

**Letter to Lewes District Council re proposed extension
of Gypsy and travellers site at Offham**

30th November 2011

Dear Sirs,

**Emerging Core Strategy – Core Policy 3
Gypsy and Traveller Accommodation - Offham Barns Site**

The proposal contained within the Emerging Core Strategy consultation document has caused considerable concern amongst the residents of the Parish of Hamsey. As a result, an open meeting was arranged by Hamsey Parish Council attended by a considerable proportion of local residents. Following considered discussion, the great majority of those present indicated, with no objections and a small minority of abstentions, their opposition to the expansion of the site contained in the consultation document for a variety of reasons.

Immediately following the meeting, the Parish Council held a meeting at which it was resolved to send this letter in response to the consultation, which includes summaries of many of the reasons for objection to the proposal expressed at the Open Meeting.

Hamsey Parish Council objects to the proposal for the following reasons.

1. In the Parker Dann Site Assessment report on which Core Policy 3 is based it is noted that in Paragraph 1.2 reference is made to the Partial Review of South East Plan Policy H7 identifying the need for “up to 10 permanent residential pitches for Gypsies and Travellers” but it is also stated in the same paragraph that Policy H7 was never adopted. Nevertheless it is clear from Paragraph 7.9 of the report that need identified in Policy H7 was relied upon and regarded as a “requirement”. Paragraph 1.2 further notes that it is anticipated that “local planning authorities will need to produce locally derived targets”. We believe that it is necessary for Lewes District Council to show that they have produced a locally derived target and to substantiate it, particularly as the expression “up to 10” is subjective and may be assumed to mean that less than ten pitches may be required. Paragraph 7.10 implies that 10 pitches is a target to be achieved.
2. Although Hamsey Parish Council was given the opportunity to comment on the criteria adopted for assessing the viability of potential sites, this was an “opt-in” process. Hamsey is a small Parish with a correspondingly small Parish Council that finds it difficult to comment on all matters that it is asked to. The Parker Dann assessment makes much of the fact that various parties were consulted and in particular Gypsy and Traveller Groups, including face to face discussions but it is to be noted that consultations with Parish Councils were limited to an opportunity to attend a presentation and make representations following that. It is surprising that Hamsey Parish Council was not notified that it featured on the list of possible sites. If it had been, there is little doubt that one or, more likely, more representatives of the Parish Council would have attended. If they had done they would almost certainly have asked that more emphasis be placed on Criteria 1 and 2 – Landscape Designation and Nature Conservation Designation, as well as various other criteria, which could well have resulted in the Offham site being ranked further down the listing provided in the Parker Dann report.
3. Appendix 4 of the Parker Dann report states, in paragraph 7.3 states that the site would have “to be delivered by the landowner, as funding is only available to public authorities delivering sites on publicly owned land”. The same paragraph goes on to state that planning

permission would need to be sought by the landowner and Appendix 4 states that the cost of delivery would be £255,000. The history of this site since it was first occupied as caravan site has been one of lack of observance of planning law and there must be real doubt that, if the site is adopted as part of the Core Policy, normal planning constraints will not be observed and that the required expenditure would not be met resulting in the necessary level of facilities not being realised.

4. Hamsey Parish Council considers that the Parker Dann report is incorrect when it states in Appendix 2 under item 10 that it is a level site. As is acknowledged under item 4 of Appendix 2 it lies in a hollow and is in fact bowl-shaped. What is not mentioned in the report but which could have been determined if there had been proper local consultation, is that the site regular floods each winter and spring, generally for a few weeks at a time. It is understood that the site is a former marl pit and possibly the source of spring water running via a water course north to North End Stream. If it were to be a permanent site, either significant drainage works would have to be carried out or the pitches would need to be considerably raised (or probably a combination of both) to deal with this local phenomenon. The latter would result in the site becoming far more visible and result in the criteria score under item 4 being reduced.
5. It is noted that alternative sites that are in public ownership, if adopted, would require “a bid for Government funding for the local authority to develop the site” (see for instance paragraph 7.5 in relation to site 8, where it also states that the costs would include “land raising to resolve flooding concerns”, which is relevant to the points made in paragraph 4 above. The Parish Council requires assurance that the Offham Barns site has not been selected because the costs would be borne by the landowner rather than the local authority.
6. The Parker Dann report states, in paragraph 7.9, that the “two sites considered most suitable for residential use for Gypsies and Travellers ... could therefore provide 10 permanent residential pitches”. It should be noted that if the proposal should be adopted, Offham would be providing 70% of them. Given the size of Offham in relation to other communities within the Lewes District, this is patently disproportional and discriminatory.
7. Hamsey Parish Council notes that, entirely as a result of the efforts of Lewes District Council supported by the Parish Council and local residents, in opposing the previous developments at this site, the current planning permission is only temporary and, indeed, understands that it is a condition that site should be reinstated to its original condition when vacated. The Parish Council believes that Lewes District Council owes it a duty to explain exactly why their previous views are now 180 degrees the opposite and that it should give permanent approval for the use of the site.
8. Hamsey Parish Council and local residents are extremely concerned about the precedent that further development at Offham Barns presents in relation to potential further development along the borders of the A275 through Offham. It is considered that if such development is adopted as part of Core Strategy then there will be few grounds for refusing applications for further development in the area, particularly as the arguments used are likely to start raising accusations of reverse discrimination, i.e. “one law for them and one law for me”, which are likely to become extremely divisive. The Parish Council is particularly concerned that the South Downs National Park Authority does not appear to have taken this into account and will be writing separately to the SDNPA in relation to this.
9. Members of Hamsey Parish Council are aware of a letter dated 14 March 2011 sent by Clifford Chance LLP to Lewes District Council addressed for the attention of Mr Andrew

Hill. In the interests of disclosing potential conflicts of interest it should be noted that one on the Parish Councillors had instructed Clifford Chance. Nevertheless, the balance of the Parish Council believes that the points made by Clifford Chance in this letter remain valid. The Parish Council is not aware whether any response was made by LDC to the Clifford Chance letter. In the absence of such, it is their belief that the current planning consent is not valid and that therefore any proposal for future development of the site are similarly invalid.

This letter, which it is sincerely hoped will be considered in full, is best summarised by answering the questions posed at the end of paragraph 7.23 of the Emerging Core Strategy Document:

Do you agree with the Approach that is proposed, including the level of pitches planned for ?

No, for all the reasons given above

Do you consider the most suitable sites identified through the Site Assessment Framework (Land North of Offham Filling Station, A275, Offham and Denton Depot, Newhaven) to be suitable for use for Gypsy and traveller accommodation?

No, again for all the reasons given above. Moreover, Hamsey Parish Council considers the wording of this question to be unreasonable. Any other community faced with similar unwarranted and undesired development in their area will inevitably answer positively. We request that any responses to this question be discounted.

Do you know of any other sites that may potentially help meet the need for additional pitches.

As stated in paragraph 1, we are uncertain as to what the actual need is. Nevertheless we are unaware of any other sites other than those identified in the Emerging Core Strategies document.

In conclusion, Hamsey Parish Council and local residents strongly disagree with the proposal to include further developments of Offham Barns site within the Emerging Core Strategy and further give notice that if it were to be adopted the Council would strongly oppose any planning application for all the above reasons.

Yours faithfully,

Mrs J.Toomey
Clerk to Hamsey Parish Council