

**AGENDA ITEM 16**

**REPORT TO CABINET**

**16 April 2009**

**REPORT OF CORPORATE  
MANAGEMENT TEAM**

**COUNCIL DECISION / CABINET DECISION / KEY DECISION**

**Regeneration and Transport – Lead Cabinet Member – Councillor Cooke**

**LOCAL DEVELOPMENT FRAMEWORK: STRATEGIC HOUSING LAND AVAILABILITY  
ASSESSMENT**

1. Summary

Members will recall that the first Strategic Housing Land Availability Assessment (SHLAA) was published on 20<sup>th</sup> October 2008. Members will also recall that the SHLAA is a key component of the evidence base to support the delivery of sufficient land for housing to meet the community's need for more homes. The assessment is required by national planning policy, set out in Planning Policy Statement 3: Housing (PPS3).

The national SHLAA Practice Guidance states that the Assessment, once completed, should be regularly kept up-to-date (at least annually). Therefore, the 2008 SHLAA is now in the process of being reviewed and updated to produce the 2009 SHLAA.

An internal highways workshop focussing specifically on highways to assess the SHLAA sites was held on 19<sup>th</sup> February. An internal stakeholder workshop to assess the SHLAA sites within a framework of suitability, availability and achievability was held on 5<sup>th</sup> March. The schedule of sites with the internal stakeholder assessment is attached to this report at appendix 1 (agenda Cabinet 16<sup>th</sup> April 2009). The schedule of sites discounted as being unlikely to yield 10 dwellings or more is attached at appendix 2 (agenda Cabinet 16<sup>th</sup> April 2009). The schedule of sites with designations to which zero housing potential has been ascribed is attached at appendix 3 (agenda Cabinet 16<sup>th</sup> April 2009). It is intended to consult externally on this assessment over the five-week period Friday 8<sup>th</sup> May to Friday 12<sup>th</sup> June.

2. Recommendations

Members are recommended to:

1. note the contents of this report.
2. endorse the internal assessment of suitability, availability and achievability for external consultation over the five-week period Friday 8<sup>th</sup> May to Friday 12<sup>th</sup> June.
3. endorse the assessment of sites unlikely to yield 10 dwellings or more for external consultation over the five-week period Friday 8<sup>th</sup> May to Friday 12<sup>th</sup> June.

3. Reasons for the Recommendations/Decision(s)

The first Stockton-on-Tees SHLAA was published in October 2008 and is now in the process of being updated as required by the national Practice Guidance. The national Practice Guidance emphasises the importance of partnership working in the production of a SHLAA and this is reflected in both the regional and Tees Valley SHLAA implementation guides. Accordingly, a steering group comprising representatives of key stakeholders such as the Home Builders Federation, Registered Social Landlords and relevant SBC teams such as Development Services is guiding the production of the 2009 SHLAA.

The steering group met on 15 December 2008 to agree the process for producing the 2009 SHLAA. It was agreed that it would include a highways workshop, an internal stakeholder workshop and a key stakeholder event. The SHLAA is a background document that informs the preparation of Development Plan Documents (DPDs) rather than an actual DPD itself. There is, therefore, no statutory consultation requirement for public consultation. However, the public and professional consultees will have the opportunity to comment during the five-week consultation period through e-mail or written comments. It is important to note, however, that such comments should specifically relate to the framework of suitability, availability and achievability that is used for the SHLAA. Comments relating to whether or not a site should be allocated for housing are not relevant in relation to the SHLAA as this is considered through the DPD process. There will also be a key stakeholder event. The key stakeholder event will consist of two parts run consecutively. The first part will be scheduled for early/mid afternoon and will be open to professional stakeholders such as developers, planning consultants, agents, the Environment Agency and the Highways Agency as well as landowners. The second part will be scheduled for late afternoon / early evening and will be open to Councillors and the general public. The steering group will seek to come to a conclusion about any contentious sites following the close of the consultation period and the holding of the key stakeholder event.

#### 4. Members' Interests

Members (including co-opted Members with voting rights) should consider whether they have a personal interest in the item as defined in the Council's code of conduct (**paragraph 8**) and, if so, declare the existence and nature of that interest in accordance with paragraph 9 of the code.

Where a Member regards him/herself as having a personal interest in the item, he/she must then consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest (**paragraphs 10 and 11 of the code of conduct**).

A Member with a prejudicial interest in any matter must withdraw from the room where the meeting considering the business is being held -

- in a case where the Member is attending a meeting (including a meeting of a select committee) but only for the purpose of making representations, answering questions or giving evidence, provided the public are also allowed to attend the meeting for the same purpose whether under statutory right or otherwise, immediately after making representations, answering questions or giving evidence as the case may be;
- in any other case, whenever it becomes apparent that the business is being considered at the meeting;

and must not exercise executive functions in relation to the matter and not seek improperly to influence the decision about the matter (**paragraph 12 of the Code**).

**Further to the above, it should be noted that any Member attending a meeting of Cabinet, Select Committee etc; whether or not they are a Member of the Cabinet or Select Committee concerned, must declare any personal interest which they have in the business being considered at the meeting (unless the interest arises solely from the Member's membership of, or position of control or management on any other body to which the Member was appointed or nominated by the Council, or on any other body exercising functions of a public nature, when the interest only needs to be declared if and when the Member speaks on the matter), and if their interest is prejudicial, they must also leave the meeting room, subject to and in accordance with the provisions referred to above.**

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### **REPORT TO CABINET**

**16 April 2009**

### **REPORT OF CORPORATE MANAGEMENT TEAM**

## **COUNCIL DECISION / CABINET DECISION / KEY DECISION**

### **LOCAL DEVELOPMENT FRAMEWORK: STRATEGIC HOUSING LAND AVAILABILITY ASSESSMENT**

#### **SUMMARY**

Members will recall that the first Strategic Housing Land Availability Assessment (SHLAA) was published on 20<sup>th</sup> October 2008. Members will also recall that the SHLAA is a key component of the evidence base to support the delivery of sufficient land for housing to meet the community's need for more homes. The assessment is required by national planning policy, set out in Planning Policy Statement 3: Housing (PPS3).

The national SHLAA Practice Guidance states that the Assessment, once completed, should be regularly kept up-to-date (at least annually). Therefore, the 2008 SHLAA is now in the process of being reviewed and updated to produce the 2009 SHLAA.

An internal highways workshop focussing specifically on highways to assess the SHLAA sites was held on 19<sup>th</sup> February. An internal stakeholder workshop to assess the SHLAA sites within a framework of suitability, availability and achievability was held on 5<sup>th</sup> March. The schedule of sites with the internal stakeholder assessment is attached to this report at appendix 1 (agenda Cabinet 16<sup>th</sup> April 2009). The schedule of sites discounted as being unlikely to yield 10 dwellings or more is attached at appendix 2 (agenda Cabinet 16<sup>th</sup> April 2009). The schedule of sites with designations to which zero housing potential has been ascribed is attached at appendix 3 (agenda Cabinet 16<sup>th</sup> April 2009). It is intended to consult externally on this assessment over the five-week period Friday 8<sup>th</sup> May to Friday 12<sup>th</sup> June.

#### **RECOMMENDATIONS**

Members are recommended to:

1. note the contents of this report.
2. endorse the internal assessment of suitability, availability and achievability for external consultation over the five-week period Friday 8<sup>th</sup> May to Friday 12<sup>th</sup> June.
3. endorse the assessment of sites unlikely to yield 10 dwellings or more for external consultation over the five-week period Friday 8<sup>th</sup> May to Friday 12<sup>th</sup> June.

#### **DETAIL**

1. The SHLAA is an essential component of the evidence base for the Local development Framework. PPS3 makes clear the importance that the Government attaches to the SHLAA. It is an essential part of the evidence base for an LDF, so an authority bringing forward a DPD without meeting the core requirements set out the national Practice Guidance is at high risk of its plan being found unsound for lack of robust evidence. It is important to note that it is a technical exercise and that an assessment of a site as deliverable or developable in no way infers that planning permission for housing development will be granted on the site or that the site will ever be allocated for housing.

The purpose of the SHLAA is to determine potential housing sites. It is for the plan-making process to determine which sites are allocated.

2. The first Stockton-on-Tees SHLAA was published in October 2008. The national Practice Guidance states that the assessment, once completed should be regularly updated (at least annually) as part of the Annual Monitoring Report exercise, to support the updating of the housing trajectory and the five-year supply of specific deliverable sites. The following guidance published by the Planning Advisory Service also makes clear that an up-to-date SHLAA is very important in the context of the LDF: "Up-to-date SHLAA evidence will be of considerable value at examination of a core strategy, in demonstrating to the Inspector that sufficient developable sites are available to be confident of its deliverability" (Strategic Housing Land Availability Assessment And Development Plan Document Preparation prepared by Planning Officers Society – July 2008).
3. The broad methodology for carrying out a SHLAA is set out in the national Practice Guidance. The national Practice Guidance sets out 10 steps needed to complete a SHLAA but it does not provide the detail for all of these. The Tees Valley authorities have, in collaboration with key stakeholders such as the Home Builders Federation (HBF) and Registered Social Landlords (RSLs), produced the Tees Valley SHLAA Implementation Guide to provide the detail (published in February 2008). This work also contributed to the development of the North East SHLAA Regional Implementation Guide (published in March 2008) ensuring that the two guides are closely aligned.
4. The national Practice Guidance requires that key stakeholders should be involved at the outset of the Assessment, so that they can help shape the approach to be taken. Therefore, as with the 2008 SHLAA, a steering group has been established with representatives from the HBF, RSLs, a land and property agent/surveyor and Tees Valley Wildlife Trust as well as from the Council's Spatial Planning, Development Services and Regeneration teams.
5. The steering group met on 15 December 2008 to agree the process for producing the 2009 SHLAA. It was agreed that it would include a highways workshop, an internal stakeholder workshop and a key stakeholder event. The SHLAA is a background document that informs the preparation of Development Plan Documents (DPDs) rather than an actual DPD itself. There is, therefore, no statutory consultation requirement for public consultation. However, the public and professional consultees will have the opportunity to comment during the five-week consultation period through e-mail or written comments. It is important to note, however, that such comments should specifically relate to the framework of suitability, availability and achievability that is used for the SHLAA. Comments relating to whether or not a site should be allocated for housing are not relevant in relation to the SHLAA as this is considered through the DPD process. There will also be a key stakeholder event. The key stakeholder event will consist of two parts run consecutively. The first part will be scheduled for early/mid afternoon and will be open to professional stakeholders such as developers, planning consultants, agents, the Environment Agency and the Highways Agency as well as landowners. The second part will be scheduled for late afternoon / early evening and will be open to Councillors and the general public. The steering group will seek to come to a conclusion about any contentious sites following the close of the consultation period and the holding of the key stakeholder event.
6. The 2008 SHLAA used a site size threshold of 0.4ha (which generally equates to a yield of about 10 dwellings) and this site size threshold is maintained for the 2009 SHLAA. Some sites are larger than 0.4 ha but have been assessed as not able to yield at least 10 dwellings because of constraints, for example where the Council's Highways team have advised that an access could only serve 4 dwellings. The steering group have agreed that such sites should be discounted. This is because sites incapable of producing a yield of at least 10 dwellings would appear to be incongruous with the strategic purpose of the SHLAA. Instead an estimate of the expected annual delivery from small sites (sites of 9 dwellings or less) will be developed drawing on past delivery rates. In order to be absolutely transparent

where a site has been discounted for this reason it will be included in a schedule together with the reason why it has been estimated as unlikely to yield at least 10 dwellings.

7. The steering group has agreed that land designated as a site of nature conservation importance / local wildlife site and allotments that are in active use will be ascribed zero housing potential, that is to say discounted from further consideration in the assessment. These designations are factual but where a site has been discounted because of them it has been included in a schedule for information purposes and this will be included in the consultation.
8. It should be noted that there might be changes to the assessment of sites before the final report is written to reflect the consultation process and the key stakeholder workshop as well as the output of the next meeting of the steering group. It should also be noted that some aspects of the internal assessment may change particularly in relation to the assessment of achievability of some sites as there is currently ongoing work (particularly to support the Tees Valley Growth Point Programme of Development) that may result in additional information becoming available.
9. Members will note that some rural sites previously assessed as unsuitable (through the 2008 SHLAA) have been reassessed as suitable. This results from the decision of the steering group that the framework for assessing proximity to services should be reviewed so that a separate set of criteria is used for rural sites. This is because it was felt that the existing single set of criteria, whilst fit for purpose for urban sites, does not allow those rural sites that are relatively sustainable to be identified. Therefore, a set of proximity to services criteria has been developed specifically for rural sites that draw on the experience gained in assessing the proximity to services of the rural villages through the "Planning the Future of Rural Villages in Stockton on Tees Borough" study.

## **FINANCIAL IMPLICATIONS**

10. The cost of the SHLAA study is being met from internal resources.

## **LEGAL IMPLICATIONS**

11. The SHLAA exercise is an important part of the LDF process. The production of the 2008 SHLAA meets the evidence base requirements in relation to SHLAA for the Independent Examination of the Core Strategy DPD. However, having an up-to-date SHLAA available to the Inspector, that is to say the 2009 SHLAA, will further assist the Inspector when conducting the Independent Examination. A credible and robust evidence base is essential for the Core Strategy DPD to be found sound.

## **RISK ASSESSMENT**

12. This (subject matter of report) is categorised as low to medium risk. Existing management systems and daily routine activities are sufficient to control and reduce risk.

## **SUSTAINABLE COMMUNITY STRATEGY IMPLICATIONS**

### **Economic Regeneration and Transport**

13. The Core Strategy DPD promotes sustainable transport and regeneration by supporting sustainable, mixed communities. The Regeneration DPD will help deliver the Core Strategy. The SHLAA forms part of the evidence base for both the Core Strategy DPD and the Regeneration DPD.

### **Safer Communities**

14. As an evidence base document for the LDF the SHLAA report will not specifically promote the creation of healthier communities and adults. However, any site identified as suitable for housing within the SHLAA should be capable of contributing to the creation of sustainable, mixed communities. Safer communities are a key principle of the Core Strategy and this will be replicated within other emerging policy documents as part of the LDF.

#### **Children and Young People**

15. The SHLAA report will not specifically mention children and young people.

#### **Healthier Communities and Adults**

16. As an evidence base document for the LDF the SHLAA report will not specifically promote the creation of healthier communities and adults. However, any site identified as suitable for housing within the SHLAA should be capable of contributing to the creation of sustainable, mixed communities. It is a key principle of the Core Strategy to create healthier communities and this will be replicated within other emerging policy documents as part of the LDF.

#### **Liveability**

17. As an evidence base document for the LDF the SHLAA report will not specifically promote liveability. However, any site identified as suitable for housing within the SHLAA should be capable of contributing to the creation of sustainable, mixed communities. It is a key principle of the Core Strategy to improve liveability and this will be replicated within other merging policy documents as part of the LDF.

### **EQUALITIES IMPACT ASSESSMENT**

18. This report is not subject to an Equality Impact Assessment because the Strategic Housing Land Availability Assessment is a technical background paper.

### **CONSULTATION INCLUDING WARD/COUNCILLORS**

19. The report was taken to the Planning Committee of 8 April 2009. All Ward Councillors will be e-mailed a web-link to the internal stakeholder assessment of suitability, availability and achievability as part of the consultation process, together with an explanation of the purpose of the document. Councillors will also have the opportunity to attend the second part of the key stakeholder event.

#### **Name of Contact Officer:**

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#### **Background Papers**

Planning Policy Statement No 3: Housing

Strategic Housing Land Availability Assessment Practice Guidance

Strategic Housing Land Availability Assessment and Development Plan Document Preparation

#### **Ward(s) and Ward Councillors:**

All ward councillors

#### **Property**

The report does not impact on the Capital Programme and Asset Management Plan.