



Stakeholder Panel for Housing and Economic Land Availability Assessments in the Exeter Housing Market Area

HELAA Panel Constitution and Terms of Reference

Revised July 2021

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 Housing and Economic Land Availability Assessments (HELAAAs). 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 In 2007, the local authorities forming the Exeter Housing Market Area (hereafter referred to as the 'partner authorities' comprising the Dartmoor National Park Authority, East Devon District Council, Exeter City Council and Mid Devon District Council) established a "Panel" of key stakeholders to assist in the preparation of the housing element of HELAAAs (formerly referred to as Strategic Housing Land Availability Assessments, or SHLAA). Following publication of the Planning Practice Guidance in 2014, the Panel's role has expanded to include the provision of advice on economic development within the Exeter Housing Market Area (hereafter referred to as the EHMA), thereby assisting in the preparation of HELAAAs.
- 1.3 Panel input is a key stage in the process of preparing HELAAAs, as set out in the "HELAA Methodology" (hereafter referred to as the "Methodology") published by the partner authorities in December 2016². The Methodology makes clear that the Panel should be representative of a broad cross section of the housing and economic development industries in the EHMA. It will therefore be well placed to provide an informed view on the "achievability" of potential sites for new housing and economic development that are deemed to be "suitable" and "available" through assessment by the partner authorities. The Panel's other roles and responsibilities are set out in paragraph 3.4 below.
- 1.4 A diagram illustrating the way in which the Panel will operate during the preparation of each HELAA is included at **Annex 1**.

Constitution and Terms of Reference

- 1.5 The preparation of HELAAAs will generate significant public interest and expectation. For the sake of clarity and transparency in the management of the process and to assist in the effective operation of the Panel, the partner authorities therefore consider it necessary that the Panel is bound by a Constitution and Terms of Reference.
- 1.6 This Constitution and Terms of Reference has been considered and endorsed by the Panel in agreement with a Steering Group of officers representing the partner authorities (hereafter referred to as "the Steering Group").
- 1.7 Each partner authority in the EHMA will be responsible for making the approved Constitution and Terms of Reference publicly available.

¹ Planning Practice Guidance: Housing and Economic Land Availability Assessments (July 2019) Department for Communities and Local Government, paragraph 3-007.

² Exeter HMA HELAA Methodology (May 2021) Local authorities of the Exeter HMA.

- 1.8 The Constitution and Terms of Reference will be kept under review by the Panel and Steering Group.

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 and the procedures that will be followed when preparing HELAAs in the EHMA.

Membership

- 2.2 The 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 EHMA. 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 following “agencies”: Environment Agency; Highways England; English Heritage; Natural England; Homes and Communities Agency; and Devon County Council (in its capacity as Highways Authority, Local Education Authority and Minerals and Waste Authority)³;
 - One of more planning officers from the relevant partner authority/ies for the planning administrative area/s for which the Panel is engaged in the preparation of a HELAA;
 - One of more economic development officers from the relevant partner local authority/ies for the planning administrative area/s for which the Panel is engaged in the preparation of a HELAA;
 - The community⁴ for the planning administrative area for which the Panel is engaged in the preparation of a HELAA.
- 2.3 Membership by representatives of the house and economic development industries will be through acceptance of an offer of appointment made by the Steering Group, in accordance with the selection criteria set out in Appendix 2 to this report.
- 2.4 Where a Panel member representing the house and/or economic development industries 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 **Annex 2** to this report.

³ Due to limited resources, it is accepted that these agencies may be unable to attend Panel meetings.

⁴ Community representation will be determined by each partner authority and could include either Elected Members or representatives of community groups. Community representatives will be required to provide Local Planning Authority area wide input to the process.

- 2.5 Panel members will be expected to attend Panel meetings regularly. 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.
- 2.6 Membership of the Panel will be on a voluntary / unpaid basis. There will be no budget provision for the Panel.

Leading Panel Meetings

- 2.7 Panel meetings will be chaired by a representative from the relevant partner authority/ies.

Accountability

- 2.8 The Panel will be shared by the partner authorities. It will report to the partner authority/ies preparing a HELAA through the partner authority's/ies' representative(s) on the Panel.
- 2.9 Each partner authority will ensure that the Panel works in a transparent manner and in accordance with the Methodology and the Constitution and Terms of Reference.
- 2.10 Panel members will be provided with unpublished information about identified sites and other draft documentation relating to the preparation of HELAA. They will be required to keep this information confidential. Where there is deemed to be inappropriate conduct⁵ by a Panel Member this will be referred to the Steering Group which will act as arbitrator to resolve the matter.

Timetables and Meetings

- 2.11 Following its inception meeting, Panel Members may be required to attend successive meetings in agreement with each partner authority as necessary to facilitate the completion of a HELAA. Each partner authority will be expected to 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 HELAA. This will need to be agreed between the partner authority and the Panel.

Declaration of site interest

- 2.12 Interest in the development of one or more potential sites in the EHMA 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

⁵ 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 HELAA; or where Panel Members have been found to have colluded towards the successful inclusion of one or more sites in a published HELAA.

landowner then this interest must be declared to the Panel. Where a Panel Member declares an interest in one or more potential sites it may continue to provide advice on the developability and deliverability of these sites for the purpose of the preparation of the HELAA.

Consideration of which sites are to be included in the HELAA

- 2.13 Each Panel Member will provide advice and opinions to the partner authority/ies on which identified potential sites for new housing and/or economic development should be included in the deliverable or developable land supply. This will be based on the initial assessment of the “suitability” and “availability” of identified potential sites undertaken by the partner authority/ies and the Panel Member’s assessment of the “achievability” of each site.
- 2.14 The partner authority/ies will consider the advice and opinions of all Panel members when making its/their final assessment of identified sites. The partner authority/ies will attach the appropriate weight to such advice and opinions, relative to other evidence and considerations. Final assessment of sites and their inclusion in a published HELAA will be the responsibility of each partner authority/ies.
- 2.15 To ensure that publication of a HELAA is practicable in accordance with a timetable agreed between the partner authority/ies and the Panel, the partner authority/ies may still make a final assessment of sites where one or more Panel Members have been unable to undertake and / or complete their assessments in a timely manner, or where one or more Panel Members are unable to attend a Panel meeting.
- 2.16 Where elements of the assessment for a site are incomplete, the partner authorities may consider the merits for the inclusion of such sites in the published HELAA. In such instances the partner authority/ies 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.
- 2.17 Panel Members will provide advice and opinions to the partner authority/ies on the understanding that:

The assessment of sites for new housing through the HELAA process and the identification of potential housing and employment sites in the HELAA does not indicate that the sites will be allocated for new housing within a Local Plan or be granted planning permission. The HELAA instead forms part of the evidence base to inform plan-making. Any sites deemed suitable, available and achievable by the HELAA 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 HELAA may be a material consideration in the determination of planning proposals.

Administrative support and publication of the HELAA

- 2.18 The partner authority/ies 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 HELAA where these are necessary.
- 2.19 Each partner authority will be responsible for publishing the HELAA(s) 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 set out the vision, objectives, scope (roles and responsibilities) and deliverables for the Panel. These may be defined in or draw from the Methodology.

Vision

- 3.2 The Panel will play a key role in advising on the preparation of HELAAs in the EHMA. HELAA will inform future housing and economic development in the EHMA 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 and economic development. To achieve a successful outcome, the Panel will work towards this vision:

“To serve as an advisory body to the authorities in the Exeter Housing Market Area, in the process of preparing HELAAs.”

Objectives

- 3.3 The Panel will have the following objectives:
- i. To provide advice and opinions on the deliverability and developability of identified sites in an efficient and timely manner to enable the completion of HELAAs in accordance with the timescales agreed with each partner authority.
 - ii. To add value to the HELAA 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 partner authorities that is representative of key stakeholders in the EHMA, for the sole purpose of the preparation of HELAA in the EHMA.
 - 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 Guidance⁶.

- iii. To consider and give advice on the final wording of the Methodology for preparing HELAAs in the EHMA for publication by the partner authorities⁷.
- iv. To consider and give advice and opinions on the initial assessments undertaken by the partner authority/ies of the "suitability" and "availability" of potential sites for housing and economic development in its/their planning administrative area/s.
- v. To assess the "achievability" of potential sites for housing and economic development which are being assessed for the purpose of each HELAA. This will essentially be a judgement about the economic viability of each site, and the capacity of a developer to complete and let or sell the development over a certain period – being affected by market, cost and delivery factors. Each Panel Member will have regard to relevant published documents⁸ and draw from their own experience in giving a view on the "achievability" of each potential development site.
- vi. To consider and give advice and opinions on, and 'sign-off', the HELAA prior to its consideration and approval by the partner authority/ies.
- vii. To optionally undertake any other tasks identified and agreed with the Steering Group and / partner authorities for the purpose of preparing HELAA in the EHMA.

Deliverables

- 3.5 The Panel will facilitate the delivery of HELAA in the EHMA by giving advice and opinions on the deliverability and developability of identified potential sites for housing and economic development to the partner authorities.

National policy, Practice Guidance and Methodology background

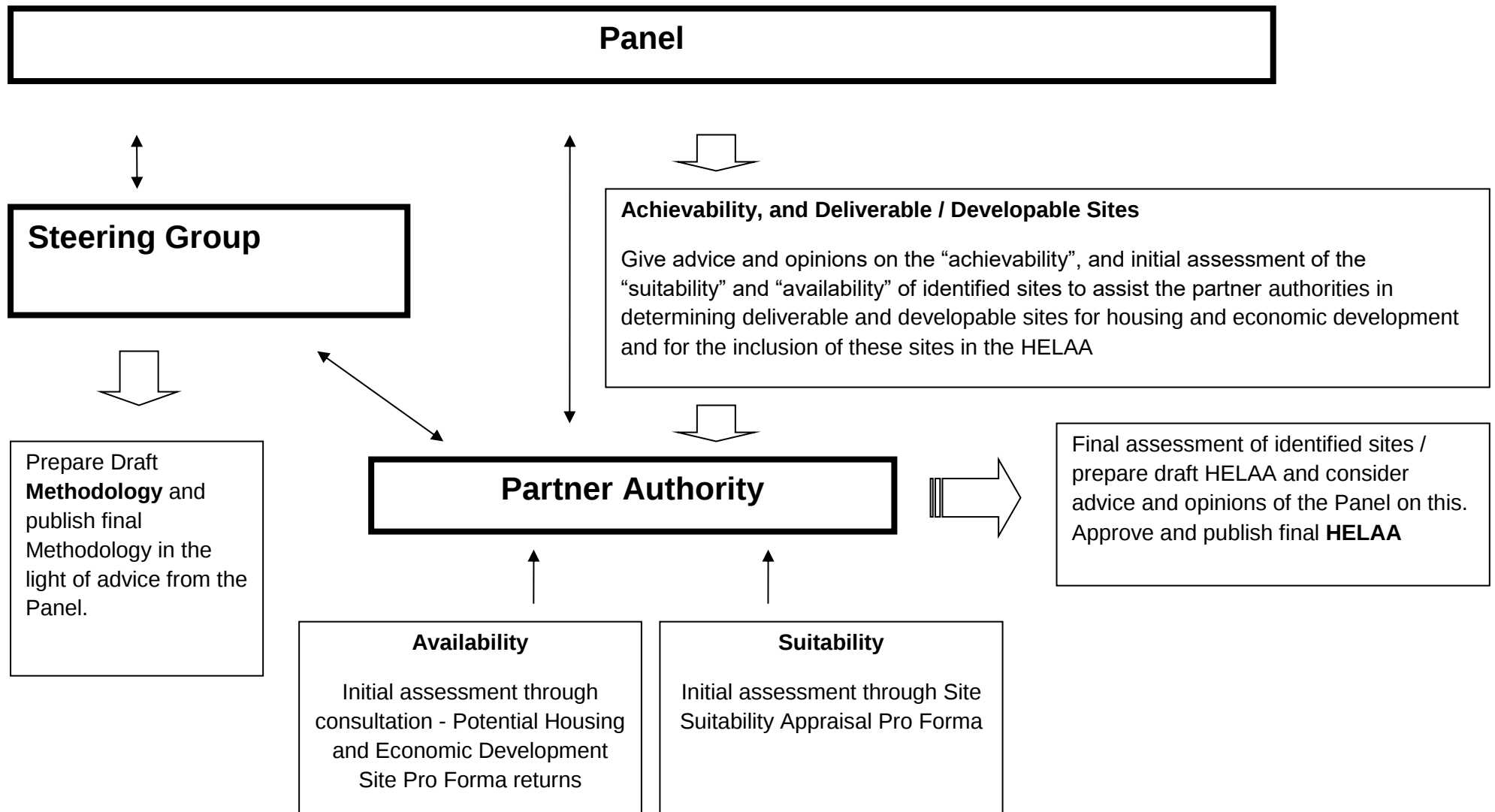
- 3.6 Each HELAA shall be prepared in accordance with the requirements placed through the National Planning Policy Framework, the Government's Planning Practice Guidance and the Methodology.

⁶ Planning Practice Guidance: Housing and Economic Land Availability Assessments (July 2019) Department for Communities and Local Government, paragraph 3-007.

⁷ The Panel will need to consider whether the Methodology fully accords with the National Planning Policy Framework and the Government's Planning Practice Guidance. It will need to consider amendments suggested by the Steering Group and may suggest revisions to wording.

⁸ Planning Practice Guidance: Housing and Economic Land Availability Assessments (July 2019), Department for Communities and Local Government, paragraph 3-020.

Annex 1: Membership and role of the Panel in the preparation of the HELAA and Methodology in the EHMA



Annex 2

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 and/or economic development in the EHMA, for example as a land agent (national or local) or developer (i.e. volume or small scale 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 and/or economic development.

Composition

The Panel must be representative of the broad cross section of the house and economic development industries in the EHMA. The partner authorities 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
- Regional house builder
- Small scale house builder
- Developer of student accommodation
- Developer of elderly persons accommodation
- Professional with knowledge and/or experience of developing sites for the Gypsy and Traveller community
- Employment site developer
- Land Agent representing the housing development industry
- Land Agent representing the economic development industry
- Registered provider of affordable housing involved in new build projects
- Architect, urban designer, planner or other professional

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 Members across the EHMA.

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.

Where 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. The Steering Group will make an offer of appointment in writing to the selected candidate and will require a written confirmation of acceptance of Panel membership from the candidate.