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Llywodraeth Cymru
Welsh Government

Welsh Government
Consultation – summary of response

Technical Advice Note 1

Temporary dis-application of paragraph 6.2

July 2018

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
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Summary of responses

1. Introduction

- 1.1 The Welsh Government carried out a six-week consultation on the temporary dis-application of paragraph 6.2 of Technical Advice Note 1, Joint Housing Land Availability Studies (TAN 1), from 10 May to 21 June 2018.
- 1.2 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). TAN 1 sets out the means of calculating housing land supply and enables a rational and consistent methodology to be applied across Wales.
- 1.3 The monitoring of housing land supply has highlighted a shortfall in deliverable land, with the majority of planning authorities unable to demonstrate a five-year housing land supply as at 1 April 2017, including authorities where Local Development Plans (LDPs) have only recently been adopted. This situation has resulted in an increase in the number of planning applications for housing on sites not allocated in LDPs.
- 1.4 The consultation on the proposed dis-application of paragraph 6.2 of TAN 1 was related to a forthcoming wide-ranging review of the delivery of housing through the planning system which is due to commence this summer. This review is being undertaken in response to the current housing land supply position and the directly related situation regarding the delivery of LDP housing requirements, with the aim of ensuring the most appropriate housing sites are brought forward as part of a systematic and rigorous LDP process.
- 1.5 As a pre-cursor to the wider review of housing delivery, the Welsh Government consulted on the dis-application of paragraph 6.2 of TAN 1 to remove the emphasis placed on attaching "considerable" weight to the lack of a five-year housing land supply as a material consideration in determining planning applications for housing. The aim was to alleviate some of the immediate pressures on planning authorities when dealing with 'speculative' planning applications for housing.

2. Publicity

- 2.1 Details of the consultation were published on the Welsh Government's website throughout its duration. The Heads of Planning at the 25 planning authorities were notified of the consultation and of the forthcoming review of housing delivery through the planning system by a letter from the Cabinet Secretary for Energy, Planning and Rural Affairs. The Home Builders Federation and the Planning Inspectorate Wales also received a copy of the Cabinet Secretary's letter.

3. The responses

3.1 A total of 486 responses were received. By far the largest group were individuals responding in a private capacity (331) representing 68% of the respondents. Substantive responses were received from the business sector (45 - largely from housing developers and planning consultants), representing 9% of respondents. Responses were also received from 17 planning authorities and from 56 councillors responding in an individual capacity. A response was also received from the Royal Town Planning Institute (RTPI) Cymru.

4. Summary of responses by question

4.1 This section summarises responses to the two consultation questions. Where representations were not attributed directly to a question, the comments have been linked to the most appropriate question. Some respondents did not specifically record a response to either one or both of the questions and therefore the totals do not always sum to 486.

Question 1: 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?

Respondents by type	Agree	Neither agree nor disagree	Disagree
Businesses	3	0	42
Local Planning Authority	12	3	2
Local Planning Authority Councillor	54	1	1
Government Agency / Other Public Sector	19	0	0
Professional bodies / Interest Groups	1	0	4
Voluntary Sector	11	0	0
Responding in a private capacity	287	2	41
Other	1	0	1
Total (%)	388 (80.0%)	6 (1.2%)	91 (18.8%)

4.2 A large majority of the respondents agreed with the proposed dis-application of paragraph 6.2 of TAN 1. However, there was a wide disparity between the types of respondent. 87% of those responding in a private capacity agreed with the proposal, along with 96% of the local authority councillors and 70% of planning authorities. By contrast, 93% of the business sector was opposed to the proposal.

- 4.3 The business sector argued that TAN 1, and in particular paragraph 6.2, provides necessary and appropriate guidance to inform the decision-maker when determining planning applications where housing land supply is less than 5 years. Businesses also argued that the qualification in paragraph 6.2 regarding compliance with development plan and national policies ensured that developments would only be allowed where they were in sustainable locations. Evidence regarding planning applications and appeal decisions was cited to support this assertion.
- 4.4 The business sector was also concerned about the potential effect of the proposal on the delivery of housing, including affordable housing. It was argued that a significant number of new homes would not be built should the proposal result in planning permission being refused for sites not allocated in development plans. They also argued that the proposal was premature given the forthcoming review of the delivery of housing through the planning system.
- 4.5 The proposed dis-application of paragraph 6.2 of TAN 1 was welcomed by the majority of planning authorities. In particular, the view was expressed that the proposal would allow more balanced consideration of all planning matters to ensure that only housing in the most appropriate and sustainable locations is allowed. Those planning authorities opposed to the proposal expressed concern about the detrimental effect it could have on housing supply, particularly given the timeframe for reviewing LDPs.
- 4.6 Many of those responding in a private capacity expressed concern that too many new homes were being built on unallocated sites in unsustainable locations. The proposed dis-application of paragraph 6.2 of TAN 1 was seen as a means of preventing such developments. This view was also supported by a large majority of councillors from both planning authorities and community councils.
- 4.7 Some of the professional bodies sector recognised the need for the proposal given that sites allocated in LDPs are not being delivered, resulting in local authorities not being able to deliver the planned homes and unable to demonstrate a 5 year housing land supply. Public confidence in the plan-led system was also raised as an issue, citing expectations that sites allocated in LDPs should be developed as proposed and those not allocated should, in general, not be developed.
- 4.8 A number of respondents from all sectors also raised wider issues that will form part of the forthcoming review of housing delivery through the planning system which is due to commence this Summer with a 'call for evidence'.

Question 2: 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?

Respondents by type	Yes	Neither agree nor disagree	No
Businesses	2	0	41
Local Planning Authority	14	0	3
Local Planning Authority Councillor	52	1	2
Government Agency / Other Public Sector	17	1	1
Professional bodies / Interest Groups	0	1	4
Voluntary Sector	9	1	1
Responding in a private capacity	280	0	41
Other	1	0	1
Total (%)	375 (79.3%)	4 (0.8%)	94 (19.9%)

- 4.9 A large majority of the respondents agreed that the dis-application of paragraph 6.2 of TAN 1 would help to relieve pressure on planning authorities when dealing with planning applications for housing on sites which are not allocated in an adopted development plan. However, the disparity between sectors which was evident in response to Question 1 was also evident for Question 2. Those in agreement included 87% of those responding in a private capacity, 82% of planning authorities and 94% of local authority councillors. By contrast, 95% of the business sector did not agree.
- 4.10 Those respondents in favour of the consultation proposal, including planning authorities, were generally of the view that it would help to discourage the submission of 'speculative' planning applications in less sustainable locations, thereby relieving some of the pressure on planning authorities. The view was also expressed that the proposal would provide a strong steer to developers considering unallocated sites to provide clear evidence of the need for the homes and the sustainability of the location.
- 4.11 The business sector argued that there was no evidence to suggest that planning applications for sites not allocated in LDPs were diverting or deflecting resources away from anything that planning authorities should be doing. It was also argued that providing a 5 year housing land supply via the Joint Housing Land Availability Study process is the only way to relieve pressure from unwanted planning applications. It was also contended that there would be unintended consequences, in particular a loss of fee income for local authorities that were already under severe financial pressure. The business sector also argued that if any 'speculative' applications are in unsustainable locations, then the refusal of such applications should be quick and

easy and would not take much resource to deal with, but would still generate a planning fee.

5. Welsh Government response

- 5.1 The main consideration in the determination of planning applications should be whether or not they accord with development plan and national planning policies. In allocating housing sites in LDPs planning authorities are required to ensure that they are in sustainable locations by taking into account access to employment, schools, health care, transport networks and other facilities and services. As a result of the current housing land supply position across Wales some planning authorities are receiving 'speculative' applications for housing on unallocated sites. This is generating uncertainty for communities and is to the detriment of the plan-led system. It is considered that planning authorities should be focusing on the delivery of sites allocated in development plans and on keeping LDPs up-to-date through monitoring and review.
- 5.2 It is recognised that the dis-application of paragraph 6.2 of TAN 1 will not preclude the submission of 'speculative' planning applications in unsustainable locations; however it should reduce the probability of them gaining consent and this should reduce their number.
- 5.3 It is also recognised that the issues concerning housing delivery are wider than the dis-application of paragraph 6.2 and this will be the subject of the wider review which will commence this summer with a 'call for evidence'.

6. Next Steps

- 6.1 A statement will be issued setting out the decision of the Cabinet Secretary for Energy, Planning and Rural Affairs to dis-apply paragraph 6.2 of TAN 1 for the duration of the review of housing delivery through the planning system. This statement will clarify the start date and the terms of the dis-application.

Appendix – List of respondents

Businesses

Cloud9estates ltd	Harvington Properties Ltd
Julian Dyer & Co	Barton Willmore
Owen Devenport Ltd	Sullivan Architectural
Ship Inn	Barratt David Wilson Homes
Historic House Hotels	Sullivan Land and Planning
Owen Davies Consulting Ltd	Welsh Planning Consultants Forum
Industry professional	Dwr Cymru Welsh Water
Roger Parry & Partners	Llanmoor Development Co. Ltd & Geraint John Planning Ltd
Wales & West Housing	LRM Planning on behalf of Newbridge Construction Ltd
FBC Manby Bowdler LLP	Boyer Planning
Pegasus Group on behalf of Syke Homes Flintshire Ltd	Bron Afon Community Housing
RPS Planning & Development	Talbot Green Development Ltd
Steve Williams, MD Barratt David Wilson South Wales.	R E Phillips & Partners
Kevin H Jones Chartered Town Planning Consultant Ltd	Tirion Group Ltd
Pegasus Group	PMG Ltd
Redrow Homes	KEW Planning on behalf of Sheila Ann Davies
Savills	Marvel Ltd (c/o WYG)
Turley	LRM Planning Ltd
Bloor Homes	
RPS Group	

Local Planning Authority Councillor

Anne McCaffre - Conwy County Borough Council
Mark Baker - Conwy County Borough Council
Goronwy Edwards – Conwy County Borough Council
Keith Eeles - Conwy County Borough Council

Andrew Hinchliff - Conwy County Borough Council

Mike Priestley- Conwy County Borough Council

Charlie McCoubrey - Conwy County Borough Council

Frank Bradfield - Conwy County Borough Council

Gareth Jones - Conwy County Borough Council

Brian Cossey - Conwy County Borough Council

Philip Capper - Conwy County Borough Council

Alan Hunter - Conwy County Borough Council

Nigel Smith - Conwy County Borough Council

Susan Shotter - Conwy County Borough Council

Chris Hughes - Conwy County Borough Council.

Rob Gough- Caerphilly County Borough Council

Austin Roberts – Conwy County Borough Council

Samantha Cotton - Conwy County Borough Council

Roy Saralis - Caerphilly County Borough Council

Chris Cater - Conwy County Borough Council

Emma Leighton-Jones - Conwy County Borough Council

Bob Squire - Conwy County Borough Council

Cheryl Carlisle - Conwy County Borough Council

Peter Lewis - Conwy County Borough Council

Wyn Jones – Conwy County Borough Council

David Healey - Flintshire County Council

Kevin Etheridge - Caerphilly County Borough Council

Sean Bibby - Flintshire County Council / Shotton Town Council

Carolyn Thomas - Flintshire County Council

Gladys Healey - Flintshire County Council

Rosetta Dolphin - Flintshire County Council

Chris Dolphin - Flintshire County Council

Mike Peers - Flintshire County Council / Buckley Town Council

Mared Eastwood - Flintshire County Council

Billy Mullin - Flintshire County Council

Martin Gerard White - Flintshire County Council
 Veronica Gay – Flintshire County Council
 Dave Hughes - Flintshire County Council
 B Evans - Denbighshire County Council
 David Williams - Flintshire County Council
 Joel Stephen James - Rhondda Cynon Taf County Borough Council
 Cindy Hinds - Flintshire County Council
 Kate Libby Jones - Rhondda Cynon Taf County Borough Council
 Louise Brown - Monmouthshire County Council
 Patrick Heesom - Flintshire County Council
 Ian Dunbar - Flintshire County Council
 Arnold Woolley - Flintshire County Council

Government Agency / Other Public Sector

Bay of Colwyn Town Council	Pontyclun Community Council
Northop Community Council	Northop Hall Community Council
Old St. Mellons Community Council	Hefin David AM/AC
Pentyrch Community Council	Janet Finch-Saunders AM/AC
Pontblyddyn Community Council	Natural Resources Wales
Penyffordd Community Council	Radyr and Morganstown Community Council
Saltney Town Council	Abergavenny Town Council
Gwernymynydd Community Council	Hope Community Council
Higher Kinnerton Community Council	

Local Planning Authority

Pembrokeshire Coast National Park Authority	Neath Port Talbot County Borough Council
Merthyr Tydfil County Borough Council	Vale of Glamorgan Council
Rhondda Cynon Taf County Borough Council	Conwy County Borough Council
Torfaen County Borough Council	City and County of Swansea

<p>Monmouthshire County Council</p> <p>Ceredigion County Council</p> <p>Carmarthenshire County Council</p> <p>Pembrokeshire County Council</p> <p>Caerphilly County Borough</p>	<p>Anglesey and Gwynedd Joint Planning Policy Unit</p> <p>Cardiff Council</p> <p>Flintshire County Council</p> <p>Wrexham County Borough Council</p>
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Other

<p>Evan Owen - Bywyd Cymru</p> <p>Engr. Klaus Armstrong-Braun - Envirowatch.Eu</p>
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Professional bodies / Interest Groups

<p>Federation of Master Builders Cymru</p> <p>Home Builders Federation</p> <p>Community Housing Cymru</p>	<p>CLA Wales</p> <p>RTPI Cymru</p>
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Voluntary Sector

<p>Raglan Action Group</p> <p>North West Cardiff Group</p> <p>CPRW Monmouthshire</p> <p>Abergavenny Development Forum</p> <p>ACCH (Abermorddu, Caergwrle, Cefn Y Bedd & Hope) Community Group</p>	<p>Parc y Llys Sychnant Residents Group</p> <p>Abergavenny and District Civic Society</p> <p>Ramblers Cymru Flintshire</p>
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Responding in a private capacity

Paul Cone	Emma Barnaby
Steven Pritchard	Michael Barnaby
Ally Bevan	Nikki Jones
Arthur Wyn Owen	Marylyn Sechi
Kevan Huxley	Michael Bosley
Colin Hughes	Carl Brancher
Vivian Davies	Sarah Taylor
Philip Evans	Clifford Hewitt
Colin Halliwell	Hazel Hyett
Alastair Deane	David Mellor
Trudy Millard	M. Maguire
Rhian Davies	Jennifer Mellor
Mike Jones-Pritchard	Philippa Milward
Andy McCaw	Judith Pritchard
Jean Wilson	Andrew & Kirsty Johns
Ann Roberts	Toni Davies
Anthony Elston	Thomas Benson
H Owen	Sheelagh Benson
Dawn Thomas	Keith Richards
Tim Burke	Margaret & Michael Giles
Elaine Parker	James Francis
Josephine Mccartland	Charly Cook
Timothy James	Anthony R Toon
Darren Parker	Catherine Ann Longworth
Elaine Parker	Antonita Wood
Sally Round	David Evans
Robert Parker	Sean Le Tissier
David Evans	John Golledge
Peter Webb	Kathy Jones
Trevor Jones	Howard Jones

Stuart Pringle	Mary Brooks
Rhys Hughes	Chris Bithell
Philip Spencer Brelsford	Harold Marshall
Stephen Roberts	Jayne Garland
Lynn Gazal	Nicola Attewell
M Barbrook	Claire Jones
Rachel Hurdley	Susan Jones
Deborah Whitby	Gareth Jones
Anthony Lane	Dean Olsen
Guy Thorndike	Ruth Parker
Robert Masters	Christian McCale
Jools Jones	Steven M Lewis
Nick Bradshaw	Ian Smith
Lee Moule	Ffion George
Samuel McDermott	Susan Morgan
Lisa Webb	Jeff Jones
Eva Roberts	Stephen Kent
John Owen	Steven Barrett
Anna Richards	Nina E Rogers
Sandra Barrett	Janet Axworthy
Arnold Brown	Diane Hughes
Jack Barrett	John Rooney
Anne Meikle	Arfon Hughes
Emma Barrett	Martin Thorn
Kaide Robinson	Hilary Jones
Sam Bergmanski	Dr Mary Barkham
Paul Hilton	Lynne Drake
Byron Rees	Peter Walmsley
Peter and Rona Davies	Wendy Reynolds
Dennis Roy Parry	Kathleen Littler
Hilda James	Gary Willetts

Richard G Waters Stuart Richard Rogers	Malcolm Worth
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227 respondents requested to remain anonymous.

Copies of responses are available on request from the Planning Directorate, Welsh Government.