

Statement to the Examination on the Councils request to postpone the viability session scheduled for 13 February 2020

Local Plans need to be deliverable. At Local Plan level, viability is very closely linked to the concept of deliverability. In the case of housing, a Local Plan can be said to be deliverable if sufficient sites are viable to deliver the plan's housing requirements over the plan period.

Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. Equally those obligations must be capable of meeting the necessary legal tests and be consistent with national policy.

To ensure viability, the costs of any requirement likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

My role is to consider the cumulative impact of the plan policies, rather than treating policies in isolation or overlooking the potential impact of policies.

Set alongside it is the ambition of the East Devon Local Plan to deliver a sustainable new settlement as part of the Healthy New Towns programme

It is also evident that all four expansion areas are central to the Councils ambition for housing delivery in the District in meeting its Objectively Assessed Need.

Last week a meeting took place between the viability experts representing the major developers which sought to reach common ground between the parties on a number of viability issues. That meeting garnered little measure of agreement to the extent that of 60 points included in the Scott table there was no agreement on 59 of those entries. The Council having reviewed the output of that meeting has requested that the viability session scheduled for 13th February be postponed in order that they can undertake work to address fundamental points arising from the Scott Schedule. Other parties have asked that the session continue and that I give a steer on the key issues I have in relation to viability.

I have given this much thought, I recognise that experts are lined up to attend tomorrow and that considerable work by all parties has gone into preparing for the session, nonetheless in a situation where fundamental

changes are needed to address unresolved issues and fundamental disagreements remain (as evidenced in the Scott Schedule) there are serious questions over the benefit of that session proceeding.

I have therefore decided that the examination session on viability will not take place tomorrow.

I was invited at the behest of one of the parties to comment on the issue of mediation. Mediation can assist in cases where it is not possible to reach a satisfactory resolution. Whilst I cannot require this to take place I would strongly encourage all parties to consider making use of a neutral third party to bring together relevant stakeholders across the range of viability related issues causing disagreement. Making this effort could pay dividends in unlocking what have clearly become sensitive issues during the course of the preparation of the plan. It is in all parties' interest to work towards a solution which meets statutory requirements as well as being policy compliant. I would draw your attention to the document :- Viability Testing Local Plans - Advice for planning practitioners by the Local Housing Delivery Group.

I will, as requested, set out the questions that I have at this stage on viability, I will do this in the next week or two in order that parties can ensure that their discussions and further preparations address and respond to them. In doing so I seek to ensure that the work which is undertaken is focused in a way which will most assist the progress of the examination when it reconvenes. I will also require a timetable for the additional viability work which the Council says it needs to undertake and the subsequent negotiations with landowners/developers, noting that the revised Viability Assessment will need to be the subject of further consultation.

These steps should ensure the examination is dealt with as expeditiously as possible and allow me to provisionally programme a future viability hearing session. They should also give some reassurance to those who are keen that the pace of the examination is maintained.

Communications on these matters will, as normal, be via the examination programme officer Mr Kemp and a copy of this statement will be made available later today.

I recognise that there are parties who may disagree with this conclusion. I am acutely aware that Examination sessions involve considerable resource on the part of the Council and other participants; however, with so much ground left to cover it is essential that examination hearings are used most effectively.