

STRATEGIC HOUSING LAND AVAILABILITY ASSESSMENTS

Protocol for Kent and Medway

Kent Planning Officers Group
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Strategic Housing Land Availability Assessments Protocol for Kent and Medway

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Introduction

- 1.01.** As part of the evidence base for their local development frameworks, local planning authorities are required under Planning Policy Statement 3 (PPS3), to carry out a Strategic Housing Land Availability Assessment (SHLAA). 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 required by National Indicator N159¹. This assessment will help authorities to make provision for sufficient 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.² This will be referred to as the "Practice Guidance" throughout this document.
- 1.02.** In September 2007, the Kent Planning Officers Group 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 has taken 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 has been taken from GOSE and regard has been had to other SHLAA methodologies prepared elsewhere in the country.
- 1.03.** 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 should therefore be read in tandem with it. It is assumed that the Kent & Medway SHLAA Protocol provides an over-arching framework for SHLAA assessments in Kent & Medway, but that each LPA, in having regard to para 25 of the CLG guidance, will determine the detailed scope of their authority's assessment to meet their own area's characteristics and requirements.

Strategic Housing Land Availability Assessment Outputs

- 2.01.** The role of SHLAAs is to identify sufficient sites to meet the strategic housing requirements within LPA areas for at least 10 years and, preferably, 15 years ahead. Those sites have to be 'available, suitable, and achievable'³. The SHLAA will be a technical document and judgements concerning the inclusion of sites in local development documents will be made separately through the statutory planning process. To remain useful, SHLAAs will need to be updated annually as part of the Annual Monitoring Report process.
- 2.02.** 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. The LPA will take into account the overall requirements for other land measured against current shortages or surpluses when making this decision.

¹ N159 : Supply of ready to develop housing sites

² <http://www.communities.gov.uk/publications/planningandbuilding/landavailabilityassessment>

³ PPS3 para 54

- 2.03.** Land use assessments may remain as separate exercises or combined into a single methodology. (Separate advice has been produced by the Government on the methodology for carrying out employment land availability assessments). Where assessments are required for more than one use, they should, as far as possible, be carried out in parallel rather than sequentially to avoid delay and uncertainty. 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. Sufficient additional housing sites may be identified to allow for the loss of any sites to other uses at this later stage (although a mixed use approach could be adopted in the assessment where appropriate).
- 2.04.** The Practice Guidance sets out some minimum requirements for SHLAAs 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 is realistically expected to 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.

Methodology

- 3.01.** 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 protocol follows the framework provided by each of those stages.

Stage 1: Planning the Assessment.

- 3.02.** The study area may be a sub-regional housing market area or a local planning area. The stage at which each local authority has reached in its LDF preparation will be a principal consideration when determining whether a joint assessment is appropriate.
- 3.03.** A Partnership should be established from the outset representing the relevant public bodies and private stakeholders. The Partnership will be responsible for the methodology adopted in each local authority area. It is proposed that local authority planning officers undertake the majority of the work although all members of the partnership will contribute towards the initial identification of sites and will provide advice on their availability and achievability (Stage 7).
- 3.04.** The Practice Guidance expresses a preference for assessments to be carried out by housing market partnerships, which have been established for Housing Market Assessments. These should include key stakeholders, such as house builders, social landlords, local property agents, local communities and other agencies. Local authorities which have established SHLAA methodologies, have included bodies such as relevant Government Offices, the Home Builders Federation, Architects, Planning Consultants, the Environment

Agency, Natural England, Community Bodies and Environmental Groups, CPRE, Regional Development Agencies and Infrastructure Providers.

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

- 3.05.** The Practice Guidance identifies the types of sites with potential for housing which should be covered by the assessment.

Sites in the Planning Process

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

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 extensions (normally identified in the Regional Spatial Strategy (RSS));
- New free standing settlements (normally identified in the RSS).

- 3.06.** The PAS Guidance explains that *“there is no expectation that every possible greenfield site should be assessed within the SHLAA. Indeed, 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.”*

- 3.07.** 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. Furthermore, it agrees that selected settlements should also be limited to those which meet sustainability criteria adopted by a partnership and/or are identified in DPDs as suitable for further development. Sites in such settlements would still need to meet deliverability/developability tests.

- 3.08.** The criteria to be applied are set out in Appendix 3B under “Suitability”.

Exclusions

- 3.09.** The Guidance allows for particular types of land or sites to be excluded from the Assessment. The reasons for doing so will need to be justified and agreed by the members of the partnership. Although the Guidance gives a national designation, SSSIs, as an example, it will be a matter for each partnership to determine and justify which areas should be excluded. Methodologies elsewhere in the country demonstrate that a wide range of areas, both of national and local importance, have been excluded.
- 3.10.** Factors to be taken into account in deciding which areas are to be excluded will be 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. Where protected areas need to be released to meet the requirement, it will be a matter for individual authorities to decide, based upon local circumstances.

Stage 3: Desktop Review of Existing Information.

- 3.11.** 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 nonetheless acceptable.
- Dwelling starts and completion records.

Other sources of information

- Urban Capacity Studies.
- LPA Empty Property Registers.
- English House Condition Survey.
- National Land Use Data Base.
- Register of Surplus Public Sector Land.
- Employment Land Reviews.
- Valuation Office database.
- LPA vacant commercial property registers.
- Commercial property data from estate agents and property agents.
- O.S. maps.
- Aerial photography.

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

- 3.13.** As part of this stage, stakeholders may be invited to submit proposals for the inclusion of sites. This exercise may be based upon those stakeholders listed in the relevant SCI, supplemented by additional stakeholders who may have expressed an interest during consultation on emerging LDFs. Further information may be obtained in response to an advertisement in the local press.
- 3.14.** The owners or agents of sites, which already have the benefit of an outstanding planning permission, may also be contacted to assess when or whether their site is likely to come forward for development. Site owner or developer details are generally available from the Kent annual housing land supply studies. A copy of the information to be included in a questionnaire to be sent to the stakeholders is shown in Appendix 1. Sites which fall below the relevant minimum site area threshold (See Stage 4), or fall within an excluded area, or fall in, or at, unsustainable settlements will not be included in the assessment.

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

- 3.15.** The Practice Guidance requires all sites identified in the desktop survey to be visited. The survey should also be used to identify further sites, which were not revealed by the desktop survey.
- 3.16.** The survey does not necessarily have to be comprehensive and should be tailored to reflect the characteristics and needs of the area (para 25 of the Practice Guidance) as well as the resources available to undertake it. It is assumed that these decisions will be backed up by evidence so that the decisions underpinning the SHLAA are transparent. The geographical coverage of the survey and the minimum size of sites to be identified will depend on the nature of the area (e.g. an area dominated by rural settlements compared with a highly urbanised area), and of the size of the majority of the sites likely to come forward. It also depends on the scale of the housing requirement. Where housing targets are high, assessments may need to be more comprehensive and intensive although Annual Monitoring Reports may reveal that even with a high requirement, the scale of existing commitments suggest a need for only a limited number of additional sites. The Practice Guidance identifies 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.
- 3.17.** GOSE advises that if a first sweep doesn't find sufficient sites to address the housing challenge, a partnership will want to reconsider its assumptions and excluded sites (see Appendix 3), before looking at broad areas and windfalls.
- 3.18.** In order to ascertain the number of potential sites required, it will be necessary to take into account all the sites in the planning process, where site capacities should already be known, together with sites outside the planning process, which were identified in the desktop study. In the latter case, an

assessment of capacity will need to be made by applying the methodology in Stage 6, below.

- 3.19.** The number of additional sites to be identified will then be determined by any remaining shortfall between the sites in the desktop study and the overall housing requirement. Some additional sites may be identified at this stage to offset sites which are found to be undevelopable when the full site assessments are carried out at stage 7. Alternatively, LPAs may prefer to wait until stage 7 has been completed before undertaking a re-examination of sites previously excluded, as a clearer picture will then have emerged of the number of additional sites required.
- 3.20.** Generally, a site threshold of 0.15 hectares or 5 dwellings will apply as this coincides with that in the Kent Annual Housing Land Supply Studies. However, where an authority has a limited availability of large sites, no threshold need apply, thus enabling all potential sites to be included. Where a large number of sites are available, a higher threshold may be applied, enabling an authority to meet the housing requirement without identifying a substantial over-supply of sites.

Stage 5: Carrying out the survey.

- 3.21.** Appendix 2 contains a site survey form, which sets out the characteristics to be recorded while on site. Although the Practice Guidance includes “site size” as an item to be checked on site, in reality this can only be checked as part of a desktop exercise.

Stage 6: Estimating the housing potential of each site.

- 3.22.** The Practice Guidance advises that capacities may be established by the application of local site density policies. Where these are not available 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. Alternatively, an authority may wish to establish its own standards by analysing the average densities achieved over, say, the last five years for town centres, suburban areas and rural areas. 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.
- 3.23.** The Practice Guidance provides an alternative to the application of density criteria by the preparation of sketch schemes for each site. However, while these can provide a high degree of confidence in the results, this approach can be very resource intensive. A third approach may be to compare the site with a sample scheme, which represents the form of development considered desirable in a particular area. Put simply, this would be the application of similar densities to those in the surrounding area. As with the use of average densities, this would need to reflect local circumstances. The methodology or combination of methodologies used by an individual authority will depend on the resources and time available to it and the availability of existing information and is likely to be influenced by the size and number of sites identified. Authorities should make it clear in their documents, which methodology has been applied to each site.

Stage 7: Assessing when and whether sites are likely to be developed.

3.24. At this stage, a judgement has to 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 within a given timescale, namely within 6 to 10 years, 11 to 15 years or after 15 years. Where it is unknown when a site could be developed, it should be regarded as not currently developable.

3.25. 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 detail⁴:

Suitability:

- Sustainability
- Policy restrictions
- Physical problems or limitations
- Potential impact on the environment
- Environmental conditions for prospective residents

Availability:

- Legal or ownership constraints

Achievability:

- Marketability
- Development costs
- Delivery rates

3.26. In relation to sustainability, access to public transport, local services and district wide facilities are factors to be taken into account. There is no overall consensus on suitable walking distances, and these may vary according to the purpose of the trip. 1000 metres was raised as a potential threshold by the HBF in their consultation response and they highlighted that 2km in is included in paragraph 75 of PPG13. Both 400 and 800 metres have been used in other methodologies. Annex A of PPS 6 defines an easy walking distance to an edge of centre retail location as 300 metres from the primary shopping areas. For all other main town centre uses, this is likely to be 300 metres from the town centre boundary. For office development, locations outside the town centre but within 500 metres of a public transport interchange, including railway and bus stations within the urban area are considered as edge of centre locations. Paragraph 3:18 of *“Encouraging Walking: Advice for Local Authorities, 2,000”*, states that the National Travel

⁴ <http://www.communities.gov.uk/publications/planningandbuilding/landavailabilityassessment>, suitability paras 37–38, availability para 39, achievability paras 40–4. Planning requirement costs may arise, for example, from the need for affordable housing, the requirements of the code for sustainable housing and other planning obligations. Development costs could also include the costs of site acquisition, relocation of existing uses or compensation.

Survey showed that, when travelling by train, about 80% of travellers arrive at, or leave, the railway station on foot, walking an average of some 650 metres. In the light of this information, it is considered that 800 metres should be regarded as a maximum walking distance. This has been included in Appendix 3.

- 3.27. In relation to achievability there are a number of residual valuation models available to help determine the economic viability of sites. Such an elaborate approach may not be pursued of necessity and an “in-house” assessment undertaken instead. In either case, house builders, property agents and others in the partnership should be closely involved at Stage 7 in order to draw upon their expertise and ideally reach a consensus on each site, whilst recognising that this may not be achievable in all circumstances. Strategic housing market assessments may also provide useful information at this stage.
- 3.28. Where constraints have been identified, the assessment should consider what action would be needed to remove them.
- 3.29. Appendix 3 collates the information which has been gathered at each stage of the assessment to enable a judgement to be made on each site. The aim of the protocol is to try and ensure that SHLAAs are undertaken to a consistent methodology to determine which sites fulfil the suitability, availability and achievability tests. It is not intended to prescribe how the LPA determines which of these potentially suitable sites are taken through into the LDF e.g. whether the sites are scored and / or weighted as strongly as the other local policy factors that may need to be taken into account.
- 3.30. Peer reviews may be a beneficial in getting external views on an area’s SHLAA and adding resources to the process. This is most likely to be of value if the staff undertaking the review have a good knowledge of the area that they are reviewing, such as an area within the same sub-regional housing market.

Stage 8: Review of the assessment.

- 3.31. An indicative housing trajectory should now be produced, based upon the site assessments carried out at stage 7. This will show how much housing can be provided for each five-year period. If insufficient sites have been identified to meet housing requirements for any of the periods, other sites may need to be found or capacity assumptions on specific sites may warrant reassessment.
- 3.32. At this stage, a re-examination of the excluded sites, referred to in paragraph 3.17, would be initiated. This may involve the reconsideration of the policy constraints applying to site selection (see paragraphs 3.09 to 3.10), particularly where planning policies allow for development subject to certain criteria in these designated areas. A reconsideration of site thresholds may also be appropriate at this stage.
- 3.33. Following this review if there are still insufficient sites, there are two options for meeting the shortfall: the identification of broad locations for future development and/or the use of a windfall allowance.

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

- 3.34.** Only after completion of a thorough review which results in the identification of insufficient sites, should authorities progress to stages 9 and 10. Broad locations should only be considered where necessary. They may include areas within settlements and small extensions to settlements or locations outside settlements such as major urban extensions, growth areas, or new settlements where specific sites cannot yet be identified. The reasons why identification is not possible should be explained. An example might be where there is an area with a long history of sub-division of existing properties where evidence suggests that this will continue to occur and that policies are in place to allow this to take place. The need to explore broad locations outside settlements will usually be signalled by the Regional Spatial Strategy. 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 would also be assessed in the same way.
- 3.35.** The Practice Guidance advises that potential locations for broad areas within settlements would have been identified earlier, when determining where to survey for new sites, i.e. development hotspots, town and district centres, and principal public transport corridors.

Stage 10: Determining the housing potential of windfalls.

- 3.36.** 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 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 to the local authority to determine. However it does indicate that before a windfall allowance can be considered, the process set out in the Practice Guidance to identify specific sites and, if necessary, broad areas should have been undertaken in a thorough manner. It includes the possibility, if necessary, of changes to Green Belt boundaries or other high level policy constraints in identifying broad areas. (A further possibility is the removal or revision of site thresholds in order to examine smaller sites which might otherwise have been excluded). A local authority will then need to provide evidence as to why sufficient sites could not be identified and to demonstrate that its site search has been comprehensive.
- 3.37.** The fact that an Authority has relied on a high proportion of windfall sites in the past will not, on its own, be sufficient reason to include a windfall allowance in the assessment. Advice from SEERA⁵ to its Regional Planning Committee indicates that "there are no circumstances that would, from the outset, justify reliance on windfalls in housing supply trajectories" and therefore the special circumstances argument is not to be taken lightly.
- 3.38.** Local Authorities in Kent are familiar with the use of windfall allowances and consequently, no further advice is included in this protocol. However, if a

⁵ http://www.southeast-ra.gov.uk/documents/events/10/agenda_item_10-7_windfall_provison_update.pdf

windfall allowance is used, care should 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

- 4.01.** 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 and listed in paragraph 2.04 of this protocol. So long as these outputs are produced from the SHLAA, it is up to the LPA to determine how it is reported. It is suggested that this could in its simplest form consist of two tables, a set of site plans and a housing trajectory.
- 4.02.** 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 (s) when it can be delivered.
- 4.03.** The second table will include all the sites which have been considered but then excluded from the assessment and the reasons for their exclusion.
- 4.04.** 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. Defining a threshold will, for many Kent authorities, mean that small sites are not incorporated in the SHLAA. LPAs may therefore decide to produce additional trajectories where an allowance for small sites is incorporated but central government is likely to expect that this is in addition to meeting the area's requirement (subject to the above comments on windfalls and broad areas).
- 4.05.** As the SHLAA is intended to be produced in partnership, it is assumed that the report will be considered and agreed by the partnership before it is finalised and published.

Annual Monitoring

- 5.01.** 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 this could be addressed;
 - where relevant, where a windfall allowance is included, whether it is coming forward as expected or whether it needs adjustment.
- 5.02.** This information will be used to update the 5 year housing land supply and housing trajectory.

Timetable

- 6.01.** It is recommended that each authority prepare a project brief for undertaking the SHLAA which would be based on a summary of the Protocol and would include a timetable for its preparation.

Information Technology

- 7.01.** Given the varying stages of SHLAA preparation in each authority, it would be impractical to seek a uniform system of IT throughout the county. However this is something which may be worth exploring in the future.

Appendix 1: Stakeholder Questionnaire.

YOUR DETAILS

Name

Company

Agent

Representing

Your Address

Telephone Number

E-mail

SITE DETAILS

Site Address

OS Grid Reference

Current Use

Your Estimate of Site Capacity

**Please attach a map showing the boundary of the area to be developed.
Without this map the site will not be included in the assessment.**

OWNERSHIP

Are you the owner?

Are you part owner?

If you are not the sole owner, please list owner/owners with contact details if available.

POSSIBLE CONSTRAINTS

To the best of your knowledge are there any constraints which may affect the development of the site? Please specify.

Access

Infrastructure

Topography

Ground Conditions

Hazardous Risks

Contamination/pollution

Flood Risk

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 dwelling 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.

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.

PLANNING PERMISSION

Does the site have (or has it had) planning permission for housing or mixed use? If so, please state application reference.

RESPONSE

Please return this form and map to: before:

Appendix 2: Site Survey Form.

Date

Site Reference

Site Name

Boundary Check

Greenfield or Brownfield

Existing Use

Condition of Buildings/Ground

Description

Physical Constraints

Access availability

Adjoining Uses

Character of Surrounding Area

Construction Activity (e.g. not started, under construction, completed and phasing if appropriate)

Initial Assessment of Suitability

Appendix 3: Site Assessment Process.

SITE DETAILS

(Sources:

Site Reference Number

Site Name

Location/Address

Planning Status: Housing Allocation or Planning Permission?

Landowner/Owners and Contact Details

Agent Details

Description of Site

Site Area / Indicative Capacity

Current Use

Surrounding Uses

Character of Surrounding Area

Greenfield/PDL/Mixed

POLICY CONSTRAINTS⁶

A - Is the site within any of the following areas?

Category 1: National and Regional

SPA, Ramsar, SAC, SSSI, National Nature Reserve, AONB, Ancient Woodlands.

Category 2:

Metropolitan Green Belt

Category 3: Local

To be determined by each individual Authority in the light of local policies and local circumstances

B - Is the site currently in use or allocated for employment or other use and remains suitable and required for that use or is protected by a current development plan policy from development for other uses?

⁶ (see paras 3.09 and 3.11 of this protocol which explains the flexibility that can be applied to policy constraints to take into account local circumstances and the local housing challenge)

C - Is the site neither in nor adjacent to a settlement?

D - Does the site fall within or adjacent to a settlement which has not been identified in a development plan document as a settlement/ settlements suitable for future housing development with sufficient capacity to meet future housing requirements?

IF A SITE FALLS WITHIN ANY OF THESE CATEGORIES IT SHOULD BE EXCLUDED FROM THE ASSESSMENT AT THIS STAGE.

SUITABILITY

A. Is the site allocated for housing in an existing development plan or does it have planning permission for housing?

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 in B to E as follows.

B. Is the site in a suitable location when measured against the following criteria?

- Within 800 metres walking distance of a bus stop or railway station providing two or more services per hour.
- Within 800 metres walking distance of a convenience store, a primary school and a GP surgery.
- Within 30 minutes public transport travel time of a hospital/health centre, secondary school, employment area, town or district centre.

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

C. Does the site have any of the following physical or infrastructure constraints?⁷

- Access
- Highway capacity
- Infrastructure – Water Supply
Sewerage/Drainage
Electricity supply
Gas Supply
Electricity Pylons
- Contamination/Pollution
- Adverse Ground Conditions
- Hazardous Risk
- Topography
- Flood Zone

⁷ It is recognised that for some sites / constraints that additional site investigations may be required to fulfil this section)

If yes, how and when can the constraint be overcome?

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 DELETED FROM THE ASSESSMENT AT THIS STAGE.

D. Would development have a detrimental impact on the following, either within or adjacent to the site or in its vicinity?

- Townscape
- Landscape
- Trees
- Conservation Areas
- Historic Parks and Gardens
- Listed Buildings
- Scheduled Ancient Monuments
- Sites of Nature Conservation Interest/Protected Species

If yes, could the impact be mitigated through the design process, the imposition of a condition or a legally binding agreement?

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.

E. Would the amenity of residents be adversely affected by any external environmental factors?

If yes, could 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.

AVAILABILITY

Do any of the following legal or ownership factors apply to the site?

- Multiple ownership likely to result in protracted site assembly, part of the site being unavailable for development or a ransom strip situation.
- Existing tenancy or lease agreement, which could affect the timing of the release of the site for development.
- The willingness of an owner or owners to sell.
- The willingness of a developer with control of the site to develop.

If yes, how and when can the constraint be overcome?

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.

ACHIEVABILITY

Can development of the site be achieved during the plan period having taken into account the following market, cost and delivery factors?

Market

- 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.

If the site is deliverable and developable, in which of the following periods would development take place?

- 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.

Information on the timing for 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.