



# **Derby Housing Market Area**

## **Strategic Housing Land Availability Assessment Refresh**

### **Revised Methodology**

**January 2012**

# 1 Introduction

- 1.1 This report sets out a revised methodology for undertaking a refresh of the Derby Housing Market Area Strategic Housing Land Availability Assessment (Derby HMA SHLAA).
- 1.2 A SHLAA is a mechanism which enables local authorities to assess what **potential** housing land is available in their areas. Essentially it is a monitoring tool and is an important part of the evidence base to assist local authorities in the preparation of their Local Development Frameworks (LDFs), particularly to support the delivery of sufficient land for housing to meet the community's needs for more homes.
- 1.3 The primary purpose of the SHLAA is to identify as many sites with **potential** for housing as possible. The Government requires such assessments to be carried out on the basis of a sub-regional housing market area. In this case the assessment has been undertaken for the Derby HMA, which comprises the local authority areas of Amber Valley Borough, Derby City and South Derbyshire District.
- 1.4 The Government requires local authorities to identify sufficient specific sites to meet the housing needs of an area for at least the first 10 years of the development plan and ideally for up to the whole 15 year plan period. Where it is not possible to identify sufficient sites, the SHLAA should provide the evidence base to support judgements around whether broad locations should be identified and / or whether there are genuine local circumstances that mean a windfall allowance may be justified in the first 10 years of the plan.
- 1.5 It is important to note that the SHLAA is a key part of the evidence base to support the preparation of LDFs but it is **not** an allocations document nor does it come to any conclusions as to whether sites will be granted planning permission or allocated. Site allocations will be made through local authority Core Strategies and Site Allocations Development Plan Documents (DPDs). The SHLAA is a mechanism to identify sites with **potential** for housing; assess their **potential** in more detail; and assess if, and when, the sites are likely to be developed.
- 1.6 The first SHLAA covering the whole of the Derby HMA was completed in January 2010. The SHLAA was completed to coincide with the publication of the Core Strategy Options by the three HMA authorities. The SHLAA was endorsed by the Derby HMA Local Housing Partnership (LHP), subject to minor amendments, on 25 May 2010.
- 1.7 Since the first SHLAA was completed, however, there has been a change in Government. The Coalition Government has revised national planning policy guidance on housing (see below) and through the provisions of the Localism Act, is revoking regional spatial strategies (RSSs), including the East Midlands Regional Plan, which currently

sets out the housing provision requirements for all the local authorities in the East Midlands up to 2026. It has also published its Draft National Planning Policy Framework (NPPF), which will be published in a final format by 31 March 2012 and will replace all existing planning policy guidance notes and planning policy statements.

- 1.8 The first SHLAA aimed to identify sufficient land across the three local authority areas to meet the housing requirements set out in the Regional Plan. The revocation of RSSs, however, will mean that the housing provision targets for the three local authority areas (including the PUA) as set out in the East Midlands Regional Plan, will also shortly be revoked and will no longer be relevant in the assessment of land supply in the SHLAA Refresh. The SHLAA Refresh will therefore continue to identify the amount of land which is deliverable (within 5 years), developable (within 15 years) and potentially suitable in the three local authority areas but the amount of land will not be assessed or expressed in the context of meeting any local housing targets. Revised housing targets for the three authorities are currently being considered through the three authority's Core Strategy processes but these targets will not be available until well after the SHLAA Refresh is published.
- 1.9 The change in national housing policy, revocation of RSSs and the publication of the Draft NPPF has necessitated a revision to be made to the methodology for undertaking the SHLAA Refresh. The implications of this are assessed in detail in Section 3 below.
- 1.10 The key revisions to the methodology for the SHLAA Refresh which are set out in more detail below include:
  - A 'Call for Sites' will not be issued for the SHLAA Refresh as it is felt unlikely to identify any significant additional sites to those identified through the 'Call for Sites' undertaken in the first SHLAA process;
  - Additional sites will still be identified which come forward through the planning process or through other sources of information. The local authorities have had constant engagement with developers and agents throughout the Core Strategy process, which has identified additional sites and reduced the need for a new Call for Sites. There has also been an open invitation on the SHLAA website for site promotion;
  - The SHLAA Refresh will concentrate primarily on updating assessments of sites identified in the first SHLAA based on new and additional information which becomes available, such as through the findings of the ongoing Derby HMA Strategic Sites Study;

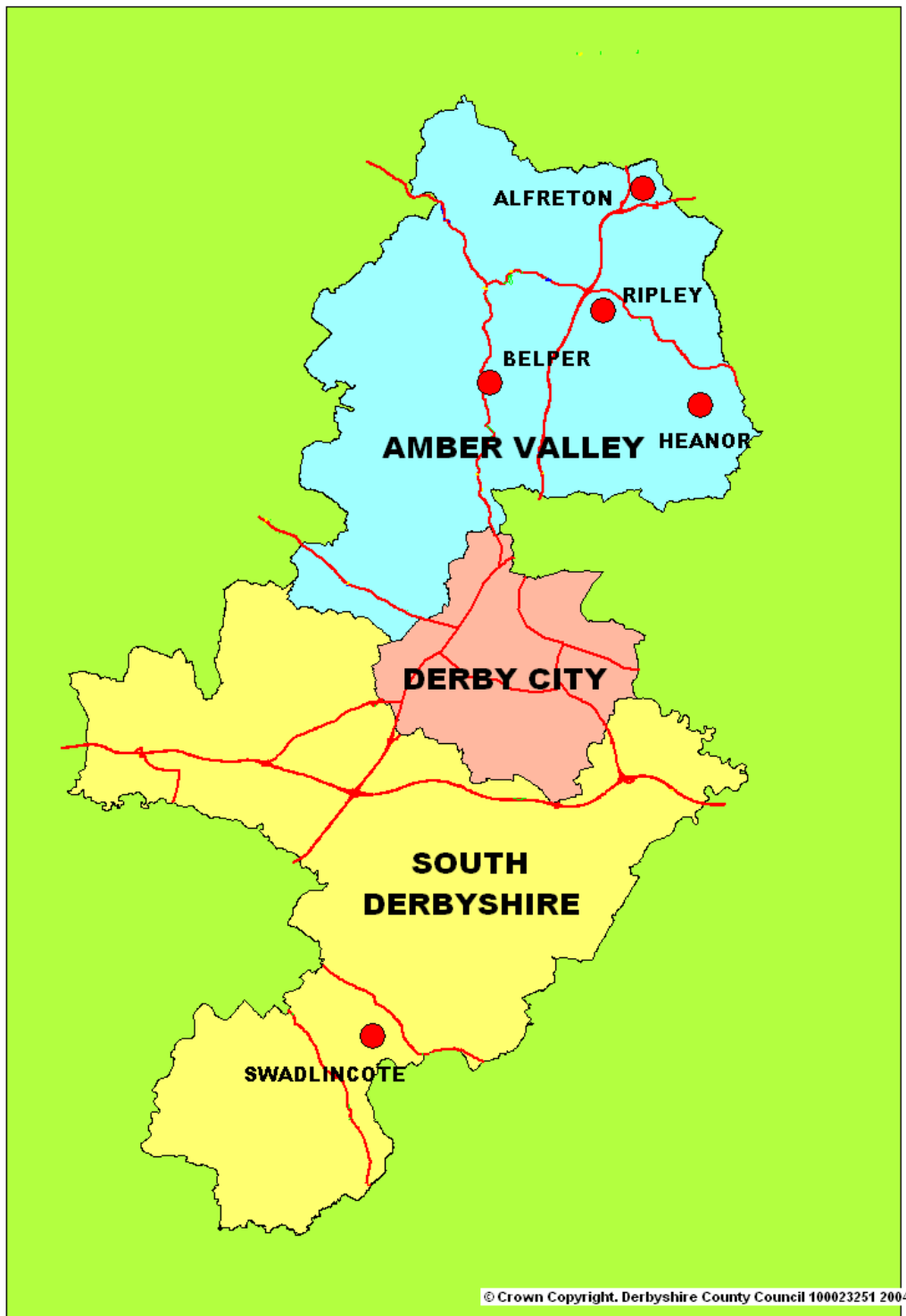
- All sites within the first SHLAA will need to be reassessed to consider the new planning policy context which now prevails, particularly the revision to PPS3; the provisions of the Localism Act; and the publication of the Draft NPPF. Saved local plan policies of the three authorities will now be of primary importance;
- In the context of the revocation of RSSs, all sites within the Green Belt in Amber Valley, Derby City and South Derbyshire will be assessed as being 'potentially suitable' for housing development, subject to policy review in the emerging Core Strategies of the three authorities;
- In accordance with revised national planning policy in Planning Policy Statement 3: Housing, sites which were promoted in the first SHLAA which were in use as residential gardens will need to be reassessed in the light of the change in classification from brownfield to greenfield land;
- In the context of the revocation of housing targets in the East Midlands Regional Plan and absence of new local housing targets being available in the three authority's Core Strategies, the SHLAA Refresh will continue to identify the amount of housing land which is deliverable (within 5 years), developable (within 15 years) and potentially suitable in the three local authority areas but this land supply will not be assessed or expressed in the context of meeting any local housing targets;
- In the context of the Coalition Government's new localism agenda, local authorities now have more flexibility in deciding the appropriate approach to determine the level of housing provision which is right for their own areas. Accordingly, it is considered appropriate that the assessment of both the 5 and 15 year land supply in the SHLAA Refresh will be set out at the same base date of April 2012.
- As the Government has removed the requirement for local authorities to set minimum housing density targets in revised PPS3, the assessment of density will be based on a range of other planning policy and evidence including local plan policies, SPDs, Masterplans, local circumstances and evidence provided by developers and agents, particularly from the market viability event held on 9 December 2011. The capacity of sites will be assessed by the local authorities based on all of the information available at the time, however, capacities may be subject to change and may not necessarily reflect the dwelling numbers if, and when, any sites are allocated in the authority's Development Plan Documents.

- In the context of the revocation of the East Midlands Regional Plan; consequent lack of strategic policy on Green Belts; and new duty for local authorities to cooperate in the Localism Act and Draft NPPF, the SHLAA Refresh will include an assessment of the potential of broad locations on the edge of Derby, including within Erewash Borough, to accommodate future housing development. This will be included as an appendix to the main assessment.

## 2 The Study Area

- 2.1 The study area for the SHLAA comprises the three administrative areas of Amber Valley Borough Council, Derby City Council and South Derbyshire District Council. The three local authority areas form the Derby HMA which is currently defined in the East Midlands Regional Plan as the basis for spatial planning policy purposes, and particularly for housing provision.
- 2.2 Amber Valley has a population of about 121,000, which is forecast to increase to about 139,000 by 2031 (2008-based population projections). It is the most populated district within Derbyshire (apart from Derby City) and one of the most populated non-city districts within the East Midlands. In recent years, parts of the Borough have experienced rapid housing growth, to a degree reflecting inward migration to the area from the Nottingham HMA. Future growth is expected to increase slightly above recent levels.
- 2.3 Derby City is a compact urban area with a population of about 245,000, which is forecast to increase to about 290,000 by 2031. It has an area of about 7,779 ha. It is the smallest of the cities in the Three Cities Sub-Region of the East Midlands (Derby, Leicester and Nottingham). Small parts of the PUA of Derby currently extend into surrounding districts, mainly to the south around the Sinfen and Boulton Moor areas.
- 2.4 South Derbyshire has a population of about 93,000, which is forecast to increase to about 115,000 by 2031. The main urban settlement is Swadlincote, outside which there are 51 parishes. South Derbyshire is home to Toyota's British car production site which exports 80% of its vehicles to Europe. It is a fast growing district and is expected to see high levels of housing growth including urban extensions to the Derby PUA in the future.
- 2.5 The Three Cities Sub-Area received Growth Point Status for the period 2006-2021, the continuation of which has been confirmed by the new Coalition Government.

**Map 1: The Derby Housing Market Area**



### 3 Planning Policy Background

#### National Policy

- 3.1 National planning policy on housing is set down in Planning Policy Statement 3: Housing (PPS3) (June 2010). This replaces the previous version of PPS3 which was published in November 2006. The Coalition Government published the revised version of the PPS primarily to amend the definition of domestic residential gardens from brownfield to greenfield land with the intention to prevent 'garden grabbing'; and to remove the requirement for local planning authorities to set minimum housing density targets. Other than these two changes, the PPS is virtually the same as the previous version and sets out the Government's objective to ensure that the planning system delivers a flexible, responsive supply of land for housing at the local level. It continues to require local planning authorities to:

- ***Identify specific, deliverable sites for the first five years of a plan that are ready for development and to keep this topped up over-time in response to market information;***
- ***Identify specific, developable sites for years 6-10 and ideally years 11-15, in plans to enable the five year supply to be topped up;***
- ***Where it is not possible to identify specific sites for years 11-15 of the plan, indicate broad locations for future growth; and***
- ***not include an allowance for windfalls in the first 10 years of the plan unless there are justifiable local circumstances that prevent sites being identified.***

- 3.2 The PPS also sets out the broad requirements of a SHLAA which should:

- ***Assess the likely level of housing that could be provided if unimplemented planning permissions were brought forward for development;***
- ***Assess land availability by identifying buildings or areas of land (including previously developed land and greenfield) that have development potential for housing, including within mixed-use developments;***
- ***Assess the potential level of housing that can be provided on identified land;***



- *Where appropriate, evaluate past trends in windfall land coming forward for development and estimate the likely future implementation rate;*
- *Identify constraints that might make a particular site unavailable and / or unviable for development;*
- *Identify sustainability issues and physical constraints that might make a site unsuitable for development; and*
- *Identify what action should be taken to overcome constraints on particular sites.*

### Government Practice Guidance for SHLAAs

- 3.3 In July 2007, Communities and Local Government (CLG) published 'Strategic Housing Land Availability Assessments: Practice Guidance', in which it sets out a detailed methodology for carrying out a SHLAA. The guidance, which is still in place and has not been updated by the Coalition Government, sets out the primary role of the SHLAA as to:
- **Identify sites with potential for housing;**
  - **Assess their housing potential; and**
  - **Assess when they are likely to be developed.**
- 3.4 The methodology includes 10 key stages which local authorities are advised to follow in preparing a SHLAA.
- 3.5 A key stage of the methodology is Stage 7: Assessing when and whether sites are likely to be developed. Guidance is provided on how local authorities should assess the suitability, availability and achievability of sites for housing and how these factors are defined. The process should involve the identification of constraints to development and an assessment of how these constraints can be overcome.
- 3.6 The Guidance states that assessment of the suitability, availability and achievability of a site, will provide the information on which the judgement can be made in the plan making context as to whether a site can be considered **deliverable, developable or not currently developable** for housing.
- 3.7 The methodology outlined above was applied in undertaking the first SHLAA for the Derby HMA but was refined where necessary to reflect local circumstances, particularly relating to the assessment of sites within the Green Belt.

## **Draft National Planning Policy Framework**

- 3.8 In July 2011, the Coalition Government published its Draft NPPF for consultation, which proposes to streamline the current planning policy system of planning policy guidance notes and planning policy statements and replace them with a simplified and more concise single framework document, providing policy guidance on all aspects of planning, including housing policy.
- 3.9 Crucially, the Framework reaffirms the importance and need for local authorities to prepare SHLAAs. Paragraph 28 requires that local planning authorities should have a clear understanding of housing requirements in their areas and that they should 'prepare a SHLAA to establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified requirement for housing over the plan period'. In comparison with current guidance in PPS3, however, there is no further reference in the Framework to the detailed process for undertaking a SHLAA. Importantly, the Framework provides no indication of whether the Government's Practice Guidance (referred to above) is also to be replaced by the Framework or whether new practice guidance will be published.
- 3.10 The Framework, however, reaffirms the Government's expectation that local planning authorities should boost the supply of housing by:
- Using an evidence base to ensure that their Local Plan meets the full requirements for market and affordable housing in the housing market area, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;
  - Identifying and maintaining a rolling supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements. The supply should include an additional allowance of at least 20 per cent to ensure choice and competition in the market for land;
  - Identifying a supply of specific, developable sites or broad locations for growth, for years 6-10, where possible, for years 11-15;
  - Not making an allowance for windfall sites in the first 10 years of supply, or in the rolling five-year supply, unless they can provide compelling evidence of genuine local circumstances that prevent specific sites being identified. Any allowance should be realistic having regard to the SHLAA, historic delivery rates and expected future trends;
  - Illustrating the expected rate of housing delivery through a housing trajectory for the plan period and, for market housing, set out a housing implementation strategy describing how they will maintain

delivery of a five-year supply of housing land to meet their housing target.

- 3.11 It can be seen from the above therefore that the Framework retains many of the key principles of assessing housing land supply and delivery set out in current policy in PPS3. However, it is unlikely that the Framework will be published in its final form before the SHLAA Refresh is complete. It is considered appropriate therefore that the SHLAA Refresh should be undertaken and prepared in the context of current Guidance in PPS3 and the existing SHLAA Practice Guidance.

## **Regional Policy**

### **Revocation of the East Midlands Regional Plan**

- 3.12 On 15 November 2011, the Decentralisation and Localism Bill received Royal Assent and became the Localism Act. The Act will formally revoke RSSs, including the East Midlands Regional Plan. It will give local authorities powers to set their own housing targets in consultation with communities in their areas. In October 2011, the Government also published for consultation an Environment Report on the Revocation of the East Midlands Regional Plan, which considers the environmental impact effects of the revocation of the Regional Plan under the Strategic Environmental Assessment Directive. The Government has indicated that it will consider representations made on the consultation and take these into account before RSSs are formally revoked following enactment of the Localism Bill.
- 3.13 The Derby HMA Core Strategy Coordination Group considered the issue of revocation of the Regional Plan and the housing targets within it at its meeting on 17 November 2011, and particularly how this would impact on the assessment of land supply in the SHLAA Refresh. The Group agreed that, as the Regional Plan was very shortly to be formally revoked, it was no longer considered relevant to the assessment of the land supply in the SHLAA Refresh. Accordingly, the SHLAA Refresh will continue to identify the amount of housing land which is deliverable (within 5 years), developable (within 15 years) and potentially suitable in the three local authority areas, PUA and HMA but this land supply will not be assessed or expressed in the context of meeting any housing targets in the Regional Plan.

## **Commitment to Collaborative Working**

- 3.14 The Coalition Government first announced in July 2010 its intentions to revoke RSSs and give local authorities powers to set their own local housing targets. Since then it has emphasised the importance of the need for local authorities to co-operate in the plan making process and particularly in determining local housing targets. The 'duty to co-operate' has since been incorporated in the Localism Act and Draft NPPF.

- 3.15 In the context of the revocation of RSSs, the Derby HMA Joint Advisory Board (JAB) considered these proposed changes to the planning system at its meeting on 12 July 2010 and its implications for the preparation of the Core Strategies of the three authorities. The Board reaffirmed its commitment to working jointly across the HMA and the preparation of aligned Core Strategies. However, the Board agreed that the programme for the Core Strategies should be reviewed to enable the local authorities to step back from the Core Strategy Options and take a fresh look at the key issues of the scale and distribution of development, particularly housing.
- 3.16 Since the JAB meeting in July 2010, officers of the three LPAs have been considering a mechanism and methodology for deriving new housing targets in their areas. In line with the 'localism' agenda, however, the views of the community, including members and local people, will underpin and inform decisions on the housing provision targets. To this end the three authorities carried out a public consultation exercise between July and September 2011 on Options for Housing Growth in the Derby HMA. The Options set out a range of possible housing targets for the HMA and individual local authority areas and were informed by a new set of up-to-date population and household projections, which were commissioned by Derbyshire County Council, Derby City Council, Nottinghamshire County Council and Nottingham City on behalf of all the local authorities in Derbyshire and Nottinghamshire. Since the consultation exercise closed, officers of the three authorities have been assessing the responses. It is now proposed that a preferred housing target for the HMA as a whole, PUA and the three individual authorities will be set out in each authority's Draft Core Strategies, which are likely to be published for consultation in the summer of 2012. At this stage, however, it is not considered appropriate for the SHLAA Refresh to assess the potential land supply against the range of housing targets set out in the Options for Housing Growth consultation.

### **Local Policies**

- 3.17 In the context of the Coalition Government's revocation of RSSs in the Localism Act, publication of new planning policy guidance in the NPPF, and the revised timetable for the publication of the three authority's Draft Core Strategies, the saved policies of the adopted local plans of the three LPAs will now comprise the main development plan policies against which sites identified in the SHLAA Refresh will be assessed.
- 3.18 The Amber Valley Borough Local Plan was adopted on 12 April 2006. It includes an allocation for 600 units which would form an extension to the Derby PUA at Radbourne Lane, Mackworth. The site is the subject of a Supplementary Planning Document, which was adopted at the end of 2007. Planning permission was also granted in outline in May 2010. The Local Plan was automatically saved as part of the development

plan for three years from the date of its adoption and a further Direction was issued by the Secretary of State on 8 April 2009, which further saved most of the policies in the Plan until they are replaced by the Borough Council's LDF.

- 3.19 The City of Derby Local Plan Review was adopted in January 2006. The housing allocations within it were based on the housing requirements set out in the Derby and Derbyshire Joint Structure Plan but include some residential allocations which are expected to be delivered beyond 2011. The Plan was automatically 'saved' as part of the development plan for three years from the date of its adoption and a direction was served by the Secretary of State on 25 January 2009 which further saves most of the policies until they are replaced by new ones as part of the City's Local Development Framework.
- 3.20 The South Derbyshire Local Plan was adopted in 1998. The District Council's Local Plan Review was abandoned in 2006 due to the threat of legal challenge. However, the Secretary of State issued a Direction in September 2007 which saved most of the policies in the adopted Local Plan until such time as they are superseded by new policies in the District Council's LDF. A conjoined inquiry was held between May 2007 and January 2008 into applications for several major housing developments, which has had a major bearing on housing provision in the District. The SOS's decision on the inquiry was published in January 2009 in which planning permission was granted for three of the sites at Boulton Moor (1058 dwellings), Highfields Farm (1200 dwellings) and Stenson Fields (500 dwellings). Together these sites total 2,758 dwellings, which the SOS considered would be sufficient to meet the District's five year housing supply needs in the PUA.

## **4 Work Completed So Far**

### **SHLAA for the Derby Principal Urban Area**

- 4.1 In April 2007, a SHLAA was published for the Derby PUA. It was commissioned by Derby City Council and Derbyshire County Council and funded through CLG's New Growth Points Programme. The study was prepared by Atkins Limited and Savills Limited. The key aim of the SHLAA was to assess the potential amount of land available within the PUA to meet the housing requirements of the East Midlands Regional Spatial Strategy (RSS8) and particularly to determine the amount of greenfield land development that would be required to meet the housing provision requirements of the RSS up to 2026 and under the HMA's New Growth Point designation.
- 4.2 The PUA SHLAA was prepared at a time when the concept of SHLAAs was relatively new and was undertaken prior to the publication of CLG's practice guidance on SHLAAs, which indicated that SHLAAs should be prepared collaboratively between local authorities and stakeholders; and that where two or more local planning authorities form a housing market area, that they should work together either by preparing joint assessments or by ensuring consistency of methodology. Subsequently, the three local authorities started preparing their Core Strategies in parallel to an agreed timetable and have also been working collaboratively to compile the evidence base to support the Core Strategy preparation. Each of these factors gave rise to the need for a new joint SHLAA to be carried out covering the whole of the Derby HMA.

### **First SHLAA for Derby Housing Market Area**

- 4.3 Work on preparing the first SHLAA for the whole of the Derby HMA was therefore commenced by officers of the four partner authorities in August 2008. A 'Call for Sites' consultation was published by the three authorities between August and September 2008, which generated the submission of over 600 sites from private and public sector organisations and individuals wishing to promote their sites in the SHLAA process. Together with other sites identified by officers that were already in the planning process and other sources of information, over 800 sites were initially identified for assessment across the HMA as a whole.
- 4.4 The SHLAA was overseen by the Derby HMA LHP, which is made up of representatives from a wide spectrum of public and private sector organisations. The LHP endorsed the SHLAA methodology in September 2008, which guided the detailed assessment of the deliverability and developability of sites undertaken by officers of the three authorities. The LHP endorsed the final findings of the SHLAA, subject to minor amendments, on 25 May 2010.

- 4.5 A SHLAA Sub-Group was established under the direction of the LHP, to take forward and oversee the more detailed work of the SHLAA, including developing the SHLAA methodology. The Sub-Group also considered and agreed various detailed assumptions made in the SHLAA process such as the site size threshold to be applied and how sites within the Green Belt would be treated.
- 4.6 A small team of officers from the four partner local planning authorities was largely responsible for undertaking the detailed day-to-day work in the SHLAA, particularly carrying out the detailed analysis of each site to assess their deliverability and developability. A Derby HMA Core Strategy Coordination Group was established to take forward preparation of the three local authority Core Strategies, which was also consulted throughout the SHLAA process to advise on and, where necessary, agree details of the SHLAA process. Officers of the four authorities, in consultation with the SHLAA Sub-Group and Core Strategy Coordination Group, prepared a Glossary of definitions used in the SHLAA assessment process relating to the suitability, availability, achievability, deliverability and developability of sites.
- 4.7 A Market Viability and Capacity Workshop was organised by the officers of the four local planning authorities in July 2009. Invitees to the event comprised representatives from various key public and private sector bodies and organisations, particularly representatives from a number of major house builders and property agents who were active in the HMA. Key outcomes and conclusions from the workshop were applied in the assessment of the achievability of sites.
- 4.8 Full details of the first SHLAA, including the methodology; land supply and trajectories for Amber Valley, Derby City, South Derbyshire, the PUA and HMA as a whole; and full individual site assessments and site plans, are available on Derbyshire County Council's website at the link below:

[http://www.derbyshire.gov.uk/environment/planning/planning\\_policy/land\\_availability/SHLAA/default.asp](http://www.derbyshire.gov.uk/environment/planning/planning_policy/land_availability/SHLAA/default.asp)



## 5 Methodology for the Derby HMA SHLAA Refresh

- 5.1 The CLG 2007 SHLAA Practice Guidance is still the most up-to-date national policy guidance on SHLAAs. The Coalition Government's Draft NPPF will replace all planning policy guidance notes and planning policy statements when it is published in its final form but the Draft NPPF does not make it clear whether the SHLAA Practice Guidance is also to be replaced by the Framework or whether new Practice Guidance will be published. In any event, the NPPF is unlikely to be published in its final form until early 2012 after publication of the SHLAA Refresh. Accordingly, the 2007 SHLAA Practice Guidance will continue to form the basis for this SHLAA Refresh.
- 5.2 The SHLAA Refresh will provide the core outputs set out in the 2007 guidance by providing:
- **A list of sites with potential for housing, cross-referenced to maps showing locations and boundaries of specific sites;**
  - **An assessment of the deliverability and developability of each site in terms of its suitability, availability and achievability;**
  - **The potential quantity of housing that could be delivered on each site;**
  - **Information on the constraints of identified sites; and**
  - **Recommendations on how the constraints can be overcome and when.**
- 5.3 As in the preparation of the first SHLAA, a partnership approach is crucial and the revised methodology should be endorsed by the Derby HMA Local Housing Partnership, which has been set up to oversee the Strategic Housing Market Assessment (SHMA) and the SHLAA. The expertise of members of the partnership and other key stakeholders should be used to inform the survey and assessment stages.
- 5.4 A Derby HMA Core Strategy Coordination Group has been established to take forward preparation of the three local authority Core Strategies, which was consulted throughout the first SHLAA to advise on and, where necessary, agree details of the SHLAA process. It is important that the Group continues to play a similar role in preparing the SHLAA Refresh.



- 5.5 Overall, the LHP should agree and endorse the assumptions, judgements and finding of the Refresh assessment. This will ensure that the assessment is open, transparent and well informed.
- 5.6 The SHLAA Refresh is not an allocations document and it should not be treated as such. The SHLAA Refresh is an assessment of land with potential for housing development. Sites which are identified in the assessment are in no way guaranteed to be included in local planning authority development plans and there should be no assumptions that planning permission would be granted on them.

### Stage 1: Site Identification

- 5.7 From the analysis in Section 4 above, it can be seen that a large number of sites and a considerable amount of land was identified across the HMA with potential for housing development in the first SHLAA. Over 600 sites were promoted in the Call for Sites consultation and more than 200 sites were identified which were already within the planning system or from other sources of information. In the context of the housing provision requirements in the East Midlands Regional Plan, more than sufficient land with potential for housing development was identified across the HMA and within the three local authority areas to meet the requirements of the Regional Plan up to 2026.
- 5.8 The Core Strategy Coordination Group considered the issue of the preparation of the SHLAA Refresh at its meeting on 30 July 2010. In terms of site identification in the context of the above, **it was decided that a new Call for Sites would not be necessary in the SHLAA Refresh as it was felt that it was unlikely to identify any significant new sites in addition to those identified through the 'Call for Sites' undertaken in the first SHLAA process; and that the Refresh should concentrate primarily on updating the assessments of sites identified in the first SHLAA by collecting new and additional information which becomes available, such as through the findings of the ongoing Derby HMA Strategic Sites Study. It was agreed that new sites should still be added to the assessment, where they come forward through the planning process or through other sources of information as set out below.**

### Sources of Sites to be Included in the Assessment

#### Sites Currently in the Planning Process

- Sites allocated for residential development in adopted development plans or identified in Supplementary Planning Documents.
- Sites with planning permission for residential development which were not started or under construction.

- **Sites with planning permission for residential development granted subject to signing of a Section 106 Agreement.**
- **Sites allocated for employment uses or other land uses considered suitable for housing development.**

#### **Other Sources of Information**

- **Sites which were included or promoted for the Derby PUA SHLAA.**
- **Sites identified for residential or employment uses in the Derby Cityscape Masterplan.**
- **Sites included in the National Land Use Database or the Brownfield Land Action Plan.**
- **Sites identified in previous Urban Capacity Studies.**
- **Sites which would have the potential to be sustainable urban extensions to the contiguous built up area of Derby City within the Derby HMA and are outside the North Derby Green Belt.**
- **Other sites currently being promoted for development, identified by communities, or previously promoted in Local Plans or other documents.**
- **Other underused or vacant land and buildings.**

#### **Site Size Threshold**

- 5.9 A site size threshold of 10 dwellings will be applied in the SHLAA Refresh assessment and sites below this threshold will not be included.
- 5.10 Largely due to the rural nature of the area in South Derbyshire, a significant number of small sites were submitted for consideration under the threshold in the first SHLAA.
- 5.11 The South Derbyshire threshold issue was considered at a meeting of the SHLAA Sub-Group on 27 March 2009, when it was decided that these sites should not be included in the main SHLAA assessment of the potential land supply in the area unless insufficient land on larger sites above the threshold had been identified to meet South Derbyshire's housing requirements. Sufficient land was identified on larger sites to meet the District's requirements but because the number of sites and potential number of dwellings from these small sites was significant, these sites were identified separately in the first SHLAA as

another source of supply but which did not count towards the land supply figures for the District. A similar approach will be applied in the SHLAA Refresh.

### **Recording the Information**

- 5.12 In total over 800 sites were identified in the first SHLAA across the HMA as a whole through the Call for Sites, sites within the planning process and other sources of information.
- 5.13 To ensure that all of the information on these sites was accurately and consistently recorded:
- a database was developed which was used by each of the three local planning authorities to record details of each site;
  - the boundaries of each site were plotted on a GIS; and
  - each site was given a site reference number which could be cross referenced with its GIS boundary.
- 5.14 The database will continue to be used by the three authorities in the SHLAA Refresh to add and update information on sites identified in the first SHLAA. New sites which are identified through the planning process, by communities and other sources of information will be recorded in the database, given a site reference number and plotted on GIS. Each authority will be responsible for inputting the details of sites which fall within its area. The databases have been uploaded on to the SharePoint data sharing system hosted on the hi4em (Housing Intelligence for the East Midlands) website, which will enable officers of the authorities to view each others data on sites.

### **Sustainable Urban Extensions**

- 5.15 The East Midlands Regional Plan currently sets out the housing provision requirements for the three local authorities up to 2026. The Plan recognises that although substantial capacity exists on brownfield land within the Derby PUA this would not be sufficient to meet all the housing needs of the City and therefore there would need to be significant sustainable urban extensions (SUEs) in the PUA around Derby into Amber Valley Borough and particularly to the south of the City into South Derbyshire. Outside the PUA, the Plan focuses housing development mainly in the four main towns of Alfreton, Belper, Heanor and Ripley in Amber Valley and Swadlincote in South Derbyshire but recognises that this may also need to be provided as SUEs.
- 5.16 Sites which formed SUEs were therefore included in the first SHLAA. A significant number of SUE sites, in some cases very large sites, were promoted through the Call for Sites and identified through the planning process and other sources of information. These sites are currently subject to a Strategic Sites Study being undertaken by Atkins Planning Consultants on behalf of the three authorities. The study is looking in

detail at these potential SUEs and strategic sites, assessing them against a range of social, environmental and economic considerations, including viability and infrastructure requirements.

- 5.17 It is possible that SUEs and large strategic sites could provide for most of the housing provision requirements in the three local authority areas in the future, which will ultimately be determined through the Core Strategy Process and Site Allocations Development Plan Documents of the three authorities. Accordingly, SUEs and strategic sites will still be included in the SHLAA Refresh. The findings of the study being undertaken by Atkins will provide more detailed information on these sites, which will inform the updating process of the assessment of these sites in the SHLAA Refresh.

### **Green Belt Sites**

- 5.18 The approach to Green Belt sites was a major issue in the first SHLAA process. The East Midlands Regional Plan does not envisage any major strategic review of the Nottingham-Derby Green Belt in that part of the Green Belt within the Derby HMA or the Swadlincote-Burton Green Belt. However, the Regional Plan acknowledges that in certain areas identified for growth, such as around the Amber Valley towns, development in the Green Belt may be necessary provided this avoided the most sensitive areas of Green Belt.
- 5.19 The SHLAA Sub-Group was asked to consider the Green Belt issue on a number of occasions during the preparation of the first SHLAA. Agreement was reached that the approach to be taken in Amber Valley would be that all alternatives would be explored to meet the Borough's housing requirements on non-Green Belt sites but should Green Belt release be necessary, sites in the less sensitive areas of Green Belt around the four main towns in the Borough would be considered as being 'potentially suitable' for development and a housing capacity figure provided, subject to a review in the Borough Council's LDF process. Green Belt sites in Derby City and South Derbyshire would be considered as being not suitable and were given a zero capacity.
- 5.20 The implications of the revocation of the East Midlands Regional Plan are an important consideration. On revocation, there will be no strategic Green Belt policies for the Nottingham-Derby or Swadlincote-Burton Green Belt. Green Belt policies in the saved adopted Amber Valley Local Plan, adopted City of Derby Local Plan Review and adopted South Derbyshire Local Plan will then apply. Ultimately these policies will be replaced by policies in the three local authority Core Strategies, including the need for any reviews to Green Belt boundaries. In this context therefore sites within the Green Belt in Amber Valley, Derby City and South Derbyshire will all be assessed as being potentially suitable for housing development in the SHLAA Refresh and given a site capacity, subject to a policy review in each of the three local authority Core Strategies.

## Residential Gardens

- 5.21 Residential gardens were included in the first SHLAA if they were promoted through the Call for Sites consultation and met the site size threshold of 10 units or above. Although a new Call for Sites will not take place for the SHLAA Refresh, residential gardens submitted in the first SHLAA will be re-assessed in the SHLAA Refresh, primarily to take account of recent changes to Government policy advice in PPS3, which amended the definition of domestic gardens from brownfield land to greenfield land to prevent 'garden grabbing'.

## Sites to be Specifically Excluded from the Assessment

- 5.22 CLG's Practice Guidance recommends that certain sites should be automatically excluded from the assessment as they are considered to have a general level of protection from built development. A number of types of site were considered in the first SHLAA to have special protection and were deemed to be not suitable for development for housing and given a zero capacity. These types of sites are still relevant and will apply in the SHLAA Refresh.

- **Sites which are protected as wildlife sites, sites of importance for nature conservation and Sites of Special Scientific Interest (SSSIs);**
- **Internationally or nationally important wildlife sites;**
- **Sites which are in use as public open space or allotments unless these have been promoted for development; and**
- **Sites within Flood Zone 3B.**

## Stage 2: Desktop Assessment

- 5.23 A desktop assessment of existing information sources will be undertaken to provide as much background information on each site as possible, both for newly identified sites and for updating information on existing sites identified in the first SHLAA. Information will be obtained from a wide variety of sources within the planning system such as planning applications, details of site allocations in local plans, details from development briefs, details provided on sites in the Derby PUA SHLAA and from other sources such as Ordnance Survey maps, aerial photographs, the National Land Use Database and vacant property registers.
- 5.24 Information on the likelihood of sites being subject to flooding will be obtained from two key sources, including local authority Strategic Flood Risk Assessments (SFRAs) and Environment Agency (EA) Flooding Plans. The assessment in Amber Valley will be based on EA Flood

Plans and the Borough Council's SFRA for sites in Flood Zone 1. In Derby City the assessment will be based on EA Flooding Plans. The assessment in South Derbyshire will be based on the District Council's SFRA plans.

- 5.25 A Call for Sites consultation was carried out for the first SHLAA. Promoters of sites were required to submit as much background information as possible on their sites, including the number of dwellings that they thought would be delivered and the time periods which they would be built over. This information will be re-assessed for robustness and updated where necessary, particularly in the light of the changed planning policy context.
- 5.26 A pro-forma was designed by officers to record information collected from the desktop assessment in the first SHLAA. A new pro-forma will be completed for any new sites identified. Pro-formas completed for existing sites identified in the first SHLAA will be updated with new information as appropriate.
- 5.27 Due to resource implications, the desktop study will not include new sites within residential gardens. As indicated in 5.22 above, sites promoted in the first SHLAA within residential gardens will be re-assessed in the context of the revision to PPS3, which re-classifies gardens as greenfield rather than brownfield land.

### **Stage 3: Site Surveys**

- 5.28 Newly identified sites will be visited and surveyed where necessary. Given the broad geographical area of the assessment, officers from each of the authorities will be involved in the surveys and it is therefore important that there is a method for a consistent approach to the site surveys. A site assessment pro-forma has therefore been designed to collect information on sites in a consistent way across the three local authority areas. The pro-forma will collect information on the following:

- Grid Reference
- Site Area (ha)
- Local Plan reference (if applicable)
- Current Site Use
- Previous Uses
- Topography
- Access
- Flood Risk
- Public Transport Provision
- Nearest Services
- Physical Constraints
- Surrounding Land Uses
- Surrounding Building Height (storeys)

- Policy Constraints

5.29 The majority of sites identified in the first SHLAA, particularly those promoted in the Call for Sites, were surveyed by officers of the three authorities between February and July 2009 and information was recorded on the pro-forma. Given that there were over 600 sites identified in the final assessment, it would be impractical for officers of the three authorities to re-survey all these sites for the SHLAA Refresh and therefore sites will not be re-surveyed except where considered necessary as a result of any change in circumstances.

#### **Stage 4: Assessment of Housing Potential of Each Site**

5.30 An assessment will need to be made to determine the likely number of housing units that each site could accommodate. Where sites have planning permission for residential development, the dwellings numbers and densities will be used as included in the permission. As part of their general on-going monitoring processes of land supply, officers of each of the three local planning authorities will contact all applicants and / or agents who have sites with extant planning permission for information on the likely implementation of the permissions on their sites. This information will be used to inform the assessment of the delivery and developability of sites as detailed below.

5.31 When the Coalition Government published its revised version of PPS3 in June 2010, it removed the requirement for local authorities to set out minimum housing density targets, previously set at a national minimum of 30 dwellings per ha in the original version of the PPS. The local authorities have assessed the capacities of the sites and where sites have been promoted in more detail or promoters have assessed capacity, the authorities have considered them and included them if they are justified and realistic. Although the national guidance relating to densities has been removed from PPS3, the local authorities will have regard to any local density policies they have and the nature of the site including surrounding uses and densities when making this judgement. The issue of site capacities was discussed at a public / private sector residential development and viability event held in December 2011, (see details in 5.55 below) particularly relating to larger sites. Based on advice provided and agree by developers at the event, where there are sites with no indicative densities or capacities, particularly on large sites, the authorities will consider applying 20 dwellings per hectare to the gross site area. The assessed capacities included in the SHLAA Refresh will be made with the current housing market conditions in mind. The assessments are not binding on capacity and as sites are allocated in the authorities' Development Plan Documents more detail will be set out.



## Assessment of Deliverability and Developability

- 5.32 The assessment of deliverability and developability of sites is necessary to inform the plan making process and to develop medium and long term housing trajectories and information on the five year supply of deliverable sites for housing as required in PPS3. Assessments of whether a site is deliverable and developable depends on three key factors including whether the site is **suitable** for housing, is **available** for housing and is **achievable** for housing.
- 5.33 In the first SHLAA, a Glossary was developed which set out how these factors were interpreted in the assessment. The Glossary was initially drafted by officers and was then considered and agreed subject to minor amendments by the Derby HMA Core Strategy Coordination Group at its meeting on 28 August 2009. The Glossary was then circulated to members of the SHLAA Sub-Group on 4 September 2009 for comments and endorsement. The Glossary of definitions which applied in the first SHLAA is still relevant and will be applied in the assessment process for the SHLAA Refresh (see Appendix 1). Minor amendments to the definition of suitability will be required to take into account the changed planning policy context with the revocation of the East Midlands Regional Plan, particularly relating to Green Belt sites (see below).
- 5.34 The Glossary therefore sets out that, to be considered **deliverable**, a site must be available now, offer a suitable location for housing development now and there should be a reasonable prospect that housing will be delivered on the site within five years. In essence, deliverable sites will form the five year supply for each authority. The interpretation of deliverability in the assessment is basically the same as the Government's Practice Guidance.
- 5.35 To be considered **developable**, a site should be in a suitable location for housing development and there should be a reasonable prospect that it will be available for and could be developed at a specific point in time. In essence, sites which have been deemed as developable form the fifteen year supply provided they meet the definitions of suitability, availability and achievability set out below.

## Suitability

- 5.36 A site is considered to be suitable for housing development if it offers a suitable location for development and would contribute to the creation of sustainable, mixed communities.
- 5.37 In assessing the suitability of sites, consideration will be given to the following factors:
- **Policy restrictions : both planning and corporate policy;**



- **Physical problems or limitations: such as flood risk, pollution, contamination, access or infrastructure;**
- **Potential impacts: including those on townscape or landscape; and**
- **Environmental conditions: for future residents of any dwellings built on the site.**

- 5.38 A checklist of constraints based on the above has been included in the site assessment pro-forma and will be used to determine the suitability of sites and any deemed unsuitable will not be included in the assessment.
- 5.39 As much information as possible on these constraints will be obtained from the desktop assessment, the first Call for Sites and the site surveys. With regard to the issue of accessibility of sites to key services and facilities, data from Derbyshire County Council's 'Accession' model will be used in the assessment process. The model has the capability to calculate travel time and distances between individual origin and destination points. Accession is the industry standard tool for assessing local accessibility, which has been developed exclusively for the Department of Transport for monitoring and influencing strategies and associated interventions within the Local Transport Plan.
- 5.40 It should be noted that more detailed transport modelling is being undertaken for the HMA as part of the evidence base for the three local authority Core Strategies, particularly to assess the capacity of the road network in the HMA to accommodate future planned levels of growth. The findings of the transport modelling will be used in the assessment process to inform the assessment of the suitability of sites in terms of its impact on highway infrastructure.
- 5.41 In the case of some large sites, these sites may have the potential to accommodate new purpose built key services and facilities on site through Section 106 contributions to meet the needs of their new residents. Where appropriate, the site assessments will indicate where such contributions may be relevant to support major development on a particular site.
- 5.42 A number of sites were promoted in the first SHLAA for housing development on land which was in use as domestic residential gardens. The latest revision to PPS3 which reclassifies residential gardens from brownfield to greenfield land, will require the re-assessment of these sites to determine their suitability.
- 5.43 The final assessment of sites will make a decision on the suitability of a site taking each of the factors set out above into account. Sites in the

assessment will be classified as being **suitable**, **not suitable** and **potentially suitable** on the basis of the issues outlined below.

### **Suitable**

- 5.44 Sites which have extant planning permissions for residential uses or sites which are allocated for uses including residential are automatically in a suitable location as long as factors affecting their suitability have not changed since permission was granted. Other sites will also be considered suitable for residential development where this is justified on the basis of a full range of evidence, including a site's location, policy restrictions, physical and environmental conditions and potential impacts.

### **Not Suitable**

- 5.45 A site will be considered to be not suitable for residential development if it would have an unacceptable adverse impact on interests of national or international importance (e.g. SSSI), lies within flood zone 3b or is otherwise in a location which has been shown to be unsustainable on the basis of a full evidence base.

### **Potentially Suitable**

- 5.46 Sites which do not clearly fall within the categories of 'Suitable' or 'Not Suitable' as defined above can be classed as 'Potentially Suitable'. This means that more information will be required to test the locations through further evidence and Core Strategy work or that existing constraints will need to be overcome in order for the site to be classed as suitable. A constraint can include physical or environmental issues, a lack of information to make a clear judgement at this time, or an existing policy restriction that could be overcome through policy review.
- 5.47 Sites which are entirely or predominantly within Flood Zone 2 have too strong a national presumption against residential uses to be considered automatically suitable but can not be totally ruled out as having potential for housing on them and so these will generally be classed as Potentially Suitable unless there is other evidence available to make a clear decision on suitability.
- 5.48 On revocation of the East Midlands Regional Plan, there will no longer be any strategic Green Belt policies relevant to the Derby-Nottingham Green Belt. New policies for the Green Belt and any proposals for revisions to Green Belt boundaries in the three local authority areas will need to be determined in the Core Strategies of the three authorities. Accordingly, sites located in the Green Belt in Amber Valley, Derby City and South Derbyshire will be classified as being Potentially Suitable subject to policy review in the Core Strategy process.

- 5.49 Sites which are Not Suitable or are only Potentially Suitable can not form part of the 5 or 15 year supply of deliverable/developable dwellings.

### **Availability**

- 5.50 To be considered available for development there must be confidence that there are no legal ownership problems which need to be overcome to develop the site such as multiple ownerships, ransom strips, tenancies or operational requirements of landowners. The site should be in the control of a developer who has expressed an intention to develop or a land owner who has expressed an intention to sell. Where a developer has indicated an intention to develop a site, it is important to establish that the owner of the site (if this is not the developer) is aware that the site is being promoted and has given consent for the site to be included in the SHLAA. In the first SHLAA, a number of sites were promoted by developers without the knowledge and consent of the respective land owner who subsequently requested that the site should be withdrawn from the assessment.
- 5.51 It is important to note that a site which benefits from planning permission does not in itself necessarily mean that a site is available. This is because planning applications can be submitted by persons who do not have an interest in the land. Conversely, a site can still be classed as available if it does not have planning permission.

### **Achievability**

- 5.52 A site is considered to be achievable for housing where there is a realistic prospect that housing will be developed on the site at a particular time. This means that the site is economically viable and that the developer has the capacity to develop the site over a certain time period. Factors affecting achievability include economic and market factors, costs relating to any physical constraints or potential planning obligations, phasing and other delivery factors.
- 5.53 Careful consideration was given in the preparation of the first SHLAA to the approach for the need for market viability and capacity testing to inform the assessment process. In consultation with Planning Officers Society Enterprises (POS) and with the subsequent agreement of the SHLAA Sub-Group, it was decided that the market viability / capacity testing should be carried out by the Local Housing Partnership together with other local representatives from the property and development industry.
- 5.54 A Site Viability / Capacity Event was therefore organised on 13 July 2009 at The Quad in Derby. Panel members included representatives from the Planning and Housing departments of the four local authorities, officers from Derby Cityscape and representatives from a number of the major house builders, property developers and

consultants active in the Derby HMA. To ensure impartiality, an officer from Erewash Borough Council was invited to Chair the event. The Panel considered general viability and capacity issues and then issues on specific sites in different types of location across the HMA. The panel's conclusions on these issues were then applied more widely across the HMA to the assessment of sites of a similar nature or in a similar location.

- 5.55 It is considered that a similar approach should be adopted in the SHLAA Refresh. To this end, a residential development and market viability event was organised and took place on 9 December 2011 at the Voicebox in Derby, using a similar but wider panel of public and private sector representatives, including some of the key infrastructure providers, such as the City and County Highways Authorities. The panel's conclusions on key viability issues discussed at the event will again be used in the assessment process.

## **Stage 5: Overcoming Constraints**

- 5.56 For newly identified sites in the SHLAA Refresh, consideration will be given to any barriers or constraints to delivery and what action could be taken to remove them. This could include realistic requirements for new infrastructure, dealing with ownership problems, environmental restrictions or policy constraints. It is possible that some constraints will be regarded as unrealistic to overcome. The main site assessment pro-forma, which was used in the first SHLAA, will be used again to record and assess constraints which apply to sites. The categories of constraints included are:

- Local plan / planning policy constraints;
- Physical constraints; (i.e. topography);
- Environmental constraints including flood risk;
- Utilities constraints;
- Access constraints:
- Ownership constraints;
- Other constraints.

- 5.57 In this assessment stage, information on constraints will be obtained from a number of sources including from the desktop assessment, the individual site surveys and officer knowledge and expertise where possible.

- 5.58 An assessment of constraints and how these might be overcome was carried out for each site included in the first SHLAA. These assessments will be updated where necessary in the SHLAA Refresh as new information becomes available. In particular, the Strategic Sites Study being undertaken by Atkins Limited, will provide a much more detailed assessment of the constraints which apply to each SUE and strategic site in the study, particularly as consultation has been undertaken with various major infrastructure providers in the HMA. The study will also provide more detailed analysis of the measures required to mitigate or overcome any constraints. The findings of the study will be used to update the assessments provided in the SHLAA Refresh. Detailed transport modelling is also being undertaken by consultants to inform the Core Strategy process, particularly to assess the potential impact of SUEs and strategic sites on highway infrastructure across the HMA. The findings of this study will also provide valuable information to update the assessments in the SHLAA Refresh on these sites.
- 5.59 In terms of planning policy constraints, there will be a need for sites to be assessed in the context of the revocation of the East Midlands Regional Plan. The relevant planning policy context for this part of the assessment will now be primarily the saved policies of the adopted Amber Valley Local Plan, adopted City of Derby Local Plan Review, and the adopted South Derbyshire Local Plan; any other adopted DPDs; and any other old style plans that have not lapsed. In particular, sites included in the first SHLAA will need to be re-assessed to ensure that the implications of this changed planning policy context are taken into account and the assessments amended if necessary.

## **Stage 6: Review of the Assessment**

- 5.60 Once the assessments for every site in the SHLAA Refresh are complete and as much information has been collected as possible, the assessments will be reviewed by officers for robustness, amended where necessary and then used to provide a conclusion on the deliverability and developability of each site based on the key definitions set out in Stage 4 above. From this the housing potential of each site will be determined to produce a potential land supply and indicative housing trajectory which sets out how much housing can be provided and at what point it is likely to be developed.
- 5.61 The local authorities will work together to produce housing trajectories for each local authority area and also a trajectory for the Principal Urban Area of the City including potential sustainable urban extensions. Trajectories will be produced which will include a 5 year supply of deliverable sites and a 15 year supply of developable sites.
- 5.62 The revocation of the East Midlands Regional Plan will have major implications for this part of the assessment. In the first SHLAA, the land supply position and trajectories were assessed against the housing provision requirements of the Regional Plan for the three authorities,

the PUA and HMA as a whole. For the SHLAA Refresh, however, it is unlikely that housing provision targets will have been determined at the local level through the Core Strategy process. Work is ongoing at officer level in the three LPAs in determining a mechanism and methodology for deriving new housing targets in their areas. Preferred local housing targets are unlikely to be available until the summer of 2012, which will be included in the three authority's Draft Core Strategies.

- 5.63 **The SHLAA Refresh will therefore only identify the potential land supply in each area and a trajectory showing when this land is likely to be developed. It will not assess the land supply or trajectory against any specific housing targets. The SHLAA Refresh may be updated and republished if and when local housing targets are derived.**

### **Stage 7: Broad Locations**

- 5.64 CLG's Practice Guidance promotes the identification of 'broad locations' with potential for housing development where they are deemed necessary and where specific sites cannot be identified. The purpose of including broad locations in the assessment is to give the community a clear idea of where future development will be located.
- 5.65 The SHLAA Sub-Group considered the issue of broad locations at its meeting on 27 March 2009 when it agreed that broad locations should not be included in the assessment unless adequate long term supply could not be achieved through the identification of specific sites. In the event, more than sufficient specific sites, particularly SUEs and large strategic sites, were identified in the first SHLAA and so broad locations were not included.
- 5.66 In the context of the revocation of the East Midlands Regional Plan and consequent lack of strategic Green Belt policies covering the Nottingham-Derby Green Belt; and the Government's requirement for neighbouring local authorities to cooperate in preparing their development plans, officers of the Derby HMA authorities agreed in 2011 to hold regular future meetings with officers in neighbouring Erewash Borough to discuss cross-boundary planning issues common to the preparation of each authority's Core Strategies.
- 5.67 A key issue identified in these discussions was the need for all of the authorities to consider the potential of broad locations on the periphery of Derby to accommodate housing development, particularly to the east of the City in Erewash Borough. Five broad locations were subsequently identified to the north-west, north, north-east, east and south-east of the City. These areas were identified as they had not been previously fully considered for housing development in either the original SHLAAs for the Derby HMA or Erewash Borough, due to their designation as Green Belt in the East Midlands Regional Plan and the

strong Green Belt protection policies in the Plan. Officers agreed that the merits of these broad locations for housing development should be assessed as part of the Derby HMA SHLAA Refresh and the Erewash Borough SHLAA Update. Assessments of these broad locations will therefore be included in the Derby HMA SHLAA Refresh as an appendix to the final report when it is published.

### **Stage 8: Windfalls**

- 5.68 Government advice in PPS3 sets out a clear expectation that the supply of housing land should be based upon specific sites and, where necessary, broad locations. It states that allowances for windfalls should not be included in the first 10 years of land supply unless there is evidence of genuine local circumstances that prevents specific sites being identified. Windfall sites are sites which have not been specifically identified as available in the local plan process and comprise previously developed sites that have unexpectedly become available such as those resulting from a factory closure or from a residential conversion or a new flat over a shop.
- 5.69 Having said this it is accepted that in the long term it is very difficult to determine the exact location and timescales that development may come forward. Also, it may be that land and buildings become available suddenly through unpredicted circumstances.
- 5.70 It may therefore be justified to include assumptions on windfall housing which may happen after the first 10 years of the assessment. Traditionally Derby City has had a high level of windfall housing development in recent years but this is partly due to the recent housing market conditions and the lengthy timescales in preparing the existing adopted Local Plan and ongoing process in preparing the City's Core Strategy
- 5.71 More than sufficient specific sites were identified in the three local authority areas in the first SHLAA assessment, particularly in South Derbyshire, and therefore a windfall allowance was not included in the land supply assessment for the first 10 years of the supply period. However, a windfall allowance was included for Amber Valley and Derby City post 2019 (after 10 years) in the assessment. This is likely to be the case in the revised assessment.

### **Stage 9: Outputs Reporting and Monitoring**

- 5.72 The SHLAA Refresh will form the basis of housing land monitoring for each of the three authorities. It will also play an important part in the identification of sites for allocation in the three local authority Core Strategies and Site Allocations Development Plan Documents. The purpose of the assessment is to get a full baseline position of land which may have the potential for residential development in the HMA. The outputs will include schedules of sites with appropriate reference



numbers and assessments of their deliverability and developability; mapping of all sites included on a GIS; a report of findings and analysis of the housing land supply for each authority, the Derby PUA and the HMA as a whole. As with the first SHLAA, the main outputs of the SHLAA Refresh will be published on Derbyshire County Council's website.

- 5.73 The assessment and its findings should be endorsed by the Local Housing Partnership.
- 5.74 The sites which are identified as deliverable will form the five year supply of housing for each of the local authorities and will be reported in their respective Annual Monitoring Reports (AMRs).
- 5.75 The sites which are considered to be developable will be included, along with deliverable sites, in the housing trajectories of each of the three authorities. The deliverable and developable land supply will not be assessed in the context of any housing targets, particularly those set out in the East Midlands Regional Plan.
- 5.76 Annual monitoring will then need to be carried out by each authority to update the five year supply and medium and long term trajectories.
- 5.77 In the document 'Regional Spatial Strategy and Local Development Framework Core Output Indicators Update 2/2008', the Department for Communities and Local Government requires the 5 year supply to be calculated starting at the April after the current monitoring year (April 2012) and the 15 year supply to be set out to include the current monitoring year (commencing in April 2011).
- 5.78 This requirement for the 5 and 15 year land supply periods to commence at different base dates caused confusion for stakeholders in understanding the land supply position which was set out for the three authorities, PUA and HMA in the first SHLAA. As the 15 year land supply automatically includes the 5 year supply, it is more logical that both supply periods should commence at the same base date at the end of the current monitoring year i.e. April 2012. This approach would reduce the complexity of the calculation process and be much clearer for stakeholders to understand. It would also comply with the main principle of CLG's requirement for predicting land supply that the process should be 'forward thinking'. In the context of the Coalition Government's new localism agenda, local authorities now have more flexibility in deciding the appropriate approach to determine the level of housing provision which is right for their own areas. Accordingly, it is considered appropriate that the assessment of both the 5 and 15 year land supply in the SHLAA Refresh will be set out at the same base date of April 2012.



## 6 Consultation and Timescales

- 6.1 It should be noted that Government Practice Guidance does not include any requirement for a public consultation exercise to be undertaken on a draft or final version of a SHLAA. Engagement with key public and private sector stakeholders in undertaking the SHLAA is the main key requirement in this Guidance.
- 6.2 In the first SHLAA Methodology which was agreed and endorsed by the LHP in September 2008, it was not envisaged that any formal public or stakeholder consultation exercise would be necessary prior to the publication of the final SHLAA, other than the Call for Sites consultation. This is because it was considered that the SHLAA was just one piece of the evidence base informing the wider evidence base supporting the Core Strategy process. The Core Strategy process has statutory requirements for public consultation at the Issues and Ideas, Options and Preferred Option/Draft Plan stages. The evidence base, of which the SHLAA Refresh will form part, will be subject to consultation and scrutiny through these processes.
- 6.3 The issue of consultation was discussed at a meeting of the SHLAA Sub-Group on 27 March 2009, when the approach to consultation set out above, was agreed by the Group. It is considered appropriate for a similar process to be adopted in the SHLAA Refresh.
- 6.4 Because the SHLAA is not a one off study and should be reviewed regularly, any other interested parties will be able to send comments on the assessment to the relevant local authority. They can suggest changes to the assessments that have been made, indicate other sites which they feel should be included or make general comments about the methodology. Although there is no formal consultation period for the SHLAA Refresh, the assessment will then be updated to take any relevant representations on board and to include the most up to date information.
- 6.5 It is intended that the SHLAA Refresh should be completed in early 2012 to coincide with the production of the AMRs of each of the authorities. It will then be consulted upon as part of the supporting evidence base for the publication of the Draft Core Strategies of each of the authorities, which is likely to take place in the summer of 2012. Comments made on the SHLAA Refresh through this consultation process will be taken into account and incorporated where necessary, when it is updated and revised.

# Appendix 1

## Glossary

Sites in the SHLAA will be assessed in terms of their Suitability, Availability and Achievability based on the definitions below. All assessments are made taking all current information about the site into account. As the SHLAA is reviewed and more information becomes available about sites and their constraints, judgements about their suitability, availability and achievability may change. These assessments will be used to make judgements on whether sites can be considered deliverable or developable also based on the definitions below. These definitions have been agreed and endorsed by the Derby HMA SHLAA Sub-Group.

**SUITABLE** – Sites which have extant planning permissions for residential uses or sites which are allocated for uses including residential are automatically in a suitable location as long as factors affecting their suitability have not changed since permission was granted. Other sites will also be considered suitable for residential development where this is justified on the basis of a full range of evidence, including a site's location, policy restrictions, physical and environmental conditions and potential impacts.

**NOT SUITABLE** – A site will be considered to be not suitable for residential development if it would have an unacceptable adverse impact on interests of national or international importance (e.g. SSSI), lies within flood zone 3b or is otherwise in a location which has been shown to be unsustainable on the basis of a full evidence base.

**POTENTIALLY SUITABLE** – Sites which do not clearly fall within the categories of 'Suitable' or 'Not Suitable' as defined above can be classed as potentially suitable. This means that more information will be required to test the locations through further evidence and Core Strategy work or that existing constraints will need to be overcome in order for the site to be classed as suitable. A constraint can include physical or environmental issues, a lack of information to make a clear judgement at this time, or an existing policy restriction that could be overcome through policy review.

Sites which are entirely or predominantly within Flood Zone 2 have too strong a national presumption against residential uses to be considered automatically suitable but can not be totally ruled out as having potential for housing on them and so these will generally be classed as Potentially Suitable unless there is other evidence available to make a clear decision on suitability.

Sites which are Not Suitable or Potentially Suitable can not form part of the 5 or 15 year supply of deliverable/developable dwellings.

**AVAILABLE** – The site is controlled by a developer who has expressed the intention to develop it or by an owner who has expressed an intention to sell

for development purposes and there are no legal ownership problems such as multiple ownerships which would mean that the site could not be developed. There should also be reasonable prospect that the site will be developed at a certain time. Ideally, the intention to develop should be demonstrated through pre-application discussions, a planning application being made or an extant planning permission

**ACHIEVABLE** – Based on known information there is a reasonable prospect that the site is, or will be financially viable for residential development

**DELIVERABLE** – The site meets the three definitions above of being suitable, available and achievable and there is a reasonable prospect that housing will be developed on the site within five years. Deliverable sites will form the five year supply.

**DEVELOPABLE** - The site meets the definition of being SUITABLE and it will be AVAILABLE and ACHIEVABLE at a certain point in time.

With these definitions there will be various categories of sites including:

**FIVE YEAR SUPPLY (DELIVERABLE)** – Available, suitable and achievable within 5 years.

**FIFTEEN YEAR SUPPLY (DEVELOPABLE)** – Suitable and will be available and achievable at a certain point in time (Developable sites automatically include Deliverable sites)

**OTHER SITES** – Sites which are Suitable or Potentially Suitable but it is not currently known if they will become developable. Not within the five or fifteen year supply.

**NOT SUITABLE** – See definition above. Not within the five or fifteen year supply.