

Theydon Bois Action Group

P R O T E C T I N G T H E V I L L A G E O F T H E Y D O N B O I S

Theydon Bois Action Group's response to Consultation on Options:
Development Plan Provision for Gypsies and Travellers in Epping Forest.

Response to question 20b and 20c.

The answer to both questions is NO.

DRAFT RESPONSE NUMBER TWELVE / FINAL 22 January 2009

Introduction

Site numbers 20b and 20c.

Site 20b is a paddock east of Theydon Bois - Abridge Road for 11 pitches and site 20c is a paddock east of Theydon Bois - Coopersale Lane for 10 pitches.

Theydon Bois Action Group will demonstrate in the following response that the two pitches selected for Theydon Bois, incorrectly stated as Theydon Garnon in the document, are inappropriate for both the Gypsy and Traveller community and the settled community. They are both Green Field sites in the Metropolitan Green Belt. Reasons for their inappropriateness includes

- 1 Metropolitan Green Belt
- 2 Protected Lane
- 3 Dark Sky Policy
- 4 Environmental weight restrictions
- 5 Weak Bridge weight restrictions
- 6 Proximity to the motorway
- 7 Health and safety with regard to pollution
- 8 Health and safety with regard to noise
- 9 Health and safety with regard to contaminated land and or landfill sites
- 10 Proximity to a listed building
- 11 Proximity to a registered care home
- 12 Lack of mains gas and sewerage supply
- 13 Inappropriate location with regard to exposure to the elements
- 14 Inappropriate location with regard to drainage and flood risk
- 15 Planning precedents set with regard to the locations of portakabins, caravans and lorries in the locality
- 16 Inappropriate location with regard to the safety of children.
- 17 Public Transport

- 18 Primary Health Care
- 19 Primary School provision
- 20 The Gypsy and Traveller community will dominate the settled community
- 21 Highways issues on the B172
- 22 Landscape sensitivity

1 Metropolitan Green Belt

Development of a Gypsy and Traveller site on locations 20b and 20c, Green Field sites in the Metropolitan Green Belt constitutes inappropriate development and would cause automatic harm.

It is contrary to policy GB2 – development within the Green Belt and DBE4 – New Buildings in the Green Belt.

*There is a general presumption against inappropriate development within Green Belts. New gypsy and traveller sites in the Green Belt are normally inappropriate development, as defined in Planning Policy Guidance 2: 'Green Belts' (PPG2). National Planning Policy on Green Belts applies equally to applications for planning permission from Gypsies and Travellers, and settled population. **Alternatives should be explored before Green Belt locations are considered.** Pressure for development of sites on Green Belt land can usually be avoided if the local planning authority allocates sufficient sites elsewhere in its area, in its Local Development Framework, to meet identified need. Criteria-based policies in Development Plan Document's for the location of Gypsy and Traveller sites should not depart from national planning policy as set out in PPG2.*¹

*The presence of Green Belt will constrain and limit opportunities for identifying Gypsy and Traveller sites in some areas. The general extent of the Green Belt should be addressed through the Regional Spatial Strategy in the first instance. PPG2 makes clear that once the general extent of the Green Belt has been approved, and once detailed Green Belt boundaries have been established in adopted development plans, they should only be altered exceptionally.*²

Development is contrary to Policy DBE 4 of the Epping Forest District Local Plan adopted in January 1998 and Policies CP2, GB2A and GB7A of the Epping Forest District local plan Alterations adopted in July 2006.

*The proposals constitute inappropriate development in the Green Belt which detract from the open character of this area of countryside located within the Metropolitan Green Belt and, as such, the proposals are contrary to policy GB2 of the adopted Local Plan and policy C2 of the adopted Structure Plan.*³

The use of an exceptional limited alteration approach to the provision of additional pitches in rural areas close to Epping Forest represents an

¹ page 12 Circular 01/2006

² page 13 Circular 01/2006

³ APP/J1535/A/06/2024334/NWF

*inappropriate development which will harm the natural aspect and setting of the Forest and potentially weaken future Green Belt Policy protection, which is clearly enshrined in PPG2 National Policy Guidance.*⁴

The Parliamentary Under-Secretary of State for Communities and Local Government, Mr. Iain Wright: is quoted on 22 Oct 2008: Column 129WH in Hansard;

'I want to be as clear as I possibly can be on this extremely important matter. It is right and proper that we support, maintain and enhance the green belt as much as possible. She will agree that it is very much valued and an extremely efficient planning tool to prevent urban sprawl.

*Circular 01/06 makes it clear that Gypsy and Traveller sites are inappropriate in the green belt. Therefore, it is the responsibility of local authorities to manage land provision to meet housing needs, and in an area such as Epping Forest, that principally means managing the supply of land within the urban areas available for redevelopment or with potential for alternative uses.'*⁵

*National Planning Policy Guidance 'Planning Policy Guidance 2:Green Belts' clearly defines new Gypsy and Traveller sites / pitches as normally inappropriate development in the Green Belt. The importance of the Green Belt is also reinforced in the 'exception clauses' contained within ODPM Circular 1/2006 – 'Planning for Gypsy and Caravan Sites'. The primacy of PPG2 guidance was recently quoted by Ian Wright, Parliamentary Under Secretary of State for Communities – see above.*⁶

*EFDC has indicated that because much of the District is designated Green Belt, the Authority intends to seek an exceptional limited alteration to defined Green Belt boundaries under guidance contained within ODPM Circular 01/2006 (s51). Such a proposal would need to be brought forward through the plan-making process. The Consultation document also refers to recent Planning case law which suggests that the shortage of suitable land is a 'very special circumstance' which allows exception to the guidance contained within PPG2, and would support the provision of additional pitches in the Green Belt. This case law would appear to be based on the loss of existing housing rather than additional provision. The protection traditionally offered to Epping Forest and its environs by Green Belt Policy is significant.*⁷

This attempt at exceptional limited alteration should be robustly challenged.

Essex County Council's Landscape Character Assessment (LCA) provides guidance on the sensitivity of individual landscapes to accept further change. The County Council is currently seeking adoption of the relevant guidance within emerging Local Development Document's, which are in the process of replacing Local Plans. The Gypsy and Traveller sites close to Forest and

⁴ page 1 City Of London report to the Epping Forest Commons Committee 12th January 2009

⁵ <http://www.publications.parliament.uk/pa/cm200708/cmhansrd/cm081022/halltext/81022h0010.htm>

⁶ page 6, City of London Report to Epping Forest Commons Committee

⁷ *ibid*

*Buffer land broadly coincide with Epping Forest Ridges (D1) Landscape Character Areas (LCA). The Epping Forest and Ridges LCA indicates medium levels of sensitivity to small urban extension and incremental small scale developments.*⁸

It is also confirmed in the Theydon Bois Village Design Statement survey that;

96.1% strongly agreed and 3.1% agreed that *'It is very important that the village should retain a green area around it to keep it a separate entity.'*

94.5% strongly agreed and 4.7% agreed that *'The protection/retention of Epping Forest and 'buffer land' is important.'*

89% strongly agreed and 7.8% agreed that *'Despite current pressures on housing we should resist any compromise of our Metropolitan Green Belt'*

86.2% strongly agreed and 9.1% agreed that *'The Metropolitan Green Belt should be preserved at all costs.'*

The Consultation on Options document states *'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.*⁹

Both sites 20b and 20c are 'single fields' in the middle of the Green Belt, approving their development for Gypsy and Traveller pitches would be approving a 'small hole' and set an undesirable precedent. With the 104 hectares immediately adjacent to site 20b on the 'Call for Sites' list, approving this change of Green Belt legislation would set a very serious 'undesirable precedent' for other uses, 'such as housing, only appropriate outside the Green Belt.'

The two proposed sites are also not 'one or more fields beyond residential areas.' Site 20b is adjacent two houses one to the left one to the right. Site 20c is adjacent a residential care home and a house. The residential care home is next to site 20c and opposite site 20b. See plan photo.¹⁰

Many planning applications have been refused in the locality including **EPF/142/98** for retention of driveway gates, Coopersale Lane. The refusal reasons were: *'The retention of the gates would be inappropriate to the rural character of this part of the Green Belt; and would adversely affect the historic*

⁸ page 7, City of London Report to Epping Forest Commons Committee

⁹ Page 18 Consultation on Options

¹⁰ Page 61 Consultation on Options

setting of this group of listed buildings contrary to policy HC13 of the local plan.'

Also refused was **EPF/487/77** for storage of non-residential caravans at Blunts Farm, Coopersale Lane. The refusal reasons were *'the site lies within an area forming part of the Metropolitan Green Belt. The Written Statement accompanying the County Development Plan indicates that, in order to achieve the purpose of the Metropolitan Green Belt, it is essential to retain and protect the existing rural character of the area and that new building will only be permitted outside existing settlements in the most exceptional circumstances unless required for agricultural or allied purposes'*.

Also refused was **EPF/698/91 and EPF/697/91** for front wall and alterations to vehicular access and Front wall with fencing above and alterations to vehicular accesses, Coopersale Lane. Refusal reasons *'the proposed wall would constitute and intrusive feature within the Metropolitan Green Belt and consequently would be detrimental to the Council's objectives of retaining the open character of the Metropolitan Green Belt in accordance with national planing guidance, the approved Essex County Council Structure Plan and the adopted Epping and Ongar Local Plan.'*

Also refused was **EPF/2200/03** proposed temporary siting of mobile home on existing hard standing, Land opposite Spring House Lodge, Abridge Road. Refusal reasons include *'The site lies within the Metropolitan Green Belt, and the proposed development does not fall within any of the categories of appropriate development in the green belt as specified in policy GB2 of the adopted Local Plan. It is therefore inappropriate development in the green belt, which is by definition harmful, and the applicant has not demonstrated the very special circumstances required to outweigh the strong presumption against such inappropriate development in the green belt'*.

Reference is made in the Area Suitability Study to Green Belt status not being included in the 21 factors that were mapped with further reference to this informing policy designations regarding altering existing boundaries in the future. However since neither site 20b or 20c is adjacent to the built up part of Theydon Bois which is excluded from the Green Belt it will not be possible to "alter" the existing boundary and remove the sites from the Green Belt. This factor in itself, apart from related issues such as sequential approach and sustainability locations, suggests that the most suitable sites for Gypsies and Travellers are those at the edges of existing built up areas where the existing Green Belt boundary can be slightly modified to bring sites into the built up area and release them from their Green Belt designation.

These two sites are Green Belt and their development is therefore inappropriate. If it is necessary for EFDC to provide additional pitches they should be focusing on relevant appropriate pitches that are not contrary to Green Belt policy.

2 Protected Lane

*Coopersale Lane is a protected Lane.*¹¹

Policy HC4 of the Epping Forest District Local Plan 1998 advises that the Council will not grant planning permission for any development which would damage or be detrimental to the historic or landscape character of protected lanes. Paragraph 6.18 of the Local Plan refers to the main features of the protected lanes being banks, ditches, verges and hedgerows. Increase in traffic using Coopersale Lane is likely to damage these elements. Furthermore, in order to provide the required visibility splays it will be necessary to remove large areas of hedgerows and trees along the frontages of the subject sites themselves and on neighbouring land.

*Protected Lanes: It is an Essex County Council commitment to preserve the traditional character of historic lanes with landscape value.*¹²

Protected Lanes (PL) was a scheme that was set up a couple of decades back that identified country lanes that carried archaeological or biological importance. The PL's have since been handed over to the District Offices and their purpose would be to possibly influence any future planning requests. It is something that the District Office would take into account although they would not necessarily reject any planning request just on those grounds.

Quiet Lanes (QL) should not be confused with PL as QL deals more with the education and change of user behaviour to allow the local population to take ownership of their project, the idea being that it helps create a safer environment by identifying lanes that people use to link with Rights of Way or local amenities rather than relying just on the physical characteristics.

Adam Jenkins Public Rights of Way Officer Environment, Sustainability and Highways, Essex County Council has confirmed that Coopersale Lane is a Protected Lane, that is being listed as a potential Quiet Lane.

In the draft Consultation on Options: Development Plan Provision for Gypsies and Travellers in Epping Forest it confirms on page 80 that Sites Accessed by Quiet Lanes were excluded. However in the 'noted' document on page 80 it confirms that Sites Accessed by Protected Lanes were mapped.

*The Consultation on Options Development Plan Provision for Gypsies and Travellers In Epping Forest confirms that a caravan has maximum dimensions of 20m x 6.8m x 3.05m.*¹³

*Communities and Local Government Draft Guidance on the Design of Sites for Gypsies and Travellers, May 2007, states as **Essential**: pitches should be*

¹¹ Page 58. Consultation on Options: Development Plan Provision for Gypsies and Travellers in Epping Forest.

¹²

http://www.essexcc.gov.uk/vip8/ecc/ECCWebsite/content/binaries/documents/public_rights_of_way.pdf?channelOid=null

¹³ page 83

*designed to enable the easy manoeuvrability of trailers up to 20 metres onto them.*¹⁴

The Essex Trading Standards Operational Manager who has responsibility for the enforcement of abuses of weight restrictions on our weak bridges can not confirm how much a 20m long caravan plus its towing vehicle weighs. If such a vehicle weight in excess of 7.5 tonne it will not be permitted access over the weak bridge on the Abridge Road. It will also not be possible to negotiate a 20m long caravan through Abridge and over the 'pinch point' bridge there. It will therefore be impossible for such vehicles, that is deemed as essential as per the Communities and Local Government Draft Guidance on the Design of Sites for Gypsies and Travellers, to access either of the two sites 20b and 20c.

Essential: *the need for appropriate traffic calming measures must be considered for all sites. Clear and effective signage should be introduced where a speed restriction or other traffic calming measure is to apply.*¹⁵

*The need for separate vehicular / pedestrian access should be considered.*¹⁶

Essential: *All roads must allow easy access for emergency vehicles.*¹⁷

Essential *to enable this suitable roads must be provided, with no caravan or park home more than 50 metres from a road. Roads must have no overhead cable less than 4.5 metres above ground. Vehicular access and gateways must be at least 3.1 metres wide and have a minimum clearance of 3.7 metres.*¹⁸

Essential *roads must not be less than 3.7 metres wide, of if they form part of a one way traffic system, 3 metres wide.*¹⁹

*To increase potential access point for emergency vehicles, more that one access route into the site is recommended. Where possible, site roads should be designed to allow two lorries to pass each other (minimum 5.5m) specific guidance should be sought from the local fire authority for each site.*²⁰

In order that it is possible to enable the easy manoeuvrability of trailers up to 20 metres onto sites 20b and 20c, new access would have to be made and or enlarged that would necessitate the removal of trees and ancient hedgerows.

Is it appropriate to increase potential access points for emergency vehicles on a protected lane? Does the protected lane provide easy access for emergency vehicles and should the access route be increased? Can EFDC

¹⁴ 4.4.2

¹⁵ 4.5.2

¹⁶ 4.5.3

¹⁷ 4.6.1

¹⁸ 4.6.2

¹⁹ 4.6.3

²⁰ 4.6.5

confirm that the protected lane is not less than 3.7m wide? The average width of the road is 4.6m wide, not wide enough for two lorries to pass.

Planning application **EPF/0493/06**, Blunts Farm, Coopersale Lane, Theydon Bois, Epping, Essex CM16 7NT was refused by EFDC and an appeal dismissed by the Planning Inspectorate.

EFDC by reason of:

1) *The proposals constitute inappropriate development in the Green Belt which detract from the open character of this area of countryside located within the Metropolitan Green Belt and, as such, the proposals are contrary to policy GB2 of the adopted Local Plan and policy C2 of the adopted Structure Plan.*

2) *The proposals would generate excessive traffic movements in Coopersale Lane and would be detrimental to the historic and landscape character of this protected lane contrary to policy HC4 of the adopted Local Plan.*

3) *There is insufficient land within the application site to provide an adequate means of access or adequate sightlines at the junction of the access with Coopersale Lane. The proposals are therefore contrary to policy T17 of the adopted Local Plan.*

4) *The use of Coopersale Lane as an access to the site will require that heavy goods vehicles will have to cross the bridge on which there is a weight restriction; as such the proposals are contrary to policy T17 of the adopted Local Plan.*

5) *The application is not supported by a Stage I Road Safety Audit or Risk Assessment. The proposals which involve the use of the direct access routes onto the M11 Motorway would be likely to be detrimental to highway safety owing to the absence of acceleration and deceleration lanes. The proposals are therefore contrary to policy T17 of the adopted Local Plan.*

6) *The use of this site would detract from the amenities of the neighbouring residential properties and would give rise to unacceptable visual impact and disturbance contrary to policies DBE9 and RP5 of the adopted Local Plan.*

In the Planning Inspector's report reference APP/J1535/A/06/2024334/NWF PR Burden comments:

12. *Even if many of the vehicle trips to and from the depot are via the motorway, the smaller vehicles associated with the development are likely to also use Coopersale Lane. Notwithstanding the appellant's contention to the contrary, I am satisfied that most of this lane is protected under the local plan HC4 so as to preserve its historic value and contribution to the character of the countryside. I consider that any increase in traffic using it as a result of this development would tend to increase the frequency of the damage to the*

*lane already evident through the scuffing of verges and hedgebanks and suchlike. In view of the lane's status I view this as undesirable.'*²¹

Application **EPF/0831/06**, Blunts Farm Coopersale Lane Theydon Bois Epping Essex CM16 7NT was refused by EFDC by reason of:

*The use generates vehicle movements which harm the rural character of Coopersale Lane. This is a protected land identified in the adopted Local Plan and the development is contrary to policy HC4 of the plan.*²²

Planning application **EPF/0832/06**, Blunts Farm Coopersale Lane Theydon Bois Epping Essex CM16 7NT was refused by EFDC. The reasons for refusal were:

*The use is inappropriate in the Metropolitan Green Belt as it entails open storage and a significant amount of vehicle parking which detracts from the open character of the countryside and is therefore contrary to policies GB2 and GB8 of the adopted Local Plan. The use generates vehicle movements which harm the rural character of Coopersale Lane. This is a protected lane identified in the adopted Local Plan and the development is contrary to policy HC4 of the plan.*²³

Application **EPF/940/96** for Proposed riding school – incorporating stable block with 14 stables, alteration to existing access, dressage and training area, car parking area and cross country course. Land adjacent Blunts Farm Coopersale Lane.²⁴ This application is a revision of an earlier application. It is minuted on 17th February 1997 that *'The item was deferred from Plans Subcommittee on 9th December 1996. **Members were concerned about the provision of an access off Coopersale Lane. The applicants have considered this and submitted revised plans showing access from Abridge Road. The layout of the stable complex has consequently been altered and the car parking area set away from Coopersale Lane. The highway engineers raise no objection to the scheme subject to conditions. They do not require a right hand turn lane as with the previous proposal for the playing fields. This is because they consider that the concentration of traffic will be less that any one time.'***

²¹ APP/J1535/A/06/2024334/NWF

²²

<http://plan1.eppingforestdc.gov.uk/Northgate/PlanningExplorer/Generic/StdDetails.aspx?PT=Planning%20Application%20Refusal&TYPE=PL/RefusalsPK.xml&PARAM0=411497&PARAM1=No&XSLT=/Northgate/PlanningExplorer/SiteFiles/Skins/DCSkin/xslt/PL/PLRefusals.xslt&DAURI=PLANNING&XMLSIDE=>

²³

<http://plan1.eppingforestdc.gov.uk/Northgate/PlanningExplorer/Generic/StdDetails.aspx?PT=Planning%20Application%20Refusal&TYPE=PL/RefusalsPK.xml&PARAM0=411498&PARAM1=No&XSLT=/Northgate/PlanningExplorer/SiteFiles/Skins/DCSkin/xslt/PL/PLRefusals.xslt&DAURI=PLANNING&XMLSIDE=>

²⁴ page 34

[http://rds.eppingforestdc.gov.uk/Data/Plans%20Sub%20B/19970217/Agenda/Agenda.PDF?ku=22272926\\$tw](http://rds.eppingforestdc.gov.uk/Data/Plans%20Sub%20B/19970217/Agenda/Agenda.PDF?ku=22272926$tw)

Relevant planning history of that site includes **EPF/1020/93** change of agricultural land to recreational playing fields, erection of football changing rooms, tennis changing rooms, 2 tennis courts and for football pitches was refused.

Also refused was **EPF/309/93** change of use of agricultural land to playing fields and erection of changing rooms.

*Pitches may vary from being large enough for one 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.*²⁵

Therefore 21 pitches would equate to 42 large mobile homes, if we estimate several being 3 that would be a total of 70 tourers and many working vehicles, all using the protected lane.

This could equate to the volume of traffic under application EPF/0493/06 and should be inappropriate for the same reasons.

3 Dark Sky Policy

Theydon Bois has a 'Dark Sky Policy.' Although gas reached the village in 1872 and electricity in 1928 the streets of Theydon Bois have never been lit. In 1963 the BBC sent a camera crew to Forest Drive to interview shoppers about the Great Street-Lighting Debate. This was not the first time that this issue had been raised; a similar attempt had been made before the war. Villagers voted in a referendum by a large majority for '*starlight and torches*' in 1963 and again in 1976, calls for another referendum in 1984 were dismissed when Essex County Council confirmed that it was not prepared to contribute to the costs. In a survey conducted for the Theydon Bois Village Design Statement 70.5% strongly agree / agree that that the village should not have street lighting and 78.5% strongly agree / agree that the 'dark sky policy' contributed to the tranquillity of the village.

Communities and Local Government Draft Guidance on the Design of Sites for Gypsies and Travellers states as: '**Essential:** *The location of the site must provide a safe environment for the residents.*'²⁶

*Essential Sufficient lighting must be provided on the site to enable safe access and movement through the site at night for both pedestrians and vehicles.*²⁷

The street lighting arrangements should be planned to minimise the risk of damage through vandalism and avoid problems of light pollution to the homes

²⁵ PAGE 7 Consultation Doc.

²⁶ 3.1.4

²⁷ 5.8.1

on the site through light shining directly into caravans, amenity buildings or park homes.²⁸

*It is recommended that the inclusion of recreation areas for children of all ages is considered where suitable provision is not available **within walking distance on a safe route or using easily accessible public transport.***²⁹

Would either of these locations provide a safe environment for the residents? How can lighting be provided on either sites when we reside in a 'dark sky policy' area? How can the children safely walk to school or the shops without lighting or pavements or using easily accessible public transport?

A planning application for lighting at Theydon Bois Lawn Tennis Club was the subject of an appeal against refusal of planning application EPF/0769/04.

The Planning Inspectorate appeal decision for APP/J1535/05/1172217 states the following.

*13. My attention has been particularly drawn to the fact that there is no street lighting in Theydon Bois. I acknowledge that there is likely to be some light spillage at night from residential and commercial properties in the area, including the station car park, and in some locations light from the M25 and M11 motorways might be visible. **However, this is a relatively small settlement in a rural setting in Epping Forest and in my view the general absence of public lighting makes a significant contribution to the character of the area. I consider that the level of artificial illumination proposed in the exposed location would harm this local character. In my view there would be a much greater contrast against the general darkness of the surroundings here that would be apparent in other areas.***

*14. I conclude therefore that the lighting would be intrusive and cause excessive light pollution. This would not be consistent with the adjoining residential area or the openness of the countryside forming part of the Green Belt. Accordingly it would be harmful to the character and appearance of the area and conflict with policies of the adopted development plan, particularly policies RB5, DBE9, HC5, RST1 and RST22.*³⁰

The absence of lighting in this part of East Theydon Bois, there is very little illumination from either residential or commercial properties, contributes to the character. Any light from up to 42 caravans on the two potential sites in the exposed locations of Coopersale Lane and Abridge Road would be very apparent in the general darkness of the area. Also walking from the village school, shops and tube station during darkness in the winter months would be dangerous without lighting and with the absence of a footpath.

²⁸ 5.8.2

²⁹ 5.10.1

³⁰ <http://planpub.eppingforestdc.gov.uk/AnitePublicDocs/00018041.pdf>

Any 'advantage' of being within walking distance of these three key amenities would be lost as it is not possible to safely travel to them on foot.

4 Environmental Weight Restrictions.

Access to both sites in Coopersale Lane would be via Abridge Road west, Abridge Road East, Coopersale Lane or Epping Lane. *There is an environmental weight restriction of 7.5 Tonne on Coppice Row, Abridge Road, Coopersale Lane, Epping Lane and Loughton Lane.*³¹

Please be advised that Essex County Council Trading Standards Officers are currently enforcing Heavy Goods Vehicles (HGV's) weight restrictions across Essex, in addition to existing enforcement by Essex Police. Although 'in general vehicles over the posted limit (weight) may enter a restriction if they are requiring access to either collect or deliver goods or undertake maintenance in, or on land adjacent to the stretch of road covered by the restriction'.³²

How much does a static caravan up to 20 metres in length weigh?

5 Weak Bridge weight restrictions

*The railway viaduct on the Abridge Road (west) has a weak bridge weight restriction of 7.5 Tonne. There is no right of access through a weight restriction that protects a weak structure.*³³

The access via Abridge Road (east) is via the bridge at Abridge. *'The village of Abridge lies on the historically important coaching route between London and Chipping Ongar and has been an important crossing point of the River Roding for many centuries.'*³⁴ The character and appearance of Abridge has been described as *'that most picturesque little old town, of red brick gabled houses, with red tiled roofs standing all huddled together in a circle, as if there were once walls around it. A strangely quiet town.'*³⁵ The village centre which dates back to the 12th century, is a Conservation Area, as defined by EFDC as *'those parts of towns, villages or parishes which have special architectural or historic interest... A Conservation Area is designated to enable planning policies to be directed towards preserving or enhancing the character or appearance of the Area. The emphasis is on the quality and interest of the Area as a whole, rather than of individual buildings in the Area.'*³⁶ The village has a Market Place, a Grade II listed early 19th century Blue Boar Inn, a

³¹

http://www.essexcc.gov.uk/vip8/ecc/ECCWebsite/content/binaries/documents/Truck_watch/truckwatch/Epping_Weight_Restrictions_2007.xls

³² trading standards website

³³

<http://www.essexcc.gov.uk/vip8/ecc/ECCWebsite/dis/faq.jsp?channelOid=16786&guideOid=112285&oid=120439>

³⁴ EFDC publication Conservation Areas in Epping Forest District.

³⁵ From Abridge Conservation area an Epping Forest District Heritage and Environment publication, 1997.

³⁶ EFDC publication Conservation Areas in Epping Forest District

Grade II listed medieval Roding Restaurant, a Grade II listed 'Coach House' which dates back to the 14th century, the 18th and the 18th century timber framed Malsters' Arms. *The 'Coach House' is of exceptional interest because it is a rare survivor of a type of house, formerly common, in which the walls of the hall were no higher than the lower story of the crosswing (most were raised when a floor or chimney was inserted in the 16th century.)*³⁷ In order to access Coopersale Lane via the B172 these 20 metre long static caravans would have to turn sharply at a pinch point, to cross over a Grade II listed red brick bridge, with limestone keystones that dates back to the late 18th early 19th century, this could easily be impossible.

EFDC confirm that the maximum dimensions of a caravan is 20m x 6.8m x 3.05m.³⁸ Can they confirm that it would be possible to enable the easy manoeuvrability of trailers up to 20 metres onto sites 20b and 20c?³⁹

It is not possible for a 20 metre long static caravan to gain access to either of the sites in Coopersale Lane without gaining access either via the weak bridge or the narrow listed bridge over the Roding in Abridge.

6 Proximity to the motorway

In the draft Consultation on Options: Development Plan Provision for Gypsies and Travellers in Epping Forest on page 80 it was confirmed that sites located nearer than 300 metres from a motorway were 'EXCLUDED'. But in the final report 'excluded' was changed to 'mapped'. Both sites 20b and 20c are within 160 and 170 meters of the motorway. The reasons behind excluding sites that are deemed too close to the motorway for health and safety issues still apply. Any expansion or intensification of use of Stansted Airport is likely to increase usage of the M11 with associated increase in noise and air pollution.

These two sites should not now be 'mapped' because they have been badly chosen and pose a health risk by being too close to the motorway.

7 Health and safety with regard to pollution

Environmental Health Services should conduct a detailed survey to ensure that pollution levels are not at an undesirable level at either of these two sites and above those laid down in PPS23.

8 Health and safety with regard to noise

Communities and Local Government Draft Guidance on the Design of Sites for Gypsies and Travellers states: *'When considering sites adjacent to main roads, flyovers and railway lines, careful regard must be given to: The health and safety of children and others who live on the site; and*

³⁷ EFDC publication Conservation Areas in Epping Forest District

³⁸ page 83 of the Consultation on Options.

³⁹ 4.4.2

*The greater noise transference through the walls of caravans than through the walls of conventional housing, and the need for design measures (for instance noise barriers) to abate the impact on quality of life and health.'*⁴⁰

*'It should also provide visual and acoustic privacy, and have characteristics which are sympathetic to the local environment. When selecting locations for permanent sites, consideration needs to be given for the relatively high density of children and low income households likely to be on the site.'*⁴¹

*'The site must be sustainable, offering scope to manage an integrated co-existence with the local community. This will include consideration of noise and possible disturbance to Gypsy and Travellers living on the site, and possible noise and disturbance to the wider community, in particular from movement of Gypsy and Traveller vehicles.'*⁴²

*The acceptable noise levels are the same as for bricks and mortar as per caravans although caravans are less good at insulating. Noise standards are set down in PPS23 planning and pollution control.*⁴³ PPS23 states that Noise Exposure Categories (NEC's) range from A-D to help local planning authorities in their consideration of applications for residential development near transport related noise sources. Category A represents the circumstance where noise is unlikely to be a determining factor while category D relates to the situation in which development should usually be refused. B and C deal with situations where noise can be mitigated.

Road Traffic noise for a category D from 7am - 11pm is >72 for a new dwelling and from 11pm - 7am >66

Noise levels (LAeq,T) used when deciding the NEC of a site should be representative of typical conditions. Levels of noise from road traffic are often specified at one metre from a facade and these facade levels should be assumed to be Db(A) intervals each 3dB (A) increment represents a doubling of noise energy. Have EFDC tested the noise levels at either of the two sites?

If the noise level is in Band D permission should normally be refused. If the noise level is a B or a C how can the noise be mitigated? Both of the sites are in the Metropolitan Green Belt. Any 'screening' would affect openness and would be inappropriate.

Evidence has been obtained that clearly shows that the noise levels in both sites 20b and 20c are 66-73 during the day and 64-67 at night. These levels are commensurate with a high band C possibly a band D. Any location of caravans this close to the motorway would be inappropriate.

In a recent newspaper article headed 'Council wants £500,000 to erect sound barrier to spare travellers' delicate feelings it was confirmed that 'Tory-run

⁴⁰ 3.4.3

⁴¹ 3.1.5

⁴² 3.2.2

⁴³ 25th November email from A Lainton.

South Cambridgeshire District Council insists the travellers should not have to wait that long in such an 'uncomfortable place to live'. The council has already secured a £15,000 grant to improve the entrance to the camp but is applying to the Government for more money to build the barrier. Nick Wright, the councillor responsible for Planning, said: 'It's such a noisy place to live. When you go down there it's almost a job just to have a conversation. 'Obviously their homes don't have any double glazing or sound proofing' ⁴⁴

Environmental Health should conduct a detailed survey of noise levels in both of these two sites to ensure that the noise levels do not go above those laid down in PPS23.

9 Health and safety with regard to contaminated land and/or landfill sites

This area of East Theydon Bois has a chequered past when it comes to planning and development. For 2 ½ years residents that live along the Abridge Road and Coopersale Lane had at least 250 HGV's per day making return trips to the Blunts Farm, which is adjacent to 20c, delivering spoil to the Parsonage Golf development. The chairman of the Environment Agency Sir John Harman called the developer 'unscrupulous' and was quoted on 24th June 2006 as saying *"It's an example of an unscrupulous operator looking to run a landfill site while avoiding the appropriate planning and environmental controls by claiming the so-called golf-course' exemption. By flouting the conditions of the exemption for landscaping, this unscrupulous operator has been able to bring tens of thousands of tons of waste onto the site and may have made up to £20m by doing so. I wouldn't want to see the operator get away with this abuse without suffering substantial financial loss."* ⁴⁵

To confirm Sir John Harman called the area 'a landfill site' in the Guardian in June 2006. TBAG have photographic evidence of tarmac, plastic, metal, tyres, rubble, concrete, sand sewerage sludge, brick, plastic chemical drums, dumped on site. EFDC have said that it cannot guarantee that the land is not contaminated.

On 20th January 2006 it was confirmed that an 'Environment Agency spokesman Daniel Taylor confirmed it had suspended the waste management licence exemption for Blunts Farm last Wednesday, after unannounced inspections unearthed evidence which substantiated residents' claims that general waste had been brought onto the site. He added: "We will be meeting the site operators to remind them of the requirements of the exemption that they were issued with and to discuss a mutually satisfactory future work plan. Until then, the exemption will remain suspended." ⁴⁶

The waste exemption has remained suspended and Enforcement Notices issued by EFDC are allegedly being enforced.

⁴⁴ <http://www.dailymail.co.uk/news/article-1117582/Council-wants-500-000-erect-sound-barrier-spare-travellers-delicate-feelings.html>

⁴⁵ http://www.guardian-series.co.uk/news/804019.landfill_cheats_must_be_punished/

⁴⁶ http://www.guardian-series.co.uk/search/677288.Dumping_is_stopped/

EFDC cannot guarantee that Blunts Farm is not contaminated.⁴⁷

On page 80 of the draft Consultation on Options: Gypsies and Travellers Development Plan Consultation on Options it confirms that Landfill Sites – (buffer of 150m) and Contaminated Land were excluded. On page 80 of the 'noted' GTDPCO it confirms that Landfill Sites – (buffer 250m) and Contaminated Land were mapped.

The Chairman of the Environment Agency has confirmed that Blunts Farm/ Parsonage Golf is a landfill site, the land is potentially contaminated. Site 20b adjoins the landfill site and site 20c is not more than 250m away.

Is it appropriate that Gypsies and Travellers live in such close proximity to 250m away from a site that Sir John Harman says is a landfill site?

Communities and Local Government Draft Guidance on the Design of Sites for Gypsies and Travellers states: '*Sites situated near refuse sites, industrial processes or other hazards, will obviously have a detrimental effect on the general health and well-being of the residents and pose particular safety risks for young children*'.⁴⁸

'Essential: sites must not be located on contaminated land.'⁴⁹

*And 'Brown filed sites may be suitable; however the same considerations should apply when appraising such sites as for conventional residential housing. For instance, **sites adjacent to a rubbish tip, or landfill sites, close to electricity pylons or any heavy industry are unlikely to be suitable.***⁵⁰

Is Blunts Farm contaminated? Is it a landfill site? Then it seems that site 20c is likely to be unsuitable.

In the draft Consultation on Options sites that were 250m away from landfill sites were EXCLUDED, but are now mapped. Why is it now acceptable that a site that was excluded for health and safety grounds is now 'mapped' because of a poor consultation process?

10 Proximity to a listed building

Parsonage Farm is a listed building it is located 225 metres from site 20b. Page 80 in the Draft Consultation document states that sites in the setting of a listed building (buffer 150m) were excluded and page 80 in the 'noted' consultation document states that sites in the setting of a listed building (buffer 150) were noted.

⁴⁷ email from Andrew Lainton 20 November 2008

⁴⁸ 3.1.2

⁴⁹ 3.4.1

⁵⁰ 3.4.2

11 Proximity to a registered care home

The use of the sites (either individually or combined) would inevitably give rise to substantial noise disturbance through activity on the site and vehicular movements. Whilst this would be harmful to any neighbouring residents it would particularly harmful to the overall health of the occupants of Marcris House, formerly Spring House, particularly those suffering from dementia where tranquillity, peace and quiet are particularly important.

Any development of similar scale by the settled community or otherwise, on either of these two sites would be damaging to the residents of the care home.

Communities and Local Government Draft Guidance on the Design of Sites for Gypsies and Travellers states '*The Draft Model Standards for Park Homes, and in particular the standards to apply to sites accommodating dwellings made from combustible materials.*'⁵¹

Essential: *there must be a clear gap of 3 metres within the inside of all sites boundaries as a fire prevention measure, unless a risk assessment has determined that alternative arrangements can achieve an adequate level of safety.*⁵²

Have EFDC obtained a risk assessment? Has the risk been increased with the location of 21 Gypsy and Traveller pitches to a registered care home? Has a risk assessment taken into account the increased vulnerability of the occupants of this registered care home? Has the risk of locating dwellings made from combustible materials in close proximity to an increased number of vulnerable people?

12 Lack of mains gas and sewerage supply

Neither of the two sites 20b and 20c have mains gas or sewerage.

Communities and Local Government Draft Guidance on the Design of Sites for Gypsies and Travellers states as **Essential:** *water pressure should be sufficient to enable use of fire hydrants.*⁵³

Essential: *sites must provide access to water, electricity, drainage and sanitation.*⁵⁴

*It is recommended that mains gas supply is considered for amenity buildings on pitches and, if supplied, must be compliant with current gas installation regulations.*⁵⁵

⁵¹ 1.4.2

⁵² 4.3.4

⁵³ 5.2.2

⁵⁴ 3.3.1

⁵⁵ 5.4.3

Essential: *where it is not economic to connect to a public sewer, provision must be made for discharge to a properly constructed sealed septic tank.*⁵⁶

*It is recommended that main sewerage disposal is included for each pitch, where it is economic to do so.*⁵⁷

Is the water pressure sufficient to enable use of fire hydrants? Is it economic to provide mains gas supply and mains sewerage system?

13 Inappropriate location with regard to exposure to the elements

Site 20b and 20c are located on a hill to the East of Theydon Bois. The hill is clearly marked on the ordinance Survey map; the top of the hill includes sites 20b and 20c. The ridge way that runs through this area offers a clear view for miles around. Not only will both sites be clearly visible on the Green Belt and harm its openness, they will be clearly visible to the settled community the majority of which resides at the low point in the village, and clearly visible from footpaths that run in the locality. This high point is effected by the vagaries of the weather and does not offer an appropriate location for caravans and 'light' structures. The wind has cause damage to this part of Theydon Bois as evidenced by the number of fallen trees on the edge of both sites. The location of Gypsy and Traveller sites in these locations, at the high point in the village also would offer a reduced opportunity should it become necessary to locate a wind farm in the locality.

The Consultation on Options: Development Plan Provision for Gypsies and Travellers in Epping Forest states that *'Possible 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 seen from a considerable side of the Roding Valley.'*⁵⁸

Both sites 20b and 20c are high and can be exposed to stormy weather.

Did EFDC 'map' the height of the proposed sites?

The government has a target, which it must meet in reducing carbon emissions by 20% by 2020. At present they are ignoring this commitment but, after the Olympics, the pressure will be on to achieve it. This will mean that wind power will become very important and whilst high profile offshore sites might help meet the targets for the cities it is likely that towns and villages will be told to find their own sites for wind generators. Theydon Bois is a large village; it will need in the order of 2 megawatts of generating capacity if, as is likely, petrol driven cars are phased out in favour of electric cars. This might seem to be an unlikely scenario now but those who have worked and lived in other countries recently are accustomed to seeing both wind generators near built up areas and small electric cars. Smart will launch an electric vehicle with

⁵⁶ 5.7.1

⁵⁷ 5.7.2

⁵⁸ Page 58 Consultation on Options

a good range at the end of next year and Renault will follow it with a vehicle with an even better range in 2011. Most of the UK is a prime area for wind power and Theydon Bois would not be excluded on the grounds of not enough wind (see the Danish Wind Industry Association website if you want to see a map of good areas for wind in Europe).

There are five locations in the Parish where a large wind turbine could be located, a low grade site behind the burial site beside the motorway, a reasonable site in the field south of Hill Road, the hill at Gregory's but unfortunately it is Corporation of London land so the City would probably claim it as part of their allocation, two prime locations on the top of the hill, near Blunts Farm and south of Marcris.

The Council has chosen the two prime sites in the village as potential locations for Gypsies. In order to find sites for 2 megawatts whilst not using generators larger than 600 kilowatts (currently the largest recommended for use near habitations) we would need to occupy both of the prime sites plus the field behind Hill Road.

Does the Council realise that the location of Gypsy and Travellers on these locations would limit the availability of sites suitable for renewable energy in the future?

14 Inappropriate location with regard to drainage and flood risk

Consultation on Options: Development Plan Provision for Gypsies and Travellers in Epping Forest states, '*so for example given the sensitivity of caravans to flooding areas at risk were ruled out entirely.*'⁵⁹

Marcris House the Nursing Care Home adjacent to site 20b was formerly called Spring House; the house at the other side of the site is called Spring House Lodge and the two houses next to those Spring House Cottages. These four houses that are located to two sides of site 20b are called 'spring' because of the natural springs that exist in the land there. Residents can testify that their land is often water logged.

Communities and Local Government Draft Guidance on the Design of Sites for Gypsies and Travellers states '*Office of the Deputy Prime Minister Circular 01/2006 Planning for Gypsy and Traveller Caravan Sites provides advice on site location and selection. It identifies factors, which are important for the sustainability of a site, for instance:*

*Ground conditions and levels of land
Not locating sites in areas of high flooding risk*'⁶⁰

Please note that on the morning of 19th January 2009 the emergency services were called out to deal with flooding under the motorway bridge on the

⁵⁹ page 80 Consultation on Options
⁶⁰ 3.1.3

Abridge Road. After heavy rain the previous evening, water was pouring from the land as such a rate the Fire Brigade had to be called out, the road was closed until they cleared the area. This situation often occurs and can be very treacherous when the excess water on the road freezes.

Has Environmental Health examined the land and provided a full report as to the risk of flooding on site 20b?

15 Planning precedents set with regard to the locations of portacabins and caravans in the locality

On 10th October 2008 an Enforcement Notice became effective on Land at the Old Foresters Site, Abridge Road, Theydon Bois, CM16 7NN. The notice states that *'Without planning permission: the stationing of a portable building approximately 21m x 9 m in size and a caravan on the land. The stationing of the caravan in the Green Belt is contrary to the aims of local Planning policy. They are therefore contrary to Policy DBE4 of the Epping Forest District Local Plan adopted in January 1998 and Policies CP2, GB2A and GB7A of the Epping Forest District Local Plan Alterations adopted in July 2006, The Council do not consider that planning permission should be given, because planning conditions could not overcome these objections to the development.'*

An application for the temporary siting of a mobile home on existing hard standing, **EPF/2200/03** on land opposite Spring House Lodge and Cottages, Abridge Road, Theydon Bois was refused. Reasons were

- 1) *The site lies within Metropolitan Green Belt and the proposed development does not fall within any of the categories of appropriate development in the green belt as specified in policy GB2 of the adopted Local Plan. It is therefore inappropriate development in the green belt, which is by definition harmful, and the applicant has not demonstrated the very special circumstances required to outweigh the strong presumption against such inappropriate development in the green belt.*
- 2) *As a result of its inappropriate appearance and siting, it is considered that the proposal will be harmful to the character and appearance of the surrounding countryside, and the openness of the green belt. Therefore it would not respect its landscape setting or the character of development in the locality, contrary to policy DBE4 of the adopted Local Plan.*
- 3) *There is insufficient land, within the application site, to provide an adequate means of access or adequate sight lines at the junction of the proposed access with the classified road. As such the application is contrary to policy T17 of the adopted local plan.*

Planning application **EPF/0493/06** for a Proposed Traffic Management Depot, which included the location of portakabins, at Blunts Farm Coopersale Lane Theydon Bois Epping Essex CM16 7NT was refused:

- 1) *The proposals constitute inappropriate development in the green belt which detract from the open character of this area of countryside located within the*

Metropolitan Green Belt and, as such, the proposals are contrary to policy GB2 of the adopted Local Plan and policy C2 of the adopted Structure Plan.

2) The proposals would generate excessive traffic movements in Coopersale Lane and would be detrimental to the historic and landscape character of this protected lane contrary to policy HC4 of the adopted Local Plan.

3) There is insufficient land within the application site to provide an adequate means of access or adequate sightlines at the junction of the access with Coopersale Lane. The proposals are therefore contrary to policy T17 of the adopted Local Plan.

4) The use of Coopersale Lane as an access to the site will require that heavy good vehicles will have to cross the bridge on which there is a weight restriction; as such the proposals are contrary to policy T17 of the adopted Local Plan.

5) The application is not supported by a Stage 1 Road Safety Audit or Risk Assessment. The proposals, which involve the use of the direct, access routes to highway safety owing to the absence of acceleration and deceleration lanes. The proposals are therefore contrary to policy T17 of the adopted Local Plan.

6) The use of this site would detract from the amenities of the neighbouring residential properties and would give rise to unacceptable visual impact and disturbance contrary to policies DBE9 and RP5 of the adopted Local Plan.

A clear precedent has been set, that the location of caravans and portakabins in the locality is inappropriate.

A precedent has also been set with application **EPF/940/96** that 'horses which are kept on site shall only be ridden on the site and not on the surrounding highway.' We can therefore assume that the same restrictions would apply to any potential horses kept on sites 20b or 20c.

16 Inappropriate location with regard to the safety of children

We have mentioned in other sections that the location of sites 20b and 20c are unsafe with regard to their proximity to the motorway and a fast-unlit road without footpaths. Essex Police requested that an advisory 30mph speed limit be implemented on this dangerous road.

There is also danger to children in the form of the cavernous water-filled pits at the neighbouring site Blunts Farm. The developers should be complying with the Enforcement Notice issued by EFDC and filling the voids with material on site, however no progress has been made since the dumping was halted in January 2006. The Health and Safety Executive have visited the site, and we can assume that they agree the site is dangerous as they requested that bunds be formed around the pits, that the public footpath be fenced and relocated away from the voids. However the fencing is low and flimsy and would not deter anyone from visiting the pits. The Health and Safety Executive also requested in September 2007 that the developers pump water from the voids in order to make them more safe, but this has not been done.

The safety of the pits has been reported in the local press many times over the last three years. The Ongar and North Weald Gazette reported on 18th April 2007, *'Dicing with their lives, YouTube footage reveals teenagers risking all in danger pits.'* The article included still photographs taken from You Tube footage of boys swimming and driving their BMX bikes into the water. Reports also include *'It's a hole lot of trouble'* and *'Pits posing a deadly risk to children.'*

Locating a concentration of children at a site adjacent to, 20b and over the road from, 20c, this 'moonscape' of an environment is dangerous and irresponsible.

17 Public Transport

Theydon Bois is well served by a Transport for London railway station on the Central line. The penultimate station trains run eastbound to Epping and westbound into central London. This regular service is an essential link for local commuters and has become more so since the closure of the link to Ongar and North Weald in 1994 .The bus service servicing Theydon Bois is not so regular. The Arriva bus 541 currently runs hourly to Loughton Station via Abridge and Debden Broadway and in the opposite direction to Harlow Bus station via Ivy Chimneys, Epping Station, Epping High Road, St Margaret's Hospital, and Thornwood Common. There is bus shelter servicing the route to Harlow close to the pedestrian crossing in the village, and another shelter servicing the route to Loughton close to the Railway Bridge. There is a bus stop on the route to Epping close to site 20c there is no corresponding bus stop on the route to Loughton; this is possibly because there is no footpath on this side of the road. The Consultation on Options states 'access to public transport – weighted according to frequency of service and capacity of service, each were given equal weighting' with primary care, access to primary schools and access to designated shopping areas.⁶¹ The frequency and capacity of the hourly bus service is very limited, the frequency and capacity of the tube train service should be discounted, as it is not a service that the Gypsy and Traveller community will use extensively. How can 'Stapleford Abbots' scored poorly, and its one bus service is now threatened with withdrawal,' if Theydon Bois, with its one bus service 'score well'?

18 Primary Health Care

The local surgery in Theydon Bois is open four days per week during the morning only.

19 Primary School provision

Essex County Council Traveller Education department has produced the following information.

It is difficult to generalise about the particular needs of Traveller parents. As in all communities, there are a number of distinct cultural groups

⁶¹ page 81 Consultation on Options

and there are also wide variations between individuals within the same group. However it may be useful to be aware of some of the following general issues when working with families.

The history of Travelling communities has been characterised by nomadism, self-employment, oral transmission of culture from generation to generation and strong family ties. Roma Gypsies and Irish Travellers are ethnic groups with distinctive lifestyles, customs and values, recognised by the Race Relations Act 1976 and the Race Relations Amendment Act 2001. Their relationship with settled societies all over the world shows a similar pattern of discrimination, exclusion, poor access to education and other public services and a continuous pressure from others to 'settle'. Although nomadism and self employment may appear to be a matter of choice, most Travellers were born into their culture and way of life.

Negative images of Gypsies and Travellers reinforced by generally negative press reporting and restrictive legislation from governments, all combine to isolate Travellers from settled society. Extended family networks for support in bringing up children and earning a living are therefore very important. Children have traditionally taken on adult roles far earlier than usual in settled society, the eldest girl becoming a carer of younger siblings and the eldest boy working with the men. Parents are extremely safety conscious and worry about their children when they are outside the Traveller community, even more so when they are outside the locality, on a school trip for example.

Strong family and community support can be very reassuring, but can also at times have a restricting effect. If parents are reluctant to attend meetings or take part in other activities it may be helpful to consider extra outreach work, or ways of making social situations more comfortable, such as suggesting joint visits with other family members or friends. Many Gypsies and Travellers have an active Christian faith, belonging either to the Roman Catholic Church or the Evangelical Gypsy Church.

Travellers and Gypsies have a very strong group identity. Initial time spent chatting and getting to know peoples views and allowing them to form their own opinions of you, can be important. Identify yourself before expecting people to identify themselves. Make the purpose of your visit clear, and don't be offended if you are not invited into the trailer. This would be more intimate than being invited into a house.

It is important to create or open up the possibility of a second visit. Many families prefer to limit the extent to which they become involved with outside agencies to those which are strictly necessary. A refusal to become involved will often not be stated directly but politely disguised in a phrase such as "We're moving on soon ". This could be literally true, or could be an indirect way of avoiding a difficult situation. " We're moving to Scotland" that is as far away as possible, would indicate very strong feelings of unease. An aggressive or demanding attitude is likely to stem from feelings of anxiety or distress combined with repeated experiences of hostility and/or rejection in

wider society. However large numbers of parents are pleased at the efforts made to reach out to their community.

It is helpful to ask Travellers if they would like you to go through forms with them or act as a scribe. If parents are not literate there will be a limit to the amount of detailed information that can be absorbed in one meeting. Written information which is intended to be kept and used for reference, or to be read and discussed later in private, may be of limited use. More visits may be required instead, to allow parents time to think about the issues involved.

Time may be measured differently. For example, a Traveller mother, when asked if she had attended school as a child, might reply that she had, but on closer questioning it might emerge that she had actually only attended one school for a few days. The importance of keeping to exact appointment times may sometimes not be fully appreciated because of lack of understanding of the context in which professionals work. Some parents may be genuinely vague about exact days of the week, months of the year and dates of birth.

Professional language and terminology needs to be explained or avoided. This may apply not only to the vocabulary used, but also to lack of knowledge of the practical context which give the words meaning. For instance the significance of phrases like 'learning words and letter sounds' will need to be explained with much more care to someone who is not literate. It is unlikely that someone who is confused about meanings will be able to be fully involved.

Different accents and turns of phrase can be difficult to understand at first. Families may speak their own language or dialect to each other in your presence for personal privacy. Professionals need to take the time needed to create a dialogue.

Spring and summer travelling patterns need to be taken into account when planning a series of appointments, for example managing the staged process of assessment of special educational needs, organising transfer to secondary school, setting up treatment which is in short supply like speech therapy. Travellers often have a relative living in a house or make arrangements to return to a site to pick up post or messages if they are convinced of the importance of keeping in contact.

Gender roles are usually strongly differentiated. Neither women nor men will talk about matters of personal health when members of the opposite sex are present. Some people may be offended by explicit pictorial information. These strongly held cultural taboos can influence relationships with doctors of the opposite sex, feelings about medicals and some aspects of the school curriculum like sex education and physical education, especially swimming.

Hygiene rules are often strictly adhered to, for example different bowls used for personal washing and for washing dishes. Tea towels may have to be washed separately from clothing. When offered a cup of tea, do not put the cup on the floor or touch it after touching an animal. The cup might have to be

thrown away. However on early acquaintance it could be important to take up the offer of a cup of tea. "I didn't think you'd take a cup of tea from a Gypsy" was one young woman's surprised response to acceptance.

All families are different and have had different life experiences, particularly influenced by the extent to which their life has had a nomadic pattern. Some Travellers are equally at home in settled society and Traveller society, have attended school regularly and are literate. Many adults cope extremely successfully without being able to read. On the other hand, regular travelling may have meant fragmented schooling, experiences of falling further and further behind their peers and possibly bad experiences of bullying and prejudice. Good experiences and bad, passed down through the generations affect each individual family's attitudes to authority figures in general. Sensitivity on the part of professionals to different life experiences and values will help children and families to gain the maximum benefit from the services which are available. ⁶²

The local school is Theydon Bois Primary School, it is 0.96km away from the proposed sites. It is a community school that admits mixed gender. The published admissions number for 2009-10 is 45, number on roll April 2008 293, number of applications received September 2008 82, in 2008 the last child was admitted under criterion 5, **ie it was 82% over subscribed.**

The admissions policy is that there is no guarantee of a place for children living in the priority admissions area. In the event of over subscription places will be allocated using the following criteria in the order given.

1. Children Looked After;
2. Children with a sibling attending the school;
3. Children living within the priority admission areas of Theydon Bois;
4. Children living within the priority admissions area of Coopersale and Theydon Garnon CE, Epping Primary, Epping Upland CE, and Ivy Chimneys Primary Schools'
5. Remaining applications. ⁶³

The Essex County Council website confirms that there is another State Primary school at a distance of less than one mile St. John Fisher Catholic Primary School in Loughton however it is 2.46km away from the proposed sites.

St. John Fisher is a Voluntary aided school that admits mixed gender it has 390 students. *St John Fisher is a very good Catholic school with many outstanding features. The Headteacher offers energetic leadership and is well supported by a highly motivated staff. The pupils are eager learners. They have a strong sense of belonging to the school community. Prayer and*

⁶²

<http://www.essexcc.gov.uk/vip8/ecc/ECCWebsite/dis/guc.jsp?channelOid=16355&guideOid=16869&guideContentOid=107308>

⁶³

http://www.essexcc.gov.uk/vip8/ecc/ECCWebsite/content/binaries/documents/school_policies/09-10/881-2873.pdf

worship is a very evident and important part of the daily life of the school. There is a happy and harmonious atmosphere, underpinned by the strong Catholic ethos that shapes the pupils' values and outlook. Pupils feel safe and secure... There are many well-taught and interesting lessons.⁶⁴

It has a published admissions number for 2009-10 of 60 pupils; there are 385 children on the roll as at April 2008, 72 applications were received for September 2008. In 2008 the last child admitted under the admissions policy was admitted under criterion 6, **i.e. it was 20% oversubscribed.**

In the event of over subscription places will be allocated using the following criteria

1. Catholic Children Looked After (in Public Care)
2. Baptised children of families who are stated by their Parish Priest to be practising * Catholic and who are resident within the following Catholic Parish boundaries at the closing date for applications; St Edmund and Thomas More Loughton, The Immaculate Conception Epping, St Thomas More and St Edmund, Waltham Abbey, the south west quadrant of Ongar.
3. Children who are stated by their Parish priest to be baptised and practising Catholics who can not reasonably attend another Catholic school nearer their home.
4. Catechumens
5. Other applications with the following order;
 - I. other children looked after
 - II. catechumens
 - III. practising Christians
 - IV. Christians
 - V. Other faiths
6. Other children whose families desire a Catholic education for their child.

In the event of over subscription within any of the above criteria priority will be given in the following order

- a. Children with a sibling attending the school at the likely time of admission.
- b. Practising Catholics with no sibling at the school.

Where distance is used as a tie-break priority will be determined by shortest available walking route from home to the front entrance of school, those living closest given the highest priority.

This school requires a Supplementary Information form to be completed.⁶⁵

Other primary schools in the locality include Herewood Primary School at 1.96km away, Ivy Chimneys Primary School at 2.23 km, Lambourne Primary School at 2.4km and Thomas Willingale School at 2.46km .⁶⁶

⁶⁴ <http://schoolsfinder.direct.gov.uk/8815255/school-profile/>

⁶⁵

http://www.essexcc.gov.uk/vip8/ecc/ECCWebsite/content/binaries/documents/school_policies/09-10/881-5255.pdf

⁶⁶ <http://schoolsfinder.direct.gov.uk/search-results/?searchstring=cm16+7nn&type=Primary&Specialism=0>

*Herewood Primary School published admission number 2009-10 is 45, number on roll 298 pupils, number of application September 2008 was 73.⁶⁷
62% oversubscribed.*

*Ivy Chimneys Primary School published admission number 2009-10 is 40, number on roll 250 pupils, number of applications September 2008 was 99.⁶⁸
147% oversubscribed.*

*Lambourne Primary School published admission number 2009-10 is 27, number on roll 170 pupils, number of applications September 2008 was 50.⁶⁹
85 % oversubscribed.*

*Thomas Willingale School published admission number 2009-10 is 60, number on roll 368 pupils, number of applications September 2008 was 106.⁷⁰
77 % oversubscribed.*

Jackie Nesbitt, Manager, Traveller Education Service, School Improvement and Early Years Schools, Children and Families at Essex County Council is unable to clarify *How many secondary age children would you expect to require education from this number of pitches (49)? or How many secondary age children would you expect to require education from this number of pitches (49) ?* However she was able *'to advise that Traveller Education Service has not been asked to make any extra provision for these families – and that the educational needs of the children would be met through existing resources.'*⁷¹

It is clear that the Gypsy and Traveller communities education needs are paramount, and fairly clear that EFDC have as yet not sought specialist guidance on this issue from the Essex County Council. Primary Schools need to be prepared and have the capacity to deal with an increase of a minority group that prefer to be together in class. They may have specific communication and education needs that should be realised. Their education needs should be targeted, children should not be squeezed into the small proportion of available spaces scattered around the area, potentially away from their siblings and or cousins. There is clearly not the capacity locally for a potential increase of 160 children in the District and potentially 40 children locally on sites 20b and 20c.

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http://www.essexcc.gov.uk/vip8/ecc/ECCWebsite/content/binaries/documents/school_policies/09-10/881-2655.pdf

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http://www.essexcc.gov.uk/vip8/ecc/ECCWebsite/content/binaries/documents/school_policies/09-10/881-2823.pdf

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http://www.essexcc.gov.uk/vip8/ecc/ECCWebsite/content/binaries/documents/school_policies/09-10/881-2690.pdf

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http://www.essexcc.gov.uk/vip8/ecc/ECCWebsite/content/binaries/documents/school_policies/09-10/881-5269.pdf

⁷¹ email to Mrs E Emmett dated 8 January 09

20 The Gypsy and Traveller community will dominate the settled community

Circular 1:2006 recognises that it is important for Gypsy and Traveller sites to respect the scale of and not dominate the nearest settled community. Paragraph 54 quotes *'sites should respect the scale of, and not dominate the nearest settled community. They should also avoid placing an undue pressure on local infrastructure.'*⁷²

It is considered that the potential number of occupants on both sites 20b and 20c would over-dominate the local population of this part of Theydon Bois. Given the low density of population in the surrounding area it is considered that either site would conflict with this important element of Circular 1:2006. Given the distance from the main settlement of Theydon Bois it is not considered appropriate to take into account the population of that area when considering the appropriateness of either site 20b or 20c in this context.

The Consultation on options document quotes as one of its objectives *'To minimise the impact of sites on the country side and on settled community.'*⁷³

*'The potential impact of an over concentration of sites, and the impact on settled communities, are clearly important issues.'*⁷⁴

This area of Theydon Bois is separate from the main populated area. There are twelve houses at postcode CM167NN, five houses at CM16 7NS, four houses at CM167NP, 3 houses at CM167NW and eleven at CM167NL. That is a total of 35 households, approximately 105 resident's. Site 20b is for eleven pitches approximately 90-100 residents and site 20c is for ten pitches, also approximately 90-100 residents. The occupants of 21 pitches x 1.7-2 caravans will dominate the settled community. The development of both and or either of these two sites would dominate the settled community and be contrary to Circular 1:2006.

21 Highways issues on the B172

The Abridge Road, B172 has a national speed limit of 60 mph. Because of the dangerous nature of the road the police requested that the speed limit be reduced to an advisory 30mph. There have been many road traffic accidents on this road. From April 2004 until December 2008 the following accidents have been reported to the police;

3 fatal collisions
6 serious injury collisions
6 slight injury collisions

The B172, Abridge Road is a dangerous, fast, unlit road without footpaths. It would be dangerous for anyone, groups, single people, children or people pushing buggies and prams to negotiate this treacherous road.

⁷² <http://www.communities.gov.uk/publications/planningandbuilding/circulargypsytraveller>

⁷³ page 8 Consultation on Options

⁷⁴ page 14 Consultation on Options

22 Landscape sensitivity

There are three trees with Tree Preservation Orders in site 20b. T 54, 55 and 56 are all Oak.

Boundary-to-boundary the distance between the City of London Buffer land at Great Gregories and potential sites 20b and 20c is 1.2 km. The sites were therefore not included in the City of London table defining the sites as 'close' as the cut off was 1km. The proposed sites are closer to City of London Forest Land at Theydon Green.

To increase sight lines in both Coopersale Lane and Abridge Road trees and hedging will have to be removed.

Conclusion

The location of a Gypsy and Traveller site at either location 20b or 20c is contrary to the following planning policies:

Policy CP2, Protecting the Quality of the Rural and Built Environment.

Policy CP3, New Development.

Policy CP6, Achieving Sustainable Urban Development Patterns.

Policy GB2A, Development in the Green Belt.

Policy GB5, Residential Moorings and Non-Permanent Dwellings.

Policy GB7A, Conspicuous Development.

Policy HC4, Protected Lanes, Commons and Village Greens.

Policy H10A, Gypsy Caravan Sites.

Policy DBE9, Loss of Amenity.

Policy LL1, Rural Landscape.

Policy LL7, Planting, Protection and Care of Trees.

Policy ST1, Location of Development.

Policy ST4, Road Safety.

This consultation document concentrates too heavily on the needs of the Gypsy and Traveller community and does not pay enough attention on the needs of the settled community. It is legitimate to argue that sites may lead to conflict between Gypsies and the settled population. The assertion that a concentration of sites can cause tension between Gypsies and settled community and/or between different Gypsy and Traveller groups was made by EFDC in its representations to the East of England Regional Assembly. In addition, paragraph 64 of circular 1/2006 says 'sustainability' includes the promotion of peaceful and integrated co-existence between the site and the local community. This consultation document and EFDC in general have not promoted an integrated co-existence and given the hostility that can exist, we strongly urge the Council to place avoiding or minimising this as its top priority.

The consultation document states that *'Areas along the Roding Valley and Central Line are 'greenest' (see fig 7), although potential areas around Loughton and Buckhurst Hill are severely constrained. Areas in and around Epping and to the East of Theydon Bois score well, as do (to a lesser degree) areas in and around Chigwell and Abridge.'*⁷⁵

It will be a difficult task finding the required number of pitches in a district that is dominated by Green Belt. Therefore no areas, such as urban extensions and specific sites such as Loughton and Buckhurst Hill, should have been ruled out, at this stage. A 'Call for Sites' did not identify enough locations. By ruling out areas and not properly identifying 'omission' sites EFDC have not investigated all available sites and may have omitted 'better' sites. There is no 'audit trail' of previously discounted sites and it seems EFDC are hoping that new and alternative sites may come forward during the consultation process. It also seems likely that EFDC have failed to conduct a 'sustainability appraisal' of each identified site. By not clearly identifying all available sites the settled community will now have a protracted consultation process, which does not promote cohesion between the communities affected.

The Area Suitability Study *confirms 'Factors which might make areas suitable were also 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. This was done both for the whole district and also the unconstrained areas.'*⁷⁶

The document also says that *' 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.'*⁷⁷

⁷⁵ Page 9

⁷⁶ page 8

⁷⁷ page 6

The Site Search Sequence confirms

- *'Urban previously developed (brown field) 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.'*⁷⁸

The area suitability, site search sequence, and the locational preferences are contradictory. Sites 20b and 20c, to the East of Theydon Bois are 'greenest' however they are Metropolitan Green Belt. They are neither 'brown field', 'on the urban edge provided as part of any wider urban extension', or rural previously developed sites not at the urban edge.' Sites 20b and 20c are 'rural sites', and as such are most 'red' on the 'traffic light' system with red being the least suitable and green being the most suitable.⁷⁹

Pretending that these applications are the same as mainstream planning proposals, and that factors such as minimising the need to travel or having good access to local services should have a significant role, is disingenuous.

*20% of the local Gypsy and Traveller community that responded to the Myriad Study.*⁸⁰ *Their requirements in term of locational preferences was healthcare, schools, employment, access to countryside and access to a town.*⁸¹ They have not requested access to public transport. It would be easy to say that Theydon Bois scored well on the 'traffic light' score because of the location of the underground station in the village. However the Gypsy and Traveller community that responded to the survey did not mention access to public transport as being an issue so why has it been used as an important criteria?

Theydon Bois does have a branch surgery; the opening times are mornings only. We also have a primary school and selection of small village shops, we have little or no employment opportunities, and Theydon Bois has no light industry, no commerce and only a limited selection of shops that might offer employment opportunities.

We dispute the score of green on the traffic light system on criteria that are not necessarily the most important to the Gypsy and Traveller community. It seems illogical that public transport should be weighted as high as primary health, primary school and shops when the Gypsy and Traveller community have not raised it as a requirement.

Of relevance to the submission is Circular 01:2006 "Planning for Gypsy and Traveller Caravan Sites". Of particular relevance, given the rural location of

⁷⁸ page 16

⁷⁹ page 9

⁸⁰ page 6

⁸¹ page 6

Sites 20b and 20c, is the advice at Paragraph's 47-55 under the sub-heading "Sites in Rural Areas and the Countryside".

Paragraph 48 advises that in applying the rural exception site policy local planning authorities should particularly consider the needs of households who are either current residents or have an existing family or employment connection. Thus it is clear that a rural site is not suitable as an all purpose Gypsy or Traveller site but only for those Gypsies or Travellers with local connections. There is no evidence of there being any Gypsies or Travellers with specific connections to the Theydon Bois area and thus no reason, in principle, for a rural exception to be made in this area.

The settled community in this part of the village is unable to access village facilities by foot because of the lack of street lighting and public footpaths from East Theydon Bois to the centre of the village. Most if not all residents in East Theydon Bois would NOT walk to the shops, station, school or the doctors surgery, because it would be dangerous to do so.

Communities and Local Government Draft Guidance on the Design of Sites for Gypsies and Travellers states ***'The need and preferences of those who will live on the site should be given full consideration and should be met as far as possible within available resources.'***⁸²

*Why have sites 20b and 20c been chosen? They are wholly inappropriate for the Gypsy and Traveller community. They are both on dark unlit roads without pavements. They are both adjacent to the motorway and to the landfill site that is Blunts Farm. Why would the Gypsy and Traveller community wish to live in such a place? Why does the consultant feel that either of these two sites is suitable, where is the evidence that the Gypsy and Traveller **community have been given full consideration and that their preferences have been met?***

We are of the opinion that the Myriad survey on which this consultation process has been based has serious flaws. Both in the timing of the survey, the numbers surveyed and the extrapolation of data.

Communities and Local Government Draft Guidance on the Design of Sites for Gypsies and Travellers states *'As a rule of thumb, no site should be identified for Gypsy and Traveller use that would not be appropriate for ordinary residential dwelling. Where possible sites should be developed near to housing for the settled community as part of mainstream residential developments. To help achieve this local authorities and registered social landlords should consider the need and scope to provide a site for Gypsies and Travellers as part of all significant new build developments.'*⁸³

Given the absence of any identified need from Gypsies and Travellers who have close associations with the local community it is therefore not appropriate for either site to be considered as an "exception" site in

⁸² 10.1.3

⁸³ 3.1.6

accordance with PPS3. There are currently in the region of 4,000 local people on the districts housing list. Why are the needs of the Gypsy and Traveller community being placed above those of the settled community?

In the case of *Gaskin v SOS and Newark and Sherwood DC 12/5/93* it was held that there nothing in any policy which said that the development of a gypsy site must be permitted even if seriously harmful to the character and appearance of the countryside. There have been numerous appeal decisions that have supported this same view. Therefore the fact that both sites 20b and 20c will be harmful to the character and appearance of the countryside is a very valid issue.

*Paragraph 55 of Circular 1:2006 suggests that the location of a Gypsy and Traveller site on 'brownfield' untidy or derelict land, may positively enhance the environment. Sites 20b and 20c are Green Field sites and therefore will not be enhanced by any sort of development.*⁸⁴

It is not considered that there are any special circumstances that overcome the reservations that Theydon Bois Action Group and residents that have 'signed up' to this response, have, that have been detailed in this document. There is no particular need for gypsies and travellers to be located in this area as there are no particular links to the area. Thus neither site is appropriate as an "exception" site in the terms of PPS3.

360 local residents have signed the petition, 'We the undersigned believe that the location of Gypsy and Travellers pitches in Theydon Bois is inappropriate and does not constitute a 'very special circumstance' for the relaxation of the strict control of development in the Metropolitan Green Belt.'

We call on the Secretary of State not to select either of the two sites 20b and 20c and to protect the Metropolitan Green Belt in the District.

Theydon Bois Action Group

⁸⁴ <http://www.communities.gov.uk/publications/planningandbuilding/circulargypsytraveller>