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strategic housing land availability assessment frequently asked questions

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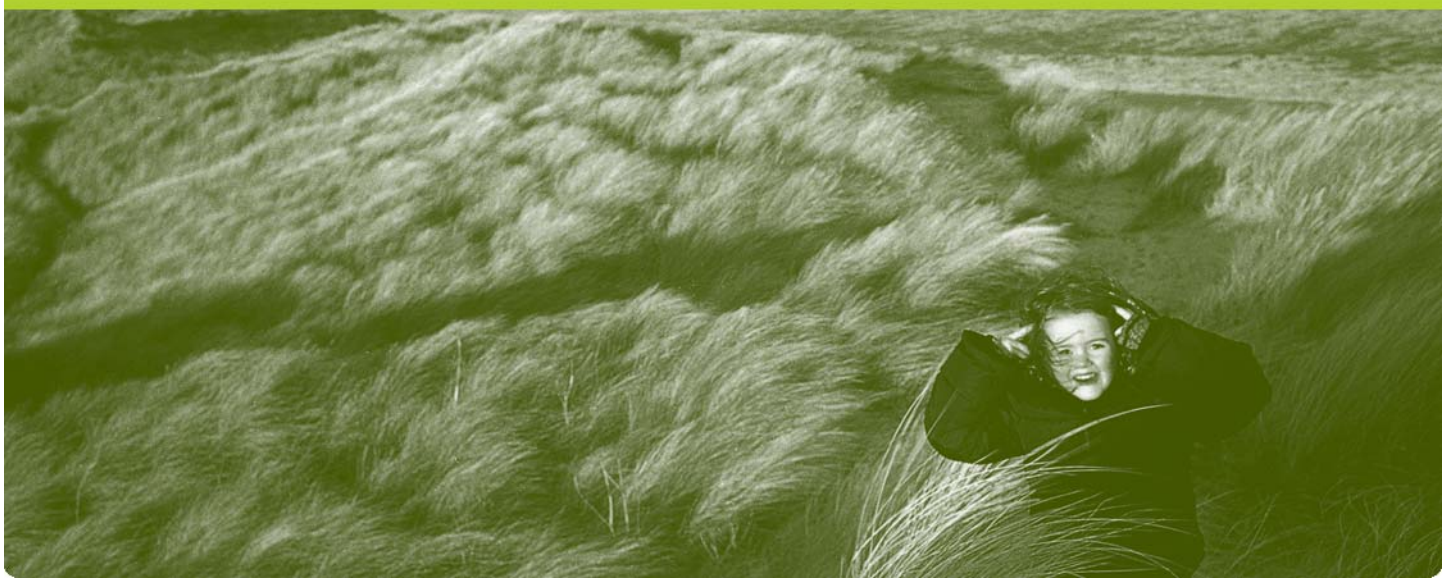

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Local Government Association

strategic housing land availability assessment frequently asked questions

The following questions have emerged through previous workshops on strategic housing land availability assessments (SHLAA) and are drawn together here for the assistance of practitioners. References to the SHLAA guidance are to the Communities and Local Government (CLG) publication *"Strategic Housing Land Availability Assessments: Practice Guidance"*, published in July 2007.

The Planning Advisory Service (PAS) aims to facilitate self-sustaining change and improvement in the local authority planning sector. PAS helps councils provide faster, fairer, more efficient and better quality services.

PAS is funded by the Communities and Local Government (CLG) and is part of the Improvement and Development Agency (IDeA). Building on the IDeA's work in the local government sector, PAS supports local planning authorities throughout England to develop both their capacity and capability to deliver services and the best possible outcomes for their communities.

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1) can we rely upon the existing Urban Capacity Study?

An authority can use an existing UCS as the basis for demonstrating a 5-year supply, but will need to develop it further to meet the core requirements set out in the SHLAA guidance (para 14). This will entail work in collaboration with developers and other interests to -

- review whether identified sites are still available, and their capacity
- identify additional sites, including sites in rural settlements, brownfield sites outside settlements, greenfield sites, and broad locations (where necessary)
- carry out further survey within settlements to identify new brownfield sites
- assess deliverability/developability for all sites

Also, a SHLAA database needs to be set up as soon as practicable for ongoing use and updating.

2) is a full SHLAA needed to qualify for the housing and planning delivery grant (HPDG) consultation plan-making element?

The CLG consultation on the allocation mechanism refers to "demonstration of 15-year supply .... which is deliverable, developable and/or broad locations", to be assessed through evidence provided by the SHLAA. At the time of writing the HPDG mechanism has not been finalised, so it might yet change.

The SHLAA guidance sets out core requirements for an assessment in paragraph 14, and in particular a process checklist. It is suggested that authorities should aim to get as close to a full SHLAA as is practicable in the short term, and commit to strengthening it to fully meet SHLAA requirements as soon as possible.

3) won't the publication of detailed information about sites lead people to believe that decisions are already made?

This is recognised as a risk, and needs to be sensibly managed from the outset. The authority should make clear at every turn that SHLAA information is evidence alongside other information, and the actual decisions will be made in plan-making. It may help to be able to stress that preparation of the SHLAA in collaboration with development interests means that some sites have been included at their suggestion, which may or may not be taken forward into the plan.

4) why are greenfield sites included?

The purpose is to provide a rounded assessment of all potential sources of supply, with consistent information on deliverability/ developability. Strategic choices are more complex than simply filling up urban areas and then looking outside for greenfield sites. There is a need to allow for other types of land use, which will often be better located within existing settlement limits. The best solution may involve bringing forward some greenfield land, eg to offer a better range of sites, secure more affordable housing, or accommodate lead times on regeneration projects.

5) does this mean that in reality the priority for brownfield sites no longer applies?

No, the objective of maximising brownfield development continues. But it stands alongside the objective of fully meeting housing requirements - both are very important. The ambition of sustainable development may also dictate that some brownfield sites are reserved for other uses.

6) why are broad locations now included?

Because in preparing core strategies, some authorities will need to consider strategic urban extensions or perhaps new settlements or neighbourhoods. The possible broad locations should be assessed in the same way as identifiable sites so as to provide a rounded assessment of potential sources of supply, with consistent information on deliverability/developability.

Broad locations can also include areas within settlements where there is explicit policy to encourage housing development, eg residential infilling. This is about being proactive about meeting need rather than passively leaving it to market forces. By definition, development within such broad locations is not windfall, and PPS3 says it may be taken into account as part of the supply in the 11-15 year period (see also Question 19) below.

7) why should we consider sites in preparing a core strategy? What does this mean in practice?

The purpose of the SHLAA in relation to a core strategy is to provide evidence that sufficient housing land can be provided within the locations indicated by the strategy. Without such evidence it would be difficult to demonstrate the deliverability of the strategy.

However, where in the light of the emerging policy guidance in the draft revised PPS12 an allocations DPD is to be prepared, it is not necessary to identify specific sites in the core strategy, but simply to demonstrate that there are sufficient potential sites with sufficient capacity, having considered reasonable alternative strategies. The allocations DPD will then make the final selection and show in more detail how the allocated housing sites relate to each other, other land uses, infrastructure and transport.

8) when should the monitoring database be set up?

This should be done as part of planning the first SHLAA study. Designing the database alongside the survey parameters will ensure that the survey information is recorded in a way that is consistent with the most cost-effective way of updating it with information on completions and new sites. The value of an expensive study should not be undermined by an inability to update it easily and conveniently.

9) are we expected to produce a SHLAA whatever it costs?

A SHLAA is essential, but the guidance shows how survey can focus on the areas which are most likely to produce housing, and there are choices as to the scale of sites surveyed. Broadly, the more detailed the survey, the more sites will be identified and the greater the demonstrable potential supply. The less refined the survey, the wider the search may have to be to cover sites with sufficient potential yield to demonstrate that targets can be met. Note that the consultation on the HPDG allocation mechanism indicates that there will in effect be a financial reward for preparing a SHLAA, provided the authority can demonstrate a 5-year supply of deliverable sites.

10) when should the partners in the study first be involved?

The SHLAA guidance makes it clear that they should be involved at the outset. The value of this is that they can then be party to setting and agreeing the "ground rules" for the study, including matters such as -

- the study parameters
- the methodology
- the approach to be taken to the choice of greenfield sites for assessment
- protocol in relation to sites in which study partners have an interest
- the approach to sieving out "non-runners" (see Question 14 below)
- the arrangements for consultation

If such matters are not properly considered and agreement reached at the outset, they may prove more difficult and inconvenient to deal with when the study is under way.

11) how can we get the builders and other interests involved?

It is acknowledged that in some areas this may be difficult, especially if developers concentrate on working with the authorities where they have the strongest interest. It will not be sufficient to merely issue invitations and accept a 'nil' response. The authority should make personal approaches, make clear the importance of the SHLAA, stress that this is about partnership rather than just consultation, and be persistent.

12) won't developers try to push their own interests?

They may, however the authority should expect to agree with the partners at the outset the parameters for a SHLAA study, including the areas to be surveyed in detail and the greenfield sites to be assessed (see Question 10 above). The latter should be selected in the light of the housing targets for the area, existing knowledge of potential supply from allocated sites etc, and higher level planning policy. In this way the partnership should be able to establish information on a consistent basis and without commitment about all reasonable candidate sites, including those promoted by members of the assessment partnership. Remember that the SHLAA provides information as an aid to plan-making, and does not make the decisions.

13) should we consult on the SHLAA methodology?

There may be value in consulting on approach to be taken and the parameters of the study, eg the main areas to be surveyed, the minimum size of site and assumptions to be used about site densities. This may assist the authority and its study partners in identifying and dealing with issues which could otherwise arise subsequent to the study when it may be more difficult and inconvenient to address them.

14) what should we do about sites which are considered "non runners" in terms of planning policy?

There is nothing in the LDF system or the SHLAA guidance which obliges the authority to assess obvious non-runner sites in detail, whether for sustainability appraisal or in the SHLAA. The assessment partnership should sieve out sites which are patent non-runners, identify concisely the reasons, list them and record the fact that they have not been assessed further within the SHLAA report. They should then be taken no further in assessment, whether in the SHLAA, SA or consideration of alternatives. This applies whenever sites are advanced during the plan-making process. It will be helpful to set the criteria for sieving at an early stage (see Question 10 above), and they should be made explicit in the report of the SHLAA study.

15) where we issue a "call for sites" should we assess each site, as a matter of good manners?

No. There should still be a sieving out of non-runners, with explanation of the reason why they are excluded from further assessment. It should be kept in mind that inclusion of a site in the SHLAA indicates that it is considered suitable in principle for housing (because the assessment of deliverability/developability includes suitability). To include non-runners will therefore present a misleading signal and may prove an embarrassment if their inclusion is subsequently argued at appeal to demonstrate that they were considered suitable in principle for housing when the SHLAA study took place.

16) what does "suitable" mean in relation to deliverability/developability?

The answer depends on context. Where there is a limited range of possible sites, it will be all sites which are suitable for housing in terms of the SHLAA guidance at Stage 7a (though some may in due course be allocated or reserved for other land uses or purposes). Where there is a large number of possible sites, it may be necessary to think in terms of sites being *potentially* suitable for housing, on the understanding that decisions about strategy may rule out sites in some locations in favour of others.

17) the SHLAA guidance says that the scope of the assessment should not be narrowed down by existing policies designed to constrain development (paragraph 21). But the explanation of suitability for housing refers to taking account of policy restrictions (paragraph 38). Is this not contradictory?

They deal with different matters. Paragraph 21 is about the overall scope of the study, and seeks to avoid areas which might have housing potential being excluded from the outset, before current policy is reviewed. Paragraph 38 refers to the assessment of individual sites which have been identified by survey or put forward by interested parties.

18) what does "available" mean in terms of the 5-year supply?

In the case of sites of some size, it will be safest to interpret available as meaning that planning permission exists or an application is moving towards permission; together with the site meeting the guidance in paragraph 39 of the SHLAA guidance. For single plots and straightforward small sites within settlements, a site may also be considered available if it could be the subject of an early planning application and developed within the 5-year period.

19) aren't the small sites just windfalls?

The term "windfalls" is used differently by different people, and is often used loosely to mean any site which is not allocated in a plan. But PPS3 contains a definition of windfalls (footnote to paragraph 59), which practitioners need to take to heart. It makes it clear that windfalls are "sites which have not been *specifically identified* as available in the local plan process. They comprise previously-developed sites that have *unexpectedly* become available". Note the added emphases here. This makes it clear that any site which is specifically identified in the SHLAA (a part of the plan-making process) is not a windfall. Similarly, sites which come forward within a broad location within a settlement, where there is explicit proactive policy, are not windfalls because they are not unexpected (and may be included in the supply for years 11 to 15). Therefore, the fuller the coverage of potential sites, the less scope (or need) for windfalls.

20) should we score or rank sites in the published SHLAA study report?

No, because it will mean the SHLAA report going beyond saying that (effectively) sites are suitable for consideration allocation or inclusion in the anticipated supply, to beginning to make judgements about which are the "best" and may be more appropriate for inclusion in the plan. Such judgements are plan-making judgements and should be made as part of the evaluation of sites in plan-making rather than in the SHLAA. To score or rank sites will make it difficult to persuade people that the SHLAA merely provides information about possible sites, because it will be seen as beginning to make the decisions. It may also present difficulties for developer partners in the assessment.

21) when can we safely take account of windfalls?

Neither PPS3 nor the SHLAA guidance seek to answer this, and nor can this note, because it must depend on the particular circumstances of the individual authority. To be able to take account of windfalls an authority needs to first -

- carry out a thorough and detailed SHLAA study which identifies as many sites as practicable - because a broader SHLAA study will miss small sites which could otherwise be identified
- review the results, survey parameters and assumptions to see whether the supply can be increased
- consider broad locations for proactive policy within settlements, and for urban extensions where there is potential for them - very few authorities have such tight boundaries that there are no possible urban extensions to consider, albeit that this may involve possible changes to Green Belt boundaries or other high level policy constraints

Only when these stages have been completed can an authority begin to consider whether it can produce robust evidence (presumably referring to the SHLAA study itself) of "genuine local circumstances that prevent specific sites being *identified*" (paragraph 59 of PPS3, emphasis added). Thus the evidence has to be about why sites cannot be identified. It won't do to answer that they cannot be identified because they weren't surveyed!

One reason authorities may be unable (or unwilling) to identify some sites is that they relate to residential gardens or conversions. There may be evidence that in particular areas such sites do come forward, but it is not possible to be specific as to exactly which will do so. In such cases it might be appropriate to consider a policy response by identifying the relevant areas as broad locations, rather than seek to make the case for a windfall allowance.

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