

Housing and Economic Land Availability Assessment (HELAA) Methodology

March 2015

Version Reference	Title	Approval Process
Version 1.0	Strategic Housing Land Availability Assessment (SHLAA) Methodology - March 2013	Cabinet: 7 th March 2013
Version 2.0	Strategic Housing Land Availability Assessment (SHLAA) Methodology - October 2013	Cabinet Member Decision Record – October 2013
Version 3.0	Draft Housing and Economic Land Availability Assessment (HELAA) Methodology - November 2014	Officer Decision Record – November 2014
Version 4.0	Housing and Economic Land Availability Assessment (HELAA) Methodology - March 2015	Cabinet: 5 th March 2015

1. Introduction

- 1.1. 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.
- 1.2. The renaming of the study to the HELAA does not preclude existing SHLAA sites already within the study. All previous 'SS' sites will be considered as part of the HELAA.
- 1.3. 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.

Policy Context

- 1.4. Local planning authorities should ensure that their assessment of land strategies for housing, employment and other uses are integrated, and that they take full account of relevant market and economic signals, as set out in paragraph 158 of the National Planning Policy Framework (March 2012). The National Planning Policy Framework outlines the advantages of carrying out 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.
- 1.5. An assessment should:¹
 - Identify sites and broad locations for potential development;
 - Assess their potential;
 - Assess their suitability for development and the likelihood of development coming forward (their availability and achievability).
- 1.6. This approach ensures that all land is then assessed together as part of plan preparation to identify which sites or broad locations are the most suitable and deliverable for a particular use.
- 1.7. When assessing land within town centre locations, it is important to also apply guidance on town centre vitality which includes the sequential test.²
- 1.8. The assessment does not allocate land for development as it is for the development plan to determine which sites are the most suitable to meet development needs.**

¹ Planning Policy Guidance, Housing and economic land availability assessment, March 2014

² Planning Policy Guidance, Housing and economic land availability assessment, March 2014

Housing Land

1.9. Local Planning Authorities are expected to³:

- Identify and update annually a supply of specific, deliverable⁴ sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.
- Identify a supply of specific, developable⁵ sites for growth, for years 6–10, and where possible, years 11–15.
- Local Planning Authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic, having regard to historic windfall delivery rates and expected future trends, and should not include residential gardens.

Economic Land

1.10. Local planning authorities should use the evidence base to assess the existing and future supply of land available for economic development and its sufficiency and suitability to meet the identified needs.⁶ The Council has an Employment Land and Premises Study that it will keep up to date to give more specific information in terms of the Borough's economic needs and supply approximately every 3-5 years.

1.11. 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.

HELAA Core Outputs

1.12. The HELAA will deliver the following:

- A list of sites, cross-referenced to maps showing locations and boundaries of specific sites.
- Assessment of the deliverability / developability of each identified site (i.e. in terms of its suitability⁷, availability⁸ and achievability⁹, to determine when an identified site is realistically expected to be developed.
- Potential quantity of development that could be delivered on each identified site or within each identified broad location (where necessary) or on windfall sites (where justified).
- Constraints on the delivery of identified sites.
- Recommendations on how these constraints could be overcome.¹⁰

³ Paragraph 47 & 48, National Planning Policy Framework, March 2012

⁴ To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable.

⁵ To be considered developable, sites should be in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged.

⁶ Paragraph 161, National Planning Policy Framework, March 2012

⁷ A site is suitable for development if it offers a suitable location for uses that would meet the needs of community. These uses may include housing or economic development.

⁸ A site is considered available for development when there are no legal or ownership problems that might delay or block its development. For example, the site is controlled by a housing developer who has expressed an intention to develop, or the landowner has expressed an intention to sell.

⁹ A site is considered achievable for development where there is a reasonable prospect that the particular type of development will be developed on the site at a particular point in time in the plan or land supply period.

Keeping the Assessment up-to-date

- 1.13. The assessment of sites should be kept up-to-date as part of the local authorities' monitoring report. The annual updates to the HELAA will account for changes which have taken place during reporting periods. Changes which may have occurred could include:
- Full/partial completion of HELAA sites;
 - New permissions;
 - New information regarding constraints of a site, which may alter previous assessment;
 - The ability to include new sites which have been received by the Council¹¹; and
 - Changes to the availability of a site due to a change of ownership, landowner intentions etc.
- 1.14. A full re-survey of sites/broad locations will only be carried out when the development plan has to be reviewed or other significant changes make it necessary, for example, if a local planning authority is no longer able to demonstrate a five year land supply of specific deliverable sites for housing.
- 1.15. With regards to employment sites, whilst there is no formal requirement for an annual update of employment site allocations, these will be reviewed regularly to ensure that the information is kept up to date.

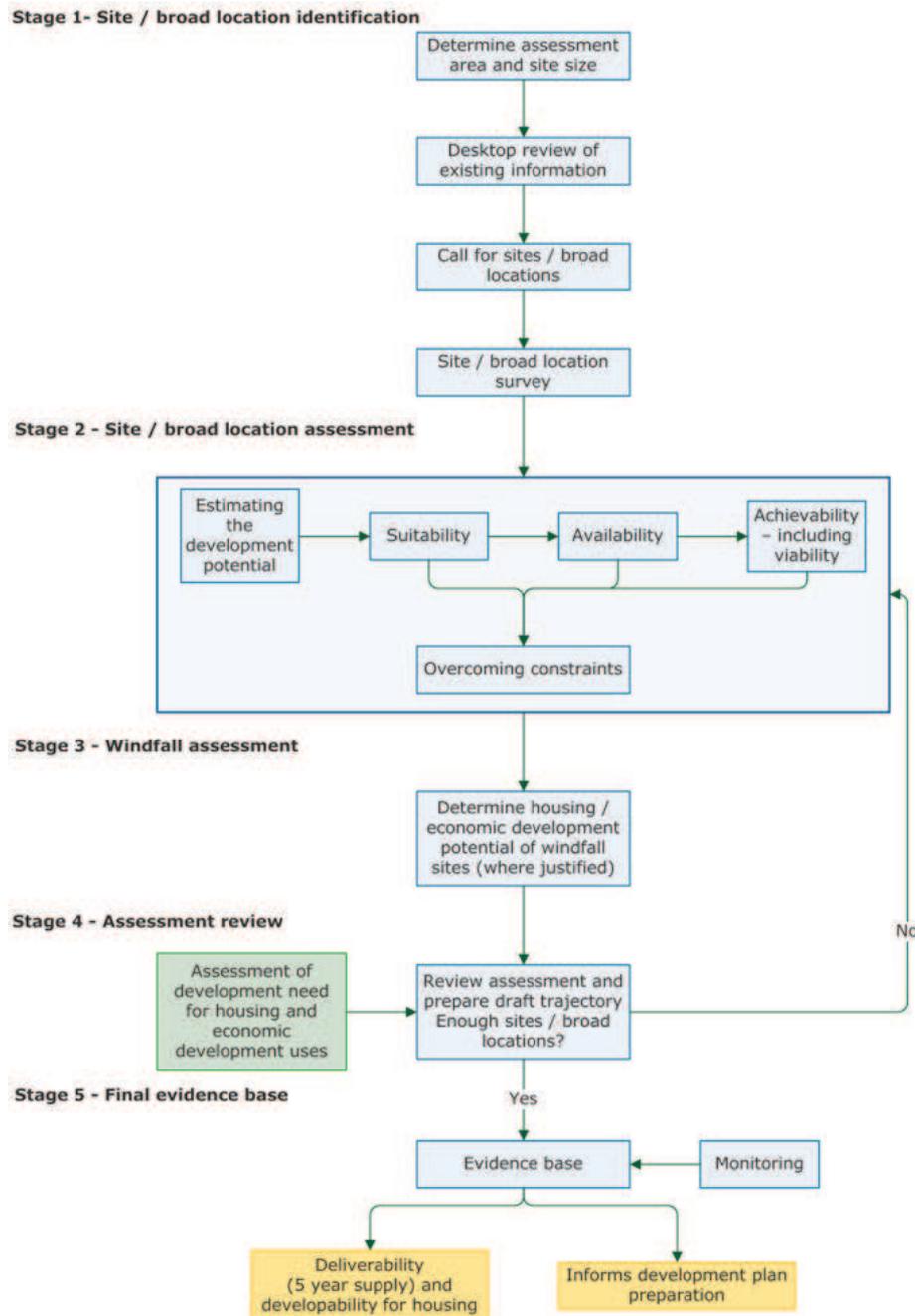
¹⁰ Due to the often specialist nature of constraint mitigation, the Council will only make recommendation where it is possible and appropriate to do so.

¹¹ The Council will continue to accept new sites for the HELAA process until a Development Plan is in place which has secured sufficient land to meet the identified growth needs. The Council will publish a 'closing date' on the Council's website for new site submissions each year to allow for the HELAA Review process to take place.

2 Methodology

2.1. The methodology for the Basildon HELAA is based upon the standard methodology in the Housing and Economic Land Availability Assessments Planning Practice Guidance.¹² The guidance states that: “Where they [LPA] depart from the guidance, plan makers will have to set out reasons for doing so.”

2.2. The Housing and Economic Land Availability Assessment has five main stages, with two optional stages covering broad locations and windfalls. The Council will be carrying out individual site assessments, each of which will follow the standardised methodology set out below¹³:



¹² Any future changes to this guidance will be incorporated in to future assessments.

¹³ Planning Practice Guidance, Housing and Economic Land Availability Assessments, DCLG.

Stage 1: Identification of sites and broad locations

- 2.3. This stage is largely a project management task, including agreeing a project work programme and gathering the data necessary to start the assessment.
- 2.4. Basildon Borough Council are keen to carry out much of the assessment work in-house utilising existing resources and knowledge held by the Council. External assistance may be called upon, if and when, specialist advice is needed or where the completion of reviews is otherwise at risk of slippage.
- 2.5. The Planning Practice Guidance recommends that local authorities should work in partnership with all interested parties in the production of the HELAA. It is recognised that a number of other public bodies and partners can provide valuable information and input at all levels of the process.

Stakeholder Involvement

- 2.6. For the most part, stakeholder interest in the HELAA tends to take place when the findings of the process are used to inform the Development Plan and when suitable sites begin to be considered for allocation. However, stakeholder involvement on the HELAA also takes place at key points early on in the process. These include:
 - Consultation on draft Methodology and/or alterations to the Methodology;
 - Stage 1 - Fact Checking with landowners and agents of sites undergoing full assessment, prior to the Council making its assessment of Suitability, Availability and Achievability; and
 - At Stage 2 - Viability Testing, where the valuable knowledge of professionals, developers, registered providers, house builders, land agents and other informed parties is used to determine the variables to be used in assessing the viability of sites.
- 2.7. Involvement of stakeholders at these times is vital in ensuring the Council's assessment process is realistic and informed. The Council is committed to stakeholder involvement on the HELAA and note the value it adds to the overall process. A HELAA Stakeholder Panel of locally operating developers, registered providers of social housing, Council Officers and land agents has been created in response to the SHLAA 2011-12 and their knowledge will be called upon at appropriate times.
- 2.8. The Council will not limit itself to the involvement of the Stakeholder Panel only, and other parties may be contacted as appropriate. For the assessment process itself, certain information which is not held and/or managed by the Council, is required from external parties. The majority of this information has been provided and is updated as and when updates are available. Stakeholders which may be contacted to provide information include, but are not exclusive, to:
 - Essex County Council as Highways Authority, Waste & Minerals Planning Authority, Local Flood Authority and Local Education Authority etc;
 - Essex County Council Ecology Team;
 - Environment Agency;
 - National Grid;
 - Essex Wildlife Trust;
 - Basildon Borough Council Corporate Property Team;
 - Natural England; and
 - English Heritage.

Possibility of undertaking a joint HELAA

- 2.9. The Planning Practice Guidance, Housing and Economic Land Assessment, recommends that the study area should preferably be a sub-regional Housing Market Area and functional economic market area, but may be a local planning authority area, where appropriate. It also recommends that where possible the HELAA is undertaken jointly with other local authorities within the sub-regional Housing Market Area, through a Housing Market Partnership where one has been established and a functional economic market exists.
- 2.10. It has not been practical to undertake a joint study with the other authorities in the Thames Gateway South Essex, as each has a different timetable for the production of Local Plan and are at different stages in HELAA production. However, should this opportunity arise in the future, the Council will consider it on its merits, at that time.
- 2.11. The Council has, however, actively participated in joint projects in the Thames Gateway South Essex (TGSE) including the major review of the Strategic Housing Market Assessment (SHMA). Also the Council has contributed to the TGSE Economic Growth Strategy, TGSE Planning and Transport Strategy and have also submitted a growth deal with the South Essex Local Enterprise Partnership.
- 2.12. Furthermore, provided that each Local Authority generally follows the method set out in the Planning Practice Guidance, there should be no significant problems aggregating the information to cover the market area and/or sub-region at a later date.

Work Programme

- 2.13. The Council will aim to publish the HELAA annually in spring with the review phases, viability testing and report writing taking place between July and January. This window of production enables the Council some level of flexibility in managing the workload of other Local Plan work, available resources, statutory holiday periods and the procurement of specialist advice where needed.
- 2.14. The Council has decided to accept new sites for consideration through the annual HELAA, until such time as the necessary land allocation documents of the Local Plan have been adopted, or a significant stage has been reached where sufficient land has been identified to meet the needs of the Borough. For practicality reasons, and to allow sufficient time for review, the Council will set a 'cut off' date for new site submissions in early April each year. This date will be published on the Council's website accordingly.

Quality Control

- 2.15. In addition to adherence with the methodology set out in this document, the quality control of the overall HELAA will be monitored via internal peer review and management of the project.
- 2.16. The involvement of stakeholders and landowners to gather up-to-date information on assessment variables as well as liaising with the Stakeholder Panel on matters of viability will be central to securing comprehensive and realistic findings.
- 2.17. Stakeholders, all interested parties, and the community will have the opportunity to comment on the way the HELAA is used to inform the Local Plan preparation process during consultation on the Local Plan.

Determining which sources of sites will be included in the Assessment Site Sources

2.18. The role of the HELAA is to ensure that Local Planning Authorities have a thorough appreciation of the amount of suitable land with potential for development within their area. In order to maximise the Council's knowledge, the Basildon Borough Council HELAA will consider sites from the following sources:

A Planning permissions for housing and employment buildings under construction

- Sites where development has started, but is not completed. Information of these sites will be sourced from Residential Land Availability data and/or Monitoring Reports.

B Unimplemented / outstanding planning permissions for housing and employment buildings

- Sites where development has been permitted, but has not commenced and permission has not expired. Information of these sites will be sourced from Residential Land Availability data and/or Monitoring Reports.

C Existing Basildon District Local Plan allocations ("saved" policies) that have not yet come forward

D Sites put forward during the "Call for Sites" December 2007 and January 2009

- These sites were publicly submitted in response to the Council's request for land submissions by landowners, agents and developers etc. Sites received are of varying shape and size, in locations across the borough, in both urban and green belt areas.
- All of these sites have been carried forward into the SHLAA process from 2011-12. Any previous 'CFS' reference previously assigned to sites has been superseded with SHLAA 'SS' references.¹⁴

E Vacant and derelict land/buildings

- In order to demonstrate 'availability', inclusion of sites under this category will only be considered where it is formally submitted as part of the HELAA process.

F Surplus public land

- For reasons of 'availability' inclusion of sites under this category will only be considered where it is formally submitted as part of the HELAA process.

G Land in non-residential use which may be suitable for re-development for housing or economic buildings, such as garage blocks, car parks or commercial property

- For reasons of 'availability' inclusion of sites under this category will only be considered where it is formally submitted as part of the HELAA process.

H New Sites Submitted to Basildon Borough Council for Consideration

- Any sites submitted directly to the council for consideration through periods of consultation and/or independently.

I Sites already within the SHLAA (HELAA) process

- Sites previously submitted for SHLAA (now HELAA) consideration and those which were assessed in earlier SHLAA Reviews, will remain within the HELAA process and reconsidered during review periods, unless:
 - i. Advised otherwise/their removal has been requested by the landowner/agent etc;
 - ii Has been developed/completed; and/or
 - iii Has been excluded from consideration in its entirety for any of the reasons set out in paragraphs 2.22¹⁵.

¹⁴ Whilst the document has changed from the SHLAA to the HELAA, the reference numbers will still start with 'SS'.

- 2.19. The HELAA will aim to bring forward sufficient sites to determine that Basildon Borough Council can meet the development needs set out in its Local Plan. At time of writing, no such plan has been adopted and therefore the outcome of the HELAA will reflect all sites found to be suitable, available and achievable from those submitted for their consideration.
- 2.20. Once the Council has published a Local Plan which is accompanied by a firm target for housing and employment land provision, the relevant annual HELAA review will take account of this. In the event that the HELAA fails to identify sufficient land to meet its housing/employment projections, steps will be taken to consider where additional land can be found in Stage 4, through the identification of broad locations and Stage 3, windfall. Should this be necessary the Council will be proactive in its approach of working with landowners and stakeholder to increase the land options available and will also seek to work with neighbouring authorities under the Duty to Cooperate.

Sites to be Excluded

- 2.21. It is acknowledged that certain constraints can result in a site being found unsuitable for development. However, depending on the extent and nature of the constraint, mitigation may be possible and overcome issues of suitability. With this in mind, only in rare occasions, will sites considered through the HELAA be excluded from the process entirely.
- 2.22. Cases of a site's exclusion from the entire HELAA process will only normally arise where no feasible development potential can be demonstrated due to overwhelming constraints on the site for the long term. Examples of this include sites where nil dwellings/economic floor space can be accommodated, due to the size of the land and/or where the site is affected entirely by the following constraints¹⁶:

i Scheduled Monuments

There are three Scheduled Monuments¹⁷ in the Borough: Norsey Wood Camp and round barrow, Billericay; moated site and fish ponds at Botelers, Basildon; and the moat at Basildon Hall, Basildon. These are irreplaceable historical assets and are protected by law.

ii Areas at risk from flooding

Land that is in functional flood plains (Flood Zone 3b, as identified in the South Essex Strategic Flood Risk Assessment 2011) will not be included in the HELAA unless it can be demonstrated¹⁸, with the approval of the Environment Agency, that mitigation measures can be put in place.¹⁹

iii Sites of Special Scientific Interest (SSSI) and Local Nature Reserves (LNR)

There are six SSSIs and four LNRs in the Borough. These are important, statutorily protected biodiversity resources used for recreational, amenity and educational purposes in the Borough.

¹⁵ However, should a change of circumstances arise that removes the reason for exclusion, the site can be submitted for reconsideration.

¹⁶ Sites which are only partially affected may still be considered depending on the extent and impact of the associated constraint. In these cases the Council may reduce the size of the land to be considered for its developability

¹⁷ Formerly called Scheduled Ancient Monuments.

¹⁸ By robust technical assessments and mitigation strategies submitted by the proposer to the Council for consideration through the SHLAA process.

¹⁹ See National Planning Policy Framework – Technical Guide (March 2012)

iv Land in the Marshes Protection Area

This area of land, south of the railway line, in the south-eastern corner of the Borough, has historically been recognised²⁰ as an area to be protected for its flood defence role, landscape, open and rural character and wildlife importance. The majority of this area is made up of SSSIs, Local Wildlife Sites (LoWS), Wat Tyler Country Park, the RSPB Bowers Marsh Reserve as well as former and current landfill sites.

v Buffer zones around Wastewater / Sewage Treatment Plants

Sites for housing development within 400m of Wastewater / Sewage Treatment Works will be excluded from the HELAA, on the advice of Anglian Water Services Ltd²¹, however sites for employment uses will not be considered unsuitable if within 400m²².

Stage 1: The Survey Phase

Desktop review and carrying out the survey

2.23. The Council has access to a considerable amount of information in the form of existing databases and studies. This information will help to assess the deliverability and developability of sites, including any site constraints.

2.24. The desktop assessment phase of the HELAA is imperative to establish whether a site is suitable and/or available for development. In addition to recording the basic site details such as size, current use, boundary and surrounding area/character; conclusions will be based on a wide range of information from various sources and stakeholders including:

- Highways;
- Anglian Water;
- Location of educational facilities;
- Public Rights of Way;
- Public Transport;
- Local Wildlife sites;
- Sites of Special Scientific Interest;
- Nature Improvement Areas;
- Scheduled Monuments (English Heritage);
- Conservation Areas and Listed Buildings (English Heritage);
- GIS Mapping and constraints;
- Residential Land Availability Assessments
- Information on the location of oil pipelines (provided by relevant supplier and/or National Pipeline Agency);
- Information on gas and electricity infrastructure (provided by relevant supplier or National Grid);
- The Flood Map (Environment Agency);
- Property history information in relation to planning applications;
- Tree Preservation Orders;

²⁰ The Marshes Protection Area has been historically recognised as an area for flood management since the 1953 Great Floods. The marshlands have been protected through past Structure Plans and the Basildon District Local Plan 1998. The marshland continues to be identified in the Environment Agency's Thames Estuary 2100 Plan as Action Zone 7 - Bowers Marshes and the Council's Strategic Flood Risk Assessment 2011.

²¹ Sites within 400m of a wastewater/sewerage treatment plant is considered as an overwhelming constraint to finding a site suitable for development. The Council will only reconsider this as a constraint if written confirmation is received from Anglian Water to the contrary. Where this is a potential issue for sites, landowners/agents should contact Anglian Water to discuss any potential for mitigation and submit the outcome to the Council.

²² Whilst most employment uses are considered to be suitable within 400m of wastewater/ sewerage treatment works by Anglian Water, there may be uses such as restaurants or schools that could be an exception to the ruling. This would have to be discussed with Anglian Water prior to any planning application being submitted but is not considered to effect a site's suitability at this time.

- Mineral Safeguarded Areas (Essex County Council);
- SHLAA/HELAA submission forms and/or earlier Call for Sites data; and
- The Councils most up to date evidence base including Biodiversity Action Plans, Landscape Studies, Employment Land and Premises Study, Strategic Housing Market Assessments and Green Belt Assessments, Retail and Leisure Study etc.

- 2.25. Further information on factors which determine suitability is set out in Annexe 1 & 2 of this document and detailed further through the published HELAA reports as they are produced.
- 2.26. The Assessments will be principally undertaken by the Council's Regeneration and Economic Development Service, under the leadership of the Planning Policy Team, using a joint desk top and site visit survey approach. The assessment made will ensure that each site is looked at comprehensively on its own merits and recorded in a consistent way.
- 2.27. All sites included in the HELAA database will be mapped using GIS software and assigned a unique reference 'SS' number. An Access database has been developed to record all data from the assessment process and enable updating where necessary through the annual review process.
- 2.28. There is merit in considering all submitted sites and unless it meets the criteria to 'exclude' the site as set out under Stage 1, each site will be individually assessed in accordance with the Council's Methodology.
- 2.29. The Planning Practice Guidance suggests that all sites and broad locations capable of delivering five or more dwellings or economic development on sites of 0.25ha (or 500m² of floor space) and above. Although where appropriate, the Council may wish to consider alternative site size thresholds.
- 2.30. Additionally, if the evidence base documents provide an overwhelming consideration as to why a site should be considered unsuitable then this will be outlined in the HELAA report.
- 2.31. All sites which are found suitable and available at the end of the desktop and site survey processes will progress to the next stages of the assessment process (Stage 2) which will look at a site's suitability, availability and achievability. Those sites which have failed to be found suitable and/or available will not be considered any further in the reporting period and will be reconsidered in the next annual HELAA review.

Stage 1: Quality Control & Fact Checking

- 2.32. Quality control is important to ensure that the outcomes of each site are as accurate as possible. For this reason, the Council will undertake a 'Fact Checking' exercise with the registered submitter of a site to ensure that there is general agreement with the data collated by the Council. This not only ensures more robust assessments, but also ensures that submitters of sites are appropriately involved in the process and that changes of circumstances can be accounted for between review periods. This also provides the Council with the opportunity to check contact information on sites, which is key in determining the availability of a site.
- 2.33. Where sites have been sourced from the Residential Land Availability assessment and development monitoring processes, 'Fact-Checking' will not take place and an assumption will be taken that sites remain suitable and available unless information has been forthcoming which indicates otherwise.
- 2.34. Sites which have not received a detailed assessment due to location criteria, i.e. Particular location in the Green Belt and/or segregated position from a settlement (see Annexe 1 for settlement hierarchy); will also not be contacted as there will be insufficient detail to carry out checks.

Stage 2: Site/Broad Location Assessment

Assessing the development potential of each site/broad location

Suitability

2.35. The previous stages of assessment are central to establishing the basis of a site's suitability (see Annexe 2 for specific criteria). However, this is just one element of the decision making process of the HELAA. In addition to establishing whether sites are potentially suitable for development, sites also need to be assessed in terms of whether they are 'available' for development and whether they are 'achievable'. The latter two stages are essentially about 'viability' and whether sites are a realistic option for delivery.

Availability

2.36. 'A site is considered available for development, when, on the best information available, there is confidence that there are no legal or ownership problems, ransom strips, tenancies or operational requirements...'²³

2.37. Establishing the availability of a site is central to determining whether a site will come forward for development and helps assess whether there is an intention and/or desire to develop the site. The key elements for establishing 'availability' for the HELAA are:

- Ownership constraints;
- Land use constraints;
- Access constraints; and
- Sites with planning consent.

Achievability

2.38. 'A site is considered achievable for development where there is a reasonable prospect that it will be developed at a particular point in time. This is essentially a judgment about the economic viability of a site...'²⁴

2.39. The Council will only undertake achievability and deliverability assessments on sites which have been identified through Stage 1 as 'suitable' and 'available', as there is little merit in considering sites which have failed to meet either of these stages. Assessments will, however, be conducted on previously non-qualifying sites if the outcome of a site is favourably altered through the review period when a change of circumstance has taken place.

2.40. Assessing whether a site is 'achievable' or not is determined by the consideration of various factors including:

- **Market Factors:** such as adjacent uses, economic viability of existing, proposed and alternative uses in terms of land values, attractiveness of the locality, level of potential market demand, reaching conclusions on the net developable area, yield potential, likely dwelling mix and projected rate of sales;
- **Cost Factors:** Including site preparation costs relating to any physical constraints, any exceptional works necessary, strategic infrastructure, relevant planning standards or obligations, prospect of funding or investment to address identified constraints or assist development; and

²³ Planning Practice Guidance, 2014, paragraph 020.

²⁴ Planning Practice Guidance, 2014, paragraph 021.

- **Delivery Factors:** Including phasing, realistic build out rates, whether a single developer or several developers offering difference housing products and the size and capacity of the developer.

2.41. Due to the specialist nature of the 'achievability' assessment phase of the HELAA, the Council may draw on external professional resources to undertake this work.

2.42. An 'achievability' assessment (also known as viability testing) will be carried out at the point when a site is first found 'suitable' and 'achievable'. It will be the Council's decision to determine how often the 'achievability' testing is repeated on sites taking into consideration economic conditions and strategic changes which may impact upon the initial assessment. Examples of these may be a notable upturn in the national economy, significant housing delivery increase/decrease and/or the adoption of local planning policies relating to developer contributions or affordable housing requirements, etc.

2.43. 'Achievability' tests will also be carried out on sites which have experienced a change in outcome during the review process i.e. where a site was previously found unsuitable, but available and a change in circumstances has led to a site being found both suitable and available.

2.44. The Council will ensure that the expertise of the developer and stakeholder panel, established for the SHLAA 2011-12, is drawn upon where appropriate in the preparation of the HELAA. The panel is compiled of stakeholders, landowners, interested parties and council officers who operate locally and can contribute to establishing the assumptions utilised for the viability testing process. Membership of the panel will remain flexible to ensure that new members can join and change to reflect any personnel changes across organisations involved and to retain unbiased and informed professional input. The list of panel members involved will be listed in the HELAA Report for each reviewing period.

Deliverability

2.45. The 'deliverability' of a site can only be determined following the assessment of all three key tests of the HELAA carried out across stages 1 and 2. The 'deliverability' of a site is important to helping establish a housing and economic supply and in particular is necessary to identifying whether there is sufficient supply for the first five years of a plan period.

2.46. To be considered deliverable, sites should be immediately available, offer a suitable location for development now and be found to be achievable with a realistic and viable prospect for development that can be delivered within five years.

2.47. If 'deliverability' cannot be established, sites should not be included within the five year housing supply but set out in the later timeframes of a housing trajectory for the Borough.

Stage 3: Windfall Assessment (where justified)

2.48. The term "windfall sites" is defined as: Sites which have not been specifically identified as available in the Local Plan process. They normally comprise previously-developed sites that have unexpectedly become available.²⁵

2.49. The National Planning Policy Framework (2012) and the Planning Practice Guidance state that, where justified, windfall sites can contribute towards housing supply. However, it is discouraged and the emphasis on 'justification' and 'compelling evidence' that sites are realistic and will consistently become available must be set out.

²⁵ National Planning Policy Framework March 2012, Annex 2: Glossary

2.50. The National Planning Policy Framework (Paragraph 48) allows for justified windfall sites to be included within 5-year supplies. However, despite having previous trends of windfall delivery in the Borough, the Council will not factor this supply in the first instance as it is seen as a 'last resort' approach to housing delivery. Where it does become necessary to have regard to windfall sites, the Council will detail it in the HELAA Report.

Stage 4: Review of the Assessment

2.51. The HELAA, once established, provides a key evidence base to Local Plan and its value in contributing to the housing and economic provision cannot be underestimated.

2.52. Stage 4 requires the development of an indicative trajectory based upon the detailed assessments undertaken at stages 1-2. Using this information the Council is able to establish if sufficient land can be identified out of those assessed which can accommodate the Borough's future land requirements using the Council's Local Plan as the basis. This stage will also consider when sites are likely to come forward and should ideally be able to identify sufficient housing potential for at least a 15 year period.

2.53. Due to the importance of the HELAA in considering housing and economic potential it will also form part of the information used to assess the status and/or demonstrate the Council's position in terms of a 5-year supply of deliverable sites as required by the National Planning Policy Framework (paragraph 47). The 5-year supply will initially be those sites which are identified as being deliverable within five years of the HELAA study.

2.54. As the HELAA will have regard to the most up to date housing and economic target, as set out in the Local Plan, any shortfall between housing and economic targets and the HELAA sites will trigger various steps to rectify the situation. As a first step, sites which have previously failed the assessment and/or viability stages will be re-examined to establish whether anything can be done to alter the outcome of assessment. This may include discussions with the landowner/agent and further work on their part in terms of research and or overcoming constraints. If, after this process has been completed, there is still a shortfall of potential housing sites, then broad locations and windfalls may need to be considered.

Potential of Broad Locations (where necessary) - Refer back to Stage 2

2.55. The Planning Practice Guidance allows for the investigation of potential broad locations where identifiable sites will not provide sufficient land for housing and economic land to meet the land supply requirement for 15 years (or more). Identification of broad locations is supported by the National Planning Policy Framework where they enable housing and economic targets to be met and which cannot be otherwise identified through HELAA sites (paragraph 47).

2.56. Broad locations are essentially areas where housing and economic development is considered feasible but where specific sites cannot yet be identified and may include town centres, urban extensions and/or intensification/redevelopment/expansion of settlements. Locations considered by the Council will be in line with the Basildon Borough Settlement Hierarchy (See Annexe 1).

2.57. In identifying broad locations, it will be necessary to follow the sustainability principles of Government identified through the National Planning Policy Framework, and have regard to the Council's Sustainability Appraisal process. The Council will look to develop in areas where there is already infrastructure or where it can be easily established/expanded. Site surveys would be undertaken and a process of cumulative assessment would be carried out on each broad location to ensure that all relevant factors are balanced against one another rather than independently. Other evidence bases carried out by the Council and relevant criteria will also be valuable to the broad location assessment process.

2.58. Where the Council is forced to consider broad locations, the methodology used to identify and assess locations will be comprehensively set out in the HELAA Report.

2.59. It is important that all potential sources of land are looked at to ensure that the HELAA is comprehensive, this includes the need to consider parcels of land located within the Green Belt, and just as with specific, identified sites, there is no guarantee that an area identified as a broad location will be allocated for development.

3 Annexes

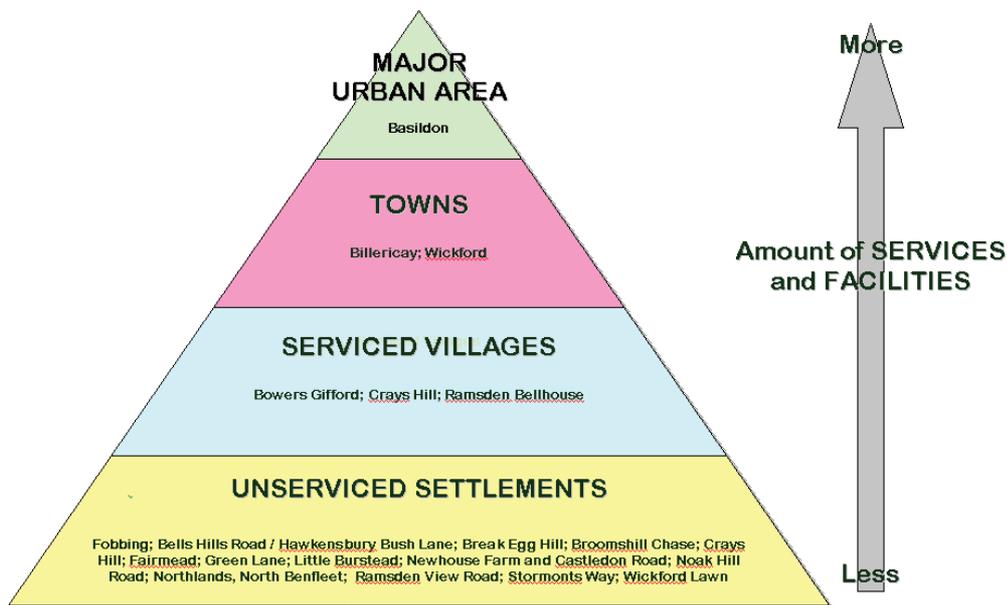
Annex 1 – Settlement Hierarchy

Introduction

- 3.1. The approach as set out in the Council's Topic Paper – Settlement Hierarchy 2012, which classifies settlements according to factors such as population, level of facilities and accessibility to services in order to identify the most sustainable locations for future development in the Borough.
- 3.2. Sustainable development is a core principle of the HELAA and therefore the Settlement Hierarchy will be used to inform 'suitability' conclusions on HELAA sites.
- 3.3. The Council will always use the most up to date Settlement Hierarchy when assessing the HELAA and the following represents the position from February 2012. Full details regarding the Settlement Hierarchy can be viewed on the Council's website in a dedicated topic paper.

Settlement Hierarchy

- 3.4. The following diagram represents the overall findings of the Settlement Hierarchy and establishes the position of each settlement:



Annex 2 – Suitability Assessment

3.5. In order to assess the 'Suitability' of a site the Council will consider the following constraints as a basis for the HELAA process. All detail relating to these constraints will be set out in the HELAA Report and the following represents a summary of those factors the Council will account for in its assessments. A decision regarding 'suitability' will normally be made with the knowledge of all of the following factors:

Accessibility & Constraints to Access

Physical Access

3.6. Where the actual physical access to a site is not established or is problematic, this could be considered as a constraint to development and can result in a site being found 'unsuitable'. The Council will consider the following in its assessments (this is not exhaustive):

- Is the site Landlocked?
- Is there a viable/existing access to the site?
- Would properties need to be demolished to allow for access? Have these other properties been secured etc?
- Are there factors which would make access difficult i.e. Trees under TPO blocking the potential entrance etc?

3.7. The Council will also attempt to gain a specialised view of site access/highways implications from Essex County Highways Authority to give a generalised view on any potential concerns/opportunities.

3.8. Information on physical access matters will be gathered from GIS and mapping systems, site visits and any relevant information available to the Council such as that provided by Essex County Highways Authority.

Environmental Constraints

3.9. Knowledge of the environment contributes to the understanding of a site and enables the Council to build up a picture of how development could impact upon the potential for development and is therefore an important part of determining 'suitability'.

3.10. A site has an environmental constraint if the following are present; some of those listed are a protective designation which has been attributed by varying bodies from international agencies to the Local Council:

- Scheduled Monument;
- Site of Special Scientific Interest (SSSI);
- Special Area of Conservation (SAC);
- Special Protection Area (SPA);
- Ramsar (Wetland area);
- Nature Improvement Area (NIA)
- Local Nature Reserve (LNR);
- Flood Zone classification;
- Known areas at flood risk caused by surface water flooding and/or overwhelmed sewers;
- Washlands;
- Marshes Protection Area;
- Mineral Safeguarded Areas
- Major Hazard Installations;
- Major Accident Hazard Pipelines;
- Ancient Woodland;
- Local Wildlife Sites;

- Biodiversity Action Plan Priority Habitat sites (BAP);
- Protected Species Alert Area;
- Village Green & Common Land;
- Ground Water Vulnerability Area;
- Conservation Area;
- Listed Buildings;
- Other Heritage Assets;
- Tree Preservation Order (TPO);
- Potentially Contaminated Land;
- Public Right of Way (PRoW);
- Oil/Gas pipeline;
- Electricity Pylons;
- Wastewater/sewage treatment plant 400m buffer zone;
- Existing developed business/industrial areas.

3.11. Where applicable, buffer zones which have been applied around particular environmental areas will also be considered and noted accordingly. Environmental areas such as Ramsar, SSSI, Waste Water/Sewerage Treatment Plants, oil/gas pipelines, high voltage overhead transmission lines and others are all subject to varying buffer zones and these will be recorded in detail in the HELAA Reports.

3.12. Environmental constraints will be appraised through the desktop survey using GIS and Mapping systems, information provided by key stakeholders such as the Environment Agency, English Heritage and Natural England etc; and during site visits. If other environmental aspects such as ponds are identified or highlighted to the Council during the assessment process, these will also be considered.

General Physical Constraints

3.13. Constraints under this category relate to general physical issues that could present either a temporary or permanent constraint to development and may prevent a site from being found 'suitable' for development or constrained to the type and/or level of development which could take place. Factors include:

- The gradient of land/site levels;
- The presence of immovable Communication Links; and
- Village Greens and/or Common Land.

3.14. General physical constraints will be recorded using GIS and mapping systems, information identified on site visits and by utilising information available to the Council on related matters.

Utilities

3.15. Previously oil/gas pipeline precautionary zones, high voltage overhead transmission lines (HVOTL) and immovable communication links were all considered to be a constraint which would exclude a site from consideration if present. However after further consideration, whilst these matters could present an issue for development, these are obstacles that can potentially be overcome or mitigated against by a developer. Therefore it is not necessary to exclude a site for this reason alone.

3.16. The following matters are to be considered and noted at the desktop assessment stage:

1. High Pressure Gas Pipelines which include a protective area of a 60m wide precaution zone²⁶ (this zone will also apply to Gas Compounds);
2. Oil pipelines which are protected by a 6m wide precaution zone;

²⁶ As advised by the Health and Safety Executive

3. HVOTL:

- 275/400kV (National Grid HVOTL): 60m from the centre line of transmission lines
- 132kV, 110kV, 66kV: 30m from the centre line of transmission lines

4. Immovable communication links, such as high speed fibre optic cables utilised by businesses in the area.

5. Major Hazard Site²⁷ which is protected by a 150m precautionary buffer zone²⁸

3.17. The Health and Safety Executive outline three different precautionary zones (inner, mid and outer). As the presence of above utilities does not exclude a site at this stage, it has been considered that a more precautionary approach should be used and therefore the outer precautionary buffer zones have been applied.

Location & Sustainability Considerations

3.18. The entire HELAA process is underpinned by the principles of sustainability and the location of a site is central to achieving sustainable development. The Council advocate sustainable development and will therefore utilise the most up to date settlement hierarchy as a way to inform where development could be best accommodated in terms of service provision and existing infrastructure as well as those locations which do not provide sufficiently for potential new development.

3.19. Only sites located within or adjacent to the settlement boundary of serviced settlement and main urban areas will be considered as suitable for development. Sites where physical problems and/or significant constraints create a barrier between the edge of the settlement and the site will normally be found unsuitable unless clear and viable mitigation can be demonstrated during the HELAA process. Examples of such barriers include, but are not limited to:

- Dual carriageway roads;
- Functional Flood Zone 3b;
- Significant environmental constraints as set out above;
- Open areas of land, not being considered for development through the HELAA or deemed unsuitable through the HELAA;
- Railway embankments.

Planning Policy Considerations

3.20. Whilst the Council acknowledge that the HELAA forms part of the wider evidence base that will assist in the drafting of an up to date Development Plan, there is merit in having regard to key planning policies, including land designations, that extend beyond the local level and which hold weight independently of the Local Plan process. Included within this are:

- Open Spaces - which contribute a valued amenity to communities;
- Necessary Employment Land - which must be balanced alongside housing growth and which is key to the prosperity of the borough; and
- Green Belt - which is a nationally imposed land designation and must be considered appropriately in line with the National Planning Policy Framework and up to date evidence.

3.21. Failing to have regard to these particular policy related matters during the HELAA process could result in a list of potential sites which is not realistic or representative of the developable land within the borough. As such, the Council will take into consideration the most up to date evidence bases as listed below and apply the findings to the 'suitability' stage of assessment in the following way:

²⁷ The only Major Hazard site in the Basildon Borough is the Transco, Basildon Holder Station, Archers Field

²⁸ As advised by the Health and Safety Executive

Open Space

- 3.22. The role of open space and recreation land for communities cannot be underestimated and the Council has a duty to its residents and visitors to ensure that open spaces and recreation grounds are not unnecessarily lost to development. Therefore if open space is present on the site, it will not render the site undevelopable on this criteria alone; instead it will be noted for further consideration when more detailed proposals are submitted to the Council.

Employment Land

- 3.23. Basildon Borough has an established business base and this economic success will be encouraged and protected to the best of the Council's abilities. In assessing HELAA sites, the Council will compare the findings of the most up to date Employment Land and Premises Study to inform the HELAA process.
- 3.24. Any HELAA sites which serve an employment function will be retained for economic use unless the Council's evidence base indicates otherwise.

Green Belt

- 3.25. In order to consider the impact on the Green Belt, sensitivity testing will be carried out through a separate Green Belt Study and identify any areas which, over the years, have lost or retained their function as Green Belt. This will, in turn, enable the Council to make informed observations where potential land release could take place. However all Green Belt studies or consideration of the Green Belt will be in line with national guidance.
- 3.26. Only those HELAA sites within, or partially within, areas deemed as suitable, or potentially suitable for release from the Green Belt, will be assessed in detail. Those HELAA sites located entirely within an area found to demonstrate a clear Green Belt function will be found unsuitable at that time on Green Belt grounds and will not be considered any further in the assessment process.
- 3.27. It is important to note that those sites which are located within areas which serve a Green Belt function will not be excluded in the HELAA in perpetuity, but will continue to be found unsuitable until such time as revised evidence alters this.
- 3.28. Further information on the application of the Green Belt Study will be set out in the relevant HELAA Report.

Glossary of Terms

Relevant Abbreviation	Term	Definition
-	Allocation	Land assigned for a particular purpose in the Local Plan, e.g. housing, industry etc.
-	Ancient Woodland	<p>Ancient woodland is an area that has been wooded continuously since at least 1600 AD. Ancient woodlands are of prime ecological and landscape importance. Many rare and threatened species are associated with this habitat. Furthermore relatively undisturbed woodland often contains features of historical, archaeological and landscape importance.</p> <p>Ancient woodland is listed under Section 41 of the Natural Environment and Rural Communities Act 2006, as being of principal importance for the purpose of conserving biodiversity in England.</p>
AMR	Authorities Monitoring Report	Survey, monitoring and review are crucial to the successful delivery of Development Plans. Local Planning Authorities must undertake a number of monitoring tasks, the results of which are published annually in the AMR. The AMR is published on the Council's website annually.
-	Basildon	When "Basildon" is mentioned in text, it refers only to the area of the Basildon New Town including Laindon and Pitsea and not the whole Borough.
-	Brownfield	Land that has been developed previously.
CFS	Call for Sites	An open invitation held in 2007 and 2008 to landowners, developers and others in the Borough to put forward sites situated in either urban or rural areas to inform the Strategic Housing Land Availability Assessment (SHLAA) now referred to as the Housing and Economic Land Availability Assessment (HELAA).
CIL	Community Infrastructure Levy	A planning charge introduced by the Planning Act 2008 that LPAs can choose to charge on new developments in their area to fund infrastructure that the Council, local community or neighbourhoods want.
-	Community Strategy	Overarching documents which sit at the top of all strategic and service plans for a particular area which promote a long term vision for improving the social, economic and environmental wellbeing of an area.
DCLG	Department Communities and Local Government	The central Government department with responsibility for Planning. Formerly DTLR / DETR / DoE / ODPM.
-	Designated Heritage Asset	A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden,

Relevant Abbreviation	Term	Definition
		Registered Battlefield or Conservation Area designated under the relevant legislation.
-	Comparison Floor Space	Comparison retailing is the provision of items not obtained on a frequent basis. These include clothing, footwear, household and recreational goods.
-	Conservation Area	Areas of Towns or Villages which have special architectural or historic interest and deserve to receive careful protection are designated as Conservation Areas. Conservation areas give broader protection than listing individual buildings: all the features listed or otherwise, within the area, are recognised as part of its character.
-	Convenience Floor Space	Convenience retailing is the provision of everyday essential items, including food, drinks, newspapers/magazines and confectionery.
-	Evidence Base	The collection of information and studies which a Local Planning Authority will use to draw up suitable planning policies for its area.
-	Green Belt	A restrictive land use designation around major built up areas that have existed since 1947 to restrict urban growth and safeguard the countryside for agriculture, forestry and recreation. They are protected by the national and local policies.
-	Greenfield	Land that has not been previously developed.
GDP	Gross Domestic Product	The market value of all final goods and services produced within an area in a given period.
-	Heritage Asset	A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing),
HELAA	Housing and Economic Land Availability Assessment	An assessment of land availability which identifies a future supply of land which is suitable, available and achievable for housing and economic development uses over a Local Plan Period.
HRA	Habitat Regulations Assessment	A legal assessment prepared in accordance the Conservation of Habitats and Species Regulations 2010 which considers whether a plan or project is likely to have a significant effect on a European site directly or indirectly, alone or in combinations with other plans or projects.
IDP	Infrastructure Delivery Plan	Part of the Evidence Base of the Local Plan which provides an overview of the infrastructure requirements of an area, who

Relevant Abbreviation	Term	Definition
		is responsible for delivery together with phasing, costs and funding mechanisms.
-	Intensification	The process of increasing housing densities in urban areas through redevelopment, infill development, conversions or change of an existing land use.
-	Listed Building	Buildings designated to be of 'special architectural or historic interest' by the Secretary of State under the Listed Buildings and Conservation Areas Act 1991.
LDS	Local Development Scheme	The formal timetable of how a Local Planning Authority will prepare a Development Plan.
LEP	Local Enterprise Partnership	Local enterprise partnerships are partnerships between local authorities and businesses. They decide what the priorities should be for investment in roads, buildings and facilities in the area.
LNR	Local Nature Reserve	Local Nature Reserves are for both people and wildlife. They offer people special opportunities to study or learn about nature or simply to enjoy it. To qualify for LNR status, a site must be of importance for wildlife, geology, education or public enjoyment.
-	Local Plan	Policy Plan for the Borough setting out detailed planning policies, proposals and Policies Maps for use when determining planning applications and spatially guiding strategic development.
LPA	Local Planning Authority	The local authority responsible for planning matters in its area. Essex County Council and Basildon Borough Council are both Local Planning Authorities for different planning matters in Basildon Borough.
LoWS	Local Wildlife Sites	Local Wildlife Sites previously known as Sites of Importance for Nature Conservation (SINC) or County Wildlife Sites (CoWS) are areas of land with significant wildlife value. Local Wildlife Sites support both locally and nationally threatened wildlife, and many sites will contain habitats and species that are priorities under the Essex or UK Biodiversity Action Plans that sets out strategies for the conservation of much of our most vulnerable wildlife.
-	Material Consideration	Any consideration that relates to the use and development of land is capable of being a material planning consideration.
-	Mixed Use	A site that is developed for more than one use, e.g. retail, residential, business, leisure etc.
NPPF	National Planning Policy Framework	Sets out the Government's economic, environmental and social planning policies for England.

Relevant Abbreviation	Term	Definition
		It was published March 2012.
-	Planning Practice Guidance	Planning guidance to support the NPPF.
-	Outline Planning Application	Planning application that contains few details beyond the general proposed use of the land. Used to establish the principle of development on a site. Details of the proposal are submitted later as “reserved matters” which must be approved by the Local Planning Authority before development can take place.
-	Plotland	<p>Thirteen Green Belt settlements in the Basildon Borough that originated following the agricultural depression of the early 20th Century. Following the arrival of the railways, many people bought smallholdings, buildings small shacks and dwellings they could visit at weekends and for holidays to escape East London. Following the Second World War, many people moved to these areas on a permanent basis despite the majority not having running water, electricity or fuel connections.</p> <p>The majority of Plotlands were cleared during the building of Basildon New Town in the mid-late 20th Century, however, thirteen remain and are home to about 2000 people.</p>
PDL	Previously Developed Land	<p>Land which is or was occupied by a permanent structure, including the curtilage of developed land and any associated fixed surface infrastructure.</p> <p>It excludes agricultural/forestry land, landfill sites, private residential gardens, parks, recreation grounds, allotments and playing fields.</p> <p>It also excludes land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time, to the extent that it can reasonably be considered as part of natural surroundings.</p>
-	Ramsar Site	Ramsar sites are wetlands of international importance, designated under the Ramsar Convention. The Ramsar Convention is an international agreement signed in Ramsar, Iran, in 1971, which provides for the conservation and good use of wetlands.
REM	Reserved Matters	The details of a proposed development, which relate to an outline planning permission already granted. The Local

Relevant Abbreviation	Term	Definition
		Planning Authority has to approve the reserved matters before development can take place.
-	Scheduled Monument	<p>'Scheduling' is shorthand for the process through which nationally important sites and monuments are given legal protection by being placed on a list, or 'schedule'.</p> <p>A schedule has been kept since 1882 of monuments whose preservation is given priority over other land uses.</p>
s.106	Section 106 Agreement	<p>An agreement entered into between a landowner and the Local Planning Authority, whereby the landowner undertakes to do specific actions in relation to the development the section 106 (of the Town & Country Planning Act) agreement relates to. This could cover, for example, providing public open space or agreeing the detailed use of the land.</p> <p>Also referred to a Planning Obligation.</p> <p>A s.106 agreement or Obligation can only be imposed if it is necessary to make the proposal acceptable in land-use planning terms.</p>
-	Spatial Strategy	The section of the Local Plan which sets out the level of development the Borough will accommodate in the next plan period and how its be distributed between the area's settlements.
SAC	Special Area of Conservation	SACs are areas which have been given special protection under the European Union's Habitats Directive. They provide increased protection to a variety of animals, plants and habitats and are a vital part of global efforts to conserve the world's biodiversity.
SPA	Special Protection Areas	SPAs are areas which have been identified as being of national and international importance for the breeding, feeding, wintering or the migration of rare and vulnerable species of birds found within European Union countries. They are European designated sites, classified under the 'Birds Directive 1979'.
SSSI	Special Site of Scientific Interest	SSSI's are the country's very best wildlife and geographical sites. There are over 4,000 Sites of Special Scientific Interest in England, covering around 7% of the land area. More than 70% of these sites by area are internationally important for their wildlife, and are also designated as Special Areas of Conservation, Special Protection Areas or Ramsar sites

Relevant Abbreviation	Term	Definition
SCI	Statement of Community Involvement	A Development Plan document which explains to the public how they will be involved in planning matters in their area. They are a legal requirement of the Planning & Compulsory Purchase Act 2004.
SEA	Strategic Environmental Assessment	An assessment required by EU legislation that predicts and evaluates the effects of implementing a plan, project or programme and identifies mitigation measures necessary to make the plan, project or programme acceptable in environmental terms.
SHLAA	Strategic Housing Land Availability Assessment	A key component of the evidence base of Development Plan to support the delivery of sufficient land for housing to meet the community's needs for more homes.
SPG/SPD	Supplementary Planning Guidance/ Supplementary Planning Document	Provide additional, more detailed guidance for the implementation of Local Planning policies. SPG have been superseded by SPD under the Local Plan system. They are material considerations when determining planning applications.
SA	Sustainability Appraisal	An appraisal of economic, environmental and social effects of a plan to allow decision to be made in accordance with the principles of sustainable development.
-	Sustainable Development	International and national bodies have set out broad principles of sustainable development. Resolution 42/187 of the United Nations General Assembly defined sustainable development as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
-	Topic Papers	Thematic discussion papers prepared to support the Core Strategy. They contain background information, policy review and facts and figures relevant to the Borough on each topic area.
TGSEP	Thames Gateway South Essex Partnership	Sub-Regional partnership that aims to facilitate development in the Thames Gateway area within South Essex.