



**Friends of
the Earth
Cymru**
**Cyfeillion
y Ddaear
Cymru**

FRIENDS OF THE EARTH CYMRU

Consultation relating to the Proposed Technical Advice Note 1

Joint Housing Land Availability Studies – Consultation Draft

July 2005

Response by

Friends of the Earth Cymru

October 2005

Friends of the Earth Cymru

Friends of the Earth Cymru inspires solutions to environmental problems which make life better for people.

Friends of the Earth Cymru:

- is dedicated to protecting the environment and promoting a sustainable future for Wales
- is part of the UK's most influential environmental campaigning organisation
- is part of the most extensive environmental network in the world, with over 60 national organisations across five continents
- supports a unique network of campaigning local groups working in communities across Wales
- is dependent upon individuals for over 90% of its income

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1. Introduction

Friends of the Earth Cymru believes that the planning system in Wales should be founded on the highest standards of community participation to ensure that the system empowers all sections of society to help shape a sustainable future. These standards should be based on the Aarhus model of participation – access to information, access to participation and access to justice.

(<http://www.unece.org/env/pp/> Aarhus Convention: UNECE Convention on Access to Information, Public Participation and Decision-Making, and Access to Justice in Environment Matters. Adopted on the 25 June 1998)

Carwyn Jones, Minister for the Environment Planning and Countryside outlined his commitment to participation in the planning system in a cabinet statement in November 2004:

“The new proposal for **community involvement in Local Development Plans represents a key element of our planning reforms** and links our commitment to participation as part of sustainable development. The key principles that underpin this process include:

- Creating conditions for early involvement and feedback at a stage when people can recognise a chance to influence the plan;
- Encouraging the commitment of all participants to an open and honest debate on realistic development alternatives in the search for a consensus; and
- Recognising the need to adopt approaches for engaging the community including business, which seek the views of those not normally involved.”

He also stated that he wanted to, “ensure that **sustainable development is integral** to Local Development Plan preparation and development control.”

As an environmental justice organisation we feel that provision of housing to meet the needs of every member of society is a key right, and that there is a synergy between housing needs and the planning process with regard to the supply of land for housing

development. However, housing development has an environmental impact and therefore land selection must respect this factor.

It is our view that the supplementary planning guidance contained in TAN 1 “Joint Housing Land Availability Studies” has a powerful input into the formulation of Local Development Plans.

2. Executive Summary

- It is our view that there is a democratic deficit in the “Study Group Composition” and that it conflicts with the provisions of the Aarhus Convention and by implication the provisions of Part 6: Wales of the Planning and Compulsory Purchase Act 2004 regarding “Community Involvement Schemes”.
- In paragraph 4 of draft TAN 1, “Study Group Composition” after infrastructure providers **“and other bodies as appropriate”**; should be amended to state **“other bodies representing environmental and social interests”**.
- The study group should also devise a mechanism for ensuring wider public participation in the workings of the group and the development of its conclusions.
- Planners suggest that the “Joint Housing Land Availability Studies” are a statistical data collection exercise, on land available or likely to become available for housing development in a Local Planning Authority area subject to approved plans or programmes. However, our information is that outside the formal business of the Study Group meeting the participants: WDA Land Division, the local planning authority, relevant local authority departments (e.g. housing), housebuilders’ representatives, and statutory undertakers, infrastructure providers do discuss the selection of further land for housing development. Indeed we feel it would be surprising if this activity did not happen.
- We take the view that the new planning system for Wales should reflect the new concept of public engagement before plans are formulated for adoption. Such system should be “front loaded” for consensus building between all interested parties at the commencement of the Local Development Plan process and the Joint Housing Land Availability Studies form a key component of this.
- Environmental groups in Wales are concerned about the environmental impact of all development in respect of residential and commercial use. Wales has a landscape and habitat heritage that is worth defending, and cannot be replaced. Housing land supply must recognise that there are limits, and that some areas are sacrosanct in order to safeguard biodiversity and maintain the environment.

- It is our opinion that consensus building is possible in the land selection process for housing development provided an environmental impact assessment is done at an early stage in the decision making process.
- The provisions of the European Directive 2001/42/EC “on the assessment of the effects of certain plans and programmes on the environment” provide a useful template for land selection for housing development to which all stakeholders could subscribe. A practical guide to the “SEA” (Strategic Environmental Assessment Directive) has been issued by the Office of the Deputy Prime Minister – September 2005 (ISBN 1851127887), and this has been endorsed by the Welsh Assembly Government.
- We are convinced that the contents of TAN 1 Joint Housing Land Availability Studies have a key role to play in the preparation of Local Development Plans by Welsh local planning authorities.

3. Conceptual Approach

- We have noted that site categorisation has been carried forward from TAN 1 (October 1997) paragraphs 18 and 19 into equivalent new paragraphs 16 and 17. In consequence we have concentrated in this response on changes and additions to the earlier TAN 1 document.
- We believe that the new TAN 1 could be an improved working document to inform the Local Development Plan process.
- We insist that the Joint Housing Land Availability Study is made more democratic through improved public participation.
- We insist that the Joint Housing Land Availability Study must include an environmental impact factor in land selection in order to set boundaries on land supply, particularly in order to minimise the use of Greenfield sites. The Government has a responsibility to provide affordable housing, and a responsibility to manage the development of land for the benefit of all. This means that housing developers must be kept within boundaries as to the necessity of housing provision. This standpoint is also in keeping with the Welsh Assembly Government’s sustainable development obligations.

4. Detailed Comments on TAN 1

Page No.	Paragraph.	Comments
2	4	Define other bodies and redraft.
2	5	Provide for public involvement.
2	6	Take account of publicly owned land identified for disposal. (NHS property – closed hospitals) (Local Education Authority closed schools)
2	7	Key point – Subject to environmental considerations under the “SEA” and “EIA” legislation.
2	8	Current frequency is 1 st January each year. Change will change historic baseline data comparisons.
3	9	Cross referencing of data is very important. Bring in definition of “affordable housing” from Annexe Glossary in new TAN 2.
3	12	“Windfall sites” factor noted.
3	13	Average densities are indicated but, no indicator provided of WAG guidance on preferred densities.
4	14	As mention earlier we are concerned about the Study Group membership.
5	18	New wording noted and 5 year factor for undeveloped sites.
5	19	Qualifier noted.
5	20	The provision of two calculation methods welcomed.
6	21	Calculation methods guidance is very helpful.
7	22	This paragraph is very helpful.

Page No.	Paragraph.	Comments
7	26	Welcome website facility. Public notice required of posting the annual Study report.
7	27	Noted.

5. Conclusion

- **We feel that the membership of the Study Group Composition should include bodies representing environmental and social interests. A mechanism should also be added that ensures that the results of the Study Group are disseminated and individuals and interested bodies have an opportunity to feedback on this. This will accord with the spirit of the Planning and Compulsory Purchase Act 2004 for greater public participation at an early stage in the plan preparation process, with the Aarhus Convention, and with the SEA Directive.**
- **Land selection for housing development should be governed by the findings of a proper environmental assessment to accord with the criteria laid down in the EC Strategic Environmental Assessment Directive (SEA) and Environmental Impact legislation.**
- **The disposal of public land holdings for housing development should be indicated in the Joint Housing Land Availability Study. (NHS – Hospital closures and Local Authority sites (Closed Schools)).**
- **The use of two types of calculation method “residual method” and “past building rates method” is welcomed.**
- **The Welsh Assembly Government should give guidance on expected housing densities as a benchmark for average density calculations.**
- **A public notice should be issued when a Joint Housing Land Availability Study is available for public examination.**
- **We wish to play a positive and constructive role in the Joint Housing Land Availability process and hope our response will be helpful to you.**

Mike Jacob

On behalf of Friends of the Earth Cymru

26th October 2005