

**MICKLE TRAFFORD COMMUNITY FORUM
VILLAGE HALL, MICKLE TRAFFORD
11 AUGUST 2009
(7:00pm – 8:50pm)**

Present: Councillor Eleanor Johnson (Chair)
Councillor Brian Crowe
Councillor Andrew Storrar

Andrew Miller M.P.

Alison Amesbury, Housing Strategy and Enabling Manager
Rob Callow, Area Manager
Helen Davies, Area Working
Fiona Edwards, Area Planning Manager
David Hughes, Local Press
Dermot Lacey, Head of ICT
Mark Lynch, Development Control Manager
Jeremy Owens, Senior Manager Spatial Planning
Patrick Sebastian, Democratic Services

Approx: 180 Members of the Public & visiting Parish Councillors

Meeting Summary and Action Points

Welcome from Councillor Eleanor Johnson

The Chair, Councillor Johnson declared the meeting open and welcomed members of the public and Speakers.

Following brief introductions by the speakers and attending officers, the Chair informed the meeting that the 2 planning applications relating to unauthorised development (not considered at the time of the last meeting – 12 July) had now been determined, and in both cases the applications had been refused. (Decision Notices attached at **Appendices 1 & 2**)

The meeting was advised that enforcement notices had been issued on Friday (7 August) and, at this moment in time, one appeal had been lodged.

The Chair informed that appeals would be decided by the Planning Inspectorate, and advised residents who had an interest in the matter to write to the Council planning officers / Parish Council / and/or Planning Inspectorate with their views. The Chair advised that local Councillors would also be liaising with the Parish Council on this matter.

Planning Enforcement – Unauthorised Encampments and Development

Mr Mark Lynch, Development Control Manager set out the framework under which the Council must operate in terms of government guidance and planning process with regards to the provision of Gypsy and Traveller Sites, and the processes followed when unauthorised (not illegal) encampments arise. Mr Lynch informed that in many cases of unauthorised encampment and / or development where retrospective planning applications had been refused, it was inevitable that an appeal would be lodged by the applicant. In this respect it was helpful to the Council in putting its counter arguments if objectors could write to the planning department with their views – stating relevant material considerations.

Mr Lynch further informed of the appeals process and how the lack of provision of Council run 'sites' was counterproductive, as the demand and need for such sites in the County was not sufficiently addressed, and government policy states that Local Authorities must make / allow temporary provisions until such time as permanent sites are made available. In terms of the current appeal, in 6 months time, it was highly likely that the Council could be well on the way to providing such a facility.

Andrew Miller M.P. stated that it was vital that objectors write formally to the Council with their views on the subject of unauthorised encampment and / or developments in the area, and that it would be helpful to him as the M.P. to receive a copy of all correspondence. This would allow him opportunity to give evidence on the subject when considered in Committee / Review.

Mr Miller explained that the subject required rational debate / discussion, and that the specific issue of Council provided Gypsy and Traveller Sites had arisen from a decision made 20 years ago to remove the statutory duty on Councils to provide such sites. He added that, with cross party support, this matter was being rectified, but highlighted a weakness in the current framework of the law. He informed of a number of areas requiring investigation relevant to the matter, for example:

- Sale of Land (Greenbelt) – transparency needed
- Support from the Council – provision of 24 hour hotline (including legal mechanisms to act quickly)
- Framework of the Law – prior consent

The Area Planning Manager provided further information on planning law, and explained that in terms of the encampment examples under discussion, they were "unauthorised", not illegal. Only when a breach in terms of enforcement orders had occurred, could action be taken.

A number of questions were asked, and discussion took place in respect of:

- The requirement in law to provide gypsy and traveller sites

- If housing has been provided elsewhere for individuals, how can they be classed as homeless and in need of such 'traveller' site provision?
- Are travellers required to pay rent, council tax, water rates on the sites? (response: n.b. such fees are charged)
- Chester Road Resident complaint that after 3 years, enforcement actions had not been taken on a site in breach of a retrospective ruling
- Question to the M.P. regarding the position of the Irish Government and its approach to Gypsy and Travellers
- Statistics provided on the number of sites within a 2½ mile radius of Mickle Trafford and the distribution of gypsy and traveller sites across the County (response: traditional traveller routes – evidenced)
- Comment on the sufficiency of sites in the area (information was provided on the 2007 assessment of need, regional strategy currently out for consultation, commissioning work underway and expected timeframe for completion)

The meeting was informed that the provision of Council run, sustainable sites, would strengthen any future appeal challenge made by the authority in terms of action against unauthorised encampment and / or development.

Further questions were put, and discussion took place in respect of:

- Other Local Authority actions – successful or otherwise
- Suggestion for a focus group, bringing together travellers and the local community
- Lack of a fall back / compromise position at the present
- Success of well run (privately owned) site nearby
- Granting of temporary status until public sites provided
- Right of the public to attend planning appeals
- Involvement of HM Revenue and Customs – collection of evidence
- Stop the approval of retrospective planning applications (explanation given as to why this could not occur)
- A view that the inspectorate is encouraged by government to view applications with leniency (M.P. stated this is untrue – cross party view on this)

- Suggestion to put a bill through Parliament to 'upgrade' such matters from a civil matter to criminal offence (M.P. advised that as a constitutional matter – of which there is none – matter must be pursued through changes to planning guidance.
- As Green Belt Land, are there no controls over sale of land? (n.b. Sale of land is not a planning matter – nor may planners act 'in anticipation of a breach')
- Weakness of Planning Law – suggestion that situations whereby applicant is clearly already in breach, application should be thrown out (M.P.'s view that this is a matter worthy of exploration - the Area Planning Manager reiterated the need for planning law to be fair and just for everyone, and due process in terms of retrospective applications, refusals and appeals)
- Suggestion of the use of compulsory purchase powers and establishment of proper Council run site(s) as a result.
- Information on the rights of developers through appeal, and lack of options for objectors – other than through judicial review – costly and reliant upon legal error on the part of the Council
- Employment of Barristers (Council uses Planning Barristers when appropriate, objectors within their rights to appoint their own)
- Compulsory Purchase – Council may use this power where it 'serves proper planning purpose'
- Policy – National, Regional – How the provision of public. Council owned and managed sites is a key priority
- Engagement and consultation with other Local Authorities on this subject – sharing of information – noting that each case must be viewed on its own merits. A member of the public informed that Warwickshire Council had been successful in a recent appeal. It was suggested that the planners make contact and see if there were any similarities to the local situation that could help inform the CWAC position.
- Involvement of the Parish Council – copy e-mails and letters on the subject to Parish Council
- Importance of 'material consideration' in terms of planning law when objecting to proposals / appeals – this included information and explanation on the following: Planning Circular 01/2006 – guidance, not law., Tar Pit – health and wellbeing, Green Belt and Brown Field sites – planning definition, Change of Use

- Involvement of Environment Agency – lack of any comment in planning report.

A Motion was put to the meeting from Mickle Trafford and District Parish Councillor, Mr David Rowlands, and seconded that:

“Unauthorised Encampments

- We believe that the law should apply even-handedly, without fear or favour, to each and every person living in, or seeking to live in, this parish.
- We therefore ask the Parish Council to continue lobbying to ensure that this happens.
- We also ask the authorities and our M.P. to persuade the government to strengthen the law.”

Andrew Miller M.P. further supported the resolution, suggesting that in addition, there also be a commitment that:

“Residents work with their elected members to progress these matters, and that the Cheshire West and Chester Council officers feed back residents concerns to Steve Robinson, the Council’s Chief Executive.”

It was also suggested that a hotline / point of contact be established, with clear coordination and communication regarding the appeals process on this matter.

Mr Miller confirmed that he would be making further enquiries on how best to address the matter and that he would feed back residents suggestions to the relevant department for further consideration.

It was recognised that there should be a fairer, more equitable way of dealing with such issues.

The Chair, Councillor Eleanor Johnson informed the meeting that as an interim measure, residents could telephone the 24hr Council Hotline number to report any incidents of unauthorised encampments. A dedicated number will shortly be established. The current (interim) number is:

0300-123-8123

Ask for ‘Environmental Health – Out of Hours Service’

Planning Enforcement – Unauthorised Encampments and Development Actions arising

ISSUE	ACTION BY
To notify the Chief Executive, Cheshire West and Chester of residents views on the subject of unauthorised travellers encampments and unauthorised development in the Mickle Trafford / Green Belt Area.	Local Ward Councillors / Area Working Team
To progress the establishment of a dedicated 24hr 'Planning Hotline' with legal support to enable stop notice and enforcement matters to be actioned immediately any unauthorised encampment / development takes place.	Cheshire West and Chester Planning Officers
To ensure that residents are fully aware of the process by which they may formally comment on the recent (refused) applications, currently going to appeal with the Planning Inspectorate.	Cheshire West and Chester Planning Officers
Continued engagement with residents on the subject of unauthorised travellers encampments and unauthorised development in the Mickle Trafford / Green Belt Area.	Mickle Trafford and District Parish Council
Further enquiries to be made on how best to address the matter at government level on the subject of unauthorised encampments. Feedback to be given to residents and Cheshire West and Chester Councillors.	Andrew Miller M.P.

Date of Next Community Forum Meeting

**Wednesday 9th September 7pm - 9pm
Venue to be confirmed**

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