

NATIONAL BARGEE TRAVELLERS ASSOCIATION



OXFORD CITY COUNCIL DRAFT LOCAL PLAN 2016 – 2036 CONSULTATION

SUBMISSION BY THE NATIONAL BARGEE TRAVELLERS ASSOCIATION 25th AUGUST 2017

1 OPENING COMMENTS

This document contains the consultation response of the National Bargee Travellers Association (“NBTA”) to the publication by Oxford City Council of the draft Local Plan 2016 – 2036 on 30th June 2017.

The standing instructions of Oxford City Council were that responses were to be made on-line using either a short-form web form or a long-form web form accessible here:

<https://www.oxford.gov.uk/localplan>

The designed size of the text boxes made available in the long-form version were too small for this content to be inserted. The response of the NBTA is therefore submitted in a document.

This response is prepared by the NBTA on behalf of its members, both those within the jurisdiction of Oxford City Council and those who might be expected to resort to the jurisdiction. The NBTA’s membership is comprised of itinerant boat dwellers (“Bargee Travellers”).

Although the draft Local Plan is very long (158 pages) embodying many draft policies the submissions by the NBTA are confined to Option 24 and Option 107.

2 SECTION 3: CREATING A PLEASANT PLACE TO LIVE, DELIVERING HOUSING (see Opt 24: Homes for Boat Dwellers, Ch 3 page 52, online form Page 3)

Opt 24A: Assess need for residential boat moorings and include a criteria based policy for determining planning applications for residential moorings, covering access for emergency services and an assessment of the availability and distance between facilities.

To what extent do you agree or disagree with our Preferred Option?

Strongly disagree

Please enter any additional comments on our Preferred Option

The NBTA sees the policy of Oxford City Council as being symptomatic of the contempt that Oxford City Council holds for boat dwellers within the jurisdiction, as attested by:

- (a) the conduct of the non-statutory grouping calling itself the Unlawfully Moored Boats Enforcement Group, established in October 2010;
- (b) the efforts of Oxford City Council to purge the jurisdiction of Bargee Travellers though the

National Bargee Travellers Association

30 Silver Street
Reading, Berkshire
RG1 2ST, UK

Tel +44 (0) 118 321 4128
E-mail secretariat@bargee-traveller.org.uk

Fax +44 (0) 870 879 0830
WWW: www.bargee-traveller.org.uk

- development (in secret) of the Public Space Protection Order-Waterways (“PSPO-W”);
- (c) the actions of Oxford City Council in relation to the absent Bargee Traveller Accommodation Assessment (“BTAA”) referred to below; and
- (d) the general attitude of Oxford City Council towards Bargee Travellers within its jurisdiction.

Oxford City Council conceded in the summer of 2016 that with the advent of the development of PSPO-W the purpose of Unlawfully Moored Boats Enforcement Group was removed and accordingly it disbanded also in the summer of 2016.

Equally the PSPO-W was identified as an effort on the part of Oxford City Council to purge its jurisdiction of Bargee Travellers and PSPO-W was also discontinued in February 2017.

Pursuant to s.124 of the Housing and Planning Act 2016 (which came in to force in July 2016) Oxford City Council is required to conduct a needs assessment of Bargee Travellers who are within or may be expected to resort to the jurisdiction of Oxford City Council. Pursuant to the guidance published by the Secretary of State for Communities (the “Guidance”) Oxford City Council was required to consult the NBTA in this regard. In July 2017 Oxford City Council denied that s.124 of the 2016 Act was in force. It also denied that the Guidance was valid and in force. Consequently the Secretary of State for Communities investigated these non-compliances.

In January 2017 Oxford City Council retained a consultant (Opinion Research Services) to conduct a needs assessment of land-based travellers (Gypsy and Traveller Accommodation Assessment, “GTAA”). With the advent of s.124 of the 2016 Act the obligation to conduct GTAAs pursuant to s.225 Housing Act 2006 is repealed but pursuant to s.124 of the 2016 Act replaced with an obligation to be “informed”.

Thus the work product of a GTAA may now be regarded as a new-GTAA or n-GTAA as the means by which Oxford City Council can inform itself within the scope of a Strategic Housing Market Assessment. Therefore the work package let to Opinion Research Services by Oxford City Council in February 2017 was in fact an n-GTAA.

Opinion Research Services had previously sought the assistance of the NBTA (following the Guidance) and the NBTA had advised Opinion Research Services on the obligations of its respective clients in this regard. Accordingly In February 2017 Opinion Research Services tendered to Oxford City Council for the conducting of a BTAA in addition to the n-GTAA but Oxford City Council turned down the tender and declined to undertake a BTAA at all.

The NBTA estimates that there are 200 boats moored on a residential basis (whether on residential moorings or otherwise) within the jurisdiction of Oxford City Council. The NBTA also estimates that there are a further 300 Bargee Travellers who are within or may be expected to resort to the jurisdiction. However absent a properly conducted BTAA these numbers are by necessity coarse estimates.

In any event and by any reckoning these numbers are large enough to be heeded by Oxford City Council and therefore for Oxford City Council to completely absolve itself of any obligation to this demographic is negligent. Therefore the NBTA challenges Oxford City Council to re-think this policy so as to be actively in support of Bargee Travellers rather than failing to support this demographic at all.

National Bargee Travellers Association

30 Silver Street
Reading, Berkshire
RG1 2ST, UK

Tel +44 (0) 118 321 4128
E-mail secretariat@bargee-traveller.org.uk

Fax +44 (0) 870 879 0830
WWW: www.bargee-traveller.org.uk

Policy Option 24 pays no respect to the need for transit moorings. Transit moorings provide a normalised approach to mooring for longer term than that authorised by the ad-hoc mooring legislation but where the BT does not require a permanent mooring. Transit moorings have proved themselves to be successful in a number of locations across the inland waterways system. Transit moorings can also make provision for essential services including water provision, rubbish and elsan disposal and pump out, in circumstances where these are not provided by the navigation authority and the only alternatives are by provision by private sector boat yard operators.

In particular the NBTA expects Oxford City Council to:

- (a) compose a policy that reflects the needs of Bargee Travellers including specifically addressing its obligations under s.124 (to respond to the findings of a needs assessment);
- (b) conduct a properly constructed BTAA (presumably by ORS with an expectation that ORS will consult the NBTA);
- (c) the BTAA study to include an evaluation (in which the entire river bank and canal bank within the jurisdiction will fall within scope) to evaluate capability for:
 - (i) ad-hoc mooring (pursuant to s.79(2) of the Thames Conservancy Act 1932 or s.17(3)(c)(ii) of the British Waterways Act 1995) (noting that jurisdiction for mooring itself falls within scope of the Environment Agency and the Canal and River Trust respectively);
 - (ii) transit moorings; and
 - (iii) residential moorings;

and

- (d) the size criteria defined in Opt 107 of 0.25 Ha to be dis-applied to this study.

Opt 24: Alternative/Rejected Options

(see Opt 24: Homes for Boat Dwellers, Ch 3 page 53, online form Page 3)

Do you have any comments on the alternative or rejected options for Opt24?

In relation to “Opt 24B: Alternative Option: Seek to meet need for residential moorings by allocating sites” the response of the NBTA is included in the position laid out above.

Option 24 (c) was rejected by the NBTA as being non-compliant (further to s.124 of the 2016 Act it is not open to Oxford City Council to have “no policy” and therefore Oxford City Council rejected this option on compliance grounds).

3 AREA ACTION PLANS

(see Opt 107: Area Action Plans, Ch 9 page 129; online form Page 9)

To what extent do you agree or disagree with our Preferred Option?

Strongly disagree

The NBTA takes the view that the policy is of a generic “land-based” construction that does not suitably address the nuances of marine use. The NBTA proposes a further policy that is specifically tasked to guide waterside land use decision-making.

National Bargee Travellers Association

30 Silver Street
Reading, Berkshire
RG1 2ST, UK

Tel +44 (0) 118 321 4128
E-mail secretariat@bargee-traveller.org.uk

Fax +44 (0) 870 879 0830
WWW: www.bargee-traveller.org.uk

Further Comments

In spite of much of the river bank of the River Thames and the Oxford Canal already being used for ad-hoc mooring by Bargee Travellers pursuant to s.79(2) Thames Conservancy Act 1932 (on the Thames) and s.17(3) British Waterways Act 1995 (on the Oxford Canal) the entire length of both banks of both navigations have been rejected. This is illogical.

The NBTA rejects the proposition that sites of size less than 0.25Ha should by necessity be ruled out for mooring provision. A mooring requires approximately 2% of this area. It is therefore illogical to rule out such sites. Even allowing for access roads, common areas and parking provision (noting that many Bargee Travellers find the ownership of a vehicle incompatible with moving a boat longer distances) (where these are provided) 0.25 Ha would provide an admirable mooring provision. Sub-0.25Ha areas would serve very well.

Given the total absence of any consideration of waterway bank areas by Oxford City Council the NBTA proposes that a properly formulated audit of bank space should be conducted to remedy this. This is a sophisticated package of work and falls outside of the scope of a submission to a consultation. However Oxford City Council is required to conduct a needs assessment of Bargee Travellers within or who might reasonably be expected to resort to the jurisdiction. This would by necessity include this audit. Further detail is contained under Option 24 above.

4 GENERAL COMMENTS (On-line Page 10 of 10)

This consultation was launched at a peak period for the recreational boating community and thus a time of minimal presence within the jurisdiction of Oxford City Council for the live-aboard community. The consultation documents have not been made accessible specifically to the BT community (including hand-delivering to Bargee Travellers and moored boat-dwellers on the towpath). This is symptomatic of the contempt that Oxford City Council holds for the boating community. Both complaints make the consultation non-compliant with Art G of the Cabinet Office document entitled "Consultation Principles" dated 14-1-2016.

The consultation is extremely long, containing 158 pages of text and over 100 questions, complex and demanding to respond to. The only reasonable means of responding to the consultation is by means on-line questionnaire, itself arranged on 10 web pages. This makes it difficult to access by people who use smart-phones (which are the primary means of written communication by the BT community apart from paper). There is no provision for e-mailing a written response. This is at odds with Arts F and G of the Consultation Principles.

The primary interests of the NBTA are to ensure

- (a) that Oxford City Council supports (and does not persecute) Bargee Travellers; and
- (b) upholds its obligations to provide for Bargee Travellers who resort to, or may reasonably be expected to resort to, its jurisdiction.

In particular (b) is manifest in the obligations of Oxford City Council under s.124 of the Housing and Planning Act 2016 including to consult with the NBTA. Oxford City Council has not only not done this but has declined to do so when specifically requested by two parties to do so. Accordingly the Secretary of State Communities considered it necessary to investigate Oxford City Council's non-compliance. This is expanded upon within this response.

National Bargee Travellers Association

30 Silver Street
Reading, Berkshire
RG1 2ST, UK

Tel +44 (0) 118 321 4128
E-mail secretariat@bargee-traveller.org.uk

Fax +44 (0) 870 879 0830
WWW: www.bargee-traveller.org.uk

Nick Brown
Legal Officer
25th August 2017
National Barge Travellers Association
30 Silver Street, Reading, Berkshire, RG1 2ST
Tel 0118 321 4128
E-mail secretariat@bargee-traveller.org.uk
WWW: [www. bargee-traveller.org.uk](http://www.bargee-traveller.org.uk)

National Barge Travellers Association

30 Silver Street
Reading, Berkshire
RG1 2ST, UK

Tel +44 (0) 118 321 4128
E-mail secretariat@bargee-traveller.org.uk

Fax +44 (0) 870 879 0830
WWW: [www. bargee-traveller.org.uk](http://www.bargee-traveller.org.uk)