal and Governance Implications:

All non-technical responses are being checked for the use of racist or other inappropriate wording. Any such replies will be returned with a request that they are reworded in an appropriate fashion, otherwise they will not be included in the analysis.

Safer, Cleaner and Greener Implications:

The site selection process and some of the technical consultations address these issues.

Consultation Undertaken:

This is a report on a consultation exercise.

Background Papers:

Consultation on Options: Development Plan Provision for Gypsies & Travellers in Epping Forest District (2008).

PPS12: Local Spatial Planning (2008).

Impact Assessments:

Separate consultation will be carried out on the Sustainability Appraisal, which incorporates Strategic Environmental Assessment.

Report to the Cabinet

Report reference: C-120-2008/09
Date of meeting: 20 April 2009



Portfolio: Planning and Economic Development.
Subject: Analysis of Gypsy and Traveller Options Consultation.
Responsible Officer: Ian White (01992 564066).
Democratic Services Officer: Gary Woodhall (01992 564470).

Recommendations/Decisions Required:

- (1) To agree the methodology that will be used for analysing the responses to the options consultation on sites potentially suitable for Gypsies and Travellers;**
- (2) To approve the addition to the website of the simplified flow diagram which outlines the process of analysis; and**
- (3) To note that the Sustainability Appraisal, which has been prepared by the County Council, will be published for public consultation for a period of 6 weeks.**

Executive Summary:

The report describes how a “filtering” process is being used to narrow down the final selection of potentially suitable sites for pitches for gypsies and travellers. The process will place sites in one of three categories A, B or C. Those in A are where significant problems have been identified which cannot be mitigated, and therefore no further analysis of these sites will take place. The sites in B also have problems but more research is being undertaken to assess the importance of these issues, and the final decision will place these sites in either A or C. Those in C have no significant problems identified by the consultation, but this simply means they will not be eliminated at this stage. A comprehensive flowchart and a simpler version (for the website) are included as appendices.

Reasons for Proposed Decision:

A clear, transparent and robust methodology is needed to analyse the consultation responses and to focus quickly on the sites that remain potentially suitable for the travelling community. With about 1,600 responses representing about 9,700 local residents, it is important to develop a filtering mechanism to enable early deletion of sites where significant problems have been identified which cannot be mitigated or otherwise overcome.

Other Options for Action:

There is no other reasonable option. A process is needed to prevent unnecessary work on unsuitable sites and to meet the deadline set by the Direction requiring submission of the draft Development Plan Document (DPD) to the Secretary of State by the end of September 2009.

Report:

Analysis of Consultation Responses

1. Public consultation on the options for sites for Gypsies and Travellers ran from early November 2008 to 20 February 2009. 700 on-line replies were received and 900 paper copies of the questionnaire were returned. A smaller number of letters, some of significant length, were also received. About 9,700 local residents replied to the consultation although the vast majority of these (about 8,100) were in the form of group responses – mainly completed questionnaires with attached signatures.

2. SNAP Surveys Ltd has been employed to enter responses from the hard copy questionnaires into a database. This will be returned to the Council in electronic format with the relevant reference numbers attached to the entries. This will be combined with the on-line replies received directly by the Council and will assist with assessing and correlating issues raised in the responses. A more detailed quantitative description of the outcome of the consultation will form an appendix to the final Council report.

3. Analysis of the responses will follow the process described below, and Members are encouraged to examine the flow diagram accompanying this report (Appendix 1). The first priorities are to identify:

- (a) suggestions for alternative sites; and
- (b) significant problems affecting sites which cannot be mitigated.

The former should come only from the “non-technical” responses (ie the local community). The latter can come from both the technical (mainly the statutory consultees) and non-technical replies.

4. Potential alternative sites will have been judged against the 21 criteria listed in the Consultation on Options document (which were used to select the sites included in the consultation). If any of the “new” sites satisfy the criteria, and are otherwise reasonable, they will have to be subject to further technical and public consultation – hence the need for early identification of any alternative sites. This “second round” of public consultation (if one is needed) will be more restricted in coverage and will be focused on the locality of the particular sites. The “first round” responses are currently being analysed as a priority to determine if any reasonable alternatives have been suggested. The few alternatives so far identified (at the date of the drafting of this report) have not been considered reasonable being either remote from services or having other fundamental planning problems. There is no regulatory requirement to consult on unreasonable alternatives.

5. Identification of significant problems will enable separation of sites into one of 3 categories – category A sites are those where the problems cannot be mitigated, and no further analysis of these will take place; category B sites are where problems have been identified which can possibly be mitigated – further research is needed to determine whether they ultimately fall into category A, or the third one, category C. This last division will contain those sites that will be subject to further studies (e.g. landscape impact) as well as detailed assessment of other matters raised in the consultation responses. It is important to understand that inclusion in category C at this stage merely means that a site has not been eliminated, and does not mean that it will automatically be proposed as being suitable for pitches. Thorough analysis of the non-technical responses may conclude that some category C sites are not suitable. The final Council report will make recommendations, but this will include analysis of all relevant consultation responses, the deliverability of the sites, the final results of the sustainability appraisal, the location strategy and any update on the Single Issue Review of the

Sustainability Appraisal (SA)

6. This is a statutory requirement for all Development Plan Documents and its purpose is to promote sustainable development through the integration of social, environmental and economic considerations. It incorporates Strategic Environmental Assessment (SEA) as required under a European Directive. The SA will assess the methodology used in the original site selection, the sites included in the consultation document, and any alternative sites suggested which also satisfies the criteria as described in paragraph 4. The results of the SA should be seen to have contributed to the final selection of sites.

7. The SA is being produced by the County Council and will be the subject of its own separate consultation. This involves several statutory bodies and all parties that responded to the options consultation. It summarises the technical responses to that consultation and evaluates site suitability. It is a statutory requirement to consult on the SA, and government good practice on appraisals makes it clear that the SA process should be used as a means to narrow down the options based on the evidence. Members therefore need to be aware that the categorisation of sites (by the County Council) will be in the public domain well before the final Council report is published.

8. The final appraisal report will be placed on the website with paper copies being available at council offices. Members, parish and town councils, landowners, lead petitioners of group responses and individual respondents will be contacted and their opinion sought on the report. There will also be a press release. Consultation is expected to commence after Easter and to run for 6 weeks.

9. The appraisal itself or any responses to the consultation could identify further issues or problems affecting particular sites, and these will be dealt with as described in paragraph 5. The SA and a summary of the consultation responses will form an appendix to the final Council report.

Deliverability Study

10. Delivery is key to the new development planning system, and it is therefore necessary to show that the sites that are finally selected can be delivered for use by the travelling community within a prescribed time period. Officers from the Housing and Planning Directorates have been co-operating to prepare a draft Deliverability Study. This will require consultation with, and input from (inter alia), Essex County Council, Registered Social Landlords and the Homes and Communities Agency (HCA). The outcomes and conclusions of the study, including indicative costings for bringing forward each of the potentially viable sites and providing a basis for a grant bid to the HCA, will be in the final Council report.

Location Strategy

11. The Council report will also analyse responses to the questions on location strategy as outlined in sections 6.1 to 6.9 of the consultation document. Members should also take into account the issue of concentration of sites in Roydon and Nazeing parishes. This was considered at the Examination in Public of the Single Issue Review of the East of England Plan, and was a contributory factor to the Panel's recommendation that this Council's target by 2011 be reduced from 49 to 39 pitches.

Other Issues

12. The final report will also update Members on progress with the Single Issue Review (the Secretary of State is likely to have published proposed amendments for consultation following her consideration of the Panel Report). The Essex Gypsy and Traveller Accommodation Assessment (GTAA) – sponsored by the Essex Planning Officers' Association and the Essex Housing Officers' Group may also have been published. Officers are confident that this will recommend a further reduction in the target for this Council.

Resource Implications:

Forward Planning and Development Control staff will carry out analysis of the consultation responses.

Legal and Governance Implications:

All non-technical responses will be checked for the use of racist or other inappropriate wording. Any such replies will be returned with a request that they are reworded in an appropriate fashion, otherwise they will not be included in the analysis.

Safer, Cleaner and Greener Implications:

The site selection process and some of the technical consultations address these issues.

Consultation Undertaken:

This is a report on a consultation exercise and how the responses have been analysed.

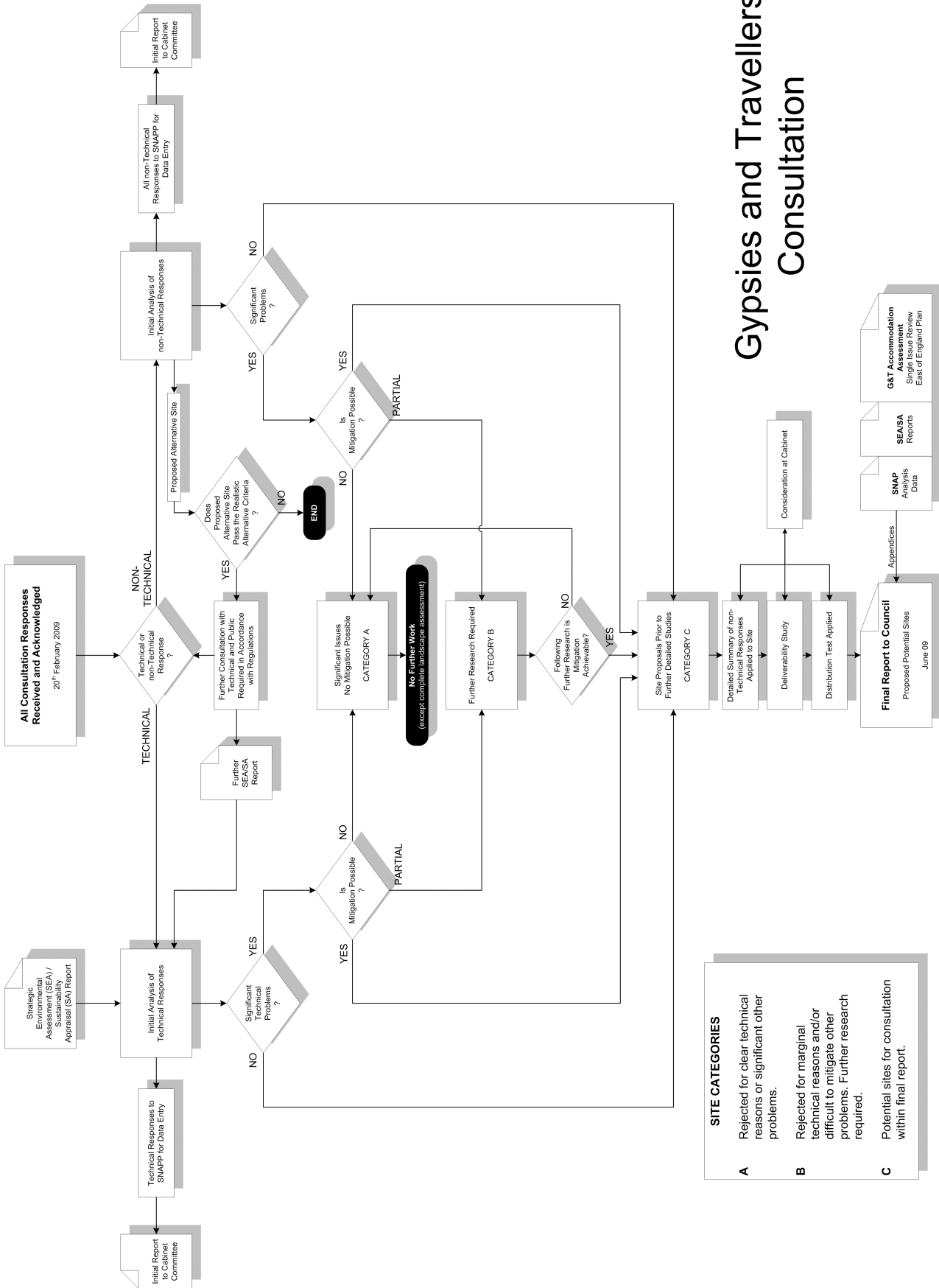
Background Papers:

Sustainability Appraisal of Regional Spatial Strategies and Local Development Documents (ODPM 2005);
Consultation on Options: Development Plan Provision for Gypsies and Travellers in Epping Forest District (2008); and
PPS12: Local Spatial Planning (2008).

Impact Assessments:

The report discusses the Sustainability Appraisal, which incorporates the Strategic Environmental Assessment. The original selection of sites also took into account Habitats Regulations Assessment.

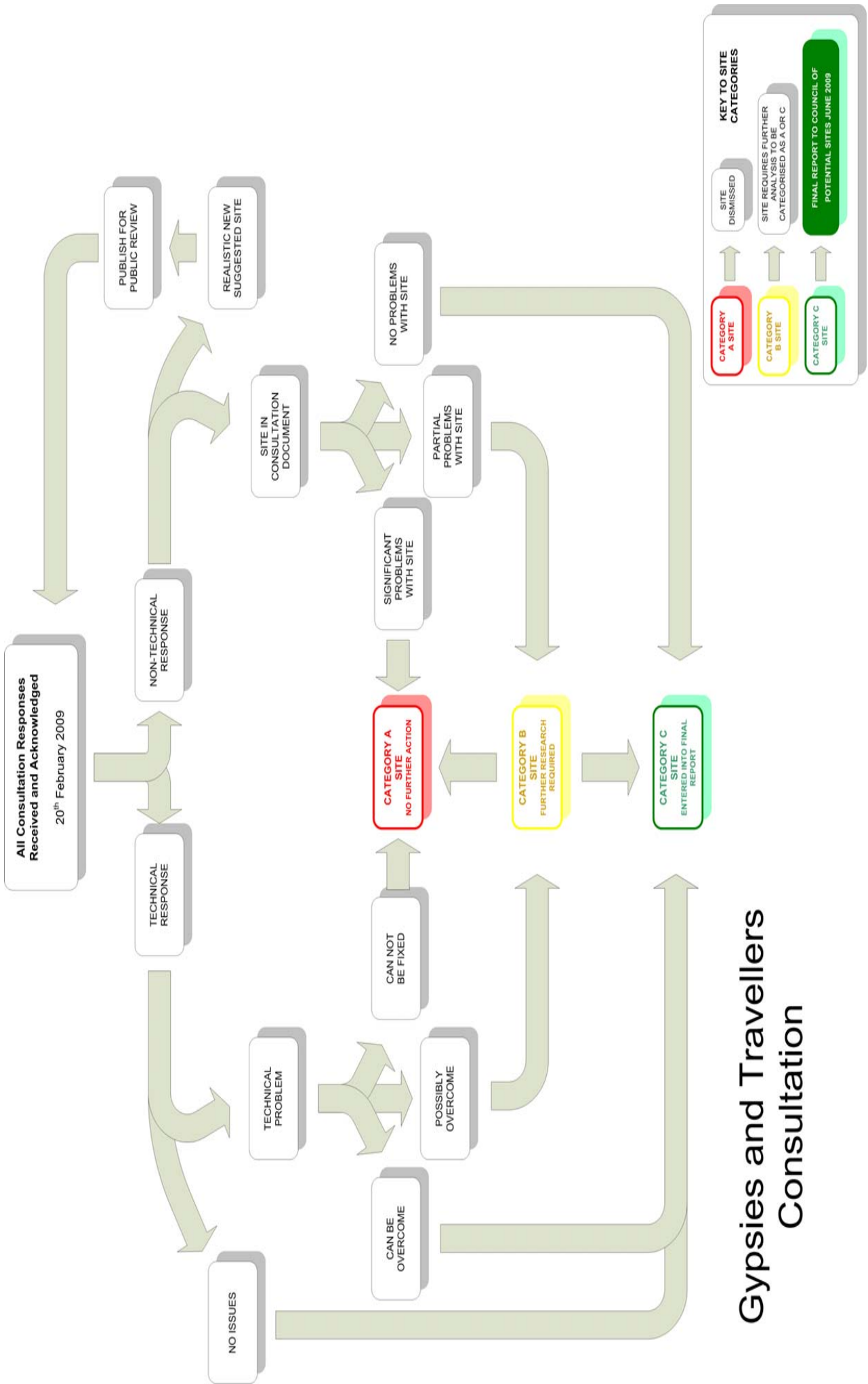
Gypsies and Travellers Consultation



SITE CATEGORIES

- A** Rejected for clear technical reasons or significant other problems.
- B** Rejected for marginal technical reasons and/or difficult to mitigate other problems. Further research required.
- C** Potential sites for consultation within final report.

This page is intentionally left blank



Gypsies and Travellers Consultation

This page is intentionally left blank