



RHONDDA CYNON TAF

RECORD OF DELEGATED OFFICER DECISION

Key Decision

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SUBJECT: Technical Advice Note (TAN) 1 – Joint Housing Land Availability Studies: Temporary dis-application of paragraph 6.2

PURPOSE OF REPORT:

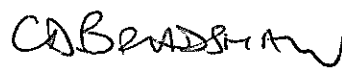
The purpose of this report is to set out a response to the current Welsh Government consultation on proposed amendments to Technical Advice Note (TAN) 1: Joint Housing Land Availability Studies. TAN 1 forms a key part of national planning guidance, seeking to ensure an appropriate supply of land for housing development.

In accordance with the Council's Scheme of Delegation, this report has been prepared to accompany the intended officer decision of the Director of Regeneration, Planning and Housing as described below

DELEGATED DECISION:

That the proposed response to the formal Welsh Government consultation questions, as set out in section 3 below is approved for submission to Welsh Government


Chief Officer Signature


Print Name

14/6/18
Date

The decision is taken in accordance with Section 15 of the Local Government Act, 2000 (Executive Functions) and in the terms set out in Section 5 of Part 3 of the Council's Constitution

CONSULTATION



14/6/18

CONSULTEE CABINET MEMBER SIGNATURE

DATE



14/6/18

CONSULTEE OFFICER SIGNATURE

DATE

CALL IN PROCEDURE RULES.

IS THE DECISION DEEMED URGENT AND NOT SUBJECT TO CALL-IN BY THE OVERVIEW AND SCRUTINY COMMITTEE:

NO (delete as appropriate)

Reason for urgency:.....

If deemed urgent - signature of Mayor or Deputy Mayor or Head of Paid Service confirming agreement that the proposed decision is reasonable in all the circumstances for it being treated as a matter of urgency, in accordance with the overview and scrutiny procedure rule 17.2:

.....
(Mayor)

.....
(Dated)

NB - If this is a reconsidered decision then the decision Cannot be Called In and the decision will take effect from the date the decision is signed.

FOR CABINET OFFICE USE ONLY

PUBLICATION & IMPLEMENTATION DATES

PUBLICATION

Publication on the Councils Website:- 14th June 2018

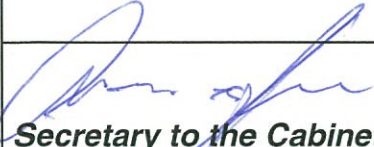
DATE

IMPLEMENTATION OF THE DECISION

Note: This decision will not come into force and may not be implemented until the expiry of 3 clear working days after its publication to enable it to be the subject to the Call-In Procedure in Rule 17.1 of the Overview and Scrutiny Procedure Rules.

Subject to Call In the implementation date will be 20th June 2018.

DATE

 Secretary to the Cabinet Signature	CHRISTIAN S S HARADAN. Print Name	14/6/18 Date
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Further Information

Directorate:	Regeneration, Planning and Housing
Contact Name:	Simon Gale
Designation:	Service Director of Planning
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RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

KEY DELEGATED DECISION

**REPORT TO ACCOMPANY A DECISION OF THE (DIRECTOR OF
REGENERATION, PLANNING AND HOUSING)**

June 2018

**Welsh Government Consultation on Technical Advice Note (TAN) 1 –
Joint Housing Land Availability Studies: Temporary dis-application of
paragraph 6.2**

Author: Simon Gale

1. PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to agree a response to the Welsh Government consultation on proposed amendments to Technical Advice Note (TAN) 1: Joint Housing Land Availability Studies. This is to *temporarily dis-apply paragraph 6.2 of TAN 1 to remove the reference to attaching “considerable” weight to the lack of a five-year housing land supply as a material consideration in determining planning applications for housing.*

2. RECOMMENDATIONS

It is recommended that:

- 2.1 That the proposed response to the formal Welsh Government consultation questions, as set out at 3.12 and 3.13 below is approved for submission to Welsh Government

3. REASONS FOR RECOMMENDATIONS

Background

- 3.1 Over the last few years a number of Councils across Wales have made representations to the relevant Minister for Planning expressing their concerns about Welsh Government’s policy position in respect of the concept of a ‘5 year housing land supply’, how it is calculated and what it means when planning applications are submitted for housing developments on sites that sit outside Local Development Plan (LDP) boundaries.
- 3.2 Essentially, Welsh Government planning policy requires local planning authorities to maintain a five-year supply of deliverable land for

housing, based on meeting the housing requirements set out in Local Development Plans (*Planning Policy Wales*, paragraph 9.2.3).

- 3.3 Further detailed reference to how the 5 year land supply concept should operate is set out in Welsh Government's Technical Advice Note 1, *Joint Housing Land Availability Studies* (TAN 1) and since TAN 1 was rewritten in 2015, Welsh Government have placed significant emphasis on the need to maintain a 5 year land supply.
- 3.4 As at 1 April 2017 nineteen out of the twenty-five local planning authorities in Wales were unable to demonstrate a five-year housing land supply, including where LDPs have only recently been adopted.

Details of the Consultation

- 3.5 Welsh Government is consulting on the temporary dis-application of paragraph 6.2 of TAN 1, to remove the reference to attaching "considerable" weight to the lack of a five-year housing land supply as a material consideration in determining planning applications for housing.

- 3.6 Paragraph 6.2 of TAN 1 that is proposed to be removed states:

"The housing land supply figure should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5-year requirement or where the local planning authority has been unable to undertake a study ..., the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies."

The RCT Position

- 3.7 The original RCT LDP housing requirements were based on population projections from 2006 (which anticipated significant in-migration that hasn't materialised) which consequently set a target for the construction of 959 dwellings per annum from then to 2021. However, in reality, housing completions have been below this level, and the residual method that Welsh Government use to calculate the land supply means that the gap between delivery and target is added to the remaining total need year on year – continually decreasing the 5 year housing land supply to its current level.
- 3.8 The land supply in Rhondda Cynon Taf currently stands at 1.4 years. However, in this period we have seen considerable growth in housing completions in RCT and the Council has taken a proactive approach to facilitating the delivery of new homes. Most recent equivalent population projections for RCT would indicate a need for 600 units a

year, and average completion figures for the last few years are matching this need.

- 3.9 The issue that appears of concern to Council's is that without a 5 year land supply, TAN 1 at paragraph 6.2 currently encourages sites that sit outside the LDP to come forward to meet the unmet demand.
- 3.10 There have been examples of sites that have come forward in RCT which in part have used paragraph 6.2 in TAN 1 as justification. These include applications at Ystradbarwig Farm off the Church Village bypass and Elms Farm Llanharry along with sites on the edge of Groesfaen and Brynsadler. These applications have been robustly considered through the democratic planning application process and where considered acceptable have been approved whilst others (such as Groesfaen and Brynsadler) have been resisted. Further sites, that are outside the LDP boundary are likely to come forward and will be examined and determined in the same, robust manner.
- 3.11 What needs to be considered is whether the removal of paragraph 6.2 in isolation makes a significant difference in how the Council can approach future applications of the kind described above. Until the Planning Inspectorate determine an appeal under the proposed new regime it is difficult to gauge the impact of the change, however, in reality the removal of paragraph 6.2 will not change the fact that a Council needs to ensure ongoing delivery of new homes to meet demand in their area and our land supply figure will not be affected by the removal of paragraph 6.2.

The Recommended Response to the Consultation

- 3.12 ***Q1 – Do you agree with the proposed temporary dis-application of paragraph 6.2 of TAN 1 to remove the reference to attaching “considerable” weight to the lack of a five-year housing land supply as a material consideration in determining planning applications for housing?***

Response; The proposal may tip the balance of material considerations in planning applications and appeals for housing development away from the grant of permission. Although housing development pressure can be unwelcome in some places, in Rhondda Cynon Taf we recognise need for making additions to the housing land supply in appropriate locations through robust, democratic decision making, using placemaking principles, pending adoption of a replacement LDP and in the interests of social and economic regeneration.

Paragraph 6.2 of TAN 1 is not the only basis for this approach, and for example, Planning Policy Wales Edition 9, Chapter 9 will remain in place. Amongst other guidance, this includes reference that *“Local planning authorities should promote sustainable residential environments. and make appropriate provision for affordable housing...Local planning authorities must*

ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan.”

Therefore, even with the proposed altered balance of material considerations, the grant of planning permission for housing will still depend on the overall balance of material considerations particular to the individual application and the performance of the proposal in placemaking and sustainability terms. In addition, there is a range of policy tools available that will continue to allow Council's to resist sites that are clearly unacceptable in planning terms.

Furthermore, full scale review of LDPs or the preparation of an SDP can take 4 or so years; and there should remain a mechanism for bringing forward well thought out, sustainable developments in the interim.

3.13 Q2 – Do you consider the proposed temporary dis-application of paragraph 6.2 of TAN 1 will be effective in relieving pressure on local planning authorities when dealing with speculative planning applications for housing?

As discussed in the response to question 1, whilst TAN 1 paragraph 6.2 is a key material consideration, it is by no means the only one. Its suspension could send a signal that speculative planning applications for housing are less welcome, but in reality the whole body of relevant planning policy could still support a 'non-LDP' housing proposal particularly in areas of high housing demand and need. Therefore we consider that the proposed suspension may not necessarily be effective or indeed appropriate in relieving pressure.

4. PROPOSED SERVICES

4.1 There are no proposed services associated with this report.

5. EQUALITY AND DIVERSITY IMPLICATIONS

5.1 An Equalities Impact Assessment scoping exercise has been undertaken that indicates that there would be no such implications.

6. CONSULTATION

6.1 It is not considered that any further consultation is required prior to submitting these responses to Welsh Government.

7. FINANCIAL IMPLICATION(S)

- 7.1 There are no direct financial implications associated with this response. However, Welsh Government's proposal may result in fewer planning applications and their associated benefits to Rhondda Cynon Taf.

8. LEGAL IMPLICATIONS OR LEGISLATION CONSIDERED

- 8.1 Technical Advice Note 1 sets out the process of calculating housing land supply and seeks to ensure that a comparable and consistent methodology for this calculation is achieved. This land supply figure is expressed as housing requirements in Local Development Plans. This document is directly affected and linked to a suite of legislation including in particular Planning Policy Wales (Edition 9), The Well-being of Future Generations (Wales) Act 2015; The Environment (Wales) Act 2016; The Active Travel (Wales) Act 2013; The Planning and Compulsory Purchase Act 2004 and The Planning (Wales) Act 2015 .

9. LINKS TO THE CORPORATE AND NATIONAL PRIORITIES AND THE WELL-BEING OF FUTURE GENERATIONS ACT.

- 9.1 Efficient and effective planning services will contribute to the achieving of the corporate priorities of 'Economy – *Building a strong economy*' and 'Place – *Creating neighbourhoods where people are proud to live and work*'
- 9.2 Sustainability and well-being goals are embedded in the planning system in Wales and form an intrinsic part of the decision making process. Any additional front loading of the planning process will give enhanced opportunities to ensure that these goals are maximised in the delivery of the developments that are proposed.

10. CONCLUSION

- 10.1 Whilst the suspension of paragraph 6.2 of TAN 1 may appear welcome to some authorities, in reality Councils will still need to work with landowners, developers and communities to ensure that sufficient and much needed homes are provided for our residents in appropriate locations and supported by the necessary infrastructure. Paragraph 6.2 is only one of a range of material considerations that will ultimately determine whether a planning application should be approved and it remains to be seen what impact its suspension would have in real terms.

Other Information:-

Relevant Scrutiny Committee - Public Service Delivery, Communities and Prosperity

Contact Officer: Simon Gale

