



LEE VALLEY REGIONAL PARK AUTHORITY

**REGENERATION AND PLANNING
COMMITTEE**

22 FEBRUARY 2018 AT 12:00

Agenda Item No:

6

Report No:

RP/16/18

BOROUGH OF BROXBOURNE REGULATION 19 LOCAL PLAN WHARF ROAD

Presented by the Head of Planning and Strategic Partnerships

SUMMARY

The report recommends that the Authority maintains its objection to the proposal for a Gypsy and Traveller site at Wharf Road, Wormley which is included in the Regulation 19 Local Plan. Given the operational and land management issues which this site has posed for the Authority it is considered that the Council's proposal for a 'self-managed' site would not address these matters. Further there is an issue of principle for the Authority in retaining this site in a non-Park related use.

RECOMMENDATIONS

Members Approve: (1) the Authority re-affirms its objection to the inclusion of part of the Wharf Road area as a site for Gypsies and Travellers in the Regulation 19 draft Local Plan.

BACKGROUND

- 1 Wharf Road lies south of Broxbourne on the northern edge of River Lee Country Park (RLCP) and adjacent to Silvermeade, an area of high ecological value designated as a Local Wildlife Site and one of the best locations for Water Vole within Hertfordshire. Draft proposals included in the Park Development Framework (PDF) seek the integration of this area into River Lee Country Park to strengthen its biodiversity using the Broxbourne ditch to link with Silvermeade.
- 2 The short history of the site is that during the post war years the site was developed as individual leisure plots providing weekend and summer accommodation for visitors from London. Its rural and riverside setting adjacent to the Navigation provided a welcome retreat. From the 1970s these plots began to fall into disuse and some have been purchased by members of the Gypsy/Traveller community.
- 3 Appendix A to this report identifies the site and the Authority's land ownership.

The Authority owns 49 out of 69 plots amounting to 63% of the site area, following a programme over the last 50 years of purchasing sites consistent with its adopted planning policies. During the last 10 years it has purchased 3 plots, the site of the 'Forge' and a former waste transfer site of Dents at a cost of £1.2m.

- 4 There have been problems of unlawful planning use and illegal activities which through either separate actions or joint work with the Council have been tackled with limited success. In recent years the nature of the unauthorised activities has intensified involving the subletting of plots and a joint interagency team was established by the Council at the end of 2015 to tackle some of these.
- 5 Following successful enforcement appeal decisions in 2016 on 4 plots the Council re-considered its adopted position. This was informed both by the appeal decisions and recognition that 12 of the plots were now lawfully Gypsy /Traveller plots. Plans included in the Appendix B to this report indicate the planning status of each plot.

RECENT DEVELOPMENTS

- 6 In September 2016 the Authority objected to the inclusion of this site for Gypsies and Travellers in the Council's Regulation 18 draft plan and considered that the proposal was 'unsound' given that its delivery would require co-operation with the Authority (Paper ULV/113/16). The Authority's objection was based on, the 'principle' of the use given its statutory purpose, its adopted PDF proposals and that there would be a resource implication which was not budgeted for. A Member/officer meeting in June 2017 between the Council and Authority explored these issues further but resulted in no firm conclusions.
- 7 As part of the consultation into the Regulation 19 Local Plan in December 2017, representations were made directly to this committee by the Council's Head of Planning and Building Control when he explained the current situation and that in his opinion, given the large number of plots lawfully used by the Gypsy/Traveller Community the Planning Inspector at the Local Plan Inquiry would very likely confirm the Councils proposed policy for the site, in the absence of an alternative site.
- 8 In support of this position he presented further information which includes a series of maps identifying the extent of plots which either have a lawful use for Gypsy and Traveller use (12) with a further 5 unlawful having been present for less than 10 years or still occupying the plot following the expiry of a planning permission. The draft policy seeks to consolidate plots to create a single site which would be 'self-managed with the Council's assistance' and that if the Authority agree to this then a joint approach should be made to the traveller community. Council officers indicated that that it could support delivery by working with the Authority on service connections, drainage, road surfacing and on site facilities although the issue of land transfers would be up to the Authority and service connections would have to be secured in negotiation with the statutory undertakers. The officer indicated that as yet nothing has been costed and the speed of delivery will be dependent on grants, the Council's 'very limited' funds and the travellers themselves. Following some debate on this point the Committee agreed to reserve its position and instructed officers to set up a meeting with the Council.

- 9 The meeting, held in January 2018, came to no firm conclusions although the Council clarified that the Authority would not be expected to pay for the relocations' and that it was intent in issuing caravan site licences which it hoped would be a means to secure' better management'. A note of this meeting is included at Appendix C to this report.
- 10 Aside from the issue of principle which will be addressed later in this report, in summary, the Council's case is that a policy is required in the Local Plan to assist in the delivery of its proposals to 'consolidate' the plots. The adopted policy would assist in this process if compulsory purchase order (CPO) powers were required. The Council was intending to 'work in partnership' with the community to ensure that in the first instance plot holders would voluntarily move to plots in the designated area and if not then resort to the use of CPO powers. The site would be 'self-managed'. The Council advised that they would wish to work together with the Authority in bringing about the changes which may also involve the Authority agreeing to exchange plots of its land with plots along the riverside. Whilst the Authority might consider this "in principle" at this time there is no clear timeframe on which this would be delivered and no indication at this time of potential cost to this Authority in assisting the Council to deliver.
- 11 The issue of principle, is whether the Authority is happy for the site to be 'developed' and consolidated in this location. This relates to the Authority's statutory purpose. Whilst the adopted Land and Property Strategy which relates to acquisitions and disposals gives the Authority discretion on the inclusion of land for non-Park related purposes in the Regional Park this is underpinned with some considerable benefit in line with its statutory purpose. As this site would prejudice the delivery of an important draft proposal to consolidate the RLCP with Silvermeade then there is no such benefit. Even if the Authority were to consider that "in principle" part of the site could be used in this way and areas of its land could be exchanged to assist the process the Council have not provided sufficient detail at this time as to deliverability. The only beneficial outcome could be a self-managed site which may not have the same issues of trespass and antisocial activities experienced to date. However the mechanism and funding to achieve this is unclear. This is a crucial point.
- 12 If, however, the principle, could be satisfactorily addressed there are two other matters which could prevent delivery. The first concerns the site's location in the Flood Zone 3 and further would result in additional expense which has not been costed. Whilst development could occur some form of mitigation would have to be provided but nothing has been included in the Council's proposals to address this point. Secondly, the consolidation of the new site within the Regional Park would require a new road access given Network Rail's policy of closing surface level crossings. This would result in further disruption to the amenities of the Regional Park and it is the Authority's position that the Cross Rail 2 project is the opportunity which should be used to relocate the Gypsy/Travellers onto a new serviced site outside the Regional Park.

CONCLUSIONS

- 13 Officers consider that an objection can still be made to this proposal on the grounds that the proposed use does not comply with the Authority's statutory purpose or draft proposals. For these reasons there are serious questions over deliverability which is fundamental to the 'test of soundness'. If Members agree to this approach then a letter expressing this concern, setting out that the

proposals remain 'unsound' will be sent to the Council.

ENVIRONMENTAL IMPLICATIONS

- 14 There are no environmental implications arising directly from the recommendations in this report.

FINANCIAL IMPLICATIONS

- 15 There are no financial implications arising directly from the recommendations in this report.

LEGAL IMPLICATIONS

- 16 The Park Act enables the Authority to make representations to the local planning authority which they shall take into account when determining the planning application.

RISK MANAGEMENT IMPLICATIONS

- 17 There are no risk management implications arising directly from the recommendations in this report.

EQUALITY IMPLICATIONS

- 18 The Gypsy and Traveller community is identified by the Equalities Act 2010 as having 'protected characteristics' which decision makers should take into account. Whilst this may be the case the Authority's objection to this proposal is founded on its statutory purpose as much as its 'deliverability'.

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BACKGROUND REPORTS

Local Plan - Regulation 19 policy LV3

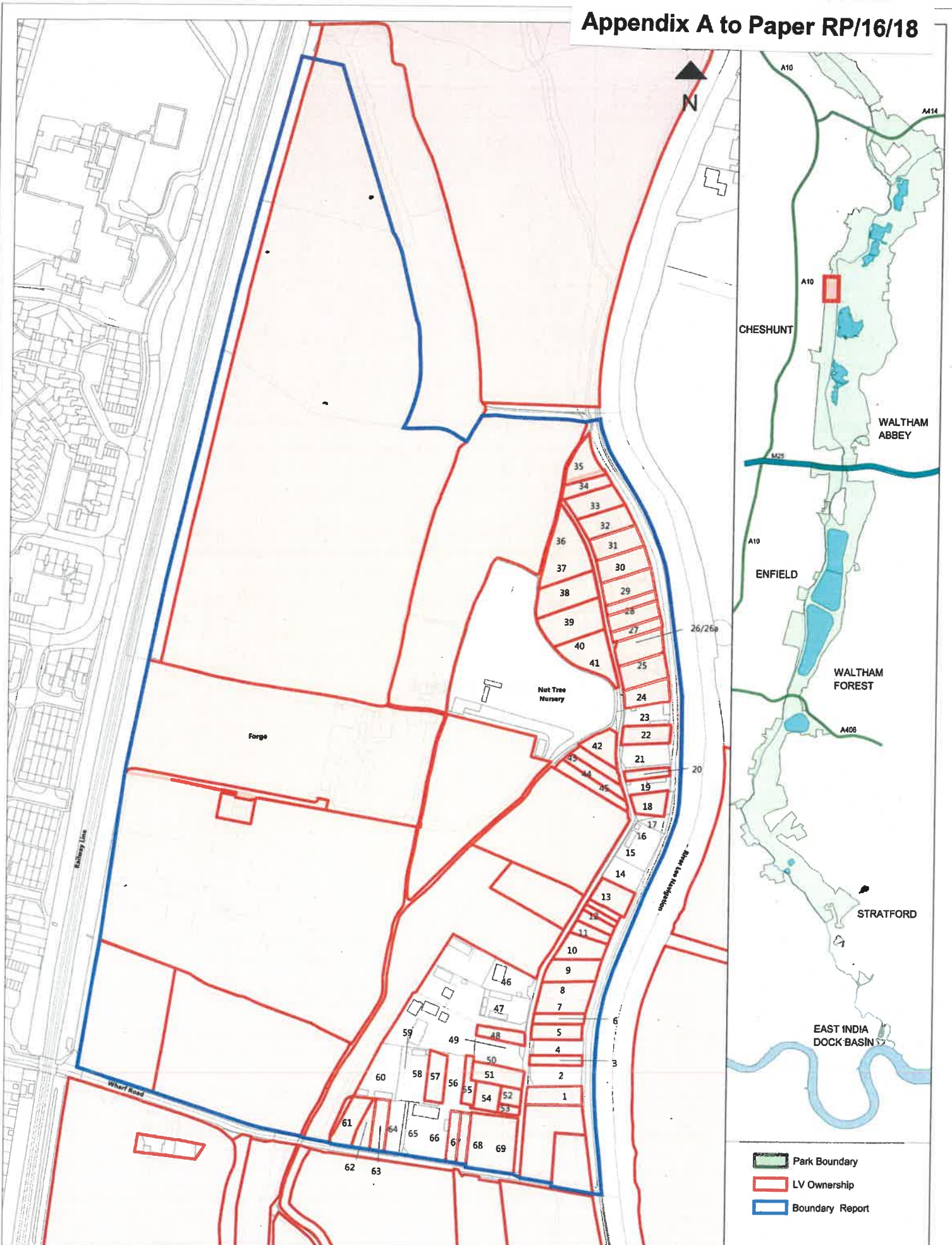
October 2017

APPENDICES ATTACHED

Appendix A	Site plan indicating extent of Authority ownership
Appendix B	Planning status of the plots and proposals
Appendix C	A note of meeting held January 2018 between the Authority and Broxbourne Borough Council
Appendix D	Extract of Local Plan on Gypsies/Travellers

LIST OF ABBREVIATIONS

PDF	Park Development Framework
CPO	Compulsory Purchase Order
RLCP	River Lee Country Park

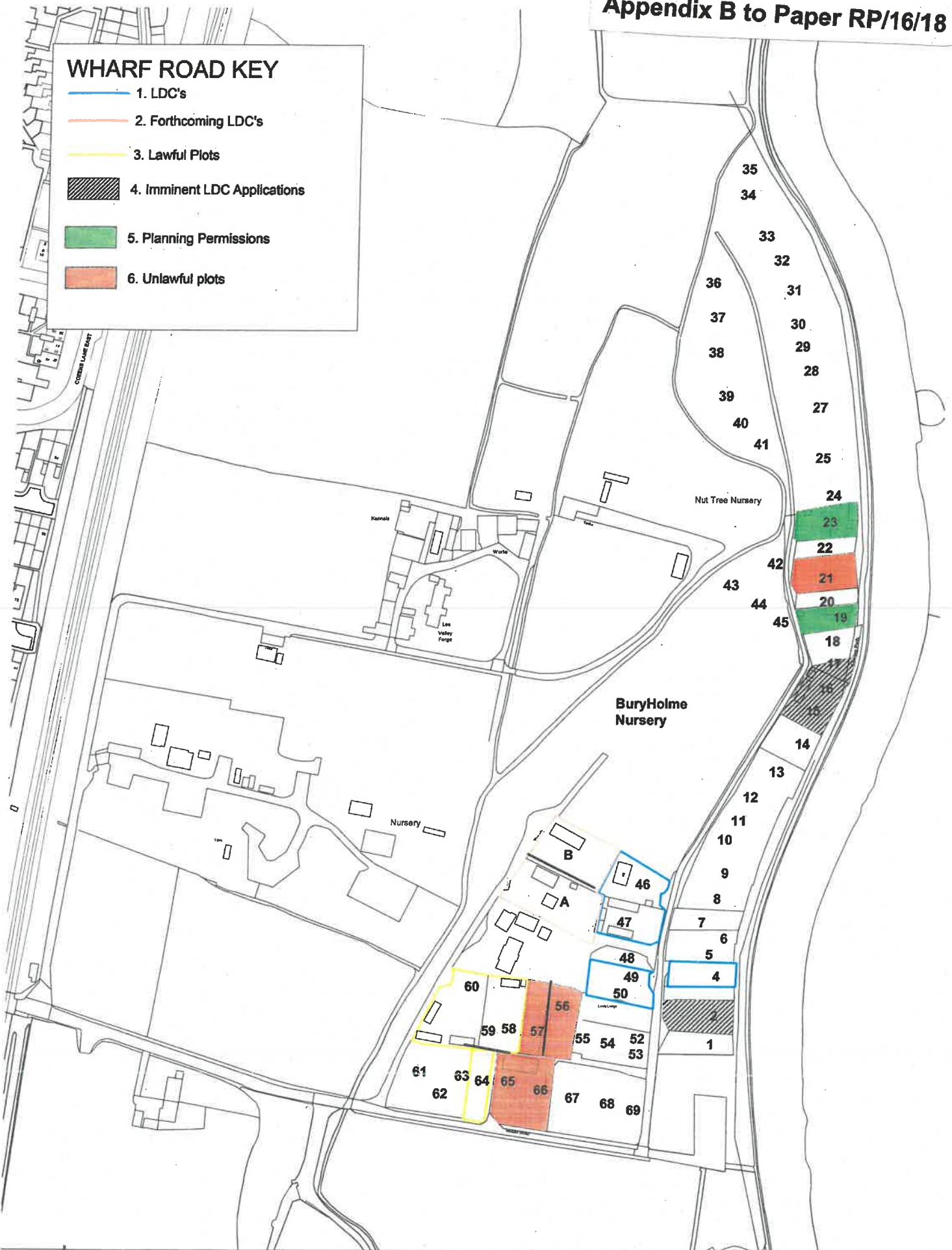


Wharf Road : Report Boundary

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WHARF ROAD KEY

- 1. LDC's
- 2. Forthcoming LDC's
- 3. Lawful Plots
- 4. Imminent LDC Applications
- 5. Planning Permissions
- 6. Unlawful plots



LVRPA Masterplan Context

1:2500 @ A4



Land Use

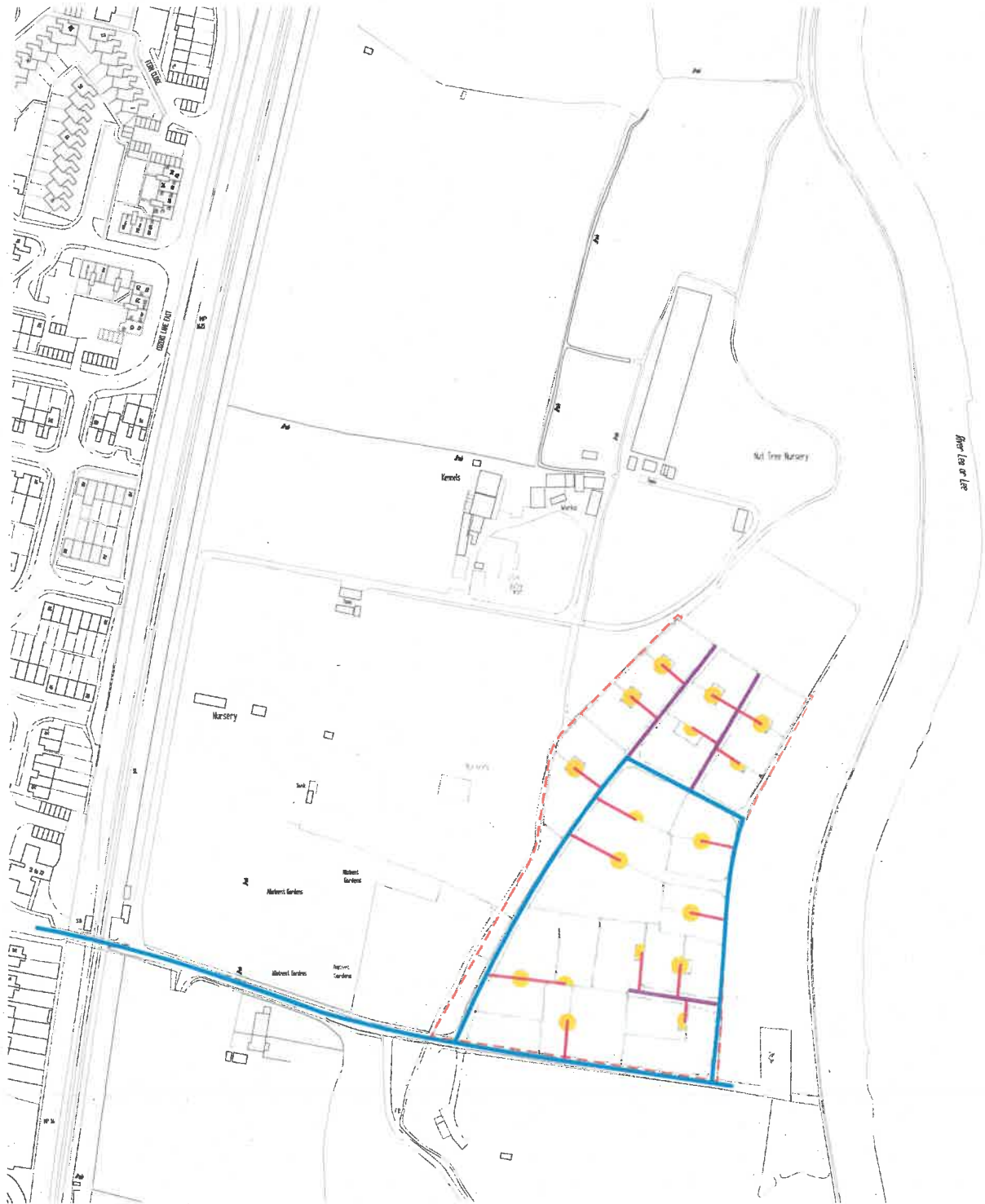
1:2500 @ A4







-  Existing owned pitch
-  New permanent pitch
-  Visitor pitch
-  Shared amenity block
-  Play space / open amenity space
-  Open amenity space
-  Car park

Services

1:2500 @ A4





-  Trunk network
-  Secondary network
-  Feeder lines
-  Service unit

Land Reorganisation

1:2500 @ A4








-  Revised LVRPA land
-  Revised Traveller site extents

Framework

1:2500 @ A4



-  Primary vehicular routes
-  Secondary vehicular routes
-  Pedestrian only routes
-  Green open space
-  Site centre and focal point.

NOTES OF MEETING

**DISCUSSION WITH LVRPA IN RELATION TO THE COUNCIL'S PROPOSED
PLANNING POLICY FOR WHARF ROAD, WORMLEY**

25 JANUARY 2018

Attendees

LVRPA – Cllr D Ashley (DA), Cllr P Osborn (PO), Stephen Wilkinson (SW) and Beryl Foster (BF).

Broxbourne Council – Cllr M B J Mills-Bishop (MMB), Cllr T R Hutchings (TRH), Cllr K A Ayling (KAA), Cllr P N Seeby (PNS), Cllr D R Hart (DRH), Cllr J Pearce (JP), Jeff Stack (JTS), Peter Linkson (PL), Douglas Cooper (DC) and Martin Paine (MP).

Copies of DC's email to SW dated 15 November 2017 together with plans showing the extent of lawful occupation and the proposed new policy area. It was confirmed that since the last meeting on 1 June, meetings have been held with the Crossrail 2 team and further dialogue has taken place between officers from the Council and the LVRPA. The Council's position has not changed and it will be submitting its Local Plan to the Secretary of State in March of this year.

It was explained that given the extent of lawfulness and the lack of acceptable alternative sites there were effectively only two realistic options for the Council:

1. accept the status quo; or
2. pursue the implementation of the proposed policy.

In order to enhance the living conditions of the current occupiers and to deliver an improvement to the appearance of this part of the Park, the Council's position is that it would like to pursue what it believes to be a pragmatic way forward by:

1. designating a specific area as a caravan site;
2. enabling the established community to properly service the site; and
3. working with the LVRPA and current occupiers, to pursue a policy of relocating the caravans adjacent to the River Lee Navigation tow path into an area of the proposed permanent site.

The LVRPA representatives explained that the presence of the site raises an issue of principle for the Authority on whether it could allow a site to be established through the local plan process within the Regional Park given its statutory purpose.

If the issue of principle could be overcome the Authority still have concerns that the current occupiers will continue to impose a significant burden on the Authority. It was acknowledged by all that the occupiers have been a major source of concern for the

Council and the Authority as landowner for reasons which included the sub-letting of plots, anti-social activities and trespass. The Council's proposals for the self management of the site would perpetuate this situation. Furthermore, the implementation would result in additional expenses to enable the movement of plot holders from the riverside to the proposed 'central' location. The LVRPA has neither the resources nor the inclination to lead the implementation.

The LVRPA has concerns about how the site would be managed. The LVRPA's Rangers have experienced a variety of problems with the current occupiers to the extent that this section of the Park is effectively a 'no-go' area for them. There are also concerns that if the LVRPA accepts the policy proposal then a regularised site could be established to the south without achieving the goal of removing caravans from the eastern area adjacent to the towpath.

It was confirmed that the Council was not suggesting that the LVRPA should implement the proposals but was being asked to be a willing partner. The Council would find it difficult to implement the policy without the cooperation of the LVRPA.

The LVRPA also has concerns about access into the site as part of the implementation of the Crossrail 2 proposals. The alternative road access options are likely to have significant impacts on the Park. The allocation of the site within the Local Plan would make one of these road options inevitable. This would lead to a further erosion of the Park.

Given that the proposed site is in Flood Zone 3, an objection from the Environment Agency could be anticipated rendering the proposal unacceptable.

The Council considers that putting in place management arrangements to control private individuals on privately owned land would probably not be achievable. However, the Council is currently pursuing a policy of attempting to regulate the site through site licences under the Caravan Sites and Control of Development Act 1968 although none had been issued yet. LVRPA urged the Council not to simply renew the lapsed temporary planning permissions on plots 19 and 2 and not to agree the licenses which have been invited for plots 2, 15,16 and 17. LVRPA suggested that withholding the issuing of licences would assist the Council in its long term strategy.

It was acknowledged that the Council also has powers under the Environmental Protection Act 1990 in relation to statutory nuisance and powers to deal with anti – social behaviour.

The Council acknowledges that implementation of the proposed Local Plan policy may not be straightforward. However, the caravans adjacent to the towpath will almost certainly become a permanent feature through the status quo option whereas pursuing the policy option provides some prospect of those caravans being relocated to a less obtrusive location.

The Council confirmed that it would be willing to use its compulsory purchase powers to achieve the implementation of the policy. The detailed justification and financial arrangements would need to be discussed further.

It was agreed that the Council would lead the process involving discussions with the occupiers of caravans adjacent to the tow path about the principle of moving to the central site. It was also agreed that officers would meet to discuss the principles of how the policy would be delivered, including the financial arrangements between the two authorities if compulsory purchase powers are used.

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16 Gypsies, Travellers, and Travelling

16 Gypsies, Travellers, and Travelling Showpeople

- 16.1** Broxbourne has three fully authorised gypsy and traveller sites: a family-owned site with eight caravans at Hertford Road, a family owned site with six caravans at St James Road and fifteen pitches (24 caravans) at Halfhide Lane that are owned and managed by Hertfordshire County Council. There is also an encampment at Wharf Road in the Lee Valley Regional Park which contains approximately 49 caravans on privately owned plots that have never been formally
- 16.2** The Council has undertaken a Gypsy, Traveller and Travelling Showpeople Accommodation Needs Assessment. This concluded that there is a need to provide for 21 additional traveller pitches over the Plan period. These are required to meet the overall needs of the Wharf Road site and the future accommodation needs of defined gypsies and travellers living within the authorised

Hertford Road

- 16.3** The Hertford Road site has scope for limited expansion to meet the needs of that community on land to the immediate south which is in the ownership of the Council. This land is proposed to be allocated for that

St James Road

- 16.4** The St James Road site has limited scope to accommodate additional pitches for defined travellers within that community. No further expansion of the site area is

Halfhide Lane

- 16.5** The Brookfield development will necessitate the relocation of the Halfhide Lane site. The Local Plan therefore allocates a new site within the Brookfield development with road access provided directly from Park Lane Paradise. It is proposed that this new site will encompass c. 20 pitches, an expansion of 5 pitches over the current

Wharf Road

- 16.6** The accommodation needs of the more long standing Wharf Road travelling community are recognised by the Council. However, the situation at Wharf Road has become very complex with substantial sub-letting of caravans to individuals with no long term connection to the Borough. The Council is therefore seeking to work with the established community and the Lee Valley Regional Park Authority to create an authorised site at Wharf Road for that community. This will entail the relocation of the straggle of plots along the River Lee onto land currently owned by the Authority in the central area where most of the unauthorised plots are currently located. This will create a central integrated site that can then be authorised, licenced and properly serviced with roads, water, electricity and drainage. It will also entail the discontinuance of sub-letting.

Policy GT1: Gypsy and Traveller Sites

The Council will work with the travelling communities to allocate sites as follows as shown on the Policies Map:

1. Expansion of Hertford Road by 3 pitches;
2. Accommodation of 2 new pitches within the existing St James' Road site;
3. Relocation of Halfhide Lane to accommodate c. 20 pitches in total;
4. Authorised site at Wharf Road to accommodate c. 20 pitches in total.

These sites are allocated for the specific needs of the resident travelling communities to which they relate and the future expansion of those communities through new household formation within those communities. They are not to meet the needs of extended family members not currently resident within the Borough of Broxbourne. The means for ensuring that these sites meet the immediate needs of those communities in perpetuity will be set out within planning [permissions](#)

Travelling Showpeople

- 16.7 Broxbourne has one operating travelling showpeople site, on land within the Green Belt at the south-western corner of Goffs Lane and Lieutenant Ellis Way. There is significant scope to accommodate the future needs of the resident community within the site boundaries. A master plan will be agreed with the site owner to secure this objective. Therefore no new travelling showpeople sites are allocated within this Local Plan.

Policy GT2: Extended Travelling Showpeople Site

The travelling showpeople site at Goffs Lane is allocated to meet the specific needs of resident travelling showpersons with a clear family connection to the Borough of Broxbourne. The means for ensuring that these sites meet these immediate needs will be set out within planning [permissions](#)

Nursery Sites

- 16.8 There may be unidentified local needs arising during the Plan period that cannot be met from the foregoing sites. Should this be the case policy GB2 of this Plan provides the potential for redundant nursery sites to be acquired to meet such proven needs.