

Response to Inspectors Note 3
June 2011

Abolition of RSS and revisions to PPS3

Housing Targets

The housing target contained in the Submitted Core Strategy of 1,800 dwellings (90 dwellings per year) is consistent with the Borough Council's representations made in relation to the East Midlands Regional Plan.

In its response to the Regional Plan Options for Change Consultation in 2005, the Borough Council supported Option 1B 'Below Trend Growth with Urban Concentration plus Regeneration' which equated to 90 dwelling per year.

The draft Regional Plan published in 2006 allocated 55 dwellings per year to the Borough. The Borough Council objected to this on the basis that it was significantly lower than recent completion rates and could impact on the ability of the Borough to meet its own housing needs (for example in relation to affordable housing provision and to implement Masterplans to regenerate its centres). The Borough Council reiterated its previous representation that supported 90 dwellings per year.

The Proposed Changes to the Regional Plan published in 2008 amended the housing provision for the Borough to 90 dwellings per annum and this figure was subsequently adopted.

The Secretary of State's letter of 27 May states that 'decisions on housing supply will rest with Local Planning Authorities without the framework of regional numbers and plans'. The process set out above demonstrates how the housing target contained in the Submitted Core Strategy of 1,800 dwellings (90 dwellings per year) was originally determined by the Borough Council based upon its assessment of local need and land availability.

Therefore, it is not considered that the abolition of the Regional Plan will have any implications on the Core Strategy in terms of housing targets.

Some attachments of Council reports have been provided alongside this note to demonstrate the process described above.

Gypsy and Traveller pitch numbers

In line with Section 225 of the Housing Act 2004 and Planning Circular 01/2006 Planning for Gypsy and Traveller Sites, the Council entered into a partnership with other neighbouring authorities to commission a Leicestershire, Leicester and Rutland Gypsy and Traveller Accommodation Needs Assessment (GTAA) (April 2007). The research also considered the needs of Travelling Showpeople. The GTAA surmised that the residential pitch requirements in the Borough for the period 2006-2011 were 1. The study emphasised that this was an estimate of '**need arising**', not of '**need where it should be met**'.

Historically, the Borough has not appeared to be considered a desirable location for Gypsy and Travelling communities to permanently reside or resort in. The model used for assessing requirements for residential pitch requirements took account of, amongst other variables, “*need for residential pitches from unauthorised encampments 2006-2011*”. Records of instances of unauthorised encampments from before 2006 to date have shown these to be infrequent and for a limited interval (up to 8 weeks at most by the same family grouping who use a Council owned piece of land as a base whilst they visit family in Leicester City). The consultants conducting the study themselves acknowledged that they were unable to interview anyone for the study as there were no Gypsies and Travellers resident in the Borough at that time.

Since publication of the GTAA, the Borough Council has had concerns about the sustainability and deliverability of providing a site for at least 1 pitch. The GTAA itself stated that only 2% of respondents to the study favoured sites with fewer than 5 pitches (declaring very small sites can lead to loneliness), the majority preferred sites with between 6 and 20 pitches (see paragraph 10.5 of GTAA). Annex C of Circular 01/2006 asserts that it would not be appropriate to stipulate a national *maximum* size for a site. However, in the Designing Gypsy and Traveller Sites good practice guide, paragraph 3.7 refers to small scale development of three to four pitches and paragraph 4.7 reiterates the level of three to four pitches.

In its statement submitted in relation to the East Midlands Regional Plan, the Council set out its concerns with the findings of the GTAA and in particular the deliverability of providing a 1 pitch residential site. A copy of this statement is attached. In addition, through attendance at the Regional Plan Examination in Public, the Council contended that information in the GTAA in relation to site size (particularly paragraph 10.5) and the pitch figures had not been given proper consideration in relation to Oadby and Wigston. In particular, although it was accepted the GTAA estimated there was a need arising for 1 residential pitch in relation to the Borough (this was mainly as a result of the stated occasional incidence of an unauthorised short term encampment in the Borough), it was felt that the Regional Plan had not considered whether it was appropriate, sustainable or deliverable to require less than 5 pitches to be allocated in the Borough. Furthermore, there appeared to be no consideration of whether the Borough’s need arising could more appropriately be met in another district in much the same way as the Borough’s employment needs were proposed to be. However, the adopted Regional Plan contained the requirement for the Oadby and Wigston Borough to allocate a site for 1 residential pitch. Hence, to accord with the Regional Plan Core Strategy Policy 13 included this requirement.

However, since it is the intention of the new Government to abolish the Regional Plan the Borough Council would request that the Inspector reconsiders the inclusion of the requirement to allocate a site for 1 or more residential pitches. It is felt that the Core Strategy would still be sound and in compliance with national policy should Core Strategy Policy 13 be amended to remove the first sentence which contains reference to the pitch requirement of the Regional Plan for the following reasons:

- the GTAA estimates that the Borough has a ‘need arising’ for 1 residential pitch but it does not stipulate how or where this need should be met or imply that more than 1 pitch would be sustainable;
- the GTAA further provides evidence that sites of less than 5 pitches may not be favoured by the Gypsy and Travelling community due to factors such as isolation;

- advice contained in Designing Gypsy and Traveller Sites indicates that three to four pitches is considered appropriate small scale site development;
- historically the Borough is not a place where Gypsies and Travellers have considered residing permanently, incidences of unauthorised encampments have been very infrequent (according to records from the late 90s to date) and relate to the same plot of Council owned land and usually the same family;
- the inclusion of criteria within Core Strategy 13 accords with paragraph 31 of Circular 01/2006. The Council feel the criteria provides sufficient guidance for determining and/or allocating sites for Gypsies and Travellers and that the criteria sufficiently meets the evidence contained in the GTAA.
- paragraph 33 of Circular 01/2006 states that criteria alone should not be used as an alternative to allocating land where there is an identified need for pitches. The GTAA state there is a need arising in the Borough but does not categorically state that this need should be met in the Borough. It is felt that the GTAA does not provide a definitive argument for allocating 1 pitch in the Borough but rather demonstrates a need to work in cooperation with other authorities to meet needs jointly;
- given that the GTAA does not categorically state that the need arising should be met in the Borough, with the abolition of the East Midlands Regional Plan and therefore its requirement to provide 1 pitch, it is questionable whether the GTAA itself provides the evidence to support a specific reference to the provision of 1 pitch in the Borough;
- there have been exploratory discussions recently between the Leicestershire Authorities about provision of socially rented sites to meet joint needs which could include the Borough's need arising. Paragraph 35 d) of Circular 01/2006 highlights that cooperation between neighbouring authorities can provide more flexibility in identifying sites;
- the Council feel that such a small scale site would be costly to provide, unsustainable and difficult to deliver. Furthermore, economies of scale could be made by entering into partnership with other authorities to jointly meet needs;
- the Issues and Options stage of the Allocations Development Plan Document carried out in June 2007 sought views on or ideas for proposed locations for a Gypsy and Traveller site. No comments or potential sites were put forward through this consultation. To date the Council have not been approached through housing or planning in relation to finding or developing a site for Gypsy or Traveller accommodation in the Borough. This concerns the Council about the justification of allocating land in the Allocations DPD for a use that may never come to fruition especially in a Borough with so little land available and many competing development needs; and
- it is probable that other Leicestershire authorities will be revisiting their Gypsy and Traveller pitch numbers in relation to the proposed abolition of the Regional Plan. It is likely that further work will be required on a HMA basis. Retention of specific pitch numbers within the Borough's Core Strategy may be premature, particularly in light on any future Leicestershire work or further new government advice that is expected to follow.

Density

PPS3 has been amended to remove the reference to minimum densities of 30 dwellings per hectare. This should not have an impact on the Core Strategy which generally promotes densities higher than 30 dwellings per hectare in any case. No representations have been made to the effect that there should be any references in the Core Strategy to densities of less than 30 dwellings per hectare.

The proposed amendments refer to 'an average density of 40 dwellings per hectare or more'. Paragraphs 5.67 and 5.68 provide a locally evidenced justification as to why an average density of 40 dwellings per hectare is considered appropriate and deliverable in the Borough.

Despite the removal of the reference to minimum densities of 30 dwellings per hectare in PPS3, the justification contained in paragraphs 5.67 and 5.68 is still applicable. Indeed, the justification is reflective of the Borough Council making use of the flexibility that exists to allow it to determine its own densities that take account of local circumstances.

Therefore it is not considered that this amendment to PPS3 has any implications on the Core Strategy.

Re-classification of Gardens to Greenfield Land

PPS3 has been amended to classify gardens as greenfield land, rather than brownfield land as they were previously classified.

This amendment to PPS3 does not have any implications on the Core Strategy.

Consultation

It is the Council's opinion that further consultation should only be undertaken if it would add value to the Examination process.

As indicated above, East Midlands Regional Plan and PPS3 matters in relation to housing targets, density and garden land do not have any implications on the Core Strategy and therefore further consultation is not considered to be necessary.

With regard to Gypsy and Traveller pitch numbers, depending on the Inspector's view, the abolition of the East Midlands Regional Plan may result in an amendment to the Core Strategy. However, it is difficult to see where further consultation would add value to the Examination process. This is because the key issue relates to the East Midlands Regional Plan's interpretation of the GTAA (and not the GTAA itself which did not categorically state that the need arising should be met in the Borough). In other words, the issue would appear to relate to the weight that the Inspector considers should be given to the abolition of the East Midlands Regional Plan rather than the outcome of a further consultation exercise.

If the Inspector does consider that further consultation is necessary, then it is the Council's opinion that a consistent approach should be applied to previous consultations in relation to the Examination process where consultation has taken place only with respondents to the Regulation 27 Consultation.

References to East Midlands Regional Plan

There are a number of references to the East Midlands Regional Plan throughout the Core Strategy. The Council wonders whether it is the Inspector's intention that all of these references should be removed prior to Adoption? If the references are not removed, then the Core Strategy could appear out of date very quickly after Adoption.