Department for Housing and Regeneration
Adran Tai ac Adfywio

Llywodraeth Cymru
Welsh Government

Chief Planning Officers and Joint Housing Land Availability Study contacts (cc Home Builders' Federation and Planning Inspectorate)

Eich cyf : Your ref
Ein cyf : Our ref
Dyddiad **:** Date 7 November 2013

Dear Colleague,

I am pleased to report that all the 2012 Joint Housing Land Availability Studies (JHLAS) have now been completed and published. This represents a marked improvement in their timeliness. In order to consolidate this improvement we have had discussions with the Planning Inspectorate about any aspects of the process that could be improved. As a result, there are a few points of clarification that we would like to make (see below); as the process for 2013 is well underway these will be effective from the 2014 Studies onwards.

The 2012 Studies show that 16 local planning authorities had less than five years housing land supply, four more than in the 2011 Studies. Given the need to increase housing supply, as has been clearly emphasised by the Minister for Housing and Regeneration, this is a worrying trend. I recognise that viability issues play a significant part in this situation, resulting in sites being re-categorised as not being deliverable within five years. Progress with the adoption of LDPs should increase housing land supply through the identification of deliverable sites and we are considering both short and long term ways in which the housing land availability process might be amended to further encourage LDP adoption and more closely integrate the JHLAS process with LDPs. LDP adoption will also ensure that land supply figures are soundly based on meeting identified housing requirements and an authority's proposed housing trajectory. The intention is that any such changes to the housing land availability process would also be effective from the 2014 Studies onwards.

The points of clarification are as follows:

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- **Quality of evidence** – Please ensure that you use the Statement of Common Ground (SoCG) template provided at Appendix 2 of our Guidance Note (Version 2, September 2012) and include all the information requested. This will assist the Planning Inspectorate in reviewing disputed matters and help to avert delays in the process. I have instructed the Inspectorate to return any SoCGs which they consider do not contain all the necessary information as required in the template. The holding of a **Study Group meeting** should also help to improve the quality of evidence in SoCGs. Therefore a Study Group meeting should be held prior to the submission of an SoCG and ***must*** be held where requested by a Study Group member, as set out in paragraph 2.6 of our Guidance Note. The Planning Inspectorate may need to reject SoCGs if no Study Group meeting has taken place and the evidence in the SoCG does not enable robust testing by the Inspectorate.

- **Sites that have been in the land supply for over 5 years** – Paragraph 7.4.1 of TAN 1 states that where sites have been in the land supply for over 5 years there should be a presumption to reclassify them into category 3(i). Where such sites are not re-classified there should be an explanation as to why they remain in the land supply. To assist the Planning Inspectorate to make a recommendation on disputes concerning such sites, this 'explanation' must include supporting evidence to justify the site's continued inclusion in the land supply. A simple renewal of planning permission is not sufficient; however a revised scheme supported by recent evidence of land-owner / developer intentions may be sufficient.

- **Calculating the small site contribution** – For the 2012 Studies some authorities have used an average of completions over the preceding 10 years to calculate the small site contribution, in particular where the past 10 years build rates has been used as the basis for the land supply calculation. This has been corrected by the Planning Inspectorate in line with paragraph 7.1.5 of TAN 1 and paragraph 2.14 of our Guidance Note which stipulate that this calculation should be based on the contribution over the last five years. Although in most cases this has had only a very minor effect on the land supply, please can you ensure that you calculate the small site contribution in accordance with the TAN and the Guidance Note.

Lastly, to enable us to keep our website up to date, please ensure that you notify us if the web link for your final report changes following publication.

If you have any queries about any of the above please contact Paul Robinson in the Planning Division (tel. 02920 823290; e-mail: paul.robinson@wales.gsi.gov.uk).

Yours sincerely

ROSEMARY THOMAS
Chief Planner/Deputy Director
Department for Housing and Regeneration

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