



North Devon Council and Torrige District Council

Report Date: 14th October 2022

Topic: North Devon and Torrige Housing and Economic Land Availability Assessment (HELAA) update

Report by: Planning Policy Officer (TDC)

1. INTRODUCTION

1.1. This report provides a progress update and sets out indicative future timescales for work on the North Devon and Torrige Housing and Economic Land Availability Assessment (HELAA) and the associated five-year housing land supply assessment.

2. RECOMMENDATIONS

2.1. This Committee notes the progress updates and indicative timescales outlined in this report.

3. REASONS FOR RECOMMENDATIONS

3.1. To ensure members are aware of the current timescales for the HELAA.

4. INTRODUCTION

4.1. The Housing and Economic Land Availability Assessment (HELAA) provides an assessment of the potential for a range of identified sites to contribute to the future delivery of housing and economic development across Northern Devon.

4.2. The HELAA will provide information on the supply of development sites to inform the Local Plan process as well as the evidence required to identify a five-year supply of housing land for development management purposes. The HELAA assesses sites both for their potential to be developable in the longer-term and the ability to be delivered within an initial five-year period. The NPPF and accompanying planning practice guidance set out strict requirements for 'clear evidence' to demonstrate that housing sites are deliverable within five years. As set out in the endorsed HELAA methodology



(July 2022), where available, this evidence will be obtained and demonstrated through the HELAA process.

4.3. The Councils had the option to undertake a stand-alone reassessment of the five-year supply position following the 'Burwood' appeal; however, there are a number of reasons why the most logical and expedient approach was to integrate the work required to re-assess the five-year supply with the current work on the HELAA. In particular:

- The expectation that the underlying data, on which the five-year supply position established at the 'Burwood' appeal was based, would not have changed significantly in the intervening period. Given the precedent set by the appeal decision (notwithstanding the Councils' disagreement with the Inspector's conclusions), there would be very little prospect of establishing an alternative robust housing supply position based on the same or similar underlying data.
- The impact of Covid-19 on housing delivery in 2020 and uncertainty over the potential for future constraints on housing supply.
- A HELAA assessment using 1 April 2022 as the base date provides a sufficient period of time, since the Burwood appeal and the impacts on delivery due to the Covid-19 pandemic, for a potentially improved picture in relation to housing supply and delivery.
- The significant overlap between the work required for the HELAA and a re-assessment of five-year land supply.
- Given the decision to comprehensively review the local plan in late 2020, and the importance of the HELAA as part of the local plan evidence base, the need to focus limited resources on this area of work.

4.4. The HELAA is a substantial, complex and resource-intensive element of the Local Plan review evidence. It requires a large volume of evidence to be gathered by officers, including information from landowners and developers and input from a range of statutory consultees and other experts. The evidence-gathering required solely for five-year housing land supply purposes is itself a significant part of the overall work required for the HELAA. This is in part due to the level of evidence that is needed to ensure that the assessment of housing supply is in accordance with national planning policy and planning practice guidance. In updating the HELAA methodology, officers have taken care to ensure that the approach to the assessment of site delivery is robust as it can be and stands up to scrutiny against the stringent requirements set out in national policy.

5. PROGRESS TO DATE ON HELAA AND FIVE-YEAR SUPPLY

- 5.1. A draft HELAA methodology was subject to a six-week period of consultation, which concluded on 29th April 2022. The consultation formed part of the widely publicised launch of the “People and Place Project”. Direct notification of the consultation was sent to individuals and organisations, including statutory consultees and other key stakeholders. The consultation was publicised through press releases, adverts and via social media platforms.
- 5.2. An updated HELAA methodology was prepared which incorporated any revisions which were considered necessary in response to the consultation. The updated methodology was presented and endorsed by the joint planning policy committee at the committee meeting on 15th July 2022.
- 5.3. Alongside work on the methodology, technical work has been on-going to develop a new HELAA assessment database and the associated GIS workspace for both individual Councils.
- 5.4. Consultation on the draft HELAA Methodology took place alongside a “call for sites”, which invited interested parties to submit details of land available for development. A total of 336 site submissions were received, with an approximate 50/50 split between sites in North Devon and Torrige.
- 5.5. In addition to the call for sites, officers have been obtaining detailed information about the current status, availability and potential future delivery timescales of sites which are currently in the planning system, either as extant planning permissions, pending applications or sites allocated in the current Local Plan. This information is obtained from a variety of sources, in particular written updates from landowners, agents, site promoters and developers. Where this information is not initially available or forthcoming, further investigation and follow-up enquiries are required. Officers will make repeated efforts to contact the relevant individuals, where this is felt necessary for specific sites, however there is no guarantee of obtaining the required information for every site. Evidence collected in relation to these ‘existing’ sites will play a key role in informing the assessment of the five-year housing land supply as part of the wider HELAA site assessment process. There are approximately 370 ‘existing’ housing sites which officers will need to assess. Each site will need to be considered on its own merits with the assessment of future delivery based on a range of factors which will need

individual consideration. This element of the HELAA, specifically in respect of sites for residential development, is the principal focus of officer's work and is currently on-going.

5.6. As part of the People and Place project launch, representatives of the property and development industry were invited to submit expressions of interest to participate in a HELAA stakeholder panel. As explained in the HELAA methodology, the panel will provide specialist skills, knowledge and insight to support the partner authorities in the assessment of potential development sites identified by the HELAA. In particular, the panel will provide advice on the assessment of the achievability and deliverability of sites. As well as guiding the assessment of the longer-term developability of sites, the panel's advice and guidance will play a key role in ensuring that the assessment of sites' contributions to the five-year housing land supply are robust and based on the best available evidence in relation to issues such as viability. Based on the eligible expressions of interest received, alongside directly invited statutory consultees, community representatives and other key stakeholder organisations, officers prepared a provisional shortlist of stakeholder panel members in consultation with the elected members of the Councils' Joint Planning Policy Committee.

6. NEXT STEPS AND PROJECT TIMESCALES

6.1. The indicative timescales for the next steps in the HELAA process are set out below. It should be noted that the timescales are a "best estimate" based on the current progress with the HELAA, the number and scale of site assessments required and the expectation of receiving relevant and accurate information on each site in a timely manner. Officers will make their best endeavours to deliver to this timetable, however the timescales for obtaining robust information for each site are not guaranteed.

6.2. Individuals on the HELAA stakeholder panel shortlist will be invited to confirm acceptance of their place on the panel and agree to the latest HELAA panel Constitution and Terms of Reference (as set out in the HELAA methodology). Panel members will be invited to an inception meeting which we expect to take place in December. We will initially seek input from the panel on the assessment of housing sites currently in the planning system. Officers will consider the advice of the stakeholder panel, then finalise the assessments for these sites.

- 6.3. As part of the housing site assessments, a development trajectory will be provided setting out the expected annual delivery of new housing on each site. The expected delivery from each site will contribute to the assessment of the overall housing supply within the initial five-year period. In addition to assessed HELAA sites, we will assess the potential 'windfall' contribution to the housing supply from non-HELAA sites, in line with the HELAA methodology.
- 6.4. It should be noted that, while the timescales indicate the partner authorities would be in a position to provide an assessment of the five-year housing land supply in February, there is no guarantee that the outcome of this assessment would demonstrate a housing supply in excess of five years. It must also be cautioned that, notwithstanding the robustness of the evidence used, any new five-year land supply position will be potentially open to challenge. Moving forward, the five-year land supply position would need to be reassessed annually. This would require a similar evidence-gathering exercise to that which is currently taking place.
- 6.5. The establishment of a five-year housing land supply would not negate the potential requirement for future housing development sites to be identified as part of the Local Plan process.
- 6.6. The remaining elements of the HELAA, including the assessment of economic development sites and newly promoted housing and employment sites will take place in the new year. There will be subsequent stakeholder panel meetings to advise on the assessment of these sites.
- 6.7. The HELAA will form part of the Local Plan evidence base, helping to inform and guide the plan-making process, alongside the outcomes of public consultation, further detailed site assessments and a range of other evidence. As part of this wider process, public consultation and engagement will provide the opportunity for local communities to help shape the social, economic and environmental objectives for their areas and determine which locations for development are best suited to help meet these objectives.

Tasks	Approximate dates
Complete officer site assessments and populate database for housing sites in planning system (with further investigation/follow-up enquiries to obtain site information as required)	October – December 2022
HELAA windfall supply assessment	November/December 2022
Project team site assessment audit (existing housing sites)	December 2022/January 2023
HELAA panel inception meeting	December 2022
HELAA panel scrutiny of assessments for housing sites in the planning system	January 2023
Finalise assessments and development trajectories for housing sites in planning system (including windfall commitments/allowance)	January/February 2023
Complete 5-year housing supply calculation based on housing supply, housing requirement (applying a buffer where necessary to account for previous shortfall in delivery)	February 2023
Publish 5-year housing land supply position statement	February 2023
Assessment of economic development sites and newly promoted HELAA sites, including officer site visits.	January – June 2023
Subsequent HELAA panel meetings	February – May 2023
Publication of final HELAA report	June 2023

7. RESOURCE IMPLICATIONS

The HELAA forms part of the planning policy teams' existing work programme. Any associated cost in respect of document production, notification and publication will be shared across the Councils.

8. EQUALITIES ASSESSMENT

No impact identified.

9. ENVIRONMENTAL ASSESSMENT



The HELAA will assess impacts arising from the potential development of identified sites, including impacts on the built and natural environment.

10. CONSTITUTIONAL CONTEXT

Schedule 2, paragraph 1.1.1-1.1.3 of the North Devon Council and Torrige District Council Joint Planning Policy Agreement.

11. STATEMENT OF CONFIDENTIALITY

This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

12. BACKGROUND PAPERS

The following background papers were used in the preparation of this report:

- Planning and Compulsory Purchase Act 2004
- Town and Country Planning Regulations (Local Planning) (England) Regulations 2012
- National Planning Policy Framework 2021
- Planning Practice Guidance (Housing and economic land availability assessment)
- North Devon and Torrige Housing and Economic Land Availability Assessment Methodology 2022
- North Devon and Torrige Local Plan 2011 - 2031 (adopted 2018)
- Planning Inspectorate appeal decision: Land at Caddywell Lane/Burwood Lane, Great Torrington (Reference: APP/W1145/W/19/3238460)

(The background papers are available for inspection and kept by the author of the report).

13. CORPORATE PRIORITIES

The North Devon Council and Torrige District Council Corporate Priorities have been considered in the drafting of the report.

14. STATEMENT OF INTERNAL ADVICE

The author confirms that advice has been taken from all appropriate Councillors and Officers:

Cllr P. Watson (TDC) Lead member for Planning and Development.



Cllr M Prowse (NDC) Lead Member for Economic Development and Strategic Planning Policy

Helen Smith (TDC) Planning Manager

Sarah-Jane Mackenzie Shapland (NDC) Head of Place, Property and Regeneration