

REPORT TITLE: APPROVAL OF 2019 STRATEGIC HOUSING AND ECONOMIC LAND AVAILABILITY ASSESSMENT (SHELAA) FOR PUBLICATION

19 JUNE 2019

REPORT OF PORTFOLIO HOLDER: BUILT ENVIRONMENT AND WELLBEING

Contact Officer: Jill Lee Tel No: 01962848575 Email: jlee@winchester.gov.uk

WARD(S): 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 advised 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 a recent “call for sites” which ran between Monday 28th January and Friday 8th March 2019. This most recent “call for sites” differs from previous ones in that it had no minimum site size threshold. This enabled small sites to be identified in accordance with the revised National Planning Policy Framework, which requires local planning authorities to accommodate at least 10% of their housing requirement on sites no larger than one hectare. Previous SHELAAs had a minimum threshold of sites that are 0.25ha or more in size or likely to provide at least 5 dwellings or 500m² of economic floor space for sites being put forward for commercial use.

This removal of the lower threshold has resulted in an additional 25 sites being submitted for consideration. Some sites which were submitted for consideration in the last SHELAA were not resubmitted this time either because they have been developed or the land is no longer available. This has resulted in an increase of 11 sites overall available for consideration in the 2019 SHELAA.

It is likely that a “call for sites” and production of a SHELAA will be an annual event now that the NPPF requires local plans to be reviewed every 5 years and housing land supply is updated every year through the Authorities Monitoring Report, published every December. The Council will need to ensure that it has an up to date

pool of potential sites to call on to ensure it can prove it has a deliverable 5 year housing land supply.

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 Strategic Planning Manager, 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 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. The Town and Country Planning (Local Planning) (England) Regulations 2012 ("the 2012 Regulations"), Regulation 5 (1) states that documents which are to be prepared as local development documents are –

(a) any document prepared by a local planning authority individually or in cooperation with one or more other local planning authorities, which contains statements regarding one or more of the following—

- (i) the development and use of land which the local planning authority wish to encourage during any specified period;*
(ii) the allocation of sites for a particular type of development or use;

- 3.2 The SHELAA will therefore inform the identification of potential sites 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.

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. No Council owned sites have been submitted for consideration.

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 advertised from 28th January 2019 to 8th March 2019 with a total of 265 sites being submitted for consideration by the Council for inclusion in the SHELAA with a total of 254 being included in the SHELAA. This is an increase of 11 over the 2018 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.

Important Note:

This call for sites has no minimum site size threshold in accordance with the revised National Planning Policy Framework (NPPF 2018) which requires local planning authorities to accommodate at least 10% of their housing requirement on sites no larger than one hectare. The consultation starts on 28th Jan 2019 and will run until 8th March 2019.”

- 6.2 The SHELAA 2019 is set out in full at Appendix 1.

- 6.3 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 SHELAA does not allocate land for development, this will be done through the Local Plan process taking into account environmental legislation and government advice. The SHELAA lists sites that are available for development and identifies significant constraints which may affect their suitability or deliverability. The first round assessment has been carried out and excludes sites where high level constraints such as national designations or flooding would prevent or limit the development potential of the site. All other sites are included in the SHELAA meaning that there are far more sites included that are likely to be needed to accommodate the level of growth the Council will need to plan for. Further site selection work based upon agreed criteria will be required throughout 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 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 Local Plan 2036, which itself will be subject to an EqlA. 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 and to timescale. 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 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, will be subject to consultation 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 it open to challenge.

Risk	Mitigation	Opportunities
<u>Property</u> None	-	-
<u>Community Support</u> 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.
<u>Timescales</u> None	-	-
<u>Project capacity</u> None	-	-
<u>Financial / VfM</u> None	-	-
<u>Legal</u> None	-	-
<u>Innovation</u> None	-	-
<u>Reputation</u> As for "community support" above.	As for "community support" above.	As for "community support" above.
<u>Other</u>	-	-

None		
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11 SUPPORTING INFORMATION:

Background

- 11.1 The SHELAA is a register of sites that are available (because they have been put forward with the permission of the landowner) 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 Local plan 2036. The SHELAA consists of all land that has been notified to the Council as being available and suitable for development following a call for sites between January and March 2019.
- 11.2 254 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 have no prospect of being considered suitable by the City Council due to being heavily constrained by key designations or constraints such as SSSIs or land within 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.
- 11.4 It is important that all available and potentially suitable sites are considered through the SHELAA process even if some of them are contentious. The consideration of sites at this stage is completely neutral as to their future status. 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 that sites are not rejected before being properly assessed.

The SHELAA Methodology and Content

- 11.4 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 making changes to the SHELAA methodology by applying local criteria which is allowed for in the PPG. In conclusion there were no particular criticisms of the methodology and the matters which were identified were in line with the revised NPPF and have been implemented by the Council in the methodology for this most recent SHELAA. This included allowing smaller sites to be submitted by removing the site size threshold, and repeating the “call for sites” and SHELAA on an annual basis. The outcomes

of that consultation were reported to committee on 3 December 2018 (CAB3085(LP)).

11.5 The Government's Planning Practice Guidance (PPG) updated in September 2018, 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 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).

11.6 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

11.7 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 2019 to run 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 500m² of economic floor space.

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, timescale for development etc.

11.8 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.

11.9 Stage 3 – Windfall assessment.

Stage 3 involves making an allowance for windfall sites. 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 2036 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.

11.10 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. The Council has yet to determine the precise housing requirement to be planned for through Local Plan 2036. With the introduction of the Government's standard methodology there is some uncertainty about the housing need quantum, as this is subject to change as a result of updates to statistical data which inform the standard method. In addition, there is the uncertainty of any requests to the Council under the Duty to Co-operate, it is therefore, not possible to 'fix' the housing need until the Local Plan is submitted for examination which is anticipated in 2021. The number of sites submitted for consideration through the SHELAA will considerably exceed 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, 4 sites were submitted for employment or retail purposes.

11.11 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 each year in producing the Authorities Monitoring Report.

These five steps have been completed and the SHELAA 2019 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 suitable to meet the identified needs of the District in the Local Plan 2036.

12.2 It is anticipated that the “call for sites” will be updated on an annual basis and there will be a new SHELAA published every year.

13 OTHER OPTIONS CONSIDERED AND REJECTED

13.1 The preparation of a SHELAA is required by Government as part of the Local Plan evidence base, so to not prepare one is not a realistic option and could result in 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.

Other Background Documents:-

None.

APPENDICES:

Appendix 1: Strategic Housing and Employment Land Availability Assessment 2019.