

REPORT TITLE: UPDATED STRATEGIC HOUSING AND EMPLOYMENT LAND AVAILABILITY ASSESSMENT (SHELAA)

18 AUGUST 2020

REPORT OF CABINET MEMBER: CLLR JACKIE PORTER, CABINET MEMBER FOR BUILT ENVIRONMENT AND WELLBEING

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WARD(S): All (to the extent that they are not within the South Downs National Park)

PURPOSE

The Strategic Housing and Employment Land Availability Assessment (SHELAA) is a key part of the evidence base for the new Local Plan. The SHELAA is a register of the sites that the Council has been advised by developers and landowners that **could be** potentially available for development and will inform how the Council shapes the development strategy in the Plan.

The SHELAA only identifies sites which have been submitted to the Council, it does **NOT** allocate sites for development. The inclusion of the site in the SHELAA does not imply that the Council would necessarily grant planning permission as it is only a register of sites that developers/landowners have put forward for development.

An initial first stage assessment has been completed in order to determine whether they are suitable for development and in principle, what their capacity would be. The inclusion of a site in the SHELAA is not at this stage in the process a judgement as to whether it should be allocated for future development as further assessment work needs to be undertaken over the coming months.

A SHELAA has been produced following a "call for sites" which ran between Monday 20<sup>th</sup> January and Monday 2<sup>nd</sup> March 2020. The "call for sites" and production of a SHELAA will need to be updated at the Regulation 18 stage and at other key stages in the Plan-making process.

RECOMMENDATIONS:

That Cabinet:

- 1) Approves the Strategic Housing and Employment Land Availability Assessment (SHELAA) which is attached at Appendix 1 and it is published as part of the evidence base for the new Local Plan; and
- 2) Delegate authority to the Strategic Planning Manager, in consultation with the Portfolio Holder for the Built Environment & Well Being, to make any necessary edits and minor alterations prior to the publication of the SHELAA.

IMPLICATIONS:1 COUNCIL PLAN OUTCOME

- 1.1 Tackling the Climate Emergency and Creating a Greener District
- 1.2 The next part of the process would use information from site assessments and the Sustainability Appraisal in order to determine which sites would help to deliver the Council's Climate Emergency declaration and create a Greener District.
- 1.3 Homes for all
- 1.4 The preparation of a new Local Plan provides an opportunity to align it with the Council Plan. The Local Plan is a key delivery tool to those elements of the Council Strategy that are reliant on the use of land and spatial planning. The SHELAA is a critical part of the evidence base for the Local Plan as it identifies land that is available and potentially suitable for development, to help support the aims of the Council Strategy and the development needs identified through the Local Plan process.
- 1.5 Vibrant Local Economy
- 1.6 The SHELAA covers employment land and as such sites will be assessed to determine how they would support a Vibrant Local Economy.
- 1.7 Living Well
- 1.8 If sites are considered to be suitable for development as part of the next stage of work, part of the assessment process will consider the need for either new or improvements to, existing open space/green infrastructure which will all contribute towards supporting Living Well.
- 1.9 Your Services, Your Voice
- 1.10 The publication of the SHELAA is a key part of being an open and transparent Council as it informs the public, communities, and Parish Council's and other interested groups which sites have been put forward for development by landowners and developers for future development.

2 FINANCIAL IMPLICATIONS

- 2.1 The SHELAA has been produced in-house using existing staff resources and once agreed and published will form part of the evidence base for the Local Plan. The resources needed to undertake preparation of the Local Plan have been approved as part of the budget process.

3 LEGAL AND PROCUREMENT IMPLICATIONS

- 3.1 Section 17 of the Planning and Compulsory Purchase Act 2004 requires the Council to prepare development plan documents that will form part of the Council's Local Plan.
- 3.2. The SHELAA will be used to assist with the identification of potential sites that could be allocated for development in the Local Plan and has been produced taking account of the guidance contained in the Planning Practice Guidance (PPG) and National Planning Policy Framework (NPPF) both of which are produced by Government.
- 3.3. The Local Plan itself is subject to various statutory requirements and processes, including examination of "soundness" by a planning inspector. As part of the evidence base for the Local Plan it is important that, the SHELAA is robust and has been produced in accordance with Government advice as it is a key source of information that will underpin the Plan's development strategy.
- 3.4. There are no procurement implications as a result of this report.

#### 4 WORKFORCE IMPLICATIONS

- 4.1 The SHELAA has been produced in-house within the resources available for production of the Local Plan and associated evidence studies. There are no further workforce implications in connection with producing the SHELAA. Work will continue through the Local Plan process to establish development needs and assess the sites in the SHELAA for their suitability to meet these needs.

#### 5 PROPERTY AND ASSET IMPLICATIONS

- 5.1 The role of the Council as local planning authority is separate from that of the Council as a body which may promote the alternative use of land or property in its ownership through the planning process. One Council owned site has been submitted in the SHELAA process and these will be assessed using the identical criteria that are being used to assess all of the other sites that are included in the SHELAA.

#### 6 CONSULTATION AND COMMUNICATION

- 6.1 The SHELAA is part of the Local Plan evidence base and the sites included in the SHELAA result from a "call for sites" which was open to all and widely publicised. The call for sites was open between 20th January 2019 and 2nd March 2020 with a total of 287 sites being submitted for consideration by the Council for inclusion in the SHELAA. A total of 279 are included in the SHELAA. This is an increase of 22 over the 2019 SHELAA. The Council set out the aims and purpose of the call for sites on its website as follows;

*“The Strategic Housing and Economic Land Availability Assessment (SHELAA) is a technical document which provides information on sites; submitted by Landowners and Agents, for potential housing, economic development, Gypsy and Travelling Showpeople, Self Build housing etc. in relation to their suitability, availability and achievability. The SHELAA will only identify sites which have been promoted to the Council, it does NOT allocate sites. The inclusion of the site in the SHELAA does not imply that the Council would necessarily grant planning permission.*

*The SHELAA will only cover the part of the District which is NOT within the South Downs National Park. The South Downs National Park produces their own SHLAA which was published in December 2016 and is available to view on their website*

- 6.2 The Council will continue to work with neighbouring authorities and statutory consultees under the duty to cooperate particularly in respect of sites close to or crossing administrative boundaries. The NPPF now requires Statements of Common Ground to be produced with neighbouring authorities and other parties as part of the Local Plan process.

## 7 ENVIRONMENTAL CONSIDERATIONS

- 7.1 The purpose of the SHELAA is to identify sites that have been put forward by landowners and developers as available for development and identifies any significant constraints which may affect their suitability or deliverability. The first stage of the assessment has been carried out to exclude site where high levels constraints, such as national biodiversity or other designations or flooding, would prevent or limit the development potential of the land. The remaining sites will go onto further assessment which will take place over coming months. Environmental considerations will be a key element of this process as part of the Sustainability Appraisal and Habitats Regulation Assessment.

## 8 EQUALITY IMPACT ASSESSEMENT

- 8.1 The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to:
- (i) the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
  - (ii) the need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
  - (iii) foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are: age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

- 8.2 Being part of the Local Plan evidence base the SHELAA will inform the preparation of the new Local Plan, which itself will be subject to an EqIA. This will ensure that the emerging policies and proposal will have addressed the above requirements.

## 9 DATA PROTECTION IMPACT ASSESSMENT

- 9.1 None

## 10 RISK MANAGEMENT

- 10.1 The SHELAA has been produced in-house. The only significant risk is that the purposes of the SHELAA may be misunderstood with the public believing that it is allocating sites for development or endorsing the development of the sites listed. This could lead to risks in terms of undermining community support and the Council's reputation but can be avoided by emphasising that the SHELAA does not make judgements about the sites to be included in the new Local Plan and does not therefore allocate them for development. The preparation of the SHELAA needs to follow legislative/government policy requirements and it will be published as part of the consultation on the Local Plan and be examined by an independent Planning Inspector in due course. While some sites may be contentious, failure to include them in the SHELAA at this stage means they would not be properly considered which could in turn make the Local Plan process insufficiently robust and comprehensive which could leave the process open to challenge or the Local Plan being found unsound.

<b>Risk</b>	<b>Mitigation</b>	<b>Opportunities</b>
<i>Property</i> <b>None</b>	-	-
<i>Community Support</i>  Risk that the SHELAA is mistakenly viewed as allocating land for development leading to public objections/comments.	Emphasise that the SHELAA lists sites available for development but it does not allocate site for development as this is the role of the Local Plan which will follow on in accordance with due process	Inclusion of all available and potentially suitable sites in the SHELAA can help to avoid future "soundness" challenges and enable communities to be able to consider a full range of different sites some of which they may want to support for development through the Local Plan process.
<i>Timescales</i> <b>None</b>	-	-
<i>Project capacity</i> <b>None</b>	-	-

<i>Financial / VfM</i> None	-	-
<i>Legal</i> None	-	-
<i>Innovation</i> None	-	-
<i>Reputation</i> As for “community support” above.	As for “community support” above.	As for “community support” above.
<i>Other</i> None	-	-

## 11 SUPPORTING INFORMATION:

- 11.1 The SHELAA is a register of sites that are potentially available for development in the District that have been put forward by developers and landowners. A SHELAA is a mandatory part of the Local Plan process and it will form an important part of the evidence base for the new Plan. The SHELAA consists of all land that has been put forward to the Council as being potentially available and suitable for development following a call for sites between January and March 2020. **The SHELAA will only identify sites which have been submitted to the Council, it does NOT allocate sites. The inclusion of the site in the SHELAA does not imply that the Council would necessarily grant planning permission**
- 11.2 A total of 285 sites have been put forward. The SHELAA does not cover that part of the District within the South Downs National Park and the National Park Authority has produced its own SHLAA as part of its own Local Plan process.
- 11.3 The SHELAA provides details of all the sites that are available and might be suitable for development. An initial high level assessment has been carried out to remove sites which are considered to be unsuitable in principle by the Council which are constrained by key designations or constraints such as SSSIs or land within Flood Zones 2 and 3.
- 11.4 Only a proportion of sites which have been put forward will need to be allocated for development depending on the needs identified for housing, employment or other land uses through the Local Plan making process in due course.
- 11.5 It is important that all available and potentially suitable sites are considered through the SHELAA process even if some of them are seen as contentious. The consideration of sites at this stage is completely neutral as to their future status in term of being allocated for development. Further site assessments will be undertaken through the Local Plan process once the development needs of the District are known and will take account of environmental and other legislation. Determining the suitability of sites in the SHELAA will assist

the Council in shaping its development strategy. It is critical to the future soundness of the Local Plan that the process for selecting/rejecting sites is robust and transparent and sites are not rejected before they have been properly assessed.

### **The SHELAA Methodology and Content**

- 11.6 The Government's Planning Practice Guidance (PPG) updated in September 2018, contains guidance on the production of housing and economic land availability assessments. This confirms that the SHELAA is an important part of the evidence base but 'does not in itself determine whether a site should be allocated for development'. It sets out that the SHELAA should identify sites and broad locations with potential for development; assess their development potential and assess their suitability for development and the likelihood of development coming forward (availability and achievability).
- 11.7 The PPG includes a methodology which authorities should use to produce SHELAA unless there are good reasons for not doing so. This sets out the 5 main stages of the process, as follows:
- Stage 1 – Site / broad location identification
  - Stage 2 – Site / broad location assessment
  - Stage 3 – Windfall assessment
  - Stage 4 – Assessment review
  - Stage 5 – Final evidence base

Stage 1 – Site / broad location identification.

- 11.8 The first stage is to identify all the available sites and a 'call for sites' was undertaken in January 2020 and ran for 6 weeks, asking owners or their agents to submit any sites which were considered to be available for development. This call for sites had no minimum threshold in order to allow for the submission of small sites, given the new requirement in the NPPF requiring councils to provide 10% of their housing on small sites. Previous SHELAA's would only accept sites that were 0.25ha or more in size or likely to provide at least 5 dwellings or 500m<sup>2</sup> of employment floor space.
- 11.9 At this stage of the process only sites which are subject to national-level constraints (mainly statutory nature conservation and heritage designations) have been excluded. In order to be robust and transparent the SHELAA lists these and the reasons for excluding them. All other sites are detailed in the SHELAA, with each having a location plan and a summary sheet containing information about site size, constraints, availability, timescale for development etc.

Stage 2 – Site / broad location assessment



- 11.10 Stage 2 involves assessing the sites but, as the SHELAA does not aim to allocate or reject sites for development, this focusses on assessing their likely capacity, availability and achievability (viability). The capacity of each site takes account of any constraints and of their location, with sites in the main town and village centres for example being assumed to be developable at a higher density. A few sites have been excluded at this stage where they were not suitable for development because they were very heavily constrained i.e. located within Flood Zones 2 or 3 or not having a means of suitable access.

Stage 3 – Windfall assessment.

- 11.11 Stage 3 involves making an allowance for windfall sites (land not specifically allocated for development). It will be necessary to update the windfall assessments in due course, but this is planned as a separate work stream that would be undertaken as part of the development of the new Local Plan. The windfall allowance is a self-contained exercise within the Council's annual 5-year land supply calculation, which means that it can be updated as necessary without requiring the SHELAA to be renewed.

Stage 4 – Assessment review.

- 11.12 Stage 4 involves pulling together all the site information to develop a trajectory of how and when the sites are expected to be developed and contribute to the housing numbers. Government guidance suggests that if this does not identify adequate sites or broad locations to meet development requirements it will be necessary to revisit some of the assumptions used.
- 11.13 The number of sites submitted for consideration through the SHELAA is considerably in excess of what is likely to be required in order to achieve the quantum of development included in the Local Plan when account is taken of existing consents, allocations and windfall sites. Therefore the Local Plan process will need to establish the housing and other land use requirements and assess the sites in order to determine which, if any, need to be allocated in accordance with the Council's development strategy and the Council's Plan for Carbon Neutrality. Not all sites were submitted for housing purposes, 6 sites were submitted for employment or retail purposes.

Stage 5 – Final evidence base.

- 11.14 Stage 5 sets out the conclusions of the SHELAA in relation to the total number of available sites. These are set out by settlement / area and there are separate lists of sites within current settlement boundaries (which could be brought forward and developed in accordance with current policies) and those outside settlement boundaries, which will be assessed by the Local Plan as potential allocations if required. Government guidance sets out detailed advice on determining the 5-year housing land supply and this is published each year in the Authority Monitoring Report.
- 11.15 These five steps have been completed and the SHELAA 2020 is attached in Appendix 1.

## Next Steps

11.16 The sites which have been included in the SHELAA 2020 will undergo a further process as part of the new Local Plan process. The assessment will be much more detailed and enable the Officers to identify which potential sites could be allocated for development in the new Local Plan. This work will take place over the coming months. The Local Plan process is set out in the Local Development Scheme <https://www.winchester.gov.uk/planning-policy/winchester-district-local-plan-2018-2038-emerging/local-development-scheme>

## 12 OTHER OPTIONS CONSIDERED AND REJECTED

12.1 The preparation of a SHELAA is required by Government as part of the Local Plan evidence base. In effect therefore there is no option but to prepare one and failure to do so could result in successful challenges to the Local Plan.

## BACKGROUND DOCUMENTS:-

### Previous Committee Reports:-

CAB3085(LP) Cabinet (Local Plan) Committee 3 December 2018. Approval of Strategic Housing & Employment Land Availability Assessment (SHELAA) 2018 for publication.

CAB3157 Cabinet Committee 19<sup>th</sup> June 2019. Approval of Strategic Housing and Employment Land Availability Assessment (SHELAA) 2019 for publication

### Other Background Documents:-

None

## APPENDICES:

Appendix 1: Strategic Housing and Employment Land Availability Assessment 2020.