

Number: WG34980



Llywodraeth Cymru
Welsh Government

Welsh Government
Consultation Document

Technical Advice Note 1

Temporary dis-application of paragraph 6.2

Date of issue: 10 May 2018
Action required: Responses by 21 June 2018

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.

Overview

The Welsh Government's 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).

Local planning authorities without a five-year housing land supply are liable to receive speculative planning applications for housing. To ensure the most appropriate housing sites are brought forward as part of a systematic and rigorous Local Development Plan process, the Welsh Government is consulting on the temporary dis-application of paragraph 6.2 of Technical Advice Note 1, *Joint Housing Land Availability Studies* (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.

We are seeking your views on whether paragraph 6.2 of TAN 1 should be temporarily dis-applied.

How to respond

Please respond to this consultation by answering the questions set out within this document and in the response form. Responses can be submitted in a number of ways:

Online: <https://beta.gov.wales/technical-advice-note-temporary-dis-application-of-paragraph-6-2>

Email: planconsultations-f@gov.wales

Post: TAN 1 Consultation
Planning Policy Branch
Planning Directorate
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

When responding please state whether you are responding as an individual or are representing the views of an organisation.

Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

Technical Advice Note 1, *Joint Housing Land Availability Studies*, can be found on the Welsh Government's website:

<http://gov.wales/topics/planning/policy/tans/tan1/?lang=en>

Contact details For further information:

email: planconsultations-f@gov.wales

telephone: 03000 256802 / 03000 253290

or write to:

TAN 1 Consultation
Planning Policy Branch
Planning Directorate
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

Data protection The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing. .

Names or addresses we redact might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in

touch with the person and ask their views before we finally decided to reveal the information.

Your data will be kept for no more than three years.

Under the data protection legislation, you have the right:

- to access the personal data the Welsh Government holds on you;
- to require us to rectify inaccuracies in that data;
- to (in certain circumstances) object to or restrict processing;
- for (in certain circumstances) your data to be 'erased';
- to lodge a complaint with the Information Commissioner's Office (ICO) who is our independent regulator for data protection.

The contact details for the Information Commissioner's Office are:

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Telephone: 01625 545 745 or 0303 123 1113

Website: www.ico.gov.uk

For further details about the information the Welsh Government holds and its use, or if you want to exercise your rights under the GDPR, please see contact details below:

Data Protection Officer:
Welsh Government
Cathays Park
CARDIFF
CF10 3NQ

Email: Data.ProtectionOfficer@gov.wales

What are the main issues?

New home building in the right locations is essential, not only to meet the growing need for housing, but it is also an important driver of economic development and job creation.

Planning decisions determine where homes are built, where services are provided and the quality of the local environment; they also promote sustainable economic growth and access to open space. Having up-to-date adopted Local Development Plans (LDPs) in place is critical for ensuring the homes needed are delivered. The planning system, through the LDP process, must provide the land needed to allow for building new homes. The Welsh Government's requirement for local planning authorities to provide a five-year housing land supply and the appropriate monitoring of this land supply are important elements in delivering these homes.

The means of calculating housing land supply is set out in TAN 1 and enables a rational and consistent methodology to be applied across Wales.

The monitoring of housing land supply has highlighted a shortfall in deliverable land. As at 1 April 2017 nineteen out of the twenty-five local planning authorities were unable to demonstrate a five-year housing land supply, including where LDPs have only recently been adopted. This situation has resulted in an increase in the number of speculative planning applications for housing.

Why are we undertaking this consultation?

Paragraph 6.2 of TAN 1 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.”

To alleviate some of the immediate pressures on local planning authorities when dealing with speculative planning applications for housing and to allow them the capacity to focus on LDP preparation and review, it is proposed 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. This temporary dis-application of paragraph 6.2 would be for the duration of a wide-ranging review of the delivery of housing through the planning system which it is proposed to undertake this summer.

The determination of planning applications should be made in accordance with development plan and national planning policies. The principles of sustainable development and the creation of cohesive communities therefore continue to be applicable as this forms the basis of the Welsh Government's planning policy as set out in *Planning Policy Wales*.

What are the next steps following the consultation?

This consultation is related to the wide-ranging review of the delivery of housing through the planning system which is due to take place this summer. In response to the current housing land supply position and the directly related situation regarding the delivery of LDP housing

requirements, the Welsh Government is proposing to undertake a ‘call for evidence’ which will look at the interrelationships between the LDP process, the measuring of housing land supply and the actions to be taken to address any shortfall in a systematic way.

Consultation Questions

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?

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?