

CABINET

Date of Meeting	Tuesday, 19 th June 2018
Report Subject	Response to Welsh Government Consultation on Proposals to Temporarily Dis-apply Paragraph 6.2 of Technical Advice Note 1 (TAN1)
Cabinet Member	Cabinet Member for Planning and Public Protection
Report Author	Chief Officer Planning, Environment and Economy
Type of Report	Strategic

EXECUTIVE SUMMARY

Welsh Government are seeking for views on the Cabinet Secretary for Planning and Environment's intention to dis-apply paragraph 6.2 of Technical Advice Note 1 (TAN1). This would reduce the weight to be attached to the lack of a five year land supply when considering applications for speculative housing development and would be a temporary measure whilst a fundamental review of the way housing is delivered in Wales is subsequently carried out by the Welsh Government. This would go some way to alleviating some of the extreme pressure the Council and its communities are currently facing in having to accept speculative developments. The proposal to dis-apply paragraph 6.2 is fully supported and the emphasis in responding to Welsh Government is to ensure a wide ranging and comprehensive review is progressed as soon as possible.

RECOMMENDATIONS

1	That Cabinet approve the basis for a response to go to Welsh Government as set out in this report and specifically paragraph 1.07.
---	--

REPORT DETAILS

1.00	CONTEXT FOR THE REVIEW OF TAN1
1.01	Technical Advice Note 1: Joint Housing Land Availability Studies (TAN1) is planning guidance issued by the Welsh Government to support Planning Policy Wales and specifically the requirement to maintain a five year supply of housing land.
1.02	The TAN provides specific guidance and a prescribed methodology for monitoring land supply where a Local Planning Authority (LPA) has an adopted LDP. For those that do not currently have an adopted LDP, as in Flintshire's case, the TAN not only prevents an LPA from being able to formally monitor and demonstrate a five year supply, but also establishes that "considerable weight" must be given to the lack of a supply, when LPAs are faced with considering planning applications for speculative housing development.
1.03	This Welsh Government Policy has proved controversial in recent years not only in Flintshire but across Wales, as many speculative sites have come forward which have put tremendous pressure on communities and Councils to accept and accommodate speculative growth, and have subverted the LDP process.
1.04	Whilst Flintshire is currently one of four LPAs that cannot demonstrate a five year supply as they are without an adopted LDP, of the twenty one LPAs who do have an adopted LDP only six are able to demonstrate a five year land supply. Apart from the clear implication that having an adopted LDP does not 'guarantee' a five year supply, more fundamentally something is clearly wrong and mal-functioning with the current method and approach taken by the TAN1 policy approach.
1.05	Amongst other LPAs, Flintshire has been prominent in making the case to the previous Minister and present Cabinet Secretary that the whole system of monitoring and maintaining housing land supply in Wales is long overdue for a fundamental review. A Ten Point Statement of Concern was presented to the Cabinet Secretary in January 2017 (Appendix 1), and very recently the Cabinet Member for Planning and Environment made a renewed request for a review at a meeting of Lead Members and the Cabinet Secretary.
1.06	<p>The issues and pressures on LPAs and communities created by the present policy have now been recognised by the Welsh Government and the Cabinet Secretary has announced two things:</p> <ul style="list-style-type: none">a. To undertake a 'call for evidence' and wide ranging review of the delivery of housing through the planning system;b. To alleviate immediate pressures on LPAs dealing with speculative applications and preparing LDPs, she is consulting on her intention to dis-apply paragraph 6.2 of TAN1 for the duration of the above review.

	<p>Paragraph 6.2 states that the absence of a 5 year land supply should be given “considerable weight” when dealing with [speculative] planning applications for housing.</p>
1.07	<p>Whilst it is frustrating that the Cabinet Secretary has not simply used her powers to immediately implement her intention to dis-apply paragraph 6.2 in order to progress the call for evidence as a priority, the opportunity to respond in support of this intention is nevertheless welcomed. The closing date for comments is 21st June 2018, and the Cabinet should consider its response on behalf of the Council, based on the following points:</p> <ol style="list-style-type: none"> a. The Council agrees with, and fully supports, the proposed dis-application of paragraph 6.2 of TAN1, not only for the duration of the call for evidence, but until such time as the outcome of the review is known and the actions in relation to revising TAN 1 are understood; b. Clear evidence suggests that a significant and growing quantum of undeveloped permissions exist in Wales, and also that when current emerging and adopted LDP supply is measured against the rates at which housing developers are currently building houses in Wales, all bar one LPA in Wales could currently demonstrate a five year supply on this basis; c. The Council confirms that the dis-application of paragraph 6.2 will significantly relieve the pressure it is currently experiencing to unconditionally accept speculative development as apart from the very recent decision to approve the development of 186 units in Penymynydd made by the Cabinet Secretary, the Council has in the pipeline and yet to determine, a number speculative applications for a further 1,037 units in various parts of the County; d. This will also enable the Council to maintain its focus on progressing the LDP which is at a critical stage in terms of preparing a deposit plan, where the Council must make decisions about allocating sufficient and sustainable sites to meet the plan’s housing requirement; e. The scope of the review must be broad and challenging and not just to LPAs. The building industry must be fully engaged with the review in a non-adversarial sense, and be prepared to be challenged and open in providing evidence of their genuine capacity to build homes in Wales. This is both from the perspective of existing permitted but undeveloped units, as well as bringing forward sites in LDPs. This must also fundamentally test the perception that exists of land banking as well as their approach to delivering housing in Wales; f. Finally, the outcome and actions from the review should be fully assessed and shared with all interested parties to avoid the undue haste with which TAN1 was previously reviewed and amended, with the consequent issues that are now being experienced.
1.08	<p>The proposed response to the consultation above will also be discussed at the next Planning Strategy Group a basis to scope out the form and detail of the evidence needed for the subsequent call for evidence exercise when this commences.</p>

2.00	RESOURCE IMPLICATIONS
2.01	The Council's Service Manager Strategy will lead on the preparation and submission of evidence to the TAN1 review.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	Present consultation and proposed response contained within this report.

4.00	RISK MANAGEMENT
4.01	The main risks include the need to respond accordingly in time for the deadline of 21 st June 2018, and to ensure that comprehensive evidence is provided to the subsequent review.

5.00	APPENDICES
5.01	Appendix 1 - 10 Point Statement of Concern. Appendix 2 – Background Document TAN1.

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	Welsh Government Consultation Document (insert hyperlink) Contact Officer: Andy Roberts, Service Manager Strategy Telephone: 01352 703211 E-mail: andy.roberts@flintshire.gov.uk

7.00	GLOSSARY OF TERMS
7.01	Speculative Development – applications to develop sites that are otherwise not identified in a development plan.