

Central Buckinghamshire Housing and Economic Land Availability Assessment Methodology

May 2015



1. Introduction

1.1 The Housing and Economic Land Availability Assessment (HELAA), (formerly known as the Strategic Housing Land Availability Assessment (SHLAA) for the housing part), is a technical study that forms a critical component of the evidence base for Local Plans. The purpose of the assessment is to identify the suitability of land available for housing and economic development, the development potential and when development is likely to occur.

1.2 Housing development is defined as sites for all types of housing, including housing provided for older people, including residential institutions¹ and student accommodation. Economic development² refers to all employment uses, not just B use classes. This includes main town centre uses³.

1.3 The Planning Practice Guidance⁴ requires a HELAA to be prepared for the Housing Market Area (HMA) and Functional Economic Market Area (FEMA). A separate study⁵ has identified a 'Central Buckinghamshire' HMA and FEMA, which consists of Aylesbury Vale District, Chiltern District and Wycombe District⁶. Whilst not within the 'best fit' HMA and FEMA, both Milton Keynes Borough and South Bucks District also have strong functional links with the Central Buckinghamshire area and as such these authorities' have had an input to the methodology as part of the Duty to Co-operate.

1.4 To ensure a consistent methodology between the districts of the Central Bucks HMA/FEMA a joint methodology (this document) has been prepared and agreed. This joint methodology forms part of the councils' evidence base, as set out in a 'Bucks wide working agreement'. Each authority will follow the same methodology.

1.5 This HELAA Methodology, in relation to housing, replaces the Councils previous SHLAA methodologies and is in line with Planning Practice Guidance.

¹ NPPG 'How should local planning authorities deal with housing for older people?' 3-037-20140306

² NPPF 'Economic Development' see glossary for definition and Annex 2, (2012)

³ NPPF 'main town centre use' see glossary for definition and Annex 2, (2012)

⁴ NPPG 'What geographical area should the assessment cover?' 3-007-20140306

⁵ Buckinghamshire Housing Market Area & Functional Economic Market Area Study (March 2015)

⁶ These will be referred to as "the Councils" in the rest of the document.

Policy Context

National Planning Policy Framework (March 2012, DCLG)

1.6 The policy context for the HELAA is set out in the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG). The NPPF replaced, amongst many other policies, Planning Policy Statement 3, and more particularly the requirement to maintain and assess the availability of land for future development.

1.7 Paragraph 158 of the NPPF states local planning authorities should ensure that their assessment of land strategies for housing, employment and other uses are integrated, and that they take full account of relevant market and economic signals.

1.8 The assessment should:

- Identify sites and broad locations for potential development
- Assess their suitability for development and the likelihood of development coming forward (their availability and achievability)
- Provide an initial assessment of their development potential (how much housing and economic development and when)

1.9 This approach ensures that all land is then assessed together as part of plan preparation to identify which sites or broad locations are the most suitable and deliverable for a particular use.

1.10 The assessment does not allocate land for development, as it is for the development plan to determine which sites are the most suitable to meet development needs. HELAA sites will be subject to other assessments/considerations. Local plan-making consultations will identify which sites should be considered for allocation.

1.11 Paragraph 47 of the NPPF identifies:

“To boost significantly the supply of housing, local planning authorities should:

- identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;

- identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;”

Deliverable and Developable sites

1.12 The HELAA sets specific tests for sites to be considered ‘deliverable’ (the tests for sites within the 5 year supply) and ‘developable’ (the tests for sites from year 6 onwards). The NPPF introduces to the ‘deliverable’ definition an assumption that sites with planning permission will be deliverable unless clearly evidenced to the contrary.

Footnotes 11 and 12 from the NPPF identifies:

“11 To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans.

12 To be considered developable, sites should be in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged.”

Windfall

1.13 As well as the identification of specific sites, paragraph 48 of the NPPF allows for the inclusion of ‘windfall sites’ in the five year supply, if a Council has compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply.

1.14 These are sites which have not been previously identified and which are usually first encountered as development sites when they actually enter the planning process, either as an application or a pre-application inquiry.

Annex 2 of the NPPF: Glossary “Windfall sites: Sites which have not been specifically identified as available in the Local Plan process. They normally comprise previously-developed sites that have unexpectedly become available.”

Paragraph 48 of the NPPF. “Local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment (now known as the HELAA) historic windfall delivery rates and expected future trends, and should not include residential gardens.”

Work Programme

- 1.15 Each District is carrying out a separate HELAA, but following the same methodology. The work programme for each is being carried out at broadly the same time, with site assessment work commencing in early 2015 and publication of drafts towards the end of 2015.
- 1.16 Each District will aim to update the HELAA as appropriate, to ensure the availability of sites remains up to date. This will be dependent on the workload of the Local Plan, the timing relative to their Local Plan process, available resources and the procurement of specialist advice where needed.
- 1.17 Each District will set a ‘cut-off date’ to allow sufficient time for sites to be reviewed for the publication of the next HELAA. However, sites submitted at other times will also be fed into the process.

Quality control

- 1.18 In addition to adherence with the methodology set out in this document, the quality control of the HELAA’s will be monitored via officer’s review and management of the project. Also the involvement of stakeholders and landowners to gather up-to-date information on assessment variables e.g. detail regarding availability will be a key part to securing comprehensive and realistic findings. The councils will undertake a call for sites early in the plan process to inform the HELAA and be open to further potential site identification during other key stage consultations.
- 1.19 Stakeholders, all interested parties, and the community will have the opportunity to comment on the way the HELAA is used to inform the Local Plan preparation process during consultations on the Local Plan.

Stakeholder Engagement

- 1.20 The PPG recommends that local authorities should work in partnership with all interested parties in the production of the HELAA. It is recognised

that public bodies, stakeholders, developers and other partners can provide valuable information and input at all levels of the process. Each District Council will identify stakeholders relevant for their area and engage appropriately. This may include the provision of a steering group. Stakeholders will reflect those categories identified in the PPG:

- developers
- those with land interests
- land promoters
- local property agents
- local communities
- partner organisations
- Local Enterprise Partnerships
- businesses and business representative organisations
- parish and town councils
- neighbourhood planning groups

Stages of stakeholder engagement

1.21 Each Council is committed to stakeholder engagement on the HELAA and are aware of the value it adds to the overall process. As a minimum each local planning authority will carry out the following:

- Key stakeholders will be consulted on the draft Methodology for individual Districts (building on the agreed joint methodology). This will include Councils which adjoin the HMA/FEMA and LEPs, with a reasonable period for comment.
- A 'call for sites' consultation will be carried out for each HELAA update, giving the opportunity for landowners, developers, agents, community groups and public sector bodies to identify sites.
- Each Council within the HMA/FEMA will share with the other HMA Councils a list of sites mapped. This will be at a stage when the list of sites has been largely updated and before the site assessments work has commenced (it is acknowledged that there may be a few additional sites added once the bulk of the lists has been identified through on going sites promoted to the Councils). This is so at an early stage Councils can ensure a robust process has occurred for identifying sites to be considered through the HELAA.
- Where appropriate, sites will have specialist input into the assessment of suitability, availability, deliverability and achievability. Where necessary this may include consultation with Buckinghamshire County Council (for issues

such as highways, archaeology and nature conservation) and in-house officers with specialisms such as design, conservation and landscape.

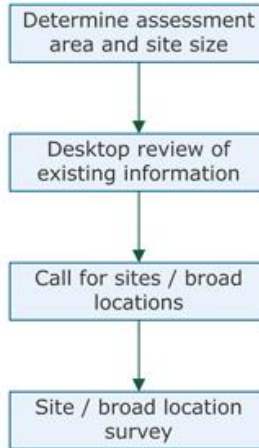
- Before Draft HELAAs are published it has been agreed that the other Districts in the HMA/FEMA will review the findings, acting as a critical friend to ensure consistency. This will be prior to publishing the report with wider stakeholders, with a reasonable period to comment.
- A draft report will be published for stakeholders to review individual sites, prior to the Council finalising the study. This will include all Councils which adjoin the HMA/FEMA. The draft report will be published with a reasonable period to comment and may include a presentation to key stakeholders.
- Where details are known, landowners/developers/agents will be contacted for each site to provide information on deliverability and when a site is likely to be developed. Involvement of stakeholders at these times is vital in ensuring the Councils assessment process is realistic and informed.

2. Methodology

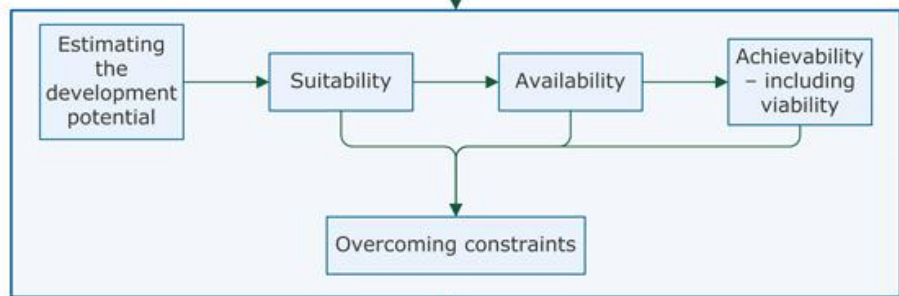
- 2.1 The methodology for the Central Buckinghamshire HELAA is based upon the standard methodology in the Housing and Economic Land Availability Assessments Planning Practice Guidance.⁷
- 2.2 Each Council is keen to carry out most of the assessment work in-house utilising existing resources and knowledge held by the Council. External assistance may be called upon, if and when specialist advice is needed.
- 2.3 The HELAA has five main stages, with two optional stages covering broad locations and windfalls. Each Council will follow the standardised methodology as set out overleaf:

⁷ Planning Practice Guidance, Housing and Economic Land Availability Assessments, DCLG

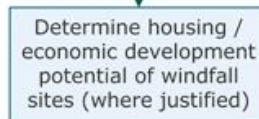
Stage 1 - Site / broad location identification



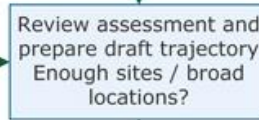
Stage 2 - Site / broad location assessment



Stage 3 - Windfall assessment

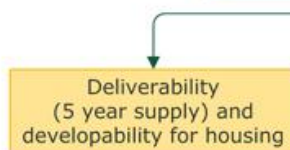


Stage 4 - Assessment review



No

Stage 5 - Final evidence base



Stage 1: Identification of sites and broad locations

- 2.4 The role of the HELAA is to ensure that Councils have a robust understanding of the amount of land with potential for housing and economic development within their area.
- 2.5 It is clear from the diagram that Stages 2-4 are iterative i.e. that if enough sites aren't found as part of the initial site/ broad location identification that a second trawl of the sites is needed. However, if after a further assessment, there still aren't sufficient sites to satisfy the housing need, then the NPPF and PPG make it clear that other less constrained areas outside the District may need to be considered to accommodate this shortfall.
- 2.6 In order to maximise the Councils' knowledge, the HELAAs in the 'Central Buckinghamshire' area will consider as a minimum housing and economic development sites identified in Table 1 below. This focuses on new housing and economic development sites (and also includes PDL sites), rather than sites in existing residential or economic development use. The Councils have extensive monitoring information which is reported on an annual basis. This includes reporting on changes of use for existing employment sites and town centre uses and therefore this information is not duplicated in the HELAA.

Table 1: Sources of Sites/broad locations

Source	Explanation
Pre-application inquiries	Sites where the Council is already in discussion with a developer (where it is not confidential or where the landowner agrees to publicise the site).
Undetermined planning applications, including those subject to S106	Sites which could potentially be approved for development.
Planning application refusals or withdrawn	Sites which have previously been refused. Reasons for refusal may now have changed or constraints may have been overcome.
Unimplemented / outstanding planning permissions for housing and employment buildings	Sites where development has been permitted, but has not commenced and permission has not expired. Information of these sites will be sourced from the Authorities Monitoring Reports and other published statistics.

Expired planning permissions	Sites which have had a recent expired planning application where there is reasonable prospect of a new application being submitted to the local planning authority.
Housing and Economic Development sites under construction	Sites where development has started, but is not completed. Information of these sites will be sourced from the Councils monitoring reports.
Prior Approval Certificate including Office to Residential, Retail to Residential and any other updates to permitted development rights	Sites which fall within 'permitted development rights' that allow for change of use or conversion to residential use.
Existing or emerging Local Plans /Development Plan Documents or Neighbourhood Plan allocations that have not received planning permission.	Sites which have been allocated for housing or economic development which have not yet received planning permission. This may also include sites which were considered as part of preparing allocations for a Local Plan or Neighbourhood Plan but were subsequently not taken forward for allocation, for example sites identified at the Pre-submission stage of a Neighbourhood Plan or Issues and Options stage for a Local Plan.
Housing and economic development sites put forward during a "Call for Sites" consultation and throughout the Local Plan production.	Any sites/broad locations submitted directly to the council for consideration through periods of consultation and/or submitted independently e.g. from landowners, agents, RSLs and developers etc. This may also include sites promoted by the LEP and other Duty to Cooperate organisations.
Vacant and derelict land/buildings	Sites identified in either rural or urban locations, where a building is vacant or underused. Information may be sought from local authority empty property registers, the English House Condition Survey, engagement with estate agents and property agents and the Valuation Office database.
Surplus public land	Land owned and promoted by

	either the District Council or Bucks County Council or other public bodies e.g. the MoD or NHS.
Sites already within the SHLAA (HELAA) process	Sites/broad locations previously submitted for the SHLAA's process (now HELAA), will remain within the HELAA process and be reconsidered for each review. The sites suitability, availability, achievability and whether the site has been redeveloped will be reviewed.
Sites recommended for residential or mixed use in a recent Employment Land Review	Sites which are no longer suitable for economic development uses and which have been identified for release for housing or mixed use schemes.
Internal site suggestions from Planning Officers and other Officers e.g. Housing Officers, Leisure Officers etc.	Sites/broad locations from general knowledge of the District will be included if they have not already been identified through other sources of supply. This may be through other technical studies including development briefs and may include sites which adjoin urban areas on the edge of a District.
Sites put forward by Registered Social Landlords	Sites which owned by registered social landlords which could be redeveloped social or private housing.

Determining which sources of sites will be included in the Assessment

Desktop review

2.7 An initial desktop review will be carried out to sift out those sites which should automatically be excluded from the assessment. Each site will be considered for housing and economic development. Where constraints only exist on part of a site, the site will not be excluded from the assessment. Where a site adjoins an environmental constraint set out in Table 2, such sites will not be excluded from the assessment, but will be

considered in more detail at the next stage of assessment for the 'suitability' stage.

Table 2: Sites to be excluded

Category	Reason for exclusion	How it will be identified
Sites less than five dwellings or under 0.25ha/500m²⁸ of economic development floor space	Exclusion at these thresholds of housing and economic development is in accordance with the PPG. Sites of less than 5 dwellings will be included as part of a windfall assessment for housing, although where justified, the Councils may wish to use an alternative threshold.	Developer / landowner information. Planning officer knowledge of the site. Where the capacity of a site has not been identified, a standard density of 50 dph for town centre sites and 30 dph for all other areas will be applied in the first instance for residential development but may need to be adjusted as the site goes through the assessment process.
Not within or adjoining a settlement , or a PDL site	Only sites within or adjoining an existing settlement' or PDL sites will be considered as part of the assessment.	GIS maps 2011 ONS population data Policies Maps
Ongoing Employment sites that are not recommended for release	The suitability of existing employment sites will be considered as part of an Employment Land Review. This will consider whether existing employment	GIS maps and Employment Land Review

⁸ As set out in the NPPG - 3-010-20140306

	<p>sites are still suitable. Where they are identified as being suitable for alternative uses, these sites will be considered in the HELAA for housing or mixed use.</p>	
<p>Sites within the Green Belt which are not on PDL</p>	<p>The NPPF identifies these sites should only be developed in very special circumstances. A separate Green Belt Assessment is being carried out, to consider parcels of land against the purposes of the Green Belt. Any site currently within the Green Belt will be identified as being unsuitable at this stage. If the Green Belt Assessment identifies that the site weakly performs the Green Belt functions, it will then be assessed through the HELAA process for its development potential.</p>	<p>GIS maps</p>
<p>Environmental Constraints</p>		
<p>Sites within functional flood plains (Flood Zone 3B) will not be considered for housing or economic development purposes.</p>	<p>Land that is in flood zones 3a and 3b proposed for residential development or zone 3b for economic development will not be included in the HELAA unless it can be demonstrated, through a planning application, that satisfactory mitigation measures can be put in place.</p>	<p>Buckinghamshire Preliminary Flood Risk Assessment, District Council Strategic Flood Risk Assessments, and Environment Agency's Flood Maps</p>

Sites of Special Scientific Interest	These are important, statutorily protected biodiversity resources used for recreational, amenity and educational purposes in the Districts.	GIS maps
Special Areas of Conservation	These are strictly protected sites designated under the EC Habitats Directive	GIS maps
Special Protection Area	These are strictly protected sites designated under the EC Birds Directive	GIS maps
Scheduled Ancient Monuments and Ancient Woodlands	These are irreplaceable historical assets and are protected by law.	GIS maps
Designated Local Green Spaces	The NPPF states these sites rule out new development other than in very special circumstances.	GIS maps

Stage 2: Site/Broad Location Assessment

Assessing the development potential of each site/broad location

- 2.8 Sites or part of a site which do not meet any of the criteria set out in Table 2 will continue through to the following assessment on ‘suitability’ ‘availability’ and ‘achievability’. This will be carried out through a combination of desktop assessment, site visits and contacting landowners and developers.
- 2.9 Councils have access to a considerable amount of information in the form of existing databases and studies. This information will help to assess the deliverability and developability of sites, including any site constraints.
- 2.10 The desktop assessment phase of the HELAA is imperative to establish whether a site is suitable and/or available for development. In addition to recording the basic site details such as size, current use, boundary and surrounding area/character; conclusions will be based on a wide range of information from various sources and stakeholders. The sections below on ‘suitability’ ‘availability’ and ‘achievability’ sets out information to be obtained for assessing each site.

Suitability

- 2.11 As a minimum the following factors will be considered when determining the suitability of a site.

Location Considerations

- 2.12 It is not the purpose of the HELAA to identify what locations are 'sustainable', this will be through the Local Plan process. As such all settlements will be included within the HELAA. All sites either within or adjoining a settlement or a PDL site will be considered through the HELAA. Broad locations for development will also be considered where appropriate.
- 2.13 Sites which would result in coalescence between two separate settlements will not necessarily be excluded but will be considered against the rest of the suitability criteria.

Environmental Constraints

- 2.14 Knowledge of the environment contributes to the understanding of a site and enables each Council to build up a picture of how development could impact upon the natural environment. It is therefore an important part of determining 'suitability'.
- 2.15 The following environmental constraints will be carefully considered. Development may be suitable in these locations, depending on the size of the site and the extent to which the constraint covers a site and its potential impact. These constraints are likely to have an impact on the capacity of a site e.g. affect design and layout and also the timing of when development is likely to take place. It will be for the Local Plan process to identify how these constraints are dealt with when allocating sites in the new Local Plans
- Areas of Outstanding Natural Beauty and their setting
 - Flooding (surface water and fluvial)
 - Biodiversity Action Plan Priority Habitat Sites
 - Local Nature Reserve
 - Local Wildlife Sites
 - Biological Notification sites
 - Grade 1, 2 and 3a agricultural land quality
 - Local landscape designations
 - Long distance views and Landscape Character Assessments/ sensitivity studies
 - Historic landscapes and their setting

- Topography
- Listed buildings
- Conservation areas and their setting
- Archaeological findings
- Local Geological Sites
- Tree Preservation Orders
- Mature Woodland
- Loss of established hedgerows
- Public Rights of Way
- Designated Open Space/ Green Space⁹
- Potentially Contaminated Land
- Noise and pollution constraints

2.16 Environmental constraints will be appraised through the desktop survey using GIS and Mapping systems, information provided by key stakeholders such as the Environment Agency, English Heritage and Natural England etc. and during site visits.

General Physical Constraints

2.17 Constraints under this category relate to general physical issues that could present either a temporary or permanent constraint to development and may prevent a site from being found 'suitable' for development or constrained to the type and/or level of development which could take place.

2.18 Sites where physical problems and/or significant constraints create a barrier between the edge of the settlement and the site will normally be found unsuitable unless clear and viable mitigation can be demonstrated during the HELAA process.

2.19 General physical constraints will be recorded using GIS and mapping systems, information identified on site visits and by utilising information available to the Council on related matters.

Utilities

2.20 The following matters are to be considered and noted at the desktop assessment stage, some of which may preclude development depending on the extent to which the utility covers a site and its potential impact

⁹ This does not include Local Green Space designations which will be excluded from the HELAA (see table 2)

- High pressure gas pipelines
- Oil pipelines, national grid transmission lines,
- Immovable communication links, such as high speed fibre optic cables utilised by businesses in the area
- Major hazard site
- Land safeguarded for High Speed 2.

Economic Development

2.21 In addition to the suitability criteria identified in paragraphs 2.12 – 2.21, the following criteria will be considered specifically in relation to the suitability for economic development:

- Whether the site has /can gain good access to the strategic transport network. The time needed to access the strategic network will be considered, taking into account distance but also known congestion levels.
- Whether the site adjoins /could adjoin part of an existing employment site. If an adjoining site is well utilised then it is likely to be a commercially attractive location.
- Whether the site has access / is capable of providing access to non-employment uses for employees to utilise such as food and leisure facilities.
- The site's proximity to residential areas and other adjoining uses to ensure economic development wouldn't result in an adverse impact on local amenity.
- Whether the site is constrained by gradient. Sites of significant gradient are less suitable for some economic development, than housing uses, such as B8 (warehousing)
- Whether the site has / can gain good access to high speed broadband. Connectivity to the internet is becoming increasingly important for businesses, as such areas with poor network coverage are less likely to be attractive.

2.22 Sites for new economic development will normally be considered suitable where there is good access to strategic transport infrastructure, services and facilities or where the site adjoins part of an existing employment site. Rural locations may in some cases have good accessibility and therefore be considered suitable. For considering sites for retail use, this will reflect opportunities identified in recent retail studies, where opportunities for new retail development have been identified.

Policy Considerations

2.23 Whilst the HELAA should inform policy making, there is national guidance that should also be had regard to. If these particular policy related matters are not considered during the HELAA process it could result in a list of potential sites which is not realistic or representative of the developable land within the Districts.

Economic Development Land

Districts within 'Central Buckinghamshire' have an established business base and this economic success will be encouraged and protected to the best of the Councils' abilities. In assessing existing economic development sites, Councils will compare the findings of the most up to date Employment Land Reviews to inform the HELAA process. All existing employment sites will be considered through the Councils' Employment Land Reviews (ELR). Any HELAA sites which serve an employment function will be retained for economic use¹⁰ unless the Councils evidence base, such as an ELR indicates otherwise.

Green Belt Land

- 2.24 Green Belt land is an imposed designation through the local planning authority which, once established, should only be altered in exceptional circumstances through the preparation or review of a Local Plan¹¹.
- 2.25 In order to consider the function of the Green Belt a separate Green Belt Assessment has recently commenced to identify any areas which, over the years, have either lost or retained their function as Green Belt.
- 2.26 This Assessment will consider parcels of land against the purposes of the Green Belt. Any site currently within the Green Belt will be identified as unsuitable in the HELAA at this stage. If the Green Belt Assessment identifies that the site performs weak Green Belt functions, it will be assessed through the HELAA process for its development purpose. All sites found unsuitable because of being in an area of Green Belt, will be appended to the Councils HELAA.

Open Space and Local Green Space Designations

2.27 The protection of open space is vital for ensuring healthy communities. Existing open space, sports and recreational building and land, including playing fields should not normally be built on unless it can be demonstrated to be surplus to requirement, be replaced elsewhere or needs for the

¹⁰ In accordance with paragraph 22 and 28 of the NPPF

¹¹ Paragraph 83 'Protecting Green Belt land', NPPF (2012)

development clearly outweigh the loss¹². Local Green Space Designations are areas of special protection which rule out new development other than in very special circumstances¹³.

Flood Risk

2.28 Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Where development is necessary mitigation measures should be used to ensure flood risk is not increased elsewhere¹⁴. Sites with flooding either fluvial or surface water will only be considered suitable where it can be clearly demonstrated that development would not result in an increased flood risk.

Minerals and Waste

2.29 Buckinghamshire County Council is the authority responsible for allocating land for the provision of minerals and the disposal of waste. Where a site is identified within an existing allocation for minerals and waste, the site will not normally be found suitable.

Availability

2.30 The above criteria are just one element of the assessment for the HELAA. In addition to establishing whether sites are potentially suitable for development, sites also need to be assessed in terms of whether they are 'available' for development and whether they are 'achievable'. The latter two stages are essentially about 'viability' and whether sites are a realistic option for delivery.

2.31 For establishing 'availability' guidance in the PPG¹⁵ will be followed. The key elements for the HELAA to consider are:

- Ownership constraints
- Land use constraints
- Access constraints
- Legal constraints such as covenants on land
- Planning applications

¹² In accordance with paragraph 74 of the NPPF

¹³ In accordance with paragraph 77 of the NPPF

¹⁴ In accordance with paragraph 100 of the NPPF

¹⁵ NPPG What factors should be considered when assessing availability? Reference ID: 3-020-20140306

'A site is considered available for development, when, on the best information available, there is confidence that there are no legal or ownership problems, ransom strips, tenancies or operational requirements...'¹⁶

Achievability

2.32 The Council will only undertake achievability and deliverability assessments on sites which have are deemed to be 'suitable' and 'available', as there is little merit in considering sites which have failed to meet either of these stages.

2.33 A site is considered achievable for development where there is a reasonable prospect that it will be developed at a particular point in time. This is essentially a judgment about the economic viability of a site. An 'achievability' assessment will be carried out at the point when a site is first found 'suitable' and 'available'.

2.34 'Achievability' tests will also be carried out on sites which have experienced a change in outcome during the review process i.e. where a site was previously found unsuitable or unavailable but a change in circumstances has led to a site now being found suitable and available.

2.35 Assessing whether a site is 'achievable' is determined by contacting developers and having regard to recent Council Viability Studies for details on:

Landownership/ access

- Is the site landlocked? / Is there a viable/existing access to the site?
- Is a land registry search needed to identify the owner of the land?
- Would properties need to be demolished to allow for access? Have these other properties been secured etc.?
- Are there factors which would make access difficult i.e. trees under TPO blocking the potential entrance etc.?

Market Factors

- Such as adjacent uses
- Attractiveness of the surrounding locality
- Overall location within the Districts (specific for economic development sites)
- Developer pressures for developing certain types of development through considering pre-applications and planning permissions

¹⁶ NPPG What factors should be considered when assessing availability? reference ID 3-020-20140306

Delivery Factors

- Phasing/ realistic build out rates
- Whether a single developer or several developers offering different housing products
- Size and capacity of the developer

2.36 Landowner, developers and agents will be contacted for each site to identify factors on achievability. Where these details are not known, each Council will make a judgement as to whether the site is likely to be achievable, taking into account broader viability testing when coming to a judgement on 'achievability'.

Deliverability

2.37 The 'deliverability' of a site can only be determined following the assessment of all three key tests of the HELAA carried out across stages 2 (suitability, availability and achievability). The 'deliverability' of a site is important to helping establish a housing and economic supply and in particular is necessary to identifying whether there is sufficient supply for the plan period and in particular the first five years, in respect of housing supply.

2.38 To be considered deliverable, sites should be immediately available, offer a suitable location for development now and be found to be achievable with a realistic and viable prospect for development that can be delivered within five years.

2.39 If 'deliverability' cannot be established, sites should not be included within the five year housing supply but set out in the later timeframes of a housing trajectory for the District.

Calculating the development yield

2.40 As an overarching principle sites should aim to make the best use of land. The following sources of information will be used to calculate the number of dwellings and floorspace likely to be delivered on a site, taking into account areas of land which have significant environmental constraints identified in Table 2, reducing the developable area and other considerations identified at stage 2. The density requirements for housing developments set out in Table 2 will be used as a starting point but will also take into account the following:

- Recent planning application history
- Pre-application advice
- Officer knowledge

- Nearby character and density, although this should not preclude higher density development where this can be achieved sensitively to ensure best use is made of land. Certain sites may be suitable for higher density development due to being in a central location.
- Existing studies e.g. development briefs
- Requirements for onsite infrastructure e.g. roads, school and healthcare provision (large urban extension will require more)
- Stakeholders for advice e.g. developers for advice on general densities

2.41 The reasoning behind the indicative development capacity will be clearly set out in the report.

Stage 3: Windfall Assessment (where justified)

3.1 The term “windfall sites” is defined as sites which have not been specifically identified as available in the Local Plan process. They normally comprise previously-developed sites that have unexpectedly become available¹⁷.

3.2 The NPPF and PPG state that, where justified, windfall sites can contribute towards housing supply. There must be realistic evidence to demonstrate windfall sites will consistently become available. Paragraph 48 of the NPPF allows for justified windfall sites to be included within the 5-year supply. If there are insufficient sites identified to meet the housing and economic development needs Councils, where justified, can include the provision of windfall sites.

Small Sites

3.3 The HELAA does not include sites which are less than 5 dwellings (net); therefore a windfall allowance in the housing trajectory for these sites will be included where the Council can demonstrate a consistent supply. A windfall allowance will be made for year 4 and 5 of the housing trajectory. This is to avoid double counting because planning permissions are normally valid for 3 years and therefore likely to be completed within this time.

3.4 Each Council will look back at the windfall completions for a period of 5 years to identify the trend, and compare this with what is expected to happen for the plan period. This information will be used to determine the annual windfall allowance.

¹⁷ Annex 2 ‘Windfall’ definition of the NPPF (2012)

Stage 4: Review of the Assessment

- 4.1 The HELAA, once established, provides a key evidence base for the New Local Plans and its value in contributing to the housing and economic provision cannot be underestimated.
- 4.2 Stage 4 requires the development of a draft trajectory based upon the detailed assessments undertaken at stages 1-3. Using this information each Council is able to establish if sufficient land can be identified to accommodate the District's future land requirements using the Councils Local Plan as the basis. This stage will also consider when sites are likely to come forward and should ideally be able to identify sufficient housing and economic development use potential for at least a 15 year period.
- 4.3 Due to the importance of the HELAA in considering housing and economic potential, where appropriate it will also form part of the information used to assess the status and/or demonstrate the Councils position in terms of a 5-year supply of deliverable housing sites, as required by the National Planning Policy Framework (paragraph 47).
- 4.4 As the HELAA will have regard to the most up-to-date housing and economic target, as set out in the emerging Local Plans, any shortfall between housing and economic targets and the HELAA sites will trigger various steps to rectify the situation. As a first step, sites which have previously failed the assessment will be re-examined to establish whether anything can be done to alter the outcome of the assessment. This may include discussions with the landowner/agent and further work on their part in terms of research and or overcoming constraints. If, after this process has been completed, there is still a shortfall of potential housing sites, then broad locations and windfalls may need to be re-considered alongside other key evidence base work such as the Green Belt Assessment.

Potential of Broad Locations (where necessary) - Refer back to Stage 2

- 4.5 The Planning Practice Guidance allows for the investigation of potential broad locations where identifiable sites will not provide sufficient land for housing and economic land to meet the land supply requirement for 15 years (or more). Identification of broad locations for housing and other strategic development is supported by the National Planning Policy Framework (paragraphs 47 and 157).
- 4.6 Broad locations are essentially areas where housing and economic development is considered feasible but where specific sites cannot yet be identified and may include town centres, urban extensions and /or intensification/ redevelopment/ expansion of settlements.

- 4.7 In identifying broad locations, it will be necessary to follow the sustainability principles of the Government identified through the National Planning Policy Framework, and have regard to the Councils Sustainability Appraisal process. Each Council will look to develop in areas where there is already infrastructure or where it can be easily established/ expanded. Site surveys would be undertaken and a process of cumulative assessment would be carried out on each broad location to ensure that all relevant factors are balanced against one another rather than independently. Other evidence base studies carried out by each Council and relevant criteria will also be valuable in helping to determine the broad locations for the assessment process.
- 4.8 Where a Council is required to consider broad locations, the methodology used to identify and assess locations will be comprehensively set out in the HELAA Report. The level of detail for broad locations will vary depending on the information made available.
- 4.9 The Councils may need to go through this cycle between stages 4 to 2 and back to 4 again if sufficient supply to meet needs cannot be identified. The Council will need to decide how many cycles or iterations are appropriate, or when to re-run the process. There could be a circumstance where needs may not be able to be met within the districts and so progression to Stage 5 may be necessary with a potential shortfall. The NPPF and NPPG are clear that in these circumstances other less constrained areas outside the district may need to be considered to accommodate this shortfall, under the Duty to Co-operate arrangements.

Stage 5: Final Evidence Base

HELAA Outputs

- 5.1 The HELAA will deliver a report to show the following:
- A list of sites, cross-referenced to maps showing locations and boundaries of specific sites.
 - Assessment of the deliverability / developability of each identified site (i.e. in terms of its suitability, availability and achievability, to determine when an identified site is realistically expected to be developed). The final HELAA report will summarise the key conclusions for each site.
 - Potential quantity of development that could be delivered on each identified site or within each identified broad location (where necessary) or on windfall sites (where justified).
 - Constraints on the delivery of identified sites.
 - Recommendations on how these constraints could be overcome.
- 5.2 Information will feed into monitoring reports and housing trajectories, where relevant, to identify whether there are sufficient sites to meet the Local Plan requirements.

Monitoring

- 5.3 The assessment of sites should be kept up-to-date as part of the local authorities' monitoring report. Updates to the HELAA will account for changes which have taken place during reporting periods. Changes which may have occurred could include:
- Full/partial completion of HELAA sites;
 - New permissions;
 - New information regarding constraints of a site, which may alter previous assessment;
 - The ability to include new sites which have been received by the Council; and
 - Changes to the availability of a site due to a change of ownership, landowner intentions etc.
- 5.4 A full re-survey of sites/broad locations will normally be when the development plan has to be reviewed or other significant changes, for example new guidance, make it necessary. Sites which fall within the 5 year housing land supply will usually be updated on an annual basis.
- 5.5 The Council will continue to accept new sites for the HELAA throughout the assessment process. Once the HELAA is published any new sites will be taken account of in the next review. The Council will publish a 'closing date' on the Councils website for new site submissions.

Glossary of Terms

Term	Definition
Allocation	Sites specifically identified on Local Plan policies map for development – e.g. for housing, business
Ancient Woodland	<p>Ancient woodland is an area that has been wooded continuously since at least 1600 AD. Ancient woodlands are of prime ecological and landscape importance. Many rare and threatened species are associated with this habitat. Furthermore relatively undisturbed woodland often contains features of historical, archaeological and landscape importance.</p> <p>Ancient woodland is listed under Section 41 of the Natural Environment and Rural Communities Act 2006, as being of principal importance for the purpose of conserving biodiversity in England.</p>
Brownfield	Land that has been developed previously developed.
Department Communities and Local Government (DCLG)	The central Government department with responsibility for Planning. Formerly DTLR / DETR / DoE / ODPM.
Conservation Area	Areas of Towns or Villages which have special architectural or historic interest and deserve to receive careful protection are designated as Conservation Areas. Conservation areas give broader protection than listing individual buildings: all the features listed or otherwise, within the area, are recognised as part of its character.
Designation	Areas shown on the Local Plan Policies Map to which specific policies apply

Term	Definition
Economic Development	Economic Development, is any development for the following Use Classes A1 (Shops), A2 (Financial and Professional Services), A3 (Restaurants and Cafés), A4 (Drinking Establishments), A5 (Hot Food Takeaways), B1 (Business), B2 (General Industrial), B8 (Storage and Distribution), C1 (Hotels), D1 (Non-residential institutions), D2 (Assembly and Leisure) and Sui Generis uses (other than Houses in Multiple Occupation and Hostels).
Green Belt	A restrictive land use designation around major built up areas that have existed since 1947 to restrict urban growth and safeguard the countryside for agriculture, forestry and recreation. They are protected by the national and local policies.
Greenfield	Land that has not been previously developed.
Housing and Economic Land Availability Assessment (HELAA)	An assessment of land availability which identifies a future supply of land which is suitable, available and achievable for housing and economic development uses over a Local Plan Period.
Housing	For the purposes of HELAA, 'housing' is defined as includes market housing, affordable housing, C2 uses for care homes and student accommodation, land that could be used for custom build homes, sites for gypsies and travellers and housing for older people.
Intensification	The process of increasing housing densities in urban areas through redevelopment, infill development, conversions or change of an existing land use.
Listed Building	Buildings designated to be of 'special architectural or historic interest' by the Secretary of State under the Listed Buildings and Conservation Areas Act 1991.
Local Enterprise Partnership (LEP)	Local enterprise partnerships are partnerships between local authorities and businesses. They decide what the priorities should be for investment in roads, buildings and facilities in the area.

Term	Definition
Local Nature Reserve (LNR)	Local Nature Reserves are for both people and wildlife. They offer people special opportunities to study or learn about nature or simply to enjoy it. To qualify for LNR status, a site must be of importance for wildlife, geology, education or public enjoyment.
Local Plan	Policy Plan for the District setting out detailed planning policies, proposals and Policies Maps for use when determining planning applications and spatially guiding strategic development.
Local Wildlife Sites (LWS)	Local Wildlife Sites previously known as Sites of Importance for Nature Conservation (SINC) or County Wildlife Sites (CoWS) are areas of land with significant wildlife value. Local Wildlife Sites support both locally and nationally threatened wildlife.
Mixed Use	A site that is developed for more than one use, e.g. retail, residential, business, leisure etc.
Monitoring Report	Survey, monitoring and review are crucial to the successful delivery of Development Plans. Local Planning Authorities must undertake a number of monitoring tasks, the results of which are published annually in monitoring reports.
National Planning Policy Framework (NPPF)	Sets out the Government's economic, environmental and social planning policies for England. It was published March 2012.
Planning Practice Guidance (PPG)	National planning guidance to support the NPPF.
Previously Developed Land (PDL)	Land which is or was occupied by a permanent structure, including the curtilage of developed land and any associated fixed surface infrastructure. It excludes agricultural/forestry land, landfill sites, private residential gardens, parks, recreation grounds, allotments and playing fields. It also excludes land that was previously developed but

Term	Definition
Scheduled Ancient Monument (SAM)	'Scheduling' is shorthand for the process through which nationally important sites and monuments are given legal protection by being placed on a list, or 'schedule'. A schedule has been kept since 1882 of monuments whose preservation is given priority over other land uses.
Special Area of Conservation	SACs are areas which have been given special protection under the European Union's Habitats Directive. They provide increased protection to a variety of animals, plants and habitats and are a vital part of global efforts to conserve the world's biodiversity.
Special Protection Areas	SPAs are areas which have been identified as being of national and international importance for the breeding, feeding, wintering or the migration of rare and vulnerable species of birds found within European Union countries. They are European designated sites, classified under the 'Birds Directive 1979'.
Site of Special Scientific Interest (SSSI)	SSSI's are the country's very best wildlife and geographical sites. There are over 4,000 Sites of Special Scientific Interest in England, covering around 7% of the land area. More than 70% of these sites by area are internationally important for their wildlife, and are also designated as Special Areas of Conservation, Special Protection Areas or Ramsar sites.
Strategic Environmental Assessment	An assessment required by EU legislation that predicts and evaluates the effects of implementing a plan, project or programme and identifies mitigation measures necessary to make the plan, project or programme acceptable in environmental terms.
Sustainability Appraisal (SA)	An appraisal of economic, environmental and social effects of a plan to allow decision to be made in accordance with the principles of sustainable development.
Sustainable Development	International and national bodies have set out broad principles of sustainable development. Resolution 42/187 of the United Nations General Assembly defined sustainable development as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Term	Definition
Town centre	Area defined on the local authority's proposal map, including the primary shopping area and areas predominantly occupied by main town centre uses within or adjacent to the primary shopping area. References to town centres or centres apply to town centres, district centres and local centres but exclude small parades of shops of purely neighbourhood significance. Unless they are identified as centres in Local Plans, existing out-of-centre developments, comprising or including main town centre uses, do not constitute town centres.