

REPORT TITLE: SHELAA REPORT

18 JULY 2023

REPORT OF CABINET MEMBER: Cllr Jackie Porter, Cabinet Member for Place and Local Plan

Contact Officer: Bethany Stokes Tel No: 01962 814909 Email
bstokes@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 new Local Plan. The SHELAA is a register of the sites that the Council has been advised by developers and landowners that **could be** potentially available for development and will inform how the Council shapes the development strategy in the Plan.

The SHELAA only identifies sites that have been submitted to the Council, it does **NOT** allocate sites for development. The inclusion of the site in the SHELAA does not imply that the Council would necessarily grant planning permission as it is only a register of sites that developers/landowners have put forward for development.

The updated 2023 SHELAA includes:

- sites that have been rolled forward from the previous 2021 SHELAA;
- new SHELAA sites;
- details of any SHELAA sites that have been withdrawn from the process in terms of owner/site promoter confirming that they no longer want their site being included in the SHELAA; and
- any amendments requested by the owners/site promoters to the site boundaries have also been included in this update.

The purpose of this report is to seek approval of the 2023 Strategic Housing and Employment Land Availability Assessment (SHELAA) and permission for it to be published.

RECOMMENDATIONS:

That Cabinet:

1. Approves the 2023 Strategic Housing and Employment Land Availability Assessment (SHELAA) which is attached at Appendix 1 and for it to be published as part of the evidence base for the new Local Plan; and
2. Delegate authority to the Strategic Planning Manager, in consultation with the Cabinet Member for Place and Local Plan, to make any necessary edits and minor alterations prior to the publication of the SHELAA.

IMPLICATIONS:

1 COUNCIL PLAN OUTCOME

- 1.1 Tackling the Climate Emergency and Creating a Greener District
- 1.2 The SHELAA is a technical document which only identifies which sites have been submitted to the Council and does not allocate sites for development. The Local Plan is informed by the SHELAA and the Sustainability Appraisal in determining which sites would help to deliver the Council's Climate Emergency and create a Greener District through selecting sites which are sustainable and are able to make use of public transport, walking and cycling and integrate the development of homes, jobs, services and facilities, to reduce car use.
- 1.3 Homes for all
- 1.4 The preparation of a new Local Plan provides an opportunity to align it with the Council Plan. The Local Plan is a key delivery tool to those elements of the Council Plan 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 Plan and the development that needs to be identified through the Local Plan process.
- 1.5 Vibrant Local Economy
- 1.6 The SHELAA covers employment land and as such, sites will be assessed in order to determine how they would support a Vibrant Local Economy.
- 1.7 Living Well
- 1.8 If sites are considered suitable for development as part of the next stage of work, part of the assessment process will consider the need for either new or improvements to, existing open space/green infrastructure, which will all contribute towards supporting Living Well.

1.9 Your Services, Your Voice

- 1.10 The publication of the SHELAA is a key part of being an open and transparent Council as it informs the public, communities, and Parish Council's and other interested groups which sites have been put forward for development by landowners and developers for future development.

2 FINANCIAL IMPLICATIONS

- 2.1 The SHELAA has been produced in-house using existing staff resources and, once agreed and published, it will form part of the evidence base for the Local Plan. The resources needed to undertake preparation of the Local Plan have been approved as part of the budget process.

3 LEGAL AND PROCUREMENT IMPLICATIONS

- 3.1 Section 17 of the Planning and Compulsory Purchase Act 2004 requires the Council to prepare local development documents that will form part of the Council's Local Plan.
- 3.2 The SHELAA will be used to assist with the identification of potential sites that could be allocated for development in the Local Plan 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 There are no procurement implications as a result of this report.

5 WORKFORCE IMPLICATIONS

- 5.1 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.

6 PROPERTY AND ASSET IMPLICATIONS

- 6.1 The role of the Council as local planning authority is separate from that of the Council as a body which may promote the use of land or property in its

ownership through the planning process. There are five Council owned sites in the SHELAA and these have been assessed using the same criteria to be used to assess all of the other sites that are included in the SHELAA.

7 CONSULTATION AND COMMUNICATION

7.1 The council undertook a Regulation 18 consultation which included a Call for Sites to be submitted between 2 November to 14 December 2022. The Regulation 18 consultation was promoted on the planning policy pages of the council's website along with a new standalone website for the new Local Plan. The Regulation 18 Consultation was also widely promoted through social media advertising, posters on noticeboards across the district, radio adverts and advertisements in the Local papers. Details of how to take part and submit any representations on the Regulation 18 Consultation were emailed directly to consultees and interested parties. The SHELAA was not consulted on during this consultation period.

7.2 The SHELAA will only cover the part of the District which is NOT within the South Downs National Park. The South Downs National Park Authority (SDNPA) produces their own SHLAA (Strategic Housing Land Availability Assessment).

8 ENVIRONMENTAL CONSIDERATIONS

8.1 The purpose of the SHELAA is to identify sites that have been put forward by landowners and developers as available for development and identifies any significant constraints which may affect their suitability or deliverability. The first stage of the assessment has been carried out to identify sites where high levels constraints could prevent or limit the development potential of the land. Environmental considerations will be a key element of this process as part of the Sustainability Appraisal and Habitats Regulation Assessment.

9 PUBLIC SECTOR EQUALITY DUTY

9.1 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.

Being part of the Local Plan evidence base the SHELAA will inform the preparation of the new Local Plan, which itself will be subject to an Equality Impact Assessment. This will ensure that the emerging policies and proposal will have addressed the above requirements.

10 DATA PROTECTION IMPACT ASSESSMENT

10.1 None required. Data from submissions is held securely in sharepoint, which is not visible to or accessible to the general public.

11 RISK MANAGEMENT

11.1 The SHELAA has been produced in-house. The only significant risk other than those listed below 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 or decisions about the sites to be included in the new Local Plan and does not therefore allocate them for development. The preparation of the SHELAA needs to follow legislative/government policy requirements and it will be published as part of the consultation on the Local Plan 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 the process open to challenge or the Local Plan being found unsound.

Risk	Mitigation	Opportunities
Exposure to challenge None	- Will check there have been no missed submissions. This is only a list of sites and isn’t consulted on	-
Reputation As for “community support” below.	As for “community support” below.	As for “community support” below.
Achievement of outcome None	- We are following a project plan which controls the outputs of the Local Plan documents in a way to measure time and budget targets.	-

Property None	-	-
Community Support Risk that the SHELAA is mistakenly viewed as allocating land for development leading to public objections/comments.	Emphasise that the SHELAA lists sites available for development but it does not allocate site for development as this is the role of the Local Plan which will follow on in accordance with due process.	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.

12 SUPPORTING INFORMATION:

What has changed since the 2021 SHELAA?

12.1 The updated 2023 SHELAA includes:

- sites that have been rolled forward from the previous 2021 SHELAA;
- new SHELAA sites;
- details of any SHELAA sites that have been withdrawn from the process in terms of owner/site promoter confirming that they no longer want their site being included in the SHELAA; and
- any amendments requested by the owners/site promoters to the site boundaries have also been included in this update.

12.2 A total of **16 sites** have been requested to be removed from the SHELAA document e.g. a landowner has notified us that they no longer wish to pursue a site, received a notification that they no longer represent the land owner. **10 new sites** were submitted and **5 sites** have been provided by Denmead Parish Council following their call for sites. This means that there are 396 sites included in the 2023 SHELAA. For ease the new sites and removed sites are listed in Appendix D of the SHELAA report.

12.3 There are also further changes to the sites in the SHELAA document. The ward boundary between Curdridge and Whiteley has been changed. This change came in on 1st April 2023. Four sites that were previously within Curdridge ward are now in the Whiteley ward. The affected sites are CU14, CU24, CU34, CU45. For consistency the reference numbers of the sites have not been changed in the SHELAA.

12.4 Corrections have also been made to the SHELAA assessment for sites within Wickham. This revised version now correctly notes that sites WI05, WI15, WI18, WI24 and WI26 fall within the settlement gap as defined in policies SH4

and CP18 of the adopted Local Plan, and therefore the SHELAA appraisal for those sites shows the Policy Constraint Settlement Gap (CP18) as being “AMBER”.

Background

- 12.5 The SHELAA is a register of sites that are potentially available for development in the District that have been put forward by developers and landowners. A SHELAA is a mandatory part of the Local Plan process and it will form an important part of the evidence base for the new Plan. The SHELAA consists of all land that has been put forward to the Council as being potentially available and suitable for development following a call for sites between November and December 2022. **The SHELAA will only identify sites which have been submitted to the Council, it does NOT allocate sites. The inclusion of a site in the SHELAA does not imply that the Council would necessarily grant planning permission**
- 12.6 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 by the Council which identify sites which are constrained by key designations or constraints such as SSSIs (Site of Special Scientific Interest) or land within Flood Zones 2 and 3.
- 12.7 Only a small 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 making process. This is due to the number of houses WCC need to provide under the standard methodology which is currently 692 per year.
- 12.8 It is important that all available and potentially suitable sites are considered through the SHELAA process even if some of them are seen as contentious. The consideration of sites at this stage does not in itself determine whether a site should be allocated for development. It is critical to the future soundness of the Local Plan that the process for selecting/rejecting sites is robust and transparent and sites are not rejected before they have been properly assessed.

The SHELAA Methodology and Content

- 12.9 The Government’s Planning Practice Guidance (PPG) updated in July 2019, contains guidance on the production of housing and economic land availability assessments. It explains that the assessment does not in itself determine whether a site should be allocated for development. It is the role of the assessment to provide information on the range of sites which are available to meet the local authority’s requirements, but it is for the development plan itself to determine which of those sites are the most suitable to meet those requirements.

12.10 An assessment 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 (the availability and achievability).

12.11 It is important that the PPG is read in conjunction with separate guidance on the application of town centre planning policy, which includes the sequential test for locating town centre use as well as guidance on making the most effective use of land.

12.12 The 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 employment floor space.

12.13 All 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.

Stage 1 – Identification of sites and broad locations

12.14 Stage 1 involves determining assessment area and site size and conducting a desktop review of existing information and opening a call for sites/broad locations and completing a site/board location survey.

Stage 2 – Site / broad location assessment

12.15 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 the main town and village centres for example being assumed to be developable at a higher density. No sites have been excluded at this stage.

Stage 3 – Windfall assessment.

12.16 Stage 3 involves making an allowance for windfall sites (land not specifically allocated for development). A windfall assessment was completed in February 2021. This assessment aims to identify housing windfall trends within the area of the Winchester District outside the South Downs National Park. This is done by analysing completions between April 2012 to March 2019 and the implications for the contribution that such sites may make to housing supply in the future. The windfall allowance is a self-contained exercise within the Council's annual 5-year land supply calculation, which means that it can be updated as necessary without requiring the SHELAA to be renewed.

Stage 4 – Assessment review.

- 12.17 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.
- 12.18 The number of sites submitted for consideration through the SHELAA is considerably in excess of what is likely to be required in order to achieve the quantum of development included in the Local Plan when account is taken of existing consents, allocations and windfall sites. Not all sites were submitted for housing purposes, 15 sites were submitted for employment or retail purposes.

Stage 5 – Final evidence base.

- 12.19 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 could be brought forward and developed in accordance with current policies) and those outside settlement boundaries, which will be assessed by the Local Plan as potential allocations if required. Government guidance sets out detailed advice on determining the 5-year housing land supply and this is published each year in the Authorities Monitoring Report.
- 12.20 These steps have now been completed and the SHELAA 2023 is attached in Appendix 1.

Next Steps

- 12.21 Subject to Member approval, the sites which have been included in the SHELAA 2023 would be published on the city council's website. The Local Plan process is set out in the Local Development Scheme <https://www.winchester.gov.uk/planning-policy/winchester-district-local-plan-2018-2038-emerging/local-development-scheme>

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. In effect therefore there is no option but to prepare one and failure to do so could result in successful challenges to the Local Plan.

BACKGROUND DOCUMENTS:-

Previous Committee Reports:-

CAB3316 Cabinet 8th December 2021 Approval of Strategic Housing & Employment Land Availability Assessment (SHELAA) for publication Wednesday,

CAB3157 Cabinet Committee 19th June 2019. Approval of Strategic Housing and Employment Land Availability Assessment (SHELAA) 2019 for publication

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: 2023 Strategic Housing and Employment Land Availability Assessment (SHELAA).