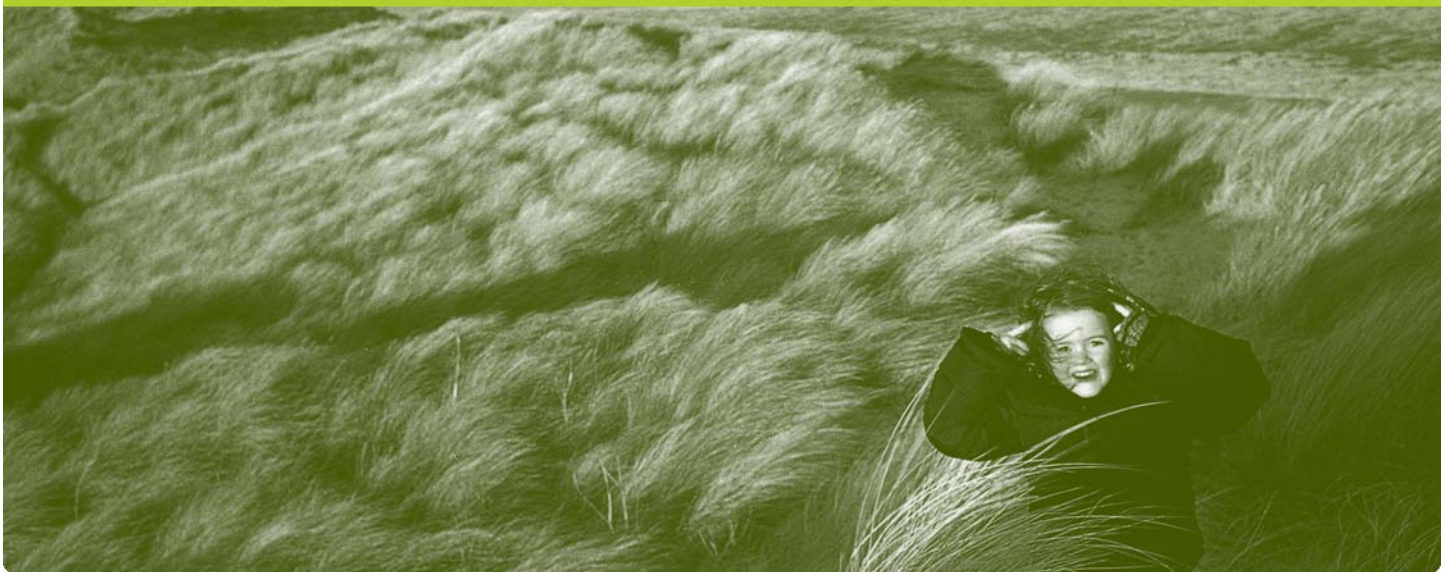


july 2008



strategic housing land availability assessment and development plan document preparation

prepared by Planning Officers Society (POS)



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This note has been prepared by Planning Officers Society (POS) to address how the preparation of a strategic housing land availability assessment (SHLAA) can be best fitted into the process of preparing development plan documents (DPD) and some practical plan-making implications.

The material draws on the broad conclusions coming out of discussions on SHLAA and DPD preparation held with the authorities that make up the POS learning and dissemination group. This document has been revised to reflect the procedural changes to plan preparation resulting from the re-publication of PPS12 in June 2008.

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introduction

1 The concept of strategic housing land availability assessments (SHLAAs) is introduced in PPS3. It is clear that the SHLAA is seen by Communities and Local Government (CLG) as a key tool in the development of local housing policy and proposals, and in demonstrating a 5-year supply of deliverable housing sites.

2 CLG published guidance on the preparation of SHLAAs, "*Strategic housing land availability assessments: practice guidance*" in July 2007 (referred to hereafter as the "SHLAA guidance"). It includes a recommended standard methodology. The guidance is intentionally concise, and focuses on the principles of a SHLAA and on setting out the methodology.

3 This note has been prepared to address how the preparation of a SHLAA can be best fitted into the process of preparing development plan documents, and some practical plan-making implications. It reflects the revised LDF Regulations published in June 2008. This note should be read alongside the SHLAA guidance, which is of course the definitive guidance.

importance of the SHLAA

4 PPS3 makes clear the importance which 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 SHLAA guidance (paragraph 14) is at high risk of its plan being found unsound for lack of robust evidence.

5 This applies even where the authority has a capacity study prepared in accordance with the previous policy guidance in PPG3. It is advised that such a capacity study should be updated to meet the SHLAA core requirements, so that compliance with current national policy can be demonstrated. The SHLAA guidance at paragraph 16 advises on what will be involved in updating an urban capacity study to a SHLAA.

6 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. Also, it is becoming common practice to progress other DPDs such as site allocations DPDs or area action plans alongside but somewhat behind the core strategy, to be able to demonstrate deliverability, and this will also be assisted by the SHLAA evidence.

7 The recent consultation on the allocation mechanism for Housing and Planning Delivery Grant (HPDG) further reinforces the importance of the SHLAA. It proposes that up to 40 per cent of the planning element of the grant will be payable where an authority can demonstrate a 5-year supply of housing on deliverable sites; and one and a half times that amount where it can also demonstrate a 15-year land supply of deliverable or developable housing sites or broad locations. This will create a considerable motivation to make progress on the SHLAA as soon as possible.

wider value of the SHLAA

8 Apart from these considerations, the SHLAA can have wider value in plan-making for existing urban areas. A common weakness of the former local plans and UDPs is that they did not address how existing residential areas will change as a consequence of infilling and redevelopment for housing, nor how the consequence of this change for social services, GP services, education or transport will be managed.

9 This means that there has often been no *planned* approach to managing change in such areas. Rather, development control has had to try to cope on a purely responsive basis within overall national policy, often leading to serious delays in the provision of social infrastructure, or failure to make adequate provision for it at all, together with rising public opposition to growth. The SHLAA evidence, particularly where used alongside employment land review information, can help in addressing these matters because it focuses attention on the areas within settlements where opportunities exist for development and change to actually take place.

10 Thinking about these areas should provoke questions about how they are likely to change, and lead to ideas on how infill development and redevelopment for housing should be shaped to produce the best outcomes, and what kind of policies are needed to steer development. This will need to include how infrastructure of all kinds necessary to support the existing community and the new development will be provided. The SHLAA can thus be a valuable aid in addressing issues of *place*, an important aspect of spatial planning.

11 Moreover, the SHLAA may provide information about potential housing sites which are not developable early or within the plan period because of identified constraints, together with information on how these constraints could be overcome. The SHLAA could therefore be a valuable trigger for thinking about how the plan can seek to overcome the constraints, and a helpful lead into consideration of delivery strategy and infrastructure planning.

key features of a SHLAA

12 The SHLAA guidance sets out the key features of a SHLAA as being that it is -

- a *strategic* assessment, based on the housing market area (para 7) though it recognises that a SHLAA may have to be prepared for a local authority area; focused on the identification of individual *sites* with potential for housing (para 6);
- founded upon partnership working with key stakeholders such as house builders, social landlords, local property agents, local communities and other agencies (para 11); and
- an ongoing process, involving regular monitoring and updating of the SHLAA database (para 9)

13 It is important to be clear that whilst there is evolution of previous practice in assessing land availability for housing, a SHLAA is distinctly different from an urban capacity study prepared within the context of PPG3. The main differences are set out in the table below.

Differences between an Urban Capacity Study and a SHLAA	
Urban Capacity Study	SHLAA
Study only covered existing urban areas	Assessment can cover all settlements with housing potential, both urban and rural, going beyond existing settlements
Study only covered previously-developed sites	Assessment can cover all sites or broad locations with housing potential, both previously-developed and greenfield land
Underpinned a sequential approach where supply within existing urban areas was assessed before considering the release of sites outside the urban areas	No requirement to follow a sequential approach to identifying supply. Aim is to find suitable specific sites and broad locations (where appropriate) for housing, which can cover urban and rural areas, and may go beyond existing settlements
Survey element of study was required to identify enough housing land to meet the housing target	Assessment needs to identify enough housing land so that plans can maintain continuous delivery of housing for at least 15 years. Can investigate <i>all</i> sites and broad locations with housing potential
The calculation of supply from windfalls was integral to the study and housing land supply approach	No allowance should be made for windfalls in the first ten years unless there is robust evidence of genuine local circumstances that prevent specific sites being identified

14 It is understood that the purpose of including greenfield sites within the assessment is to provide comparable information about the deliverability or developability of all sites which are reasonable candidates for consideration in plan-making. The SHLAA information can contribute to decisions about which greenfield sites to allocate in a DPD (where necessary), and assist greatly in being able to demonstrate that the strategy and proposals are deliverable. It will of course be available to all parties at the subsequent DPD examination, and provide an evidential focus for consideration of Test 7.

broad locations

15 PPS3 and the SHLAA guidance both refer to “broad locations” where housing development might take place. The term is used to cover both areas outside existing settlements such as possible urban extensions; and areas within settlements where planning policy seeks to promote housing development (SHLAA guidance para 46). PPS3 allows for the supply from broad locations to be taken into account in the 11-15 year period (paragraph 55). PPS12 provides for the allocation of what are referred to as “strategic sites” within core strategies.

16 Broad locations outside existing settlements will normally fall to be considered as part of the preparation of a core strategy where it is anticipated that to meet housing targets will require one or more significant urban extensions, of a scale beyond individual greenfield sites. Where it is anticipated that a strategic site will be allocated in the core strategy, it should be delineated in outline. Where this is not anticipated, there will need to be sufficient clarity about the area to be assessed for its developability to be properly considered.

17 Broad locations within settlements could include residential areas where existing or proposed planning policy actively encourages additional housing, eg through infilling and redevelopment. By the nature of such areas it is often not possible to identify individual sites, because one cannot predict which property owners will bring forward proposals. However, an assessment of the potential supply can be made by reference to past levels of development and the study partners' assessment of the future potential. It should be noted that since it is based upon proactive policy, the likely supply from such a broad location is not windfall in terms of PPS3 policy, and can therefore be included in the SHLAA, but only for the 11-15 year period.

timing a SHLAA study

18 As noted earlier, the CLG intentions for HPDG reinforce the motivation to prepare the SHLAA expeditiously. Most authorities are engaged in preparing their core strategy, and clearly should carry out the SHLAA study (or update their existing capacity study into a SHLAA) as soon as possible, as a key part of the evidence base (see paras 4 and 5 above). Even where the SHLAA information may not be required for some time, it makes sense to carry out the study soon so as to provide the most robust basis for demonstrating a 5-year land supply, and to qualify for the HPD grant. It can then be updated when needed for DPD preparation. This is consistent with the fact that the SHLAA is intended to function as an ongoing database, to be updated regularly.

19 Under the revised Regulations, there is no specification as to when participation should take place in plan preparation. Rather, the planning authority will decide when and how to engage stakeholders and communities to suit the circumstances of the DPD being prepared. It is suggested that where work is at an early stage on a core strategy or allocations DPD, the SHLAA study should desirably be carried out or the database updated early in the plan-making process, before significant community engagement takes place. This will then enable the SHLAA information and its implications for the DPD to be fed into the engagement process. It will be necessary to make it clear in material produced in relation to the consultation that SHLAA information is about *potential* housing sites or locations, and that the choices as to which sites will be selected are to be made in due course as plan-making decisions.

20 If the position already reached on a DPD means that the SHLAA study is prepared later in the process, it is advised that the results should still receive publicity and be consulted upon so far as practicable. This will help to avoid subsequent arguments that parties did not have the opportunity to comment on the sites considered or the robustness of the information.

21 Whenever the SHLAA study is carried out, the process for its review and updating should be put in place at the same time. This will enable the SHLAA database to be readily updated when necessary to reflect the up-to-date position. It will be particularly desirable to provide an update of the database at the time of DPD publication.

using the SHLAA in plan decision-making

22 The SHLAA does not of course make decisions about which sites should be developed for housing, but rather provides evidence to support decision-making within the plan process (SHLAA guidance para 8). The way the SHLAA will be used will depend on whether a core strategy or a site allocations DPD is being prepared. Each is now considered in turn.

SHLAA and the core strategy

23 extent of survey

Stage 4 of the SHLAA guidance (para 25) makes the point that the extent of survey should be determined in the light of the nature of housing challenge (particularly the RSS housing target), informed by existing information about potential supply identified by the desktop review. A key issue for the SHLAA will be the decision as to which sites outside settlements will be assessed. It is anticipated that these will generally be peripheral greenfield sites and perhaps some non-urban brownfield sites. It is implicit in the SHLAA guidance that the decision should be made by the study partners (ie the authority and the other partners in the assessment), and not the planning authority alone. Sufficient sites outside existing settlement boundaries should be included to enable the authority to be as confident as possible that enough developable sites will be identified to meet the housing target, and to provide for the genuine consideration of alternatives as part of the plan-making process.

24 surveying the sites with the best housing potential

There is no expectation that every possible greenfield site should be assessed within the SHLAA. Indeed in many rural areas there will be large numbers of theoretically-possible sites, many of which are patently unsuitable for housing because of their isolation from settlements or for other reasons. Rather, the assessment should concentrate on those sites which have the best potential as possible housing areas. This may call for some firmness and honesty between the survey partners. There may also need to be some pragmatism, to recognise that some sites are likely to be promoted strongly for development and ensure that they are included in the assessment.

25 The important thing is that all greenfield sites which are reasonable candidates for housing should be identified and assessed from the outset, even where there may be opposition to some of them. The better the process of selection at the outset of the SHLAA, the less chance that “new” sites will come forward later in the plan-making process which the authority will then realise should have been included and assessed.

26 broad locations

As noted in paragraphs 15-17 above, it may be necessary in a core strategy to bring forward broad locations outside existing settlements to be able to meet the housing targets laid down in the RSS. The SHLAA guidance provides for broad locations to be considered where the need to do so is demonstrated following the assessment of specific sites, and quantification of the potential supply from them. This logic suits most situations. However, where the authority is already sure that to meet housing targets will require significant urban extension(s), it may make better sense for the potential broad locations to be assessed alongside brownfield and greenfield sites. This will offer the benefits of providing evidence about the developability of such areas, supporting public debate about where the growth might go, and avoiding the need to involve survey partners in two iterations of the assessment.

27 It is advisable to set the potential housing capacity of any possible broad locations outside existing settlements rather below that which might be achieved were the whole area to be developed. This will allow for the possibility that more detailed planning will identify features which should be retained or parts of the area which should not be developed.

28 areas of policy restraint

It is recognised that in some areas national designations, Green Belt or other policy considerations will mean that there are strong planning reasons to seek to avoid or minimise the release of greenfield sites for housing. The approach set out in the SHLAA methodology will particularly suit such situations. Survey can focus on identifiable sites to assess whether sufficient developable sites can be identified to meet plan targets. Then, if the finding is that there is a shortfall in the potential supply from identifiable sites, the planning authority can consider whether to identify broad locations for future housing growth, which may involve the need to review Green Belt boundaries; or seek to make a case to include allowance for windfalls (SHLAA guidance para 45). This decision may be influenced by the nature of the areas which would need to be considered for development, and the impact their development would have.

29 review of the assessment

Having identified the sites/broad locations to be assessed, the assessment partners will carry out the assessment and produce the draft SHLAA report. They should then review the assessment as required by Stage 8 of the methodology (SHLAA guidance paras 43-45). Where they are satisfied that there are sufficient sites with housing potential to meet targets, and at the same time allow for genuine choice about which sites/broad locations to include within the plan, the SHLAA study can be finalised. Where there is a shortfall, the methodology advises that assumptions should be re-visited, or further broad locations should be considered, or possibly the authority may now seek to make a case for the use of a windfall allowance.

30 consultation on the SHLAA evidence

The planning authority will now publish and consult on the SHLAA findings as part of its approach to public participation on the DPD. It may be anticipated that parties will make representations that some sites assessed in the SHLAA should not be developed for housing or at all, or that further sites should be considered. The planning authority should be clear that these representations relate to the plan-making process, and not to the SHLAA as such. Representations are similarly likely to be received on any broad locations which have been assessed.

31 “new” sites

It is stressed that there is no obligation on the planning authority to re-open the SHLAA to assess further sites which are put forward in response to consultation, since it already has evidence through the SHLAA that sufficient sites are likely to be available. This is all that is necessary for a core strategy. Moreover, the authority and its assessment partners should have identified the sites and broad locations which are most likely to be suitable, so it should be unlikely that further strong candidates will be put forward. Where it is not judged necessary to carry out a SHLAA assessment of “new” sites, this should be clearly recorded as part of the decision-making “audit trail”.

32 However, if particular representations of a more strategic nature give the authority pause for thought, perhaps in relation to alternative broad locations, it may be advisable to ask the assessment partners to carry out some further assessment work as a refinement of the SHLAA evidence. This will provide evidence about the developability of the “new” sites on a consistent basis with that for the sites (and broad locations where appropriate) which have already been assessed.

33 participation on the emerging strategy

This section is predicated on the assumption that the core strategy addresses issues of sufficient significance to require participation on the emerging strategy and the alternatives considered. The authority will review the body of evidence, including the SHLAA, the findings of sustainability appraisal, and the results of public consultation, to develop its preferred strategy. It will then consult on the preferred strategy together with the alternatives which have been considered and rejected. In a core strategy these will of course be expressed at a strategic level, indicating the main areas where development will be concentrated, including the selected broad locations where appropriate.

34 It should not be necessary to further revise the SHLAA in the light of representations received following such participation, except in exceptional circumstances where representations go to the heart of strategy, and cause the authority to seriously re-consider the strategy. The authority can proceed to the publication of its proposed finalised core strategy.

SHLAA and site allocations DPDs

35 context

This part of this note covers the situation where the preparation of a site allocations DPD is already in hand, or following consideration of the criteria in PPS12 for the preparation of other DPDs it has been concluded that one is necessary to deliver the core strategy. The principles here will also apply in the case of an area action plan for an area where there are significant decisions to be made about the selection of sites for housing.

36 In many cases the SHLAA study will have been carried out or updated as part of the evidence base for the core strategy. So in preparing a site allocations DPD it should normally be possible to update the database without the need for a further comprehensive study. There are a few cases where the core strategy was developed prior to SHLAA, in which case the SHLAA study may need to be carried out as part of the preparation of the site allocations DPD. In such cases the advice in paragraphs 23 -25 and 28 -29 above applies (apart from references to broad locations, which will not be relevant).

37 approach to public participation

Where the SCI has been updated to set out the approach to be taken to consultation on subsidiary DPDs, then clearly the authority will follow the SCI. Where this is not the case, the authority may wish to consider whether to have one main stage of participation, or to go through a two-stage approach designed firstly to assist in bringing out possible sites, and secondly to debate the emerging suite of selected sites. The decision should reflect the scale of choice actually available (there may be few alternatives in some urban authorities with tight boundaries, for instance), together with other local considerations.

38 early consultation

Consultation will of course focus on the potential development sites, of which housing sites will be particularly important, so the SHLAA findings will be fundamental to the consultation. It will be necessary to consider all the representations received in relation to the individual sites assessed in the SHLAA, together with representations in relation to sites not covered by the SHLAA.

39 In some areas, especially rural areas, large numbers of possible sites may be put forward which were not assessed in the SHLAA, perhaps as a result of a "call for sites". As with the core strategy, there is no obligation to assess every new site in detail, because the SHLAA should have already identified and assessed those with the greatest housing potential. Rather, the authority should go through a sieving process with the "new" sites, to identify those which are not considered realistic propositions deserving further consideration, and clearly record the reasons. These judgements should be based primarily on the overall strategy set out in the core strategy, together with reference to relevant sustainability appraisal objectives. Those sites which are ruled out at this stage should be recorded, together with the reasons for the decision.

40 Where large numbers of sites have been put forward, it may be beneficial to group sites into classes which can then be considered *en masse*, eg sites not connected to any settlement, or sites which conflict with particular higher level policies. Again, the reasons for their rejection should be clearly recorded.

41 It may be that some of the new sites will be seen to have some merit and deserve further consideration. In such a case, it would be advisable to ask the assessment partners to come together again briefly to assess them. The SHLAA database can then be updated to show how they perform in terms of developability in comparison with those already assessed.

42 the emerging selection of sites

The authority will then appraise all the sites which now remain in the frame against core strategy strategic principles and policy, and the findings of sustainability appraisal and other evidence, including the SHLAA evidence on deliverability, to decide which sites should go forward in the DPD. Where it has been decided to carry out further participation on the selected suite of sites, this will now take place, supplying information to participants on both the selected sites and those which are proposed to be rejected.

43 sites put forward at further participation stage

A full opportunity will have been given to put forward sites during the earlier participation and have them considered. Thus if parties seek to advance completely new sites late in the plan-making process, it should be unlikely that they will have strong enough credentials to deserve detailed consideration. The authority should therefore be able to dismiss them quite readily by reference to core strategy principles. However, in the event that the authority considers that one or more sites put forward at this stage deserve genuine consideration for inclusion as site allocations, it should ask the assessment partners to assess them for developability, to provide evidence comparable to that for other sites.

44 If the authority then decides that any of the “late” sites should be identified as being preferred for allocation, and possibly that another site or sites should be supplanted, it will revise its proposals accordingly in developing the publication version of the DPD. It should not be necessary to re-visit the SHLAA.

instructing consultants

45 Because of the importance of the SHLAA and its value in wider plan-making (paras 7 and 8 above), it is preferable that it is carried out in-house. This will also mean that staff understand the approach taken to the SHLAA study and can explain it at examination or planning appeal.

46 However, there will be circumstances where the authority decides to use consultants to carry out the study. In such cases it is advised that prior to advertising the commission or instructing consultants, the authority should carry out a concise review of stages 1-4 of the SHLAA methodology. In particular it should consider what it already knows about potential supply within settlements from previous capacity studies, and relate that to paragraph 25 of the SHLAA guidance. It can then set out the main areas to be surveyed, the sources to be covered, the scale of sites to be surveyed and other key parameters. This will both provide consultants with a clear brief, and assist them in tendering.

47 As noted above, the selection of sites outside settlements for assessment should be made by the study partners. Where the consultants act with the other study partners in the SHLAA partnership, the authority should nevertheless confirm that these sites are agreed. This is important as it is fundamental to ensure that all reasonable candidate sites for housing are assessed from the outset of the study. Where in the case of a core strategy it is considered necessary to consider broad locations, these may be proposed by the consultants, but again should be confirmed by the authority.

managing speculation

48 Whilst the SHLAA is evidence in support of decision-making, there is a risk that some parties may see the publication of the information as pre-judging decisions on the plan or in development control. This may be a particular issue where, to secure the plan-making element of HPDG, the authority decides to carry out the SHLAA study some time in advance of when it will be used in plan-making. It will be desirable to provide clear and consistent information to communities about the function of the SHLAA study before staff or consultants’ personnel are observed carrying out surveys. It will also be necessary to brief survey staff on how to answer enquiries from the public, and to explain the way the results will be used.

49 In particular it will be important to stress that the study identifies *potential* housing sites, and that the decision will not be made on which ones will actually be selected until later in the plan process. Whilst the assessment will address whether sites are suitable for housing, this should only be taken to mean that they are suitable provided they are not required for other purposes, and are required to meet plan targets.

50 The corollary of this is that sites should not be included in the SHLAA which are not considered suitable or potentially suitable for housing. This would present confusing messages, since a key aspect of the SHLAA assessment is to consider whether sites are suitable for housing. Moreover, their inclusion could give unwarranted credibility to such sites. Where an assessment concludes that sites put forward by others are not suitable for housing, this conclusion should be recorded in the SHLAA report.

51 In some areas there will be particular issues as to whether sites such as land attached to existing houses should be surveyed. Where it is known that housing targets will be difficult to meet, the inclusion of what may be called “garden” site will increase the identified supply through specific sites, and reduce the possibility of having to identify a broad location for development or make and justify a case for making an allowance for windfalls. But to survey such areas in detail will be time-consuming, and may be seen as stimulating interest in development among both agents and owners, and thereby increasing the possibility of proposals coming forward. It will be for individual authorities, in the light of their circumstances and awareness of possible reaction, to decide whether such sites should be surveyed. The better course may be to identify relevant areas for treatment as broad locations where housing development will be encouraged (see para 17 above).

demonstrating a 5-year supply of deliverable sites

52 CLG have published guidance “Demonstrating a 5-Year Supply of Deliverable Sites”, and this may be found on the PINS website. It is anticipated that many authorities will find it convenient to use this approach in the short term. However, PPS3 and the SHLAA guidance make it clear that in due course CLG expect the SHLAA to be the basis for demonstrating the 5-year supply. Where the SHLAA is being used, the 5-year supply will initially be those sites which are identified as being deliverable within five years of the SHLAA study. Thereafter, the annual review of the SHLAA database as part of the annual monitoring report (SHLAA guidance para 17) will provide the necessary information. Where an authority can only just demonstrate a 5-year supply it may find that it needs to update the database more frequently for the purpose of planning appeals. It follows that ideally authorities should be able to show a supply of deliverable sites sufficient to meet more than five years’ requirements, perhaps a six to seven year supply.

windfalls

53 It is not considered safe for this advice note to offer advice on circumstances where there may be the necessary genuine local circumstances where a windfall allowance is justified. This is because the implicit test involved must turn on the particular local situation.

54 However it is useful to draw attention to the definition in the footnote to page 19 of PPS3, which says -

“Windfall sites are those which have not been specifically identified as available in the local plan process. They comprise previously-developed sites that have unexpectedly become available. These could include, for example, large sites resulting from, for example, a factory closure or small sites such as a residential conversion or a new flat over a shop”.

55 This makes it clear that, contrary to common usage, windfalls as now defined are *not* simply sites which are not allocated in plans. Sites identified and assessed in a SHLAA database are not windfalls, for the very reason that they have been identified; and as noted in paragraph 15-17 of this note, neither for the 11-15 year period are sites within broad locations where residential development is positively promoted by planning policy.

56 The other point worth making here is that when a windfall site comes forward and planning permission is granted, it becomes a part of the housing supply and should be added to the SHLAA database when it is next updated.



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