

Dear Angie

I appreciate that your parishioners have raised issues regarding the ongoing situation regarding the travellers on the site on Birchanger Lane. I think it may be useful to put in context the history of UDC's actions on this site.

Background to Case, the Planning Enforcement Notice.

The travellers moved onto the site in the Summer of 2018. Following updates to the public (including a public meeting in August 2018), and the necessary welfare checks of the travellers, a Planning Enforcement Notice was served on all the travellers in November 2018. The Enforcement Notice by its nature did not have an immediate effect, but allowed one month for an appeal to be lodged. An appeal was lodged over Christmas 2018 and was validated as received by the Planning Inspectorate in January 2019.

There are 8 different grounds you can appeal an enforcement notice over. The travellers appeal is on two grounds:

***Ground (a) that planning permission ought to be agreed for the use of land for these purposes
Ground (g) that more time should be allowed to comply with the notice (i.e. more than six months).***

Ironically whilst an enforcement notice is being appealed it is not effective. So the compliance period hasn't started to run. That would only start once the Enforcement Notice is upheld (or varied) at appeal. As such the travellers are not in breach of the notice whilst it sits at appeal.

In addition the Council is unable to carry out any stop action to immediately remove the travellers from the site. The use of stop notices for these purposes are specifically prohibited in legislation. Such action would have to be proportionate and mindful of welfare issues in any case.

We are in the hands of the Planning Inspectorate in terms of the moving on of this case, and allowing the notice to be enacted.

Frustratingly, the Planning Inspectorate have been far from effective in progressing this matter. Although the appeal was submitted in December 2018, the appeal was not officially started until February 2020, and a date finally offered for a hearing of 3 June 2020. Due to the challenges of COVID this was postponed until September 2020, where it was reset as a virtual hearing (which has worked effectively elsewhere including with the airport appeal). Sadly, the appellants objected to the hearing not being heard in person, and as such it was postponed again by the Planning Inspectorate.

The Planning Inspectorate have remained silent on this since the postponement of the virtual hearing in September.

Although the recent delays in mid-2020 due to COVID is understandable, UDC agrees that the more than a year delay, at the outset in 2019/20, and the recent silence by the Planning Inspectorate is not acceptable. UDC officers have been pushing the Planning Inspectorate for progress on this matter throughout, and I have personally chased them this week. I await their reply.

The Historic Injunction

It can also be confirmed that the site is subject to an injunction which was instigated in 2018. This in effect preserves the site in aspic. By doing this it prevents the site from expanding in terms of size or significantly growing in size. It does allow for travellers to travel, and does mean that they can leave the site and return, but the total volume of the site cannot be increased.

The passage of time through the appeal, has meant that some personal requirements of the travellers may have changed, this also includes the condition of the access to the site which is certainly ruttled. In late 2019, personal inquiries were made to swap two tourers on the site for two static caravans, and for the access way to be treated with hard-core/tarmac. The travellers requested these changes, and under the terms of the injunction any changes of this nature did require the authority of the courts. UDC supported these actions, however the matter was not progressed to the courts. The pandemic has seriously hampered, the formal considering of such court actions and as such the travellers have waited patiently for authority from UDC. In late 2020. The needs of the travellers became more pressing and the condition of the access has deteriorated further. As such, I personally agreed that they could two things

- 1. Swap two touring caravans for static caravans***
- 2. Bring in hard-core to allow the treatment of the accessway and the hardstanding.***

It is my understanding that is what has happened across Christmas and into the New Year. I personally visited the site before Christmas where one static had arrived. Other agreed works hadn't been carried out.

The Council have received reports that the travellers may have exceeded the leverage I have allowed.

Due to my own shielding restrictions I have been unable to revisit the site since Christmas. But intend to do so once we clear shielding /lockdown, hopefully next month. If on visiting the site, I see that the terms of the injunction have been exceeded beyond what I have agreed then I will have to consider further action on this matter if required.

Hopefully, this clarifies both the background to this case, and the explanation for the delay in bringing this matter to a head.

I am more than happy to provide another update in another month.

Nigel

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