

AGENDA ITEM

REPORT TO CABINET

20 May 2010

**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 national Strategic Housing Land Availability Assessment (SHLAA) Practice Guidance states that the Assessment, once completed, should be regularly kept up-to-date (at least annually). Members will also recall that the first SHLAA was updated in 2009. The 2010 update of the SHLAA is now being undertaken.

An internal highways workshop focussing specifically on highways to assess the SHLAA sites was held on 24 March. An internal stakeholder workshop to assess the SHLAA sites within a framework of suitability, availability and achievability was held on 29 March. A schedule of sites with the internal stakeholder assessment is available in the **Members Library** (conurbation and peripheral sites followed by those in the rural area). The schedule of sites discounted as being unlikely to yield 10 dwellings or more and sites with designations to which zero housing potential has been ascribed is contained in **appendix 1**. It is intended to consult externally on this assessment over the four-week period Monday 19 July to Friday 13 August. Maps detailing the locations of all sites being assessed are held within **appendix 2**.

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 four-week period Monday 19 July to Friday 13 August.
3. endorse the assessment of sites unlikely to yield 10 dwellings or more for external consultation over the four-week period Monday 19 July to Friday 13 August.

3. Reasons for the Recommendations/Decision(s)

A call for new sites to be included in the 2010 SHLAA update was undertaken in early 2010 with the deadline for submissions being 12th February 2010. This resulted in 10 new sites being included in the SHLAA assessment; these being:

- SHLAA 91 - Land east of Drovers Lane, Redmarshall
- SHLAA 92 - Land off Leeholme Road, Billingham
- SHLAA 93 - Land south west of Preston Cemetery
- SHLAA 94 - Land north of Pennypot Farm
- SHLAA 95 - Land north of Durham Lane Industrial Estate
- SHLAA 96 - Land at Darlington Back Lane
- SHLAA 97 - Land at A689 Roundabout (Site 1)
- SHLAA 98 - Land at A689 Roundabout (Site 2)
- SHLAA 99 - Land at A689 Roundabout (Site 3)
- SHLAA 100 - Land east of Yarm Station

It should also be noted that site 57 'Land at Smith's Farm' has an amended boundary. In addition, site 87 'Bowesfield Riverside Phase 1' from the 2009 SHLAA has been split into two separate sites for the 2010 update; these being SHLAA 57 'Bowesfield Riverside Phase 1 (East)' and SHLAA 101 'Bowesfield Riverside Phase 1 (West)'.

The steering group agreed that the process for producing the 2010 SHLAA would closely align with the process agreed for the previous SHLAA. This process includes a highways workshop and an internal stakeholder workshop followed by a consultation period to allow an opportunity both for local residents and for developers, planning consultants and land and property agents to comment on the draft initial site assessments. This will be concluded with a meeting of the steering group, the purpose of which will be to come to a conclusion about "contentious" sites. A site is regarded as contentious for the purposes of the SHLAA exercise if the internal assessment is challenged through the consultation process.

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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SUMMARY

1. Members will recall that the national Strategic Housing Land Availability Assessment (SHLAA) Practice Guidance states that the Assessment, once completed, should be regularly kept up-to-date (at least annually). Members will also recall that the first SHLAA was updated in 2009. The 2010 update of the SHLAA is now being undertaken.
2. An internal highways workshop focussing specifically on highways to assess the SHLAA sites was held on 24 March. An internal stakeholder workshop to assess the SHLAA sites within a framework of suitability, availability and achievability was held on 29 March. A schedule of sites with the internal stakeholder assessment is available in the **Members Library** (conurbation and peripheral sites followed by those in the rural area). The schedule of sites discounted as being unlikely to yield 10 dwellings or more and sites with designations to which zero housing potential has been ascribed is contained in **appendix 1**. It is intended to consult externally on this assessment over the four-week period Monday 19 July to Friday 13 August. Maps detailing the locations of all sites being assessed are held within **appendix 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 four-week period Monday 19 July to Friday 13 August.
3. endorse the assessment of sites unlikely to yield 10 dwellings or more for external consultation over the four-week period Monday 19 July to Friday 13 August.

DETAIL

3. A call for new sites to be included in the 2010 SHLAA update was undertaken in early 2010 with the deadline for submissions being 12th February 2010. This resulted in 10 new sites being included in the SHLAA assessment; these being:
 - SHLAA 91 - Land east of Drovers Lane, Redmarshall
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 - SHLAA 99 - Land at A689 Roundabout (Site 3)
 - SHLAA 100 - Land east of Yarm Station
4. It should also be noted that site 57 'Land at Smith's Farm' has an amended boundary. In addition, site 87 'Bowesfield Riverside Phase 1' from the 2009 SHLAA has been split into two separate sites for the 2010 update; these being SHLAA 57 'Bowesfield Riverside Phase 1 (East)' and SHLAA 101 'Bowesfield Riverside Phase 1 (West)'.
 5. 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 in 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.
 6. 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. Members will recall that a steering group was established to guide the 2009 SHLAA 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. This steering group has been retained for the 2010 SHLAA.
 7. The steering group agreed by e-mail that the process for producing the 2010 SHLAA would closely align with the process agreed for the previous SHLAA. This process includes a highways workshop and an internal stakeholder workshop followed by a consultation period to allow an opportunity both for local residents and for developers, planning consultants and land and property agents to comment on the draft initial site assessments. This will be concluded with a meeting of the steering group, the purpose of which will be to come to a conclusion about "contentious" sites. A site is regarded as contentious for the purposes of the SHLAA exercise if the internal assessment is challenged through the consultation process.
 8. The previous SHLAA included a "drop-in" event as part of the consultation process. This was recommended as best practice following a drop-in event held jointly by Sunderland and South Tyneside councils for their SHLAAs. However, despite all LDF consultees being notified of the event, attendance was poor (about ten people). No developers or landowners attended the event and only two consultants did so (both from the same consultancy and their queries were not really SHLAA queries). The other attendees, apart from two Members, were all local residents from the same village. It is difficult to justify the cost of booking a venue and the officer time that is required to prepare for and staff a drop-in event when both the number and range of attendees is so limited. Therefore, the steering group agreed a different approach for the 2010 SHLAA. A period (probably a half-day) will be advertised as part of the consultation when any consultee can book half an hour to speak to an officer about a SHLAA site. This would be instead of a drop-in event.
 9. The previous 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 2010 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 yielding 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.

10. Also carried forward from the previous SHLAA is the agreement of the steering group that land designated as a 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.
11. 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 that may result in additional information becoming available.

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

13. The SHLAA exercise is an important part of the LDF process. The production of the 2008 SHLAA met the evidence base requirements in relation to SHLAA for the Independent Examination of the Core Strategy DPD. Having an up-to-date SHLAA available to the Inspector will assist the Inspector when conducting the Independent Examination of the Regeneration DPD. A credible and robust evidence base is essential for the Regeneration DPD to be found sound.

RISK ASSESSMENT

14. 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

15. 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

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. 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

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

Healthier Communities and Adults

18. 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

19. 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 emerging policy documents as part of the LDF.

EQUALITIES IMPACT ASSESSMENT

20. 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

21. The report was taken to the Planning Committee of 12 May 2010. 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.

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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.