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Research: Joint Housing Land Availability Studies – Process Review



Research Report to the
Welsh Government
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Wales Planning Policy Development Programme

This research was prepared for The Welsh Government by Barton Willmore

Barton Willmore LLP
Greyfriars House
Greyfriars Road
Cardiff
CF10 3AL

Tel: 02929 660910
Fax: 02920 660911
Email: ben.stephenson@bartonwillmore.co.uk

Planning Division
Welsh Government
Cardiff
CF10 3NQ

E-mail: planning.division@wales.gsi.gov.uk
Planning website: www.wales.gov.uk/planning

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1.0 EXECUTIVE SUMMARY

Introduction

- 1.1 This report provides a review of the Joint Housing Land Availability Study (JHLAS) process and reports which are presently prepared by the Welsh Government in partnership with the Home Builders Federation (HBF), developers, housing associations and each Local Planning Authority (LPA) within Wales.
- 1.2 The requirement to maintain a 5 year land supply of readily developable housing land in each authority across Wales has been a key planning policy requirement since Welsh Office Circular 30/80 “Land for Private Housing” (issued in 1980). This role has been performed by the Land Authority for Wales, Welsh Development Agency and latterly the Welsh Government.
- 1.3 The JHLAS’s system requires a review due to changes to the structure of the Department for Economy and Transport, following the publication of the Welsh Assembly Government’s “Economic Renewal: A New Direction” (July 2010). This document means that with effect from April 2011 officials within that Department will no longer be available to carry out the role of co-ordinating and producing the Studies. This review therefore considers the long term options for the JHLASs including their:
- Usefulness: Are they still relevant and required, compliant with Welsh Government objectives and policies, and who uses them and what for?
 - Processes: Are they systematic, accurate, efficient and timely?
 - Involvement: Are key partners engaged and do they deliver added value?
 - Form and Content: Are they accurate, accessible, clear and concise?
 - Future: Are minor, structural, organisational or other changes required?
- 1.4 We have therefore examined these issues through a range of techniques comprising:

- Desk top policy analysis.
- Comparison with the Scottish and English Housing Land Supply assessment process.
- Examination of the accuracy of the JHLAS reports.
- Review of JHLAS Round Table sessions.
- Two focus group meetings with LPAs and all other stakeholders to discuss the present process and options for the future.
- Presentations and discussions with developers, the HBF and professional planners.
- Meetings with officials of the Welsh Government, the Planning Inspectorate and the Welsh Local Government Association.

Policy Context

1.5 JHLASs are required by Planning Policy Wales and Technical Advice Note 1 (TAN1) in order to identify and maintain a 5 year supply of housing land in each authority across Wales. The reports are required to be prepared annually to assess the housing land supply in each authority.

1.6 PPW requires (paragraph 9.2.3) LPAs to:

“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.”

and goes onto to state:

“For land to be regarded as genuinely available it must be a site included in a Joint Housing Land

Availability Study. The Assembly 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.”

- 1.7 Technical Advice Note 1 provides further guidance on the JHLAS process and its implementation. In particular Paragraph 2.2 states that “**LPAs must ensure a 5 year supply of housing land**” and at paragraph 5.1 identifies “**that where shortfalls exist they must identify specific measures to address this situation by reviewing their Development Plan, expediting planning applications or seeking to remove site specific barriers to development.**”

- 1.8 JHLASs as required by PPW and TAN1 therefore form a corner stone of the present planning system in Wales for monitoring and maintaining the delivery of housing in Wales.

Compliance with Welsh Government Corporate Policies and Objectives

- 1.9 After 30 years of operation we reviewed through a desktop exercise whether the JHLASs comply with key policy documents of the Welsh Government consisting of:

1. Government of Wales Act 2006.
2. One Wales Agenda (2007).
3. One Wales One Planet (2009).
4. Sustainable Development Annual Report 2010-2011 (2010).
5. Statements from the Welsh Minister with responsibility for Planning (2007).

- 1.10 The Government of Wales Act at Section 79 requires the delivery of sustainable development and monitor progress towards achieving this objective. The JHLASs assist in this process by monitoring across Wales

on a consistent basis the reuse of previously developed land for housing and the development of land for housing at risk from flooding.

- 1.11 Although prepared by the former administration, the One Wales Agenda, sought to deliver a stock of good quality housing and deliver 6,500 new affordable homes over the 4 year terms of the administration. We consider that the JHLAS process contributes to this objective by ensuring that sufficient housing land is available for development in each LPA and providing a mechanism to address matters where there is a shortfall against the 5 year requirement.
- 1.12 With regards to “One Wales One Planet” and the Sustainable Development Annual Report we identify that the JHLAS contribute to evaluating the achievement of sustainable development objectives in these documents, as the JHLASs’ monitor the supply and delivery of housing on previously developed land, sites at risk from flooding and sites within Development Plans.
- 1.13 Finally, the former Minister for Planning confirmed the importance of the JHLAS process to the Welsh Planning system in a speech given in 2007.
- 1.14 We therefore conclude that the JHLAS process accords strongly with key policies and objectives of the Welsh Government.

Usefulness of the JHLASs in the Planning System

- 1.15 Through desktop exercise, focus groups and telephone questionnaires we reviewed the usefulness of the JHLASs in the planning system. We identified that they are used by three distinct groups: Local Planning Authorities; the Planning Inspectorate and Developers/Applicants.
- 1.16 LPAs routinely use the JHLAS for determining planning applications relating to housing sites, where housing land supply is a key material consideration. The reports are also used as a policy tool to guide

development to main towns and check the uncontrolled expansion of rural villages as demonstrated by policies in the Flintshire UDP. For the same reasons, the JHLAS are utilised by LPAs in planning appeals as they provide a recognised baseline assessment of the housing land supply. Importantly at appeals LPAs and all other parties consider that the JHLASs greatly reduce the need for any debate on housing land supply. Finally LPAs will utilise the reports for monitoring of the achievement of key policies within their LDPs as required by the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005. Overall 76% of LPAs rank the JHLASs as either 4 or 5 in their usefulness (1 low – 5 high).

- 1.17 The Planning Inspectorate utilise the JHLAS reports extensively in appeals relating to housing proposals where housing land supply is a material consideration. The reports are regarded as a strong basis on which to determine this often crucial issue and this is evidenced by individual appeal decision letters issued by the Inspectorate. The Inspectorate also utilise the JHLASs in the process of reviewing and examining submitted Local Development Plans.
- 1.18 Applicants and developers utilise the reports for identifying development opportunities, preparing and supporting submissions for planning applications, appeals and promotions through the Development Plan process.
- 1.19 Through our research the present system is widely respected by all those involved in the process and is considered to be robust and a highly valued planning function.

Housing Land Supply Assessment in England and Scotland

- 1.20 Within England Planning Policy Statement 3 Housing requires LPAs to maintain a 5 year supply of housing land. Unlike Wales there is no specific guidance on the process, form and content for preparing and publishing Housing Land Supply reports. As a consequence, only 40% of

authorities publish Housing Land Supply reports. The lack of guidance on their content means that the reports are very varied, often lacking key information and utilise variable methods for calculating land supply. This results in major issues in determining planning applications, appeals and in the Development Plan process, where extensive debate, time and resources are often required by all involved in the process in order to reach robust conclusions on housing land supply in each LPA.

- 1.21 Scotland also requires LPAs to maintain a 5 year supply of housing land. Although there is guidance on the form and content of the Housing Land Audits, there is no requirement for LPAs to engage with developers or landowners to assess the housing land supply. Consequently as per England there are significant issues regarding the robustness and impartiality of the reports, which undermines their usefulness within the planning system.
- 1.22 In comparison with the Scottish and English systems we conclude that the Welsh process is more robust and results in annual housing land supply assessments which are held in high regard by all parties.

Review of JHLASs Content

- 1.23 Through a desktop review we analysed the content of all existing 2009 based JHLAS reports and through peer review with Focus Groups.
- 1.24 Through this process, we identified that the JHLASs all contain the key information required by TAN1. From this review, only 56% believe the documents are sufficiently clear, concise and consistent, with significant issues identified regarding: presentation of unnecessary information; lack of consistency between documents in terms of content, structure, layout, formatting etc; and key findings not being presented clearly.
- 1.25 At the focus groups there was broad consensus and a desire to streamline the JHLAS documents and create a uniform simplified document.

The JHLAS Process

- 1.26 TAN1 establishes a relatively simple 8 stage process for completing the JHLAS for each LPA. This requires the Welsh Government to: co-ordinate; manage and control data for each LPA; issue draft schedules of housing sites for each LPA; arrange and chair round table meetings with each LPA, the HBF and any other party; agree and modify the housing land supply tables and schedules; produce the draft reports and agree these with all parties and finally publish each JHLAS. Upon further review, discussions with all those involved in the process, we identified a 12 stage process. A significant issue identified by all involved is that the process requires significant double/triple handling of data between LPAs, the Welsh Government and other parties; the number of stages required for each JHLAS introduces delays, unavoidable errors; is human resource intensive; and requires a meeting for each JHLAS. This means that the process takes between 7 and in extreme cases 19 months to complete or results in some Studies not being completed at all.
- 1.27 Despite the lengthy process, the telephone survey confirmed that: 92% of LPAs believe the round table meetings were extremely important to resolve issues; 88% of LPAs believe that an impartial adjudicator in the process is critically important; and 68% of LPAs believe that the involvement of the HBF and other developers etc is critically important to the accuracy and efficacy of the JHLAS reports. These findings were repeated at the Focus Group meetings and discussions with developers, planning consultants and the HBF.
- 1.28 From this review of the existing system we have made suitable recommendations for the future process and organisational responsibilities for the JHLAS system from 2012 onwards.

Accuracy of the JHLAS Reports

- 1.29 On a qualitative basis there is strong consensus arising from the Focus Groups and other discussions that the JHLASs are an accurate and robust process for determining housing land supply. 76% of LPAs believe that the JHLASs are accurate in estimating 5 year land supply for their area, and 80% believe that they accurately take account of individual issues relating to the sites in the reports.
- 1.30 We also reviewed the accuracy of JHLASs in quantitative terms, and identified in a sample of 9 studies that accuracy of predicated land supply compared to actual past completions was typically within +/- 15% margin of error. Notably the level of accuracy appears to increase significantly when LPA's benefit from adopted, time extant Development Plans and in the Vale of Glamorgan's case an accuracy of 0 to 3% margin of error.

Dissemination

- 1.31 TAN1 requires the latest JHLAS reports to be available on the websites of local planning authorities and the Welsh Government. From our review we identified that for LPAs this is often not the case with either old reports being published, or no reports at all. Only in limited instances do LPA's provide up to date JHLASs on their website. The Welsh Government publishes all the reports on their website and these are available for successive years.

The Future

- 1.32 In broad terms we have identified the need for improvement in the present system by:
- Operating a partnership approach with LPAs, the Planning Inspectorate, the HBF and the Welsh Government in preparing, assessing and publishing the JHLAS reports;

- Reducing the double/triple handling of data between the Welsh Government and LPAs by allowing LPAs to retain control and responsibility for collating and publishing data;
- Reducing the number of round table meetings needed for the JHLAS reports by only holding these meetings where matters of dispute cannot be resolved via correspondence;
- The Welsh Government appointing the Planning Inspectorate to adjudicate on issues of dispute where these cannot be resolved via correspondence;
- Slimming down and standardising the JHLAS reports to remove surplus information and speed up their publication; and
- Consistently publishing the JHLAS reports on all LPAs websites.

Arising from our research we have identified the following key recommendations:

Recommendation 1 – Management

The JHLAS process should be managed in a partnership approach combining the strengths and resources of LPAs, the HBF, the Planning Inspectorate and the Welsh Government all operating within a modified and streamlined JHLAS process.

Recommendation 2 - Process Improvement

The new management process will broadly require:

- LPA's to be responsible for preparing the baseline information and housing site schedules;
- HBF and developers to feed into the process at key stages to provide information on anticipated build rates, review of the draft schedules and, where necessary, discussion at round table meetings;
- A Planning Inspector to be appointed to review site schedules/method of calculation, resolve any matters of dispute, determine the 5 year land supply and prepare binding reports for submission to the Welsh Government;
- The Welsh Government to have an “arms length” role ensuring timetabling and consistency and publication of the final reports.

Recommendation 3 - Delivery Agreement

A delivery agreement will be prepared by each LPA annually. The agreement will set a timetable to complete the JHLAS within one year. The timetable will specify initial action points for the JHLAS process and key dates by which each party will perform or complete a specific function in the JHLAS process.

Recommendation 4 TAN Time Limit

To ensure that JHLAS reports are prepared and published within a 12 month period, TAN1 should be modified such that where a LPA has not produced a JHLAS within 12 months, there should be a presumption that the authority cannot demonstrate a 5 year housing land supply.

Recommendation 5 – Data Input/Control

Each LPA should prepare, amend and finalise the JHLAS site schedules throughout the JHLAS process, removing the need for the Welsh Government to undertake this role.

Recommendation 6 – Site Proformas and Evidence Base:

Each proforma should be completed to provide:

- i. Site Name, Location and Unique LPA reference for JHLAS;
 - ii. Year site first entered JHLAS process;
 - iii. Area of site (Gross and Net Hectares);
 - iv. Total number of units, market type (number flats/houses), sector type (number private/affordable);
 - v. Planning Status: Planning permission reference, date of consent and time limits for implementation; or details of allocation within the relevant Adopted Plan;
 - vi. Developer/landowner/Agent name and contact details (address, telephone number);
 - vii. Date of last contact with developer;
 - viii. Notes on Developer Intentions e.g:
 - Anticipated start year and delivery rates;
 - Will not develop but will sell site onto other developer;
 - Not developing due to market conditions need to revise scheme.
- Information at viii. should be confirmed via email/letter or notes of telephone conversations.*
- ix. Number of homes under construction; remaining; completed; future build rate for next 5 years and beyond (3i);
 - x. Greenfield/Brownfield status;
 - xi. Flood Risk Status (TAN 15 categories);
 - xii. Site Constraints - confirmation that access, services, ecological, or drainage issues are resolved or capable of being resolved within the 5 year period;
 - xiii. Site Constraints - notes on any significant site constraints that

- | | |
|------|---|
| xiv. | <p>need to be addressed before development can commence or be completed; and</p> <p>Other Notes - on any other issues, e.g. awaiting signing of S106 agreement.</p> |
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Recommendation 7 Strategic/Significant Constraints

<p>LPA's should identify sites subject to specific strategic/significant constraints at the Draft Schedule Stage. These sites should then be brought to the attention of the relevant statutory body which should provide comments on particular sites or strategic issues. If significant issues arise which cannot be resolved through correspondence, then the statutory body should attend the round table sessions.</p>
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Recommendation 8 – Annual Accuracy Check

<p>For each new JHLAS a check should be performed by the LPA to compare the last JHLAS projected number of completions to the actual number of completions in that year. This check will highlight if there are any significant discrepancies which can then be taken into account in the new JHLAS projections. This check will be provided as part of the draft schedules presented for public consultation.</p>
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Recommendation 9 - Round Table only where absolutely necessary

<p>Round table meetings should only be undertaken where absolutely necessary, i.e. where there is significant disagreement between the group members which cannot be resolved expeditiously via correspondence and/or a meeting of the Study Group members.</p>

Recommendation 10 - Statement of Common Ground

<p>The new JHLAS process should incorporate the requirement for LPA's to prepare a Statement of Common Ground (SoCG) in consultation with the HBF and other relevant stakeholders</p>

Recommendation 11 – Requirement for a Round Table Meeting

<p>Round table meetings will be held where significant areas of dispute cannot be agreed via correspondence between the appointed Planning Inspector and the members of the Study Group.</p>
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The Welsh Government should require round table meetings where:

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| <ul style="list-style-type: none"> • 10% or more of the housing land supply in the schedules is in dispute. • Agreement cannot be reached on the method of calculation i.e. residual method or past completion rate. • The land supply is less than 5 years due to either of the above. |
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Recommendation 12 - Chairing of Round Table Meetings

Where round table meetings are necessary they should be chaired and undertaken in a more formal manner by a Planning Inspector, allowing them to adjudicate as they presently do for planning appeals. In the first instance the Inspector should seek to foster agreement and consensus on areas of dispute at the Round Table meeting.

Recommendation 13 - JHLAS Reporting

The Welsh Government should appoint a Planning Inspector (via the Planning Inspectorate) to prepare a report. The report will be provided to the Welsh Government's Planning Division.

Recommendation 14 – JHLAS Report Production

The final JHLAS reports will be prepared in partnership by the Planning Division of the Welsh Government and the Planning Inspectorate.

Recommendation 15 - JHLAS Format and Structure:

JHLAS Format & Structure

- i. Front page - This will specify the LPA, base date, date published (month and year).
- ii. Summary - This will provide:
 - The key findings 5 year land supply position;
 - The main parties involved (who commented on the JHLAS etc); and
 - An overview for the process of producing the JHLAS, i.e. whether the report was published through agreement and correspondence or whether it was necessary to hold a round table discussion.
- iii. Contents page - This will identify the report's structure with page numbers for each section and a list of appendices.
- iv. Method of land supply calculation - This will set out the detail of the land supply calculation method whether past build rates or residual method and upon what plan basis.
- v. Land supply calculations - This will state the overall land supply position as per TAN1 either via the residual or past completions method or, where considered necessary, via both methods.
- vi. The tables to provide the calculations should be standardised for each JHLAS.

- vii. Commentary should only be provided where it will add to or help interpret the findings of the JHLAS. Such information includes for example:
- The position of the existing Development Plan – i.e. its full title, time period of operation and identification of major housing allocations;
 - The position of any emerging Development Plan in terms of present status, time period of operation and proposed major housing allocations;
 - Identification of significant sites and their total number of houses which are important to the existing land supply or future land supply e.g. Llanwern Newydd in Newport; Coed Darcy in Neath Port Talbot, or Cardiff Bay;
 - It is also helpful to identify significant constraints which may be impinging on the delivery of housing, particularly if these affect major sites or several major sites, e.g. the issue regarding the Burry Port Inlet SAC during 2008-2011, or potential inadequacies of sewerage infrastructure within certain areas of LPAs which potentially will affect the delivery of housing;
 - A statement on general market conditions and identification of areas of high or low demand;
 - Consideration of the broad nature of housing provision, particularly if dominated by flats or significant levels of greenfield or previously developed land.

Site Schedules (Appendix 1)

- viii. These will be provided by the LPAs in a form similar to those at present. The schedules are considered critical to the overall content of the report as they provide the raw data from which the land supply is calculated. This data is interrogated by all users of the system to identify the number of units being completed, remaining or under construction on each site. If the schedules were removed, it would not be possible to track and monitor the completion rates on sites, monitor delivery of sites which have not been included within the present 5 year supply i.e. those subject to the signing of S106 or located within 3i or 3ii categories.
- ix. A note column should be included on the schedules allowing notes to be made on particular sites e.g. how long a site has been in the 5 year land supply.
- x. The 5 year land supply schedules should group all sites by area and removing the separate listing of private and affordable homes. Each type of provision should be identified in the revised schedules e.g. Social Rent (SR), Shared Equity (SE) etc.

Temporal Data (Appendix 2)

- xi. The Report will provide 10 or 15 year periods data on completions, land supply, and use of previously developed land. It would be desirable for LPAs to back date this information in the next round of JHLASs. The table for these elements should be produced in a consistent style and format for each JHLAS.
- xii. Other TAN1 Monitoring Data (Appendix 3) e.g. the use of previously developed land, development on sites at risk from flooding, and completions by flats/houses should be presented as an appendix.
- xiii. Affordable housing delivery is now monitored separately by the Welsh Government and LPAs so this data no longer needs to be collected via the JHLASs.

Recommendation 16 – Publication

Each LPA will provide the most up to date JHLAS on their websites, particularly as these are now distributed electronically in any event.

All reports will also be published on the Welsh Government's website.

Recommendation 17 – General Process Publication

All the documents for each stage of the JHLAS process should be issued through LPAs' websites as per the present process undertaken for the various stages of their LDPs.

2.0 INTRODUCTION

JHLASs Study Review

- 2.1 Barton Willmore has been commissioned by the Welsh Government to undertake a review of the Joint Housing Land Availability Study (JHLAS) process, required by Planning Policy Wales and Technical Advice Note 1.
- 2.2 The requirement to maintain a 5 year land supply of readily developable housing land in each authority across Wales has been a key planning policy requirement since Welsh Office Circular 30/80 “Land for Private Housing” (issued in 1980) which set out the process by which JHLASs should be prepared. The process of calculating and ensuring the provision of a 5 year housing land supply through the JHLASs has also remained largely unaltered over the same period.
- 2.3 In this period however, the central body responsible for co-ordinating, undertaking and producing the JHLAS reports has transferred from the Land Authority for Wales, to the Land Division of the Welsh Development Agency, to the Department of Enterprise, Innovation and Networks and finally to the Department for Economy and Transport of the Welsh Assembly Government. For the 2011 based studies a transition arrangement has been established and informed by this study whereby the Planning Inspectorate will chair round table meetings where disagreement between Group members cannot be resolved by a written exchange of views.
- 2.4 The requirement to review the JHLAS’s system arises from changes to the structure of the Department for Economy and Transport, following the publication of the Welsh Assembly Government’s “Economic Renewal: A New Direction” (July 2010). This document means that with effect from April 2011 officials within that Department will no longer be available to carry out the role of co-ordinating and producing the Studies.

2.5 This review therefore considers the longer term options for the JHLASs including their:

- Usefulness: Are they still relevant and required, compliant with Welsh Government objectives and policies, and who uses them and what for?
- Processes: Are they systematic, accurate, efficient and timely?
- Involvement: Are key partners engaged and do they deliver added value?
- Form and Content: Are they accurate, accessible, clear and concise?
- Future: Are minor, structural, organisational or other changes required?

2.6 Finally the review makes appropriate recommendations on the operation and future of the JHLAS process in order to enable new long-term arrangements for the co-ordination and production of the JHLASs to be in place for the 2012 Studies.

Methodology

2.7 To undertake this research we have employed a variety of techniques to deliver the key objectives and requirements of this report. These are briefly summarised below:

- Desk top policy analysis to ensure that the requirement to maintain a 5 year supply of housing land still accords with Government policies and objectives.
- Comparison of Scottish and English Housing Land Supply assessment process.
- Quantitative examination of the accuracy of the JHLAS reports compared to actual past completions.
- Attended round table sessions for the Ceredigion JHLAS and examined round table notes from previous meetings.
- Held two focus group meetings with LPAs, developers and members of the HBF to discuss in structured and open sessions key aspects of the present process and options for the future.

- Presented to and discussed issues with other developers, the HBF and professional planners.
- Met with and discussed key issues of the existing process and options for the future with officials of the Welsh Government, the Planning Inspectorate and the Welsh Local Government Association.

3.0 POLICY CONTEXT

- 3.1 The requirement to undertake JHLASs is established by Welsh Assembly Government policy contained in Planning Policy Wales (PPW) and Technical Advice Note (TAN) 1.

Planning Policy Wales (February 2011)

- 3.2 This document sets the key requirement to maintain a 5 year supply of available land for housing, stating at paragraph 9.2.3 that:

“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.”

- 3.3 PPW states in the same paragraph that:

“For land to be regarded as genuinely available it must be a site included in a Joint Housing Land Availability Study. The Assembly 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.”

- 3.4 Accordingly the JHLASs are a direct requirement of PPW. If they were not produced, there would be a significant conflict with the Planning Policy requirements of the Welsh Assembly Government.

Technical Advice Note 1 Joint Housing Land Availability Studies (June 2006)

- 3.5 TAN1 provides guidance on the preparation of the JHLASs and states that the purpose of these studies is to:
- **“monitor the provision of market and affordable housing**
 - **provide an agreed statement of residential land availability for development planning and control purposes; and**
 - **set out the need for action in situations where an insufficient supply is identified.”**
- 3.6 Paragraph 2.2 states that LPAs must ensure a 5 year supply of housing land and at paragraph 5.1 identifies that where shortfalls exist they must identify specific measures to address this situation by reviewing their Development Plan, expediting planning applications or seeking to remove site specific barriers to development.
- 3.7 Rather than reviewing TAN1 and providing extensive quotes on the requirements of the JHLAS process we refer readers to the document to review separately.

4.0 COMPLIANCE WITH WELSH GOVERNMENT CORPORATE POLICIES

- 4.1 A fundamental requirement of the research into the JHLAS system is to establish whether after 30 years of operation the JHLAS's comply with the Welsh Government's corporate policies and priorities.
- 4.2 The key documents to consider in terms of compliance are the:
1. Government of Wales Act 2006.
 2. One Wales Agenda (2007).
 3. One Wales One Planet (2009).
 4. Sustainable Development Annual Report 2010-2011 (2010).
 5. Statements from the Welsh Minister with responsibility for Planning (2007).
- 4.3 We summarise and review these documents below to evaluate whether the JHLASs assist in fulfilling the objectives of these documents, are in broad conformity with the documents or present conflicts or other issues.

Government of Wales Act (2006)

- 4.4 The Government of Wales Act 2006, at Section 79 sets out the requirement for the Welsh Government to deliver sustainable development and identifies that:
1. **The Welsh Ministers must make a scheme (“the sustainable development scheme”) setting out how they propose, in the exercise of their functions, to promote sustainable development. The Welsh Ministers:**
 - a) **must keep the sustainable development scheme under review, and.**
 - b) **may from time to time remake or revise it..**
 2. **Before making, remaking or revising the sustainable development scheme, the Welsh**

Ministers must consult such persons as they consider appropriate...

- 3. The Welsh Ministers must publish the sustainable development scheme when they make it and whenever they remake it; and, if they revise the scheme without remaking it, they must publish either the revisions or the scheme as revised (as they consider appropriate)..**
- 4. If the Welsh Ministers publish a scheme or revisions under subsection (4) they must lay a copy of the scheme or revisions before the Assembly...**
- 5. After each financial year the Welsh Ministers must—.**
 - a) publish a report of how the proposals set out in the sustainable development scheme were implemented in that financial year, and.**
 - b) lay a copy of the report before the Assembly...**
- 6. In the year following that in which an ordinary general election is (or, apart from section 5(5), would be) held, the Welsh Ministers must—.**
 - a) publish a report containing an assessment of how effective their proposals (as set out in the scheme and implemented) have been in promoting sustainable development, and.**
 - b) lay a copy of the report before the Assembly...**

4.5 The requirement to deliver sustainable development and monitor the progress towards delivering this objective is therefore a legislative requirement of the Welsh Assembly Government set out within the Government of Wales Act.

4.6 JHLASs assist in monitoring the achievement of sustainable development by monitoring the re-use of previously developed land for housing and the development of land for housing which is at risk from flooding.

One Wales Agenda (2007)

4.7 One Wales, A progressive agenda for the government of Wales, was an agreement between the Labour and Plaid Cymru Groups in the National Assembly that was published on 27th June 2007. The document established the principles, programme and core objectives of the Government over its term in office and covered 10 broad topics.

- A Progressive Agenda for Wales
- A Strong and Confident Nation
- A Healthy Future
- A Prosperous Society
- Living Communities Learning for Life
- A Fair and Just Society
- A Sustainable Environment
- A Rich and Diverse Culture
- Governance Arrangements

4.8 The most relevant topic to the JHLASs is Living Communities and a Sustainable Environment, Section 5.1 states that the:

“Lack of good-quality housing affects people’s health and well-being, and influences their long-term life chances. Everyone has the right to an affordable home as owner, as part-owner or as tenant. A stock of good-quality, affordable homes is the foundation of thriving local communities in all four corners of Wales.”

and goes onto identify that:

“Our ambition is to ensure that all households, in all communities and irrespective of their means, can afford a decent home.”

4.9 This statement therefore highlights the Assembly Government’s commitment to ensuring the delivery of housing for both private and

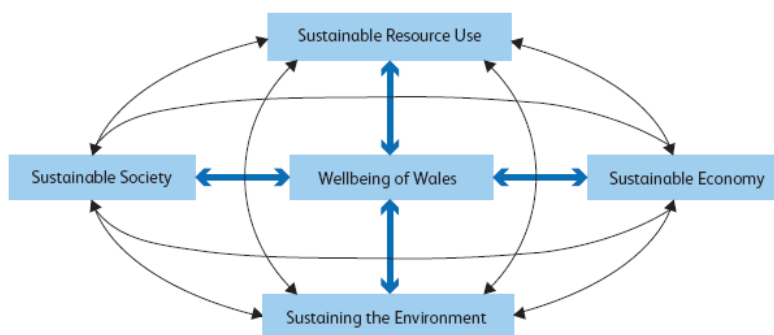
affordable homes and identifies a specific commitment to deliver 6,500 new affordable homes over the 4 year period of the Government.

- 4.10 Section 5.1 goes onto identify the need to deliver affordable housing and thriving communities and the key objectives relating to: Meeting housing need; Improving access to housing; Increasing the supply of affordable housing; and Ensuring 21st-century housing.
- 4.11 We consider JHLASs, through PPW and TAN1, are a key aspect of the planning system which assists in the delivery of a consistent supply of housing land across Wales in accordance with the broad objectives of the One Wales Agenda identified above.
- 4.12 The One Wales Agenda has now expired. The new Government will prepare a new programme for their administrative term to 2015. It is considered that the requirement to maintain a 5 year housing land supply will likely remain an ongoing priority for the new Government. This is because the policy has remained in place since the early 1980's and has stood the test of time.

One Wales One Planet (2009)

- 4.13 This document confirms that the central organising principle of the Welsh Assembly Government is the delivery of Sustainable Development.

Figure 1: Relationship between the chapters in the Sustainable Development Scheme



The Table opposite explains this structure showing that part of the vision of a sustainable Wales is relevant to each chapter, the main associated outcomes, and the headline and relevant supporting indicators of SD.

Theme	Overall Aim
Planning	Provide for homes, infrastructure, investment and jobs in a way that helps reduce our ecological footprint.
Wales Spatial Plan	To stabilise Wales Spatial Areas' ecological footprint by 2020, then reduce it across the range of its activities.

Footprint themes (% of Wales' ecological footprint)	Overall Aim
Housing (25%)	Stabilise housing's ecological footprint by 2020, then reduce.

4.14 The document identifies the scale of housing's ecological footprint in Wales, with the planning process having direct impact on Wales ecology footprint. The JHLAS system is focused on monitoring the past housing completions and forecasting the delivery of housing on greenfield and previously developed land. It can therefore assist in monitoring these issues which contribute to Wales' ecological footprint.

Sustainable Development Annual Review (2010)

4.15 This document identifies how Wales is progressing towards and delivering sustainable development. The document identifies that:

“Housing accounts for approximately 20% of Wales’ ecological footprint. Working to reduce this, while also progressing social and economic priorities to eradicate fuel poverty and create jobs and business opportunities, has been a clear focus of Assembly Government work.” (pg 26)

- 4.16 Page 36 identifies that the Welsh Assembly Government under Action 5 is to:

“... initiate, in consultation with local government, a strategic monitoring framework to measure key sustainable development outcomes delivered by the planning system.

Preliminary work has been undertaken to scope a research project to identify potential indicators. The project will include considering the role of ecological foot printing as a composite indicator to measure total sustainable development outcomes delivered by the planning system. We will report on this in the next reporting period.”

- 4.17 The JHLAS process through the monitoring of the delivery of development upon greenfield and previously developed land, could potentially provide a useful ecological footprint indicator not only of past performance on this issue but also on future housing development trends.

Statements from the Welsh Minister with responsibility for Planning (2007)

- 4.18 On 15th October 2007, Jane Davidson AM, Minister For Environment, Sustainability And Housing, gave a speech at the Welsh Local Government Association entitled 'Planning: Delivering Affordable Housing'.

- 4.19 Within this speech the Minister identified key priorities of the Government and stated that:

“Last year we published a comprehensive package of measures with examples of how affordable

housing had been delivered using various mechanisms, such as section 106 agreements and publicly owned land. The package included the Affordable Housing Toolkit, the Housing Ministerial Interim Planning Policy Statement and Technical Advice Note 1: Joint Housing Land Availability Studies and Technical Advice Note 2: Planning and Affordable Housing. Whilst I am convinced that this package of measures will result in more affordable housing in the medium term, more needs to be done now.

An adequate and continuous supply of land is essential if we are to generate the cross subsidy from market housing necessary to support the delivery of affordable housing. Over the medium term I am pleased to see that councils appear to be addressing this issue through the preparation of their LDPs.

Comparison of house building completions and household formation indicates that during the five year period to 2004 a supply deficit was building up in many authorities, particularly those in North and Mid Wales, and in Cardiff and the Vale of Glamorgan. It is also these areas that demonstrate the highest ratios between house prices and incomes. The latest Housing Land Availability Studies indicate that only 56 % of local planning authorities have the required 5 year land supply. Following the adoption of a significant number of UDPs in 2006, I expect this situation to improve and find reflection in the reports due to be completed by April 2008. However for those authorities which do not have a five year supply, I will expect planning applications for new housing developments to be approved by the local planning authority, or by the Planning Inspectorate at the appeal stage, provided that all other relevant policy considerations are met.”

- 4.20 It is clear from the above, that the Minister placed the delivery of affordable housing and private housing as a key objective of the Government. Furthermore it is apparent that the JHLASs were directly identified by the Minister in encouraging LPAs to prepare their LDPs, and to approve applications for new housing developments where there is less than a 5 year supply of housing land.

Conclusions

4.21 We conclude from the above that the JHLASs comply with broad aspects of the Welsh Government's corporate policy objectives in that they:

- Conform with the Government of Wales 2006 Act's requirement to deliver sustainable development by assisting in monitoring the use of previously developed and green field land for housing purposes;
- Contribute to the One Wales Agenda by monitoring and assisting in the delivery of a consistent supply of housing land and houses thereby contributing to the delivery a fair and prosperous society;
- Have potential to assist in monitoring the ecological footprint of housing as desired by One Wales One Plant and the Sustainable Development Annual Reports; and
- Reflect most importantly the desire of the Welsh Assembly Government's Minister for Environment Sustainability and Housing to deliver a continuous supply of housing land, with the JHLAS reports working alongside LDPs and planning applications in delivering this objective.

5.0 USEFULNESS OF THE JHLASs

5.1 PPW and TAN1 establish the JHLASs as a key part of the Welsh planning system. However it is necessary to consider and review how JHLASs are used by those involved in the planning system. We have therefore analysed the way in which they are used by:

1. Local Planning Authorities
2. The Planning Inspectorate
3. Developers/applicants.

5.2 The findings below stem from telephone surveys, interviews and Focus Group meetings.

1. Local Planning Authorities

5.3 Through the Focus Group meetings and telephone interviews we have identified that the JHLASs are utilised in four areas by local planning authorities.

- i. Planning applications

5.4 The provision of a 5 year housing land supply or otherwise through the JHLASs is a key material planning consideration in planning applications via PPW and TAN1. Through the Focus Group meetings and our telephone surveys we have been advised that the JHLASs are used by LPAs in order to determine the prevailing housing land supply where this is a material planning consideration relevant to a specific planning application.

5.5 Housing land supply is a constantly evolving situation with the granting of new planning permissions or allocations emerging in LDPs throughout the year. The JHLASs therefore provide a snapshot in time of the land supply in any one year as at 1st April. Accordingly as new planning permissions

emerge from this base date, we have been advised that, where LPAs are dealing with significant housing application where 5 year land supply is a key material consideration, the LPAs take the existing JHLAS findings and add in new planning permissions granted since the JHLAS was completed. Through this process, they are able to calculate the 5 year land supply at the point when they are determining the specific planning application.

5.6 We have also identified situations where JHLASs are used in development control functions based on policy contained within adopted Development Plans. Within Flintshire, Policy HSG3 of the adopted UDP restricts development outside of main towns if alongside existing permissions and previous completions it would result in the growth of a settlement by 15% compared to its size (number of households) in 2000. The policy is actively used in development control via the latest JHLAS report.

5.7 However it is important to recognise that: as per Section 38(6) of The Planning and Compulsory Purchase Act, Section 3.1 of PPW and as stressed by LPAs through this research, that 5 year housing land supply is one of many material considerations which are taken into account when determining planning applications.

ii. Appeals

5.8 From our telephone survey and focus group meetings, the JHLASs are used extensively where housing land supply is a material consideration in planning appeals. In this situation, the JHLAS provides the baseline assessment of the prevailing housing land supply position within an authority area. Where the JHLAS is not sufficiently up-to-date, it forms a baseline position from which additional planning permissions are added into the land supply calculation.

5.9 At appeal, we have identified that there are numerous appeal decisions where housing land supply is a key material consideration and the findings of JHLAS reports are utilised as the basis of decisions. This position was

reconfirmed at the Focus Group meetings, through our telephone questionnaires and further research with the Planning Inspectorate.

- 5.10 Importantly, through our research we have identified that LPAs believe that the JHLASs shorten or remove the need to debate in detail housing land supply issues at appeal as the JHLAS reports are either taken as read or form a good starting point for agreeing and updating the land supply position. LPAs and the Planning Inspectorate have advised that it is very unusual for there to be extensive debate on housing land supply where an up-to-date JHLAS is available for a particular appeal. This consequently has a beneficial effect by reducing the time necessary for an Inquiry, reducing cost for the appellant, LPA and the Planning Inspectorate.

iii. Annual Monitoring Reports

- 5.11 The requirement to produce and monitor housing land supply is a regulatory requirement established in The Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 which state that:

“37 (1) An LPA must publish its annual monitoring report on its website and also submit it to the National Assembly on or before the date specified in guidance made under section 75...

(4) The annual monitoring report must specify —

(a) the housing land supply taken from the current Housing Land Availability Study; and

(b) the number (if any) of net additional affordable and general market dwellings built in the LPA’s area both in the period in respect of which the report is made; and in the period since the LDP was first adopted or approved.”

- 5.12 Section 75 identifies that the AMRs are to be produced over the same monitoring period as each JHLAS i.e. from 1st April to 31st March annually. However this requirement only comes into force one year after the adoption of LDPs.

5.13 Further guidance on the content of AMRs is provided in Local Development Plans (2005) by the Welsh Assembly Government, which states at paragraphs 4.42-4.44 that AMRs are to consider:

- “i. whether the basic strategy remains sound;**
- ii. what impact the policies are having globally, nationally, regionally and locally;**
- iii. whether the policies need changing to reflect changes in national policy;**
- iv. whether policies and related targets in LDPs have been met or progress is being made towards meeting them, including publication of relevant supplementary planning guidance (SPG);**
- v. where progress has not been made, the reasons for this and what knock on effects it may have;**
- vi. what aspects, if any, of the LDP need adjusting or replacing because they are not working as intended or are not achieving the objectives of the strategy and/or sustainable development objectives; and**
- vii. if policies or proposals need changing, what suggested actions are required to achieve this.**

The AMR must also specify the housing land supply (from the current Housing Land Availability Study) and the number of net additional affordable and general market dwellings built in the authority’s area, and report on other LDP indicators.

Reporting in the AMR on the extent to which policies in the LDP are being achieved should be set in the context of the overall plan strategy. Authorities should seek to integrate their approach to monitoring and survey with other work, particularly community strategies. Where LDP objectives complement those in other strategies, monitoring should highlight common targets and indicators.”

5.14 At present there are no available annual monitoring reports in Wales due to a lack of adopted LDPs which are over a year old. However a draft LDP Monitoring Framework prepared by Caerphilly Council (2010), identifies that:

- Policy SP1 – Development Strategy seeks to reduce levels of deprivation and will be monitored alongside other indicators by measuring the number of new homes developed each year as a percentage of total housing stock through annual JHLAS reports.
- Policy SP3 – Development Strategy seeks the re-use of previously developed land as a priority, and will be monitored by measuring the percentage of new housing developed on previously developed land through annual JHLAS reports.
- Policy SP16 requires the delivery of 8,625 dwellings, and will be monitored by measuring annual house building rates and maintaining a 5 year housing land supply through annual JHLAS reports.
- Policy SP17 and Policy CW14 require the delivery of 3,640 affordable homes and will be monitored annually by the JHLAS and the Council's Annual Survey of Affordable Housing.

5.15 It is therefore clear that the JHLAS in Caerphilly and likely throughout the rest of Wales due to LDP Regulations will form a key component of their annual monitoring reports.

5.16 Without the JHLAS process, some LPAs identified that housing monitoring data (annual completions, units under construction and forecast future completions) would not be undertaken due to other competing requirements of the Local Development Plan team and present financial/resource constraints imposed on LPAs.

iv. Evidence Base for LDP's

5.17 A number of respondents at the Focus Groups and also in response to telephone surveys also identified that the JHLAS reports provide very valuable baseline evidence used in the preparation of, and as part of the

overall evidence base for, the examination of LDPs. Indeed JHLASs are extensively referenced and submitted as part of the evidence base for LDP examinations. This reflects the guidance of TAN1 at paragraph 2.2.

5.18 From the telephone surveys of the authorities, 76% rank the JHLASs on a scale of 1 (low) to 5 (high) as either 4 or 5 in terms of the usefulness of the documents in their general planning functions. **(Appendix 1)**

5.19 Additionally 64% also rank the JHLAS process as either 4 or 5 in terms of their importance and priority to the LPA in their general planning functions.

2 Planning Inspectorate

5.20 Through our own research and from discussions with the Planning Inspectorate, this government body utilise the JHLAS reports in the two main areas of their planning work i.e. planning appeals and Local Development Plan preparation.

i) Section 78 Planning Appeals

5.21 JHLASs are utilised by the Planning Inspectorate, appellants and LPA's in the appeal process and can be a key material consideration in the determination of planning appeals, this situation is reflected in the 5 examples summarised below:

1. Baglit, Flintshire. Redevelopment of a Public House for housing. Policy HSG3 prevents new development in settlements including Baglit where it would result in a 15% growth of the settlement (number of households) since 2000 (see paragraph 4.5 above). In this appeal, reference was made to the 2008 JHLAS which identified a significant supply of housing land in the settlement which would result in its growth by 18% from 2000. As a result, in accordance with Policy HSG3 of the Adopted Unitary Development Plan, the appeal proposals were dismissed on 14th December 2010.

2. Beddau, Rhondda Cynon Taff. Redevelopment of Cwm Coke Works for 630 dwellings. JHLASs were quoted by the appellant to demonstrate a significant shortfall in the housing land supply in the area. The Inspector noted this position as a key material consideration (para 218), however this was one of many material considerations relating to these complex and large scale proposals. Due to other material planning considerations, despite the 5 year land supply shortage, the appeal proposals were dismissed on 28th November 2006.
3. Bryncae Industrial Estate, Rhondda Cynon Taff. Redevelopment of industrial estate for housing. The JHLAS provided an agreed land supply of 3.3 years. The Inspector's conclusions identify this as a clear need to provide additional housing, which alongside other material considerations, resulted in the appeal being allowed on 18th December 2008.
4. Rhyl, Denbighshire. Redevelopment of an industrial estate for 36 homes. The site in the adopted UDP was for protected employment purposes. As a consequence, despite the lack of a 5 year housing land supply demonstrated by the JHLAS report, the Inspector dismissed the scheme on 15th September 2010, because the lack of a housing land supply was insufficient to outweigh the adopted policies applying to the site.
5. Rhiwderian, Newport. Development of a site for housing. The appellants show through their own land supply assessment that there is a shortage in the 5 year land supply. However the Inspector notes that the JHLAS system is a long established, recognised, and valued consistent process and therefore placed more emphasis on the findings of the JHLAS, and the appeal was allowed for this and other material considerations.

ii) LDP Preparation and Examination

- 5.22 For the authorities who have prepared and submitted LDPs for examination by the Planning Inspectorate, the JHLAS reports form a key component of the LPAs evidence base. The documents are therefore included in the LDP evidence base library for the Examination in Public. The documents are cited to demonstrate housing land supply at the present point in time, demonstrate past completion rates, and are useful in determining the need and demand for housing. The documents therefore form part of the considerations made by the Planning Inspectorate on the soundness or otherwise of the Development Plan.
- 5.23 Before LDPs reach the examination stage, JHLASs have been utilised by The Planning Inspectorate to help determine whether plans are considered adequately sound in order to proceed to the Examination stage.
- 5.24 Most recently the Cardiff JHLASs were utilised by Planning Inspectorate to initially examine the soundness of the Council's Submitted Draft LDP and consider whether it was suitable for progressing through to the Examination stage. As a result of reviewing the JHLASs, the Planning Inspectorate identified, amongst other matters, significant concerns over the robustness of the assumed housing land supply in the Plan. The Planning Inspectorate through the JHLASs identified that many of the sites being relied upon in the draft LDP were subject to S106 agreements which had not been signed for several years. Additionally the JHLASs identified that a significant proportion of the supply was for large scale flatted developments which due to major changes in the economic climate were considered unlikely to be developed. As a consequence the Planning Inspectorate advised that the Draft LDP would potentially be found to be unsound at the Examination. Consequently Cardiff Council decided to withdraw their LDP from submission to the Welsh Assembly Government. Whilst this situation has delayed further the production of Cardiff's LDP, it ensured that the Plan was not taken through to the Examination, which

would have incurred far greater costs and delays to the production of a sound LDP.

3 Developers and Applicants

5.25 In discussions with the HBF, and at their recent members meeting, we have sought the views of the development industry on the usefulness of the JHLAS system.

i. Land Acquisition

5.26 The reports are utilised in land acquisition, through identifying sites for development within the existing schedules. Alternatively where a 5 year land supply can not be demonstrated, this allows a developer to seek to identify a site to potentially contribute to addressing the shortfall as per paragraphs 9.2.3 of PPW and 5.1 of TAN1.

ii. Planning Applications and Appeals

5.27 Developers and their agents routinely utilise the JHLAS reports as part of their submissions for planning applications or planning appeals.

iii. Local Development Plan

5.28 In promoting sites for housing as part of the LDP process, developers and their agents utilise the JHLAS reports to evaluate the LPA's stated land supply and past delivery rates of housing land. This information is then used to support their proposals for housing sites within the area.

Conclusions

5.29 From our research we therefore conclude that the JHLASs are therefore used by all parties involved in the planning process and are used in a

variety of manners from planning applications, appeals, local development plan preparation, and monitoring.

5.30 If the requirement for JHLASs were removed it is considered that it would have undesirable impacts on:

- Maintenance of 5 year housing land supplies within authorities across Wales
- Ability to monitor the effectiveness of LDP plan policies on delivering housing
- Potential increase in the time and cost taken to consider planning applications and particularly appeals where housing land supply is a key material consideration
- Reduce the number of new homes being delivered in Wales, with adverse social, economic, and environmental consequences.

6.0 A COMPARISON OF HOUSING LAND SUPPLY ASSESSMENTS IN ENGLAND AND SCOTLAND

- 6.1 In order to consider the merits and issues of the Welsh JHLAS process, we have examined the equivalent processes within the English and Scottish systems.
- 6.2 This review provides a useful context prior to considering potential options for the future of the JHLASs in Wales.

Policy Requirement in England

- 6.3 Planning Policy Statement 3 Housing (June 2010) sets the requirement for Local Planning Authorities to (paragraph 7) **“identify and maintain a rolling five-year supply of deliverable land for housing, particularly in connection with making planning decisions.”**
- 6.4 PPS3 provides some guidance on the approach to be taken on the assessment of sites and advises that in respect of preparing Local Development Documents, (paragraph 54) that:

“Strategic Housing Land Availability Assessment and or other relevant evidence, Local Planning Authorities should identify sufficient specific deliverable sites to deliver housing in the first five years. To be considered deliverable, sites should, at the point of adoption of the relevant Local Development Document:

- Be Available – the site is available now.**
- Be Suitable – the site offers a suitable location for development now and would contribute to the creation of sustainable, mixed communities.**
- Be Achievable – there is a reasonable prospect that housing will be delivered on the site within five years.”**

- 6.5 PPS3 goes onto to stress at paragraph 57 that:

“once identified, the supply of land should be managed in a way that ensures that a continuous five year supply of deliverable sites is maintained i.e. at least enough sites to deliver the housing requirements over the next five years of the housing trajectory.”

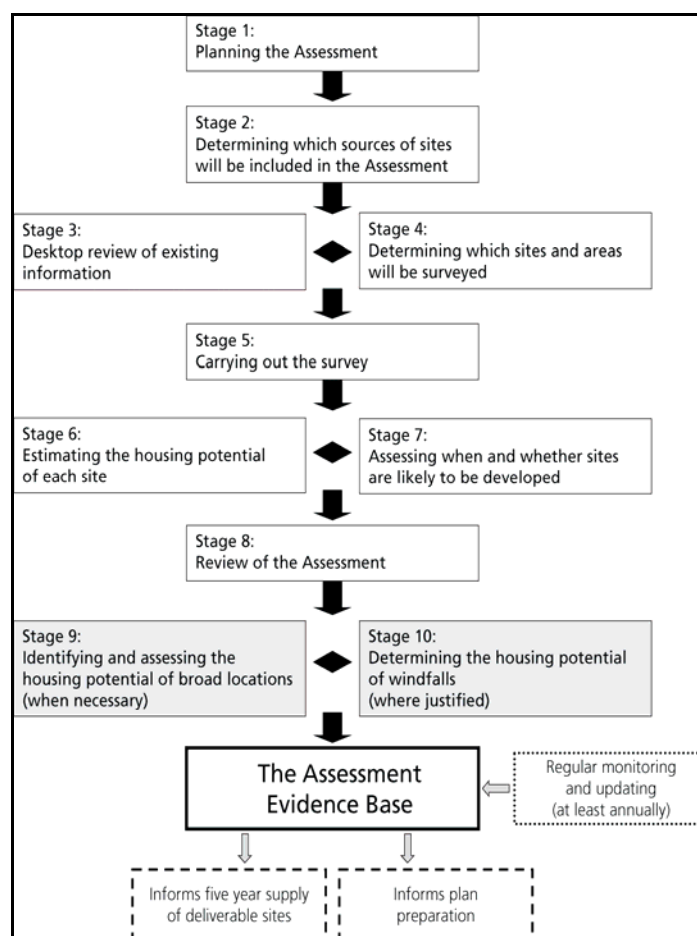
- 6.6 In order to ensure this situation, paragraph 60 states that **“Local Planning Authorities should monitor the supply of deliverable sites on an annual basis, linked to the Annual Monitoring Report review process.”**

- 6.7 PPS3 like in Wales stipulates at paragraph 71 that:

“Where Local Planning Authorities cannot demonstrate an up-to-date five year supply of deliverable sites, for example, where Local Development Documents have not been reviewed to take into account policies in this PPS or there is less than five years supply of deliverable sites, they should consider favourably planning applications for housing...”

Strategic Housing Land Availability Assessment: Practice Guidance 2007.

- 6.8 In summary this sets out that the SHLAAs are undertaken by LPAs in partnership with other key stakeholders and involves a lengthy process consisting of:



6.9 The SHLAA process is fundamentally different from Wales, as it requires the identification of all potential sources of supply i.e. including sites without planning permission. Each potential site is then considered and reviewed for its housing potential. The output of the SHLAA informs the five year supply of deliverable sites and can include sites which have no planning status but which according to the SHLAA could be developed in 5, 10 or 15 years. However, it is then left to each LPA as to how they write and produce their 5 year housing land supply report.

Role in Planning

6.10 Due to the requirements of PPS3, housing land supply assessments are extensively used in the planning process, from planning applications, local development framework promotions and within appeal situations.

- 6.11 They are used by LPAs, developers, planning consultants and others in order to assist in considering planning proposals.

Review of the Merits and Problems of English Process

- 6.12 In England each LPA is responsible for co-ordinating and producing its SHLAA and subsequently their annual Housing Land Supply Report. The 5 year land supply statements are based on the financial calendar and a year in arrears with the publication date varying from authority to authority.
- 6.13 A significant issue at present is that many local authorities do not publish or undertake 5 year land supply assessments. This is because there is no prescriptive requirement for the reports within PPS3 or other elements of the English Planning system. Research in 2010 by the Department for Communities and Local Government (CLG) identified that the coverage of 5 year housing land supply (HLS) reports in LPAs in England is very inconsistent:

	Total LPAs investigated	LPAs with information demonstrating five-year HLS <u>present</u>	LPAs with information available that demonstrates five-year HLS <u>not present</u>
All LPAs with conclusions on five-year HLS	132	81	51
Priority LPAs with conclusions on five-year HLS	52	28	24
Non-priority LPAs with conclusions on five-year HLS	80	53	27

- 6.14 Across the 337 authorities, conclusions on five-year housing land supply have been identified for 132 authorities; representing 39.2 per cent coverage of authorities in England. Of those authorities where conclusions on five-year housing land supply were identified, 61.4 per cent (81) were found to have a five-year housing land supply.
- 6.15 As there is no prescriptive guidance on the form, content or method of calculating land supply, each authority produces their own version of their 5 year land supply report. This results in a great range of documents with highly variable content, procedures for calculating land supply and level of detail.
- 6.16 This situation creates a significant issue particularly in planning appeals where there can be significant disputes between the appellant and the LPA over the assessed land supply. Whilst it is potentially possible to agree housing land supply through statements of common ground, our experience is that it is often necessary in major appeal cases to spend one or two days of an Inquiry solely discussing the housing land supply of a LPA, considering in detail each housing site.
- 6.17 In an attempt to address this situation in 2007 the Planning Inspectorate in England issued guidance notes to Inspectors on how to assess 5 year land supply assessments prepared by LPAs and appellants. In particular it provided guidance on the method to be used, i.e. residual method and the options for utilising either existing or emerging Development Plan housing requirements. It also provided guidance on the progress sites needed to have made through the planning system in order to be legitimately included in the 5 year land supply. This note assisted in narrowing debate at Inquiry. However in our experience we still prepared separate specific proofs and gave evidence on land supply issues at Inquiries where this was of relevance for a day or more.

- 6.18 For example for an appeal on which we acted for the appellants at the Former USAF Base, at Upper Rissington, Cotswold District Council, (Planning Inspectorate Ref F1610/A/09/2112497/NWF) it was necessary to prepare a significant proof of evidence dealing solely with the 5 year land supply assessment. Through the proof of evidence the appellants considered and reviewed all the sites in the Council's stated land supply against the "deliverability" tests set out in PPS3 and guidance by the Inspectorate. Through this process we demonstrated that far from the 6 year land supply identified by the Council, the LPA only had 3 years. This evidence was debated for a day and half at the Inquiry. The lack of a 5 year land supply alongside other significant material considerations resulted in the appeal being allowed by the Secretary of State.
- 6.19 Subsequent to the above appeal, in July 2010 the present Secretary of State revoked the guidance as it contained references to the Regional Spatial Strategies. Consequently 5 year housing land supply debates at Inquiry are now more contentious than ever with significant debate on the methodology and how to assess the deliverability or otherwise of sites collectively and individually.
- 6.20 The lack of a clear consist methodology and guidance document for preparing 5 year land supply assessments is a key weakness of the English planning system.

Housing Land Supply Assessments In Scotland

- 6.21 The Government's expression of planning policy is set out within Scottish Planning Policy (SPP). This document reflects the single statement of policy guidance provided by Planning Policy Wales.

Scottish Planning Policy 2010

6.22 SPP at Paragraph 75 (Page 15) states that:

“A supply of effective land for at least 5 years should be maintained at all times to ensure a continuing generous supply of land for house building. Planning authorities should manage land supply through the annual housing land audit, prepared in conjunction with housing and infrastructure providers. The housing land audit should be used to monitor the availability of effective sites, the progress of sites through the planning process, and housing completions. Development plans should identify triggers for the release of future phases of effective sites, such as where the housing land audit or development plan action programme indicates that a 5 year effective land supply is not being maintained. More information on housing land audits and effective housing land supply is provided in the Planning Advice Note on Affordable Housing and Housing Land Audits.”

6.23 SPP therefore sets very similar policy requirements to that of PPS3 and PPW.

Planning Advice Note 2/2010: Affordable Housing and Housing Land Audits.

6.24 This document, like TAN1 for PPW, provides detailed guidance on the production of Housing Land Audits (HLAs). It advises that HLAs have two key functions to:

- 1. Demonstrate the availability of sufficient effective land to meet the requirement for a continuous five-year supply; and**
- 2. Provide a snapshot of the amount of land available for the construction of housing at any particular time (PAN 2/2010).**

- 6.25 Each HLA is prepared by the individual authority, and whilst PAN2/2010 encourages the involvement of relevant stakeholders, there is no formal requirement for this.
- 6.26 Each HLA is required by PAN2/2010 to contain relevant information about the established and effective housing land supply.
- 6.27 PAN2/2010 requires the audits to include:
- **all land with planning permission for residential development, including the remaining capacity of sites under construction;**
 - **land allocated for residential development (including the residential component of any mixed-use development) in adopted development plans (LDP); and**
 - **other land with agreed residential potential, such as land identified for housing in proposed LDPs or assessed as appropriate for housing following an urban capacity study (PAN 2/2010).**
- 6.28 PAN 2/2010 (Paragraph 52, Page 16) advises that local authorities should include a range of variables in an audit including a unique site reference, site area, site capacity, site ownership, the planning status of the site, annual completions, the greenfield or brownfield status of the land, whether it is a windfall site, and the type of housing being provided.
- 6.29 Like TAN1, to assess a site or a portion of a site as being effective and included in the 5 year land supply, PAN 2/2010 (Paragraph 55, Page 17) requires the site to be developable for housing, and free of constraints i.e. ownership; physical; contamination; deficit funding; marketability; infrastructure; land use.

Role in Planning

- 6.30 The HLAs are widely used throughout the Scottish planning system. Emphasising their role, the Scottish Government has recently published a

letter (dated 29th October 2010) highlighting the importance of delivering flexible housing land supply within the present economic conditions and states that:

“In the changed economic climate, maintaining an effective 5 year land supply ... will require flexibility and realistic approach. Constraints may have to be reassessed and the “deliverability” of site reconsidered.”

- 6.31 The letter goes on to advise that where circumstances affecting sites mean that there is no longer a 5 year supply of effective housing land supply, the expectation is that planning authorities will take steps to comply with SPP. The letter advises that the HLAs are a tool that can be used to achieve this by identifying sites that are no longer effective and highlighting a need to bring forward new sites.
- 6.32 They are also a useful tool for gauging the delivery of housing sites from both a LPA and developer perspective. Housing land audits are used in planning applications to consider if there is a shortage or surplus in supply. Where there is a shortfall, this provides the ability for LPAs and developers to approve new sites to rectify the identified shortfall.
- 6.33 PAN 2/2010 advises that the HLAs are useful to other organisations such as Transport Scotland and Scottish Water, and other bodies whose resource requirements and investment decisions are influenced by housing development.

Review of the Merits and Problems of the HLA Process in Scotland

- 6.34 As each HLA is prepared by each LPA, the form and content of the documents varies from Council to Council, along with the role and level of involvement of other stakeholders.

- 6.35 As a consequence one issue which has been identified is that the HLAs can contain historic sites, which have been allocated through numerous development plans but remain undelivered. This directly affects the accuracy of the HLAs. This has also had an effect during the recession, where historic sites on the HLAs, have stifled the ability to bring forward other more deliverable sites.
- 6.36 Additionally the HLAs have varying base dates throughout the year and therefore there is no consistent picture of supply across the whole of Scotland
- 6.37 There have also been issues on the timeliness of the HLAs. Reflecting this concern, PAN 2/2010 (Paragraph 50, Page 15) identifies that:

“The way in which authorities work to produce audits may need to alter to reflect their participation in housing market partnerships and strategic development planning authorities. The agreement of relevant organisations to participate and provide timely responses to consultation, and adjustments to the Government’s requirements for statistical returns, would contribute to minimising the additional burden on local authorities and this should be considered against the improved value of the collected information.”

- 6.38 The HLAs typically take a year regarding more to produce, despite the fact that there is no independent review of each document.
- 6.39 From the experience of our Edinburgh office, the accuracy of HLAs is also subject to much scrutiny and debate at Inquiries for planning appeals and as part of the Development Plan process.

Conclusions

- 6.40 Scotland's and England's planning systems like Wales requires LPAs to maintain a 5 year supply of housing land and where a shortfall exists, require LPAs to favourably consider planning applications.
- 6.41 Both Scotland and England place the onus of preparing 5 year land supply assessments on individual LPA's. Whilst both countries provide various guidance on the content of the documents and broad process, there is a high degree of variability on the content of the documents. Similarly there are issues with regards the timeliness of the production of the documents. It is also noted that there is no independent review of the land supply assessments and that there can be extensive debate over the accuracy of the documents during applications and particularly at planning appeals.

7.0 REVIEW OF THE CONTENT OF JHLASs

- 7.1 We have reviewed the 2009 base date JHLASs through a desktop assessment of their content, format, level of information presented and compliance with the requirements of TAN1. We have also considered their general consistency in terms of style, content, readability, and structure. The process consisted of a checklist of key issues and is reproduced at Appendix 2.
- 7.2 In addition, through the Focus Groups we asked participants to review various JHLASs to consider their content, provide critical and positive comments, and identify their preferred structure and content for the reports in the future. (Appendix 3 – Summary of Focus Groups Sessions).
- 7.3 Through this process, we have identified a number of common themes relating to the structure content and readability of the JHLASs

Report Structure

- 7.4 The JHLAS reports vary considerably in structure, content, style and format particularly between those prepared for North and South Wales.
- 7.5 The majority of the South Wales reports lack a contents page, whilst the North Wales reports provide this. A consistent omission is the lack of a simple summary of the purpose, process, and key findings of the reports at the start of the documents.
- 7.6 The South Wales reports all state the base date and date of publication. However some of the North Wales reports do not provide the date of publication on the front cover or within the document itself.
- 7.7 The JHLAS process involves a group of key stakeholders and the JHLAS reports all detail on their front covers the various parties who were invited to comment on the documents. However the reports do not confirm if

these parties were actively involved in the process or attended the round table sessions.

7.8 There are inconsistencies in the structure of reports between each authority area. For example Section 6 in the Vale of Glamorgan report is entitled “Results of Comparison” whilst within Gwynedd it is entitled “Summary”.

7.9 Similarly there is a lack of consistency in the referencing of tables, graphs, calculations and appendices. Tables are referenced in numerical and alphabetical form but also as figures and diagrams in the same document. (See Conwy County Borough JHLAS as an example).

Content and Readability

7.10 From our desktop review it is evident that all the reports present the key requirements of paragraphs 7.3 to 7.5 of TAN1, in a consistent manner on:

- Site categorisation in terms of sites under construction, category 1, 2, 2*, 3i and 3ii.
- Overall assessed 5 year land supply either via the residual method or past completions process.

7.11 From a readability perspective it is often hard to find the key finding i.e. the 5 year land supply position in each report, primarily because the location and title of the relevant section for this finding varies from report to report. This situation was also born out by the findings of the Focus Group sessions.

7.12 TAN1 at paragraphs 7.6.2 and 7.6.3 also requires information on:

- Number and proportion of market and affordable homes
- Number and proportion of completions on previously developed land

- Number and proportion of completions broken down by housing type, i.e. flats, houses or other
- Number of completions on flood risk sites
- Future land supply on previously developed land
- Future land supply on sites at risk from flooding

7.13 We have identified that this information is provided in all the 2009 base date JHLAS reports.

7.14 The JHLAS includes separate housing schedules for private housing and affordable tenures. It is therefore necessary to review these separate schedules in order to calculate how many homes are available in one area.

7.15 The reports contain variable forms of information presented in a variety of means including graphs, tables, and pie charts, all with different levels of information and data between each report. For example some reports contain lists of past completions and total land supply back to 1991; others provide it for the last 5 years and some not at all.

Formatting

7.16 Overall the formatting of the reports is somewhat variable and erratic. Some reports contain justified paragraphs others are non-justified. Font sizes, styles, line spacing also vary between reports.

Unnecessary Information

7.17 TAN1 requires JHLASs to monitor other aspects of the planning process including the use of previously developed land and the level of development on sites at risk from flooding. In some instances it is noted that pie charts are provided showing that there are no sites or few sites at risk from flooding. This could easily be stated as a simple number or percentage as opposed to pie charts.

- 7.18 The reports in some instances duplicate the same information e.g. past completions 2009 base date study for Torfaen are provided separately on both page 11 and 12.
- 7.19 Each JHLAS report contains a full copy of TAN1 and extracts of PPW within appendices/annexes. This is unnecessary and could be easily be identified as a reference.
- 7.20 The South Wales JHLAS reports contain an abstract, diagrammatic map showing in broad terms the distribution of housing sites across the study area. However due to its scale and abstract nature it does not provide any real spatial information. The maps within the North Wales reports are based on an OS base, which provides more accurate and readily interpreted spatial information. However none of the maps actually cross reference to specific sites in the schedules.

Results of Telephone Survey

- 7.21 In response to question 3 on whether the JHLAS reports are clear, concise, and accurate, 56% of LPA's believe they are acceptable, however comments were made that the documents contain too much text, have unclear conclusions and excessive appendices. The remaining 44% do not believe they are clear and should be more concise, and with clear conclusions set out.

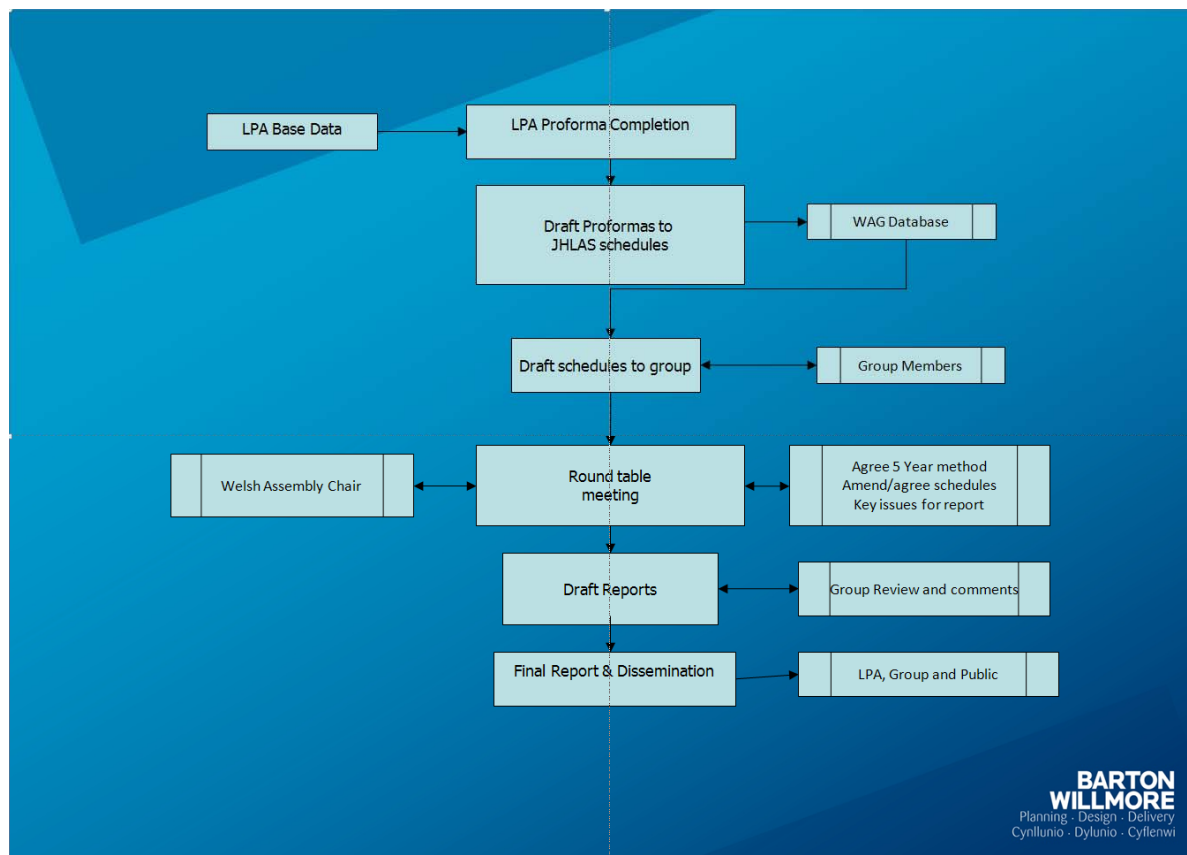
Conclusions

- 7.22 From the above it is apparent that there are issues with the content, accessibility, and format of the JHLAS reports.
- 7.23 Within Section 11 'The Future' we make comprehensive recommendations on the content, process, and responsibilities of the JHLAS system for 2012 onwards.

8.0 THE JHLAS PROCESS

- 8.1 This element of the report examines the approaches of all the 25 LPAs to the preparation of the studies including the role played by the Welsh Government and other stakeholders, in the process.
- 8.2 On an initial review of the JHLAS process set out in TAN1 it would appear that it requires eight stages from start to finish as shown in the diagram below:

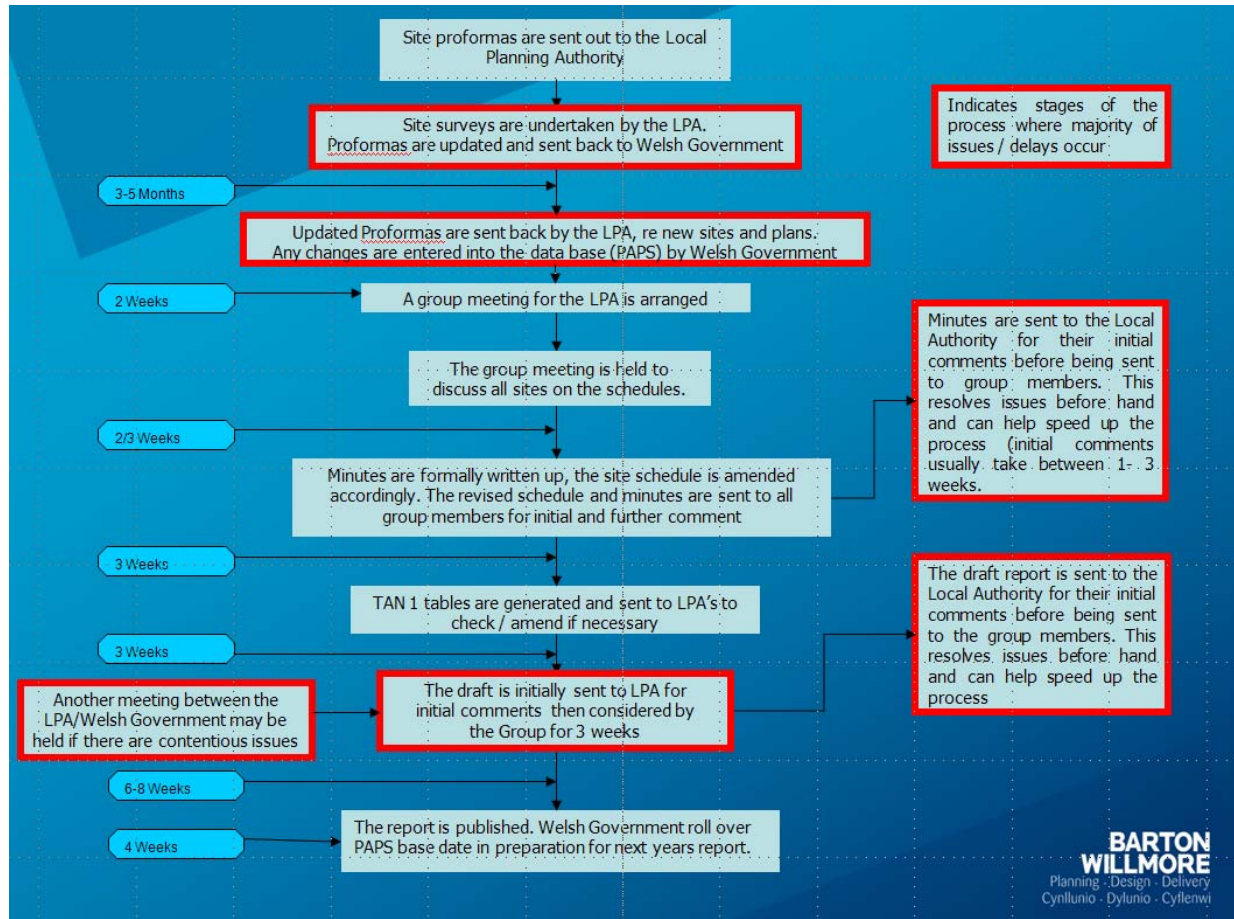
Flow Diagram as per TAN1



- 8.3 However from our research the process actually comprises additional stages which came to light through discussions with the LPAs and the Welsh Government.

- 8.4 The actual process which is typically followed for the production of the JHLAS reports is as follows:

Flow Diagram as per Present Practice



- 8.5 There are up to 12 potential stages from initial preparation to publication of the final documents. Each stage presents a potential point in time for either delays or inaccuracies to be introduced into the system which ultimately affects the timeliness and usefulness of the documents.

Timeliness of JHLASs

- 8.6 TAN1 stresses at paragraph 6.1 that:

“Housing land supply can change rapidly and it is therefore important that the Housing Land Availability Studies are produced on an annual

basis. All studies must have a common base date of 1st April. Study Group members are expected to co-operate fully to ensure that the study is published within 12 months of its base date. This is necessary to ensure that accurate information on housing land supply and completions is available for inclusion in LDP AMR's. Study Group members should enter into an agreement with DEIN, which contains a timetable for the preparation of the JHLA study, so that resources can be deployed appropriately during the preparation of the studies."

- 8.7 The timeframe taken to produce the JHLASs is provided by reference to the base date and publication date of the documents illustrated by the following sample taken from LPA's websites:

Council	Base Date	Date Published	Time taken to Publish
<u>Blaenau Gwent Council</u>	1st April 2007	Apr-08	12 months
<u>Bridgend CBC</u>	1st April 2009	Apr-10	12 months
Carmarthenshire CC	1st April 2009	Jul-10	16 months
<u>Monmouthshire Council</u>	1st April 2009	Apr-10	12 months
<u>Newport City Council</u>	1st April 2008	Nov-09	19 months
<u>Rhondda Cynon Taff CBC</u>	1st April 2007	Jul-08	16 months
<u>Vale of Glamorgan Council</u>	1st April 2009	Dec-09	9 months

- 8.8 Similarly the following sample from the JHLAS reports with the 1st April 2009 base date

Council	Base Date	Date Published	Time taken Publish
Brecon Beacon's National Park	1st April 2009	Apr-10	12 months
Carmarthenshire CC	1st April 2009	Jul-10	16 months
Ceredigion CC	1st April 2009	May-10	13 months
Merthyr Tydfil CBC	1 st April 2009	Oct-09	7 months
Torfaen CBC	1 st April 2009	Dec-09	9 months

- 8.9 It is clear from the above that it can take between 7 to 19 months to prepare and publish the JHLASs. The timeliness of the JHLASs appears to have improved in the 2009 based studies. However qualitative information received from the Focus Groups and telephone questionnaires has confirmed that timeliness has been a long standing issue for the JHLASs. In addition for two authorities JHLASs have not been produced for 2 years due to apparent resourcing issues and a general failure to agree and finalise the relevant JHLASs.
- 8.10 There are therefore issues within the JHLAS process which are adversely affecting the timelines of the reports. This needs to be addressed if the requirements of TAN1 and the LDP regulations are to be met in the future i.e. annual reports produced within 12 months of the base date.

The JHLAS Process

- 8.11 In light of this situation we examine of each stage of the JHLAS process to identify where significant time delays arise and consider how these delays could be reduced in the future.

Stage 1 Site Proformas to LPA

- 8.12 At the start of the process, TAN1 requires the Welsh Government to issue proformas to each LPA. For each year and for each site the proformas should be updated and any new sites granted since the last JHLAS should be recorded onto new proformas.

Stage 2 Completion of Proformas at LPA

- 8.13 All LPAs maintain their own database of planning permissions and specific housing land availability schedules. Through the telephone questionnaires and focus groups we have identified that the:

- Databases are maintained throughout the year by personnel in the local plan team in order to keep the land supply data up to date within the authority.
- Databases typically tie into the LPA Development Control process and also in some instances S106 monitoring tools.
- Majority of LPAs utilise Access Database to undertake this process.
- Eight local planning authorities utilise a tool developed by Mike Gatehouse to provide completed and updated proformas for each existing site and new proformas for any new sites. Other authorities run their own systems via a combination of spreadsheets (Excel) or databases (predominately Access).

8.14 64% of the LPAs utilise their own database to produce new paper proformas rather than completing by hand the Welsh Government's printed proformas. The remaining 36% typically undertake this process entirely manually i.e by hand.

8.15 All LPAs survey each site in the system to update the proformas in terms of the number of homes built since the last JHLAS, the numbers of units under construction and the number of units remaining. Other checks are also undertaken on sites which have not commenced in terms of checking resolution of site constraints etc.

8.16 No LPAs rely upon the Local Authority Building Control Register because this no longer records all completions due to privatisation of Building Control and because building regulations classify housing completions in a different manner to the planning process.

8.17 The time taken to survey the sites varies from authority to authority. For example Torfaen survey their sites within 5 days, however at Rhondda Cynon Taff it can take 3-5 months to complete. The time taken to complete the surveys is due to available resources, the scale of each authority and whether the JHLAS surveys are undertaken in a concentrated period of time or fitted around other officer working

requirements. This situation is replicated in other authorities and the overall results are shown below:

Number of Weeks to Complete Surveys and Proforma Returns								
1	2	3	4	5	6	7	8	12
4%	32%	20%	8%	12%	8%	8%	4%	4%

- 8.18 Rural districts rely heavily on a large number of small sites (less than 5 dwellings) to meet their 5 year housing requirement. As a result, areas such as Ceredigion, Powys and Pembrokeshire survey every site with planning permission for the JHLAS process i.e. all sites of 1 dwelling or more. This obviously is a significant burden and takes significant resources, but the respective authorities identified that this was the only option given the significance of small sites in overall land supply.
- 8.19 Once the new proformas are completed the data is entered into each LPA's database and then new final proformas are issued to the Welsh Government in paper form and occasionally via email.

Stage 3 Collation of Proformas and Draft Schedules

- 8.20 When the proformas are received by the Welsh Government one person in North and South Wales reviews the site databases for each LPA, manually inputting any changes to existing sites and adding new sites into the Welsh Government Database system known as PAPS. It is understood that PAPS was designed to enable it to be upgraded to allow each LPA to enter their data direct to the database thereby removing the need for manual data input. However this upgrade has not occurred.
- 8.21 This present process is obviously laborious and time consuming. Depending on the scale and level of changes this process can take between 1 to 3 weeks to complete for each JHLAS. Additionally through the manual process, there is inevitably the potential for data input error no matter how thoroughly or methodically the process is undertaken.

- 8.22 A significant issue in some LPA's is that the proformas are not fully or accurately completed resulting in gaps in crucial elements of data. This requires the Welsh Government to identify this and seek to address the issue with the LPA, again causing further delay.
- 8.23 However once each site proforma has been entered and checked, the Welsh Government prepare and issues the draft 5 year land supply schedules for review to each LPA via email typically in PDF format.
- 8.24 Only 88% of authorities review the draft schedules resulting in minor amendments to address inaccuracies, typos, or to complete missing data fields. The remaining authorities do not review the draft schedules leaving the checking to the round table meeting. Once the draft schedules are agreed with the LPA, they are then issued to the other group members, i.e. the HBF.
- 8.25 The process therefore creates significant double, sometimes triple, handling of data and requires extensive manual input/changes to data and results in unavoidable human error.

Stage 4 Arrangement of Group Meeting

- 8.26 The Welsh Government organises and arranges the Group Meetings via email. These are typically planned 2-3 months in advance of the release of the draft schedules for each JHLAS in order to avoid diary clashes. A meeting is held for every JHLAS.
- 8.27 It is evident that that there are sometimes issues in terms of arranging the group meetings. This is due to a combination of factors, including existing diary commitments, workload within LPAs, particularly relating to preparation of LDPs, and in some instances insufficient notice being given to organise a meeting.

- 8.28 From the telephone interviews and focus groups there is a strong desire to arrange and fix dates for this stage as early as possible. However, even when fixed in advance in certain instances these have been cancelled at less than a month's notice and then it has taken a further month or more to hold a revised meeting. This inevitably results in a quarter of a year delay to the JHLAS process, from which it is impossible to catch up.

Stage 5 Group Meeting

- 8.29 The group meeting has been identified by all involved in the JHLAS process as critical to the present process. 92% of LPAs believe the round table meetings are necessary in order to address any issues and agree the schedules. Additionally 72% believe that the meetings are held in an efficient manner. This has been further reinforced with our discussions at the Focus Groups and meetings with the HBF and developers.
- 8.30 We examine below the role of each stakeholder at the round table sessions.

Role of LPAs

- 8.31 At the round table sessions the LPAs play a key and critical role.
- 8.32 84% of authorities advise that they typically bring to the meeting, either in electronic format or paper version, files relating to the JHLAS including details of planning permissions, the site proformas and other relevant information. Additionally many LPAs speak with their colleagues in Development Control or suitable officers from this department attend the JHLAS process to provide additional site specific knowledge. Key attributes which the LPAs bring to the round table meeting are their knowledge of the local area, details of planning permissions, general and site specific constraints.

- 8.33 This preparedness is critical to ensuring that sufficient information is available at the meeting in order to address any queries on the deliverability or planning status of any sites in the draft schedules. In a limited number of instances some LPAs are not suitably prepared and lack key information on the planning status of sites in the schedules, anticipated build rates or other key site specific issues, this causes delays as queries can not be resolved at the meeting.

Role of the Welsh Government

- 8.34 The Welsh Government for South Wales provide two officials to chair, take notes, and agree the draft housing schedules and the method for calculating the five year housing land supply. For North Wales there is only one official available who runs and co-ordinates all aspects of the JHLASs.
- 8.35 88% of LPAs believe that the Welsh Government perform an essential role in preparing and producing the JHLASs, particularly the co-ordination of the process and data control.
- 8.36 The chair typically runs through all the sites on the schedule. Group members have the chance to raise any queries on any of the sites, in terms of their planning status, deliverability, site specific factors, or wider market conditions. Through this process the Welsh Government officials facilitate and mediate in order to reach common agreement on each specific site within the Draft Schedules.
- 8.37 Our research has demonstrated that all parties recognise that the arbitration role of the Welsh Government at the round table sessions is critical to ensuring the robustness and efficiency of the whole JHLAS System.
- 8.38 76% of LPAs believe that the Welsh Government is an impartial arbiter in the preparation and production of the JHLASs and this impartiality is

critically important. The remaining proportion advise that the Welsh Government can not always be impartial due to their land holding and development functions, but they try to be as impartial as possible where potential conflicts arise. We note however that this issue relates to the former functions on the Welsh Development Agency and the Land Division of the Welsh Government both of which have now been disbanded.

- 8.39 The Welsh Government attempts as best it can to resolve conflicts and adjudicate where necessary in order to reach a common agreed position, because paragraph 7.2.2 of TAN1 requires that **“all parties should co-operate fully to ensure that issues and differences of opinion are resolved at the meeting.”** Accordingly there is an implicit requirement for common agreement to be reached within TAN1. The guidance goes on to advise that **“In the rare event where irreconcilable differences of opinion exist, the Assembly Government (DEIN) will have final decision. However dissenting Group members have the right to have their views expressed in a minority report.”**
- 8.40 As no member of the Study Group **“has a veto over publication of the report”** (para 7.6.4), this can create situations where it is not possible to resolve disputes and therefore it is necessary to present both potential positions within a report. This results in an ambiguous or unclear assessment of the land supply position.
- 8.41 More significantly we have been advised that in some limited instances, particularly where there is high development pressure, there has been the need for a follow up round table meeting because it has not been possible to agree matters in the first session. Additionally there has been one occasion where legal interpretation of TAN1 has been sought by a LPA from Counsel, due to unresolved issues from a round table session.

Role of HBF

- 8.42 The HBF represent the main house building interests at the round table meetings. The HBF's members deliver 80% of new house building in Wales. As part of the process they provide comments where appropriate on each site within the schedule from the perspective of their members. These comments are informed from prior discussions with members on specific sites, personal knowledge of the sites and the HBF's understanding generally of the development industry.
- 8.43 From the Focus Groups sessions, telephone interviews and discussions with the development industry, there is strong consensus that the HBF's active, consistent and all Wales involvement in the JHLAS process is vitally important to delivering a robust assessment of housing land supply. Indeed our research identified that 68% of LPAs believe that the involvement of the HBF, housebuilders and landowners is vitally important to the accuracy and efficacy of the JHLAS process. The remaining 32% have advised that the HBF etc do not add much to the process, simply because these LPAs are located in more rural areas where development pressure and development levels are much more tempered and limited than in the main urban areas of Wales.

Role of Developers and Landowners

- 8.44 We have examined the role and involvement of developers and landowners within the JHLAS process. From this we have identified that developers and landowners are selective regarding their involvement in the JHLAS process. In particular developers and landowners engage with the JHLAS process directly in areas where there is high development pressure and interest. As such through the telephone questionnaires and our meeting with the HBF and their members we have identified that it is very common for landowners and developers to be directly involved in the following JHLASs:

- Monmouthshire
- Newport
- Torfaen (occasionally)
- Rhondda Cynon Taff
- Caerphilly
- Cardiff
- Vale of Glamorgan
- Swansea

8.45 The involvement of developers or landowners in the above locations is largely to comment directly on sites which they are presently developing. In this situation the developers provide direct information on their specific sites, confirming anticipated delivery rates and any technical or market issues which could affect delivery.

8.46 The involvement of developers in the JHLAS process varies. In some instances they will comment on specific sites through the HBF representative in order to provide up to date information for the JHLAS process (as identified above). Alternatively particularly for Cardiff, Newport and Swansea it is common for the developers to actively participate in the round table meetings.

Private Landowners

8.47 Private landowners are rarely engaged with the JHLAS process. This is because the invitation and overall system is not widely advertised and notified beyond the present group members consisting of the LPA, the HBF and their members. Private landowners are not typically direct members of the HBF accordingly they are not notified of the JHLAS meetings through the HBF.

Members of the Public

- 8.48 Members of the public do not participate in the process as there are no public notices or invites in the JHLAS system.
- 8.49 However, we do not consider this raises any significant issues, as the sites discussed in the process already either benefit from planning permission or are proposed/allocated for housing in emerging/existing Development Plans. The JHLAS process does not make decisions on whether sites should be developed – it merely deals with the timeframe in which the qualifying sites could potentially be developed.

Statutory Bodies and Infrastructure Providers

- 8.50 It has been highlighted from our research that there is limited involvement from statutory bodies or infrastructure providers in the JHLAS process.

Countryside Council for Wales (CCW)

- 8.51 In respect to CCW they have significant responsibility in relation to the Habitats Regulations which, through the requirement for Appropriate Assessments, can impinge significantly upon planning applications and allocations. An example of which is the recent situation in Carmarthenshire and north Swansea at the Burry Inlet Special Area of Conservation. Here a vast number of planning applications and allocated sites have been delayed and prevented from being developed for nearly 3 years due to concerns pertaining to development proposals which would adversely affecting the water quality of the SAC. This consequently has impacted on the delivery of housing development in the area.
- 8.52 However despite this issue CCW were not directly involved in the Carmarthenshire JHLAS process during this period. The LPA were the sole party responsible for providing updates on the implications of the above on the JHLAS reports over this period of time.

Environment Agency (EA)

- 8.53 Through our research we have identified that the EA do not participate in the JHLAS process. Any site in the JHLAS process will benefit from planning permission or an allocation in a Development Plan. As such the EA will have already commented on and made suitable recommendations on fluvial/tidal flooding or surface water drainage issues. The lack of direct involvement by the EA in the JHLAS process is therefore not a fundamental problem which affects the results of the land supply assessments.

Welsh Water (WW)

- 8.54 Welsh Water are also very rarely involved in the JHLAS process. However issues regarding the ability to connect successfully to potable water and foul drainage systems can directly affect the delivery of housing on sites with planning permission or Development Plan allocations which are included in the JHLAS reports. Again, in circumstances where issues have arisen, the LPA, HBF and Welsh Government have been responsible for identifying the significance of this issue on the supply and delivery of housing in the JHLAS.
- 8.55 Whilst there is limited involvement of the above parties in the JHLAS process, it does not appear to adversely affect the JHLAS process as the LPA, HBF, Welsh Government and other participants (developers) invariably have sufficient knowledge and information to deal with any queries or issues which may arise on matters covered by these bodies.
- 8.56 However 68% of LPAs identified that additional involvement of the statutory bodies would be very helpful and desirable particularly where strategic issues regarding flooding, drainage or sewerage issues arise and are affecting the deliverability of housing sites in the JHLAS.

Stage 6 Draft Minutes and Schedules to LPA

- 8.57 Following the meeting, draft minutes and draft schedules, including changes discussed and agreed at the Group meeting, are prepared by Welsh Government and then issued via email to the LPA to consider and agree.

Stage 7 Revised Draft Minutes and Schedules to other Group Members

- 8.58 Once the draft minutes and schedules have been agreed by the LPA they are then circulated via email to the other group members for their comment and review. If further amendments are required at this stage, the information is re-circulated to the LPAs for comment and agreement.
- 8.59 This process can obviously lead to a series of circular revisions to documents and schedules.

Stage 8 TAN1 Tables Generated and Sent to LPAs for Comment

- 8.60 The draft housing land supply calculation tables based on the residual and/or past completion method (known as the TAN1 Tables) are sent via email to the LPA for comment and agreement. The calculations are undertaken on the basis of the agreed method at the round table meeting

Stage 9 Draft Report sent to LPA for Comment

- 8.61 The Welsh Government prepare a Draft Report for each JHLAS which is then passed via email to the LPA for comment/approval.

Stage 10 Revised Draft Report and Tables Sent to other Group Members

- 8.62 The report is then issued to the other group members i.e. the HBF, developers and other stakeholders for comment. Any comments or amendments are then considered and where appropriate incorporated into an amended report which is then passed to the LPA for their comment or approval. This process, needless to say, could potentially occur two or more times.

Stage 11 Potential for Second meeting to Resolve Outstanding Issues

- 8.63 If necessary and if matters can not be resolved through correspondence, a second meeting is held in order to resolve outstanding matters. This normally addresses all final points. However in very limited instances it has not been possible to agree a final report and in this situation the report expresses the respective positions of the stakeholders.

Stage 12 Final Approved Report Published

- 8.64 Once the reports are agreed by the Group they are published by the Welsh Government.

Conclusions

- 8.65 A key factor to the timeliness issue is that the JHLASs are not prepared under a strict timetable and workflow managed process between the LPAs, key stakeholders and the Welsh Government. TAN1 specifically requires the production of a timetable for each JHLAS, however this is very seldom undertaken.
- 8.66 The JHLAS process itself is also a primary factor which contributes to the lack of timeliness in many situations. We initially identified an 8 stage

process, but actually allowing for edits and changes at various stage of the process and other intermediary stages it is potentially a 12 stage process. Within this process there are significant elements of labour intensive data collection, manual data entry and double data handling. It is imperative that these inefficiencies are minimised, removed or reduced in order to speed the process up.

- 8.67 These initial findings have been reinforced by the LPAs and other stakeholders who all identify the time-consuming nature of the data collection and data input/handling process as one of the primary factors contributing to the un-timeliness of the JHLAS process.
- 8.68 At each stage of the process where there is a draft documents stage, it is also practice to seek approval of the documents from the LPA in question before issuing to other group members. This inserts a further commenting and review process at each stage.
- 8.69 There are other areas of delay as well which have been identified relating to the arrangement of meetings, and the time taken to discuss the site schedules at meetings.
- 8.70 Within Section 11 The Future we provide comprehensive recommendations on the future process and organisational responsibilities for the JHLAS system from 2012 onwards.

9.0 ACCURACY OF THE JHLAS REPORTS

9.1 In pure qualitative terms there is strong consensus by all users of the JHLASs that the reports and findings are accurate and present, in general, a robust process for determining the housing land supply within each authority of Wales.

9.2 In this respect 76% of LPAs believe that the JHLASs are accurate in terms of estimating the 5 year land supply for their area. They also acknowledge that the process is only an estimate at a specific point in time, but is probably as good a system as it can be. Similarly 68% believe that the JHLASs accurately take into account likely build rates on development sites, although the remaining 32% believe that the present depressed market situation adversely affects the accuracy of the land supply. This issue is considered later in this section.

9.3 80% of LPAs believe that the JHLAS process accurately takes into account individual issues relating to the deliverability of housing sites, with statements corroborating this position including:

- The HBF are very important and add credibility to the developability of sites
- The involvement of private developers delivers accuracy on build sites.
- TAN1 and Welsh Government ensure a consistent approach.

9.4 88% of LPAs identified that the consistent approach taken by the Welsh Government to chairing of meetings and production of reports was highly valued. However those responding negatively identified that the competing agendas of LPA's who wish to push up their land supply and the HBF etc seeking to reduce the land supply as far as possible, can adversely affect the process.

- 9.5 However from a quantitative basis, whilst JHLASs have formed a cornerstone to the planning system within Wales since the early 1980's, there has been no research on whether the results of the JHLASs are accurate.
- 9.6 If the JHLAS are to be an effective and robust tool in the planning system they need to achieve a reasonable level of robustness and accuracy within their assessment of the future housing supply across Wales.
- 9.7 This is important because JHLASs as identified in Section 4 provide a key material consideration in determining planning applications and planning appeals and also form part of the evidence base for the preparing and monitoring Local Development Plans.
- 9.8 If there is, for example, an over-estimation of the 5 year supply there is a risk that the required housing will not be delivered. This would be unacceptable given the importance the Welsh Government has placed on meeting the housing needs of the nation.
- 9.9 We have therefore retrospectively examined the accuracy of the JHLASs by comparing predicted completions in JHLAS against actual completions over the same period.
- 9.10 However it is important to recognise that the JHLAS reports are projections which are made at the specific point in time (snapshot) and are therefore based on the best available information at that time.
- 9.11 To review the accuracy of the JHLASs we have compared actual recorded completions in rolling 5 year blocks against the estimated 5 year land supply for a sample of JHLASs. In this manner we have been able to examine the differences between the projected 5 year land supply in each year against the actual number of homes completed in the 5 year period.

9.12 Unfortunately due to local government re-organisation during the sampling period the required data is not fully available for all authorities in Wales. However we have been able to assemble a dataset for 10 authorities over the period 1991-2004/2005. We have not gone beyond this period as the actual completion data for 2010 was not fully available at the time.

Percentage Accuracy														
	91/ 92	92/ 93	93/ 94	94/ 95	95/ 96	96/ 97	97/ 98	98/ 99	99/ 00	00/ 01	01/ 02	02/ 03	03/ 04	04/ 05
Bridgend	- 30 %	- 3 %	13 %	22 %	- 5 %	7 %	- 3 %	- 18 %	- 12 %	- 12 %	- 15 %	2 %	- 12 %	- 18 %
Cardiff	- 17 %	- 9 %	- 9 %	- 7 %	- 4 %	- 2 %	- 3 %	6 %	18 %	13 %	26 %	33 %	23 %	10 %
Conwy	No incomplete data due to merging of authorities and bi yearly surveys						15 %	- 4 %	12 %	39 %	30 %	- 19 %	- 18 %	- 21 %
Merthyr Tydfil	- 11 %	- 14 %	1 %	- 17 %	- 20 %	- 24 %	- 31 %	- 16 %	- 13 %	27 %	14 %	25 %	39 %	31 %
Monmouth shire	18 %	31 %	30 %	22 %	64 %	87 %	51 %	- 6 %	- 9 %	- 7 %	11 %	19 %	40 %	97 %
Newport City	- 5 %	- 5 %	18 %	- 1 %	14 %	5 %	28 %	- 1 %	10 %	2 %	8 %	16 %	23 %	59 %
Rhondda Cynon Taff	- 25 %	- 21 %	- 5 %	- 4 %	- 20 %	- 14 %	- 12 %	- 1 %	- 8 %	- 6 %	4 %	4 %	- 30 %	- 54 %
Torfaen	18 %	8 %	20 %	46 %	35 %	- 8 %	- 11 %	- 36 %	- 14 %	- 40 %	- 45 %	- 20 %	8 %	- 24 %
Vale of Glamorgan	- 4 %	- 16 %	- 9 %	- 7 %	- 10 %	6 %	20 %	5 %	13 %	12 %	0 %	3 %	- 1 %	- 1 %

Note: Where % level is positive, actual 5 year completions exceed JHLAS 5 year estimated land supply. Where negative actual completions were less than JHLAS estimates.

Bridgend County Borough Council

9.13 Here the accuracy level varies from -30% to +22% accuracy between 1991/92 to 2004/05, however there are 10 years where actual completions and the JHLAS forecasts are within 15% margin of error and indeed 5 years where the error is less than 7% down to as low as 2%. This is a reasonable tolerance and therefore confirms that for Bridgend the JHLASs

provide an accurate assessment of land supply. The more significant margin of error occur early within the period, where the JHLAS reports of the time identify that there were issues regarding the accuracy of the housing completion data, and this was actually being investigated by the Welsh Office's statisticians at the time. More generally, we note that the Ogwr and subsequently Bridgend LPAs in this period had both an adopted Local Plan and an emerging and finally Adopted UDP, which will have contributed to ensure that housing sites were coming forward in planned manner despite the likely rise in windfalls at this time as well.

City and County of Cardiff

- 9.14 For Cardiff, the accuracy level ranges between -17% to +33% over the period. However there are 8 years between 1991 and 2000 where there is only a margin of error of 10% or less. It is noted that this accuracy coincides with the period of the Cardiff Local Plan being in operation, and still a time extant adopted plan. Post 2001 the accuracy decreases and this is likely to be as a result of planning permissions on windfall sites for mainly large developments of apartments and the lack of an adopted Development Plan.

Conwy County Borough Council

- 9.15 For Conwy we have been unable to complete the analysis from 1991 – 1997 as the required data is not available. For the years where data is available it is generally within +/-20% tolerance. However 2001 and 2002 completions are far greater than the JHLAS estimates.

Merthyr Tydfil County Borough Council

- 9.16 In this authority there are only 5 separate years where accuracy is greater than +/- 15%. It is noted that in the years between 1991 and 2000 past completions are less than those predicated within the JHLAS. Since 2001 past completions have exceeded the JHLAS forecasts by 14% to nearly

40%. To explain the surge in completions in 2001, it is noted that the Merthyr Tydfil Local Plan was adopted in May 1999 and this will have fed new housing sites into the supply, which evidently started to emerge as new completions since 2000. It seems that these sites came forward faster than anticipated in the JHLASs, possibly reflecting the release of pent up demand.

Monmouthshire

- 9.17 The results for Monmouthshire show the greatest variation in accuracy where for nine years accuracy is within $\pm 30\%$, and the most accurate period is between 1998-2003 where accuracy is between -6% to $+19\%$. The major peak in completions in 95/96 is associated with the adoption of the Monmouth Borough Local Plan, which immediately brought significant new housing land to the market for development. Similarly in 04/05 this period coincided with the publication of the Inspector's report into the UDP and subsequent Proposed Changes issued by the Council with adoption of the Monmouthshire UDP in May 2006.

Newport City Council

- 9.18 For Newport, the margin of error between 1991-1997 is only $\pm 5\%$ with a single larger variance of 14% in 1995/6. It is also accurate from 1998/99 – 2002/3 with a range of -1% to 16% . From 2003/04 there is a 23% under-estimate in the JHLAS compared to actual completions. We have been advised that this is due to unexpected completions on windfall sites and the delivery of new housing due to the general state of the economy at the time. Also within this period the UDP gathered weight and was adopted. This would have brought more sites into a favourable planning position allowing planning permissions to be approved and delivered in order to meet housing demand.

Rhondda Cynon Taff Council

- 9.19 For Rhondda Cynon Taff apart from the first two years (1991-1992/93) there is a low margin of error with 9 years substantially below a 15% error range, with the JHLASs marginally over-estimating actual completions. For 2003 and 2004 the margin of error increases significantly with the JHLAS under-estimating actual completions in this period.

Torfaen County Borough Council

- 9.20 For Torfaen it is evident that there is a significant variance in the accuracy of the JHLAS with a range varying from -45% to +46%. The most obvious pattern however is that since 1997 to 2005, past completions have been significantly lower than the estimates provided in the JHLAS reports. This indicates that the JHLASs have overestimated land supply across this period.

Vale of Glamorgan Council

- 9.21 This is a remarkable result, with 9 years accurate to less than a 10% error, 6 years accurate to less than 5% and the most recent years accurate to 0 to 3% error. It is noted that throughout the period, the Vale of Glamorgan has consistently had Development Plans under preparation and which were then taken through to adoption. We can only speculate that this has ensured a level of consistency in decision making and ensuring that suitable housing land has been available and brought forward through the planning system contributing to the accuracy of the JHLASs.

Effect of Small Sites

- 9.22 An issue which needs to be recognised is that the JHLASs assess the land supply for all sites over 10 units or more on a site by site basis (although some rural authorities survey sites of 5 or more). The JHLASs make a small sites completions estimate. This is achieved by taking the average

of the small site completions for the last 5 or 10 years and multiplying this figure by 5. The product of which is then added to the supply from large sites, thereby providing the total 5 year housing land supply for large and small sites.

- 9.23 Small sites can form a significant component of the land supply. For example, in Rhondda Cynon Taff small sites account for nearly 33% of the projected supply in any 5 year period within each JHLAS. Indeed for Rhondda Cynon Taff in 2000-2004 small sites accounted for between 20% and 50% of the actual completions in any one year. This situation has also been witnessed within other authority areas. It is not possible for the JHLASs to predict accurately or allow for such dramatic rises in the completion of small sites. This factor is therefore likely to have affected the accuracy of the JHLASs.

Effect of Economic Downturn

- 9.24 A significant issue which faces all those involved in the planning and delivery of housing (and general development) is the effect of the recent economic crisis.
- 9.25 LPAs have identified that the housing completions which are projected to occur in the JHLAS are the number of properties which developers anticipate being able to sell on particular sites per month and throughout successive years. Accordingly, as much as being an expression of the ability to physically develop sites, they are also a reflection of economic conditions.
- 9.26 Within buoyant economic times, where there is high demand for new housing due to general wealth and ready availability of lending, housing completions are high e.g. 50 units per year.
- 9.27 However in the present straightened economic times, low market demand translates into low build rates. This means that even if a site has planning

permission for 100 homes, the developer will only release sufficient homes from the site (i.e. completions) onto the market at a rate they know they can sell the property for (e.g. at 30 units per year). This results in build rates being reduced, even though land is available for more housing than the build rates are producing. The result of this is that those homes which will not be built due to low market demand are moved into the “3i” category of TAN1 and not included in the 5 year land supply. Where this occurs, it reduces the available 5 year land supply.

- 9.28 Whilst TAN1 allows for a site categorisation known as “2*”, this category is reserved exclusively for specific areas where market demand is such that development is unlikely to occur within 5 years. Such areas are typically where there is historically low market demand, compared to other areas of a LPA e.g. the upper Neath/Lliw Valleys.
- 9.29 It has been suggested by some LPAs that the “2*” category should be broadened to allow houses to be included within “2*” rather than “3i”, in the situation where it is low level of market demand in the wider economy rather than physical constraints preventing the homes from being delivered.
- 9.30 However having reflected on this issue we consider that the concerns expressed are more a reflection of people expecting development to return to the high levels seen prior to the recession. However at the present point in time and for the next year or more we are experiencing a “new normalcy” in development activity i.e: lower development output which is not an artificial position but actually reflects the presently subdued market conditions.
- 9.31 Clearly if developers are not building to higher levels because of subdued market demand, it would be inappropriate to ignore this position. This is important because Kate Barker’s Review on Housing Land Supply (2004) for the Treasury identified that planning cannot make a market.

- 9.32 Also if looked at from the perspective of when we were in the midst of a property boom and development rates were significantly higher than they are now, it would not have been appropriate in this situation to inflate completion figures beyond those stated by developers, as this would have ignored the need for the JHLAS to take account of market demand and dynamics.
- 9.33 We therefore do not believe that this issue should be considered as a failure of the JHLAS system. In actual fact, the purpose of the JHLAS is to estimate at the present point in time the availability of land taking into account market demand and dynamics.
- 9.34 Additionally, if additional completions were inserted into the 2* category, due to perceived under delivery compared to the previous economic boom, there would undoubtedly be significant debate and conflict over what level of additional housing should be inserted into this category and also a need to found this on evidence. This would increase the potential for lengthy round table meetings and significantly increase delays in the JHLAS process.
- 9.35 Finally if the JHLAS process is conducted on an annual basis, any changes in market demand can be addressed in the review of the JHLAS in the following year.

Effect of Nearly/Expired Plans

- 9.36 Where there is no adopted development plan, TAN1 advises (at paragraph 7.5.2) that the land supply assessment should be undertaken using comparison with past building rates. However as a result of economic conditions past builds rates have been declining, although other indicators, e.g. housing need assessments, show an increasing need for family housing etc. Therefore comparing land supply against past build rates will, in some situations, result in an artificially high housing land supply position which does not reflect reality. This is unacceptable.

- 9.37 Additionally where there is no Development Plan, paragraph 7.5.3 of TAN 1 advises that to identify the amount of land required, **“the average annual provision from the last 5 years of time covered by the development plan should be extrapolated to give an estimate of the land required.”**
- 9.38 However in some circumstances the Development Plan is now many years past its period of operation and therefore the base data on which it was produced has been superseded by more up to date information.
- 9.39 In the absence of any other approved housing requirements in Development Plans, an alternative and we suggest more robust approach would be to consider undertaking a land supply assessment based on the Welsh Government household projections for the authority area. PPW advises at paragraph 9.2.2 that the **“latest Assembly Government local authority level Household Projections for Wales should form the starting point for assessing housing requirements.”** Such projections therefore potentially have more legitimacy in planning terms than comparison with past build rates and would provide a more appropriate basis for assessing the housing land supply in the above situation.

Conclusions

- 9.40 It is clear that the level of accuracy varies in the JHLAS reports compared to actual completions. It is noted that the Vale of Glamorgan's JHLASs in particular have been very accurate along with, to lesser extents, Newport, Cardiff, Rhondda Cynon Taff and Bridgend, which are typically within a 15% margin of error.
- 9.41 In actual fact, when we asked the Focus Group Meetings how accurate the JHLASs were the majority within the meeting identified an accuracy level of +/- 15%.

- 9.42 We therefore consider that from the sample we have reviewed that the JHLASs provide a reasonable degree of accuracy, particularly where there are adopted Development Plan in place.
- 9.43 We also do not consider it necessary to amend the JHLAS process to incorporate a broader 2* category to allow for the present downturn in the development industry.

10.0 DISSEMINATION OF JHLAS REPORTS

10.1 TAN1 requires via paragraph 7.6.5 that:

“Copies of the study report should be sent to all members of the Study Group and the Welsh Assembly Government (Planning Division). It must also be published on the local planning authority and Assembly Government web sites.”

LPA Electronic Publication

10.2 We have therefore undertaken a review to establish if the Council websites provide copies of JHLAS reports.


JHLASs as Published On Councils' Websites

Council	Yes/No	Base Date	Date Published
Blaenau Gwent Council	Yes	1st April 2007	Apr-08
Bridgend CBC	Yes	1st April 2009	Apr-10
Brecon Beacon's National Park	No		
Caerphilly County BC	Yes	1 st April 2010	March 2011
Cardiff County Council	Yes	1st April 2005	Jun-06
Carmarthenshire CC	Yes	1st April 2009	Jul-10
Ceredigion CC	No		
Conwy CBC	Yes	1st April 2009	No date provided
Denbighshire CC	No		
Flintshire CC	Yes	1st April 2008	No date provided
Gwynedd Council	Summary only	Jun-05	No date provided
Isle of Anglesey CC	No		
Merthyr Tydfil CBC	No		
Monmouthshire Council	Yes	1st April 2009	Apr-10
Neath Port Talbot CBC	No		
Newport City Council	Yes	1st April 2008	Nov-09
Pembrokeshire Council	No		
Powys CC	Yes	1st April 2007	No date provided
Rhondda Cynon Taff CBC	Yes	1st April 2007	Jul-08
City & County of Swansea	No report. Schedules and notes only		
Torfaen CBC	No		
Vale of Glamorgan Council	Yes	1st April 2009	Dec-09
Wrexham CBC	No		

- 10.3 It is apparent from the above that publication of the documents on each LPA's website is inconsistent. It is also noted that in most cases, the information published on the websites is largely out of date and difficult to find.

Welsh Government Publication

- 10.4 Finding the JHLAS information is also somewhat difficult on the Welsh Government Website. Navigating through the Planning section it is possible to find the following page: <http://wales.gov.uk/topics/planning/planningstats/jhlas/?lang=en>. This page does not provide copies of the JHLAS but it does provide summaries and links on the right hand side of the page to the Business and Economy section (<http://wales.gov.uk/topics/businessandeconomy/property/jhlas/?lang=en>) which contains a full list of the JHLASs for each LPA across Wales from 2007 onwards.



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- Swansea
- Torfaen
- Vale of Glamorgan
- Wrexham
- Brecon Beacons National Park
- Snowdonia National Park

Joint housing land availability studies

Find Joint Housing Land Availability Studies for Welsh local authorities and our three National Parks here.

The Studies for local authorities and National Parks in Wales (from 2007) can be found on the left.

Summary data and more information can be viewed on the right.

If you have any queries on Joint Housing Land Availability Studies, please e-mail: planning.division@wales.gsi.gov.uk.

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Conclusions

- 10.5 It is evident in terms of dissemination that several of the LPAs do not provide JHLASs on line, despite the requirements of TAN1. For the Welsh Government, the JHLASs are online and although they are located away from the Planning pages in the Business and Economy section of the website, they are well linked.

11.0 THE FUTURE

11.1 Following our examination of the: JHLAS process; the responsibilities/role of those involved in the system; the accuracy of the reports and their dissemination, this Section presents our final recommendations for the future of the JHLAS process from 2012 onwards.

11.2 We provide our recommendations in three parts:

- 1 Management
- 2 Process improvement
- 3 New JHLAS Process stages

PART 1 MANAGEMENT OPTIONS

11.3 There are considered to be 5 broad options for the future management of the JHLAS process.

1. Welsh Government continues to co-ordinate and produce the JHLASs;
2. LPA's produce the JHLASs in entirety;
3. A independent consultant co-ordinates and prepares the JHLASs;
4. Planning Inspectorate adopts the current Welsh Government role;
5. Intermediate role for LPAs and the Planning Inspectorate

Management Option 1 Welsh Government continues to co-ordinate and produce JHLASs.

11.4 In this option the role of the Welsh Government remains largely the same as the present process, subject to our recommendations for a revised process and content of the JHLASs as set out below.

Advantages

11.5 This option is the joint favoured route arising from discussions at the

Focus Groups and telephone surveys and is primarily because the Welsh Government undertake much of the work and responsibility by:

- Acting as a central co-ordinating point for the JHLAS process;
- Maintaining and producing the JHLAS site schedules;
- Organising the round table meetings;
- Chairing the round table meetings on an independent basis;
- Adjudicating over matters of dispute at the round table meetings;
- Preparing the draft reports and final schedules and adjudicating on any matters of dispute in the production of these reports; and
- Ensuring the overall completion of the JHLAS process.

11.6 This situation is predicated on the basis that there will continue to be the human, systematic and financial resources to undertake this role.

Disadvantages

11.7 The Welsh Government has confirmed that it will no longer be able to provide the staff resources from 2011 to manage and co-ordinate the JHLAS process, chair the round table meetings or produce the JHLAS reports.

11.8 Additionally as we have seen through the review of the process, there are weaknesses with the Welsh Government acting as the central point in the process in terms of:

- Double or triple handling of data;
- Manual input of data;
- Lack of resources to maintain the JHLAS database;
- Lack of human resources to co-ordinate the JHLAS process in general, particularly the chairing of meetings; and
- Significant delays and the non-publication of reports due to un-resolvable differences of opinion as no party has final determining

authority.

11.9 Given the above, the option of the Welsh Government continuing their present role is not deliverable and could also perpetuate the weaknesses of the present system. We therefore do not recommend this approach.

Management Option 2 LPAs produce the JHLASs in entirety

11.10 This option would pass all responsibility of producing the JHLASs to the LPAs.

Advantages

11.11 This approach would have the following advantages:

- The LPAs have all the necessary data to prepare and complete the housing schedules and produce the necessary reports;
- It would remove the need for the Welsh Government or Planning Inspectorate to be utilised to co-ordinate the process; and
- It would potentially speed up the production of JHLAS reports by removing time-consuming consultation and round table discussions.

Disadvantages

11.12 Given the findings from our comparison of the English and Scottish systems, we consider that this option has significant disadvantages:

- Consistency of content and methodology of each JHLAS would be lost even if TAN1 was revised to be more prescriptive;
- The JHLASs would lack independence and therefore diminish their robustness;
- Potentially reports would not be published given competing priorities elsewhere within LPAs; and

- Planning appeals would need to consider housing land supply issues on a far more detailed basis.

11.13 The unacceptability of this option was reinforced in our consultations where it was universally accepted that such an approach would: lack independence; lose robustness, and in many instances result in major delays and non-publication of reports.

11.14 We therefore do not recommend that LPAs should be solely responsible for the JHLAS process.

Management Option 3 Consultant co-ordinates and prepares the JHLASs

11.15 This approach would require a consultant to co-ordinate and disseminate the JHLAS schedules and chair the round table meetings and produce the reports.

Advantages

11.16 This option would have the advantage of an independent consultant taking on the human resource and IT requirements of the JHLAS system from the Welsh Government and LPAs.

Disadvantages

11.17 However this would be a significant task and would require significant resources to be employed/contracted in order to undertake the role performed by the Welsh Government. This again would have direct financial impacts on the Welsh Government's budgets and would not be fundable.

11.18 Another key issue with this option is that it would be difficult, if not impossible, to identify a suitably independent consultancy which had no

conflicts in terms of working for either LPAs or housing developers. This option was not supported for this reason in the telephone surveys and Focus Group sessions.

11.19 We therefore do not recommend this approach.

Management Option 4 Planning Inspectorate

11.20 From our research the second favoured option of the consultees for the future management of the JHLAS process was for the Planning Inspectorate to assume the role of the Welsh Government.

Advantages

11.21 The advantages of this option replicates those for the Welsh Government continuing their current role, but in addition the Planning Inspectorate brings the added advantages of:

- Being completely independent as they have no land owning or development functions; and
- Having major skills and experience in dealing with housing development proposals as part of their Planning Appeal and Local Development Plan remit.

Disadvantages

11.22 The major disadvantage, however, is that the Planning Inspectorate do not have the resources in terms of personnel or IT to manage the entire JHLAS process. Accordingly it would be impossible for the Planning Inspectorate to assume the current role of the Welsh Government, particularly the data input/output required for the schedules, due to the above resource constraints.

11.23 Additionally, this role could also have an adverse impact upon the

Planning Inspectorate's statutory functions.

11.24 We therefore do not recommend that the Planning Inspectorate should adopt the entire current role of the Welsh Government due to the above reasons.

Management Option 5 Intermediate Role for LPAs and the Planning Inspectorate

11.25 There is however a possible intermediate position which was advanced at the Focus Groups, discussed through the telephone surveys and meetings with the Planning Inspectorate.

11.26 This proposal would see LPA's taking responsibility for producing the site schedules, proformas and JHLAS tables, with the Planning Inspectorate chairing round table meetings and making appropriate recommendations where there are significant areas of dispute between the Group members which cannot be resolved through written exchange of views.

Advantages

11.27 This approach offers a number of advantages in that it:

- Retains data control with LPAs avoiding double data handling;
- Encourages agreement between LPAs and Group Members;
- Draws upon the Planning Inspectorate's key strengths and role when required to resolve disputes;
- Reflects the present role of the Planning Inspectorate in adjudicating at Planning Appeals and Local Development Plan Inquiries; and
- Maintains an independent adjudication process within the JHLAS system.

Disadvantages

11.28 The single disadvantage is that there could be potential resource conflicts and additional pressures on both the Planning Inspectorate and LPAs due to their increased role. However we are confident that this can be managed by suitable resource programming, timetabling of the JHLAS process and only having meetings where absolutely necessary in order to resolve significant disputes.

Recommendation 1 – Management

The JHLAS process should be managed in a partnership approach combining the strengths and resources of LPAs, the HBF, the Planning Inspectorate and the Welsh Government all operating within a modified and streamlined JHLAS process.

Recommendation 2 - Process Improvement

The new management process will broadly require:

- LPA's to be responsible for preparing the baseline information and housing site schedules;
- HBF and developers to feed into the process at key stages to provide information on anticipated build rates, review of the draft schedules and, where necessary, discussion at round table meetings;
- A Planning Inspector to be appointed to review site schedules/method of calculation, resolve any matters of dispute, determine the 5 year land supply and prepare binding reports for submission to the Welsh Government;
- The Welsh Government to have an “arms length” role ensuring timetabling and consistency and publication of the final reports.

11.29 Further detail is provided by Recommendations 3-6 and 9-14 and the accompanying New Process Diagram in Part 3 of this Section.

PART 2 PROCESS IMPROVEMENTS

Stage 1 JHLAS Timetabling

11.30 From the research it is evident that the JHLAS process is a fluid system whereby the system operates in an open and unscheduled process. The lack of a timetable has a significant bearing upon the timeliness of the JHLASs.

11.31 Indeed TAN1 at paragraph 6.1 identifies the need for a timetable to be prepared and agreed with each LPA in order to produce each JHLAS. However we have identified that timetables are never produced to prepare the JHLASs.

Recommendation 3 - Delivery Agreement

A delivery agreement will be prepared by each LPA annually. The agreement will set a timetable to complete the JHLAS within one year. The timetable will specify initial action points for the JHLAS process and key dates by which each party will perform or complete a specific function in the JHLAS process.

11.32 Each delivery agreement will vary from LPA to LPA. It will reflect available resources, the number of sites each LPA has to survey and the physical area of each LPA. It will also ensure that resources and key stages are planned taking into account other requirements e.g. LDP examination stages.

11.33 The delivery agreement must be agreed with the HBF, the Welsh Government and Planning Inspectorate by the 31st March each year, prior to the new JHLAS base date. If a timetable is not agreed by this date, and in order to ensure a JHLAS is prepared, the Welsh Government will issue a timetable for the LPA and Group to follow.

11.34 An indicative timetable for the JHLAS process is incorporated into the Process Diagram in Part 3 of this Section.

Recommendation 4 TAN Time Limit

To ensure that JHLAS reports are prepared and published within a 12 month period, TAN1 should be modified such that where a LPA has not produced a JHLAS within 12 months, there should be a presumption that the authority cannot demonstrate a 5 year housing land supply.

11.35 There may be situations where preparing a JHLAS clashes with the LDP examination process and this may provide extenuating circumstances. However this situation should not occur given the need for delivery

agreements for the preparation of LDPs and as recommended above for the JHLAS process (Recommendation 3).

Stage 2 - JHLAS Data input / control

11.36 There is currently considerable double/triple handling and manual input of data. This needs to be removed from the system and has been identified by all parties as a fundamental issue requiring resolution. There are two potential options for this process.

Option 1 Welsh Government Database Integration

11.37 Through the research, over half (56%) of LPAs expressed a desire for their databases to be developed and integrated with the Welsh Government's own JHLAS database system. This would allow the databases to directly link and update with each other – removing the need for the present manual data input process.

11.38 Integration would enable the Welsh Government to retain early control of the data and also enable the distribution of draft schedules and further amendments to the schedules following the group meeting and also production of the final report. It would however require the Welsh Government to continue to resource the database internally in terms of staff and IT in order to maintain the system and distribute the draft and revised draft schedules. We have been advised that the current database will not be supported in the long-term by the Welsh Government. Additionally, to deliver an integrated system there would need to be significant IT expenditure to ensure that the different IT systems of each LPA and the Welsh Government dovetailed with each other.

11.39 Accordingly whilst initially a potential option, this is not a recommended solution due to the lack of human and financial resources required to implement it.

Option 2 LPA Controlled Data System

11.40 Each LPA has their own database which they utilise for the JHLAS process. Through our research we have identified that due to the non-integration of the LPAs' and Welsh Government's IT systems for the JHLAS process, the majority of LPAs have adapted their systems to minimise as far as possible manual data input and data handling.

11.41 Furthermore at the Focus Group meetings, many LPAs expressed the view that their databases could be readily adapted to produce the site schedules in an identical or very similar format to those presently issued by the Welsh Government. This would remove the need for manual data handling and transfer between the LPAs databases and the Welsh Government's system. In this situation, each LPA would be responsible for the site schedules and site proformas throughout the JHLAS process up to the final report which will be published by the Welsh Government.

Recommendation 5 – Data Input/Control

Each LPA should prepare, amend and finalise the JHLAS site schedules throughout the JHLAS process, removing the need for the Welsh Government to undertake this role.

Site Proformas and Evidence Base

11.42 The quality of the JHLAS process is only as good as the information upon which it is based. Additionally, as the JHLASs form part of the evidence base for plan preparation and annual monitoring they should be founded on robust and credible evidence.

11.43 It is therefore vitally important to ensure that the site proformas are completed in their entirety and are available as part of the evidence base to the site schedules. Accordingly if sites are subsequently subject to disagreement and those disagreements cannot be resolved, the Planning Inspectorate will have the necessary evidence on which to make their decision on the deliverability or otherwise of any disputed sites.

Recommendation 6 – Site Proformas and Evidence Base:

Each proforma should be completed to provide:

- i. Site Name, Location and Unique LPA reference for JHLAS;
 - ii. Year site first entered JHLAS process;
 - iii. Area of site (Gross and Net Hectares);
 - iv. Total number of units, market type (number flats/houses), sector type (number private/affordable);
 - v. Planning Status: Planning permission reference, date of consent and time limits for implementation; or details of allocation within the relevant Adopted Plan;
 - vi. Developer/landowner/Agent name and contact details (address, telephone number);
 - vii. Date of last contact with developer;
 - viii. Notes on Developer Intentions e.g:
 - Anticipated start year and delivery rates;
 - Will not develop but will sell site onto other developer;
 - Not developing due to market conditions need to revise scheme.
- Information at viii. should be confirmed via email/letter or notes of telephone conversations.*
- ix. Number of homes under construction; remaining; completed; future build rate for next 5 years and beyond (3i);
 - x. Greenfield/Brownfield status;
 - xi. Flood Risk Status (TAN 15 categories);
 - xii. Site Constraints - confirmation that access, services, ecological, or drainage issues are resolved or capable of being resolved within the 5 year period;
 - xiii. Site Constraints - notes on any significant site constraints that need to be addressed before development can commence or be completed; and
 - xiv. Other Notes - on any other issues, e.g. awaiting signing of S106 agreement.

11.44 The site proformas are essentially summaries of the evidence base which underpin the details included within the JHLAS schedules. This data should therefore be based upon sound information which can be evidenced by the LPA, if disputed by the Group or queried by an Inspector.

Strategic/Significant Constraints

11.45 A particular issue which has arisen is that specific sites or wider areas of an LPA area can be adversely affected by constraints relating to flood risk or sewerage capacity or water supply issues. Whilst LPAs and developers

have good knowledge in most instances of these issues, input from the relevant bodies would be of particular assistance in this situation.

Recommendation 7 Strategic/Significant Constraints

LPAs should identify sites subject to specific strategic/significant constraints at the Draft Schedule Stage. These sites should then be brought to the attention of the relevant statutory body which should provide comments on particular sites or strategic issues. If significant issues arise which cannot be resolved through correspondence, then the statutory body should attend the round table sessions.

Annual Accuracy Check

11.46 We have identified that the JHLAS reports have a good degree of accuracy within +/-15%. However there are some significant variances between actual completions and projected land supply within JHLASs, particularly where there is no adopted Development Plan.

Recommendation 8 – Annual Accuracy Check

For each new JHLAS a check should be performed by the LPA to compare the last JHLAS projected number of completions to the actual number of completions in that year. This check will highlight if there are any significant discrepancies which can then be taken into account in the new JHLAS projections. This check will be provided as part of the draft schedules presented for public consultation.

Stages 3 and 4 Statement of Common Ground

11.47 Through our research it is evident that many of the sites included on the individual JHLAS site schedules are not discussed or commented on at the round table meetings. As such, a significant proportion of the JHLAS site schedule is agreed with no alterations required at the round table meeting. Indeed, it has been noted by all those involved that in some situations, there is potential for the JHLAS site schedules to be agreed without a round table meeting.

Recommendation 9 - Round Table Meetings only where Absolutely Necessary

Round table meetings should only be undertaken where absolutely necessary, i.e. where there is significant disagreement between the

group members which cannot be resolved expeditiously via correspondence and/or a meeting of the Study Group members.

Recommendation 10 - Statement of Common Ground

The new JHLAS process should incorporate the requirement for LPAs to prepare a Statement of Common Ground (SoCG) in consultation with the HBF and other relevant stakeholders

Where All Sites and Method are Agreed

11.48 The SoCG will identify whether all sites in the schedules are agreed. For those sites where there are issues, the points will be identified at an early stage and there would be potential to address these through the provision of additional information/clarification, within a prescribed time period. If as result of this process there are no significant issues of dispute it will be possible for LPAs and stakeholders to agree this position in the SoCG. With an agreed SoCG it will then be possible for the JHLAS report and calculations to be undertaken without having to hold a round table meeting.

Where Disputed Sites and/or Method

11.49 However where issues cannot be addressed expeditiously through correspondence and/or a meeting between the Study Group members, the SoCG will identify the specific points of dispute that will go forward for resolution by a Planning Inspector (under Stage 6 below) and may subsequently be discussed at a Round Table meeting.

11.50 The SoCG will identify the:

- Method of land supply calculation which is agreed or not; and if not, the reasons for the disagreement;
- 5 year land supply requirement through both methods where there is disagreement on the method to be used;
- The overall agreed sites and resultant number of homes anticipated to be delivered in the 5 year period;
- Details of the disputed sites, i.e. the details on the site proforma and

details per site explaining why the sites are disputed by a member of the Group;

- The overall land supply with and without the disputed sites in terms of number of homes and years land supply.

11.51 The SoCG will focus the meetings (where held) to the particular points of dispute, shortening the Round Table Meeting process.

11.52 Evidence substantiating the points at dispute in the SoCG should be submitted at the same time as the SoCG.

Stage 5 - Managing Disputes

11.53 A key finding from our research is that the round table meetings are considered to underpin the robustness of the JHLAS process and their success to date. The primary reason is that the meetings allow open discussion and critical review of the site schedules by the group members, ensuring integrity and openness.

11.54 The Welsh Government and its predecessors have to date facilitated agreement in most instances. If the role performed by the round table meetings were dispensed with there would be no mechanism to resolve disputes and the whole process could become stalled for each JHLAS. If this occurred then the JHLASs would be solely produced by the LPAs. This would most likely replicate the unfavourable aspects of the English and Scottish systems seen earlier.

Recommendation 11 – Requirement for a Round Table Meeting

Round Table meeting should be utilised to discuss only “significant issues” which cannot be resolved through correspondence.

Round table meetings will be held where significant areas of dispute cannot be agreed via correspondence between the appointed Planning Inspector and the members of the Study Group.

The Welsh Government should require round table meetings where:

- 10% or more of the housing land supply in the schedules is in dispute.
- Agreement cannot be reached on the method of calculation i.e. residual method or past completion rate.
- The land supply is less than 5 years due to either of the above.

11.55 This will ensure that any round table meetings are focused on points of significant dispute, removing the need for unnecessary meetings. It will shorten any meeting with potential to have multiple meetings in one venue, on one day and dealing with two or more disputed JHLASs. This will save travel and organisational time for all parties.

Stage 5 - Chairing and Format of Meetings

11.56 The Welsh Government and its predecessors have chaired the meetings and produced the draft reports since 1980, and this independent scrutiny is a highly valued component of the present system by all involved, as reflected in the results of the telephone survey and focus group sessions.

11.57 As previously identified, resources will no longer allow the meetings to be chaired by the Welsh Government as there are insufficient members of staff available or with the necessary specific development and planning experience to adjudicate in the JHLAS meetings.

11.58 In the vast majority of cases the JHLAS process is performed on an agreed basis with all issues considered at the round table meetings being resolved. However in a limited number of cases it has not been possible due to unresolved disputes to produce JHLASs for some LPAs for two years. Given the importance placed upon producing the JHLASs by the Welsh Government, the policy requirements of PPW and regulatory requirement of LDP Wales 2006, this situation is unsatisfactory.

Recommendation 12 - Chairing of Round Table Meetings

Where round table meetings are necessary they should be chaired and undertaken in a more formal manner by a Planning Inspector, allowing them to adjudicate as they presently do for planning appeals. In the first instance the Inspector should seek to foster agreement and consensus on areas of dispute at the Round Table meeting.

11.59 There is also a need to ensure that the information presented and considered at the round table is robust and evidence based. Accordingly LPAs and other Group members should have suitable information prepared to support their positions.

11.60 The Draft Schedules, SoCG and Site Proformas and any necessary background evidence will need to be prepared and submitted to the Planning Inspectorate / Welsh Government.

11.61 The HBF and other Group Members should submit any written evidence to substantiate their points of disagreement at the same time that the SoCG is submitted to the Planning Inspectorate / Welsh Government.

11.62 This information along with oral discussion will be considered by the Inspectorate at the Round Table session.

Stage 6 – JHLAS Reporting

11.63 There are potentially four options for the production of the final JHLAS reports as these could be produced by:

- i. Each LPA. However the reports would not be seen as “Independent”, a key strength and requirement identified by all those involved in the process.
- ii. The Welsh Government, however they have very little resource to fully prepare the JHLAS reports.
- iii. An Independent Consultant, but there are unlikely to be suitable

independent consultants with sufficient resources who could produce the reports.

- iv. A Planning Inspector could prepare a recommendation report.

11.64 Through our research the most favoured approach was for the Welsh Government to continue to produce the reports, although this is clearly not possible. The next preferred option would for the Planning Inspectorate to take on this role.

11.65 As identified above the Planning Inspectorate have the advantages of being independent and having substantial experience in dealing with housing development proposals.

Recommendation 13 - JHLAS Reporting

The Welsh Government should appoint a Planning Inspector (via the Planning Inspectorate) to prepare a report. The report will be provided to the Welsh Government's Planning Division.

11.66 The Planning Inspectorate will provide a report to the Welsh Government officers which will recommend:

- The method for calculating the housing land supply;
- Which particular sites should be included in the 5 year supply or any necessary changes to the relevant build rates within the 5 year supply or 3i and 3ii categories (as defined by TAN1);
- The resultant impact on the housing land supply.

Recommendation 14 – JHLAS Report Production

The final JHLAS reports will be prepared in partnership by the Planning Division of the Welsh Government and the Planning Inspectorate.

11.67 Based on the Inspector's recommendations the LPA will amend the site schedules and issue these to the Welsh Government. The Welsh

Government will incorporate the site schedules, past completion data, etc as appendices to the JHLAS report.

Recommendation 15 - JHLAS Format and Structure:

11.68 From our review of the JHLAS reports, we consider that there is a need to adopt a more standardised and consistent approach within the structure and content of the JHLAS report to make them more consistent, concise and legible. This finding was also reflected in the Focus Group meetings.

JHLAS Format & Structure

- i. Front page - This will specify the LPA, base date, date published (month and year).
- ii. Summary - This will provide:
 - The key findings 5 year land supply position;
 - The main parties involved (who commented on the JHLAS etc); and
 - An overview for the process of producing the JHLAS, i.e. whether the report was published through agreement and correspondence or whether it was necessary to hold a round table discussion.
- iii. Contents page - This will identify the report's structure with page numbers for each section and a list of appendices.
- iv. Method of land supply calculation - This will set out the detail of the land supply calculation method whether past build rates or residual method and upon what plan basis.
- v. Land supply calculations - This will state the overall land supply position as per TAN1 either via the residual or past completions method or, where considered necessary, via both methods.
- vi. The tables to provide the calculations should be standardised for each JHLAS.
- vii. Commentary should only be provided where it will add to or help interpret the findings of the JHLAS. Such information includes for example:
 - The position of the existing Development Plan – i.e. its full title, time period of operation and identification of major housing allocations;
 - The position of any emerging Development Plan in terms of present status, time period of operation and proposed major housing allocations;

- Identification of significant sites and their total number of houses which are important to the existing land supply or future land supply e.g: Llanwern Newydd in Newport; Coed Darcy in Neath Port Talbot, or Cardiff Bay;
- It is also helpful to identify significant constraints which may be impinging on the delivery of housing, particularly if these affect major sites or several major sites, e.g. the issue regarding the Burry Port Inlet SAC during 2008-2011, or potential inadequacies of sewerage infrastructure within certain areas of LPAs which potentially will affect the delivery of housing;
- A statement on general market conditions and identification of areas of high or low demand;
- Consideration of the broad nature of housing provision, particularly if dominated by flats or significant levels of greenfield or previously developed land.

Site Schedules (Appendix 1)

- viii. These will be provided by the LPAs in a form similar to those at present. The schedules are considered critical to the overall content of the report as they provide the raw data from which the land supply is calculated. This data is interrogated by all users of the system to identify the number of units being completed, remaining or under construction on each site. If the schedules were removed, it would not be possible to track and monitor the completion rates on sites, monitor delivery of sites which have not been included within the present 5 year supply i.e. those subject to the signing of S106 or located within 3i or 3ii categories.
- ix. A note column should be included on the schedules allowing notes to be made on particular sites e.g. how long a site has been in the 5 year land supply.
- x. The 5 year land supply schedules should group all sites by area and removing the separate listing of private and affordable homes. Each type of provision should be identified in the revised schedules e.g. Social Rent (SR), Shared Equity (SE) etc.

Temporal Data (Appendix 2)

- xi. The Report will provide 10 or 15 year periods data on completions, land supply, and use of previously developed land. It would be desirable for LPAs to back date this information in the next round of JHLASs. The table for these elements should be produced in a consistent style and format for each JHLAS.
- xii. Other TAN1 Monitoring Data (Appendix 3) e.g. the use of previously developed land, development on sites at risk from flooding, and completions by flats/houses should be presented as an appendix.
- xiii. Affordable housing delivery is now monitored separately by the

Welsh Government and LPAs so this data no longer needs to be collected via the JHLASs.

Stage 7 - Publication and Recommendation 16:

Each LPA will provide the most up to date JHLAS on their websites, particularly as these are now distributed electronically in any event.

All reports will also be published on the Welsh Government's website.

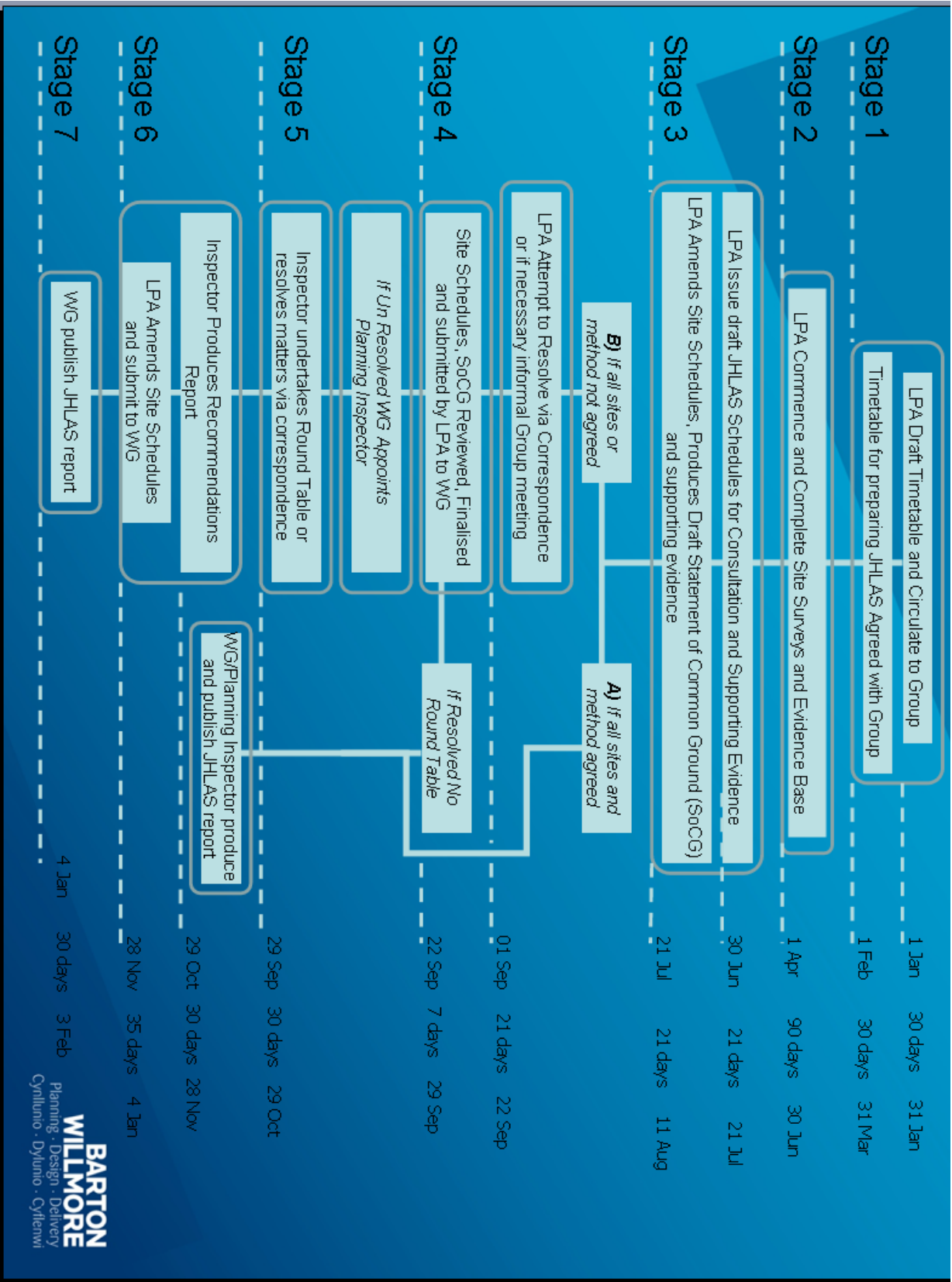
Stages 1-7 – Use of LPAs' Websites - Recommendation 17:

All the documents for each stage of the JHLAS process should be issued through LPAs' websites as per the present process undertaken for the various stages of their LDPs.

11.69 This on-line process will set opening and closing dates by which consultation responses must be made by relevant parties, i.e Group members, Statutory Consultees, private landowners or other interested parties. This will allow the simultaneous commenting upon the schedules and site proformas; speed up the distribution of documents; and reduce the need for printed material.

11.70 Prior to the consultation period commencing, the LPA will notify the stakeholders via post/email. Additionally a notice advising of the commencement of the JHLAS process should be placed on the LPA's website to draw attention to this process for other potential parties. This will enable wider dissemination of the JHLAS process beyond the Study Group members to potentially include other parties such as private landowners, members of the public and statutory consultees who presently are not typically engaged with the process.

PART 3 – NEW JHLAS PROCESS STAGES



Stage 1 Agree Timetable

11.71 The dates provided in the flow diagram above are illustrative and the overall timetable will vary for each authority. However all reports must be completed within 12 months of the base date.

11.72 By the 31st January each year the draft timetable for preparing each JHLAS is circulated by the LPA to the Group Members, the Planning Inspectorate and the Welsh Government. The timetable will set out the key timeline for undertaking each stage of the above process within a total period of 12 months and ideally less. A provisional date for round table meetings (if required– as determined later in the process) is agreed with the Planning Inspectorate, the LPA and the Group Members. The timetable is finalised and submitted to the Welsh Government by the 31st March each year.

Stage 2 Site Surveys

11.73 On the 1st April each year, each LPA commences their site surveys, completes new/update proformas for each site. The data within the schedules is checked and validated during April and for the remainder of the survey periods. The surveys should be completed within a maximum time period of 3 months, i.e. by 30th June.

Stage 3 Schedule Review by Study Group and Draft SoCG

11.74 The draft schedules (including the necessary supporting evidence) and site proformas are then issued for consultation by each LPA via their websites. The LPA also identify the proposed method for undertaking the land supply calculation – either through the residual method or through past completions with suitable justification provided as per the guidance within TAN1 at paragraphs 7.5.2-7.5.5.

11.75 The Group and any other party will make comments within a 21 day

consultation period. In this example this stage will be completed by the 21st July each year.

11.76 The LPA will review the comments on the documents and make any necessary amendments to the schedules and site proformas within 3 weeks and by 11th August. The LPA will produce a Draft Statement of Common Ground confirming either that all sites and the method are agreed, or that particular sites or the method are not agreed and defining the precise issues of dispute.

Stage 4a – All Sites and Method Agreed

11.77 If all sites and the method are agreed then a Statement of Common Ground is produced to this effect by the LPA and agreed to by the Group by the 1st September.

11.78 The SoCG is then issued to the Welsh Government and the Planning Inspectorate for review. A Planning Inspector will be appointed to carry out the review and prepare a report under Stage 6 below (see paragraph 11.66 above for the proposed content).

Stage 4b – All Sites and or Method Not Agreed

11.79 Where a dispute arises, a period of 21 days is provided to attempt to resolve the specific matters via correspondence between the LPA and the Study Group. In addition, or as an alternative, the LPA may wish to hold a meeting of the Study Group. This process should be completed by 22nd September. If through correspondence and/or a Study Group meeting all matters are resolved there will be no need for the Welsh Government to consider asking the appointed Planning Inspector to convene a round table meeting (under Stage 5 below).

11.80 The LPA will complete the Statement of Common Ground and submit it to the Welsh Government by 30th September each year.

11.81 The JHLAS report will then be prepared by the appointed Planning Inspector using the agreed information.

Stage 5 – Resolving Disputes

11.82 Where there are disputes that cannot be resolved by the LPA in discussion and/or correspondence with the other members of the Study Group, the Welsh Government will determine whether a round table meeting will be required or whether the appointed Planning Inspector will resolve the matters via correspondence.

11.83 To prevent the need for meetings to resolve only minor matters of disagreement which fundamentally do not affect the findings of the JHLAS report, meetings should be held on the basis of Recommendation 11 above.

11.84 Where a meeting is required, the Welsh Government will appoint the Planning Inspectorate to convene and chair it.

11.85 At the round table meeting, the issues of dispute will be discussed and considered by the Inspector. LPAs and other Study Group members should present written evidence to the Inspector in advance of this meeting. This stage should be completed by 30th October.

Stage 6 – Report preparation

11.86 The appointed Planning Inspector will produce a binding report. The LPA will be required to complete the necessary supplementary tables and submit these to the Welsh Government for publication with the Inspector's report. The final report will be issued to the Study Group and the Welsh Government.

11.87 The LPA will need to amend the site schedules in light of the report from

the Planning Inspector by 4th January for publication with the final report and to ensure that this data is correct for the following year's Study.

Stage 7 – Report Publication

11.88 The Welsh Government will publish the final JHLAS report on their website either by the end of November or the beginning of February each year, depending on whether there are disputes to resolve under Stage 5. LPAs should subsequently publish the report on their own websites (or provide a link to the relevant page of the Welsh Government's website) by the same date.

APPENDIX 1

Telephone Survey Results Summary

TELEPHONE QUESTIONNAIRE FOR JHLAS RESEARCH PROJECT

Usefulness

1. On a scale of 1 to 5 (1 low – 5 high) how useful does the LPA regard the JHLASs as part of their functions i.e. are they useful for or used in LDP production/monitoring; planning applications; or planning appeal process?
2. On a scale of 1 to 5 (1 low – 5 high) how important in terms of priorities is the JHLAS function for the LPA?

Content

3. Does the LPA believe the JHLAS reports to be clear, concise and accurate?
4. Does the LPA believe that the way of presenting the statistical information within the reports is fit for purpose, consistent and useful i.e. the calculation tables, charts etc?
5. Does the LPA have any ideas or suggestions for improving the content, conciseness or otherwise of the JHLAS reports?

Accuracy

6. Does the LPA believe that the JHLASs are accurate in terms of providing an estimate of the 5 year land supply for their area?
7. Does the LPA believe that the JHLASs are accurate in terms of their assessment of the build rates relating to large sites?
8. Does the LPA believe that the JHLASs accurately take into account developability issues e.g. viability, site constraints etc?
9. Does the LPA feel that the JHLASs are undertaken in a consistent manner, in terms of data, reporting, agreeing of schedules from year to year and from Council area to Council area?

Process

10. Does the LPA maintain its own database of site specific information on all planning permissions and allocations for housing?
 - 10a If yes, does the LPA use this database to complete the Welsh Assembly JHLASs proformas?
11. Does the LPA obtain its completion data etc from site surveys it conducts itself or is the information derived from Building Control Returns?

12. Does the LPA database readily transfer to the JHLAS proformas or is it necessary to double handle the same basic data in order to input it into the JHLAS process?
13. How long in terms of number of day's total work does it take the LPA to complete the JHLAS proformas and return to the Welsh Assembly?
14. Does the LPA review the draft schedules and provide comments/amendments prior to the Roundtable Meeting?
15. At the roundtable meeting, what information does the LPA bring to assist in reviewing the schedules?
16. Does the LPA feel that the roundtable meetings are necessary and efficiently conducted?

<ul style="list-style-type: none"> • Necessary • Efficient 	<div>Yes</div> <div>Yes</div>	<div>No</div> <div>No</div>
--	-------------------------------	-----------------------------
17. Does the LPA believe that the Welsh Assembly is an impartial arbiter in the preparation and production of the JHLASs? If no explain why?
18. Is the co-ordination / arbitration role of the Welsh Assembly or another government organisation essential to the preparation and production of the JHLASs?
19. Following completion of the roundtable meetings, what issues arise in terms of finalising the reports and schedules? e.g. Are there significant email discussions on the wording, details of the calculations which take significant time to resolve?

Involvement

20. Does the involvement of the HBF, house builders and landowners add value to the process in terms of accuracy, efficacy etc?
21. Does the LPA believe that other parties e.g. Welsh Water or CCW should be actively involved in the JHLAS process?

Future

22. Are there specific ways the LPA believe the JHLAS process can be improved – if so, explain what and how?

e.g:

- Single database for all authorities across wales, integrated with the JHLAS

- Adobe PDF comments on site schedules prior to meetings. Ideally – but could publish schedules on websites and allow multiparty comments.
- Tele conferencing
- Limiting report editing to only 1 round of comments

23. Could the round table meetings be more productive, by only considering sites which are identified in advance as having queries over their deliverability or planning status?

24. Should the reports focus on factual statistical matters and reduce level of commentary.

Statistical content.

25. Who (rank in order of preference - 1 most preferred, 5 least preferred) in the future would be most appropriate and best placed to:

	Prepare i.e. base data	co-ordinate i.e. arrange meetings, prepare schedules etc	produce the JHLASs i.e. reports and final documents
Planning Inspectorate			
HBF			
LPAs			
Independent Consultant			
House builders			
Other – please specify			

Q1	On a scale of 1 to 5 (1 low – 5 high) how useful does the LPA regard the JHLASs as part of their functions i.e. are they useful for or used in LDP production/monitoring; planning applications; or planning appeal process?				
	1	2	3	4	5
		2	4	9	10
		8%	16%	36%	40%
25					
Q2	On a scale of 1 to 5 (1 low – 5 high) how important in terms of priorities is the JHLAS function for the LPA?				
		3	6	11	5
		12%	24%	44%	20%
	25				
Q3	Does the LPA believe the JHLAS reports to be clear, concise and accurate?				
	Yes	14	56%	Comments	
	No	11	44%	However there are issues regarding errors, too much text, unclear conclusions where residual method or past build rates are used	
		25		Need to be clearer and more concise. Context needs to be clear and set out, particularly regarding the impact of the economic situation	
Q4	Does the LPA believe that the way of presenting the statistical information within the reports is fit for purpose, consistent and useful i.e. the calculation tables, charts etc?				
	Yes	12	48%	The most useful aspect is the acutal 5 year land supply calculation, the data, schedules and tables.	
	No	13	52%	No just present the data. Consistency is lacking in reports and across reports.	
		25			
Q5	Does the LPA have any ideas or suggestions for improving the content, conciseness or otherwise of the JHLAS reports?				
	Improve consistency	4	16%		
	Remove duplication of affordable housing	3	12%		
	Remove TAN1 from Appendicies	2	8%		
	Double data handling	2	8%		
	Include a summary page	4	16%		
	Make more concise	6	24%		
	No change	4	16%		
	25				
	Q6	Does the LPA believe that the JHLASs are accurate in terms of providing an estimate of the 5 year land supply for their area?			
Yes		19	76%	As good a system as it can be	
No		6	24%	Issues regarding delivery now reflects state of the economy as opposed to land availability	
		25			
Q7	Does the LPA believe that the JHLASs are accurate in terms of their assessment of the build rates relating to large sites?				
	Yes	17	68%	Can be too cautious on delivery rates As good as they can be.	
	No	8	32%	Market strenght as opposed to land supply at present	
Q8	Does the LPA believe that the JHLASs accurately take into account developability issues e.g. viability, site constraints etc?				
	Yes	20	80%	HBF very important add credibility Consistency of appraoch of WAG, organsiation, collation of datea, chairing of meetings	
	No	5	20%	Long term sites difficult to predict. Issues regarding competing agendas of developers pushing down landsupply and LPA's pushing up land supply	
Q9	Does the LPA feel that the JHLASs are undertaken in a consistent manner, in terms of data, reporting, agreeing of schedules from year to year and from Council area to Council area?				
	Yes	21	84%		
	No	4	16%		

Q10	Does the LPA maintain its own database of site specific information on all planning permissions and allocations for housing?										
	Yes	25	100%								
	No	0	0%								
Q10a	If yes, does the LPA use this database to complete the Welsh Assembly JHLASs proformas										
	Yes	16	64%	But requires significant manual data in However does not fully integrate with WAG's systems still requires manual input							
	No	9	36%	Hand write forms where amendments required							
		25									
Q11	Does the LPA obtain its completion data etc from site surveys it conducts itself or is the information derived from Building Control Returns?										
	Yes	23	92%	All surveyed by LPA. No reliance on Building Control Returns due to privatisation of this process							
	No	2	8%	use building control records as a check							
Q12	Does the LPA database readily transfer to the JHLAS proformas or is it necessary to double handle the same basic data in order to input it into the JHLAS process?										
	Yes	3	12%	Create own proforma returns from LPAs own database to reflect WAG proformas							
	No	22	88%	Manual data input and double handling of data is largest problem							
Q13	How long in terms of number of days total work does it take the LPA to complete the JHLAS proformas and return to the Welsh Assembly?										
	Weeks	1	2	3	4	5	6	7	8	12	25
		1	8	5	2	3	2	2	1	1	
		4%	32%	20%	8%	12%	8%	8%	4%	4%	
Q14	Does the LPA review the draft schedules and provide comments/amendments prior to the Roundtable Meeting?										
	Yes	22	88%	Edits normally required for schedules when reviewed by LPAs							
	No	3	12%	Undertake review at round table meetings							
Q15	At the roundtable meeting, what information does the LPA bring to assist in reviewing the schedules?										
	Yes	21	84%	Bring planning decision notices, sites plans and site proformas, discussions with DC colleagues							
	No	4	16%	Bring proformas and discuss sites at round table meeting							
Q16	Does the LPA feel that the roundtable meetings are necessary and efficiently conducted										
		Necessary			Efficient						
	Yes	23	92%	Yes	18	72%					
	No	2	8%	No	7	28%					
Q17	Does the LPA believe that the Welsh Assembly is an impartial arbiter in the preparation and production of the JHLASs? If no explain why?										
	Yes	19	76%	Impartiality is very important and critical							
	No	6	24%	WAG can not be impartial as they own sites but try as best they can							
Q18	Is the co-ordination / arbitration role of the Welsh Assembly or another government organisation essential to the preparation and production of the JHLASs?										
	Yes	22	88%	Very important that WAG act as co-ordinators							
	No	3	12%	LPA could do the studies and co-ordinate, or via Planning Inspectorate							
Q19	Following completion of the roundtable meetings, what issues arise in terms of finalising the reports and schedules? e.g. Are there significant email discussions on the wording, details of the calculations which take significant time to resolve?										
	Yes	12	48%	Reports take time to produce, issues take long time to resolve, requirement for additional information before and after meetings, disputes on method.							
	No	13	52%	Reports prepared quickly and generally no problems							

Q20	Does the involvement of the HBF, house builders and landowners add value to the process in terms of accuracy, efficacy etc?			HBF vital to the process add efficacy. Developers also attend adding further information and robustness. Developers include: Redrow, Watkin Jones, Anwel, Bloor Homes, Barrett, Taylor Wimpey, Persimmon, Charles Church. HBF and developers not needed do not add much to the process
	Yes	17	68%	
	No	8	32%	
Q21	Does the LPA believe that other parties e.g. Welsh Water or CCW should be actively involved in the JHLAS process?			Where issues on particular sites or of more strategic nature re: AMP Programmes
	Yes	17	68%	
	No	8	32%	Not needed, LPA, HBF, developers and WAG have sufficient information.
Q22	Are there specific ways the LPA believe the JHLAS process can be improved – if so, explain what and how?			
	1	4%		One round of editing for reports
	3	12%		Focus on key sites
	14	56%		Single database
	4	16%		Quicker
	1	4%		Introduce 3i for market depression
	1	4%		LPA undertake 5 year assessment reports alone
	1	4%		No comment
	25			
Q23	Could the round table meetings be more productive, by only considering sites which are identified in advance as having queries over their deliverability or planning status?			
	Yes	20	80%	
	No	4	16%	
	No Comment	1	4%	
	25			
Q24	Should the reports focus on factual statistical matters and reduce level of commentary.			
	Yes	16	64%	
	No	7	28%	
	No Comment	2	8%	
	25			
Q25	Who in the future would be most appropriate and best placed to:			
	A	B	C	
PINS		4	7	0%
HBF				16%
LPA's	22	6	1	28%
Indep Con				0%
House Builders				0%
Other (WAG)	3	15	17	4%
				0%
				60%
				68%

APPENDIX 2

TAN1 Checklist Review of JHLAS Reports

LPA	Accessibility								
	Title	Base Date	Date Published	Stakeholders *1	Contents Page	Summary	Logical Structure	Headings	Readable Font, Line and Paragraph Spacing
Blaenau Gwent Council	Y	Y	Y	Y	N	N	Y	Y	N - Text not justified
Bridgend CBC	Y	Y	Y	Y	?	N	Y	Y	Y - but text not justified
Brecon Beacon's National Park	Y	Y	Y	Y	N	N	Y	Y	Y - but text not justified
Caerphilly County BC	Y	Y	Y	Y	N	N	Y	Y	Y
Cardiff County Council	Y	Y	Y	Y	N	N	Y	Y	Y - but text not justified
Cyngor Sir Caerfyrddin Carmarthenshire CC	Y	Y	Y	Y	Y	N	Y	Y	Y
Cyngor Sir Ceredigion Ceredigion CC	Y	Y	Y	Y	Y	N	Y	Y	N - Text not justified
Bwrdeistref Sirol Conwy Conwy CBC	Y	Y	N	Y	Y	N	Y	Y - although summary pr	Y
Denbighshire CC	Y	Y	N	Y	Y	N	Y	Y - although summary pr	Y
Flintshire CC / Cyngor Sir y Fflint	Y	Y	N	Y	Y	N	Y	Y - although summary pr	Y
Cyngor Gwynedd Gwynedd Council	Y	Y	N	Y	Y	N	Y	Y - although summary pr	Y
Isle of Anglesey CC / Cyngor Sir Ynys Môn	Y	Y	N	Y	Y	N	Y	Y - although summary at	Y - but text not justified
Merthyr Tydfil CBC	Y	Y	Y	Y	Y	N	Y	Y - although summary at	Y - but text not justified
Monmouthshire Council	Y	Y	Y	Y	N	N	Y	Y	Y
Neath Port Talbot CBC	Y	Y	Y	Y	Y	N	Y	Y - although summary pr	Y
Newport City Council	Y	Y	Y	Y	?	N	N	N	N
Pembrokeshire Council	Y	Y	Y	Y	?	N	Y	Y	Y - but text not justified
Powys CC	Y	Y	N	Y	Y	N	Y	Y	Y - but text not justified
Rhondda Cynon Taff CBC	Y	Y	Y	Y	N	N	Y	Y	
City & County of Swansea	Y	Y	Y	Y	N	N	Y	Y	
Torfaen CBC	Y	Y	Y	Y	N	N	Y	Y	N - font size smaller. Not justified text
Vale of Glamorgan Council	Y	Y	Y	Y	N	N	Y	Y	N - Text not justified
Wrexham CBC	Y	Y	N	Y	Y	Y	Y	Y - although summary pr	Y

*1 Does not confirm if at meeting or just invited

12 point

	TAN 1 Content					
	Past completio ns large, small, private and public	Sites with Planning Permissio n	Allocated Sites	Sites Subject to S106	Methodology Past Completions or Residual Method	5 Year Land Availabilitiy Identified
LPA						
Blaenau Gwent Council	Y	Y	Y	Y	Y	Y
Bridgend CBC	Y	Y	Y	Y	Both	Y
Brecon Beacon's National Park	Y	Y	Y	Y	Both	Y
Caerphilly County BC	Y	Y	Y	Y	Both	Y
Cardiff County Council	Y	Y	Y	Y	Both	Y
Cyngor Sir Caerfyrddin Carmarthenshire CC	Y	Y	Y	Y	Both	Y
Cyngor Sir Ceredigion Ceredigion CC	Y	Y	Y	Y	Past completions	Y
Bwrdeistref Sirol Conwy Conwy CBC	Y	Y	Y	Y	Past completions	Y
Denbighshire CC	Y	Y	Y	Y	Past completions	Y
Flintshire CC / Cyngor Sir y Fflint	Y	Y	Y	Y	Past completions	Y
Cyngor Gwynedd Gwynedd Council	Y	Y	Y	Y	Both	Y
Isle of Anglesey CC / Cyngor Sir Ynys Môn	Y	Y	Y	Y	Past completions	Y
Merthyr Tydfil CBC	Y	Y	Y	Y	Residual	Y
Monmouthshire Council	Y	Y	Y	Y	Both	Y
Neath Port Talbot CBC	Y	Y	Y	Y	Both	Y
Newport City Council	Y	Y	Y	Y	Both	Y
Pembrokeshire Council	Y	Y	Y	Y	Both	Y
Powys CC	Y	Y	Y	Y	Y	Y
Rhondda Cynon Taff CBC	Y	Y	Y	Y	Y	Y
City & County of Swansea	Y	Y	Y	Y	Y	Y
Torfaen CBC	Y	Y	Y	Y	Past completions	Y
Vale of Glamorgan Council	Y	Y	Y	Y	Both	Y
Wrexham CBC	Y	Y	Y	Y	Both	Y

	Optional				Other Indicators required by Tan 1				
	5 Year Land Supply for past 5 years or more?	Past Completions for 5 years or more?			Market	Affordable	House Type - Flat/House	At Flood Risk	Brownfield/Greenfield
LPA									
Blaenau Gwent Council	N	Y	back to 1980		Y	Y	Y	Y	Y
Bridgend CBC	N	Y			Y	Y	Y	Y	Y
Brecon Beacon's National Park	N	Y			Y	Y	Y	Y	Y
Caerphilly County BC	N	Y			Y	Y	Y	Y	Y
Cardiff County Council	Y	Y			Y	Y	Y	Y	Y
Cyngor Sir Caerfyrddin Carmarthenshire CC	N	N			Y	Y	Y	Y	Y
Cyngor Sir Ceredigion Ceredigion CC	N	Y	Jun-97		Y	Y	Y	Y	Y
Bwrdeistref Sirol Conwy Conwy CBC	Y in years	Y			Y	Y	Y	Y	Y
Denbighshire CC	Y	Y			Y	Y	Y	Y	Y
Flintshire CC / Cyngor Sir y Fflint	Y	Y			Y	Y	Y	Y	Y
Cyngor Gwynedd Gwynedd Council	Y	Y			Y	Y	Y	Y	Y
Isle of Anglesey CC / Cyngor Sir Ynys Môn	Y	N			Y	Y	Y	Y	Y
Merthyr Tydfil CBC	N	Y			Y	Y	Y	Y	Y
Monmouthshire Council	Y	Y			Y	Y	Y	Y	Y
Neath Port Talbot CBC	N	Y			Y	Y	Y	Y	Y
Newport City Council	N	Y			Y	Y	Y	Y	Y
Pembrokeshire Council	N	N			Y	Y	Y	Y	Y
Powys CC	Y	Y			Y	Y	Y	Y	Y
Rhondda Cynon Taff CBC	Y	Y			Y	Y	Y	Y	Y
City & County of Swansea	Y	Y			Y	Y	Y	Y	Y
Torfaen CBC	N	Y			Y	Y	Y	Y	Y
Vale of Glamorgan Council	Y	Y	Back to 1991		Y	Y	Y	Y	Y
Wrexham CBC	Y	Y			Y	Y	Y	Y	Y

APPENDIX 3

Summary of Focus Group Sessions

Note of North Wales Focus Group Meeting

10th February 2011

At The Business Centre, Llandudno Junction

15 people attended the North Wales event.

A brief presentation on the purpose and objectives of the JHLAS Process Review Study provided by BS along with a summary of key issues identified to date and initial findings.

1 Opening Discussion:

We asked each table to identify Two Good and Two Bad Points of JHLASs process and results with the following results:

Good Aspect:	Number of Responses
Independence	2
Better than nothing	1
Starting point for evidence	1
Bad Aspects:	
Doesn't identify what problems may exist to bringing sites forward	1
Duplication of data collection/production	1
Collection of data is time consuming	1
Process relies on good quality data at start	1

Focus Group Session 1 – Usefulness?

Feedback from the focus group tables confirmed the following that JHLASs are useful in:

- Planning applications
- LDP monitoring
- Planning appeals

Focus Group Session 2 – Content/Clarity?

We asked each group to review the content and structure of the JHLAS reports to identify in particular what elements in the documents are valuable, not necessary, need emphasising or changing. The groups proposed the following:

- Contents page
- Introduction
- Key Findings - Summary

- Contents page
- 5 Year Land Supply tables
- Conclusions
- Appendices – Other key data and schedules
- Removal of TAN1 from appendices

Focus Group Sessions 3 – Process?

We asked each group to review the existing 16 stage process and identify a new system for delivering the JHLASs. The summary results of this process are:

- A clear timetable from start to finish of the process.
- Need to shorten the process and remove superfluous stages.
- Electronic forms/integration of databases between LPAs and WAG.
- LPAs to complete proformas and schedules and issue to Group Members.
- At the round table sessions, only consider those sites with issues.
- Full draft report, minutes and land supply tables to be produced after the meeting and issued to group – no need for separate stages for these.

Focus Group Session 4 – Accuracy?

The following key themes were identified in relation to the accuracy of the JHLASs:

- The round table meeting is invaluable in contributing to the accuracy of the process as sites are discussed in terms of their deliverability, planning status etc.
- The role and independence of the Welsh Assembly in co-ordinating the process is key to its accuracy.
- The input and contact with developers during the site survey process and also at the Round table sessions greatly contributes to accuracy.
- Robust data is needed for the sites in the schedules in order to ensure accuracy i.e. site's planning history, summary of key constraints and should be provided as evidence at the round table meetings where necessary.

Focus Group Session 5 - Future

In the final session which was an open debate the following key themes emerged in terms of how the JHLAS process should be modified/improved in the future:

- No double handling of data
- Timetable for the whole process for each LPA
- Data output of schedules to be issued from LPAs or through integrated databases
- Meeting to be chaired by independent party, either Welsh Assembly Government or Planning Inspectorate.
- Reports to be produced by independent party as above.

MEETING NOTES

File Ref: 19397/A7/BS/gj

Date: 3RD February 2011

Subject: JHLAS

MEETING HELD WITH HBF AND MEMBERS ON 2ND FEBRUARY 2011

Present:

BS	Ben Stephenson	-	Barton Willmore
DT	David Thomas	-	Barratt
SC	Sam Courtney	-	Barratt
RC	Richard Creswell	-	Taylor Wimpey
GH	Gareth Hawke	-	Taylor Wimpey
CJ	Claire Jones	-	PPS
AR	Abigail Rees	-	RPS
JH	Jon Harvey	-	Persimmon
HS	Harold Symonds	-	Robert Hitchins
GB	Gareth Barton	-	Turley Associates
NH	Neil Hemmington	-	WAG
PR	Paul Robinson	-	WAG
JC	Jane Carpenter	-	Redrow
RP	Richard Price	-	HBF
AW	Andrew Whitaker	-	HBF

1		Introductions
	NH	Provided overview of the JHLAS process to date from Land Authority for Wales to Welsh Assembly Government to present changes and interim measures with PINs.
	BS	Explained the basic background to the JHLAS review and ran through key tasks: <ol style="list-style-type: none"> 1. Still necessary/useful 2. Content 3. Accuracy and Reliability 4. Process 5. Future
	BS	Then led onto the key questions for discussion based on the above.
2		Are JHLAS still necessary and useful?
		There was strong consensus from those present that the JHLASs are an essential component of the Welsh planning system.
	JC	Advised that Redrow use the documents for planning applications, appeals and Ldp promotions on a continual basis. JC said that the strongest aspect of the JHLASs was their ability to reduce to a minimum need for debate on land supply at appeals and LDP process.
	RP	Identified that the JHLAS system was very useful and highly regarded in comparison to the English process, due to the impartial role of the WAG in producing the documents.
	JC	Stated that the JHLASs has helped deliver a consistent supply of housing land in Wales, which otherwise would not have been the case. Without the JHLASs housing supply would be very low.



	?? Robert Hitchens	Advised the key element of the process is it's joint nature between developer and LPA.
3		Content
	JC	Advised that the key element for Redrow's purposes is the 5 year land supply figure.
	RP	Noted that this was key, but also past 5 year land supply figures, brownfield/Greenfield splits, past completions and affordable housing delivery.
	BS	Noted that the JHLASs varied substantially from LPA to LPA and between North and South Wales.
	RP	Agreed that there was large variation in content.
	BS	Noted that Newport, Cardiff provided information RP identified. However others very patchy and inconsistent.
	NP	Noted that WAG have sought to standardise the reports and limit their content to the key requirements of TAN1.
4		Process
	JC	Identified that arranging meetings for the JHLASs has in many instances been very difficult and drawn out and some have been cancelled. There really should not be a reason for this as they are planned far in advance.
	BS	Asked if any of the JHLASs are prepared with an agreed performance timetable.
	RP	Stated that to his knowledge none are prepared on an agreed timeframe.
	JC	Noted that perhaps the reasons for the delays is the common base date now for every of study, where as previously the studies were staggered allowing resources in WAG to be spread.
	NH	Identified that since the winding down of DEIN the overall level of resource and importance of the JHLASs has inevitably been reduced and has probably contributed to the timeliness issue.
5		Accuracy
	BS	Explained that this is a key element of the study as the accuracy of the JHLASs has never been assessed. BS explained that past completions in years e.g. 2000-2005 will be compared with past JHLAS projections for these years for a sample of authorities. By doing so, possible to identify accuracy range.
	AW	Advised that this process needs to be treated carefully, as no projection in time can ever be so accurate as to actually reflect reality when assessed in retrospect.
	BS	Agreed, but suggested that this issue does need to be considered as JHLASs form key part of the planning decision making system.
	AW	Noted this but advised that the purpose of the JHLAS is to forecast future growth and ensure provision of housing.
	RP	Noted that LPAs naturally have a tendency to over-estimate. The HBF etc try not to underplay delivery and reflect the views of their members on a consistent basis.
	JC	Noted that the LPAs will delay, or push housing numbers up in JHLASs if there are appeals etc.
	BS	Also advised that we wish to review past build rates on large housing sites with those forecast in JHLASs.
6		The Future
	NP	Noted that to the change the process of the JHLASs, it is expected that TAN1 will be revised. This needs to occur particularly because the Welsh Assembly will not be undertaking the JHLASs in future.
	RP	Noted that if WAG no longer undertake the JHLASs then it will be



		necessary to find a replacement.
	NP	Clarified that WAG would likely maintain the organisational process, with PINS undertaking the round table meetings.
	BS	Noted that if the delivery of key accurate information from the LPAs was an issue in the timeliness of the JHLASs then perhaps the onus could be placed on the house builders to complete the base data i.e. forecast completions etc.
	?? Persimmon	Advised that they would be prepared to assist on this, but likelihood that LPAs would not accept each developer's data. Also noted that this could introduce further delays and an additional process.
	BS	Advised that the HBF presently review and respond on a comprehensive basis to draft schedules and throughout the overall JHLAS process. BS asked if the HBF would remain the most appropriate party to act between the LPA and Developers.
	RP	Advised that presently if there are queries on site schedules etc then he passes these direct to the relevant house builder to address.
	RP	Advised that the round table meetings can be very efficient in some instances where LPAs have prepared and have data on each site in the schedules. This is few and far between and often it is at the meetings where details of the sites are discussed and it becomes apparent that the LPA do not have sufficiently robust or accurate knowledge of particular sites.
	BS	Noted that the meetings really should be for discussing points of disagreement and not to produce information which should have been prepared earlier on in the JHLAS process.
		There is a clear consensus that there is a need for an impartial arbiter in the preparation of the JHLASs.
		There was clear consensus that the JHLASs should not be left to be prepared solely by the LPA in isolation with no independent review. The issue here, is that the reports would lose their robustness and standing at appeals etc.
		It was considered that PINS would be the most appropriate party to prepare the JHLASs or certainly as a minimum chairing the JHLAS round table meetings. WAG would maintain role of co-ordinating and writing the JHLASs.



Note of South Wales Focus Group Meeting

17th February 2011

At The Orbit Centre, Merthyr Tydfil

27 People attended the south Wales event please see the Attendance List attached/

A brief presentation on the purpose and objectives of the JHLAS Process Review Study provided by BS along with a summary of key issues identified to date and initial findings.

1 Opening Discussion:

We asked each table to identify Two Good and Two Bad Points of JHLASs process and results with the following results:

Good Aspect:	Number of Responses
Independence	4
Valuable Data for all aspects of planning	2
Robustness of finding	2
Shorting of appeals	1
Use for monitoring	1
Bad Aspects:	
Time taken to produce	3
Duplication of data collection/production	2
Competing Agendas	2
Level of data provided but then actually used	3

Focus Group Session 1 – Usefulness?

Feedback from the focus group tables confirmed the following that JHLASs are useful in:

- Providing robust data on housing land supply
- Planning applications
- Planning appeals
- LDP monitoring
- Preparation of annual monitoring reports
- Providing information of use for the private sector in considering development opportunities
- Broadly comply with wider Welsh Assembly policies on sustainability, delivering housing and reuse of previously developed land

Focus Group Session 2 – Content/Clarity?

We asked each group to review the content and structure of the JHLAS reports to identify in particular what elements in the documents are valuable, not necessary, need emphasising or changing. The following key findings were identified:

- A summary is required to provide key information i.e. land supply.
- Contents page
- Key land supply tables are important and should be in the main report.
- A consistent structure and layout is required for all documents.
- Standardise as far as possible data history on past completions, land supply etc in tables and graphs between reports.
- Commentary where necessary for interpretation but only where this will add to the findings.
- No need for maps which do not provide any additional information.
- Merge all housing site details by area and tenure into one schedule.
- Removal of TAN1 from appendices

Focus Group Sessions 3 – Process?

We asked each group to review the existing 16 stage process and identify a new system for delivering the JHLASs. The summary results of this process are:

- Delivery timetable agreed including date for Round Table Meeting
- Site survey data and initial schedules should be prepared by the LPAs, there is no need for the double handling of data between each LPA and the Welsh Assembly's systems.
- If possible, LPA's databases should simply integrate automatically with the Welsh Assembly's system.
- Issues on sites identified in schedules prior to Round Table Meeting
- Round Table meeting discuss ideally only sites identified as having issues
- Round Table meeting needs to be held by independent party.
- Issue draft minutes, site schedules and TAN1 tables together

Focus Group Session 4 – Accuracy?

The following key themes were identified in relation to the accuracy of the JHLASs:

- The round table meeting is invaluable in contributing to the accuracy of the process as sites are discussed in terms of their deliverability, planning status etc.
- The round table meeting also helps in the consideration of global build rates within each LPA's area and any market delivery issues.
- The independence and critical review provided in the sessions by the Welsh Assembly is important to ensuring their accuracy and robustness
- Robust data is needed for the sites in the schedules in order to ensure accuracy i.e. site's planning history, summary of key constraints and should be provided as evidence at the round table meetings where necessary.

We asked each group to estimate the percentage error in the JHLAS land supply 5 year estimates and the following was identified:

Margin Error	or	Number of Responses
50%		1
40%		1
25%		2
30%		1

Focus Group Session 5 - Future

In the final session which was a open debate the following key themes emerged in terms of how the JHLAS process should be modified/improved in the future:

- No double handling of data
- Portal or integrated database for handling of data and reports
- House builders to be provided with access or ability to comment directly on build rates for their sites.
- Scheduling of meetings and overall JHLAS process at the start of each New Year.
- Evidence to be provided for all the sites included in the schedule i.e. planning status, commentary on constraints etc.
- Data output of schedules to be issued from LPAs
- Meeting to be chaired by independent party, either Welsh Assembly Government or Planning Inspectorate.

- Need to consider the issue of time expiring plans and how to calculate land supply in this situation in respect to UDP and emerging LDPs.
- Focus for completing JHLASs should be upon authorities within adopted Development Plans in order to ensure constant supply of housing land.

JHLAS Focus Groups

Llandudno 10th February

<u>Name</u>	<u>Organisation</u>
Mike Pender	Anwyl Construction
Terry Stevens	WAG
Paul Robinson	WAG
Neil Hemington	WAG
Victoria Murray	Redrow
Nia Haf Davies	Gwynedd Council
Gerallt Jones	Gwynedd Council
Sara Brett	Wrexham CBC
James Harland	Conwy CBC
Ian Stevens	Conwy CBC
Sara Roberts	Snowdonia National Park
Bob Thomas	Anglesey
Dewi Jones	Anglesey
Catherine Roberts	Denbighshire CC
Sara Roberts	Snowdonia
Sandie Lloyd	Flintshire
Adrian Walters	Flintshire

Merthyr 17th February

<u>Name</u>	<u>Organisation</u>
Samuel Souter	Brecon Beacons National park Authority
Simon Barry	Boyer planning
Victoria Morgan	Caerphilly Council
Graham Fry	Newport CC
Richard Jenkins	Planning Inspectorate
Candice Coombs	WAG
Richard Price	HBF
Jonathan Harvey	WAG
Neil Hemington	WAG
Paul Robinson	WAG
David Morgan	Pembrokeshire Coast
Gareth Hawke	Taylor Wimpey
Richard Cresswell	Taylor Wimpey
Stuart Phillips	Persimmon

Andrew Searle	Redrow
Jane Carpenter	Redrow
Harold Symonds	Robert Hitchins
Patrick Jenkins	Bellway
Huw Llewellyn	Barratt Homes
Sam Courtney	Barratt Homes
Adrian Wilcock	Torfaen Council
David Watkins	Environment Agency
Phil Ratcliff	RCT
Nicola Gulley	RCT
Nick Lloyd and Susan Jones	BCBC
Lucy Turner	Vale of Glamorgan
Bethan Lovering	Carmarthenshire
Lindsey Christian	Newport
Ian Mullis	Caerphilly Council
David Watkins	Environment Agency Wales
Craig Watkins	MTCBC
Nick Lloyd	BCBC
Susan Jones	BCBC
Lynda Healey	Gwent
Jill Edge	Monmouthshire
Chris o'Brien	Powys
Roger Brown	Redrow
Charlotte Harding	Pembrokeshire

APPENDIX 4

Timeliness of JHLAS Reports

JHLASs as Published On Council's Websites

Council	Joint Housing Land Availability Study Available On Council's Website?	Base Date	Date Published	Time taken Publish
Blaenau Gwent Council	Yes	1st April 2007	Apr-08	12 months
Bridgend CBC	Yes	1st april 2009	Apr-10	12 months
Brecon Beacon's National Park	No			
Caerphilly County BC	No			
Cardiff County Council	Yes	1st April 2005	Jun-06	15 Months
Cyngor Sir Caerfyrddin Carmarthenshire CC	Yes	1st April 2009	Jul-10	16 months
Cyngor Sir Ceredigion Ceredigion CC	No			
Bwrdeistref Sirol Conwy Conwy CBC	Yes	1st April 2009	NO DATE GIVEN	
Denbighshire CC	No			
Flintshire CC / Cyngor Sir y Fflint	Yes	1st april 2008	NO DATE GIVEN	
Cyngor Gwynedd Gwynedd Council	Summary only	Jun-05	NO DATE GIVEN	
Isle of Anglesey CC / Cyngor Sir Ynys Môn	No			
Merthyr Tydfil CBC	No			
Monmouthshire Council	Yes	1st April 2009	Apr-10	12 Months
Neath Port Talbot CBC	No			
Newport City Council	Yes	1st april 2008	Nov-09	19 Months
Pembrokeshire Council	No			
Powys CC	Yes	1st april 2004		
Rhondda Cynon Taff CBC	Yes	1st april 2007	Jul-08	16 Months
City & County of Swansea	No - schedules and notes only			
Torfaen CBC	No			
Vale of Glamorgan Council	Yes	1st april 2009	Dec-09	9 Months
Wrexham CBC	No			

Timeframe for publication of available April 2009 Base Date Studies

Council	Base Date	Date Published	Time taken Publish
Blaenau Gwent Council	1st April 2009	Apr-10	12 months
Bridgend CBC	1st April 2009	Apr-10	12 months
Brecon Beacon's National Park	1st April 2009	Apr-10	12 months
Caerphilly County BC	1st April 2009	Apr-10	12 months
Cardiff County Council	1st April 2009	May-10	13 months
Cyngor Sir Caerfyrddin Carmarthenshire CC	1st April 2009	Jul-10	16 months
Cyngor Sir Ceredigion Ceredigion CC	1st April 2009	May-10	13 months
Bwrdeistref Sirol Conwy Conwy CBC	1st April 2009	NO DATE GIVEN	
Denbighshire CC	1st April 2009	NO DATE GIVEN	
Flintshire CC / Cyngor Sir y Fflint	1st April 2009	NO DATE GIVEN	
Cyngor Gwynedd Gwynedd Council	1st April 2009	NO DATE GIVEN	
Isle of Anglesey CC / Cyngor Sir Ynys Môn	1st April 2009	May-10	13 months
Merthyr Tydfil CBC	1st April 2009	Oct-09	7 months
Monmouthshire Council	1st April 2009	Apr-10	12 months
Neath Port Talbot CBC	1st April 2009	Mar-10	13 months
Newport City Council	1st April 2009	Jul-10	16 months
Pembrokeshire Council and Pembrokeshire Coast National Park	1st April 2009	Jul-10	16 months
Powys CC	1st April 2009	Oct-10	7 months
Rhondda Cynon Taff CBC	1st April 2009	Jan-11	20 months
City & County of Swansea	1st April 2009	May-11	24 months
Torfaen CBC	1st April 2009	Dec-09	9 months
Vale of Glamorgan Council	1st April 2009	Dec-09	9 months
Wrexham CBC	1st April 2009	Nov-10	20 months
Snowdonia National Park	1st April 2009	May-11	25 months

APPENDIX 5

Case Study Notes

NEWPORT CITY COUNCIL

MEETING 23rd NOVEMBER 2010

Attendees

The meeting was attended by:

- Graham Fry and Lindsay Christian of Newport City Council
- Richard Price – HBF
- Roger Brown – Redrow Homes
- Lydia Haskey (chair of meeting) from Welsh Assembly Government (Department of Economy and Transport) and Candice Coombs (Planning Policy).

Introduction

LH explained that: the JHLAS role of DE&T will cease; as an interim measures CC from Planning Policy would continue the Study co-ordination; and a new process will be developed for 2012's studies.

Economic Climate

A general discussion was made on the impact of economic conditions on the house building industry and thus the effect this could have on the assessed landsupply. As such the Group agreed to discuss each site on its merits and where market conditions are the only constraining factor on delivery this would be noted.

Site Schedule Discussion – Key Points

All sites on the schedule were discussed. Identified below are areas where the Group resolved issues or came to agreement on key points.

Site	Discussion	Outcome
Belmont Lodge, Catsash Road	Flatted development scheme – but no details provided at meeting. NCC to check details.	NCC confirmed details post meeting advising 122 apartments.
Mill Street	Environment Agency objection as site at risk from flooding.	Site moved to 3i in the schedules.
Taylor's Garage, Langstone.	Noted that developers are in administration. Despite full consent for 79 units, this is unlikely to be developed due to this and significant infrastructure costs.	Site moved to 3i schedules.
35 Bassaleg Road	Site has recently gained consent for a nursery. Previously approved housing scheme unlikely to be developed.	Agreed to move proposed 14 units of former scheme into 3i category.
Albany Chambers	Full consent for conversion of upper floors to apartments. However poor market.	Move scheme for 14 units to 3i category.
Black Clawson	A Redrow development. Despite 111 units remaining to be completed, Redrow confirmed that these are "mothballed."	Group agreed to move 111 units into 3i category.
Eastern Expansion Area	Gallaghers are landowners and have outline consent but will sell site to developers. Initial development rates	Group agreed to amend schedules moving 950 units into 3i and allowing 50 units per year from

		proposed too high and optimistic.	2013-2015.
Former Steelworks	Llanwern	Consent for 4000 homes, discussion on anticipated build rates. Group amended schedule and sought confirmation from St Modwen.	St Modwen confirmed agreement to amended schedule with 50 units per year to 2015 and 3,800 units in 3i.

CAERPHILLY COUNTY BOROUGH COUNCIL

MEETING 22ND NOVEMBER 2010

Attendees

The meeting was attended by:

- Victoria Morgan and Ian Mullis of Caerphilly County Borough Council
- Richard Price – HBF
- Roger Brown – Redrow Homes
- Lydia Haskey (chair of meeting) from Welsh Assembly Government (Department of Economy and Transport) and Candice Coombs (Planning Policy).

Introduction

LH explained that: the JHLAS role of DE&T will cease; as an interim measures CC from Planning Policy would continue the Study co-ordination; and a new process will be developed for 2012's studies.

Economic Climate

A general discussion was made on the impact of economic conditions on the house building industry and thus the effect this could have on the assessed landsupply. As such the Group agreed to discuss each site on it's merits and where market conditions are the only constraining factor on delivery this would be noted.

JHLAS Study Calculation

The Group agreed the method of calculation for the JHLAS – past completions and residual method. It was noted that the future housing requirement will be based on the Adopted LDP for the 2011 study.

Site Schedule Discussion – Key Points

All sites on the schedule were discussed. Identified below are areas where the Group resolved issues or came to agreement on key points.

Site	Discussion	Outcome
Former Council Yard, Bridge Street – Abercarn	Site has outline consent – however issue regarding access.	CCC checked post meeting and confirmed access needs to be provided prior to commencement of development.
Land Adj Pencoed Ave, Cwmfelinfach	Missing site discussed and agreed to be inserted post meeting.	Site details inserted into schedule.
Stanley Street, Cwmfelinfach	Confirmation that reserved matters approved.	Total number of units amended to reflect reserved matters approval.
Land west of A467, Newbridge	Discussion regarding build rates.	Schedule amended to conform to build rates by Barratt Homes the developers.
Llwyn On Lane, Oakdale	Confirmation that Redrow have bought site and have started.	Site delivery brought forward as a result.
Bedwelty Road, Aberbargoed	Noted a self build scheme.	Group amended schedule to reflect likely slow build rates.
Caerphilly Town Centre Regeneration Area	127 apartment development, required Welsh Government grant. Noted no grant provided.	Group agreed to remove site from 5 year supply.
Gellideg Heights	Noted ransom strip prevents delivery of 144 homes despite consent.	Group agreed to remove site from 5 year supply.

MONMOUTHSHIRE COUNTY COUNCIL

MEETING 16TH NOVEMBER 2010

Attendees

The meeting was attended by:

- Jill Edge, martin Davies and Shirley Wiggam of Monmouthshire County Council
- Richard Price – HBF
- Kristina Feiken – Melin Homes
- Roger Brown – Redrow Homes
- Lydia Haskey (chair of meeting) from Welsh Assembly Government (Department of Economy and Transport) and Candice Coombs (Planning Policy).

Introduction

LH explained that: the JHLAS role of DE&T will cease; as an interim measures CC from Planning Policy would continue the Study co-ordination; and a new process will be developed for 2012's studies.

Economic Climate

A general discussion was made on the impact of economic conditions on the house building industry and thus the effect this could have on the assessed landsupply.

It was noted that Monmouthshire has not been adversely affected as much as other LPAs have and that there were 158 completions this year along with a lot of developer activity on other sites in schedule.

JHLAS Study Calculation

No record is made of what method of calculation will be employed for the 5 year land supply assessment.

Site Schedule Discussion – Key Points

All sites on the schedule were discussed. Identified below are areas where the Group resolved issues or came to agreement on key points.

Site	Discussion	Outcome
Mount Welsh Street, Chepstow	Site completed last year.	Remove from schedule
Gypsy Lane, Llanfoist	Site held up initially by Court Case with Welsh Water. Issue now resolved, site under construction.	Schedule amended to reflect site being under construction.
Plough Road, Penperlleni	Despite UDP allocation, site remains in 3i category.	No change – site not in 5 year land supply.
Former School Site, Portskewett	Barratt won appeal for 32 dwellings.	Schedules confirmed as correct.
Magor West, Part.	Bovis Homes developing the site. However Welsh Water object to the proposals and can not provide connection. MCC therefore will not sign S106 agreement to issue consent.	Schedule reflects this situation.
Merton Green, Caerwent	Development on stop due to village green application.	Schedule amended to reflect situation.
Land East of Merthyr Road, Llanfoist	Build rates discussed.	Agreed to amend schedule 40 units Under Construction and 10 units in 2011.

The number of completions on small sites was confirmed as totalling 91.

APPENDIX 6

Example Statement of Common Ground

(NAME) COUNCIL

JOINT HOUSING LAND AVAILABILITY STUDY 2012

STATEMENT OF COMMON GROUND

**BETWEEN (INSERT NAME) LPA AND THE HBF (and any other
stakeholders)**

DATE

CONTENTS

Signatories

1 Introduction

2 Agreed Matters

3 Matters of Dispute

4 5 Year Land Supply Calculations

Appendix 1 - Site Schedules

Appendix 2 - Site Proformas

Appendix 3 - Agreed Minor Changes/Amendments

Signatories

The (name) Local Planning Authority and the HBF have prepared a Statement of Common Ground for the preparation of the No Such Place JHLAS (insert year).

The enclosed Statement is agreed by:

Signed:.....

(name) LPA

Position:

Name:

Signed:.....

Home Builders Federation

Position:

Name:

1.0 INTRODUCTION AND SUMMARY

- 1.1 This is a Statement of Common Ground prepared by (LPA Name) the HBF (and where appropriate other actively involved stakeholders) in respect of the (base date) JHLAS Study for (area) for (year).
- 1.2 The SoCG follows the process adopted in the delivery agreement for the preparation of (LPA Name) JHLAS for (year).
- 1.3 The document has been prepared in accordance with the requirements of PPW and TAN1.
- 1.4 It has been prepared to assist the Welsh Assembly Government and the Planning Inspectorate in preparing and finalising the JHLAS for (LPA Name).

2.0 AGREED MATTERS

5 Year Land Supply Sites

- 2.1 (LPA Name) published the site schedules and site proformas for the (year) JHLAS report for public consultation between (insert dates).

Agreed Sites *Where all sites are agreed*

- 2.2 The proposed site schedule is provided at Appendix 1. The individual site proformas are provided at Appendix 2.
- 2.3 All the details within the site schedules are agreed by the HBF (and any other relevant stakeholders who commented) subject to minor modifications/factual corrections which are set out in Appendix 3.

Large and Small Site Completions

<i>Completions 31st March (year) – 1st April (year)</i>	<i>Large Site Completions</i>	<i>Small Site Completions</i>
	xxxxx	xxxxx

Where there are areas of significant dispute identified

- 2.4 It has not been possible to agree the details relating to (number) of housing sites. These sites total (number) dwellings within the 5 year period and equate to (years) of supply. Details relating to the nature of the dispute are set out in Section 3 below.

Method of Calculation

- 2.5 (LPA name) confirmed that it was their intention to calculate the 5 year land supply within their area by using the residual/past completions method of TAN1. (Delete as appropriate).

Where method of calculation of 5 year supply is agreed.

- 2.6 The HBF agree that the 5 year land supply within the Council area should be calculated by the residual/past completion method of TAN1.

Where method of calculation of 5 year supply is not agreed.

- 2.7 The HBF do not agree the land supply should be calculated by using the (method proposed by (LPA name). For details see Section 3 below.

3.0 MATTERS OF DISPUTE

5 Year Land Supply Sites

3.1 Following the consultation on site schedules and site proformas the following details are disputed by the HBF and (LPA name).

Theoretical Examples

Site Ref	S001
Site Name	Former Metal Bashers, No Such Place, No Such Town
Total Number of Dwellings in 5 year supply	500 units. 100 units per year from 2012 to 2017 with two developers on site producing 50 per year..
HBF's Stated Position	
Whilst the site has planning permission for 500 homes this was granted consent in 2011. To deliver 500 homes within the 5 year period, it will be necessary to agree all pre-start conditions and other required details before commencement of development. It will be necessary to clear the site, remediate any contamination. There will also be a 12 month monitoring/signing off period to confirm that the site is free from contamination before development can commence. Consequently there will be a 2 years from 2012-2014 where it will not be possible to construct housing on the site. This means that house completions can realistically commence in 2014-2017 period i.e. 3 years and therefore the site should only provide 300 homes within the 5 year period.	
Council's Stated Position	
The landowner has advised that they have commenced clearance of the site and the site following additional site investigations is not as heavily contaminated as initially suspected. Accordingly the landowner has advised that development of new homes can commence within 1 year i.e. with first completions in 2013/14. The site can therefore deliver at least 400 homes by 2017.	

Site Ref	S002
Site Name	Greenfield site adjoining No Such Place, No Such Town
Total Number of Dwellings in 5 year supply	800 homes with 2 developers delivering 100 units per year each from 2013 to 2017.
HBF's Stated Position	
<p>The site is owned by the existing landowner and not any major house builders. The site requires a major link road to be completed before development of housing can commence. The link road has not been started to date due to viability issues due to the reduction in property values. Additionally the road has an 18 month construction period. Accordingly at the present point in time it is unlikely that any housing will be delivered on the site for at least 3 years. It is considered that subject to funding for the link road which (due to lack of government funding) will be reliant upon private sector, new housing could commence on the site in 2015/16. It is highly unlikely that within the first 2 years of this development that each developer would be able to deliver 100 units per year. The HBF consider that the site could deliver 100 units per year from 2015/16 to 2016/17.</p>	
Council's Stated Position	
<p>The site has planning permission and all pre-start conditions have been cleared and the S106 agreement to deliver the required link road has been signed. The site is presently being marketed to developers.</p>	

Site Ref	S003
Site Name	Tall Apartment Tower, No Such Place, No Such Town
Total Number of Dwellings in 5 year supply	250 2 bed apartments.
HBF's Stated Position	
The site was owned by a major housing developer and planning permission for the Tall Apartment Tower was obtained in 2008. However since that time the property market has collapsed such that the developer no longer intends to develop the site and has recently disposed of the site to its lenders.	
Council's Stated Position	
The site has planning permission and all pre-start conditions have been cleared and the S106 agreement. The site is located at a key landmark site in a thriving regeneration area and is the last site available for development. Whilst the site is no longer owned by the original developer, it is anticipated that the permission could be acquired by another major developer.	

4.0 FIVE YEAR LAND SUPPLY CALCULATIONS

Agreed Position

- 4.1 The 5 year land supply is calculated using the (residual/past build rates) method. This has been agreed by the LPA and the HBF (and any other actively involved stakeholders).
- 4.2 All site specific details have been agreed (or subject to minor agreed factual corrections at Appendix 3).

(LPA to Insert 5 Year Land Supply Calculation Table)

Disputed Position

- 4.3 It has not been possible to agree to use (residual/past build rates) method of calculation. Accordingly the tables below present calculations on both methods.
- 4.4 It has not been possible to agree details on the sites set out in section 3 above. The tables below present calculations on the basis of the LPA's assessed 5 year land supply and subsequently the 5 year land supply calculation on the approach proposed by the HBF.

(LPA name) 5 Year Land Supply Calculation

LPA Insert 5 year land supply calculation table based on their proposed schedule

HBF 5 Year Land Supply Calculation

LPA Insert 5 year land supply calculation table based with either alternative method of calculation or disputed sites taken into account.

Appendix 1 - Site Schedules

Appendix 2 - Site Proformas

Appendix 3 - Agreed Minor Changes/Amendments

APPENDIX 7

Example revised JHLAS report

(NAME) COUNCIL

JOINT HOUSING LAND AVAILABILITY STUDY 2012

BETWEEN (NAME) LPA AND THE HBF, (add other stakeholders)

(PUBLICATION DATE)

CONTENTS

1 Introduction

2 Land Supply Calculations

3 Commentary

Appendix 1 - Site Schedules

Appendix 2 - Past Completion Date for previous 10 years

Appendix 3 - Previous 5 Year Land Supply Data

1.0 INTRODUCTION AND SUMMARY

- 1.1 This is the (LPA Name) Joint Housing Land Availability Study (year). It replaces the report for the previous base of (date).
- 1.2 This report presents the housing land supply for the area at the base date of 1st April (year).
- 1.3 The JHLAS has been prepared in accordance with the requirements of Planning Policy Wales and Technical Advice Note 1. Please refer to these documents for details of the requirements relating to the maintenance of a 5 year land supply of housing in each Local Planning Authority area and the process for undertaking the JHLASs [*add web link to relevant Welsh Government Planning Pages*].
- 1.4 Section 2 sets out details of the housing land summary and shows that (LPA Name) based on the residual/past completions method of TAN1 has (years – numbers to 1 decimal point) land supply.

Involvement

- 1.5 The report has been prepared in consultation with:
- Home Builders Federation
 - (statutory parties) if actively involved
 - (Third parties) if actively involved

Production

- 1.6 (LPA Name) issued for consultation draft site schedules and site proformas on (date) for a period of 3 weeks until (date). Comments were provided by the HBF and other parties within this period.

(where all details agreed and no disputed matters)

- 1.7 All matters were agreed following the consultation and set out in a Statement of Common Ground.
- 1.8 This JHLAS report has been prepared on the basis of the Statement of Common Ground by the Welsh Government and the Planning Inspectorate.

(where there are disputed matters)

- 1.9 It was necessary for the Planning Inspectorate to resolve a number of disputed matters through correspondence and/or a round table meeting because details within the site schedule/method of calculation could not be agreed by all parties through the Statement of Common Ground.
- 1.10 The appointed Planning Inspector subsequently prepared their report, including making recommendations on the points of dispute. The Planning Inspector's recommendations have been considered by the Welsh Government, relevant amendments have been made to the site schedules by (LPA Name) and this information has been incorporated into this report.

2.0 FIVE YEAR LAND SUPPLY

2.1 The 5 year land supply comprises (as per Planning Policy Wales and TAN1) sites with planning permission (outline or full) and sites allocated for housing in adopted development plans.

2.2 In summary, TAN1 categorises the sites which form part of the overall possible housing land supply as follows:

- **Sites under construction:** Sites or the phases of sites which are under construction (relating only to the area where building is in progress);
- **Category 1:** Site or the phases of sites where development can commence immediately, and which are likely to be completed within the first year of the study period;
- **Category 2:** Sites or the phases of sites where development cannot commence immediately, but where the constraint on development is likely to be removed in time for dwellings to be completed within 5 years;
- **Category 2*:** Sites which are capable of being developed within the 5 year period but which lie within the areas defined in paragraph 7.2.1 of TAN 1(2006), where market demand is such that development is unlikely to occur within 5 years.
- **Category 3:** Sites or the phases of sites where either:
 - i. **3(i)** development is unlikely within 5 years by virtue of major physical constraints or other constraints as may be agreed by the Group; or

- ii. **3(ii)** development is unlikely to occur in the foreseeable future by virtue of major long term constraints.

2.3 The development plan for (LPA Name) is the (LPA Name) Local Development Plan/Unitary Development Plan (date from and to) Adopted (date).

Table 1 – Identified Housing Land Supply

Housing Land Supply (base date to base date plus 5 years) Large Sites								
			5 Year Land Supply			Beyond 5 Years		
	Proposed Homes	Under Construction	1	2	2*	3 (i)	3 (ii)	Homes completed since last study
Total								

Small Site Supply

2.4 Small sites under 5/10 (amend as appropriate) dwellings are calculated based on the annual average of completions for the last 10 years.

Table 2 – Small Site Completions previous 10 years

2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011

- The small sites 10 year annual average is (number)
- The small sites 5 year allowance is (number)

5 Year Land Supply

2.5 The 5 year land supply comprises:

- (number) homes with extant planning permission on large sites.

This is a (number) increase/decrease from last year's study of (number) homes.

- (number) homes on allocated sites within the adopted Development Plan. This is a (number) increase/decrease from last year's study of (number) homes.

Where a site is allocated and obtains planning permission, the site should only be counted in "sites with planning permission".

Where sites are allocated but do not have consent they should be included solely within "allocated sites".

- (number) homes are under construction. This is a (number) increase/decrease from last year's study of (number) homes.

2.6 The method for calculating the 5 year land supply is via the residual/past completions method.

Table 3a – 5 Year Land Supply Calculation (Residual Method)

Total Housing Requirement (as set out in the adopted Development Plan)	
Completions to base date (large and small sites)	
Residual Requirement	
5 Year Requirement	
Annual Need	
Total 5 Year Land Supply	
Land Supply in Years	

Table 3b – 5 Year Land Supply Calculation (Past Completions Method)

Total Previous 5 Year Completions (date range)	
Average Annual Completions	
Total 5 Year Land Supply	
Land Supply in Years	

Each table should summarise the formula for calculating the land supply. This varies with each authority's circumstance and the method.

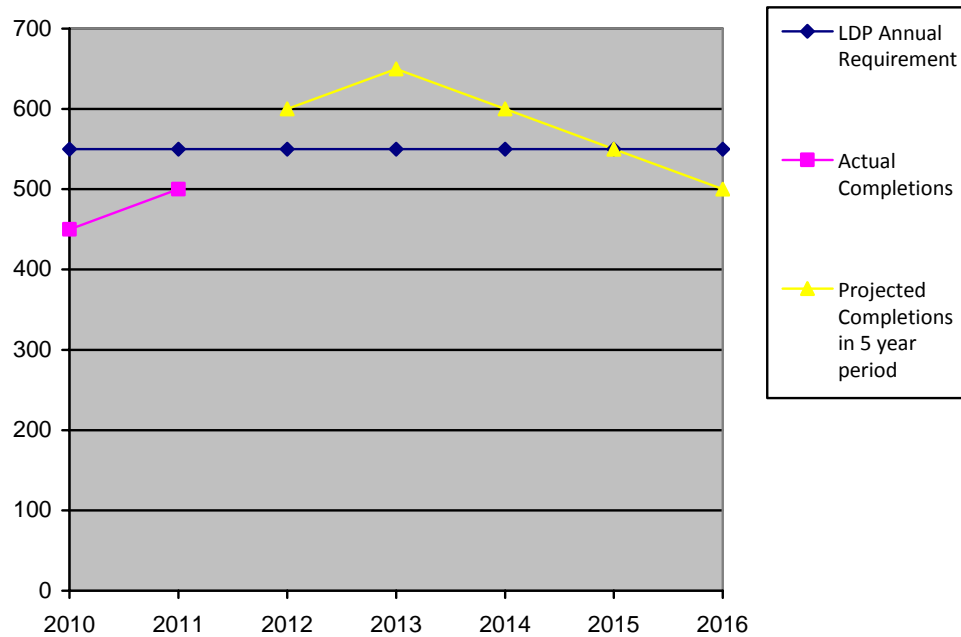
Notes: (as required)

3.0 COMMENTRY

Commentary as necessary.

- 3.1 As per the recommendations of our report, this should be limited and focused on points which aid interpretation of the results or key particular issues regarding housing delivery relevant to specific large strategic sites, areas within the LPA, or wider economy.

Chart 1 – Actual Completions, LDP Annual Requirement and Projected Completions



[A table or graph could be provided as provided above to illustrate the LDP/UDP annual requirement set against actual completions and projections in the 5 year supply].

ADDITIONAL INFORMATION

- 3.2 TAN1 requires the JHLAS report to provide additional information on the development of land for housing, including the use of previously developed land, number of homes constructed on sites at potential risk of flooding, and type of housing being developed i.e. homes or apartments. This data is set out below.

Table 4 - Reuse of Previously Developed Land

	Total Number and Percentage of Homes by Category and Land Type			
Year	5 Year Supply		3i and 3 ii Categories	
	Greenfield	Brownfield	Greenfield	Brownfield
2001				
2002				
2003				
2004				
2005				
2006				
2007				
2008				
2009				
2010				
2011				

Sites Subject to Potential Flood Risk

3.3 Technical Advice Note 15, Development and Flood Risk, seeks to steer “more vulnerable” development such as housing away from areas at risk of flooding.

3.4 TAN15 defines via Development Advice Maps the following:

- C1: Areas of floodplain which are developed and served by significant infrastructure, including flood defences. Used to indicate that development can take place subject to application of justification test, including acceptability of consequences.
- C2: Areas of floodplain without significant flood defence infrastructure. Used to indicate that only less vulnerable development should be considered subject to application of justification test, including acceptability of consequences.

3.5 On this basis (for large sites only) there are_:

- (number and percentage) homes located on sites not at risk from flooding.
- (number and percentage) homes located upon sites within Flood Zone C1 as defined by the Development Advice Maps of Technical Advice Note 15 Flooding.
- (number and percentage) homes located upon sites within Flood Zone C2 as defined by the Development Advice Maps of Technical Advice Note 15 Flooding.

3.6 It should be noted that the above information is based on the DAM maps. The maps are limited to a scale above 1:25,000 and are not designed for small-scale investigation but act as a trigger for policy advice in TAN 15.

Completions by House Type

3.7 In terms of mix of house types being delivered in the past year:

- Number (and percentage) houses were completed.
- Number (and percentage) apartments/flats were completed.

Appendix 1 – Site Schedules

Appendix 2 – Past Completion Data

	Number of Homes completed on	
Year	Large Sites	Small Sites
2001		
2002		
2003		
2004		
2005		
2006		
2007		
2008		
2009		
2010		
2011		

Appendix 3 – Previous 5 Year Land Supply Data

	5 year supply Number of Homes			Number of Years Supply		
Year	1	2	2*		3i	3ii
2001						
2002						
2003						
2004						
2005						
2006						
2007						
2008						
2009						
2010						
2011						

Wales Planning Policy Development Programme

This research was prepared for the Welsh Government by Barton Willmore.

Barton Willmore LLP
Greyfriars House
Greyfriars Road
Cardiff
CF10 3AL

Tel : 029 2066 0910

Fax : 029 2066 0911

Email : ben.stephenson@bartonwillmore.co.uk

Planning Division
Welsh Government
Cardiff
CF10 3NQ

Email : planning.division@wales.gsi.gov.uk

Planning web site : [**www.wales.gov.uk/planning**](http://www.wales.gov.uk/planning)

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