

Barnards Farm

A Proposed Gypsy Site

A Report on
Working With Government

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January, 1995

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Barnards Farm

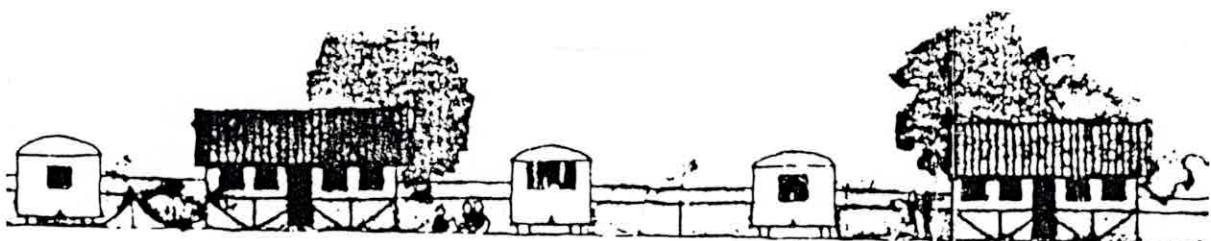
A Proposed Gypsy Site

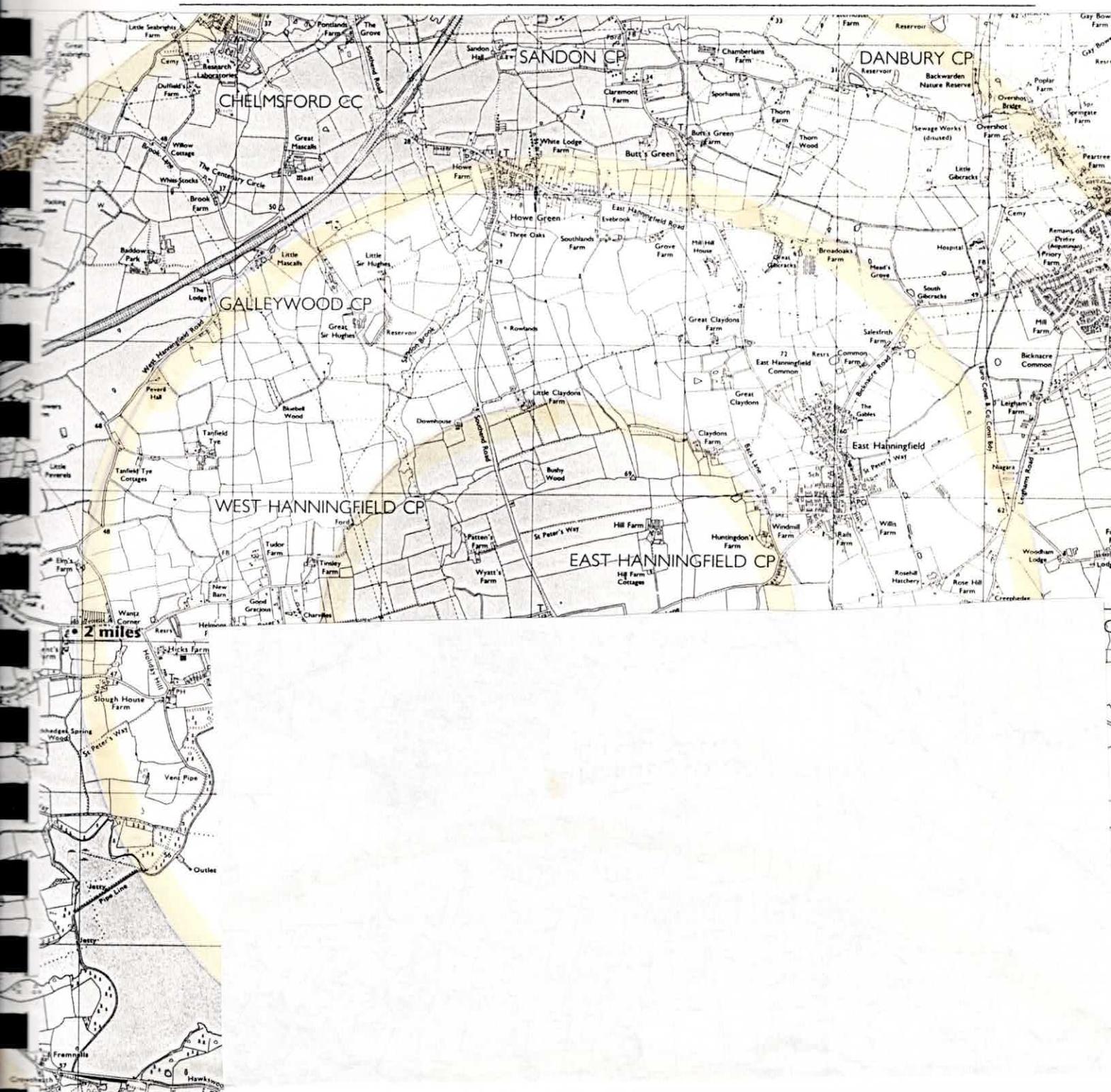
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Introduction

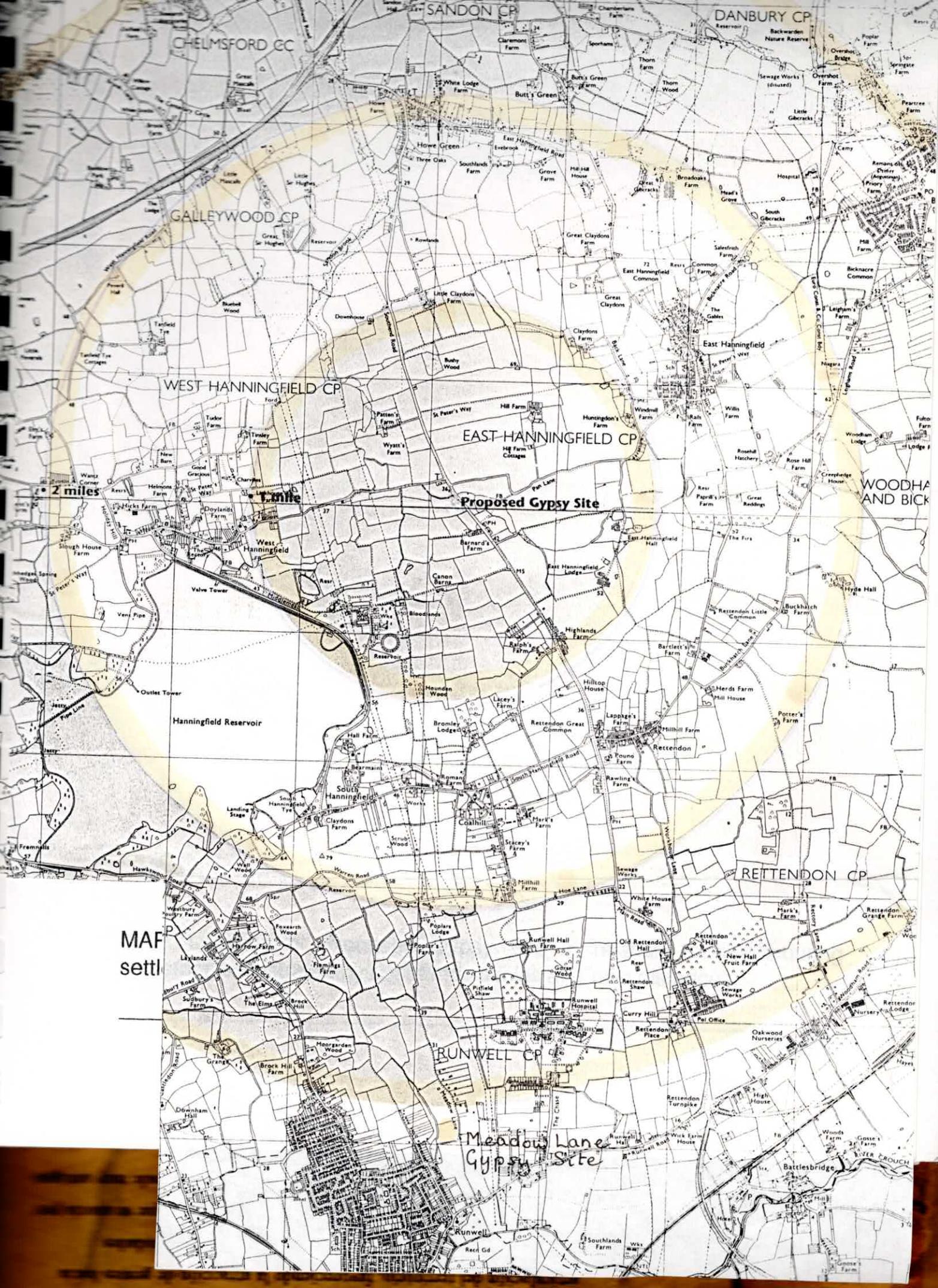
This report covers the history of a proposal to develop a gypsy site in East Hanningfield Parish. It includes the origins of the proposal, where the initiative originated and the motive behind it.

The extent of the influence of local government officers will be shown as will the part party politics has to play and the degree of success achieved by lobbying by parish councils and members of the public.





MAP: Location of Proposed Gypsy Site in relation to neighbouring settlements illustrated by concentric circles at 1 mile distances.

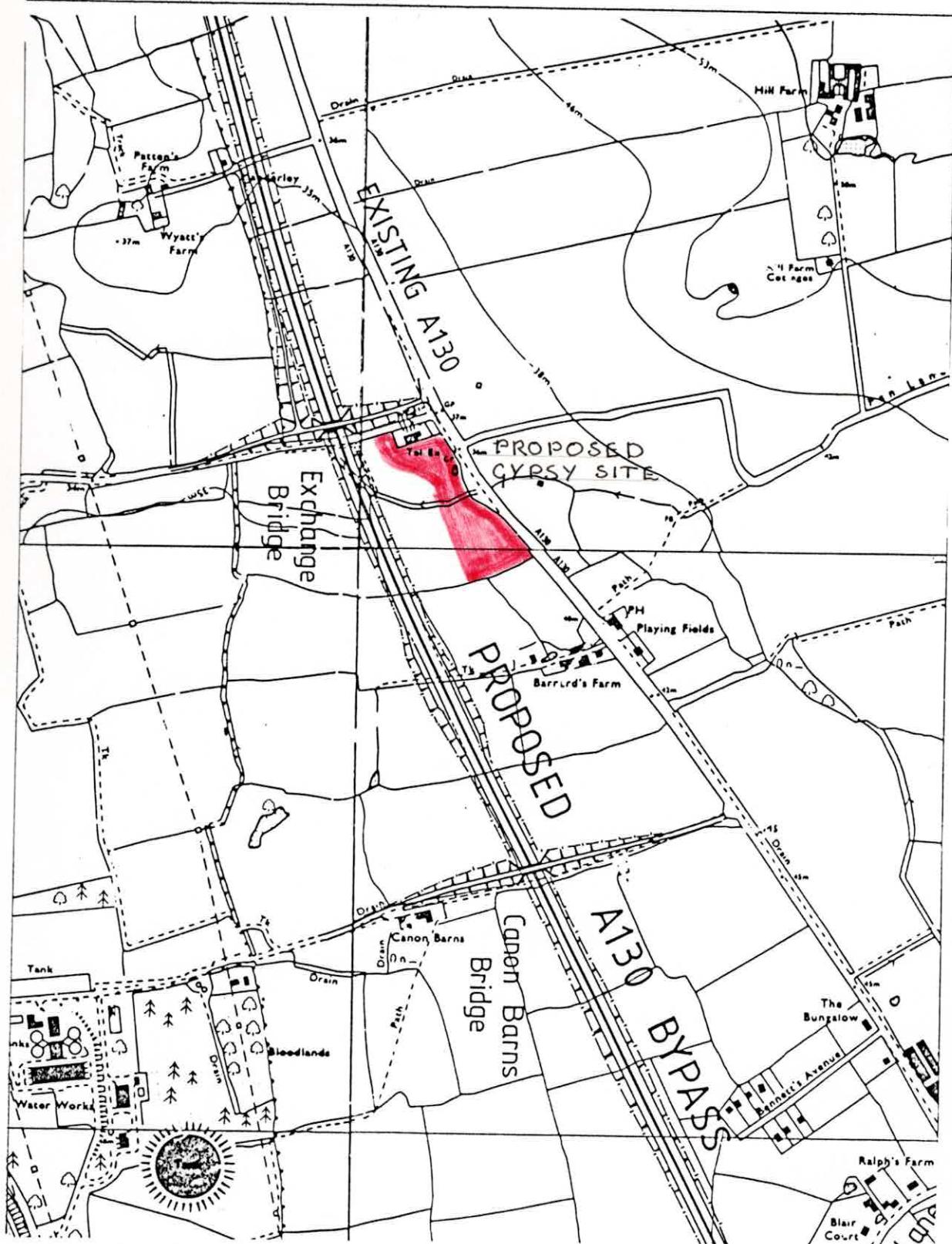


Background

Barnards Farm lies in open countryside, in the Metropolitan Green Belt, within the triangle created by the villages of West Hanningfield, East Hanningfield and Rettendon Common. It is nearest to West Hanningfield at a distance of approximately one mile, and about 1½ miles from both of the other villages, although it is in East Hanningfield parish (See Map, Page 2).

The farm lies beside the A130, which is a busy major route between Chelmsford and Canvey, crossing the A12, A127 and A13. Essex County Council (E.C.C.) plans to build a new motorway standard A130 to the West of and parallel to the present road (See Map, Page 4). As a result of the plans for the new road the County Council came into the ownership of Barnards Farm following a blight notice.

East Hanningfield Parish Council (E.H.P.C.) became aware of the County Council's proposal to establish a gypsy site at the farm on 25th June, 1993 when the Chairman of the Parish Council received a telephone call from the local newspaper asking for his opinion. Being East and West Hanningfields' borough councillor and a member of Chelmsford Borough Council's (C.B.C.) Planning Committee, he was surprised that he had not learned about the proposal through his Planning Department connections.



There followed a hurried fact finding exercise, and I, being the Clerk to E.H.P.C., attended the Meeting of E.C.C.'s Gypsy Sites Group on 1st. July. E.H.P.C. invited councillors and parishioners from the three villages and the county councillor to attend a public meeting at East Hanningfield on 8th. July. Opposition to the proposal was unanimous. The public meeting was followed by a Special Parish Council Meeting at which E.H.P.C.'s stance was debated and formulated in opposition to the proposal.

The County Council's Gypsy Liaison Officer took a party of parish councillors on a tour of three gypsy sites in Essex on 2nd. September. On 6th. September E.C.C. mounted a mobile exhibition in East Hanningfield Village Hall which was followed in the evening by a public meeting, where again the opposition from parishioners and Gypsies was unanimous.



Origins of the Proposal

The Legislation

The Caravan Sites Act, Part II, 1968 required county councils to provide adequate accommodation, ie. caravan sites, "for gypsies residing in or resorting to their area". Circular 28/77 gave guidance to those councils as to how they should carry out the requirements of the Act. Once an area had achieved the provision of adequate accommodation its council could apply to the Secretary of State for designation which would give it stronger powers to deal with any caravans parked without permission. From 1978 100% funding was available from central government for the setting up of Gypsy sites.*

In August 1992 a Government Consultation Paper proposed that the duty to provide should be withdrawn and the Draft Circular on Gypsy Sites 00/93 confirmed this and other proposals "to repeal the Secretary of State's powers to 'designate' an area of a local authority.....; to repeal his powers to direct an authority to provide more local authority sites; and to repeal his powers to pay grant to authorities for the provision of sites". The favoured status given gypsy sites in the green belt was also to be withdrawn. The Government announced on 31st. March, 1993 its intention to reform the Caravan Sites Act, 1968 (1). The discretionary powers for local authorities to provide sites under the Caravan Sites and Control of Development Act 1960 would continue.

* See Appendix 1 for a Romani view of the legislation.

The Policies

In addition to its policy to fulfil the requirements of the Caravan Sites Act, 1968 (2) the E.C.C. Gypsy Sites Group had approved two policy papers which sought "to encourage District Councils to be positive when considering planning applications from Gypsies for private sites." (3) A policy of toleration was adopted in 1977 (4) and an amended form adopted in 1986 (5) which allowed Gypsies who had camped on E.C.C. owned or controlled land to stay where they were if they were not causing certain specified problems.

Policy S9 of the County Structure Plan (6) precludes development in the Green Belt "except in very special circumstances" and does not cite gypsy sites as one of its exceptions.

The E.C.C. Code of Practice states, "Local Councils will continue to be consulted and involved in arranging public meetings if a new gypsy site is proposed." (7)

E.C.C.'s criteria for choosing a location for a gypsy site are that the perfect site would:-

"be within reasonable distance of a settlement for access to local amenities such as schools and shops.

"not be in close proximity to residential properties.

"not have a major impact on the appearance of the countryside and, with new tree and shrub planting should be capable of merging with the countryside in due course.

"have, or be capable of having a convenient and safe access to the main road network.

"be one which can be made into an acceptable living environment and will be provided with access road, amenity blocks, and hardstanding and will have the services of a resident or visiting warden.

"be within proximity of an area frequented by gypsies.

"be one which is provided with, or capable of being provided with, services - water, electricity, sewerage at reasonable cost.

"be provided on land in local authority ownership or owned by a willing seller."

It was E.H.P.C.'s contention that only two of the criteria applied to the Barnards Farm site (8). ✓

The Motivation

When, during the parish councillors' tour of gypsy sites, he was asked where the proposal for the Barnards Farm Gypsy Site had originated, the then E.C.C. Gypsy Liaison Officer (G.L.O.) stated that it was a Borough Council initiative and that C.B.C. was promoting it vigorously. The Minutes of the E.C.C./C.B.C. Joint Member Meeting held on 18th January, 1993 do not name a site although it is stated that the intention was to build a 25 pitch site in the south of the Borough, which is where Barnards Farm happens to be. An officer report to the C.B.C. Planning and Housing Committees, January 1994, states, "Since July 1991 there have been six joint Member meetings to discuss the possibility of a site at Barnards Farm." (9) At the Public Meeting at East Hanningfield on

✓

8th. July, 1993, a Rettendon parish councillor stated that, earlier in the year, she had heard a rumour suggesting that Barnards Farm had been proposed as a gypsy site, but when formally asked C.B.C. had denied the plan. ✓

East and West Hanningfields' Borough Councillor later confirmed that the proposal had come from the Enforcement staff of C.B.C.'s Planning Department. ✓

The Enforcement staff had been trying to clear an un-authorised gypsy encampment from a field in Meadow Lane Runwell, also in the Green Belt and the southern end of the Borough, since 1982 although the history of the encampment starts in 1965 when a planning application to lay the field out as a caravan site was refused and the subsequent appeal was dismissed in 1966 (10). An appeal against an enforcement notice was dismissed on 6th. December, 1982 and 11 individuals were prosecuted for failure to comply with that notice in August, 1984. ✓

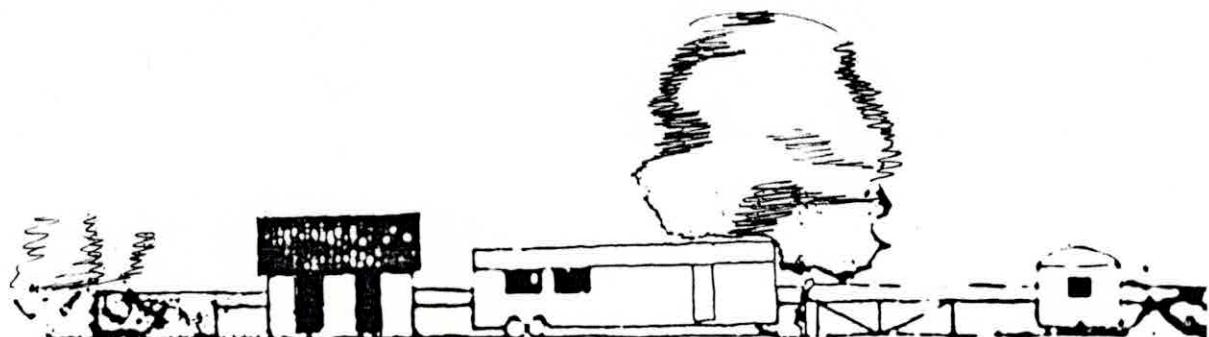
A planning application to use the land as 17 pitches for gypsy caravans was refused on 27th. November, 1984 and the subsequent appeal dismissed on 17th. June, 1986. On 12th. December, 1986 28 individuals were prosecuted for failing to comply with the enforcement notice. Since that time the Borough Council had not attempted further prosecutions because the fines imposed had been so minimal as to be no deterrent. The Courts had been reluctant to impose large fines when there was no official site in the area for the Gypsies to use (11). ✓

In March, 1993 a planning application was made for the retention of the existing caravan site for twelve families. It was refused, went to appeal and was to be the subject of a local inquiry in September. At that inquiry the Borough Council's case included the proposed site at Barnards Farm.

It was the opinion of Cliff Walsingham & Co., acting on behalf of Whitbread Plc.*, that the "undue haste" displayed by the County Council in "telescoping the entire planning process on such a controversial issue into less than three months" was "the result of a desire to obtain planning permission before the proposed new Circular comes into effect" (See Appendix 2). Simon Burns M.P. confirmed that the application would be determined by the Department of the Environment under the then existing system (See Appendix 3).

* Whitbread Plc. owns the Plough and Sail Public House, which faces Barnards Farm across the A130.

(See Map, Page 4)



Reactions to the Proposed Gypsy Site

For the first meeting, of the Gypsy Sites Group after the County elections in May, 1993 the County Planning Officers had produced a complete detailed plan for a 25 pitch Gypsy site at Barnards Farm, which would be the largest in Essex, and had already applied to the Department of the Environment for grant (See Appendix 3).

The Gypsy Sites Group is a six member sub-committee of the Development Control Sub-committee of the Environment Committee. Two of the members had been members of the Group before the election and the new political balance of power was such that the Group was unable to choose a Chairman. After much delay the meeting on 1st. July was chaired by the Deputy County Planner. All the officers' recommendations were agreed by the members.

Since the 1991 local elections Chelmsford Borough Council has been Conservative. At that election Chelmsford swung in the opposite direction to the rest of the country, but East and West Hanningfield's Borough councillor is an Independent. Conversely, at the 1993 county election the Conservatives were toppled. The local County Councillor is a Conservative. Thus both of the local councillors are 'in opposition' and thereby free to object to the actions of their councils and both did object to the Barnards Farm proposal without reserve at the public meeting organised by E.H.P.C. on 8th. July, 1993.

The County Council's 'consultation' exercise took place on 6th. September, 1993 at East Hanningfield Village Hall. By this time Mrs. Lubel, an experienced member, had become Chairman of the Gypsy Sites Group although there had been no further meetings since the one on 1st. July. The consultation was intended to take the form of a question and answer session, with County officers and members and the Borough Director of Housing seated on a platform either side of Mrs. Lubel who chaired the meeting. As well as questions there were many statements, several of which were by people with first hand experience of official gypsy sites. Gypsies from the Meadow Lane, Runwell unauthorised site also spoke, stating that they would not live on the Barnards Farm site and that they would move out of the Borough to avoid doing so. The only statements at the meeting which were minuted were those of the local County Councillor and of East and West Hanningfield's Borough Councillor who spoke on behalf of both those parish councils, and had ensured that he had distributed copies of his speech before he began.

✓

The attitude emanating from the platform was that people were objecting because they were N.I.M.B.Y.s and that their comments and statements therefore held no weight. The attitude towards the Gypsies was particularly arrogant in that their unwillingness to live at Barnards Farm was of no consideration; this had happened with previous sites which were subsequently occupied.

✓

The County Council representatives made two concessions at the public consultation meeting: firstly, should the Meadow Lane, Runwell site public

inquiry result in planning permission for the encampment to remain, the Barnards Farm proposal would be abandoned; secondly, the local parish councils' call for this matter not to be on the Agenda at the next Gypsy Sites Group meeting scheduled for 16th. September, but to be delayed to give parish councils time to meet to form their responses, gained a two weeks delay. A Special Group Meeting was arranged, to take place on 1st. October.

The general impression of the Public Consultation gained by members of the public was that the arguments against the proposal were so overwhelmingly justified that the County Council could not possibly continue with it. A rumour circulated in East Hanningfield suggesting wrongly that the plan had been dropped.

At the Special Meeting on 1st. October the Gypsy Sites Group resolved that a planning application should be made for a 25 pitch gypsy site at Barnards Farm with the rider that should the Runwell appeal succeed the County Council would not proceed with the development.

The Planning Application

On being notified of the planning application at the beginning of December, E.H.P.C. acted quickly to gain as much support as possible, calling for the Department of the Environment to call the application in. This support included Simon Burns the local MP who is a Conservative with whom E.H.P.C. had been in communication since early July and who was fully supportive of the Parish Council's case. The local Conservative Party is known to have been involved in

the lobbying as both the County Councillor and the failed Conservative Borough candidate were active against the application. Residents of the parishes involved were asked by their parish councils to write to the County Planner, M.P. and Secretary of State.*

In January, 1994 the Department of the Environment announced that the Secretary of State had issued a direction under Article 14 of the General Development Order directing Essex County Council not to grant planning permission for this application without his authorisation.

On 6th. April, 1994 the Runwell appeal was upheld. The Inspector at the Public Inquiry in September had recorded that both County and Borough Councils were considering the response to the Public Consultation concerning the Barnards Farm proposal (12) and that the Borough Council could not say whether they would support it (13). The Inspector's favouring the appeal site in comparison to the Barnards Farm site (14) was excluded by the Secretary of State from the final appeal decision.

o g didn't know he could do that?

The Barnards Farm proposal was officially abandoned on 19th. May when the Gypsy Sites Group resolved to withdraw the planning application.

* In East and West Hanningfield, this was done with a door to door leaflet drop.

o I was unaware of the power, I thought it had to go to appeal before SSI could interfere

Calendar of Events

Date	Govt.	Barnards Farm	Runwell Site
1965			Plan. appl. refused.
1966			Appeal dismissed.
1982			Appeal against enforcement dismissed.
8.84			11 prosecuted.
11.84			Plan. appl. refused.
6.86			Appeal dismissed.
12.86			28 prosecuted.
8.92	Consultation Paper.		
1.93	Draft Circular on Gypsy Sites.		
18.1.93		E.C.C./C.B.C. Joint Member Meeting discuss 25 pitch gypsy site.	

continued...

Date	Govt.	Barnards Farm	Runwell Site
31.3.93	Intention announced to reform Caravan Sites Act, 1968		
4.93			Plan. appl. refused. <i>WENT TO APPEAL</i>
25.6.93		E.H.P.C. becomes aware of proposal.	
1.7.93		Proposal presented at E.C.C. Gypsy Sites Group Meeting.	
8.7.93		Public & P.C. Meetings at E.H.	
2.9.93		P.C.s tour gypsy sites.	
6.9.93		E.C.C. exhibition & public meeting.	
22. & 23.9.93			Public Inquiry.
1.10.93		Gypsy Sites Group resolves to apply for planning permission.	
12.93		Planning appl. submitted.	
1.94	S.o.S. directed E.C.C. not to grant planning permission.		

continued...

Date	Govt.	Barnards Farm	Runwell Site
3.94		Minister for Local Govt. confirmed Barnards Farm would be considered under existing system.	
4.94			Appeal upheld.
5.94		Plan. appl. withdrawn.	
11.94		Criminal Justice & Public Order Act become law (reforming Caravan Sites Act).	
11.94		D.o.E. Circular 18/94 Gypsy Sites, Police & Unauthorised Camping.	

*Very effective display
of events.*



Conclusion

When considering the Barnards Farm proposal I have assumed that all the protagonists acted with the best of motives in their dealings. Thus the suggestion made at the Public Consultation that the Barnards Farm site was to take the Gypsies away from the Runwell encampment so as to make conditions more favourable for the developer of the old Runwell Hospital site, I have noted but disregarded. (nice one)

The unauthorised Gypsy site at Runwell had been a thorn in the side of the Enforcement staff at the Borough Planning Department for twelve years. Runwell Parish Council had been complaining about it for years (15) and suddenly there was some land owned by the County Council which could be used to create a replacement site. It must have seemed that their problems were almost over, but things would have to move quickly because changes in legislation were being proposed which would remove the funding from Central Government. It is not surprising that the Enforcement staff came up with the idea or that they were keen to promote it.

The fact that the Borough Council could not say, at the Runwell inquiry whether they would support the Barnards Farm proposal shows that, although emanating from a section of a Borough Council Department the scheme was not Borough policy and it was far from conclusive that it would gain Borough Council support.

The County Planning Department had been trying to identify a potential site in the South of Chelmsford Borough for years. South Woodham Ferrers Town Council in 1988 had defeated a planned Gypsy site because it was the only possible site for a much needed garden of remembrance (16). The County Planners must have foreseen little resistance from the inexperienced Gypsy Sites Group at its first meeting after the election, and must have been confident that their plans would be adopted. *oh how wrong they were.* ✓

I attended two meetings of the Gypsy Sites Group and the officers recommendations were always accepted by the members. The only proposal that came from members was for a best kept pitch competition.* It became apparent at those meetings that although Mrs. Lubel was conversant with the policies and legislation other members were not. One member in particular was unable to follow the discussion and did not appear capable of assessing the reports before him; at one point he was talking to the wrong agenda item. On balance the Group considered as a whole is a 'rubber stamp' for the projects of the County officers. ✓

The then Gypsy Liaison Officer displayed great enthusiasm for his work and had obviously made a considerable effort to get to know the local Gypsies as individuals and to understand their culture. He was noticeably noncommittal about the proposed site and furnished the parish councils with information which they were able to use in their arguments against the site. There was no Romani ✓

* A local newspaper recently reported that this idea had been abandoned because it was causing bad feeling amongst the Gypsies. *(yuk!)* ✓

voice at the Group meetings; the Essex Romani Association is critical of their lack of contact with councils in Essex (See Appendix 4).

Was the GLO not a member?

Bearing in mind that the County Council's case at the Runwell inquiry was in favour of allowing the encampment to continue, but asked for some conditions (17), it seems likely that the County officers had some doubts about the viability of the Barnards Farm scheme and were supporting the Runwell site in the hope that it would be successful, so that they could abandon the unsatisfactory Barnards Farm proposal.

The party politics appear to have had some influence. I am not convinced that, had the County Council remained Conservative at the 1993 election, the local County Councillor would have supported the objectors against the decision of his own party in power. There is also the possibility that had the previous members of the Gypsy Sites Group been re-elected they might have been less willing to accept the Barnards Farm scheme without criticism, because of their four years of experience on that Group.

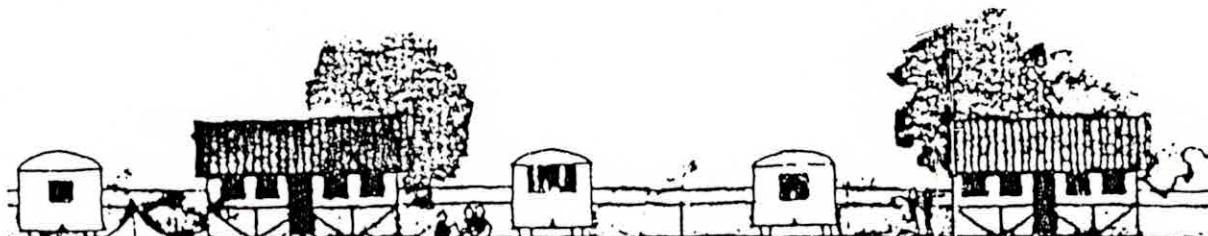
The fact that the local County Councillor and MP, who both supported the objectors, are of the same political party as the party in power at Westminster must have been greatly in the favour of the objectors, and to the disadvantage of the County Council, when the Secretary of State was asked to intervene.

The denial, early in 1993, by C.B.C. of the existence of the proposal and the absence of a named site in the Joint Member Group minutes at about the same

time, when contrasted with the specific information in the same document that the new site was to have 25 pitches and the later statement that the Group had been considering Barnards Farm as a gypsy site since 1991, gives the appearance of suppression of information by officers.

If the case of the Barnards Farm proposed Gypsy Site is typical of local government procedures, then the conclusions I draw are that:

- * officers at Borough level are taking it upon themselves to initiate schemes which could be considered to be beyond their immediate responsibilities;
- * officers at County level can be confident that the majority of elected members will accept their proposals with minimal comment;
- * members of the party ~~if~~ opposition at local government level, and possibly at Westminster as well, are free to follow their consciences;
- * having different parties in power at different levels of government allows campaigners to take advantage of party rivalries and allegiances;
- * information about controversial proposals is kept secret for as long as is feasible.
- * once embarked upon a course, officers and members are unlikely to retract;
- * to the County Council, 'consultation' no longer means seeking information or advice.



References

1. Department of the Environment News Release 237, 31.3.93. "Crackdown on Illegal Camping and Raves".
2. Policy BE6 Essex Structure Plan, First Alteration.
3. Guidance Notes for Members of the Gypsy Sites Group. A basic guide to members following the May, 1993 elections. E.C.C.
4. E.C.C. Policy on unauthorised encampment on land owned or controlled by the County Council. One Hundred Gypsy Families in Essex: a 1987 Survey of Travelling People, Appendix B. Essex County Council Social Services
5. E.C.C. Policy on use of Highway verges by Gypsies and Itinerants. As above.
6. Essex Structure Plan, First Alteration.
7. E.C.C. Code of Practice, March, 1993.
8. Letter from E.H.P.C. to Essex County Planner, 10.12.93.
9. C.B.C. Planning Committee Agenda Item 3, 23.1.94 & Housing Committee Agenda Item 8, 26.1.94.
10. Report to the Right Honourable John Gummer MP Secretary of State for the Environment from Jonathan Bore, Inspector, 22.10.93.
11. Letter from C.B.C. Administration Department to Councillor Dixon, 10.8.93.
12. Paragraph 55, Report to John Gummer as above.
13. Paragraph 65, Report to John Gummer as above.

14. Paragraph 69, Report to John Gummer as above.
15. Interview; Clerk to Runwell Parish Council.
16. Interview; the then Clerk to South Woodham Ferrers Town Council.
17. Paragraph 58, Report to John Gummer as above.