

Five Year Land Supply Task and Finish Forum

Findings Report

1 Context for the Work

- 1.1 The assessment for undertaking a 5 year land supply includes taking account of:
- Barker Review of Housing and government drive for more house building.
 - Government concerns over land supply issues.
 - Need for plans and proposals (LDF documents) to set out provision and plan for housing growth.
 - Requirement for Council's to assess five year land availability.
 - Fact that a component of Housing and Planning Delivery grant is attached to having a five year land supply (and in future years a 15 year supply).
 - Concern that failure to have a five year land supply leaves the Council vulnerable to losing appeals and therefore controlling/securing the best and most appropriate forms of development (including provision of relevant social and community infrastructure alongside housing provision).

2 Remit of the TAFF

- 2.1 The Scrutiny Committee gave the task of undertaking assessment of the five year land supply figure to the Forum to help verify that the Council did indeed have a robust five year supply. The TaFF undertook:
- Examination of current sites and assessed the likely completion levels
 - Considered the breakdown between the West End and the Rest of Devon
 - Considered how the Strategic Housing Land Availability Assessment (SHLAA) fitted in
 - The implications of not having a five year supply
 - The scope for securing provision and ensuring timely release of appropriate residential and mixed use development sites.

3 East Devon Five Year Land Supply and the Annual Monitoring Report

- 3.1 Members were reminded of the previous presentation to the Scrutiny Committee setting out the context of the five year land supply figure, including:
- Recognition that the five year land supply features in the Annual Monitoring Report. The last report covers the 1 April 2007 to 31 March 2008 period and was published in late 2008.
 - Brief overview of methodology used in five year land assessment.
 - Comment on why in the past we split the East Devon supply figures into two areas:
 1. The Rest of East Devon and

2. The PUA/West End of the District.

- Summary details of conclusions reached – including 12 years land in the Rest of East Devon and 2.3 years in the West End. Combined total of 5.3 years supply.
- Implications of above being that (in the past, through the Annual Monitoring Report, the case has been argued) in the Rest of East Devon (probably 95+% of the District) we have a more than adequate land supply but in the West End there is a shortfall. The high figure in the Rest of East Devon is a product of historic build rates (and projected future completions) that run ahead of the comparatively modest Structure Plan requirements. Average annual completions over the past seven years have been 483 dwellings per year and annualised Structure Plan requirement is 330 dwellings per year. Whereas in the PUA/West End the corresponding annual figures are, actual completions zero but requirement equates to 233 per year.

4 TAFF Assessment of Five Year Land Supply Data

4.1 Members were mindful of the definition of land availability whilst reviewing the sites detailed on the past and projected net residential development in East Devon (excluding the PUA/Cranbrook) listing. Consideration of each site was made:

- In discussion with officers looking at the units projected for each year;
- Viewing the sites in person and further discussion with officers;
- Taking account of the current economic climate;
- Taking account of the work of the Strategic Housing Land Availability Assessment.

The conclusions made were that the initial assessment was essentially robust but some minor adjustments were required; and that rigorous annual reviews should be undertaken.

5 Strategic Housing Land Availability Assessment (SHLAA) and Future Five Year Land Assessments

5.1 Members recognised that :

- the SHLAA Panel will undertake detailed assessment of East Devon sites – including in respect of issues of Suitability, Availability and Achievability.
- the Regional Spatial Strategy (RSS), when published (this was to be in June 2009 but is now delayed), will establish new housing figures (supersede Structure Plan figures). The RSS is liable to reduce Rest of East Devon requirements (the current draft of the RSS seeks annual average requirement of 280 dwellings per year) and up West End requirements.

6 Vulnerability to Challenge on Five Year Land Availability Grounds

6.1 Members found that, although across the District we can show (just) that we currently have a five year land supply it needs to be recognised that:

1. Our assessment of our District wide figures shows that we have only just over five years availability. An Inspector at a planning application appeal could take the view that this is close enough to the five year threshold to side with an applicant/dismiss our arguments.
2. The District wide five year figure is based on our assessment and assumptions we have made. A developer might challenge these and come to a different conclusion (i.e. that land supply falls under five years) and persuade an Inspector that his/her evaluation is the more accurate.
3. Circumstances change and assessment/s done at the present time (and initially in 2008) can and will be out of date in the future. House building levels and build rates fluctuate and developers enter and leave the market place and unknown site constraints and planning matters and other factors can impact on how quickly development occurs (slowing it down or speeding it up). The RSS and the SHLAA will outputs will require us to re-run the five year assessment, the SHLAA process will result in far more rigorous assessment.
4. In the past we had intentionally split the District in to two, 1. the West End and 2. the Rest of East Devon. The case for splitting the District was on the strength of the clear division in Strategic policy (Devon Structure Plan and the RSS make this division). This position was endorsed by the Local Plan Inspector who rejected calls for housing to be dispersed from one part of East Devon (Cranbrook) to other parts (the rest of the District). This stance could however be challenged and our (working) definition of the extent/size of the West End could also be challenged. It is now considered, however, that it is more appropriate to have a single 5 year housing figure for ACROSS THE WHOLE DISTRICT. This will give the Council the ability to deliver housing outside the West End which will encompass not only the Towns but villages too.

7 Next Steps and Promoting Housing Delivery

7.1 In discussion with officers, Members felt there were a number of important steps to take:

- Importance of timely and accurate update of five year land supply assessment (later this year and every year) and linking this in to SHLAA work.
- Importance of timely and effective production of the Core Strategy and other LDF documents to ensure strategic allocations are made and/or policy establishes framework for subsequent site allocation or other policy for accommodating residential development.
- Ensure measures are put in place to promote and encourage prospective developers (where appropriate) to work with the Council in identifying potential development sites and to also work with the Council in undertaking relevant assessment and evaluation work in order to encourage delivery of high quality housing development. This work is already occurring, particularly through the LDF Panel and through the work of the Policy team. The Policy team have appointed three agency staff specifically to work with prospective developers on assessing and evaluating options

for strategic housing development in Axminster, Exmouth and Honiton. The New Growth Point Team will fulfil this role in East Devon's West End.

- Reference to ensuring that affordable housing remains a key priority and that initiatives for securing affordable housing, relating to both large strategic sites and smaller sites (especially in rural areas), are actively and positively promoted by the Council. Where appropriate this should include positively endorsing high quality schemes that depart from current Local Plan policy where a clear need exists.

RECOMMENDED

1. that the Overview and Scrutiny Co-ordinating Committee endorse the view of the Forum that there is a barely a five year supply of housing for the District, and therefore the Council could be vulnerable on appeal, (depending on the interpretation of the Planning Inspector) and therefore work must begin on bringing forward more potential sites;
2. that the Development Management Committee consider the five year land supply on a District basis, acknowledge that the figure is close to the threshold, and take urgent action as outlined in recommendations 3 and 4;
3. that the Development Management Committee take urgent action to review the sites for potential urban expansion of Pinhoe;
4. that urgent action is taken by the Development Management Committee to secure affordable housing, especially for rural communities, and that the Development Management Committee look at innovative ways of making the building of affordable homes viable, to include departure from planning policy and a more flexible interpretation of the 'exceptions' housing policy.