



**Stakeholder Panel for Strategic
Housing and Land Availability
Assessments in the Isle of Wight
Housing Market Area**

**Panel Constitution and Terms of
Reference**

Draft 2018 V4

1.0 Introduction

Why is there a need for a Panel?

- 1.1 The Government's Planning Practice Guidance¹ makes clear the importance of a partnership approach to the preparation of strategic housing land availability assessments (SHLAAs). Whilst this is not overly prescriptive, it advocates that local planning authorities should work with key stakeholders to undertake assessments, to ensure a joined-up and robust approach.
- 1.2 The Isle of Wight Council (hereafter referred to as "the council") has convened a panel of partners to consider the achievability of sites that have been put forward for consideration via a variety of sources.
- 1.3 The council considers that panel input is an important stage in the process of preparing a SHLAA. This is set out in the council's draft SHLAA methodology (hereafter referred to as the "methodology"). The methodology makes clear that the panel should be representative of a broad cross section of the housing and economic development industries in the housing market area (HMA). It will therefore be well placed to provide an informed view on the "achievability" of potential sites for new housing and economic development.
- 1.4 The panel's other roles and responsibilities are set out in paragraph 3.4 below.

Constitution and Terms of Reference

- 1.5 The preparation of a SHLAA is likely to generate significant public interest and scrutiny. For the sake of clarity and transparency in the management of the process and to assist in the effective operation of the panel, the council therefore considers it necessary that the panel is bound by a constitution and terms of reference.
- 1.6 This constitution and terms of reference will be considered and endorsed by the panel in agreement with a steering group of officers representing the council (hereafter referred to as "the steering group"). The steering group will be made up of senior planning policy officers and team leaders from both planning policy and development management.
- 1.7 Once agreed the council will make the constitution and terms of reference publicly available.
- 1.8 The constitution and terms of reference will be kept under review by the panel and steering group, to ensure it remains fit for purpose.

¹ Planning Practice Guidance: Housing and Economic Land Availability Assessments (March 2014) Department for Communities and Local Government.

2.0 Constitution

Purpose

- 2.1 The constitution sets out how the panel will be formed, how it will operate, how decisions will be made.

Membership

- 2.2 The overall panel will be made up of members from:
- Organisations / companies / individuals that are representative of the broad spectrum of the housing and economic development industries in the HMA.

To be representative, each will need to be actively engaged in the development of land for housing and/or economic development, for example as a land agent (i.e. national, regional or local) or developer (e.g. volume or small scale house builder), Registered Provider, architect, planner or urban designer or other related profession that may usefully inform the assessment of potential sites for housing and economic development;
 - The community represented by elected members/portfolio holders for housing and regeneration. Community representatives will be required to provide area wide input to the process.
- 2.3 The panel should be attended by a quorum of 3 members.
- 2.4 The council will work with the chair of the Chamber of Commerce's Agents and Architects Forum to identify candidates to be representatives of the development sector on the panel. From the Chamber of Commerce nominated shortlist, offers of appointment will be made by the steering group in accordance with the selection criteria set out in **Appendix 1**.
- 2.5 Where a panel member representing the development sector elects to leave the panel, the steering group will be responsible for making an offer of appointment to another organisation / company / individual in accordance with the requirements for selection set out in **Appendix 1**.
- 2.6 Panel members will be expected to attend panel meetings and the council will provide, where possible, at least two weeks notice of any proposed meeting. The steering group will periodically review panel membership. If a panel member is identified as having a low attendance record, their membership will be reconsidered by the steering group. The steering group will be responsible for appointing a replacement panel member, as described in paragraph 2.4 above.

- 2.7 Membership of the panel will be on a voluntary / unpaid basis. There will be no budget provision for the panel.
- 2.8 All panel members will be expected to sign a memorandum of understanding (MoU) **Appendix 2** to set out that they will comment on sites in a fair, impartial and reasonable manner.

Leading Panel Meetings

- 2.9 Panel meetings will be chaired by a representative from the council.

Accountability

- 2.10 The panel will work in a transparent manner and in accordance with the methodology, the constitution and terms of reference and the MoU.
- 2.11 Panel members will be provided with relevant information about the relevant sites and other draft documentation relating to the SHLAA assessment process. If sensitive (personal or commercial) information has been submitted, this will not be shared with the panel. Panel members will be required to keep any information they receive confidential. Where there is deemed to be inappropriate conduct² by a panel member this will be referred to the steering group which will act as arbitrator to resolve the matter. If an issue is deemed to be serious it will be raised with the panel member's professional body.

Timetables and Meetings

- 2.12 Panel members will be required to attend meetings as required to facilitate the completion of a SHLAA. The council will prepare a timetable indicating likely dates for meetings, make provision for a suitable venue and make clear the timescales for the process leading to the completion of the SHLAA. This will need to be agreed between the council and the panel.

Declaration of site interest

- 2.13 Interest in the development of one or more potential sites assessed through the SHLAA will not preclude membership of the panel. However, where such an interest exists either as:
- the controller of land, or
 - with an option to purchase, or
 - as agent for a landowner, or

² Inappropriate conduct may be deemed to have occurred: where a panel member has failed to declare an interest in one or more sites at the time of the assessment; where a panel member may have misused its privileged position or knowledge of identified sites prior to the publication of the SHLAA; where panel members have been found to have misused information to gain a commercial advantage; or where panel members have been found to have colluded towards the successful inclusion of one or more sites in a published SHLAA.

- where there is a connection to the promotion of the site in some way then this interest must be declared to the panel.

Where a panel member declares an interest in one or more potential sites they may continue to provide advice on the developability and deliverability of these sites for the purpose of the preparation of the SHLAA.

Consideration of which sites are to be included in the SHLAA

- 2.14 Each panel member will provide constructive and impartial comments and advice on the achievability of sites put before the panel. The achievability will be based on the council's initial conclusions and assessment of the "suitability," "availability" and "achievability" of submitted sites and any relevant commercial and industry information from the development sector.
- 2.15 The council will also seek comments from panel members on those sites they consider should be included in the deliverable or developable land supply.
- 2.16 The council will consider the advice and comments of all panel members when making its final assessment of identified sites. The council will attach the appropriate weight to such advice and comments, relative to other evidence and considerations. Final assessment of sites and their inclusion in a published SHLAA will be the responsibility and decision of the council.
- 2.17 The panel will not vote on whether a site should be included in the SHLAA as deliverable or developable, currently not developable or currently not suitable. It is there to facilitate an understanding on the potential achievability of a site within a certain timeframe
- 2.18 Where there is any difference of opinion on the conclusions of a site these will be discussed in an open and constructive manner, and will inform the council's final view on the achievability of the site.
- 2.19 To ensure that publication of the SHLAA is practicable in accordance with a timetable agreed between the council and the panel, the council may still make a final assessment of sites where one or more panel members have been unable to comment or where one or more panel members are unable to attend a panel meeting.
- 2.20 Where elements of the assessment for a site are incomplete, the council may consider the merits for the inclusion of such sites in the published SHLAA. In such instances the council will have regard to whether "missing" information would fundamentally preclude the deliverability and developability of a site, and whether this could reasonably be expected to be resolved at a later stage in the plan making or development control decision making processes.
- 2.21 Panel members will provide advice and comments to the council on the understanding that:

The assessment of sites for new housing through the SHLAA process and the identification of potential housing sites in the SHLAA does not indicate that the sites will be allocated for new housing within the Island Planning Strategy or be granted planning permission. The SHLAA instead forms part of the evidence base to inform plan-making. Any sites deemed suitable, available and achievable by the SHLAA process will still be subject to public consultation, sustainability appraisal and independent examination if they are taken forward through the Local Plan preparation process. However, the SHLAA may be a material consideration in the determination of planning proposals.

Administrative support and publication of the SHLAA

- 2.22 The council will be responsible for providing administrative support to the panel for the purpose of recording notes of meetings and preparing draft documents in relation to the SHLAA where these are necessary.
- 2.23 The council will be responsible for publishing the SHLAA covering its planning administrative area on its website and making this publicly available.

3.0 Terms of Reference

Purpose

- 3.1 The terms of reference sets out the objectives, scope (roles and responsibilities) and deliverables for the panel. These may be defined in or draw from the methodology.
- 3.2 The panel will play an important role in advising on the preparation of the Isle of Wight SHLAA in its HMA. The SHLAA will inform future housing development in the HMA in the context of a spatial planning policy framework and sustainable development objectives. The panel will be representative of key industry and agency stakeholders in housing.

Objectives

- 3.3 The panel will have the following objectives:
 - i. To provide constructive and impartial comments and advice on the achievability (deliverability and developability) of identified sites in an efficient and timely manner to enable the completion of SHLAA in accordance with the timescales agreed with the council.
 - ii. To add value to the SHLAA process through the skills, expertise and knowledge of each of the panel members.

Scope (roles and responsibilities)

- 3.4 The roles and responsibilities of the panel will be:
- i. To act as an independent body appointed by the steering group for the council that is representative of key stakeholders in the HMA, for the sole purpose of the preparation of SHLAA in the HMA.
 - ii. To consider and give advice on whether the methodology and the constitution and terms of reference will provide the basis for a partnership approach in respect of the Government's Planning Practice Guidance³.
 - iii. To consider the conclusions on the initial assessments undertaken by the council of the "suitability," "availability" and "achievability" of potential sites for housing development in its planning administrative area and give constructive comments where relevant.
 - iv. To consider the conclusions of the steering group and comment on the "achievability" of potential sites for housing development which are being assessed for the purpose of the SHLAA. This will essentially be a judgement about the economic viability of each site, and the capacity of a developer to deliver the homes over a certain period – being affected by market, cost and delivery factors⁴. Each panel member will have regard to any relevant published documents and draw from their own experience in giving a view on the "achievability" of each potential development site.
 - v. To optionally undertake any other tasks identified and agreed with the steering group for the purpose of preparing the SHLAA in the HMA.

Deliverables

- 3.5 The panel will contribute to the SHLAA by giving advice and constructive comments on the deliverability and developability of identified potential sites for housing and economic development to the council.

National policy, Practice Guidance and Methodology background

- 3.6 The SHLAA shall be prepared in accordance with the requirements placed through the National Planning Policy Framework, the Government's Planning Practice Guidance and the methodology.

³ Planning Practice Guidance: Housing and Economic Land Availability Assessments (March 2014) Department for Communities and Local Government, paragraph 3-008.

⁴ Paragraphs 3-021 to 3-023, Planning Practice Guidance: Housing and Economic Land Availability Assessments (March 2014) Department for Communities and Local Government.

Appendix 1 – Selection criteria

Selection Requirements and Process for Panel Membership for representatives of the house and economic development industries

Eligibility

The candidate will need to be actively engaged in the development of land for housing for example as a land agent or developer, registered provider of affordable housing, architect, planner or urban designer or other related profession that may usefully inform the assessment of potential sites for housing.

Composition

The panel must be representative of the broad cross section of the house and economic development industries on the island. The council will seek to achieve a balance in the professions / nature of business undertaken by panel members. The panel will include at least one of the following:

- National volume house builder (if possible)
- Regional house builder
- Small scale house builder
- Developer of elderly persons accommodation (if possible)
- Professional with knowledge and/or experience of developing sites for the Gypsy and Traveller community (if possible)
- Land Agent representing the housing development industry
- Registered provider of affordable housing involved in new build projects
- Architect, urban designer, planner or other professional
- Community representation (local elected member)

Process

The selection process for making an offer of appointment will be undertaken by the steering group with the aim of achieving an optimal mix of panel members.

The steering group will make an offer of appointment in writing to each candidate for panel membership. It will require a written confirmation of acceptance from each candidate.

If a candidate declines to confirm their acceptance of panel membership, or where a panel member elects to leave the panel, the steering group will select an appropriate alternative candidate.

Appendix 2 – Memorandum of understanding

MEMORANDUM OF UNDERSTANDING

Between

SHLAA Panel Members

And

The Isle of Wight Council

This Memorandum of Understanding is drawn up to provide a basis on which the **SHLAA Panel Members** (henceforward the panel) and **the Isle of Wight Council** (henceforward the council) may develop a relationship, specifically to provide constructive comments on the achievability of sites put forward for inclusion in the council's strategic housing land availability assessment.

The strategic housing land availability assessment (SHLAA) is an important piece of evidence that will inform the council's new Island Planning Strategy. Submitted sites put forward for consideration and inclusion into the council's SHLAA will need to be assessed to determine their achievability in particular whether they are deliverable or developable over a prescribed timeframe of whether they are currently not developable or currently not suitable.

The assessment of sites for new housing through the SHLAA process and the identification of potential housing sites in the SHLAA does not indicate that the sites will be allocated for new housing within the Local Plan or be granted planning permission. The SHLAA instead forms part of the evidence base to inform plan-making. Any sites deemed suitable, available and achievable by the SHLAA process will still be subject to public consultation, sustainability appraisal and independent examination if they are taken forward through the Local Plan preparation process. However, the SHLAA may be a material consideration in the determination of planning proposals.

This Memorandum of Understanding (henceforth MoU) is intended to provide a basis on which the SHLAA panel will operate. That is all panel members representing the development sector will be required to sign this MoU to confirm that they will:

- Convene at the council offices on as many occasions as required and consider sites that have been submitted and assessed by the council's steering group.

- Keep information received/heard or seen confidential until such times as the SHLAA is published.
- Declare an interest they have in any sites submitted on the understanding that they may still comment on a site for the purpose of clarity and discussion but the conclusions on that site will be the decision of the council.
- Act in a reasonable, fair and impartial manner on all sites presented to the panel.
- Consider the steering group's conclusions on suitability, availability, and achievability to ensure they are fair and reasonable.
- Provide constructive and impartial comments on the potential achievability of a site.
- Understand that any decisions on the inclusion of a site in the council's published SHLAA as deliverable, developable, not currently developable or not suitable will be the decision of the council.

This MoU has been drawn up and will be implemented in good faith. It expresses the hope and intention of the undersigning members to develop their existing co-operation, based on mutual respect and understanding. This MoU will continue for a period of one year, and may be terminated by either party providing one month's notice.

Panel Member

Company

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Date