



East Cambridgeshire
District Council

East Cambridgeshire Local Plan

Matters 11 & 20 - Additional Written Questions

East Cambridgeshire District Council

Following the adjournment of the hearings on the 26th of September 2018, it was agreed that Questions 53 and 54 of Matter 11 and questions 78 and 79 of Matter 20 should be pursued through additional written questions, rather than through a formal hearing session.

This document sets out the Council's response to the Planning Inspector's additional questions, and should be read alongside the Council's Matter 11 and Matter 20 hearing statements.

November 2018

Matter 11: Strengthening Communities

Issue 1: Whether the Local Plan has been positively prepared and whether it is justified, effective and consistent with national policy in relation to the approach towards the provision of housing and affordable housing? (Relevant policies- LP6)

Additional Question 1: In the interests of effectiveness, and to be consistent with national policy, are the opening two paragraphs of LP6 clear that there is a need to cater for all forms of housing, including the provision of pitches for both those choosing to reside in caravans and houseboats either on a nomadic or permanent basis?

Yes, the Council considers the opening paragraphs of LP6 to be sufficiently clear. The policy does not list all forms of accommodation needed within the district. It is clear that the forms of accommodation identified in the policy is not intended to be an exclusive list.

The second paragraph directs applicants and decision-makers to the 'latest Strategic Housing Market Assessment and in any other appropriate local evidence'. This approach ensures the policy is sufficiently flexible for the lifetime of the plan, as the evidence base can be updated during the plan period to reflect changes in the housing market.

Nevertheless and for completeness in responding to this question, and for wider reasons following discussions at the hearing sessions on Policy LP6, the Council is suggesting the following modification to the second paragraph, as follows:

“Developers are expected to provide housing that contributes to meeting the housing needs of ~~the Cambridge Sub-Region housing market area~~, as identified in the latest Strategic Housing Market Assessment and in any other appropriate local evidence. **The Council commits to keeping such evidence up to date, in order to provide clarity and certainty.**”

The addition wording of 'keeping such evidence up to date' equally would apply to those residing in caravans and houseboats.

Additional Question 2: Is the phrase, 'Homes for Permanent Caravan dwellers/ Park homes', within Policy LP6 sufficiently unambiguous?

The term 'Permanent Caravan dwellers' refers to caravans which are sited in a location permanently, and which are not temporary or transient in nature. As explained in the Council's Hearing Statement, the wording relates to the caravan, not the occupier. Whilst the occupier may change over time, the caravan will remain a permanent feature in the landscape and is considered a permanent dwelling irrespective of construction method or material.

The policy wording refers to the granting of planning permission for permanent caravans. The Council considers the policy to be sufficiently clear, and is unlikely to be confused by decision-makers and applications for proposals for temporary siting of a caravan (such as during a development project).

The term 'park homes' refers to permanent caravan and chalet-type development, generally located within a managed and serviced park. The Government provides a good deal of information about the rights and requirements for park homes on its website, in the form of webpages and electronic forms and pamphlets. This literature uses the term 'park homes' throughout.

There are several existing park homes sites within the district, which on their websites define themselves as 'park homes'. The Council considers that the term 'park homes' is clear and unambiguous both to decision-makers and the wider public.

Within the policy, the term 'mobile homes' is also used, which is consistent with relevant legislation such as the Mobile Homes Act 2013. The Council considers this term to be less helpful if solely used in the policy subheading and text, as it may imply that such homes may be transient and temporary. Park homes will typically remain in situ on a permanent basis.

Additional Question 3: With reference to the penultimate paragraph of the Council's response to my question 53, please expand on what is meant by the reference to, 'simply buy/rent a caravan from the open market...'. Would this mean that the Council condones caravans being occupied on a permanent basis without planning permission?

The Council does not condone breaches of planning law, whether through siting of a caravan, or any other form of accommodation or development.

The quoted element of the Council's response to question 53 is referring to households who seek caravan accommodation. The Council's response initially identifies the opportunities the Local Plan provides to secure planning permission for the siting of caravan accommodation. The response then identifies that the existing housing market supplies accommodation for such households at, for example, existing park homes sites operating within the district. It is likely that, over the course of the plan period, there will be opportunities to buy or let pitches through the 'open market'. For example, at existing, lawful, Gypsy and Traveller sites. In addition the social housing sector offers accommodation for qualifying households at existing Gypsy and Traveller sites owned by the Council or a registered social landlord.

This is all akin to households seeking bricks-and-mortar accommodation within the district, who will generally turn to the open market to buy or rent accommodation.

There is nothing in the Council's response to suggest or imply that someone who buys/rents a caravan from the open market is in some way doing so in breach of planning laws, or intends to breach planning laws; nor does the Council's response suggest that it would be acceptable to do so. It is simply making the point that someone who seeks caravan style accommodation does not have to go out any buy a brand new caravan and locate it on a brand new site with a newly received consent for such a caravan. That person can simply buy something existing (new or second hand) on the open market somewhere else.

The supply of permanent new caravan accommodation is expected to increase in the short term, as the Council has recently granted planning permission for the development of new park homes sites and expansion of existing park homes sites.

Additional Question 4: Is the Council satisfied that the needs of former gypsy and travellers and other members of the community would be adequately served by mainstream Park Homes and other facilities for the permanent siting of caravans?

The Council is satisfied that the needs of households who do not meet the planning definition of a Gypsy or Traveller, but who wish to reside in a permanent caravan, are adequately met by the Local

Plan's policies for the siting of permanent caravans (including, but not exclusively through, the development of additional Park Homes accommodation).

As set out in the Council's response to question 53 Government has made it very clear that, for the purpose of planning, the needs of non-travelling Gypsy and Travellers (i.e. who do not meet the planning definition) should be treated as part of the wider housing need.

As set out in LP6, any site which is suitable for development of a permanent dwelling, in principle, is also suitable for the siting of a permanent caravan. This applies to allocated sites, sites within Development Envelopes, and certain countryside locations where in conformity with (for example) policies LP5, LP31 and LP32.

Therefore any proposal for the siting of permanent caravan accommodation has the same opportunity to achieve planning consent as proposals for the construction of new dwellings. In addition, as discussed in the Council's response to additional question 3, such households may choose to buy or rent accommodation through the open market at existing sites.

Matter 20: Implementation, delivery and monitoring

Issue 1: Does the Local Plan have clear and effective mechanisms, for implementation, delivery and monitoring?

Additional Question 5: Are there clear targets linked to the individual policies of the Local Plan? Are these measurable and realistic? For example, is the target ‘no permissions are granted contrary to policy1’, appropriate? Are the associated trigger points transparent? What remedial action will take place if the targets of the individual policies are not met?

Appendix 1 of the Council’s Matter 20 hearing statement sets out a monitoring framework to measure the performance of the Local Plan policies.

For each policy there are one or more ‘indicators’ i.e. tests to determine whether or not the policy is working effectively. For each ‘indicator’ the framework provides a specific, measurable ‘target’ which it expects to be achieved. The Council will monitor each indicator on an annual basis, measuring performance against the targets. Persistent failure against the targets could result in the need for a review of the Local Plan.

The target ‘no permissions are granted contrary to [policy]1’ (i.e. the first policy for each settlement) is appropriate. The Council expects that the number of planning permissions granted which conflict with the policy will be nil. Permissions granted contrary to it should be avoided. Where some planning permissions conflict with the policy, the monitoring system will raise a ‘red flag’ that the Local Plan is not performing as anticipated.

The decision to take remedial action, such as a review of the Local Plan (in whole or part), is a matter for the Council to determine. This is not usually on the basis of one policy being flagged as not performing as anticipated (i.e. not in accordance with the monitoring framework) but when, on balance, one or more policies are not performing as anticipated, to a degree whereby the efficient running and certainty of the planning service in the district is at risk of harm as a consequence of such underperforming policies.

Legally, of course, the Council cannot amend or delete any policies in its development plan, simply on the basis of such a policy not performing as anticipated – the necessary due process to amend the Local Plan would have to take place. Having said that, a decision maker might determine that a policy is, for whatever reason (provided such reasoning is justified), determine a policy to be out of date, and therefore place less weight on it until it is reviewed.

Additional Question 6: To ensure that the policies of the plan are effective should the targets and monitoring framework be contained within the development plan?

The monitoring framework will be published, as is legally required to be done, in the Sustainability Appraisal final report. Monitoring will be done through the legally required Authorities Monitoring Report (AMR) process.

There is no gain reproducing the monitoring framework within the Local Plan, and there is no national policy to state it should be included in a Local Plan. The plan is not ‘unsound’ for not including it. Other recently adopted Local Plans do not include monitoring frameworks within their plan (e.g. Central Lincolnshire 2017).