

FIVE YEAR HOUSING LAND SUPPLY

**A REVIEW OF THE 5-YEAR HOUSING LAND SUPPLY POSITION IN
WREXHAM COUNTY BOROUGH IN SUPPORT OF PROPOSED
RESIDENTIAL DEVELOPMENT AT PEN-Y-BONT LANDFILL**

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Synopsis

This assessment reviews the housing land supply position in Wrexham, and its implications in support of the planning application for the proposed residential development at the former Pen-y-Bont Landfill site. This statement has particular regard to the need to assess the extent of the shortfall in the existing 5-year supply.

The position on housing land supply in Wales is different to that in England due to the fact Joint Housing Land Availability Assessment Studies are undertaken by all Local Planning Authorities through a formal process involving the Local Authorities, Housing Associations and Developers.

To demonstrate this, local planning authorities are required to prepare a Joint Housing Land Availability Study each year, based on meeting the housing requirements identified in their adopted development plans.

The study is undertaken with:

- house-builders' representatives;
- infrastructure providers; and
- other bodies such as local housing associations.

The Studies provide part of the evidence base for local planning authorities' development plans and for their monitoring and review. The purpose of the Studies is to provide an agreed statement of housing land availability for development planning and development management purposes

Through this process any areas of dispute are referred to the Inspectorate. The result of this process produces a figure for land supply, agreed by all parties, that forms the basis for the consideration of applications. As a result of this a detailed supply of land supply on an individual site assessment basis is rarely required or undertaken.

In this regard, Wrexham are currently in a position whereby they are viewed as being unable to demonstrate whether they have a five-year supply due to the fact their adopted development plan (the Unitary Development Plan 1996-2011) is **time-expired**. Therefore, in accordance with Planning Policy Wales (TAN1, paragraph 6.2) '**considerable weight**' must be attached to **improve** the housing land supply in considering residential applications. This position is explained in more detail below.

Additionally, through a number of recent appeals in Wrexham where the issue of housing land supply has been discussed the Council have not disputed the position they find themselves in. On this basis a number of Inspector's have concluded that the considerable weight arising from TAN1 is appropriate and should be applicable.

Policy Position

Planning Policy Wales requires local planning authorities to ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing. Under the provisions of TAN1: Joint Housing Land Availability Studies (JHLAS) the Council has a statutory duty to monitor housing land supply on an annual basis in the form of a JHLAS. However, in accordance with para. 8.1 of TAN1 (Jan 2015), the Council acknowledges that it is unable to demonstrate whether it has a 5-year housing land supply because the UDP plan period has expired.

At para. 6.2 of TAN1, it advises that the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with national planning policies. In this regard, as Policy PS1 of the UDP was worded on the basis of population projections and housing allocations at the time of its adoption, the inability of the Council to now demonstrate a sufficient supply of land means that the requirements can no longer be met within existing defined settlements. As such Policy PS1 is out of date and can therefore now only be afforded limited weight.

In the absence of an up-to-date UDP or adopted Local Development Plan, in accordance with latest Welsh Government guidance on JHLAS, TAN1 (Jan.'15), there is no requirement for a Local Authority to produce a JHLAS and in such circumstances the **authority is considered to have a zero land supply. It is submitted that this is the case at Wrexham County Borough Council.**

As part of the Examination into the Wrexham Local Development Plan in 2012 the Planning Inspector identified a number of issues with the Plan, principally in respect of a considerable shortfall in the housing supply figures proposed by the Council and the associated restrictive strategy on the location of future development and the impact upon the delivery of affordable housing. Given the fundamental changes that would have been required to address the issues, it was recommended that the Plan be withdrawn. This is the approach that was taken by the Council.

The significant concerns raised were as follows:

- A significant shortfall in the supply of housing and the associated conflicting Plan strategy to confine general housing to within settlement boundaries.
- A failure to take reasonable steps to secure an appropriate supply of affordable housing.
- A failure in the Plan to respond to its own evidence base.

It was accepted at the hearing sessions that there was **no reason to believe that the character of the County was such that it could not accommodate housing outside of existing settlements.**

Consequently, the Council accepts that delivering the scale of housing suggested by the Inspector would require allocating sites outside of settlement limits. Accordingly, the previously pursued strategy of confining development to within settlement limits requires reconsideration.

TAN 1 provides guidance on the preparation of Joint Housing Land Availability Studies (JHLAS).

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.

The Wrexham JHLAS indicates that there is not a 5 year supply of housing within the Wrexham area. Paragraph 6.1 of TAN 1 (situations where supply is below 5 years) explains that:

"Where the current study shows a land supply below the 5 year requirement, the need to increase supply should be given considerable weight when dealing with planning applications, provided that the development would otherwise comply with national planning policies.

In addition, local planning authorities must take steps to increase the supply of housing land. This may include reviewing the development plan, releasing land in its ownership, expediting planning applications or securing the provision of infrastructure for particular sites, which prospective developers may be prepared to finance in whole or in part.

The local planning authority must include a statement in the JHLA study outlining the measures it is taking to address the shortfall in housing land supply.”

Conclusion

Despite being outside the current development boundary and settlement hierarchy, it is submitted that the planning application for the residential development of the Pen-y-Bont site should be considered in the context of sustainable development in line with Planning Policy Wales. On this basis the scheme will assist in delivering houses within the framework of TAN 1 and in conformity with national planning policies.

In order to increase the supply of housing land, particularly in the short term, the Council must grant planning permission for residential development. Notably, the Wrexham County Borough Council Joint Housing Land Availability (JHLAS) Study for 2013 acknowledges that this is the only viable alternative to increase housing land supply in the short term. The document states at paragraph 3.5 that:

“The Council will give appropriate consideration to any applications that may be submitted for residential development outside of existing settlements. It must be stressed, however, that the Council cannot guarantee that any such applications will be approved simply because they contribute to the land supply. The need to increase the 5-year supply will not override the need to take account of all other planning constraints and material considerations. Any applications will be carefully considered on their own individual merits together with the potential contribution that such development can make to the overall housing land supply”

In all cases the requirement for Council's to deliver a 5-year supply of housing should be seen as a minimum, rather than a maximum. The approach to review the housing supply position for an administrative area is often used by site promoters and applicants as a tool to demonstrate unallocated sites should be viewed favourably where they believe there is a questionable supply of housing. Therefore an assessment of competing allocated sites, consented sites, and windfall rate assumptions, would be undertaken to challenge the robustness of an LPA's 5-year supply, with particular focus on anticipated supply and delivery rates.

Wrexham CBC is not currently entitled to produce a five-year supply statement due to their development plan position, and even if they could recent evidence suggests they would be unable to demonstrate a sufficient supply of housing. The Council are thus deemed to have a zero-land supply. The proposed residential development at Pen-y-Bont seeks to assist in the increase in the supply of housing land within the Wrexham County Borough area in line with the requirements of Planning Policy Wales and TAN 1. The application proposal will boost the supply of both market and affordable housing. Therefore, we consider the housing land supply position in Wrexham should be a material consideration in the determination of the planning application at Pen-y-Bont and as the supporting Planning Statement demonstrates the proposed sustainable scheme should be viewed favourably and **planning consent should be granted without delay.**

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