

REPORT TITLE: APPROVAL OF STRATEGIC HOUSING & EMPLOYMENT LAND AVAILABILITY ASSESSMENT (SHELAA) AND THE REGISTER OF GREEN SITES FOR PUBLICATION

8 DECEMBER 2021

REPORT OF CABINET MEMBER: Cllr Russell Gordon-Smith, Cabinet Member for the Built Environment.

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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 new Local 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 seek to allocate the land for development or grant planning permission for its development. 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 may be suitable for development in the broadest sense and, in principle, what their capacity would be using a standard housing densities. Unlike previous SHELAA's for completeness, all of the sites have been included in this update Assessment. More detailed work including discussions with Parish Councils/New Alresford Town Council/Town Forum will take place over the coming months in terms of which SHELAA sites would meet the development strategy in the new Local Plan. 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 to meet the growth needed in the new plan as further assessment work needs to be undertaken over the coming months.

A SHELAA has been updated following a “call for sites” which ran alongside the consultation on the Strategic Issues & Priorities consultation (15th February – 12th April 2021). 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.

The call for sites is different from previous ones as it included a call for 'Green sites' which were sites for Biodiversity Net Gain and Offsetting, Green Infrastructure, Carbon Offsetting, Nitrogen Offsetting and Renewable Energy generation. Sites submitted for these purposes are not included in this SHELAA, as the SHELAA focuses upon land available for residential or employment uses. These 'Green sites' have instead been included in a separate green sites register.

RECOMMENDATIONS:

- 1) Approves the Strategic Housing and Employment Land Availability Assessment (SHELAA) 2021 which is attached at Appendix 1 and the Register of 'Green Sites' attached at Appendix 2 and they are both 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 Cabinet Member for the Built Environment, to make any necessary edits and minor alterations prior to the publication of the SHELAA 2021 and the Green sites register.

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 support 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 Plan 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 potentially available for housing and suitable for development, to help support the aims of the Council Plan and the development needs identified through the Local Plan process.
- 1.5 Vibrant Local Economy

- 1.6 The SHELAA covers employment land and such sites will be assessed to determine how they would support a Vibrant Local Economy and accommodate the employment growth identified in the Local Plan.
- 1.7 Living Well
- 1.8 If sites are considered to be suitable for development the next stage of the assessment process will consider the need for either new open space/green infrastructure, or improvements of existing, which will all contribute towards supporting Living Well and this will be an essential part of creating well designed places.
- 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, Parish Councils/New Alresford Town Council/Town Forum and other interested groups which sites have been put forward for potential development by landowners and developers.

2 FINANCIAL IMPLICATIONS

- 2.1 The SHELAA has been produced in-house using existing staff resources and supported by a Consultant who has experience of producing SHELAA's for other local planning authorities. Once agreed and published the report 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 and this includes the SHELAA. The cost estimation for the plan outcome is expected to reach £31,500 which will be in relation to the transport, archaeological and HBIC assessments of SHELAA sites.

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 national guidance contained in the Planning Practice Guidance (PPG) and National Planning Policy Framework (NPPF).
- 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 guidance, 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 There are no 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. See also 2.1 above.

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. Two sites have been submitted in the SHELAA process by the city council (River Park and St Peter's car park) 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 total number of SHELAA sites now stands at 380 sites that have been put forward for housing and employment and a further 9 Green sites. This figure includes sites that were included in the previous 2020 SHELAA (landowners were contacted to confirm if they wanted their sites that had been submitted previously to be rolled forward or removed from the SHELAA). In the recent call for sites that took place alongside the consultation on the Strategic Issues & Priorities consultation the call for sites was extended to a wide range of sites (please see paragraph 11.8 for more details) which resulted in 9 Green sites, an additional 95 new SHELAA sites, 285 old SHELAA sites. 6 sites were subsequently withdrawn.

- 6.2 The Council set out the aims and purpose of the call for sites on its website as follows;

- 6.3 *"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

- 6.4 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 and as part of the ongoing work on the partnership for South Hampshire (PfSH). 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 that are potentially 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 identify high level constraints, such as national biodiversity or other designations or flooding, which may prevent or limit the development potential of the land. Environmental considerations will be a key element of this process as part of the Sustainability Appraisal and Habitats Regulations 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.

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

- 8.3 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 Equality Impact Assessment. This is being undertaken and will be published alongside the Regulation 18 and Regulation 19 Local Plan as part of the Integrated Impact Assessment commission that is being undertaken by Land Use Consultants. 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 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 which is not the case. This could lead to risks in terms of undermining community support and the Council's reputation but can be avoided or minimised by communicating as widely as possible 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.
- 10.2 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. It will 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. This could in turn make the Local Plan process insufficiently robust and comprehensive and may expose the process to challenge or the Local Plan being found unsound.

Risk	Mitigation	Opportunities
Financial Exposure	None	None
Exposure to challenge	Producing a SHELAA is an important part of producing a 'sound' Local Plan. The preparation of the SHELAA has followed national guidance.	The Council is being open and transparent by taking the SHELAA to Cabinet as it is part of evidence base that used to inform the development of the Local Plan - it does not allocate sites for development.
Innovation Council fails to take the opportunity to share the SHELAA as widely as possible so interested parties are unclear as to its purpose and content.	There is not a set template for preparing a SHELAA so there is some degree of flexibility in terms of how it is prepared. This version of the SHELAA has been more transparent in terms of clearly identifying whether for example, a SHELAA site falls within a nature conservation "buffer zone".	The structure of the SHELAA has been divided up by parish and there are maps that clearly show all of the SHELAA sites that have been put forward in each area. This should greatly assist with the interpretation of the document.
Reputation Lack of transparency could undermine	Publish the SHELAA post Cabinet and emphasise that it is only a list of sites that are potentially	Inclusion of all available and potentially suitable sites in the SHELAA can help to avoid future

confidence in the plan making process.	available for development. It does not allocate sites for development as this is the role of the Local Plan which will follow on in accordance with due process.	“soundness” challenges and enables 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.
Achievement of outcome As for “reputation” above.	As for “reputation” above.	As for “reputation” above.
Property	None	None
Community Support As for “reputation” and “innovation” above	As for “reputation” and “innovation” above.	As for “reputation” and “innovation” above.
Timescales Delay in agreeing the SHELAA could slow down progress on the new Local Plan.	The SHELAA is important as it will be used to help inform decisions about where future development will be allocated so it is important to approve it in a timely manner as per this report.	None
Project capacity None.	None	None
Other None	None	None

11 SUPPORTING INFORMATION:

- 11.1 The SHELAA is simply 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 element 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 February and March 2021. The SHELAA will only identify sites which have been submitted to the Council by land owners or developers as available for development. It does not allocate sites. The inclusion of the site in the SHELAA does not imply that the Council would necessarily grant planning permission for its development or allocate the land for development in the new plan.
- 11.2 There is now a total of 380 housing, employment sites and 9 Green sites that 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 SHELAA as part of its own Local Plan process.

- 11.3 It is important to note that the Royaldown site (2020 SHELAA site reference number HU02 and CS03), which generated a significant amount of comments/objection, and media coverage, has now been withdrawn by the site promoters. It has been replaced by a much smaller site, HU12, which is immediately adjacent to Oliver's Battery. A Green site that also generated a significant amount of attention, which was put forward by Curdridge Parish Council (GS06) in the latest call for sites, has now also been withdrawn as this did not have landowner's consent.
- 11.4 2021 SHELAA
- 11.5 The 2021 SHELAA provides details of all the sites that are available and might be suitable for development. Unlike previous SHELAA's, all of the sites that have been submitted for consideration have been included in this version of the SHELAA. Officers have not, at this stage, excluded any of the sites but instead highlighted any issues on the individual site proforma's that may affect or have an impact on the suitability of the site for future development.
- 11.6 It is really important to emphasize that only a relatively small proportion of sites which have been put forward will need to be allocated in order to accommodate the development the council has to plan for. This will be determined by the needs identified for housing, employment and other land uses through the Local Plan making process in due course.
- 11.7 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. Further site assessments will be undertaken through the Local Plan process to meet the development needs of the district and will take account of environmental and other legislation. Determining the suitability of sites in the SHELAA will assist the Council in shaping and being able to deliver 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 discounted before they have been properly assessed.

The SHELAA Methodology and Content

- 11.8 The Government's Planning Practice Guidance (PPG) contains information 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 along with the likelihood of development coming forward (availability and achievability).
- 11.9 The PPG includes a methodology which authorities should use to produce a 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.

11.10 The first stage is to identify all the available sites and an additional 'call for sites' was undertaken alongside the consultation on Strategic Issues and Priorities earlier this year asking owners or their agents to submit any sites which were considered to be available for development. Similar to the last SHELAA, the recent call for sites had no minimum threshold in order to allow for small sites to be identified, given the requirement in the NPPF that councils should provide 10% of their housing on such sites. In addition to this the recent call for sites specifically encouraged people to put forward land for:

- Housing – including small sites, gypsy and travellers' sites and custom/self-build sites;
- Brownfield sites;
- Employment sites;
- Renewable Energy Generation sites;
- Biodiversity offsetting;
- Carbon offsetting;
- Nutrient offsetting; and
- Green infrastructure.

11.11 All sites that are included in the SHELAA have a location plan and a high level summary sheet containing information about their size, constraints, availability, timescale for development etc.

Stage 2 – Site / broad location assessment

11.12 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.

Stage 3 – Windfall assessment.

11.13 Stage 3 involves making an allowance for windfall sites (land not specifically allocated for development). 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.

11.14 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. This will not apply in Winchester's case.

11.15 The number of sites submitted for consideration through the SHELAA is considerably far in excess of what is required in order to achieve the quantum of development included in the new Local Plan when account is taken of existing consents, allocations and windfall sites. Therefore the Local Plan process will establish the housing and other land use requirements and assess the sites in order to determine which sites need to be allocated to meet the council's development strategy and the council's Plan for Carbon Neutrality. Not all sites were submitted for housing purposes as the recent call for sites was extended to include a range of other uses (see paragraph 11.19).

Stage 5 – Final evidence base.

11.16 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 through the Local Plan process 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 Authorities' Monitoring Report <https://www.winchester.gov.uk/planning-policy/monitoring-and-other-planning-documents/annual-monitoring-report-amr>

11.17 These five steps have been completed and the SHELAA 2021 is attached in Appendix 1.

11.18 **Green sites register**

11.19 The call for sites was different from previous years as it also included a call for land for Biodiversity Net Gain and Offsetting, Green Infrastructure, Carbon Offsetting, Nitrogen Offsetting and Renewable Energy generation. Sites submitted for these purposes are not included in this SHELAA, as the SHELAA focuses upon land available for residential or employment uses. These 'green sites' (9 in total) have been included in a separate 'Initial Green

Assessment' at Appendix 2. Any sites that have put forward as 'Green sites' still need to demonstrate that they would be suitable, available and achievable.

Next Steps

11.20 The sites which have been included in the SHELAA 2021 will undergo a further process of assessment as part of the new Local Plan process. The analysis will be much more detailed and enable officers to identify which potential sites could be allocated for development in the new Local Plan that meet the council's preferred development strategy and this will be informed by discussions with the relevant Parish Councils/New Alresford Town Council/Town Forum over the coming months. The Local Plan timetable is set out in the Local Development Scheme which was agreed by Cabinet in July 2021 <https://www.winchester.gov.uk/assets/attach/29850/CAB3302-APPENDIX-LDS-July-2021-2-.pdf>

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.

12.2 It is not a requirement by Government to undertake a call for 'Green Sites' but given the council's climate emergency declaration it was considered to widen the call for sites so that it covers these sites and to include these on a separate register.

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 19th June 2019. Approval of Strategic Housing and Employment Land Availability Assessment (SHELAA) 2019 for publication

CAB3235 Cabinet Committee 18th August 2020. Approval of Strategic Housing and Employment Land Availability Assessment (SHELAA) 2020 for publication

Other Background Documents:-

None

APPENDICES:

Appendix 1: Strategic Housing and Employment Land Availability Assessment 2021.

Appendix 2: Initial Green Sites Assessment 2021

