

REPORT TITLE: APPROVAL OF STRATEGIC HOUSING & EMPLOYMENT LAND AVAILABILITY ASSESSMENT (SHELAA) FOR PUBLICATION

3 DECEMBER 2018

REPORT OF PORTFOLIO HOLDER: BUILT ENVIRONMENT

Contact Officer: Lee Smith/Steve Opacic Tel No: 01962 848225/2201 Email
lsmith2@winchester.gov.uk / sopacic@winchester.gov.uk

WARDS: ALL (OUTSIDE SOUTH DOWNS NATIONAL PARK)

PURPOSE

The Strategic Housing and Employment Land Availability Assessment (SHELAA) is a key part of the evidence base for the Local Plan 2036. The SHELAA is a register of the sites that the Council has been told are available for development. The Council has assessed these to determine whether they are suitable for development and what their capacity would be. The inclusion of a site in the SHELAA is not a judgement as to whether it should be allocated for development - that is the role of the Local Plan process, taking account of the development needs that will be identified based on the evidence base, national policy and any other relevant considerations. A SHELAA has been produced following recent 'calls for sites' and consultation on methodology.

This report seeks agreement of the Cabinet Committee of the SHELAA 2018 and seeks authority for publication as part of the Local Plan evidence base. The SHELAA would then replace the previous Strategic Housing Land Availability Assessment (SHLAA).

RECOMMENDATIONS:

1. That the Strategic Housing and Employment Land Availability Assessment (SHELAA) attached at Appendix 1 be agreed and published as part of the evidence base for the Local Plan 2036.
2. That authority be granted to the Head of Strategic Planning, in consultation with the Portfolio Holder for the Built Environment, to make any necessary edits and minor alterations prior to the publication of the SHELAA.

IMPLICATIONS:

1 COUNCIL STRATEGY OUTCOME

- 1.1 Preparation of a new Local Plan provides an opportunity to reflect and reinforce the outcomes of the Council Strategy. 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.

2 FINANCIAL IMPLICATIONS

- 2.1 The SHELAA has been produced in-house using existing staff resources and, once agreed and published, it 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 The SHELAA has been produced taking account of Planning Practice Guidance produced by Government and the content of the National Planning Policy Framework (NPPF). It has been produced in-house, so there are no procurement implications. 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, the SHELAA itself is not examined for soundness but it is important that it is robust and has been produced in accordance with Government advice as it is a key source of information that underpins the Plan's development strategy.

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, although work will continue through the Local Plan process to establish development needs and assess the sites in the SHELAA for their suitability for development.

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.

6 CONSULTATION AND COMMUNICATION

- 6.1 The SHELAA is part of the Local Plan evidence base and, as such, there is no formal consultation requirement. Nevertheless, the sites included in the

SHELAA result from a 'call for sites' which was open to all and widely publicised. The call for sites ran from 29th January 2018 to 6th April 2018 and a total of 249 sites were submitted. The Council set out the aims and purpose of the call for sites on its website as follows;

"The call for sites will inform the preparation of the Strategic Housing and Economic Land Availability Assessment (SHELAA). This is a requirement of the National Planning Policy Framework.

The SHELAA will be a technical document that will form part of the evidence base and provide information on sites with potential for housing, economic development, gypsy and travelling showpeople, self build housing, etc in relation to their suitability, availability and achievability.

The reasons for undertaking this exercise are:

- 1. The information submitted as part of the Call for Sites will help to identify Brownfield Sites to be placed on the 'Brownfield Register' which the Council must legally prepare*
- 2. The SHELAA will help to inform future planning documents i.e. Local Plan, Gypsy and Traveller DPD and Neighbourhood Plans,*
- 3. The SHELAA will contribute to calculating the available and deliverable housing and employment land supply position.*

As part of the process, the Council is asking landowners and agents who wish to promote land for housing and/or economic development, retail, leisure, self build and gypsy and travelling showpeople sites to submit information to us on sites they would like to be assessed. There is no need to submit information on sites which already have planning consent or are allocated by the Local Plan. The Council will accept sites that are 0.25ha or more in size (or likely to provide at least 5 dwellings or 500m² of economic floor space)".

The SHELAA 2018 is set out in full at Appendix 1.

- 6.2 To aid consideration of the SHELAA methodology, the Council held a consultation on certain aspects which ran from 24th July 2018 to 21 September 2018. The aim of the consultation was to explore whether there was any justification for applying local criteria to the methodology. The methodology applied to evaluating the sites is set out in the National Planning Practice Guidance (NPPG) however there is flexibility for local criteria to be applied. The consultation aimed to gather thoughts on the methodology and what if any improvements could be made to ensure the evaluation is as robust and effective as possible.

There were 37 responses received to the 12 questions asked in the consultation which are summarised in Appendix 2.

- 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. Statements of Common Ground now required by the NPPF will be produced as required with neighbouring districts as part of the Local Plan process.

7 ENVIRONMENTAL CONSIDERATIONS

- 7.1 The SHELAA does not allocate land for development – this will be achieved through the Local Plan process taking account of environmental legislation and Government advice that exists regarding local plans. The SHELAA lists sites that are available for development and identifies significant constraints which may affect their suitability or deliverability. The first round of assessment that has been carried out excludes land where high level constraints (e.g. national designations) would preclude or limit the development of all or most of the site. All other sites are included in the SHELAA, meaning that there are far more sites included than are likely to be needed to accommodate the level of growth the Council will need to plan for. Therefore further site selection work based upon agreed criteria will be required to be undertaken through the Local Plan process. Environmental considerations will be a key element of this process and embedded into the sustainability/strategic environmental assessment process which will assess all sites and policies in the Local Plan. .

8 EQUALITY IMPACT ASSESSMENT

- 8.1 None.

9 DATA PROTECTION IMPACT ASSESSMENT

- 9.1 None.

10 RISK MANAGEMENT

- 10.1 The SHELAA has been produced in-house and to timescale. The only significant risk is that the purpose of the SHELAA may be misunderstood with people believing it allocates or endorses 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 included, nor allocate them for development. This process will be undertaken through Local Plan work, which will need to follow legislative and Government policy requirements, be subject to consultation and be examined by a Planning Inspector. While some sites may well be contentious, failure to include them in the SHELAA at this stage means they would not be properly considered, which in turn could make the Local Plan process insufficiently robust, and comprehensive as well as open to challenge.

Risk	Mitigation	Opportunities
<i>Property</i> None		
<i>Community Support</i> Risk that the SHELAA is (mistakenly) viewed as allocating land for development, leading to objections / comments.	Emphasise that the SHELAA lists sites available for development but does not allocate them.	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> None	–	–
<i>Project capacity</i> None	–	–
<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:

Background

- 11.1 The Strategic Housing and Employment Land Availability Assessment (SHELAA) is a register of sites that are available (because a person who controls the site has said so) and which might be considered suitable to meet development needs in the District. A SHELAA is a mandatory part of the Local Plan process and it will form an important part of the evidence base for the Local Plan 2036. It consists of all land that has been notified to the Council as being available for development, following a call for sites in January 2018. Some 249 sites have been put forward. The SHELAA does not cover that part of the District within the South Downs National Park, as the National Park Authority has produced its own document as part of its own Local Plan process.

- 11.2 The SHELAA provides details of all the sites that are available and might be suitable for development, an assessment has been carried out to remove sites which have no prospect of being considered suitable by the City Council due to being heavily constrained by key designations or constraints (e.g. national designations such as SSSIs or land in Flood Zones 2 and 3). 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 process.
- 11.3 It is important that all available and potentially suitable sites are considered through the SHELAA process even if some of them are contentious. Consideration at this stage is completely neutral as to their future status. Further site assessments will be undertaken through the Local Plan process, once development requirements are known and will take account of environmental and other legislation, Government advice and the results of public consultation. 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 that sites are not rejected before being properly assessed.

The SHELAA Methodology and Content

- 11.4 The Government's Planning Practice Guidance (PPG) contains considerable 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 includes a methodology which authorities should use unless there are good reasons for not doing so. This sets out 5 keys 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
- 11.5 Officers have consulted stakeholders on various aspects of the SHELAA methodology , where there is scope for local discretion, including site sizes, density assumptions, level of detail to be used, viability issues, 'broad locations', windfall sites, the type of housing needed, and delivery issues. Comments were received from individuals and organisations including developer representatives and Parish Councils. Appendix 2 sets out a summary of the comments made, key themes, analysis and officer comment. However, given the need to finalise this version of the SHELAA no amendments have been made to the methodology at this time, but any proposed changes can be incorporated into an annual refresh to allow additional sites to be included and for sites no longer available to be deleted and for a call for small sites to be launched in early 2019.

11.6 Stage 1 – Site / broad location identification.

The first stage is to identify all the available sites and a 'call for sites' was issued in January 2018, asking for details to be submitted of sites which were considered to be available for development and capable of accommodating 5 or more dwellings. This led to approximately 249 sites of varying sizes and locations being submitted, with most promoted for housing. Given the requirement in the new National Planning Policy Framework (NPPF) published in July 2018 requiring councils to promote the development of small sites under 1 hectare, a further 'call for small sites' will be undertaken as referred to above.

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. 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, etc.

11.7 Stage 2 – Site / broad location assessment

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 main town and village centres assumed to be developable at a higher density. A few sites were excluded at this stage where they were not suitable for development because they were very heavily constrained, for example due to being within Flood Zones 2 or 3 or not having a means of access.

11.8 Stage 3 – Windfall assessment.

Stage 3 involves making an allowance for windfall sites, using assessments undertaken as part of the process of developing Local Plan Part 2. It will be necessary to update the windfall assessments in due course, but this is planned as a separate area of work to be undertaken as part of the Local Plan review process. The windfall allowance is a self-contained input to the annual 5-year land supply calculation, so can be updated as necessary without requiring the SHELAA to be renewed.

11.9 Stage 4 – Assessment review.

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. In Winchester the precise housing requirement is not yet known (as it will be set by the Government's standard methodology) but the number of sites submitted for the SHELAA will be considerably in excess of what is required when account is taken of

existing consents, allocations and windfall. Therefore the Local Plan 2036 process will need to establish the housing and other land use requirements and assess the available sites to determine which, if any, need to be allocated in accordance with the development strategy to be determined. Not all sites were submitted for housing purposes, Table 5 of the SHELAA lists those sites submitted for employment or retail purposes.

11.10 Stage 5 – Final evidence base.

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 can be brought forward within current policies) and those outside settlement boundaries, which will be assessed by the Local Plan as potential allocations if required. Government practice guidance sets out detailed advice on determining the 5-year housing land supply and the Council apply this annually in preparing the Annual Monitoring Report.

These five steps have been completed and the SHELAA 2018 is attached in Appendix 1.

12. Next Steps.

- 12.1 Once the SHELAA is published as evidence for the Local Plan, the Council will continue to review and assess the submitted sites in order to consider sites to meet the identified needs of the District in the Local Plan 2036.
- 12.2 The comments received as a result of the SHELAA methodology consultation will be used to inform the SHELAA going forward and it is the intention to undertake an annual refresh if resources permit. This in addition to a call for small sites to be undertaken in early 2019, will furnish the Council with an extensive database to inform Local Plan preparation.
- 12.3 There have been some helpful comments in respect of some of the questions the SHELAA should ask as well as other ways that the deliverability of sites can be improved through the Local Plan and Development Management processes. Support for increased provision for housing for the elderly came out of the methodology consultation and is something that the Council could consider in commissioning a Strategic Housing Market Assessment (SHMA) which could also cover the other sectors of housing set out in the NPPF.
- 12.4 Suggestions were also made in respect of allowing a shorter timescale for development to commence to ensure it comes forward in a timely manner, this is something that is supported in the revised NPPF (para76) and could be implemented by the development management team. It has also been suggested that the Council should consider using an implementation officer to ensure delivery of sites. Implementation officers are already employed to deal with the strategic site allocations. Deallocating sites which have not been implemented has been suggested and this is something that the Council is considering by undertaking a stock check of all sites with planning permission

which have not yet commenced and seeking advice from the land promoter/developer as to why. If allocated sites and sites with planning permission are not developed then other sites will need to be considered to ensure a 5 year housing land supply. The Council will continue to look at ways of ensuring the deliverability of sites in the production of Local Plan 2036.

13 OTHER OPTIONS CONSIDERED AND REJECTED

- 12.1 The preparation of a SHELAA is required by Government and so to not prepare one is not a realistic option. There are some elements of the SHELAA where there is scope for local discretion including site sizes, density assumptions, level of detail to be used, viability issues, 'broad locations', windfall sites, the type of housing needed, and delivery issues. The Council has assessed the comments made in respect of these matters through the SHELAA methodology consultation and will take on board those suggestions which will improve the process and ultimately help the delivery of sites.

BACKGROUND DOCUMENTS:-

Previous Committee Reports:-

CAB3046 - Local Plan Launch, Cabinet, 18 July 2018

Other Background Documents:-

None.

APPENDICES:

Appendix 1: Strategic Housing and Employment Land Availability Assessment (SHELAA).

Appendix 2: Summary of comments made in respect of the SHELAA methodology consultation.