

RIBBLE VALLEY BOROUGH COUNCIL

REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No. 8

meeting date: THURSDAY, 12 MARCH 2020
title: ANNUAL POSITION STATEMENTS - HOUSING
submitted by: DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING
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1 PURPOSE

1.1 To consider the approach to the use of Annual Position Statements for 2020/21.

1.2 Relevance to the Council's ambitions and priorities

- Community Objectives – The information in this report relates to the delivery of housing which is a key theme of the adopted Core Strategy.
- Corporate Priorities – This information is relevant to the adopted Core Strategy which is a spatial expression of corporate priorities.
- Other Considerations – To demonstrate that the Council is a well-run authority.

2 BACKGROUND

2.1 Following the revisions recently introduced to the National Planning Policy Framework (NPPF) in 2019, an option to use an Annual Position Statement (APS) to confirm a local authority's housing delivery position, namely five-year supply, was introduced. Councils can utilise the APS on an annual basis, following examination by an Inspector, to demonstrate that their housing land supply was robust.

2.2 This issue has been discussed at the Local Plan Working Group and further consideration has been given in particular to the use of the tool as a way of supporting the authority in dealing with planning appeals.

2.3 In effect, with an agreed APS, the Council's housing land supply position would be fixed for 12 months (subject to predetermined timescales) and would avoid the need to debate such evidence at planning appeals. Members will be aware that considerable time can be taken up in appeals and related expense in establishing the housing land supply. In the right circumstances there are merits in using the APS.

3 ANNUAL POSITION STATEMENTS

3.1 At present the supply of land and delivery of housing is regularly monitored by this Council with a report being published twice a year. The Housing Land Availability Study (HLAS) contains full monitoring details, including consultation with the housebuilding industry, and establishes the Council's position in relation to sites with planning permission, those under construction and completions. The collated information in this report is used to inform the Council's five-year housing land position, which is regularly reported to Members.

- 3.2 The introduction through the revised NPPF of the APS process brings a formal process to effectively test the evidence and data of the housing land study through submission to the Secretary of State and consideration by a Planning Inspector. The process firstly tests whether the Council has followed the correct process in terms of the use of APS being applicable, adequate consultation being undertaken and then whether the evidence is sufficient to substantiate the supply position being claimed. In preparing a recommendation, the Inspector will consider the evidence submitted with the process. The process does not allow for the Inspector to seek further clarification or information or for stakeholders to provide additional information. There is no hearing or public examination process. The assessment is based on the information provided from which the Inspector forms a view and makes a recommendation.
- 3.3 As indicated above, there are set timeframes for the process. The APS takes a 1 April base date for the evidence (which is consistent with the Council's monitoring processes) and Local Planning Authorities who wish to use this tool need to advise the Planning Inspectorate by 1 April each year that they intend to submit an APS for examination. The statement (together with all the relevant evidence) has to be submitted by 31 July in order to be considered. The Planning Inspectorate will then issue their recommendation in October. If the Local Planning Authority accepts the recommendation (which may include the discounting of sites based on evidence) the Local Planning Authority can then use the process to confirm their housing land supply until the following October.
- 3.4 In the following year, Local Planning Authorities may work towards adopting a new supply position through the Examination and adoption of a new Local Plan, or may progress a further APS through the annual process. However, caution has to be raised in that there are strict requirements in relation to the eligibility to use this tool. Firstly, Local Planning Authorities can only use this process if they are seeking to produce a statement based on a recently adopted plan, or having produced an APS, they are then seeking the following year to review that previous statement.
- 3.5 The critical issue here is that the plan, that sets out the strategic housing requirement, has to have been recently adopted with a defined window that is relatively narrow. To be classed as such it has to be adopted between 1 May and 31 October for it to be considered recently adopted in the period up to the following 31 October. If the plan is adopted between 1 November and 31 March, the plan will only be considered recently adopted up until the October of that same year.
- 3.6 In Ribble Valley's case the strategic housing requirement has been established through the Core Strategy, which as Members will be aware, is no longer capable of being considered recently adopted and in fact as previous reports have illustrated, the fact that the plan is now beyond its five-year anniversary, the process switches to that of the standard methodology. In essence, the Council for the time being is not in a position to use the APS tool. Whilst the Housing and Economic Development Plan document is recently adopted, that plan does not set out the strategic housing requirement against which the housing supply is to be measured.
- 3.7 In future with the revised and updated Local Plan produced, it would be possible to use the APS process to provide an assessment of the Council's housing land position and a view on the benefits of that would need to be taken at the time.

- 3.8 In effect the Council will need to continue to focus resource on the HLAS to ensure the process is as robust as possible and that it will be capable of withstanding challenge through the appeal process.
- 3.9 Whilst the tool will be perhaps most helpful to those authorities who have a fragile housing land supply position, the key to its use clearly relates to the ability to demonstrate an up to date plan. In any event, whilst the APS would become a material consideration, there may well be circumstances that arise, for example a significant stalled site or a marked change in delivery which would have to be taken account of, as a material consideration and may in fact negate any benefit of having the APS.
- 3.10 It is clear that the APS may provide some benefits in certain circumstances but these do not currently relate to those of this Council. In the case of Ribble Valley, as we currently do not meet the criteria of a relevant, recently adopted plan, it would not be possible for the Council to meet the tests for an APS.

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