

North Derbyshire and Bassetlaw Land Availability Assessment

2015 Methodology



1. Introduction

- 1.1 This document sets out a shared methodology for individual **Land Availability Assessments** (LAAs) of the four authorities within the North Derbyshire and Bassetlaw Housing Market Area (HMA). The administrative areas covered by this methodology are Bassetlaw District Council, Bolsover District Council, Chesterfield Borough Council and North East Derbyshire District Council.
- 1.2 The North Derbyshire and Bassetlaw HMA represents a sub-regional functional geography and working arrangements under the duty to cooperate mean the four authorities work together on strategic planning issues. Each of the four authorities will undertake independent LAAs but regularly review them in the context of the wider partnership and a shared methodology.
- 1.3 This methodology was agreed on 30th July 2015 and will be used to inform any subsequent site assessment work by individual authorities in the North Derbyshire and Bassetlaw HMA.

2. Background and Purpose of this Document

- 2.1 The previous joint methodology for preparing the Strategic Housing Land Availability Assessment (SHLAA) has been reviewed to reflect the significant changes that have been made to the planning system since the last methodology was published in 2008.
- 2.2 The 2012 *National Planning Policy Framework* (NPPF) requires all local planning authorities to produce an assessment to establish 'realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the (local) plan period'. The Government has also issued the *National Planning Practice Guidance* (NPPG) which will assist local planning authorities in meeting the requirements of the NPPF.
- 2.3 The LAA, or 'the assessment', is a technical process which outlines what land is available, suitable, likely to be economically viable in the local market and which has the potential to be delivered. **The assessment process broadens the previous scope to cover housing but also other potential land uses.** The only land use exceptions are mineral and waste uses which are managed at a County Council level.
- 2.4 The assessment is a technical evidence base which helps inform the trajectory of local development and potential allocations in a local plan. The inclusion of a site in the assessment does not however give the 'go ahead' for development on sites identified, will not guarantee planning permission if an application comes forward and feeds into, rather than replaces, the decision making processes of each authority.

The inclusion of a site in the LAA does not guarantee the site will be allocated for development in any local plan or that planning permission will be granted. It also does not preclude the development of an identified site for an alternatively acceptable land use. Equally, the exclusion of a site does not preclude the submission of a planning application for the development of a site.

3. Land Availability Assessment and Housing Supply

- 3.1 Although the assessment covers the broader principle of development it may also relate more specifically to an authorities' five year housing land supply. In line with the NPPF a local authority is required to identify and update annually 'a supply of specific **deliverable** sites sufficient to provide five years' worth of housing compared against objectively assessed housing need.
- 3.2 For a site to be considered deliverable the NPPF states that it should be '**available now, offer a suitable location for development now and be achievable now with a realistic prospect that housing will be built on the site within five years and in particular that development of the site is viable**'.¹
- 3.3 Sites which are identified as deliverable for housing within five years may form part of the five year housing land supply. The assessment will also identify sites which cannot be delivered within five years, but are unencumbered by major constraints and are considered **developable**. These sites may inform the housing trajectory beyond the next five years.
- 3.4 For a site to be considered developable the NPPF states that it should be '**in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged**'.²

¹ *National Planning Policy Framework*, Footnote 11

² *National Planning Policy Framework*, Footnote 12

4. Stages of the Land Availability Assessment

- 4.1 The assessment can be broken down into a series of broad stages which are available through the NPPG.³
- 4.2 A detailed flowchart highlighting the stages of assessment in relation to the North Derbyshire and Bassetlaw HMA has also been produced and is available in Appendix A and as a separate document. This flowchart will be used to underpin the assessment and can be broadly broken down into two stages.
- 4.3 The first stage of the assessment will screen sites against a series of fundamental availability and suitability criteria. These include site ownership, site threshold and site proximity to the green belt or local/national designated sites. The second stage will assess sites against more specific suitability and achievability/viability criteria. These include potential physical constraints and the willingness of a developer to invest in a site.
- 4.4 At any stage a site can be discounted from further assessment. At stage one the assessment criteria are more critical. For example if, after investigation, a site does not have a known landowner it would be difficult to take the site forward in the assessment process. The same applies if a site is predominantly within the green belt or local/national designated site. During the second stage there is more discretion involved and the assessment of a site will be taken in the round being weighed up against all relevant criteria.
- 4.5 If a site is discounted from the assessment it will still be recorded as such and may be revisited in more exceptional circumstances. For example if at the end of the assessment process there are not sufficient sites to meet local need and an authority decides to look for further sites.
- 4.6 Sites which 'pass' the assessment may inform the housing land supply trajectory of each authority and possible local plan allocation. An authority may carry out further specific site assessments when considering sites for allocation

³ *National Planning Practice Guidance*, Paragraph 006, Reference ID 3-006-20140306

5. Site Identification

Site Threshold

- 5.1 A range of sites will be considered through the assessment with the potential for small-scale through to large-scale development. In line with NPPG recommendations, sites capable of delivering five or more dwellings and/or capable of delivering 0.25ha or more of economic development, will be considered in the assessment. In some situations, for example in relation to rural exception sites, it may be appropriate to include sites which will deliver fewer than five dwellings. This will be at each authority's discretion.

Desktop Review of Existing Information

- 5.2 Each authority will undertake a desktop review of existing data sources in order to establish possible sites for development through the assessment. A desktop review may take into account the following:

Formal and informal sites in planning process

- Sites allocated in an adopted local plan without planning permission
- Sites with planning permission (full or outline)
- Site development briefs not yet with planning permission
- Sites actively promoted by private landowners and/or developers, which have been submitted to the council's planning teams
- Sites actively promoted in council and/or wider public ownership
- Assessment of previous SHLAA/LAA sites and review of any constraints

Sites outside the planning process (these sites may be considered in more exceptional circumstances)

- Surplus land or land that is likely to become surplus in council and/or wider public ownership
- Vacant and derelict land and buildings (e.g. empty homes, redundant and disused agricultural buildings and potential permitted development changes)
- Additional opportunities in established uses
- Large scale redevelopment and redesign of existing residential or economic areas
- Sites adjacent or well related to existing settlements
- Potential urban extensions and new free standing settlements
- Sites in rural locations (rural exception sites)

Call for Sites

- 5.3 When appropriate, a council will issue a call for sites aimed at as wide an audience as is practicable so that those not normally involved in property development also have the opportunity to contribute. This may include town and parish councils and neighbourhood forums, landowners, developers, businesses

and relevant local interest groups, and local notification/publicity. Information sought through a call for sites will include:

- Site address/grid reference and indicative boundary on an OS plan
- Site area
- Current site description including any initial constraints
- Proposed use of the site
- Scale of development and any phasing
- Site viability including ownership and any market interest
- Development timeframes

5.4 In the first instance the call for sites will look to gather basic information to help an authority make a screening assessment. This may then be followed up with requests for further information and/or site surveys to help build a more detailed assessment. An example call for sites pro-forma can be found in Appendix B.

6. Site Assessment

- 6.1 The assessment will be conducted in two stages but consideration will be given throughout to site availability, suitability and achievability/viability. A number of assumptions about the development potential of sites will also be used.

The assessment adopts a 'policy off' approach as the principle of development is being explored in the first instance with the aim of collecting a range of sites that *could* be developed. Any 'policy on' testing of sites will occur at a later stage when considering sites for potential adoption in a local plan.

Site Availability

- 6.2 Availability is a fundamental element of the assessment criteria. Where a land owner is unknown after all reasonable investigation or does not want to put a site forward for development it will usually be considered unavailable and not warrant further assessment.
- 6.3 A site will be considered available for development if it has been actively promoted for consideration through any call for sites and where the land owner has made clear that the site is available for development. This will be confirmed by information provided by land owners and/or via searches where appropriate. A site should be free from legal or ownership constraints and/or restrictive covenants. This will often mean that the land is controlled by a developer or landowner who has expressed an intention to develop, or the landowner has expressed an intention to sell.
- 6.4 Where any potential constraints on availability have been identified then a judgement will be made as to if and how these could reasonably be overcome.
- 6.5 Consideration will be given to the delivery record of the developers or landowners putting forward sites, and whether the planning background of a site shows a history of unimplemented permissions. The promoters of LAA sites will be expected to provide information about land ownership, site availability and any market interest in the site when they suggest a site for inclusion.
- 6.6 Because persons do not need to have an interest in any land to make planning applications the existence of a planning permission does not automatically mean that the site is available. This will have to be considered and checked throughout the assessment.

Site Suitability

- 6.7 The only exception to the 'policy off' position at the site suitability stage is the inclusion of green belt and national/local designated sites (e.g. SSSI or LNRs) in

the assessment criteria.

6.8 Site suitability will be assessed mainly through the use of authority mapping software and take place in two stages against the following criteria:

Stage One

- Capable of delivering 5 or more dwellings and/or 0.25ha or more of economic development
- Predominantly outside of the green belt (unless a green belt review is undertaken)
- Predominantly outside of a European or local designated site (e.g. SSSI or LNRs)

Stage Two

- Level of flood risk
- Relationship to neighbouring land uses and surrounding settlement
- Access to and impact on local highways
- Proximity to HS2 and/or major transport infrastructure
- Access to key services and facilities
- Hazardous risks and/or contamination
- Site topography
- Land stability
- Pylons or high voltage cables
- Natural obstacles

6.9 If a site cannot meet the more fundamental criteria at stage one it will usually be considered unsuitable and not warrant further assessment unless there are exceptional circumstances. More discretion is available at stage two and the assessment of a site will be taken in the round being weighed up against related suitability criteria.

6.10 Where any potential constraints on suitability have been identified then a judgement will be made as to whether these could reasonably be overcome.

Site Achievability and Viability

6.11 A site will be considered commercially achievable where there is a reasonable prospect that housing or economic development will be completed on the site at a particular point in time. This is essentially a judgment about the economic viability of a site and the capacity of a developer to complete and let/sell a development at a competitive return while generating a land value sufficient to persuade a landowner to sell.

6.12 As the assessment is focused on the principle of development in the first instance each authority will usually take a positive approach to site achievability and viability unless there are any exceptional abnormal costs associated with a site. More detailed work on achievability and viability will take place at a later stage

as a part of any local plan viability assessment. Achievability and viability will be considered against the following criteria during the assessment:

- Known developer willing to invest in the site
- Development considered viable
- No exceptional abnormal costs associated with the site
- Development delivered within 5 years (for housing) or reasonable prospect it will be delivered beyond this

Assessment Assumptions

6.13 The council will estimate the development potential of a site where this information has not been provided, or the information provided is considered to be inaccurate or inconsistent with other sites of similar characteristics.

6.14 When developing sites it is usual for a proportion of the land to be given over to on-site infrastructure requirements such as access roads, public open space or other ancillary uses. Where a site is larger more area will normally be given over to infrastructure. Indicative development area assumptions follow:

Site Developable Area Assumptions	
Site Size (ha)	Development Area
< 0.65	100%
0.65 – 5.99	90%
6 – 10	80%
> 10	70%

6.15 The potential of any site will also be informed by the other assessment criteria, and it is recognised that some sites will have a higher or lower capacity due to physical constraints and proposed use.

6.16 A density of 30 dwellings per hectare will be assumed. It is recognised that higher densities may be appropriate on sites where less on-site infrastructure is required, for example on sites closer to identified centres or where surrounding development density is at a higher level, in which case each authority may set out further guidance.

Final Assessment and Overcoming Constraints

6.17 During the assessment sites will be categorized on the following basis:

- Unavailable
- Unsuitable
- Unachievable
- Deliverable within 0-5 years
- Developable over 5+ years

6.18 Where sufficient sites are not identified to meet local need an authority may look on a site by site basis at any constraints identified to see if these could be reasonably overcome.

7. Assessment Review

- 7.1 Following the assessment of the potential of each authority will determine whether sufficient sites have been identified to meet local need. This will form a part of the annual monitoring process and an indicative trajectory of development will be prepared to establish how much development can be provided and by what point in the future.

- 7.2 Where insufficient sites are identified against local need the assessment may be revisited, where necessary changing the assumptions on development potential on particular sites. If, following this review, there are still insufficient sites then it may be necessary to investigate how this shortfall should best be planned for. If there is clear evidence that the needs cannot be met locally it may be necessary to consider how needs might be met in neighbouring areas in accordance with the duty to cooperate. Consideration may also be given to a review of policies in the local plan.

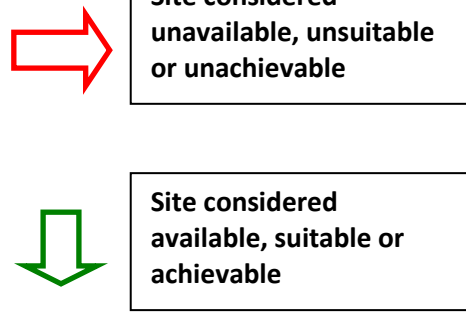
8. Final Evidence Base

8.1 A final version of the LAA will be published by each authority containing the following information:

- A list of **all** sites that have been considered, cross-referenced to their locations on maps, indicating which sites have been excluded due to relevant constraints. Even sites that have 'failed' the assessment will be recorded and published as such
- An assessment of each site in terms of its availability for development, suitability and achievability
- The potential type and quantity of development that could be delivered on each site or broad location including a reasonable estimate of build out rates and establishing how any barriers to delivery could be overcome and when
- An indicative trajectory of anticipated development and consideration of associated risks

Appendix A: Land Availability Assessment Flowchart

Legend



SITE Identification



Proposed SITE



Stage One: Screening Criteria

Availability:

- Known land owner who is prepared to make the site available for development

Suitability:

- Capable of delivering 5 or more dwellings and/or 0.25ha or more of economic development
- Predominantly outside of the green belt (unless a green belt review is undertaken)
- Predominantly outside of a European or local designated site (e.g. SSSI or LNRs)

SITE unavailable

SITE unsuitable



Stage Two: Signpost Criteria

Suitability:

- Level of flood risk
- Relationship to neighbouring land uses and surrounding settlement
- Access to and impact on local highways
- Proximity to HS2 and/or major transport infrastructure
- Access to key services and facilities
- Hazardous risks and/or contamination
- Site topography
- Land stability
- Pylons or high voltage cables
- Natural obstacles

SITE unsuitable



Suitability for Residential or Gypsy/Traveller Use

Suitability for Employment Use | **Suitability for Retail Use** | **Other Uses**



Achievability and Viability:

- Known developer willing to invest in the site
- Development considered viable
- No exceptional abnormal costs associated with the site?
- Development delivered within 5 years or reasonable prospect it will be delivered beyond this

Achievability and Viability:

- Known developer willing to invest in the site?
- Development considered viable
- No exceptional abnormal costs associated with the site?
- Deliverable in the life of the local plan

SITE unachievable

SITE unachievable



Development achievable within 5 years?

Reasonable prospect development will be achieved?

Developable SITE: May inform land supply trajectory and possible local plan allocation

Deliverable SITE: May inform 5 year housing land supply and possible local plan allocation

Developable SITE: May inform housing land supply trajectory over 5 + years and possible local plan allocation



Sufficient SITES to Meet Need?

Any constraints that could be reasonably overcome? AND/OR Return to SITE Identification?



END

Appendix B: Sample Call for Sites Pro Forma

XXXX Local Plan 2015 – 20XX

Call for Sites Pro Forma, XXX 2015

XXXX Council is carrying out a call for sites to help build a trajectory of available land in the borough and to consider possible site allocations in the emerging Local Plan. **You are invited to consider submitting proposals for sites which could accommodate new residential development of 5 or more dwellings and/or 0.25ha or more of economic development.** This may also include gypsy and traveller sites, retail development and/or mixed uses.

If you would like a site to be considered for development, please complete this form and e-mail it to **XXXX**. **Your submissions should reach us by XXX 2015.** Please use a separate form for each site. If the site is large or complex please provide additional documentation.

Please note that sites submitted will be openly available to the public and the information submitted will not be treated as confidential. It is the responsibility of the respondent to provide accurate information. If there are any gaps in information we may not be able to consider the site.

Section 1 – Contact Details

	Landowner or Developer	Agent or Person acting on behalf of owner/developer
Name		
Organisation		
Address		
Telephone		
Email		

Section 2 – Site Information

Site Address	
OS Grid Reference	
Site area (hectares)	
Has the site been brought to the Council's attention before? (eg SHLAA, Local Plan, Planning Application)? If yes, include reference	
<p>PLEASE INCLUDE AN A4 ORDINANCE SURVEY <u>PLAN</u> SHOWING THE LOCATION AND BOUNDARIES OF THE SITE</p>	

Section 3 – Site Description

<p>What is the site currently used for?</p> <p>Are there buildings on site?</p>	
<p>What was the site previously used for?</p>	
<p>What are the neighbouring uses?</p>	
<p>What utility services are on site? (e.g. gas, electricity, water, sewerage)</p>	
<p>Does the site have access to an adopted highway? Please indicate on the site plan where this would be.</p> <p>If there is no access to an adopted highway, how would the site be accessed?</p>	

Section 4 – Proposed Development

What is the proposed use? Please tick as appropriate.		
Proposed Use:		Size/scale of development:
Housing		Number of dwellings:
Gypsy and Traveller site		Number of pitches:
Employment		Floorspace (sqm):
Retail		Floorspace (sqm):
Mixed use		Indicate area for each use
Other, please specify		Indicate scale
Other information:		

Section 5 – Site Availability and Achievability

Please tick as appropriate.		Yes	No	Don't know
Do you own the site?				
If no, who does?				
Is a developer willing to invest in the site?				
If yes, please provide details.				
Do you consider the proposed use economically viable?				
If yes, has any work been carried out to test viability (e.g. considering any abnormal costs)?				
When do you expect development to be completed? Please tick as appropriate	Within 5 years			
	Within 6 – 10 years			
	Within 11 – 15 years			
	Beyond 15 years			

Section 6 – Site Constraints

Please tick as appropriate.	Yes	No	Don't know
Are there any nature conservation issues? (eg SSSIs, Wildlife Sites, TPOs)			
If yes, please provide details.			
Are there any site contamination issues?			
If yes, please provide details.			
Are there any legal constraints? (eg land ownership, ransom strips, covenants)			
If yes, please provide details.			
Are there any other constraints / limitations on development? (e.g. neighbouring uses, nearby proposed development, flood risk)			
If yes, please provide details.			

Completed forms and site plan should be returned to:

XXXXX Team
 XXXXX Council
 Town Hall
 XXXXX
 XXXXX

Email: XXX

Deadline for submitting sites: XXX 2015