

BABERGH DISTRICT COUNCIL

COMMITTEE: Cabinet	REPORT NUMBER: BCa/18/03
FROM: Cabinet Member with responsibility for Planning	DATE OF MEETING: 11 June 2018
OFFICER: Tom Barker – Assistant Director Planning for Growth	KEY DECISION REF NO. CAB52

BABERGH OVERVIEW AND SCRUTINY RECOMMENDATIONS – 5 YEAR HOUSING LAND SUPPLY

1. PURPOSE OF REPORT

- 1.1 To agree a response to the recommendations from Babergh Overview and Scrutiny Committee (O&S) regarding the Council's Five-year Housing Land Supply (FyHLS).

2. OPTIONS CONSIDERED

- 2.1 The options considered can be grouped into the following categories:

- (a) Agree the O&S recommendations in full
- (b) Agree the O&S recommendations with amendments
- (c) Agree some of the O&S recommendations but not others
- (d) Not to agree the recommendations

- 2.2 In respect of option (a), there are concerns that some of the recommendations have the potential to be onerous to deliver, which could impact upon staff capacity. This is a particular challenge when the same professional skills and capacity is required to undertake this work and to work on the development of the Council's Joint Local Plan.

- 2.3 There are also concerns that some of the recommendations from O&S require information that is not all within the control of the Council and may be difficult to secure on a 'more than annual' basis.

- 2.4 It is recognised that, despite some reservations about the impact on resources, there is value in the recommendations from O&S, therefore option (b) has been taken forward and the recommendations below achieve broadly the same outcomes as those from O&S with some minor tweaks and refinement.

3. RECOMMENDATIONS

- 3.1 That the Five-year Housing Land Supply be formally published on an annual basis unless it can be demonstrated robustly that the requirements have been met earlier
- 3.2 That planning permissions and commencements be reviewed half yearly and if there is significant variation from expectations that a report be provided to the Babergh Overview and Scrutiny Committee in the Autumn

3.3	That the subjective and objective variables that contribute to the Five-year Housing Land Supply calculation be monitored periodically throughout the year
3.4	That the annual Five-year Housing Land Supply assessment be published in June and that a brief 'Information Bulletin' be presented to the Babergh Overview and Scrutiny Committee in July 2018
3.5	That Report BOS/17/36 be circulated to all Members.
REASON FOR DECISION	
To provide the Council with more detailed information relating to the Five-year Housing Land Supply on a more regular basis.	

4. KEY INFORMATION

4.1 Report BOS/17/36 was presented to O&S on 19th March 2018 to:

- provide greater understanding to all Councillors of the policy context surrounding the FyHLS;
- provide greater understanding of how the FyHLS is calculated;
- clarify the frequency of when the FyHLS calculation is undertaken and how decisions are made; and
- identify what actions Councillors can take to ensure the delivery of housing within the five-year period.

4.2 It should be noted that those Councillors who sit on Planning Committee already had a detailed understanding of the five-year supply and its implications for decision-taking. The 'greater understanding' was however particularly useful to enable those Councillors who do not sit on Planning Committee to better fulfil their role as Ward Councillors.

4.3 Overall, the committee were pleased to receive the report and resolved to make recommendations to Cabinet.

4.4 The recommendations from O&S were:

- That the Five-year Housing Land Supply be formally published yearly unless it can be shown that the requirements have been met earlier;
- That the Five-year Housing Land Supply be reviewed half yearly and a report be provided to the Babergh Overview and Scrutiny Committee;
- That the Five-year Housing Land Supply subjective and objective variables be monitored regularly throughout the year;
- That the Five-year Housing Land Supply report be recalculated and presented to the Babergh Overview and Scrutiny Committee in April/May 2018 for review; and

- That Report BOS/17/36 be circulated to all Members.

- 4.5 The recommendations were received at the Cabinet meeting on Thursday 12th April 2018. The Cabinet Member for Planning had only recently taken on the portfolio at this time and wanted to understand resources and capacity before recommending a course of action.
- 4.6 As described within report BOS/17/36, the FyHLS assessment requires the collation of a range of information from a variety of sources. The most challenging aspect of the data gathering is obtaining robust information relating to the range of variables that make up the calculation, which include housing completions and the deliverability of sites.
- 4.7 The annual FyHLS Assessment generally takes more than two months to undertake, involving several officers from within the Strategic Planning team. There is significant concern that undertaking a full review on a 'more than annual' basis could compromise the ability of the team to undertake the work necessary to meet the timetable for the Joint Local Plan.
- 4.8 There is also concern that even if more capacity could be provided that it would be difficult to obtain the necessary information from developers regarding, among other things, anticipated build-out rates. It is important that any published position on the FyHLS is robust given its implications for decision-taking and the risk of challenge through Planning Appeals. The latter can also result in officers from the Strategic Planning team being involved, which could affect work on the Joint Local Plan, particularly if there are multiple Planning Appeals.
- 4.9 There is also a shift in focus arising from the draft National Planning Policy Framework (NPPF) proposals towards a Housing Delivery Test, which if not met in the accordance with the NPPF, would result in the Council being in the same position as not having a FyHLS. Therefore, there needs to be a strong focus on this aspect of policy.
- 4.10 The preferred approach to the O&S recommendations has now been developed with the Cabinet Member and is the subject of this report.

5. LINKS TO JOINT STRATEGIC PLAN

- 5.1 This report supports the 'Housing Delivery' Key Strategic Outcome of more of the right type of homes, of the right tenure, in the right places. The issue also impacts upon relationships with communities and therefore the recommendations also support the Key Strategic Outcome of community capacity building and engagement.

6. FINANCIAL IMPLICATIONS

- 6.1 There are no direct financial implications arising from this report.

7. LEGAL IMPLICATIONS

- 7.1 The FyHLS is a requirement of the National Planning Policy Framework to help with boosting the supply of housing. It is a material consideration in the determination of planning applications. Local planning authorities are required to undertake Annual Monitoring Reports (AMRs) in accordance with the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2011.

8. RISK MANAGEMENT

8.1 This report is most closely linked with the Council's Corporate / Significant Business Risk No. 1b. Key risks are set out below:

Risk Description	Likelihood	Impact	Mitigation Measures
1b: If we do not have a sufficient, appropriate supply of land available in the right locations, then we may be unable to meet housing needs in the district.	3 – probable	3 – bad	Current local plans in place and call for sites undertaken. New Joint Local Plan consultation undertaken between August and November 2017. Next version of Joint Local Plan will have preferred site allocations.
If the five-year housing land supply update is produced more frequently than annually, then this could mean that some of the information required to calculate the five-year housing land supply has not been validated and would also increase the amount of resources required to undertake the assessment.	3 – probable	3 – bad	The Council currently produces a robust five-year housing land supply statement annually in accordance with national planning guidance and policy and is planned to be undertaken alongside the Annual Monitoring Report.
More frequent interim assessment could increase the risk of challenge to the five-year housing land supply calculation at planning appeal resulting in financial costs	3 – probable	3 – bad	The Council currently produces a robust five-year housing land supply statement annually in accordance with national planning guidance and policy and is

awarded against the Council if found to be not robust, causing reputational harm, whilst also determining other planning applications at that time.			planned to be undertaken alongside the Annual Monitoring Report.
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9. CONSULTATIONS

9.1 None.

10. EQUALITY ANALYSIS

10.1 Equality Impact Assessment (EIA) not required because the recommendations are not considered to impact upon any groups with protected characteristics as defined by the Equality Act 2010.

11. ENVIRONMENTAL IMPLICATIONS

11.1 There are environmental implications associated with decisions taken on planning applications, which are affected by whether the Council is able to demonstrate a FyHLS. There are not, however, considered to be environmental implications arising from the recommendations contained within this report.

12. APPENDICES

Title	Location
(a) Report BOS/17/36	Appendix 1.