

Petition: P-05-786 Save our Countryside – Revise TAN 1

Y Pwyllgor Deisebau | 21 Tachwedd 2017
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Research Briefing:

Petition number: P-05-786

Petition title: **Save our Countryside – Revise TAN 1**

Petition text:

Changes in 2015 to Technical Advice Note 1 (TAN1) have resulted in unachievable annual housing targets. This has taken planning decisions away from the local democratic planning process and undermined Adopted Local Development Plans (LDPs) across Wales.

We call on the National Assembly for Wales to urge the Welsh Government to reinstate within TAN1 the use of "past building rates methodology" alongside the "residual methodology". This will ensure that Councils are able to undertake intelligent and credible housing land supply needs assessments. Past housing delivery performance reflects economic conditions and local building industry capacity and resilience.

To ensure credible and deliverable land supply, and to balance the need for housing with the need to protect our environment and heritage, it is essential that economic conditions and local building industry capacity are factored into annual calculations of 5 Year Land Supply for Housing.

Changes to TAN1 have forced Local Councils to allow housing developments in excess of what is considered to be local demand. These developments are often large scale and have a detrimental effect on the green belt and the heritage of our County as urban and rural areas over expand. This in turn puts added demands on already stretched services such as GPs, Hospitals, Social Services and Schools.

The withdrawal in 2015 of the past building rates methodology is causing increasing numbers of Local Authorities to declare a 5 Year Land Supply shortfall. This, in turn, is forcing Local Councils, against their will and better judgement, to approve speculative development applications on locally sensitive Greenfield land, land unallocated within their

LDPs and, where local approval to these speculative applications is not granted, local democratic decisions are being overturned on appeal, specifically due to the lack of a 5 Year Land Supply for Housing.

In 2014 Conwy Council had a 7+ Year Land Supply when its LDP was examined and approved by the Planning Inspector. Less than 12 months later the changes to TAN 1 reduced Conwy's Land Supply to less than 5 years. This has reduced with successive annual land supply calculations. In 2017, Conwy's land supply now stands at 3.1 years as a direct result of the changes to TAN1, and the Council is receiving speculative development applications for land unallocated within the LDP despite allocated land being available. If the past building rates methodology was still permitted, Conwy would today have an 8.5 year supply.

WG's guidance document TAN1 tells Local Councils how to work out their supply of housing land. All Councils should have enough land to meet the need for 5 years of house building. In the previous TAN1 there were two methods of working out how much land was needed:

1. The residual method based on the total housing need from an adopted Plan
2. The past build rates method, using the house building rates from the last 5 years to project forward for the next 5 years.

The Wellbeing and Future Generations Act requires us to be balance our decisions and actions in terms of impact today and impact in the future. Surely, we should apply this thinking to land planning and land use? Current Welsh Government policy is forcing prime Greenfield land to be concreted over and forever become brownfield land. The imposition and restriction to the use of the "residual methodology" was fiercely contested at the consultation stage and beyond, but Local Councils' voices were ignored. Local Councils need to be able to protect heritage and environment and sensitive Greenfield land use and exercise local discretion, judgement and control of where development is needed and where it is allowed.

Background

The Welsh Government's national planning policy for Wales is set out in [Planning Policy Wales \(PPW\)](#). PPW is supported by a number of [Technical Advice Notes](#) which provide more detailed guidance on particular aspects of planning policy. This petition is concerned with [Technical Advice Note \(TAN\) 1: Joint Housing Land Availability Studies](#).

PPW states:

9.2.2 Local planning authorities will need to have a clear understanding of the factors influencing **housing requirements** in their area over the plan period. The latest Welsh Government local authority

level Household Projections for Wales, alongside the latest Local Housing Market Assessment, will form part of the plan's evidence base together with other key issues such as what the plan is seeking to achieve, links between homes and jobs, the need for affordable housing, Welsh language considerations, the provisions of corporate strategies and the deliverability of the plan. ...

9.2.3 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. This means that sites must be free, or readily freed, from planning, physical and ownership constraints, and economically feasible for development, so as to create and support sustainable communities where people want to live. There must be sufficient sites suitable for the full range of housing types. For land to be regarded as genuinely available it must be a site included in a Joint Housing Land Availability Study. The Welsh Government will monitor development plans and their implementation to ensure that sufficient housing land is brought forward for development in each local planning authority and that economic development and related job opportunities are not unreasonably constrained.

PPW also states:

2.14.4 It is for the decision-maker, in the first instance, to determine through monitoring and review of the development plan whether policies in an adopted LDP are outdated for the purposes of determining a planning application. Where this is the case, local planning authorities should give the plan decreasing weight in favour of other material considerations such as national planning policy, including the presumption in favour of sustainable development

TAN 1 states:

6.2 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 revised TAN 1 was published in 2015 and introduced a new method of calculating housing land supply – the 'residual' method. Prior to 2015 local planning authorities could use the alternative 'past build rates' method. The Welsh Government [consulted on the changes to TAN 1 in 2014](#).

Under the residual method, to meet the requirements for a five-year housing land supply, the quantity of land agreed to be genuinely available must be compared with the remaining housing requirement in the adopted LDP. TAN 1 shows the formula for this calculation on page 27. The 'past build rates' methodology is based on the past performance of the house-building industry.

The Welsh Government published a [Summary of Responses](#) to the 2014 consultation. Respondents were split on the question of making the residual method the only methodology allowed for calculating housing land supply – 21 (44%) in favour and 22 (46%) against. However, there was a marked difference in the opinions of businesses and local planning

authorities – all businesses were in favour (15), along with four (17%) local planning authorities; in contrast nineteen (79%) local planning authorities disagreed.

Welsh Government action

In her letter to the Committee the Cabinet Secretary for Environment and Rural Affairs, Lesley Griffiths AM, sets out the Welsh Government's policy position, and states:

Prior to the 2015 revision of TAN 1 Local Planning Authorities could use the alternative 'past build rates' methodology of calculating housing land supply, however its use was generally restricted to those Authorities without an adopted development plan. Being based on the past performance of the house-building industry, the methodology did not relate to the housing delivery required to meet the needs of local communities and by simply rolling forward past delivery rates, which in many cases were too low, reinforced housing affordability problems. In addition, given the significantly improved position regarding development plan coverage across Wales, use of the past build rates methodology was no longer considered appropriate.

The Cabinet Secretary goes on to say that local planning authorities can still use the past build rates method as a comparator, should they wish to do so, when assessing delivery against the housing requirements as part of their annual LDP monitoring process.

The Cabinet Secretary also states:

I recognise Local Planning Authorities without a five-year housing land supply may receive speculative planning applications for housing developments. All such applications should be determined in accordance with the relevant policies in the approved or adopted development plan for the area, including the principle of sustainable development. The lack of a five-year housing land supply may be one of the considerations in determining a planning application, however applications which do not meet the relevant policy requirements may be refused by the Authority.

National Assembly for Wales action

Written Assembly Questions

Janet Finch-Saunders AM tabled two written questions on 19 September 2017:

WAQ74200. What consideration will the Cabinet Secretary give to amending TAN 1 to allow for use of the past building rates method in calculating housing land supply?

WAQ74201. When will the Cabinet Secretary revise TAN 1 Section 7.5.1 to permit the consideration of alternative land supply methodologies?

The Cabinet Secretary responded on 25 September 2017:

As part of the revisions to TAN 1 in 2015, the use of the alternative methodology for calculating housing land supply, based on past build rates, was removed. This methodology was based on the past underperformance of the house-building industry and does not relate to delivery against the housing requirements established by Local Planning Authorities in their Local Development Plans to meet the needs of their communities.

Planning policy and guidance, including TAN 1, is kept under review.

Plenary

Janet Finch–Saunders AM had previously [questioned the Cabinet Secretary in Plenary](#) on 14 September 2016:

... The knock-on effects, of course, of the changes to the housing land availability calculation under the revised TAN 1 are now starting to come into play for residents in Conwy and in all authorities across Wales. In response to the TAN 1 consultation, local planning authorities generally disagreed with the sole use of the residual methodology for calculating housing land supply—a method that, according to the Welsh Local Government Association, lacks a degree of realism and can be distorted by build rates to produce unrealistic and unachievable results, whilst at the same time seeing the loss of many of our greenfield sites. Given such a position, Cabinet Secretary, will you look at this in the forthcoming October review of the local development plan for local authorities across Wales and actually put some more common sense into the process? Because, believe me, the sites that are coming forward now in Conwy will be devastating and there'll be huge losses to our greenfield sites.

The Cabinet Secretary responded:

I think the reason for having the revision of TAN 1, you've just absolutely said. I think that because sites weren't coming forward, that was why the technical advice note was revised and I think it's taken the cover off what was taking place before. So, I think it is bedding in now. It has set out a methodology for carrying out the review. That can be applied consistently across Wales, and I think that does provide local authorities with a key indicator for monitoring the delivery of housing to meet the requirements that are set out in their LDP.

Every effort is made to ensure that the information contained in this briefing is correct at the time of publication. Readers should be aware that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.