

# **Housing and Economic Land Availability Assessment (HELAA) Methodology**

**Statement of Consultation**

**December 2014**

## **Background**

The Housing and Economic Land Availability Assessment (HELAA) formerly known as the Strategic Housing Land Availability Assessment (SHLAA) is a technical study which forms a critical component of the evidence base for the Basildon Borough Local Plan. The assessment of land availability is an important step in the preparation of Local Plans. The National Planning Policy Framework identifies the advantages of carrying land assessments for housing and economic development as part of the same exercise, in order that sites may be allocated for the use which is most appropriate.

This HELAA Methodology replaces the Council's previous SHLAA Methodology, adopted in October 2013. This document has been altered to reflect the Government's introduction of the Planning Practice Guidance.

## **Targeted Consultation**

The HELAA Methodology was subject to a targeted stakeholder consultation between 10<sup>th</sup> November to 1<sup>st</sup> December 2014 to canvass, through the 'partnership approach' advocated by Government, whether it would sufficiently meet the needs of the Development Plan process and comply with Government HELAA requirements.

Due to the technical nature of the HELAA and its Methodology, the 199 invitees were made up of developers, land agents, landscape and environmental specialists, parish councils and adjoining local authorities; as well as specific individuals who had previously expressed an interest in being involved. This approach was the same as that taken during the drafting of the previous methodology adopted by the Council in 2013. The HELAA consultation was also published on the Council's website between the 10<sup>th</sup> November and 1<sup>st</sup> December, enabling those who hadn't been invited to comment.

The consultation draft was placed on the Council's website, together with instructions of how to make comments.

## **Response**

Comments were received from the following nine organisations/interested parties:

- Sport England
- Chelmsford City Council
- Phase 2 Planning & Development
- English Heritage
- Bernard Foster
- Essex County Council
- URS infrastructure and Environment UK Ltd
- Bowers Gifford and North Benfleet Parish Council
- Great Burstead and South Green Village Council

The following headline comments were made (in no particular order), which are set out in more detail in the 'Consultation Response Summary' table later in this report together with the recommended response and actions:

- It is inappropriate to have regard of the Green Belt Assessment methodology for the HELAA site assessment and it would be more appropriate for the HELAA to assess all sites submitted irrespective of whether they are in the Green Belt;
- Sport England should be consulted for advice before decisions are made about the suitability of a site for development allocation on any playing fields or other sports facilities;
- Parts of sites within the setting of schedule monuments may also require exclusion from the HELAA site assessment;
- Non-designated heritage assets should also be referenced as they are in the Council's emerging plan (Core Policy 12);
- The baseline data used needs to be up to date and accurate;
- The Council needs to remain transparent;
- Stakeholder input and engagement is vital;
- Basildon Borough Council needs to be mindful of Essex County Council's Waste and Mineral planning; and
- Suggested wording changes as well as additions to the Glossary.

#### **4. Next Steps**

Comments received and appropriate amendments will be made accordingly as detailed in the 'Consultation Summary' table below. The finalised HELAA Methodology 2014 should be considered by Cabinet approval on 5 March 2015.

### Consultation Responses Summary Table

Respondent	Summary of comment	Officer response	Action to be taken	Amendment to methodology (if applicable)
Chelmsford City Council	The HELAA Methodology is a useful and informative document which sets out clearly how the Council will undertake its land availability assessment and offers information about stakeholder involvement.	Noted.	N/A	N/A
Bowers Gifford and North Benfleet Parish Council & Mr Bernard Foster	<p>The use of in-house experts should be used wherever possible however this still falls short of genuine local knowledge. Those outlined as being vital to the process have vested interests and the quality control will be based on figures produced by these parties. These figures need to be carefully scrutinised.</p> <p>Why do areas stated as having adequate sewage capacity for development, already have properties that get sewage in their garden in heavy rain?</p> <p>Only during a challenge to development did the Council become aware of flooding in some areas. How can highway solutions that are unable to cure existing problems have been allowed to put forward?</p>	<p>The data gathered for the above from interested parties can only be commented on through the Local Plan process and the system therefore lacks transparency.</p> <p>The stakeholders used in the evidence gathering for the purposes of the HELAA include statutory bodies such as:</p> <ul style="list-style-type: none"> <li>• The Environment Agency who identifies the formally designated flood zones as well as informing the Council of areas of surface water flooding;</li> <li>• Anglian Water who advises the Council on cordon sanitaire areas around waste water treatment plants;</li> </ul>	None.	N/A

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		<ul style="list-style-type: none"> <li>• Essex County Council highways authority on the designation of public rights of way;</li> <li>• English Heritage on the designation of listed buildings and conservation areas and;</li> <li>• Natural England for the formally designated wildlife areas whether they are of a national or international nature.</li> </ul> <p>These stakeholders are impartial and have no conflicts of interest with the issues for the purpose of the HELAA. In terms of capacity of the highway networks or the sewage networks, this is not the purpose of the HELAA which only assesses whether a site is suitable, available or developable before any mitigation. The preparation of the Local Plan and the site allocations will identify an area's development needs and then address issues of capacity through liaison with relevant statutory bodies.</p>		
Bowers Gifford and North Benfleet Parish	Determining Sources – “E” Vacant and Derelict Buildings	The National Planning policy Framework (NPPF) encourages Local Planning Authorities to utilise brownfield	None.	N/A

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Council & Mr Bernard Foster	Not a good use of resources to spend time researching vacant plots.	sites before looking to accommodate growth elsewhere, including in the Green Belt. Therefore the Council has an obligation to look at brownfield sites and empty homes. In addition to this, the Council has methods in place to assess the quantum of empty homes in the Borough without being too resource intensive.		
Bowers Gifford and North Benfleet Parish Council & Mr Bernard Foster	<p>"I" Sites already in the SHLAA</p> <p>The data on accepted sites must be kept up to date as other developments near by have a positive or negative impact on their viability.</p> <p>The list of exclusions in para. 2.22 covers the most recognised reasons, however the sites that have been excluded on the grounds of the NPPF's principles such as wildlife, monuments, flooding and rural villages should not be revisited.</p>	<p>The HELAA is updated annually including suitable and available sites being tested for their economic viability.</p> <p>The HELAA looks at physical and environmental constraints before considering policy constraints. However the Council can not refuse to re-assess sites on the basis that they may not conform to national planning policy as these policy constraints could potentially be mitigated against or change entirely.</p>	None.	N/A
Bowers Gifford and North Benfleet Parish	<p><u>Desktop Review</u></p> <p>How are lessons learnt from</p>	The GIS information provided to the Council is supplied by Statutory bodies such as the Environment Agency,	Ensure that the Council continues to have the most up to date information	N/A

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Council & Mr Bernard Foster	applications where data from stakeholders has been proven to be incorrect? Is there any local input on the site visits.	English Heritage, Natural England, National Grid. When these bodies have updates to their data, these updates are passed on to the Local Planning Authority for its use. It is up to the statutory bodies to ensure they have the most reliable information possible.	from relevant bodies.	
Bowers Gifford and North Benfleet Parish Council & Mr Bernard Foster	<u>Assessing Development Potential</u> Where large sites are found unsuitable due to infrastructure a suffix should be added identifying them, raising awareness of the problem moving forward and enabling the development to be proactive in addressing the issues.	Restrictions on infrastructure is not considered in the HELAA but is considered later in the plan making process.	N/A	N/A
Bowers Gifford and North Benfleet Parish Council & Mr Bernard Foster	<u>Market and Cost Factors</u> The dwelling mix covers the full rural to town span and moving forward if the current balance is to be maintained, the infrastructure requirements for the next twenty years needs to be identified now, with developers playing their part.	The requirements of infrastructure and developer contributions is not a consideration of the HELAA but is a matter addressed further in the plan making process.	N/A	N/A

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Bowers Gifford and North Benfleet Parish Council & Mr Bernard Foster	<u>Windfall Sites</u> These development would carry out higher development costs due to not being Green Belt and therefore would not be the most sought after for developers although more beneficial to residents.	Noted.	N/A	N/A
Bowers Gifford and North Benfleet Parish Council & Mr Bernard Foster	<u>Annex 1 – Settlement Hierarchy</u> This part does not give insight in to the Council's future ambitions and goals. Is it intended to maintain the four base levels of hierarchy?	It is not the role of the HELAA to establish the settlement hierarchy.	N/A	N/A
Bowers Gifford and North Benfleet Parish Council & Mr Bernard Foster	<u>Annex 2 – Suitability Assessment</u> The Council has stated that there are no suitable houses for rising entrepreneurs. These high value developments could be fitted into more rural areas where it would have less of an impact on the local community allowing segregation.	Noted.	N/A	N/A
Bowers Gifford and North Benfleet Parish	<u>Open Space and Green Belt</u> Play areas within walking distance of	All open spaces are accounted for in the HELAA and their distances from the sites are measured. Open space	None.	N/A



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Council & Mr Bernard Foster	existing residences should be given consideration as opposed to hi-tech facilities a prohibitive distance away.	includes, play areas, outdoor sports facilities, indoor sports facilities, country parks, allotments as well as natural and semi natural space.		
Bowers Gifford and North Benfleet Parish Council & Mr Bernard Foster	<u>Employment</u> Basildon's economic success is fragile and a large number of people are employed outside of the borough using an overcrowded rail service. The hi-tech industries within the borough attract those from outside of the borough which causes road congestion. The Council need to link employment, education and housing together.	Basildon's economy is the second largest within the Thames Gateway outside of Canary Wharf. The purpose of the Local Plan is to address the social, economic and environmental issues of the borough and it is not the purpose of the HELAA. The HELAA also does not address infrastructure capacity issues.	N/A	N/A
Bowers Gifford and North Benfleet Parish Council & Mr Bernard Foster	<u>Transparency &amp; Public Perception</u> The Council need to engage with local parish councils more and be more transparent.	The Council as part of the plan making process carries out consultations, inviting both parish councils as well as members of the public to have their say. The way in which the Council engages with the public is set out in the formally adopted Statement of Community Involvement (SCI) which is available on the Council's website for the Local Plan	None.	N/A

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		Process, planning application and planning enforcement process. However this is not relevant for the purposes of the HELAA which is solely based on factual information from landowners and the development industry to help inform suitability, availability and developability in conformity with national policy and guidance.		
English Heritage	Welcomes the reference to English Heritage as a stakeholder which may be contacted to provide information within para. 2.8.	Noted	N/A	N/A
English Heritage	There may be issues relating to the setting of the heritage assets such as the scheduled monuments resulting in parts of the sites being excluded from the HELAA process.	It is difficult to determine which part of a site if developed would affect the setting of a heritage asset when assessing a site's suitability as the exact nature of a development or its design is unknown at this stage of the plan making process. The Council will look to include a policy within its Local Plan instead which ensures future development considers the setting of designated and non-designated heritage assets.	None relevant for the HELAA.	N/A
English Heritage	Within para. 2.24 it is noted the list of stakeholders and sources that may be utilised during the desktop assessments of sites and whilst heritage assets are mentioned, English Heritage as the source is not.	Noted.	The Council will include English Heritage on the list of sources.	The list of stakeholders in Para. 2.24 now states: <ul style="list-style-type: none"> <li>Scheduled Monuments (English</li> </ul>

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				Heritage); <ul style="list-style-type: none"> <li>• Conservation Areas and Listed Buildings (English Heritage);</li> </ul>
English Heritage	'Heritage Asset' as well as 'Designated Heritage Asset' should be included in the Glossary.	Noted.	These definitions will be included in the Glossary.	The Glossary includes Designated Heritage Assets and Heritage Assets as defined in the Annex 2: Glossary of the National Planning Policy Framework (NPPF).
Essex County Council	<u>SuDS</u> ii Areas at risk from flooding Para. 2.22 - The following additional wording is required within this section to clarify the position in relation to flood zone 2 or 3 <i>"If development is proposed in flood zone 2 or 3 then the developer should provide evidence that flood risk can be fully mitigated before the site is considered for</i>	In terms of the HELAA Methodology, the HELAA itself is a high level assessment and the mitigation requirements as mentioned by ECC's Sustainable Urban Drainage Team is not a constraint of a site's suitability but is more of a policy consideration in the Plan preparation. Therefore whilst the comments are noted, the suggested amendments will not be included in the HELAA	None.	N/A

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	<i>inclusion"</i>	Methodology but will be considered when the Council formulates policies and allocates sites within the Local Plan.		
Essex County Council	<u>Early Years</u> Stage 1: The Survey Phase Desktop review and carrying out the survey Para. 2.24 - 3 <sup>rd</sup> bullet Please replace the 3 <sup>rd</sup> bullet: <ul style="list-style-type: none"> <li>• <i>'location of educational facilities'</i> with</li> <li>• <i>'location of and available capacity in educational facilities'</i></li> </ul>	The issues of capacity is not a constraint of a site's suitability for the purposes of the HELAA Methodology but is a consideration when formulating planning policy and more detailed site assessments as part of the site allocations for the Local Plan. The Council are in contact with Early Years and Child Care team as well as the Schools and Education Team regarding education capacity and facilities moving forward to inform the Local Plan.	None.	N/A
Essex County Council	<u>Historic Environment</u> Annex 2 – Environmental Constraints Para. 3.10 - Please replace <ul style="list-style-type: none"> <li>• <i>"Archaeological finds areas"</i> with</li> <li>• <i>"Heritage Assets"</i> as this is the term now used in the NPPF.</li> </ul>	Noted.	Basildon Council note the change to 'Heritage Asset' from 'Archaeological find areas' and will alter the HELAA methodology accordingly.	Annex 2 – Environmental Constraints, para 3.10 has now replaced 'Archaeological find areas' with 'Other Heritage Assets'. As Conservation Areas, Scheduled Monuments and

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				Listed Buildings are already listed, this then addresses all other heritage assets.
Essex County Council	<p><u>Waste Management</u></p> <p>Waste is a strategic issue which should be addressed effectively through close cooperation between waste planning authorities and other local planning authorities. In order to achieve this it is necessary to gather, evaluate and ensure consistency of data and information required to prepare Local Plans. By the nature of the activity, waste planning policy requires a strategic, cross-boundary approach to ensure that waste is effectively managed and facilities are properly located.</p> <p>Opportunities for land to be utilised for waste management should be built into the preparatory work for Local Plans, to the level appropriate to the local planning authorities planning responsibilities.</p>	<p>As stated in ECC's comment, the Waste Planning Authority identifies sufficient opportunities to meet the identified needs of an area for the management of waste.</p> <p>Basildon Council has assisted ECC under the Duty to Cooperate in the identification of land by sending a list of sites which had been identified as areas for potential employment in the Council's Employment Land and Premises Review in 2013. Basildon Council is currently at a stage in the Local Plan preparation where it would be key to know which sites ECC wish to identify for the purposes of waste management when moving forward looking at site allocations and land uses. Until that time however, the Council cannot factor in the possibility of waste management facilities. The HELAA methodology states that the Council will assess land for housing and economic uses, which can include waste management, however the Council is unsure whether there will be any type of</p>	Basildon Council will add clarity to the HELAA Methodology and state that it will continue to work with relevant authorities and bodies regarding competing land uses in the future.	<p>Para. 1.11 has been inserted and states:</p> <p>'It is also important for the Council to continue to work with relevant authorities and bodies regarding competing land uses in the future to ensure the best use of a site.'</p>

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		waste management in the Borough. Therefore in the event that this information is unavailable, the Council will assess land for its 'B use-class' capability and if the further information comes forward in the future, the potential of waste management facilities can then be assessed.		
Essex County Council	<u>Minerals</u> The land availability assessment should have regard to the adopted Minerals Local Plan July 2014 and policies S8 & S9 in particular which seek to safeguard mineral resources and mineral infrastructure of strategic importance from other developments. Both policies require the Local Planning Authority to consult and take into account the Minerals Planning Authority's comments before taking a decision on proposed developments within the specified distance of existing / potential sites.	Noted. In ECC's recently adopted Minerals Plan 2014, it is not clear whether the Sand and Gravel Safeguarded areas of the Borough have indeed changed. Again, in the event that a site is within a safeguarded area, this does not necessarily preclude a site's suitability, but could affect a site's developability in terms of time and viability. Therefore those sites within the designated safeguarded areas will be considered as a constraint in the HELAA site assessments and will be a factor when sent for economic viability testing.	Alter the HELAA methodology to assess sites within mineral safeguarding areas.	Stage 1: the Survey Phase, para 2.24 now has 'Mineral Safeguarded Areas' within the list of Stakeholders as well as being inserted in to the list of Environmental constraints within Annex 2, para 3.10.
Great Burstead and South Green Village Council	Overall the methodology is acceptable; however the Village Council wishes to be kept informed regarding matters relating to the Green Belt as mentioned in para. 3.25.	Noted.	N/A	N/A
Phase 2	The Green Belt review should not	Noted. Whilst it is correct that the	None.	N/A

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Planning & Development on behalf of Gleeson homes and Gladedale	determine whether or not sites are included in the HELAA. Given the growth requirement, it would be more appropriate for the HELAA to assess all submitted sites irrespective of whether they are in the Green Belt or not.	HELAA should assess sites based on physical and environmental constraints rather than policy constraints, the Council currently has a large number of sites within the HELAA. Therefore the Green Belt constraint is an additional consideration in terms of a site's suitability and any sites that currently fall within Green Belt which meets the five purposes as assessed by the Green Belt Study will not be considered suitable. If, after the sites have been assessed in accordance with the methodology, there is not enough land to meet the Council's housing and economic needs, the Council will review the appropriateness of those sites within the Green Belt as part of its plan making duties..		
Sport England	In relation to para. 3.22 if any playing fields or other outdoor facilities are identified as being suitable for development, their acceptability should be considered against the Council's Playing Pitch Strategy. It is also requested that the Council consult Sport England before decisions are made regarding the suitability of outdoor playing facilities for development.	Noted. The Council is looking to review its current evidence base regarding open space and playing pitch strategies following changes to guidance and will look to engage with Sport England early in the process.	None.	N/A
URS infrastructure	Recognise that the HELAA is in line with the guidance set out in the	Noted. The Council is currently working on its Local Plan review and all previous	None.	N/A

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<p>and Environment UK Ltd</p>	<p>Government's Planning Practice Guidance.</p> <p>With the requirements of the NPPF to ensure that LPAs meet their objectively assessed needs, it is recognised that the HELAA does not preclude existing SHLAA sites. However will the Council carry out a full review of the previous SHLAA sites and how they relate to the Council's emerging Local Plan?</p> <p>The HELAA methodology makes reference to a joint HELAA, although at the moment neighbouring authorities are at different stages. Now Basildon and Brentwood Council's are exploring the possibility of the Dunton Garden Suburb, both Council's will need to look at the implications this will have on both HELAAs.</p> <p>With regards to viability we would seek clarification from the Council as to whether it envisages this testing to be conducted in line with</p>	<p>SHLAA sites as well as those sites submitted since will be assessed against the HELAA methodology in this review.</p> <p>In terms of competitive returns, the NPPF is taken into account and the viability tests carried out in the previous SHLAA was 20%, however this was informed by the stakeholder engagement with landowners and developers. The HELAA methodology in paras. 2.6 and 2.7 also states that the Council will call upon the HELAA Stakeholder Panel at appropriate times including Stage 2 (viability testing).</p>		



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	<p>requirements of the NPPF such as definitions of competitive returns.</p> <p>The Council are also expected to consult with developers and landowners on the inputs, assumptions and methodology to be employed for this in line with the Harman Guidance. Therefore we ask that the Council provides more clarity in the methodology for carrying out viability testing of sites.</p>			