

# **Report to Overview and Scrutiny Committee**



SCRUTINY



**Date of meeting: 12 July 2010**

**Subject: Adoption of Standard Caravan Site Licence Conditions for Permanent Residential Sites in Epping Forest District Council**

**Officer contact for further information:** Sally Devine x 4149

**Committee Secretary:** Adrian Hendry

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## **SUPPLEMENTARY REPORT**

1. This report provides additional information to the Committee in relation to the decision of the Cabinet on the 'Adoption of Standard Caravan Site Licence Conditions for Permanent Residential Sites in Epping Forest District Council' which has been called-in by the Committee, in view of comments made at the Cabinet meeting in relation to the consultation process that had been undertaken.

2. The original consultation process was carried out on behalf of the Council by specialists consultants, Park Homes Legal Services Ltd (PHLS), following the requirements set by:

- The Caravan Sites and Control of Development Act 1960 s.8 (1) which states that, before altering the conditions attached to a site licence the local authority must 'afford to the holder of the licence an opportunity of making representation';
- The Model Standards 2008 for Caravan Sites in England, which states that, before varying a licence, the local authority must 'consult the site licence-holder on its proposed variations, and may wish to consult with the residents or a Residents' Association, where appropriate'; and
- Guidance note 129: Local Authority Licensing of Park Home Estates

3. Having regard to these requirements, it was agreed that it would be appropriate to consult with all site owners within the District and residents associations known to officers – these residents associations were:

- Breach Barns
- Woodbine Close
- Abridge Park
- Roydon Mill

4. These residents associations cover 566 (68%) of the 835 mobile home owners in the District. Officers have also only recently been informed that there is a Residents Association at The Elms, a site of 36 homes, therefore this Residents Association has not been consulted.

5. Statutory bodies such as the Health and Safety Executive, the Environment Agency, Essex Fire and Rescue Service, the Council's Planning Service and Essex Ambulance Service were also consulted. A list of the names of all the consultees is attached as an Appendix to this report.

6. All Members of Council were notified of the consultation process in an article within the Council Bulletin on 27 February 2009, which outlined the principle behind the standard site licence conditions and explained the consultation process.

7. PHLS's consultation letter, together with a draft of the proposed standard site licence conditions, was sent out to consultees on 8 July 2009, requesting comments within 30 days. The Council received copies of these letters, together with confirmation that they had been sent. Following this, officers were subsequently advised that there was also a residents' association at the Abridge Park site and a copy of the documents were also sent to their representative.

8. It was suggested at the Cabinet meeting that the "site owner" of Roydon Mill had not received a consultation letter. This has been investigated with PHLS and it has been confirmed that, having regard to the Land Registration Act, the "site owner" is either a person having a lease in excess of 7 years or, otherwise, the free-holder of the site. It was established at the time that there was a lease for the site at Roydon Mill for 5 years. For this reason, the free-holder – as site owner - was consulted. In hindsight, it is accepted that it would have been helpful if the leaseholder had been consulted as well, although it was felt reasonable to assume that the free-holder would have consulted, or passed on the consultation information, to the leaseholder.

9. Responses were received from:

- The site owner of The Elms;
- The site owner of the Abridge Park site;
- The Abridge Park Residents Association; and,
- The Environment Agency.

The site owners' and Residents Associations' concerns centred principally on the positioning and height of sheds, fences and hedges between homes, which are requirements included within the Government's Model Standards to reduce the potential for fire to spread from one home to another.

10. In response to the concerns of the residents, a meeting was arranged with representatives of the Essex Fire and Rescue Service to discuss this further. Fire Officers advised that the Council should not compromise on the proposals and recommended a further amendment 'that no hedge should be within 3m of an adjacent home'.

11. The possibility of varying the conditions to allow existing hedges and fences to remain at a height above 1m was dismissed, as this would contradict the scientific and evidential basis upon which both the national and local standards are set and would not be consistent with the recommendations of the Fire Service. It was also felt that, if there was subsequently a fire at a mobile home site, that spread to neighbouring mobile homes due to the presence of combustible materials between mobile homes that contravened the national model conditions, the Council would be severely criticised for not following the model standards in the light of the scientific evidence, especially if the fire resulted in a loss of life.

12. Consideration was also given to allowing the fences and hedges of occupants, that are already higher than 1m, to remain, until they move from their home. However, this was also dismissed for the same reasons, as well as a conclusion that this not only be impossible to administer; it would also result in a toleration of such contraventions over, what may be, many years, would invalidate the whole reasoning behind setting the conditions.

13. It was accepted that some residents may be critical of the fact that they have been allowed to retain combustible materials, over 1m in height, for many years leading up to the adoption of these new licence conditions. However, it should be noted that officers were aware that – for many years - the Government was intending to issue new model licence conditions, having regard to recent scientific tests and advice, and concluded that it would be

premature to take any enforcement action in advance of the model conditions being published.

14. All those that had responded to the consultation were notified by letter on 17 November 2009 of the amendments that would be made to the conditions and recommended to the Cabinet. As these were not materially different from the draft that had been consulted upon, it was not considered necessary to notify all of the original consultees.

15. Following the Cabinet meeting on 7 June, the Committee should be aware that, in addition to the call-in, officers have received a number of representations by letter, telephone and in person expressing concern at the proposals. Members representing some of the sites have also discussed the proposals directly with the Officer concerned.

16. It is re-iterated that the conditions proposed within the report to Cabinet have been formulated on the basis of national guidance and models, as well as significant scientific and statistical evidence which has been reinforced by the view of Fire Officers. The amendments agreed by Members at the Cabinet meeting, while they provide longer timescales to carry out any necessary remedial work, are still in keeping with these recommendations.

**Permanent Residential Sites : List of Consultees**

**Site Owners**

**Site Name and Address**

1. Ashwood Farm  
Muthering Lane  
Stapleford Abbots  
Romford, Essex  
RM4
2. Abridge Mobile Home Park  
London Road  
Abridge  
Romford, Essex  
RM4 1XS
3. The Owl Caravan Park  
Lippitts Hill  
High Beech  
Loughton  
Essex  
IG10
4. The Elms Mobile Home Park  
Lippitts Hill  
High Beech  
Loughton  
Essex  
IG10
5. Ludgate House Mobile Home Site  
Hornbeam Lane  
High Beach  
Sewardstonebury  
Chingford  
London  
E4 7QT
6. Breach Barns Mobile Home Park  
Galley Hill  
Waltham Abbey  
Essex  
EN9 2AD
7. Roydon Mill Caravan Park  
Roydon Mill  
Roydon  
Essex  
CM19 5EJ

### **Site Name and Address**

8. Woodbine Caravan Site  
Waltham Abbey  
Essex  
EN9 3RD
9. Greenacres  
Bassetts Lane  
Willingale  
Ongar  
Essex  
CM5
10. Hill House Farm  
High Road  
Chigwell  
Essex  
IG7
11. Fairways  
Rear of the Duke of Wellington PH  
Wellington Hill  
High Beech  
Loughton, Essex  
IG10 4AH

### **Statutory Consultees**

<b>Entity</b>	<b>Address</b>
1. HSE	Wren House Hedgerows Business Park Colchester Road Springfields Chelmsford, Essex CM2 5PZ
2. Environment Agency	Apollo Court 2 Bishops Square Business Park St Albans Road West Hatfield AL10 9EX
3. Essex Fire & Rescue Service (1)	West Division Fourth Avenue Harlow Essex CM20 2DU
4. Essex Fire & Rescue Service (2)	London Road Rivenhall Witham Essex CM8 3HB

5. EFDC

Planning Department  
Director of Planning & Economic Development  
Civic Offices  
High Street  
Epping, Essex  
CM16 4BZ  
FAO: Mr John Preston

6. Essex Ambulance Service

Broomfield  
Chelmsford  
Essex  
CM1 7WS

### **Residents Associations**

1. Breach Barns Caravan Site RA

2. Woodbine Close RA

3. Roydon Mill

4. Abridge Park Homes RA