



SCRUTINY



Epping Forest District Council

REPORT OF THE TRAVELLERS TASK AND FINISH PANEL

JULY 2006

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1. Chairman's Forward

Site Specific Issues

This Panel started with a task to consider issues about a site in Paynes Lane, Nazeing following discussions at the Cabinet in March 2004. Subsequently we were asked to consider other sites at Birchfield, Stapleford Tawney and Neverest, Hamlet Hill.

At an early stage in our work we benefited from a group of Members and officers who were involved in the Panel attending a course at Newmarket on 21 July 2005, and we were also given a guided tour of the District on 14 July 2005 to see existing and ex traveller sites. These included the public site at the Hop Gardens Stanford Rivers, and many smaller private sites particularly in the Nazeing and Roydon area. We were not able to see the Birchfield site that day, and generally we did not go onto the sites. The exception to that was the Paynes Lane site, which we looked at in some detail. We saw one tolerated site, and some areas of land that have acted as occasional stopping places for those "in transit."

We benefited from attendance of a group of residents from Paynes Lane area at our meeting on 19 September 2005, and I would like to record my thanks to Margaret O' Connor, Steve Satwick, Robert Smith and Lawrie Berry.

Policy Issues

Our terms of reference were extended to cover matters of policy. During the last year we have been aware that a number of important changes were being made, or were in contemplation. At our meeting on 8 June 2006 we received a copy of the new government Circular (ODPM 01/2006), and of the Essex wide Traveller Needs Assessment, which has involved an extensive direct dialogue with travellers. We were due to receive a copy of the report from the Commission for Racial Equality.

I give my personal thanks to the Head of Environmental Services and the Head of Planning Services - the Lead Officers of the Panel for their assistance to me, not only advising the Panel, but also for organising and acting as secretary at its meetings for most of the year until Zoe Folley was able to assist.

Councillor P McMillan
Chairman
Traveller Task and Finish Panel
June 2006

2. Terms of Reference

We were tasked with considering and formulating recommendations on the following matters:

Site Specific Issues

- (a) the arrangements for dealing with unauthorised development on traveller owned sites within the district, with particular reference to Paynes Lane, Nazeing Birchfield, Stapleford Tawney; and Hamlet Hill, Roydon;
- (b) the management of travellers who enter onto land within the district with a view to unauthorised encampment, with particular reference to the legal remedies available; interactions with other agencies such as Essex Police and Essex County Council; and the provision of emergency and/or transit sites within the district;
- (c) arrangements for 'tolerated' sites;

Policy Issues

- (d) Government's guidance on the needs of travellers in the context of the Council's review of its District Local Plan and the Essex Housing Needs Assessment;
- (e) the results of the Commission for Racial Equality's (CRE) study on traveller issues in which this Council participated, once published; and
- (f) any further outstanding matters not specifically covered in (a) to (e) above arising from the last meeting of Policy Working Group 2.

In considering the above, we consulted local residents in respect of the Paynes Lane site, and gathered evidence by attendance at the course at Newmarket run by the East Of England Regional Assembly, by the tour of sites and by seeking information from officers with detailed knowledge of the issues and sites in the District, including the Head of Service for Environmental Services and the Head of Planning and Economic Development, together with the Environmental Health Manager Jim Nolan, the Principal Environmental Health Officer Sue Stranders, and Senior Environmental Technical Health Officer Richard Gardiner. Most recently we were provided with a draft list of existing and historic sites within the District, which we want Planning Services to complete and keep up to date. We recommend accordingly.

Perhaps the only thing we did not do was engage with travellers directly, but we were very aware that the Essex Needs Assessment, and the CRE investigation (entitled "'Common Ground' Equality Good Race Relations and Sites for Gypsies and Irish Travellers') were doing this at the same time.

Specific Sites

Paynes Lane

We concluded that the original decision made by the Cabinet in March 2004 concerning the remediation of the site following the departure of the traveller occupants was too costly and risky. We noted that actions by residents have effectively secured the site. We considered whether a solution from a nearby landowner might have merit, but no formal application for planning permission has been made, and officers have been instructed to proceed with clearance of the top of the site. We made a report to the Cabinet on 5 September 2005 recommending that work be carried out to clear the site and funding arrangements for this. The Cabinet endorsed our proposals. At our last meeting in June 2006 we considered the progress made with these recommendations and urged that they be pursued bearing in mind the assurances offered over this at our discussions with the residents of area.

Birchfield

We noted that a major appeal decision had not gone in favour of the travellers, and that Cabinet had agreed clearance of the top of the site; in particular because fly tipping was increasingly taking place. We noted that an injunction had been obtained, but that a further Public Inquiry was scheduled. Works to clear the site are underway. We are recommending that the action previously agreed by the Council be pursued.

Hamlet Hill

We noted that the Neverest site had its entrance blocked by mounds, and had been vacated. It is less visible than the above two sites.

Tolerated sites

At our meeting on 19 September 2005 we considered three such sites, together with the pros and cons of whether the tolerance could be changed so as to enable the sites to be the subject of applications to become authorised. We considered that this would have to be reviewed, and would need to account for other reports that we were due to consider.

Policy Issues

Definition

We noted that recent Government Circulars have changed the definition of a traveller. The former description classified Travellers as “Persons of a nomadic habit of life, whatever their race or origin.” This quoted section 16 of the Caravan Sites Act 1968. Case law has also indicated that nomadic activity had to be for an economic purpose. The new policy defines Travellers as “ Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependant’s educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.”

Latest Circular

In addition to the above, the most recent circular (ODPM 01/2006) published on 2 February 2006, has changed a number of other significant matters, such the approach expected of the District Council; in particular in the Local Development Framework.

Site Provision

We noted that the desire of the traveller for education for children or healthcare has led to many seeking sites where those facilities are close at hand, and this in turn has led to some frictions with the settled population. Various solutions to these issues have been attempted ranging from Council provision of sites to placing the onus upon travellers to bring forward their own sites. The latest circular points to major failures in these approaches, in part because of the numbers without an authorised site, and also having regard to statistics regarding the health of the traveller communities or their educational attainment. The Government is now seeking to ensure that traveller’s housing needs are assessed in much the same way as the needs of the rest of the population for housing, and that significantly more provision is made. Members saw positive examples of traveller communities a little way outside towns elsewhere in East Anglia when they went to Newmarket.

The Local Context – Issues for consideration

We agreed that the local context for Epping Forest has to be recognised as different, even just reflecting the following points;

- Land prices here are very high, particularly in the urban areas, and where there is much competition for land for other uses. Many other Government policies push development first to such built up locations.
- All of our rural areas are Metropolitan Green Belt, and within the Green Belt there are many other constraints to the development of land, such as Lee Valley Regional Park, Epping Forest, floodplains.
- Notwithstanding those constraints, extensive provision has already been made (irrespective of whether it was granted by the Council or at appeal) Epping Forest compares well with other Essex Councils who do not have all those constraints.
- Our Local Plan has contained a permissive traveller policy; if very special circumstances can be demonstrated.
- Two of the large sites that have been problematic appear to have been occupied irrespective of planning constraints, and may simply be close to employment opportunities in London and the suburbs, and close to the national motorway network.
- Little respect has been shown in the development of those sites, or their subsequent use for tipping of waste. The human rights of travellers are being considered; whilst this is of course important, we should not forget that the settled community share similar rights.

The Circular appears to expect that sites will be found in urban areas; this may be optimistic locally.

The Circular may allow for future urban extensions required by the East of England Plan to provide allocations for travellers as well as all other types of housing; this would be much fairer.

The expectation that the Council will be able to make a case to exceptionally take land out of the Green Belt so as to provide for travellers is likely to be a more drawn out than a swift solution.

The Essex wide Traveller Needs Assessment

We noted that this document had secured an extensive dialogue directly with the traveller community, many of whom regarded Essex as home, and tended to correlate with points in the circular; for example that travelling to fairs is less prevalent, whilst travelling to employment from a settled site has become more normal. In addition points about health, (death of young children) or different educational achievement of the younger generation were similar. We noted how Epping Forest compared to the other Councils in Essex both as regards public and private sector provision. We noted that Essex had undertaken such an analysis, which the Circular now expected. The need arising from authorised sites does not appear high, but the numbers of unauthorised sites are of concern, although one needs to understand the details of each of those. The Assessment also needs to advise the local development framework.

We concluded that the above policy matters are not in the nature of a piece of work that can be finished quickly, and accordingly we are proposing that the outstanding the terms of reference be passed to the Environment and Planning Standing Panel for completion.

Conclusion

Our considerations have given us a much better appreciation of the many difficult issues that are relevant in considering both the needs of travellers, and the local context of making acceptable provision for them. We have been faced with significant changes to the advice that the Government gives, the details of the travellers needs from an up to date survey, and that these matters are ongoing policy matters which our Panel is not able to continue with.

We have considered specific local sites and the difficulties which have arisen therewith, and which are requiring significant expenditure; whilst noting that more positive examples exist elsewhere, it is difficult to see those circumstances being able to be replicated locally.

Recommendations

- (1) That the work undertaken by the Task and Finish Panel on Traveller Issues be noted and;**
- (2) That the measures previously agreed by the Council to secure the clearance of the top level of the sites at Paynes Lane continue now without further delay and the actions agreed for Birchfield continue in the same manner and;**
- (3) That the Task and Finish Panel be disbanded given that the outstanding work plan items require long term consideration not suited to Task and Finish Review and;**
- (4) That in view of recommendation (3) above the outstanding items be referred to Environmental and Planning Services Standing Panel for ongoing consideration and action namely:**
 - (a) The monitoring of recommendation (3) above;**
 - (b) The monitoring and review of the position regarding tolerated sites and;**
 - (c) The management of travellers who enter onto land within the district with a view to unauthorised encampment, with particular reference to the legal remedies available ;interactions with other agencies such as Essex Police and Essex County Council; and the provision of emergency and/or transit sites within the district;**
 - (e) Government's guidance on the needs of travellers in the context of the Council's review of its District Local Plan and the Essex Housing Needs Assessment;**
 - (f) The results of the Commission for Racial Equality's study on traveller issues in which this Council participated, once published;**
- (5) That the draft list of existing and historic sites within the District produced by Planning Services be completed and updated and made available to the Panel**