
Wrexham County Borough Council Local Development Plan

EXAMINATION

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exceptions sites policy, and that its wording could be altered to make it more accommodating of such development. Even so any contribution would not be likely to markedly reduce the anticipated shortfall in provision.

Conclusion

- 4.15 It is evident that the combined contribution to the supply of affordable housing from the Plan and other initiatives will fall considerably short of the identified need. Whilst it is accepted that present economic conditions make the delivery of sufficient affordable housing a challenging prospect, there is no evidence that the Plan has been devised to maximise the Plan's potential contribution to delivery.
- 4.16 The Council has sought to emphasise that other priorities have driven the Plan's strategy but it appears that there are 2 significant elements of the strategy that militate against maximising affordable housing delivery – firstly, the reliance on brownfield which tends to be more expensive, or at least more difficult, to develop; and secondly, the restrained level of general market housing growth which places a higher pro rata burden on each market housing unit to contribute to meeting the need for affordable housing.
- 4.17 There is no evidence that in choosing its strategy that the benefits of a mainly brownfield approach have been properly assessed and balanced against a shortfall in the delivery of affordable housing. Indeed it appears that in adopting an overly optimistic view of the likely capacity of the Deposit Plan to deliver in this respect, the necessary exercise of balancing conflicting objectives was not undertaken. Once it was realised that there would be some shortfall it was decided to rely on using public funds to make up the gap rather than seeking to make changes to the Plan which would maximise potential delivery. It is now apparent that this initiative will not make up the shortfall between the Plan's target supply and the identified need. Even more significant is the likelihood that the Plan will fall well short of its delivery target given that it has not been informed by a realistic understanding of the limitations imposed by economic viability considerations.

5. GYPSY AND TRAVELLER PROVISION

- 5.1 This topic was examined at hearing session 5 held on 27 January 2012. A Gypsy and Traveller Accommodation Assessment (EBG+T01) was produced in 2007 and updated by the Gypsy and Traveller Potential Sites Study (EBG+T02) in 2008. These documents comprise the Council's evidence base in relation to this topic.
- 5.2 The 2008 Study identified a need for 15 pitches up to 2013 and an additional 12 pitches post 2013 and refers to the existence of one

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unauthorised encampment. The Council confirmed that this unauthorised site at Rossett continues to be occupied by 5 families with legal proceedings well advanced to secure their displacement.

- 5.3 The Council has referred to the Study identifying a 'possible' need post 2013 but it was unable to explain the basis for this qualification of the need other than to contend that predictions beyond 5 years introduce too significant an element of uncertainty caused by the fluidity of family arrangements. However, this approach fails to acknowledge that the Study considered such difficulty and calculated need beyond the 5 year period by applying a growth rate to the base population. The Study's figure of need is based on an assumption that growth proceeds at a rate of 3.9% (which the report states is used by the Department of Communities and Local Government) whereas it identifies the historic growth within the County as 6.25%. Using this higher percentage would have resulted in a requirement for a further 9 pitches.
- 5.4 Circular 30/2007: Planning for Gypsy and Traveller Caravan Sites requires local planning authorities to allocate sufficient sites in LDPs to ensure that identified pitch requirements for residential and transit use can be met. At paragraph 24 it explains that exceptionally, where an authority is 'unable to meet all assessed future needs through specific site locations' the LDP should give a 'reasoned explanation why that has not been possible. It must explain what criteria will be used to ensure adequate provision and state the detailed measures it will take to ensure that adequate provision is made during the plan period.'
- 5.5 Policy P10 makes provision for 15 pitches to meet the need until 2013 by allocating land to enable an extension to an existing site at Ruthin Road. This allocation fails to recognise that the 2008 Study refers to shortcomings identified by the gypsy and traveller community in relation to this site in terms of its poor accessibility to nearby settlements and to public transport. Representations to the Plan identify other concerns including that, as the site is perceived to be an Irish Travellers' site, many Romany Gypsies are fearful that moving onto the site would lead to social tensions and potential conflict whilst its proximity to a busy main road is seen as creating an unsuitable living environment. Its present vacancy rate (6 empty pitches) may reflect these concerns. Other identified drawbacks appear to have been addressed by the site's recent refurbishment.
- 5.6 The Plan makes no allocation to meet the identified need from 2013 to the end of the Plan period. There is no evidence to justify this decision other than the assertion that the study's findings are considered to be unreliable beyond a 5 year timeframe. The Council considers that a decision to review the Plan in 2013 provides a suitable mechanism for dealing with future need. Whilst such an approach clearly fails to meet the requirement for adequate provision during the plan period this shortcoming is compounded by the fact that no potential sites have

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been identified as suitable for allocation should the review reveal this to be necessary. This is particularly significant given that the acknowledged difficulties of identifying any new sites in terms of local opposition would be likely to severely hinder a prompt revision to the Plan.

- 5.7 Turning now to part 2) of Policy P10 which provides a criteria based element to the policy. The Circular identifies the requirement for a criteria based policy to enable future or unexpected demand to be met, and emphasises that criteria should be 'fair, reasonable, realistic and effective in delivering sites'. P10 includes an upper limit of 7 pitches that may be permitted over the Plan period. Whilst this limit appears to be based on the identified need in the Study for private site provision there appears to be no reason for imposing an upper limit on the number of pitches which could lead to the refusal of a planning application that would otherwise meet all the criteria of the policy. The Council's reliance on this identified level of need runs counter to its stance regarding the reliability of future predictions of need in relation to allocating sites.
- 5.8 The policy imposes a limitation of a single pitch on each site, preventing occupation by extended families which would frustrate the desire of the gypsy and traveller community to provide support across the generations which is an important aspect of gypsy culture. Such an arbitrary limit runs counter to the specific advice in Annex B of the Circular. Among the criteria of P10 is that proposals should not have a detrimental visual impact or be detrimental to the amenities of neighbouring properties. These criteria together with a requirement that the proposal is generated by 'local need' further indicate that the policy is unacceptably restrictive, and contrary to the advice in the Circular, including Annex B which provides examples of the types of requirements that should not be included in such policies. That the policy is so stringent is all the more inappropriate given the LDP's failure to allocate sufficient land for the Plan period.
- 5.9 The Plan makes no provision for transit sites on the basis that the Study identified no transit sites in occupation. However this does not take into account that the Study recorded past instances of unauthorised transit site encampments and found that the absence of such sites at that time did not indicate that such a need would not arise on occasions in the future. The Council has stated that the issue of transit site provision was being addressed at a regional level and during the hearing session it explained that a study had recently been completed but that the Council had not been apprised of its findings. In line with PPW the Plan should make appropriate provision if it is to minimise the potential for unauthorised encampments.

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Conclusion

- 5.10 The Plan fails to make reasonable provision to meet the identified needs of the gypsy and traveller community. Its approach fails to have proper regard to national policy and is likely to lead to future instances of unauthorised encampments which give rise to problems of poor living conditions for occupiers and lead to tensions between the settled and the traveller communities.

6. OTHER SIGNIFICANT CONCERNS

- 6.1 During the course of the first week's hearings a number of other concerns were raised by the Inspectors. Whilst this report does not identify every concern several are identified below in order to provide an indication of the scale of changes that would be required in order to address each one.
- 6.2 Wrexham is identified in the Wales Spatial Plan as a key hub which ought to be strengthened as a focus for investment in, amongst other sectors, housing. There is concern that the restrictive approach of the Plan to housing in particular fails to have regard to the Wales Spatial Plan.
- 6.3 The lack of information on phasing raises concerns with regard to the timely delivery of development over the remainder of the Plan period.
- 6.4 The limitations imposed by economic viability considerations will limit the potential contributions to infrastructure, affordable housing and community facilities. To appreciate the potential benefits that will arise from the envisaged scale of development, and to ensure a transparent decision-making process at planning application stage, the Plan should provide an indication of how conflicting priorities will be addressed. This could be incorporated within a revised Policy P13 and augmented by SPG.
- 6.5 The implications of the introduction of the Community Infrastructure Levy post 2014 on the ability to secure contributions from developers for necessary facilities and infrastructure has not been fully addressed.
- 6.6 Wording of policies: many policies lack sufficiently precise wording to ensure that they can be interpreted with reasonable consistency thereby undermining the Plan's coherence and effectiveness. Several policies are phrased as aspirations and would lack the necessary precision to ensure that they would be effective. There are also examples of policies which contain clear errors in drafting (in particular P15) and other policies which, as drafted, would have the effect of restricting a particular type of development rather than enabling it in line with the stated purpose (P9). Many policies provide no flexibility even though