

Date: 25th January 2010

Our Ref: LC/DC/SH

Your Ref:

The Right Honourable John Healey MP  
Housing Minister  
Communities & Local Government  
1/A2 Eland House  
Bressenden Place  
London  
SW1E 5DU

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Dear Minister,

### **Epping Forest Gypsy and Traveller Development Plan Document**

I refer to the Direction served by the Secretary of State in September 2007, requiring this Council to amend its Local Development Scheme (LDS) to specify that (a) it includes a Gypsy and Traveller Development Plan Document (DPD); and (b) work will commence on the DPD as soon as possible with submission of the draft for examination by 30 September 2009. The Council submitted the revised LDS to GO-East in November 2007.

As Leader of this Council, I am writing to you as a matter of urgency to request a meeting with you and relevant officials to discuss the Direction and provision of additional Gypsy and Traveller pitches in the District.

There are three major points which the Council considers should be addressed at such a meeting, as follows:

- To consider the very substantial increase in provision for Gypsy and Traveller pitches now made (see table in attachment for brief details). The progress could be described by reference to numbers, but is more importantly about the progress made for individual families. Indeed, live applications for provision are still being made and considered.
- To note that continuation with a requirement to complete a separate Gypsy and Traveller DPD is seriously threatening the process of achieving an up to date Local Development Framework (LDF); this includes reference to the limits on the resources which this Council can devote to Forward Planning.
- The other results of a Local Development Framework Review that the Council has undertaken.

These points will be expanded upon briefly in this letter and the attachments, but as you will readily appreciate, the evidence base for these underlying issues is very considerable.

In the circumstances, the Council does not consider that the overall interests of local spatial planning can properly be served by requiring the preparation of a separate Gypsy and Traveller DPD, and the Council now seeks the withdrawal or substantial amendment of the Direction.

The issues that I have outlined above mean that I, and other Members of the Council, are increasingly concerned that continuing with the preparation of the DPD will intensify the adverse impacts on other LDF work both in terms of costs and staff resources. That cannot be in the best interests of planning for the future of this area. The Government's Chief Planning Officer has recently reminded Councils about the need to make progress with their core strategies.

It would therefore be very helpful to meet you to discuss these issues, and to consider options for withdrawing, suspending or amending the Direction, or for subsuming the G & T pitch provision into the wider housing provision of the Core Strategy. I would expect to be supported by one other Councillor and two officers at such a meeting. If timings allow I may also be supported by Counsel who has undertaken the stock take.

I look forward to your early reply.

Yours sincerely

**Councillor Diana Collins**  
**Leader of Epping Forest District Council**

This letter is being copied to the three Members of Parliament whose constituencies include parts of the District, namely Mrs Eleanor Laing, Eric Pickles and Bill Rammell, together with the shadow Minister, Mrs Caroline Spelman.

In addition, this letter is also being forwarded for information to:

Leader of Harlow District Council – Andrew Johnson  
Leader of East Herts District Council – Anthony Jackson  
Local Government Association

## Attachments

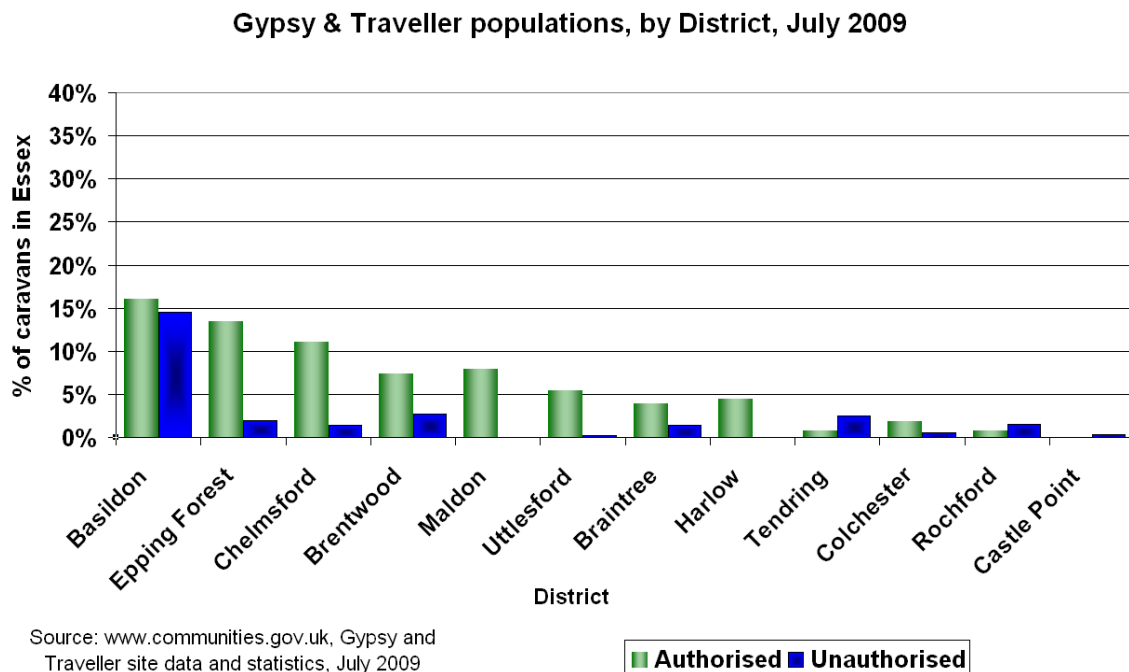
### Progress

1.0 The table gives information from 2006 compared to the position in late 2009:

|                    | 2006<br>Total | 2009<br>Total | Comments                |
|--------------------|---------------|---------------|-------------------------|
| Public Authorised  | 16            | 16            | Same                    |
| Private Authorised | 95            | 114           | Significantly increased |
| Tolerated          | 10            | 12            | Increased               |
| Temporary          | 0             | 27            | Significantly increased |
| Unauthorised       | 32            | 9             | Significantly reduced   |
| <b>TOTAL</b>       | <b>153</b>    | <b>178</b>    |                         |

2.0 Progress can also be contrasted with the position elsewhere in Essex; see figure 1, which shows the population of Gypsies and Travellers in Essex on authorised and unauthorised sites.

Figure 1: Gypsy and Traveller populations, by District, July 2009



## **Threats to LDF**

3.0 Were the Council to continue work on a Gypsy and Traveller DPD, the experience to date is that the Council could not run a consultation exercise on the next draft of the DPD at the same time as any other consultation exercises and/or associated processes for any other parts of the LDF, including the mandatory Core Strategy and Statement of Community Involvement. To date the Council has allocated a very significant level of financial and human resources towards preparing the draft Gypsy and Traveller DPD. Such resources are finite and they can only be stretched so far without materially undermining the Council's other strategies and priorities.

4.0 The cost to the Council of the Gypsy and Traveller DPD so far (not including staff costs which, as you will readily accept, are considerable) is already in the region of £180,000. The Council has a budget of £1.3 million (agreed in December 2007) for the preparation of the entire LDF. Using over 10% of the total budget on a single, albeit important, issue is disproportionate.

5.0 Senior Staff and Councillors also had, and continue to have, a heavy involvement in these matters. Work on other Forward Planning issues virtually ceased for the duration of the consultation period, and the most experienced member of the team still deals with the topic almost full time to this day. This has obviously had a significant and adverse impact on other LDF work, and will continue to do so particularly if the Council has to undertake a second consultation exercise on amended options.

6.0 It is also not correct to assume that the detrimental impact of preparing a separate Gypsy and Traveller DPD is confined to the Council's LDF, or local spatial planning in the District. The Council's Core Strategy does not just have to deal with the requirements of the East of England Plan (RSS) as they relate to Epping Forest District; the Council is also required to undertake joint working with Harlow District Council and East Hertfordshire District Council to plan for the proposed growth of Harlow as a Key Centre for Development and Change. (See below)

7.0 The LDF process was intended to be quicker, cheaper and more flexible than the old Local Plan; using LDF resources to such a degree on a single DPD does not fit that bill.

## **The Local Development Framework Review.**

8.0 The Council has recently participated in a Planning Advisory Service (PAS) Diagnostic as part of an overall review of the progress the Council has made in the preparation of its LDF as required by the Planning and Compulsory Purchase Act 2004. The PAS report highlights the direct and adverse impact that the preparation of the Gypsy and Traveller DPD has had on progress with the preparation of the Council's Core Strategy, but is very complimentary about the work the Council has undertaken in respect of making provision for additional provision of Gypsy and Traveller pitches, particularly in its attempts to engage with the travelling community. In respect of these matters the PAS report states as follows:

*"The authority is and has taken a very robust approach to the delivery of the Gypsies and Travellers DPD with some particularly good work around engagement with the community and innovative approaches to engaging with the Travellers. However, given limited resources, the attention on this document has undermined progress on the Core Strategy".*

9.0 The PAS report raises more subtle, but very worrying, concerns about public perception of the planning process as a consequence of the Gypsy and Traveller DPD Options Consultation (referred to below) which, the Report states, is likely to impact on the preparation of other LDF documents. One can describe that as "starting off on the wrong foot" with the entire local community. The authors of the report also express concern about the costs that are being incurred by the Council in attempting to comply with the Secretary of State's Direction. The main findings of the Diagnostic are summarised as a further attachment to this letter, or a full copy of the diagnostic can be provided

once it has been considered by Councillors.

10.0 Between November 2008 and February 2009, the Council carried out an Options Consultation on its proposals for the Gypsy and Traveller DPD to which in excess of 10,500 responses were received. A significant number of those responses were very lengthy and raised complex issues. The Council's entire Forward Planning team was engaged almost full time with the Options Consultation, including arranging and manning exhibitions and dealing with a huge number of questions from members of the public, expressions of concern and, on occasion, distress, or requests for ever more detailed information. The Council has had to deal with responses from both the settled and, to a lesser extent, the travelling communities.

11.0 The timetable imposed by the Secretary of State's Direction meant that it was not possible for the Options Consultation to be linked with a consultation on the Sustainability Appraisal/ Strategic Environmental Assessment (SA/SEA) of the proposals within the Options Consultation. It was decided at a very early stage that, given the very controversial nature of the subject, the SA/SEA of the proposals within the Options Consultation should be carried out independently. The Council subsequently appointed the Spatial Planning Group within Essex County Council to carry out the SA/SEA. This exercise was not completed until July of this year. To comply with the requirements of domestic and European law, the Council must carry out a consultation exercise on the SA/SEA that has been completed to date.

12.0 The volume and complexity of the response to the Options Consultation on the Gypsy and Traveller DPD made it apparent that the Council would be quite unable to meet the deadline set by the Secretary of State's Direction (i.e. submission of the draft DPD to the Secretary of State by the end of September 2009.) Consequently Council officers have been in discussions with GO-East (including two meetings) since July 2009 in the hope of agreeing a revised timetable for the preparation of the DPD and how best to progress with the work necessary to prepare the DPD, having regard to the fact that the Council is also required to prepare a Core Strategy in co-ordination with Harlow and East Hertfordshire District Councils, as required by the Regional Spatial Strategy for the East of England ( i.e. the East of England Plan).

13.0 One of GO-East's suggestions for shortening the revised timetable was to link consultation on the SA/SEA of the proposals within the Options Consultation with the requirement of Regulation 27 of the Town and Country Planning (Local Development) (England) Regulations 2004 (as amended) to publish the draft submission DPD to allow representations to be made to the Secretary of State on the soundness of the draft DPD. The suggestion made by GO-East included a rider that the Council should seek its own legal opinion in respect of this proposal.

14.0 Very recently, the Council sought the advice of independent Planning Counsel on the suggestion made by GO-East and in relation to the preparation of the Gypsy and Traveller DPD, and the Council's LDF generally. A summary of the advice received is attached, and it is notable that Counsel (a) strongly advises against pursuing GO-East's suggestion for linking the two consultations; and (b) proposes a Ministerial meeting to discuss competing local spatial planning priorities.

15.0 In reviewing the evidence base gathered to date, it is clear that some of the criteria in Circular 1/2006 regarding location of sites raise particular difficulties in this district, to the extent that officers believe that the weight given to some of those criteria needs to be reconsidered. As a consequence of this, the Council believes that several of the sites proposed within the Options Consultation should now be discounted, as they are simply unacceptable to the settled community, and the Council doubts seriously whether they would hold any attraction for the travelling community. Please also find attached our analysis on these points. As a result of the responses to our Options Consultation exercise it is considered that there are weaknesses in the guidance in ODPM Circular 1/2006, which will affect seriously the deliverability of sites and therefore the achievement of additional pitch provision as required by the Single Issue Review of the East of England Plan (published in July 2009). Even more crucially, these matters will have wider repercussions beyond this district.

16.0 A touchstone of the LDF system is the emphasis given to the evidence base; having undertaken a significant Options Consultation, and received such a significant response, it is plainly

common sense to take notice of what it is telling us all.

17.0 One of the more positive outcomes of the Options Consultation has been an increase in the number of applications from the travelling community for new pitches – this appears to be the way that a significant part of the travelling community has chosen to respond, rather than completing the Options Consultation questionnaire. This has meant that (i) a number of further planning permissions have been granted, and (ii) some Certificates of Lawful Development (CLDs) have been approved so that there has been a significant addition to the number of authorised pitches in the District.

18.0 Necessarily, these grants of planning permission and CLDs in part meet the additional pitch requirements in the Single Issue Review of the East of England Plan. Details of these decisions are summarised in the table at the start of this attachment. I am confident that you will be satisfied that very substantial progress is being made by this Council in terms of meeting the RSS additional pitch requirement targets, and I would be very surprised if any other Council in the Eastern Region can show such positive achievements.