



Methodology for the Swale Borough Strategic Housing Land Availability Assessment June 2009

Introduction

1. The purpose of this document is to set out the detailed methodology that the Council proposes to use to undertake its Strategic Housing Land Availability Assessment (SHLAA). A draft of this document was made the subject of consultation with landowners, developers and partners until 1st October 2008. The methodology has been updated in the light of representations received and experience from other districts. It has also had regard to the interim SHLAA work undertaken by the Borough Council as part of its 2007/08 Annual Monitoring Report work.
2. This local SHLAA methodology has been informed by four sources:
 - Community and Local Government Practice Guidance on Strategic Housing Land Availability Assessments July 2007
 - Strategic Housing Land Availability Assessment Protocol for Kent and Medway – July 2008
 - Guidance published by the Planning Advisory Service
 - Kent Strategic Housing Land Availability Assessments July 2008
3. In order to assist the Council in the identification of potential sites for inclusion in the Strategic Housing Land Availability Assessment, it developed a pro forma to be used by landowners, agents and developers to submit their proposed site for consideration as part of the SHLAA process. A request for sites was made during October and November 2008, however, sites submitted up to the monitoring year end of 31st March 2009 will be included. These will form the basis of the sites to be considered as part of the SHLAA during 2009.

What is a Strategic Housing Land Availability Assessment?

4. As part of their evidence base for their local development frameworks, local planning authorities are required to carry out a Strategic Housing Land Availability Assessment (SHLAA). Government's guidance, contained in PPS3, requires 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 specific sites being identified.
5. The primary role of the Strategic Housing Land Availability Assessment (hereafter referred to as the SHLAA) is to:
 - identify sites with potential for housing;
 - assess their housing potential; and

- assess when they are likely to be developed.

6. The SHLAA should aim to identify as many sites with housing potential in and around as many settlements as possible. As a minimum, it should aim to identify sufficient specific sites for at least the first 10 years of a plan, from the anticipated date of its adoption, and ideally for longer than the whole 15 year plan period. The Council's LDF time frame is to 2026, with adoption of its Core Strategy in 2012.

7. It is also necessary to prepare a SHLAA as a condition for receiving the Housing and Planning Delivery Grant and as a tool for preparing housing trajectories which demonstrate whether an authority has a 5 year supply of housing land. This assessment will help authorities to make provision for sufficient and deliverable housing to come forward to meet future needs. In July, 2007, the Government produced a step by step good practice guide for local authorities on the preparation of SHLAAs. This will be referred to as the "Practice Guidance" throughout this document.

8. In September 2007, the Kent Planning Policy Forum decided to prepare a protocol for undertaking SHLAAs in Kent to ensure consistency in the interpretation of the Practice Guidance and to help in the preparation of a sound evidence base for subsequent LDF documents. This protocol took into account both PPS3 and the Practice Guidance as well as advice provided by the Planning Advisory Service in its document, "Strategic Housing Land Availability Assessments and Development Plan Preparation". Advice was sought from the Government Office of the South East (GOSE) and the Home Builders Federation (HBF) and regard taken of other SHLAA methodologies prepared elsewhere in the country. Once prepared as a draft, the protocol was made available for consultation with the HBF and GOSE and their comments taken into account. The Protocol was finalised in July 2008.

9. The protocol recognises the different circumstances that can prevail in different LPAs and is sufficiently flexible to allow for those differences. It is not intended to replace the Practice Guidance but to complement it and it should therefore be read in tandem with it. The Kent & Medway SHLAA Protocol provides an over-arching framework for SHLAA assessments in Kent & Medway, with each Local Planning Authority having regard to para 25 of the CLG guidance, so that they may determine the detailed scope of their authority's assessment to meet their own area's characteristics and requirements.

Strategic Housing Land Availability Assessment Outputs.

10. The role of the SHLAAs is to identify sufficient sites to meet the strategic housing requirements within LPA areas for at least 10 years and preferably 15 years. These sites have to be available, suitable, and achievable. The SHLAA will be a technical document and judgements concerning the inclusion of settlements, locations for development and individual sites in local development documents will be made separately through the statutory planning process. To remain useful, SHLAAs will be updated annually as part of the Annual Monitoring Report process. This will include a review of the deliverability of sites identified by earlier exercises, including those sites currently in the planning system; identifying new sites if this is necessary; and adjusting the housing trajectory accordingly. Any adjustments to the methodology, in the light of experience, will also be considered, in consultation with the SHLAA partnership.

11. The Practice Guidance recognises that there are advantages in undertaking land availability assessments, particularly for housing, employment, retail and other uses in parallel, to ensure that due consideration is given to overall land use requirements in a comprehensive way. The decision whether to undertake such parallel studies will be a matter for each authority, but in the case of Swale, there will be parallel initiatives that will feed into the SHLAA and vice-versa, they include:

- *Swale Employment Land Review*: sites recommended for release from employment by this process will be considered by the SHLAA, whilst 'new' employment areas will be similarly considered for their housing potential via the SHLAA;
- *East Kent Strategic Housing Market Assessment*: Whilst not identifying specific sites, this assessment will provide valuable advice as to judging the overall need for housing in the Borough.
- *Sittingbourne Town Centre Masterplan*: This is likely to identify either a total quantum of development and/or the individual sites to be considered; and
- *Faversham Creek Area Action Plan*: Will give rise to sites that should be considered.

12. The Protocol suggests that land use assessments could in fact combine into a single exercise and methodology. Timing of the SHLAA and Employment Land Review, has not allowed this to occur, although the timetables for each overlap. The Council did however ensure that its requests for sites for inclusion as part of this SHLAA should indicate whether the site(s) in question may be used for employment or other land use. Where the same site is identified as suitable for more than one use, it will be a matter for the LDF to consider which use is most suitable for the site.

13. The Council has reserved the right to include sites submitted for either the Employment Land Review or this SHLAA to be included in both studies where appropriate.

14. The Swale SHLAA will meet the minimum requirements for this work as set out in the Practice Guidance and Kent Protocol, which should:

- Set out a list of sites, cross referenced to maps showing locations and boundaries (and showing broad locations where necessary)
- Assess the deliverability/developability of each site in terms of its suitability, availability and achievability, to determine when a site can realistically be developed
- Identify the potential quantity of housing that could be delivered on each site or within each broad location (where necessary) or on windfall sites (where justified)
- Set out constraints on the delivery of sites
- Make recommendations on how these constraints could be overcome and when.

The Swale Methodology

15. The Government's Practice Guidance sets out eight stages for the preparation of an SHLAA, with two further stages that may be undertaken if it is not possible to

identify an adequate supply of housing sites. This document follows the framework provided by each of those stages. The stages are shown in Figure 1 below.

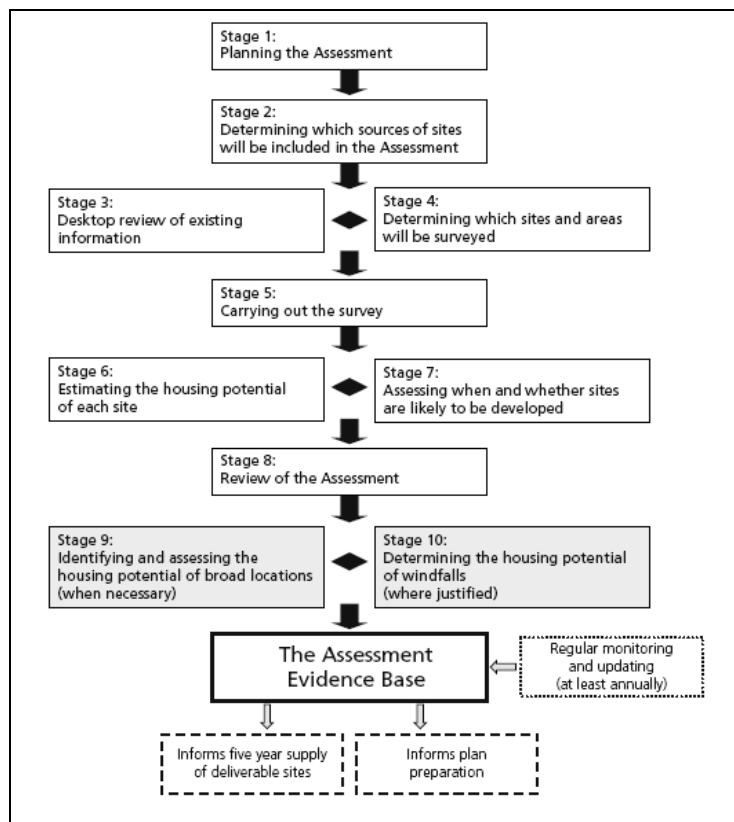


Figure 1 Stages in the Swale Strategic Housing Land Availability Assessment

16. The above stages are explained further below. However, it is necessary, given the resources available to the Council that the Council minimise the potential extent of unnecessary work on sites unlikely to be required to meet RSS housing provisions. These further steps are explained under Stage 4 below.

Stage 1: Planning the Assessment.

17. The Council has previously participated in housing work with the East Kent Housing Partnership¹. However, the stage at which each local authority has reached in its LDF preparation has meant that a joint assessment on this basis has not been possible. However, at this stage the Council has not ruled out the possibility of working with other authorities on the later stages of this assessment should timings be right for those concerned. Otherwise it is to be assumed that the assessment will be done on a Borough-wide basis.

18. A Partnership has been established representing the relevant public bodies and private stakeholders. Following wider consultation on this methodology, the Partnership will be responsible for the methodology adopted in Swale. It is proposed that local authority planning officers will undertake the identification of sites and their initial assessment, whilst the primary role of the Partnership will be to provide advice on their availability and achievability (Stage 7). The Swale Partnership comprises:

- The Home Builders Federation – the voice of the industry

¹ The Partnership comprises, the Council's of Swale, Canterbury, Thanet, Dover and Shepway.

- Hillreed Homes – developer
- Barratt Strategic - developer
- Bovis Homes (TBC) – developer
- Paul Sharpe Associates – agent
- Hyde Housing Association – RSL
- English Rural Housing Association – RSL
- CPRE Kent – lobby group
- Homes and Communities Agency – Regeneration Agency
- Environment Agency – Government body
- Kent Highways
- Private Sector Liaison Group
- Brownfield Land Assembly

19. Members of the Partnership will be provided with a short protocol to guide their work which shall include such matters as this methodology, the form of meetings and the process for dealing with potential conflicts of interest.

Stage 2: Determining which sources of sites will be included in the Assessment.

20. In accordance with the Practice Guidance and the Protocol, the Swale SHLAA will seek out prospective sites for inclusion under the following categories:

(1) Sites in the Planning Process

- Land allocated or with planning permission for employment or other land uses which are no longer required for those uses
- Existing housing allocations and site development briefs
- Unimplemented/outstanding planning permissions for housing
- Planning permissions for housing that are under construction

(2) Sites not currently in the planning process

- Vacant and derelict land and buildings
- Surplus public sector land
- Land in non-residential use which may be suitable for re-development for housing, such as commercial buildings or car parks, including as part of a mixed-use development
- Additional housing opportunities in established residential areas, such as under-used garage blocks
- Large-scale redevelopment and re-design of existing residential areas (residential intensification)
- Sites in rural settlements and rural exception sites

- Urban extensions² (normally identified in Regional Spatial Strategy, but not yet with an allocation or planning permission)
- New free standing settlements (normally identified in Regional Spatial Strategy , but not yet with an allocation or planning permission)

21. The PAS Guidance explains that there is no expectation that every possible greenfield site should be assessed within the SHLAA. Indeed, it states that *“in many rural areas there will be large numbers of theoretically possible sites, many of which are patently unsuitable for housing because of their isolation from settlements or for other reasons. Rather, the assessment should concentrate on those sites with the best potential as possible housing sites.”*

22. The CLG guidance states that particular types of land or areas may be excluded from the Assessment. The use of environmental designations is highlighted where these may present ‘clear cut’ reasons for exclusion. Methodologies elsewhere in the country examined for the Protocol demonstrated that a wide range of areas have been excluded, both of national and local importance. However, exclusion of sites within all the designations from the Swale Borough Local Plan would amount to over 50% of the Borough being pre-excluded from the SHLAA. Whilst local environmental conditions, including designations, may ultimately be a factor in discounting the contribution of a given site to the SHLAA, the Council considers that only ‘clear cut’ designations should be applied from the outset. In coming to this view, the Council has taken into account the national importance of the area, the protection afforded to areas by policies in an adopted development plan, the role played by an area in the overall planning strategy, the overall housing requirement and the availability of land unconstrained by policies to meet that requirement.

23. Secondly, the Council considers that it should not include sites where the current use is clearly intended to remain (i.e. is not available), especially where this may be supported by the findings of an Employment Land Review or Open Space Assessment.

24. Finally, and in accordance with The Protocol, a site threshold of 0.15 hectares or 5 dwellings will be applied due to the large number of potential sites. This threshold would accord with that in the Kent Annual Housing Land Supply Studies. If the desk top exercise (Stage 3) shows that sites above 0.15 ha are clearly too small to accommodate five dwellings by their virtue of their shape or width, or other physical constraint, then these sites too will be excluded. However, where small sites have been excluded that have the benefit of a current planning permission, the Council will produce a second housing trajectory as part of the SHLAA where the expected delivery of these sites have been included. However, they will not be subject to the same degree of assessment for their ‘availability’. Instead an overall judgement as to the contribution of all small sites in terms of their ‘achievability’ will be applied, based on the information provided to the Council as part of its interim 2008 SHLAA.

25. Taking into account both this and the importance of certain environmental assets, for the purposes of this stage, the Council will be excluding the following locations when undertaking its desk top review in stage 3:

² As defined by adjoining an existing settlement boundary as defined by an adopted Local Plan.

- Special Protection Areas
- Special Areas of Conservation
- Sites of Special Scientific Interest
- Sites with an existing use, such as for employment purposes or open space, unless there is a specific intention/aspiration to develop the site for housing requiring further assessment.
- Sites of less than 0.15 ha or 5 dwellings.

Stage 3: Desktop Review of Existing Information.

26. A desktop review will be undertaken in order to identify sites with potential for housing. The Practice Guidance sets out some of the data sources that can be used to identify such sites. These are listed below:

Sites in the planning process

- Site allocations not yet the subject of planning permission.
- Planning permissions/sites under construction.
- Site -specific development briefs, which identify constraints.
- Planning application refusals where the principle of housing development is otherwise acceptable.
- Dwelling starts and completion records.

Other sources of information to be used by the Council

- The Swale Borough Urban Capacity Study 2003
- Empty Property Registers.
- English House Condition Survey.
- National Land Use Data Base.
- Register of Surplus Public Sector Land.
- Employment Land Reviews.
- Open Space Assessments
- Valuation Office database.
- LPA vacant commercial property registers.
- Commercial property data from estate agents and property agents.
- O.S. maps.
- Aerial photography.
- Discussions with planning officers about potential sites in the 'pipeline'

27. In addition to these sources, lapsed planning permissions may be included and further information will be obtained from the Kent annual housing land supply studies, discussions with other council departments and pre-application discussions.

28. In addition, the Council will consider use of further and targeted street surveys to identify further sites. In doing so, as part of the desk-top review, the Council will

identify likely development hot-spots in which to concentrate surveys and consider the use of area assessments by which a locality with a larger number of opportunities is assessed for its overall potential, rather than on a site by site basis.

29. As part of this stage, the Council has already invited stakeholders to submit proposals for the inclusion of their sites.

30. The owners or agents of sites, which already have the benefit of an outstanding planning permission or allocation, were contacted as part of the interim SHLAA undertaken in 2008. They were asked to give a view as to when or whether their site was likely to come forward for development, having regard to deliverability issues as set out by PPS3. Those wishing to submit sites for consideration (both in and outside the planning process) as part of the full 2009 SHLAA were required to complete a questionnaire (see Appendix 1).

Stage 4: Determining which sites and areas will be surveyed.

31. The practice guidance does not require the Council to be comprehensive as to which sites it surveys (para 25 of the Practice Guidance), but that this should involve a site visit. The guidance effectively allows Council's to discount certain sites having regard to the criteria provided by the practice guidance. In order that this initial discounting is transparent in its logic, the following represents the Council's 'paragraph 25 statement using the criteria provided by the guidance:

The nature of the housing challenge: Housing targets for the Borough reflect its location within the Thames Gateway growth area. Existing commitments account for an approximate 12 year supply of land against current housing targets set out in the emerging Regional Spatial Strategy (RSS). This excludes likely increases in yield from regeneration projects already in the pipeline. The merits of these sites are further underscored by their conformity with the RSS. Many also have merits due to their centrally located previously developed character or as urban extensions; both locations likely to feature high on any search for sites.

The Guidance and Protocol suggests free standing settlements may be considered if proposed by the RSS, but there are none proposed in Swale. However, in terms of potential areas of growth, the RSS refers to new development to revitalise Sittingbourne/Sheppey, where some greenfield land has also been released, reflecting the extent of current commitments where the overwhelming focus on implementation needs to be made. For Faversham, with an annual requirement of 35 dwellings per annum, RSS housing targets are likely to have already been met, even before commencement of this SHLAA. Notwithstanding this, the RSS does state that the town should develop stronger local service functions and mixed employment uses of a scale and character suitable to their size.

Whilst housing provision proposed for the Borough reflects the policy stance take via the RSS, this does not necessarily equate to actual housing need. For example, the emerging East Kent Strategic Housing Market Assessment. Provisional recommendations to Districts include a target to meet 50% of the unmet need per annum for the next 5 years. This requires a considerable level of affordable housing provision needing to be made.

The nature of the area: Swale is a combination of three urban concentrations, but with a large number of small to intermediate sized

settlements. Some 25% of the Borough lives in the rural area, suggesting that the contribution to housing need in the rural area should not be ignored. However, notwithstanding sustainability/accessibility considerations (see below), this needs to be balanced with the practical and logistical efforts needed to include sites across all the rural settlements. GOSE has confirmed that the number of settlements, whether urban or rural, within which sites may be identified, can be limited in accordance with the criteria set out in paragraph 25 of the Guidance.

Swale contains a wide range of environmental designations, ranging from those of European or National importance, to those locally defined, usually endorsed by their inclusion with the adopted Local Plan. Land at risk from flooding is a particular matter for consideration, given the extent of the Borough affected, including many of its main urban areas.

The nature of the land supply: An average taken of housing completion since 2001 shows that 69% of total completions in the Borough were from sites of over 50 dwellings, whilst 12.3% comprised sites of 4 or less.

The resources available to the partnership: This will have a bearing, given that the initial desk-top work has produced in the order of 2,000 sites.

Settlement Sustainability: GOSE has confirmed that selected settlements can be limited to those which meet sustainability criteria adopted by a partnership. Sites in such settlements would still need to meet deliverability/developability tests.

The Practice Guidance has also identified five geographical areas which could be covered by the survey:

- Development hotspots
- Town and district centres
- Principal public transport corridors
- Specific locations within settlements
- Specific locations outside settlements

Whilst having regard to the sustainability criteria listed above, the scope of the SHLAA would need to ensure that the above locations were also considered.

Conclusions in respect of Paragraph 25 of the Good Practice

32. The nature of the housing challenge, including the future policies of the emerging RSS and the Council's current land supply (and its characteristics) suggest strong grounds to provide limits to the scope of the SHLAA as existing commitments will dominate the likely supply. This is further underpinned by the characteristics of the area, and the nature of the supply which is dominated by larger site provision, and, finally, the resources available to the Partnership. However, this view needs to be balanced by a number of factors:

- I. Not assuming that all existing commitments will be deliverable in terms of the definition provided by PPS3;
- II. The need to improve the supply of affordable housing;
- III. That local authorities may wish to test housing provision at higher levels than set by the RSS; and

IV. The need to ensure that localised environmental conditions remain important considerations as to the appropriateness of a sites deliverability, but that do not pre-determine a sites exclusion from the study from the outset, especially when it may be possible to avoid or mitigate adverse impacts.

33. Even taking into account these factors, it is considered that it is justified to apply limits to the sites that would be surveyed in stage 5. In other words, the following exclusions will be made:

Settlement Scope: Taking into account the need to encourage the sustainable location, sites which are not located within or immediately adjacent the built up areas in the adopted Local Plan of the following settlements will be excluded³:

Sittingbourne, Sheerness, Faversham (inc. Ospringe), Queenborough, Minster, Eastchurch, Leysdown, Iwade, Newington, Teynham, Boughton, Upchurch and Bapchild.

These settlements were chosen because they provide the most likely potential to meet the scale and nature of the housing challenge. They encompass all the likely locations identified by the Good Practice, such as development hotspots and transport corridors. The included settlements also match with those that can be found in the upper parts of the settlement hierarchy provided by Policy SH1 of the Swale Borough Local Plan 2008, whilst their ability to meet the sustainability accessibility criteria from the Protocol (see appendix 3 to this methodology) has also been a factor. Settlements were included on the basis that they possessed (or had a realistic potential to possess) these sustainable attributes.

The contribution from the rural areas will be considered by way of the policy framework for development to be provided in the Council's Core Strategy and via formal initiatives that it is to undertake in respect of 'rural exception sites'⁴.

Should however in sufficient sites be identified, stage 8 of the process would allow a review of this aspect of the scoping and other locations potentially added in accordance with criteria to be agreed by the Partnership.

Stage 5: Carrying out the survey

34. Having undertaken the 'paragraph 25 assessment' referred to in Stage 4, to make the best use of available resources, it is proposed that surveys and consideration of the sites by the Partnership should proceed in two phases as follows:

1. Sites with an allocation or a planning permission, or within the built up area boundaries of agreed settlements.
2. Other sites adjacent the built up area boundaries of agreed settlements.

At the end of each phase, the Partnership will assess the totality of the available supply against the 5, 10 and 15 year targets. The reason for this is the need for the partnership to understand the nature of any under or oversupply of land, and

³ The one exception to this will be where there is already a current planning permission for a large site (i.e. . 5 dwellings). In the few circumstances where this is likely to apply, the site will be made subject to the full SHLAA process.

⁴ This enables small sites to be used, specifically for affordable housing in small rural communities that would not normally be used for housing because, for example, they are subject to policies of restraint.

taking into account the time and resources available, whether work should commence to the next phase.

35. Council officers will visit all sites that are to be considered by the SHLAA, unless the site has been excluded from the start for the reasons described above.

36. Currently known sites are likely to be considerable in number. The question of whether further efforts should be made, i.e. street by street walking surveys of selected settlements, will need to be considered to add to those sites already identified by the desk-top study. The merits of such surveys are that they would potentially identify sites not formally put forward as part of the SHLAA process, although unimplemented and unallocated sites from the Council's 2003 Urban Capacity Study, which involved an extensive street by street survey, will be included. If required, street by street surveys will be undertaken during phase 1. However, given the likely resources required, street surveys for new sites will be limited to the central areas of Sheerness, Faversham and Sittingbourne town centres, together with other development 'hot spots' identified by the desk top survey. Here site capacity and deliverability will be assessed on an area wide basis rather than on an individual site basis. Sites will only be included from street surveys where there is a clear development potential and the site is unused or showing other signs of its possible availability.

37. Appendix 2 contains a site survey form, which sets out the characteristics to be recorded while on site.

38. All sites will be mapped using a GIS system with a linking data base that will enable analysis and reporting to be undertaken.

Stage 6: Estimating the housing potential of each site.

39. The Practice Guidance advises that capacities may be established by the application of local site density policies. Where these are not available, it states that an Authority may wish to apply the densities in the Kent and Medway Urban Capacity Protocol, namely 50 units per hectare within principal urban areas and 30 units per hectare elsewhere, if these standards have proved to be reliable.

40. Research undertaken for this methodology examined completions from 2003-2008, using an amalgamation of wards in the following general areas: Faversham Urban, West Sheppey Urban, Sittingbourne Urban, and Swale Rural. Brownfield sites achieved the higher densities in both urban and rural areas, but overall, urban areas achieved the highest densities, with overall Sittingbourne Urban achieving the highest number of completions above 50 dwellings per hectare. Given this, the Council considers that a density multiplier of 60 units per hectare in central areas should be used, with 50 units per hectare in the remaining urban areas, and 40 units per hectare on greenfield sites. Site densities may be varied on a case by case basis in discussion with the Partnership. The use of average densities would need to be modified on a site-by-site basis to take into account individual site characteristics and availability of local services/facilities. To assist the Council may consider producing a series of sketch layout templates for typical types of site.

Gross to net developable area

41. Housing capacity estimates, as per paragraph 40, will be based on the net developable area of identified sites. Smaller sites typically make use of existing infrastructure, thus, it is anticipated that 100% of the site can be developed for

housing. For larger sites identified in the SHLAA the total area of land available for housing will be reduced by the requirement for a proportion of the site area to be given over to accommodate essential infrastructure, such as internal road networks, open space and landscaping. The following ratios are proposed to determine the net developable area.

<u>Site Size</u>	<u>Net Developable Area</u>
0.15ha to 0.4ha	100%
0.4ha to 2.0ha	80%
2.0ha and above	70%

Approach to mixed-use sites submitted through the 'Request for Sites'

42. Where site owners have indicated an option for mixed-use development, the Council will need to make certain assumptions as to how the site should be treated. If the site in question has been identified as suitable for employment within the Nathaniel and Lichfield Swale Employment Land Review (ELR) 2008, it will be considered within the SHLAA for mixed-use development, unless there are other considerations that make it inappropriate for mixed use. The potential housing capacity of these sites will be determined through scrutiny by planning officers and the Partnership. However, if the site has not been identified in the ELR 2008 as suitable for employment purposes, the Council is likely to assess the site purely for residential use.

Stage 7(a-d): Assessing when and whether sites are likely to be developed.

43. This stage represents the main task for the Partnership where members will form an assessment panel serviced by the Council.

44. At this stage, a judgement will be made on whether sites are i) **deliverable**, i.e. available now, in a suitable location with a reasonable prospect of delivery within 5 years, and ii) **developable**, i.e. in a suitable location with a reasonable prospect of development at a specific point in time, namely within 6 to 10 years, 11 to 15 years or after 15 years. Where it is unknown when a site could be developed, the Council will regard it as not currently developable.

45. The Council is aware that with a wide variety of parties comprising the Partnership, it may not be possible to secure consensus about every site. In such a simple majority vote will be used and in the case of a tied vote, the Council will be the final arbiter – it being the body that will ultimately need to take responsibility for the work. A record of such eventualities will be kept.

46. An assessment of suitability, availability and achievability will provide the information required to determine whether a site is deliverable and developable. The Practice Guidance sets out the factors to be considered under each of these categories, explaining each one in more detail:

7a) Suitability:

- **Sustainability:** Access to public transport local services and district wide facilities will be taken into account. The Council agrees with the conclusions of the Protocol that 800 m should be regarded as a maximum walking distance.

- *Policy restrictions:* These will primarily include local designations and protected areas and existing planning policies, however the Council will be mindful of the need to avoid making policy judgements that may be based on outdated or assessments that are most appropriately taken as part of the Local Development Framework. The Council will also consider corporate or community strategy policy where they will be material to the Local Development Framework.

In the case of local policy designations, sites falling within those areas listed in Appendix 3 will be discounted where adverse environmental impacts cannot be mitigated satisfactorily, however, if at the end of the consideration of each phase of surveys, these decisions may be reviewed if sufficient land has not been identified.

In some cases, land may be put forward in locations accepted by the scope of the SHLAA that would not enjoy the explicit support of the emerging RSS, perhaps due to their scale and/or type of development. Such sites would be discounted at this stage. However, they may need to be re-considered if needed as part of Stages 8/9.

- *Physical problems or limitations:* These will include access, infrastructure, ground conditions, flood risk, hazardous risk, pollution or contamination.
- *Potential impact on the environment:* These will include the effects upon landscape and conservation, including those areas outside local designations.
- *Environmental conditions for prospective residents.*

7b) Availability:

- *Legal or ownership constraints:* Using the best information available, factors such as multiple ownerships, ransom strips and operational requirements of landowners, will be taken into account. Generally speaking if the land is controlled by a developer willing to develop or a landowner who has expressed an intention to sell, then the site will be judged as available. Where problems are identified, the assessment panel will need to judge as to how and when the might be overcome.

7c) Achievability:

47. This is essentially a judgement amount the economic viability of a site and whether it can be developed at a particular point in time. It will be affected by:

- *Marketability:* Adjacent uses, viability of existing, proposed and alternative land uses in terms of land values, attractiveness of the locality, market demand and likely rates of sale.
- *Development costs:* The likely costs relating to any physical constraints, exceptional works necessary or relevant planning standards or obligations. The likely prospect of funding or investment to address identified constraints or assist development will be taken into account.
- *Delivery rates:* including the developer's own phasing, the realistic build-out rates on larger sites (including likely earliest and latest start and completion dates), whether there is a single developer or several developers offering different housing products, and the size and capacity of the developer.

48. In relation to achievability, it is hoped that the skills available to assess this issue should be available from within the Partnership. However, if this were not the case, an external 'expert' would need to be appointed.

7d) Overcoming constraints

49. Where constraints have been identified, the assessment will consider what action would be needed to remove them.

50. Appendix 3 collates the information which has been gathered at each stage of the assessment process to enable a judgement to be made on each site. The SHLAA will not determine which of the potentially suitable sites are taken through into the LDF.

Stage 8: Review of the assessment.

51. Based on the assessment of sites by the Panel at stage 7, an indicative housing trajectory will be produced. This will show how much housing can be provided for each five-year period. If insufficient sites are identified to meet housing requirements for any of the periods up to the 15 year period, other sites may need to be found or capacity assumptions on specific sites reassessed. A windfall allowance would only be used for the post year 10 period.

52. Should such a reassessment be required, the Council will examine previously excluded sites. This may involve the reconsideration of the policy constraints applying to site selection and/or the inclusion of settlements excluded from stage 4.

53. This will be undertaken for each phase of site survey, as described in stage 5 until there are sufficient sites. If both phases fail to deliver sufficient sites, stages 9 and 10 will be considered in turn.

Stage 9: Identifying and assessing the housing potential of broad locations.

54. Normally, potential locations would have already been identified earlier in the process, however, if other broad locations need to be considered, consideration will be given to sites in the following order of priority:

- a) unidentified locations within urban areas;
- b) small unidentified extensions to settlements not submitted by developers as part of the SHLAA process at settlements identified by the SHLAA;
- c) Outside settlements – for example, major urban extensions, growth points, growth areas, new free-standing settlements and eco-towns. The need to explore these will usually be signalled by the Regional Spatial Strategy.
- d) Identified sites judged likely to be contrary to the RSS discounted at an earlier stage in the assessment process.

55. In accordance with the PAS advice, the criteria to be applied to broad locations adjoining settlements will be the same as for specific sites, which is set out in Appendix 3, under "Suitability". Likewise, deliverability and developability will also be assessed in the same way. In the case of b) sites, as already explained, unlike the other non-identified sites, these will be recorded separately where they are otherwise developable and deliverable.

Stage 10: Determining the housing potential of windfalls.

56. This will only be considered should insufficient sites be found in stage 9. However, PPS3 makes it clear that the supply of land for housing should be based upon specific sites and broad locations and a windfall allowance should only be used for the first 5 year period where there is robust evidence that it is genuinely not possible to identify specific sites. The PAS advice acknowledges that neither PPS3 nor the Practice Guidance give advice on what constitutes a special local circumstance and this is left up to the local authority to decide. However, if this stage is reached, the Council will provide evidence as to why sufficient sites could not be identified and demonstrate that its site search has been comprehensive.

57. Whatever the likelihood of the Council requiring use of a windfall, it will take into account whether it might be appropriate to apply a windfall allowance to all or part of the Borough. If a windfall allowance is used, care will be taken to avoid double counting of any capacity assessment of broad locations. Consideration will also need to be given to whether the annual rate of windfalls is likely to increase or decrease, whether the pattern of redevelopment is likely to change and whether current market conditions are likely to change.

Reporting

58. At the end of the detailed assessment, a report will be prepared and published, which will include an explanation of the methodology used, and will summarise the output information required by PPS3. The Council will determine in due course how the report is to be presented; however, as a minimum it will include two tables, a set of site plans and a housing trajectory.

59. The first table will include all the sites/broad areas, which are deliverable and developable. It will consist of the site reference number and name, any constraints to delivery, how those constraints will be overcome, its capacity, and the time period when it can be delivered.

60. The second table will include all the sites which have been considered but then excluded from the assessment and the reasons for exclusion.

61. The housing trajectory will add together the total number of dwellings which will be developed in each time period and compare these with the housing requirement for each period.

62. As the SHLAA is intended to be produced in partnership, the report will be considered and agreed by the partnership before it is finalised and published.

Annual Monitoring.

63. The final report will be updated annually as part of the Annual Monitoring Report. The review will record the following information:

- sites under construction which have now been completed
- sites with planning permission that are now under construction, and the stage reached
- planning applications that have been submitted or approved
- progress made in removing constraints and whether a site is now deliverable or developable and if so, when

- unforeseen events which now mean a site is no longer deliverable or developable and how these could be addressed
- where relevant, where a windfall allowance is included, whether it is coming forward as expected or whether it needs adjustment.

64. This information will be used to update the 5 year housing land supply and housing trajectory and inform policy development and development control decision making in terms of managing housing land supply.

Appendix 1: Questionnaire for site promoter.

For official use: Reference: Received:	
Swale Borough Council Land Availability Assessment Potential Sites pro forma	
<ul style="list-style-type: none">• Please complete the form• You must give your name and address for your comments to be considered• You must attached a map showing the precise boundaries of the site• Complete one form for each site that you wish us to consider• Please return the completed form by 1 October 2008.	
YOUR DETAILS	
Name	
Company/Agent	
Representing	
Your Address	
Telephone Number	
E-mail	
SITE DETAILS	
Site Address	
Site Postcode	
OS Grid Reference (centre of site)	
Current Use	
Site Area (in hectares)	Gross site area: Net site area:
<i>Single use only:</i> Your estimate of site capacity (number of dwellings or commercial floorspace in sq. metres)	

Is the site suitable for a mix of housing and another use(s) e.g. housing and commercial? Please specify the likely dwelling/floorspace mix and uses.	
<i>Optional:</i> - What type of housing do you think could be provided on the site?	Number of flats Number of terraced houses Number of semi/detached houses Number of detached houses Number of dwellings in total
Does the site have planning permission for housing or mixed use? If so, please state application reference.	
<i>Please attach a scale map showing the boundary of the area to be developed. Without this map the site will not be included in the assessment</i>	
OWNERSHIP	
Are you the owner?	
Are you part owner?	
If you are not the owner, or are part owner, please provide list of owner(s) with contact details if available.	
Is there developer interest in this land? If so, please indicate what e.g. that developer has option to develop the site.	
INFORMATION AFFECTING POSSIBLE DEVELOPMENT OF THE SITE	
To the best of your knowledge are there any constraints which may affect the development of the site? Please briefly explain.	
Access	
Infrastructure	
Topography	
Ground Conditions	
Historic features (buildings, archaeology)	
Contamination/pollution	

Hazardous Risks	
Flood Risk	
Biodiversity	
Legal Issues	
Other	
Do you think constraints on the site can be overcome? If so please explain how and when this might be achieved.	

AVAILABILITY

Over what broad timeframe would you anticipate that the site could be developed? If this extends over more than one period please provide an estimate of the number of dwellings and/or floorspace which would be completed in each period.

Within the next 5 years	
Within the proceeding 6 to 10 years	
Within the proceeding 11 to 15 years	
After 15 years.	
Total no. of years from commencement to completion	

SITE SURVEY

It will be necessary for an officer of the Council to visit and carry out a site survey unaccompanied. If there are access difficulties, please provide contact details to enable a visit to be arranged.

OTHER ISSUES THAT WE SHOULD BE AWARE OF

RESPONSE

Please return this form and map before **1 October 2008 to:**

Planning Policy Manager, Swale Borough Council, Swale House, East Street, Sittingbourne, Kent. ME10 3HT

ldf@swale.gov.uk

Appendix 2: Site Survey Form.

Swale Borough Strategic Housing Land Availability Assessment Site Survey Form		
Date:	Surveyors:	Site Ref:
Address:		
Boundary Check: Y/N	GF/BF/Mixed: Y/N	Site Category
Description of existing use(s):		
In existing use? (i.e. not available)	Y/N (if yes then exclude as part of stage 2 and do not proceed to site assessment)	
Can the site accommodate 5 or more dwellings regardless of size?	Y/N (if no then exclude as part of stage 2 and do not proceed to site assessment)	
General description of site (inc. general condition of buildings/ground etc.		
Physical and/or natural constraints (e.g. trees, ecology, possible adverse demolition, decontamination costs, flooding):		
Adjoining Uses:		
Character of Surrounding Area		
Construction Activity		
Relevant planning history (inc. Local Plan history)		
Initial Assessment of Suitability.		

Appendix 3: Site Assessment Process – Form/Report for Partnership Use.

SITE DETAILS (from survey sheet)	
Site Reference Number	
Site Name	
Location/Address	
Site Plan	INSERT HERE
Planning Status: Housing Allocation or Planning Permission?	
Relevant planning history (inc. Local Plan history)	
Landowner/Owners and Contact Details	
Agent Details	
Description of Site	
Site Area Indicative Capacity (using density multiplier) or site based figure if required (explain reasons)	
Current Use	
Surrounding Uses	
Character of Surrounding Area	
Greenfield/PDL/Mixed	
Step 1: POLICY CONSTRAINTS	
<u>a) Is the location explicitly supported by provisions in the RSS (South East Plan) or other development plan document?</u>	YES/NO
	Give reasons
<u>b) Is the site within either of the following?:</u> <ul style="list-style-type: none"> • Ancient Woodland 	YES YES BUT ACCEPTABLE NO

<ul style="list-style-type: none"> • Areas of Outstanding Natural Beauty 	Give reasons
<p><u>IF YES, THE SITE SHOULD BE DISCOUNTED FROM THE ASSESSMENT AT THIS STAGE, UNLESS, IN THE CASE OF B) IT IS SHOWN THAT DEVELOPMENT IS CONSISTENT WITH THE STATUS TO THE AREA GIVEN IN GOVERNMENT PLANNING POLICY AND/OR HARM CAN BE AVOIDED AND/OR MITIGATED.</u></p> <p><u>FOR BOTH QUESTIONS, CONCLUSIONS MAY NEED TO BE EXAMINED AT A LATER STAGE IF REQUIRED.</u></p> <p>Go to recommendation if not to proceed</p>	
<p><u>c) Is the site within any of the following Areas?</u></p> <ul style="list-style-type: none"> • Local designated wildlife site. 	<p>YES YES BUT ACCEPTABLE NO</p> <p>Give reasons</p>
<p><u>IF YES, THE SITE SHOULD BE DISCOUNTED FROM THE ASSESSMENT AT THIS STAGE, UNLESS, IT IS SHOWN THAT HARM CAN BE AVOIDED AND/OR MITIGATED. HOWEVER, THE SITE MAY NEED TO BE EXAMINED AT A LATER STAGE IF REQUIRED.</u></p> <p>Go to recommendation if not to proceed</p>	
<p><u>d) Should the site be retained in its current use as confirmed by an Employment Land Review or Open Space Assessment?</u></p>	<p>YES YES BUT ACCEPTABLE NO</p> <p>Give reasons</p>
<p><u>IF YES, THE SITE SHOULD BE DISCOUNTED FROM THE ASSESSMENT AT THIS STAGE. HOWEVER, THE SITE MAY NEED TO BE EXAMINED AT A LATER STAGE IF REQUIRED.</u></p>	
<p>Proceed to Step 2? (if no then go to recommendation)</p>	<p>YES/NO</p>
<p>Step 2: SUITABILITY</p>	
<p><u>Is the site allocated for housing in an existing development plan or does it have planning permission for housing?</u></p> <p><u>If yes, the site will be suitable unless circumstances have changed to render it unsuitable. If no, the site should be assessed against the questions set out below.</u></p>	<p>YES YES BUT ACCEPTABLE NO</p> <p>Give reasons</p>
<p><u>Is the site in a suitable location when measured against the</u></p>	<p>YES</p>

<u>following criteria?</u> <ul style="list-style-type: none"> • Within 800m. walking distance of a bus stop or railway station providing two or more services per hour. • Within 800 m. walking distance of a convenience store, a primary school and a GP surgery. • Within 30 minutes public transport time of a hospital/health centre, secondary school, employment area, town or district centre. 	YES BUT ACCEPTABLE NO
	Give reasons

IF A SITE FAILS TO MEET ANY OF THESE CRITERIA IT SHOULD BE DISCOUNTED FROM THE ASSESSMENT AT THIS STAGE UNLESS CONSTRAINTS COULD BE OVERCOME AS A RESULT OF ITS DEVELOPMENT.

Go to recommendation if not to proceed

<u>Does the site have any of the following physical or infrastructure constraints?</u>	YES YES BUT ACCEPTABLE NO	If yes, how and when can the constraint be overcome?
• Access		
• Transport capacity		
• Water Supply		
• Sewerage/Drainage		
• Electricity supply		
• Gas Supply		
• Electricity Pylons		
• Contamination/Pollution ⁵		
• Adverse Ground Conditions		
• Hazardous Risk		
• Topography		
• Flood Risk		

⁵ Include also reference to possible contamination from adjacent site(s) or whether, in the case of a contaminated site, whether it is linked via a pathway to any sensitive receptors.

IF THE NATURE AND SCALE OF THE CONSTRAINT IS SUCH THAT IT CANNOT BE REMOVED DUE TO COST OR TIMESCALE OR BOTH, IT SHOULD BE DISCOUNTED FROM THE ASSESSMENT AT THIS STAGE.

Go to recommendation if not to proceed

<u>Would development have a detrimental impact on the following, either within or adjacent to the site or in its vicinity?</u>	YES YES BUT ACCEPTABLE NO	If yes, give reasons and how and when can the constraint be overcome? E.g. could the impact be mitigated through the design process, the imposition of a condition or a legally binding agreement? If no, consider also how development might enhance these features e.g. access to greenspace, green/blue grid corridors.
• Townscape		
• Landscape ⁶		
• Settlement separation		
• Trees		
• Open space		
• Conservation Areas ⁷		
• Historic Parks and Gardens		
• Listed Buildings		
• Scheduled Ancient Monuments		
• Non-statutory nature reserve		
• Protected Species		
• UK or Kent Biodiversity Action Plan habitat		

IF THE NATURE AND SCALE OF THE IMPACT IS SUCH THAT IT CANNOT BE MITIGATED, THE SITE SHOULD BE EXCLUDED FROM THE ASSESSMENT AT THIS STAGE.

Go to recommendation if not to proceed

<u>Would the amenity of residents be adversely affected by any external, environmental factors?</u>	YES YES BUT ACCEPTABLE NO

⁶ Having regard to scale, setting, together with guidelines contained within the Swale Landscape Character Assessment and Guidelines 2005.

⁷ Having regard to any conservation area appraisal adopted by the Council.

	If yes, give reasons and whether the impact be mitigated to such an extent that the residents' living conditions would be acceptable?	
IF THE NATURE AND SCALE OF THE IMPACT ON AMENITY IS SUCH THAT IT CANNOT BE SATISFACTORILY MITIGATED, THE SITE SHOULD BE EXCLUDED FROM THE ASSESSMENT AT THIS STAGE.		
Proceed to Step 3 (if no then go to recommendation)	YES/NO	
Step 3: AVAILABILITY.		
Do any of the following legal or ownership factors apply to the site?	YES/NO	Details, including how and when the constraint can be overcome
<ul style="list-style-type: none"> Multiple ownership likely to result in protracted site assembly, part of the site being unavailable for development or a ransom strip situation. 		
<ul style="list-style-type: none"> Existing tenancy or lease agreement, which could affect the timing of the release of the site for development. 		
<ul style="list-style-type: none"> The willingness of an owner of owners to sell. 		
<ul style="list-style-type: none"> The willingness of a developer with control of the site to develop. 		
IF THERE ARE ANY CONSTRAINTS TO THE DEVELOPMENT OF THE SITE WITHIN THE RELEVANT TIMESCALE WHICH CANNOT BE OVERCOME, (i.e. IT IS NOT AVAILABLE), THE SITE WILL NOT SUBSEQUENTLY BE ASSESSED FOR ITS ACHIEVABILITY.		
Proceed to Step 4 (if no then go to recommendation)	YES/NO	
Step 4: ACHIEVABILITY.		
Can development of the site be achieved during the plan period having taken into account the following market, cost and delivery factors?	YES YES BUT ACCEPTABLE NO	Details where appropriate
Market		
<ul style="list-style-type: none"> Compatibility of adjacent uses 		

• Land values compared with alternative uses		
• Attractiveness of locality		
• Market demand		
• Projected rate of sales.		
Cost		
• Site preparation to overcome physical constraints		
• On-site and off-site planning and infrastructure requirements		
• Availability of funding		
Delivery		
• Developers' phasing		
• Build-out rates		
• Number of developers		
• Size and capacity of developer.		
Proceed to Step 5 (if no then go to recommendation)	YES/NO	
Step 5: Overall achievability		
If the site is deliverable and developable, in which (inc. yields) of the following periods would development take place?	Information on the timing of overcoming physical, infrastructure, and legal constraints, identified under "Suitability" and "Availability", will be taken into account, together with the "Achievability" criteria when determining the time of development.	
• During the next five years		
• During years six to ten		
• During years eleven to fifteen		
• Beyond year fifteen and a) within the plan period or b) beyond the plan period, if known.		
Recommendation to	Yes/No	

Partnership	Reasons:
Decision of partnership	YES/NO/AMENDED PHASING/YIELD
Partnership phasing	
<ul style="list-style-type: none"> • During the next five years 	
<ul style="list-style-type: none"> • During years six to ten 	
<ul style="list-style-type: none"> • During years eleven to fifteen 	
<ul style="list-style-type: none"> • Beyond year fifteen and a) within the plan period or b) beyond the plan period, if known. 	