

## Record of Decisions

### Five Year Land Supply Statement

#### Decision Taker

Assistant Director of Planning, Housing & Climate Emergency, in consultation with the Cabinet Member for Infrastructure, Environment and Culture and the Cabinet Member for Economic Regeneration, Tourism and Housing, on 23 July 2020.

#### Decision

That the Five Year Land Supply Statement, Table, and Consultation Response attached to this Record of Decision be approved and published accordingly.

#### Reason for the Decision

To meet the Council's statutory requirements to publish a Five Year Land Supply Statement.

#### Implementation

This decision will come into force immediately.

#### Information

The government requires local planning authorities to identify and update annually a supply of five years' worth of deliverable housing set against a target in the local plan where such a plan is not more than 5 years old. The definition of deliverable is set out in the National Planning Policy Framework (NPPF), with associated guidance in the online planning practice guidance. During the consultation process the secretary of State clarified in a Consent Order relating to East Northamptonshire Council and S of S MHCLG (CO/917/2020) that the NPPF definition of deliverable sites is not a closed list:

*"The proper interpretation of the definition (of developable in the NPPF) is that any site which can be shown to be 'available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years' will meet the definition; and that the examples given in categories (a) and (b) are not exhaustive of all the categories of site which are capable of meeting that definition. Whether a site does or does not meet the definition is a matter of planning judgment on the evidence available".*

Where a five year supply cannot be demonstrated, the NPPF regards policies as being most important to determining an application involving the provision of housing as being out of date. This does not change the statutory status of the development plan (i.e. the Torbay Local Plan and the three Neighbourhood Plans) as the starting point for decision making, but may trigger the Presumption in Favour of Sustainable Development at Paragraph 11(c-d) of the NPPF.

However paragraph 14 of the NPPF provides additional protection for neighbourhood plans where they have: a) been in force less than two years, b) contain policies and allocations to meet its identified housing requirement, c) the LPA has at least 3 years supply of deliverable housing sites (against its five year housing land supply requirement with the appropriate buffer); and d) the LPA's housing delivery test was at least 45% of that required over the last 3 years.

Torbay Council consulted on its five year supply position between 15th May and 8<sup>th</sup> June 2020. Following consideration of the responses, the Assistant Director's decision in consultation with the Cabinet members noted above, is that there is three years' supply of deliverable sites.

**Alternative Options considered and rejected at the time of the decision**

The Council's five year supply position is based on the 2019/20 housing monitoring and upon assessments of what sites are deliverable.

Measures that the Council is taking to boost housing supply are set out in its Housing Delivery Test Action Plan <https://www.torbay.gov.uk/evidence-base-and-monitoring/>.

**Is this a Key Decision?**

No

**Does the call-in procedure apply?**

No

**Declarations of interest** (including details of any relevant dispensations issued by the Standards Committee)

None.

**Published**

24 July 2020

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Assistant Director of Planning, Housing & Climate Emergency