

Strategic Housing and Economic Land Availability Assessment (SHELAA)

Draft Methodology

June 2020

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1.0 Introduction

1.1 The Wealden District Strategic Housing and Economic Land Availability Assessment (SHELAA) is a comprehensive study of the availability, suitability and achievability of land to meet the identified need for different development uses over a plan period. This includes housing and economic development. The National Planning Policy Framework (NPPF) confirms that local planning authorities should have a clear understanding of the land available in its area through preparing its SHELAA and from this, planning policies should be able to identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. The SHELAA only relates to the part of the Wealden District that falls outside the South Downs National Park (SDNP) area.

Previous SHELAA

1.2 Previously, Wealden District Council had prepared a SHELAA that was published alongside the draft Wealden Local Plan (January, 2019)¹. This report provided the site assessments for all sites submitted to the Council for development up until 15 November 2018. Since this time national planning policy and guidance has been updated. In addition, the Council is at the early stages of preparing a new Local Plan. The Council has therefore reviewed the SHELAA methodology and has revised it to conform to current practice. This methodology will be applied to all sites included within the SHELAA.

1.3 This new SHELAA process will supersede the previous SHELAA publication in January 2019 and will consider all sites that have been submitted to the Council after 15 November 2018, as well as reviewing existing sites already submitted to the Council.

Role and Status of SHELAA

1.4 The SHELAA is an evidence base document only. It lists all possible housing and economic development sites that have been put forward for development, and provides an assessment of the potential of those sites for development. Once completed, it will form part of the planning policy evidence base for the Council's new Local Plan and will be used to help inform judgements on the allocation of land for housing and economic development uses.

1.5 The role of the SHELAA is to provide information on the range of sites which are available to meet housing and employment needs in the District (excluding

¹ The draft Wealden Local Plan (January, 2019) was withdrawn by Wealden District Council on 19 February 2020.

the SDNP area), but it is for the new Local Plan process itself to determine which of those sites are the most suitable to meet the identified needs.

- 1.6 In short, the SHELAA provides a high level assessment of sites submitted for particular uses, including whether they are considered ‘suitable’ or ‘unsuitable’ and outlines prospective timescales for a site’s potential development if considered ‘suitable’. However, the SHELAA does not allocate land for development, nor does it suggest that the Council would grant planning permission for its suggested use should a site be considered suitable.
- 1.7 In relation to neighbourhood planning, the Planning Practice Guidance (PPG)² confirms that neighbourhood planning bodies may also make use of existing site assessments prepared by the local planning authority as a starting point when identifying sites to allocate within a Neighbourhood Plan.

Scope of the Report

- 1.8 The remainder of this document is structured as follows:
- *Section 2* – This section summarises the purpose of the SHELAA and its main aims.
 - *Section 3* – This section provides the planning context for Wealden District, including the new Local Plan, and the SHELAA’s role within the plan-making process.
 - *Section 4* – This section outlines the proposed methodology for the Wealden SHELAA, based on the PPG, outlining all the main processes involved in the production of this document, such as a ‘Call for Sites’ exercise and site assessments.
 - *Section 5* – This section outlines what the main outputs of the Wealden SHELAA are and next steps for the document.

2.0 Purpose of the Assessment

- 2.1 The SHELAA is an evidence base document only. It is not a statement of Council policy and the document does not allocate land for development. However, it will be used to help inform decisions on how the district will change during the emerging Local Plan period in relation to the allocation of land for housing and employment uses.
- 2.2 The SHELAA will consider all land, which meets the size criteria, put forward by landowners/agents/developers for accommodating residential and economic development in the district. The findings of the SHELAA do not pre-empt or

² PPG – [Paragraph 003 Reference ID: 3-003-20190722](#)

prejudice any decision the Council may make in the future on any particular site and does not alter any existing policies or land use designations as set out in an adopted Local Plan or ‘made’ Neighbourhood Plan. All judgements concerning whether sites should be allocated in the future will be made through the statutory plan-making process. This will include further work testing the suitability of the sites identified within the SHELAA and would include processes such as the Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA) for the Local Plan.

Purpose and Aims of the Assessment

2.3 The purpose of the SHELAA is to:

- identify all possible sites and broad locations with potential for housing and economic development;
- assess all possible sites and broad locations for their development potential; and
- assess their suitability for development and likelihood of development coming forward (i.e. availability and achievability).

2.4 The aim of this document is to identify all sites that are considered ‘suitable’ for development and to put those sites forward within the plan-making process for further assessment, particularly through the SA and SEA. Ultimately, following such recommendations, it is for Council members to agree a sufficient quantum of sites that can come forward within a Local Plan in order to meet the Council’s housing requirement over a plan period, with additional flexibility and a buffer, to take account of potential non-delivery or under-delivery on some sites.

2.5 For economic development sites, the SHELAA will need to demonstrate whether or not there is a sufficient supply of suitable economic development sites within Wealden District to meet identified needs for employment use (B Class Uses). If it is found that there is sufficient suitable employment sites to meet the identified needs of the district, then all such suitable sites will then be tested further through the plan-making process to determine whether such sites should be allocated for development within a Local Plan.

2.6 This SHELAA will also consider a number of other different uses to be considered as part of the Local Plan process that includes retail, tourism and leisure uses, community facilities, gypsy and traveller provision and renewable energy schemes. The full list of uses that will be considered as part of the SHELAA process are listed within the Council’s New SHELAA Form³.

³ [Wealden District Council SHELAA Webpage](#)

3.0 Background

New Local Plan

- 3.1 The latest adopted housing requirement for Wealden District is contained within the Wealden District Core Strategy Local Plan (February, 2013) under policy WCS1 (Provision of Homes and Jobs 2006 – 2027) for the provision of some 9,440 net additional dwellings over the 2006-2027 period, which equates to 450 dwellings per annum (dpa). As stated above, the Council is now in the process of drafting a new Local Plan that will replace the Core Strategy and will therefore update the housing requirement for the district.
- 3.2 The NPPF (February, 2019) confirms that to determine the minimum number of homes needed within the local authority area, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals.
- 3.3 At the time of writing, the new housing requirement for Wealden District under the ‘standard methodology’ equates to 1,231 dwellings per annum (dpa). The full methodology for the calculation of this housing requirement is provided at section 5 of the Council’s Authority Monitoring Report (AMR) 2018/19⁴ and will be updated each year. The PPG⁵ confirms that this housing requirement needs to be kept under review and revised where appropriate, as the housing needs figure generated using the ‘standard method’ may change as the inputs are variable.
- 3.4 The NPPF (February, 2019) at paragraph 22 confirms that strategic policies (such as housing need) should look ahead over a minimum 15 year period from adoption, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure. The new Local Plan is to have a plan period between 2018 and 2038. Therefore, the housing requirement over that period would equate to 24,620 (net) dwellings. The Council will also have to consider potentially meeting the housing requirements of neighbouring local authorities, and/or those within its Housing Market Area (HMA) through the duty to cooperate process.
- 3.5 Table 1 below shows the residual housing requirement for the new Local Plan period if housing completions (net) for the 2018/19 period and planning commitments (i.e. sites with planning permission and/or being built) as of 1 April 2019 are removed from the overall housing requirement.

⁴ [Wealden District Council Authority Monitoring Report \(AMR\) 2018/19](#)

⁵ PPG – [Paragraph: 008 Reference ID: 2a-008-20190220](#)

Table 1: Draft Residual Housing Requirement for new Local Plan

Draft Housing Requirement for a 2018-2038 plan period for Wealden District	Net Housing Completions for 2018-19 Monitoring Period ⁶	Commitments as of 1 st April 2019	Draft Residual Housing Requirement for 2018-2038 plan period for Wealden District
24,620	828	6,325	17,467

- 3.6 In practical terms, the Council's SHELAA (including an assessment of windfall provision) will therefore need to identify sufficient housing sites that are suitable, available and achievable (at the time period envisaged) to at least equal and preferably exceed the residual housing requirement for the Local Plan identified above. This will provide the Council with site options to assess through the plan-making process and specifically the SA/SEA.
- 3.7 In terms of economic development, the Council will be seeking to review its existing Wealden Economy Study (2013 -2028)⁷ that was published in March 2018 to ensure that a new requirement for business uses (B Class Uses) is established for the new Local Plan period. The SHELAA will aim to identify all sites that are suitable, available and achievable (at the time point envisaged) for economic development to at least equal the requirement for employment floorspace identified over the new Local Plan period.

4.0 Methodology

Who is to be involved?

- 4.1 The PPG⁸ confirms that the SHELAA needs to be undertaken and regularly reviewed working with other local authorities in the relevant HMA or Functional Economic Market Area (FEMA). The guidance confirms that it is also important to involve land owners and promoters, local property agents, developers, Local Enterprise Partnerships (LEPs) and Parish and Town Councils within the SHELAA process.
- 4.2 To inform the content of this new SHELAA methodology, the Council will consult on this document with its neighbouring authorities. In addition, the Council will share its methodology with the Parish/Town Council's in its administrative area

⁶ This excludes housing completions within the SDNP.

⁷ [Wealden Economy Study Update 2013-2028 \(March, 2018\)](#)

⁸ PPG – [Paragraph 007 Reference ID: 3-007-20190722](#)

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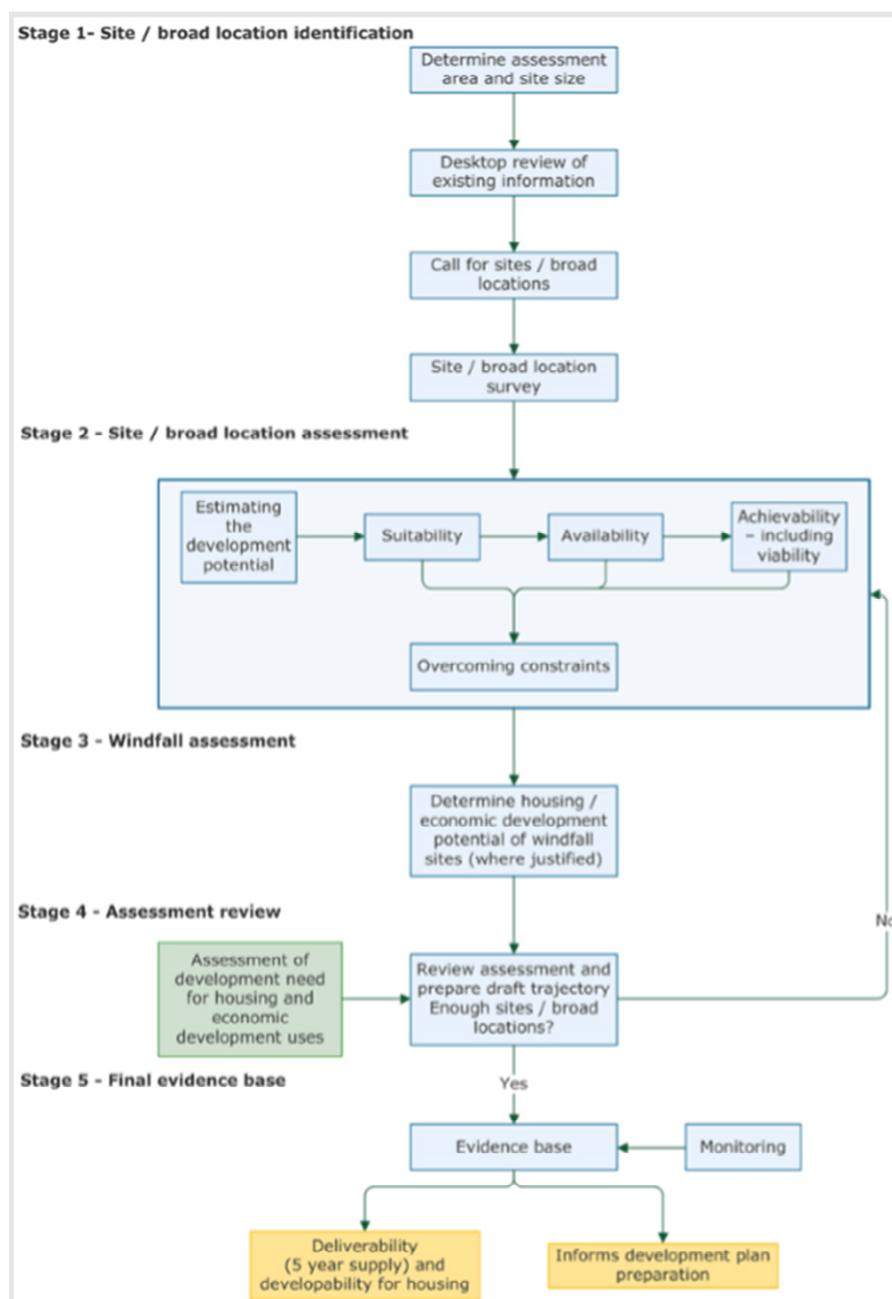
in order to support their Neighbourhood Plan process where they seek to allocate housing/economic development sites. Lastly, the Council will share this SHELAA methodology with its Agent's Panel to ensure that members of the local development industry can share their thoughts on the SHELAA methodology at this early stage.

- 4.3 The feedback received by the stakeholders invited to make comments will be considered by the Council and will be documented. Revisions to the methodology will be made as appropriate prior to the publication of the final SHELAA methodology.

The Overall Approach

- 4.4 The PPG confirms that there is a five stage approach that should be followed to achieve a robust SHELAA. A flowchart for the stages of the SHELAA are set out in Figure 1 below.

Figure 1 – SHELAA Methodology Flowchart⁹



4.5 It should be noted that although the tasks detailed above have been presented in chronological order, they may not necessarily be conducted sequentially. The stages identified above will now be considered in further detail below.

⁹ PPG – [Paragraph: 005 Reference ID: 3-005-20190722](#)

Stage 1 – Site and Broad Location Identification

Task 1 - Determine Assessment Area and Site Size Threshold

- 4.6 It is considered that the extent of the assessment area would be the administrative boundaries of Wealden District. The only area excluded at the outset of the SHELAA is the part of Wealden District within the SDNP, as the South Downs National Park Authority (SDNPA) are responsible for all planning matters (both plan-making and decision-taking) within its area and has its own separate SHELAA document and Local Plan¹⁰.
- 4.7 In terms of pragmatism, the Council is seeking to undertake a Local Plan for Wealden District only, so it would be reasonable for the Council to only consider those sites within its own administrative boundaries (excluding the SDNP). However, where a new or existing SHELAA site straddles or abuts the administrative boundary of a neighbouring local authority¹¹, the Council will assess those sites and liaise with the relevant neighbouring authority to consider a joint assessment of the site, if possible, through the duty to cooperate process. This may be considered as part of a Statement of Common Ground (SoCG) with those neighbouring authorities as such sites come forward.
- 4.8 In terms of site size, the PPG¹² recommends that it may be appropriate to consider all sites and broad locations capable of delivering 5 or more dwellings, or economic development on sites of 0.25 hectares (or 500 square metres of floorspace) and above. The Council has previously taken this approach, given the relatively rural nature of Wealden District. In accordance with national guidance, all sites capable of accommodating five or more dwellings, or economic development on sites of 0.25ha (or 500 square metres of floorspace) will be included in the assessment only.

Task 2 – Desktop Review of Existing Information

- 4.9 In accordance with the PPG¹³, the Council will consider a comprehensive range of sources in order to establish the best available information to identify and assess potential sites. The full list of potential data sources is provided below:

¹⁰ [South Downs Local Plan, July 2019](#)

¹¹ Parts of Eastbourne and Royal Tunbridge Wells are located hard up against the administrative boundary of Wealden District, so such sites will need to be carefully considered as part of the duty-to-cooperate process.

¹² PPG – [Paragraph 009 Reference ID: 3-009-20190722](#)

¹³ PPG – [Paragraph: 011 Reference ID: 3-011-20190722](#)

Table 2 – SHELAA Potential Data Source

Type of Site	Potential Data Source
Existing housing and economic development allocations and site development briefs not yet with planning permission.	<ul style="list-style-type: none"> • Local and Neighbourhood Plans • Planning application records • Development Briefs
Planning permissions for housing and economic development that are unimplemented or under construction.	<ul style="list-style-type: none"> • Planning application records • Development start and completion records
Planning applications that have been refused (or dismissed at appeal) or withdrawn.	<ul style="list-style-type: none"> • Planning application records
Land in the local authority's ownership.	<ul style="list-style-type: none"> • Local authority records
Surplus and likely to become surplus public sector land.	<ul style="list-style-type: none"> • National register of public sector land • Engagement with strategic plans of other public sector bodies such as county councils, central government, the National Health Service (NHS), police, fire services, utilities services and statutory undertakers.
Sites with permission in principle, and identified brownfield land.	<ul style="list-style-type: none"> • Brownfield land registers (parts 1 and 2) • National Land Use database • Valuation Office database • Active engagement with sector
Vacant and derelict land and buildings (including empty homes, redundant and disused agricultural buildings, potential permitted development changes, e.g. office to residential).	<ul style="list-style-type: none"> • Local authority empty property register • English Housing Survey • National Land Use Database • Commercial property databases (e.g. estate agents and property agents) • Valuation Office database

	<ul style="list-style-type: none"> • Active engagement with sector • Brownfield land registers
Additional opportunities for un-established uses (e.g. making productive use of under-utilised facilities such as garage blocks).	<ul style="list-style-type: none"> • Ordnance Survey maps • Aerial photography • Planning applications • Site surveys
Business requirements and aspirations.	<ul style="list-style-type: none"> • Enquiries received by local planning authority • Active engagement with sector
Sites in rural locations.	<ul style="list-style-type: none"> • Local and neighbourhood plans • Planning applications • Ordnance Survey maps • Aerial photography • Site surveys
Large scale redevelopment and redesign of existing residential or economic areas.	
Sites in adjoining villages and rural exception sites.	
Potential urban extensions and new free-standing settlements.	

4.10 There are a number of sources used in the desktop review of existing information that includes, but are not limited to, previous iterations of the SHELAA, information submitted during the call for sites exercise, recently approved, refused or withdrawn planning applications and sites in previous adopted/emerging Local Plans.

4.11 The Council will seek to consider and review these potential sources of supply fully in order to accurately identify all existing sources of supply and their current status. These sources of information and the review process are set out below.

Table 3 – SHELAA Review Process

Existing Data Source	Review Process
Wealden District SHELAA (January 2019)	<p>Since the publication of the last SHELAA in January 2019 there has been a number of national policy changes¹⁴. It will therefore be necessary to reappraise sites to ensure that the assessment accounts for the latest policy position.</p> <p>The Council has updated its SHELAA site pro-forma in light of the NPPF and PPG changes and all existing landowners and/or site promoters will be contacted to</p>

¹⁴ Policy changes include updates to the NPPF and PPG.

	supply additional information regarding the deliverability of their previously submitted sites.
Call for Sites	The Council, in the preparation of the new SHELAA document, will be undertaking a ‘call for sites’ exercise that has been aimed at as wide an audience as practicable. As part of this process, the Council has sought to write to all existing landowners/developers on the database to ensure that an opportunity is provided to submit further relevant information and / or new sites, as part of the SHELAA process.
Recently refused or withdrawn planning applications	The Council holds records on planning applications that have either been refused by the Council, dismissed at planning appeal, or withdrawn by the applicant(s). The Council will consider such sites that meet the aforementioned size threshold within its SHELAA and will assess the reasons for their refusal/withdrawal in order to make an assessment of their potential for housing and employment development.
Review of current planning applications and site commencement/ completion data	The Council holds information on ‘planning commitments’ (i.e. those sites with extant planning permissions), site commencements and site completions. Where a development site has been fully constructed, the site will be removed from the SHELAA records. For all sites that have an extant detailed planning permission and/or have commenced, such sites will be considered ‘deliverable’ unless otherwise known. Those major development sites with outline planning permission will continue to be considered either ‘deliverable’ or ‘developable’ on a case by case basis.
Review of Existing Site Allocations	The Wealden District Core Strategy provides a number of broad locations for growth for both housing and employment development under policy WCS4 (Strategic Development Areas). The policy includes targets for a quantum of development to take place for each SDA. Although the SDAs are not development allocations ¹⁵ , development has nonetheless come forward in most of the SDAs identified. There are a small number of SDAs where development has not come forward. These areas will be reconsidered as part of the SHELAA process.

¹⁵ The Strategic Development Areas are broad locations for growth as provided in the Key Diagram of the Wealden District Core Strategy Local Plan (February 2013), but the allocation of such sites and specific policies, including phasing where necessary, were to be provided in the Strategic Sites Development Plan Document.

	All sites that were identified as housing allocations within the now withdrawn Wealden Local Plan (January, 2019) will also be reviewed as part of the SHELAA process, where they have not already come forward.
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- 4.12 All SHELAA sites will be checked against planning application information to ensure that the Council avoids double counting sites. Where a planning permission for housing/employment development has been granted, the capacity approved with that planning permission will be used unless there is clear evidence that a different site capacity should be used instead. All housing sites with an extant planning permission of 5 (net) dwellings or above will be included in a housing trajectory within the Council's Authority Monitoring Report (AMR) that is published at least annually. This includes a predicted timescale for the delivery of the site, including a lead-in time and delivery rate. All sites with planning permission of 5 (net) dwellings or more will be considered 'deliverable' or 'developable' in line with the NPPF (February, 2019) definition of those terms, unless there is clear evidence that the site will not come forward.
- 4.13 All brownfield sites submitted for housing to the SHELAA will also be considered for the next iteration of the Brownfield Land Register and will be added to the register where it meets those specific requirements under the Town and Country Planning (Brownfield Land Register) Regulations 2017¹⁶.

Task 3 - Call for Sites and Broad Locations

- 4.14 A 'call for sites' exercise will be advertised in order to establish initial land availability for all types of development, including housing and economic development. The 'call for sites' process will be aimed at as wide an audience as practicable, so that even those not normally involved in property development have the opportunity to contribute. Respondents will be asked to complete a new site pro-forma that can be found at the Council's website¹⁷. The site pro-forma sets out the information sought by the Council and includes the site location, suggested type of development, the scale of such development and any constraints/viability issues associated with the development, amongst other matters.
- 4.15 The Council will also seek to contact all those land agents/land owners who have previously submitted sites in the Council's SHELAA, where relevant, to confirm that the information initially submitted to the Council remains up to date,

¹⁶ [The Town and Country Planning \(Brownfield Land Register\) Regulations 2017](#).

¹⁷ [Wealden District Council SHELAA Webpage](#)

or if not, to update this information. The Council will also ask existing landowners as to whether their site is still available for the development specified, and if not, to withdraw those sites from the process. In addition, the production of a new site pro-form does mean that existing sites submitted will need to be updated by landowner/agents to ensure that the new information required is collected and assessed.

Task 4 – Site and Broad Location Survey

4.16 The PPG¹⁸ recommends that the comprehensive list of sites and broad locations that emerge from existing data sources and the ‘call for sites’ exercise will be assessed against national policies and designations to establish whether the sites have a reasonable potential for development and should be included in the more detailed site survey stage.

4.17 This is in order to:

- ratify inconsistent information gathered through the call for sites exercise and desktop review;
- get an up to date view on development progress (where sites have planning permission);
- obtain a better understanding of what type and scale of development may be appropriate;
- gain a more detailed understanding of deliverability, any barriers to development and how they can be overcome; and
- potentially identify further sites with potential for development that were not identified through other data sources and the ‘call for sites’ exercise.

4.18 Both housing and employment sites that either have planning permission or are under construction are already visited on a regular basis by the planning policy team to monitor commencements and completions on each site. It is therefore proposed that a site visit will not be necessary for such sites where comprehensive information on a site is already known through these existing processes. All other remaining sites (subject to the suitability criteria below) will be surveyed as part of the SHELAA process and this will aid the Council in providing evidence that there is a reasonable chance of the site being developed for housing/economic development.

Information that should be recorded during the survey

4.19 The PPG outlines the information that can be recorded by the local planning authority when undertaking its initial survey. This includes:

¹⁸ PPG – [Paragraph: 013 Reference ID: 3-013-20190722](#)

- site size, boundaries, and location;
- current land use and character;
- land uses and character of surrounding area;
- physical constraints (e.g. pedestrian and vehicular access, contamination, topography, drainage/flood risk, location of infrastructure/utilities, natural features of significance);
- potential environmental constraints;
- where relevant, development progress (e.g. ground works completed, units completed); and
- short initial assessment of whether the site is suitable for particular type of use.

Stage 2 – Site and Broad Location Assessment

Suitability Assessment

4.20 In short, a site or broad location can be considered suitable if it provides an appropriate location for development when considered against the relevant constraints and their potential to be mitigated. This is a high-level assumption. The PPG¹⁹ states that when local planning authorities consider constraints, they may wish to consider the information collected as part of the initial site survey, as well as other relevant information such as:

- national policy;
- appropriateness and likely market attractiveness for the type of development proposed;
- contribution to regeneration priority areas; and
- potential impacts including the effect upon landscapes including landscape features, nature and heritage conservation.

4.21 The PPG notes that sites can be considered against the adopted development plan, although clearly the assessment will need to take account of how up to date the plan policies are. In terms of using an emerging Local Plan to assess suitability, plan-makers will need to account for potential policy changes or other factors which could impact the suitability of the site/broad location.

4.22 It is considered that sites which have particular policy constraints should be included in the assessment for the sake of comprehensiveness and transparency, but that these constraints must be clearly set out where they restrict development severely. Table 4 below sets out the areas of the district

¹⁹ PPG – [Paragraph: 018 Reference ID: 3-018-20190722](#)

that are still included within the SHELAA, but will not be progressed through the plan-making process.

Table 4: Sites/areas to be excluded from detailed assessment

Site/Areas to be excluded from detailed assessment	Reason
All sites and broad locations not capable of delivering 5 or more dwellings, or economic development on sites of 0.25 hectares (or 500 square metres of floorspace) or above.	This is the recommended approach within the PPG and has been adopted by the Council.
<p>Sites and broad locations that are predominately or wholly contained within a European Nature Conservation Site. For Wealden District, this includes</p> <ul style="list-style-type: none"> • the Ashdown Forest Special Area of Conservation (SAC) and Special Protection Area (SPA); and • the Pevensey Levels SAC and Ramsar Site. 	These sites are protected through the Conservation of Habitats and Species Regulations 2017, where no significant adverse effect to the integrity of the site could be tolerated.
Sites and broad locations that are predominantly or wholly contained within a Site of Special Scientific Interest (SSSI). For Wealden District, this incorporates just under 10% of the entire district ²⁰ .	In addition to protection through legislation, the NPPF (February, 2019) at paragraph 175 confirms development on land within or outside a SSSI, and which is likely to have an adverse effect on it should not normally be permitted.
Sites and broad locations that are predominantly or wholly contain Ancient Woodland.	In addition to protection through legislation, the NPPF (February, 2019) at paragraph 175 confirms that development resulting in the loss or deterioration of irreplaceable habitats, such as Ancient Woodland should be refused, unless there are wholly exceptional reasons.

²⁰ It should be noted that there is substantial overlap between the European Nature Conservation Sites and SSSIs.

Other than water-compatible uses, and in some cases essential infrastructure, development will not be suitable in a functional flood plain (Flood Zone 3b) due to high flood risk.	The functional flood zone is not considered to be developable in line with both the NPPF and PPG.
Sites and broad locations that are predominantly or wholly contained within a Local Green Space.	Once a Local Green Space has been designated through a Local Plan or Neighbourhood Plan, the NPPF (February, 2019) at paragraph 99 confirms that they should be capable of enduring beyond the end of the plan period and that no development should take place.
Sites and broad locations that wholly or predominantly contain heritage assets of the highest significance where substantial harm to or loss of Ancient Scheduled Monuments, grade I and II* Listed Buildings and grade I and II* registered parks and gardens is possible.	In addition to protection through legislation, the NPPF (February, 2019) at paragraph 194 confirms that substantial harm to or loss of such heritage assets should be wholly exceptional.

- 4.23 It is noted that there are a number of other significant constraints within the district, most notably the High Weald Area of Outstanding Natural Beauty (AONB) that covers around 58% of the district, water flood risk areas (other than described in the table above), heritage assets and Local Nature Reserves (LNRs) to name a few. The Council will consider constraints and whether they are mitigatable as part of the assessment process and whether sites continue to be viable where mitigation is required. This will be assess as part of the achievability assessment detailed below.

Availability Assessment

- 4.24 A site can be considered available for development, when, on the best information available to the local planning authority, there is confidence that there are no legal or ownership impediments to development. Given the significant role of the SHELAA in terms of enabling the Council to establish a robust housing land supply for future development over a Plan period, if there is no reasonable prospect that the site will become available over the lifetime of the plan, then it cannot be included as a realistic option for development.
- 4.25 In submitting sites to the Council, landowners and site promoters are asked to indicate the following information:

- details of land ownership/land interests;
- what the current and proposed uses are for the site;
- the reason that the landowner/site promoter is proposing the site for development;
- details of when the site is expected to become available for development; and
- whether there are any known constraints that could restrict the development of the land.

4.26 The Council then has to make a judgement based on the information submitted by the landowner/site promoter as to whether the site is available, and when it may be able to deliver the proposed development. The Council may communicate further with the landowner/site promoter to supplement the information already provided or to clarify matters of ownership as part of the process. If potential issues are identified, the Council will make an assessment as to how and when those issues can be realistically be overcome.

Achievability Assessment

4.27 The PPG²¹ confirms that 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 effect, this is a judgement about the economic viability of a site and the capacity of the developer to complete, and then let or sell the development over the plan period.

4.28 This will include an assessment of a number of:

- *Market factors* – such as adjacent uses, the economic viability of the existing, proposed and alternative uses in terms of land value, the attractiveness of the locality and levels of potential market demand;
- *Cost factors* – including site preparation costs relating to any physical constraints, any exceptional works necessary, relevant planning standards (i.e. space standards) or obligations (i.e. affordable housing, highway works), prospect of funding or investment to address identified constraints or assist development; and
- *Delivery factors* – including the developer's phasing of development, where included in its submission, build out rates and the number of developers on site and their product range.

4.29 As part of the Local Plan process, the Council will be undertaking a 'whole plan' viability assessment that will take account of such factors as the Council's

²¹ PPG – [Paragraph: 020 Reference ID: 3-020-20190722](#)

Community Infrastructure Levy (CIL), S106 agreements and planning obligations (i.e. affordable housing), and other standards that can affect development viability within the Council's emerging Local Plan (such as design and space standards). This viability assessment should ensure that the majority of new development within the district will be financially viable at the time when development is envisaged to take place.

Calculating the development capacity

- 4.30 The PPG²² confirms that the estimation of the development potential of each identified site can be guided by the existing or emerging plan policy including locally determined policies on density. It notes that relevant existing schemes can be used as the basis for assessment, adjusted for any individual sites characteristics.
- 4.31 Individual site characteristics and physical constraints will also be considered to inform the indicative development capacity identified for each site. Certain sites may be suitable for higher density development, perhaps due to a central location, or the density of adjacent development. For other sites, specific constraints may exist (e.g. Ancient Woodland or Flood Zone 3) which would reduce the developable area of the site. The reasoning behind the identified indicative development capacity will be clearly set out in the assessment report and will be considered on a case by case basis due to the specific nature of sites.
- 4.32 The housing densities provided by the SHELAA are indicative for the future development of a site. The SHELAA does not pre-empt or prejudice any decision the Council may make in the future on any specific site and the assumptions made on densities should not be considered as fixed.

Timescales

- 4.33 Information on the suitability, availability, achievability and constraints can be used to assess the timescale within which each site is capable of development. The Council already provides a detailed assessment of housing sites with an extant planning permission as part of its review of its five year housing land supply position and this will correlate with the SHELAA document. For all other sites without planning permission, consideration will be given as to the likely delivery timescales of each site. This will give a broad indication as to whether the site would come forward in the short term (1-5 years), medium term (6-10 years) or longer term (11 years or over).

²² PPG – [Paragraph: 016 Reference ID: 3-016-20190722](#)

Stage 3 - Windfall Assessment

National Policy

- 4.34 The NPPF (February, 2019) confirms that where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. It notes that any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends.
- 4.35 Prior to the publication of the revised NPPF (February, 2019) any windfall allowance was to not include residential gardens. The NPPF no longer applies this restriction but indicates that Local Plans should consider the case for setting out planning policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.
- 4.36 Windfall sites are defined within Annex 2: Glossary of the NPPF (February, 2019) succinctly as ‘sites not specifically identified in the development plan’. This definition would include all sites, whether on brownfield land or greenfield land, that are not allocated within a Local Plan.

Approach

- 4.37 The delivery of housing on unidentified small sites (i.e. sites below 5 dwellings) has been and will continue to be an integral source of housing supply within the District. In accordance with national planning guidance, this SHELAA applies a site size threshold of a five or more dwellings. Therefore, the SHELAA does not identify suitable, available or achievable development sites capable of delivering below this threshold. Historically, small sites have made an important contribution to housing supply in the district, particularly through infill development within many of Wealden’s towns/villages and in rural areas through the conversion of agricultural buildings for example.
- 4.38 In addition, the recent and continued changes under the General Permitted Development Order (GPDO) has meant that some employment/retail premises have applied to change their existing use to residential. This will likely continue whilst the government’s change to such regulations remain in place and can include sites of 5 (net) dwellings or more.
- 4.39 The Council will seek to consider historic windfall delivery rates for such typologies of sites over an extended period (likely to be 10 years or more) and will seek to project forward for the new Local Plan period. In projecting forward,

the Council will give consideration to future predicted trends at that time (for example, legislation changes).

- 4.40 The windfall study will either be included as an appendix to the SHELAA document or provided as a separate document and will detail the windfall study methodology in full. This windfall study will aim to provide a robust windfall allowance for the Local Plan period.

Stage 4 – Assessment Review

- 4.41 The PPG²³ confirms that once all the sites and broad locations have been assessed, the development potential of all sites can be collected to produce an indicative trajectory. This should set out how much housing development and the amount of economic development that can be provided over the Plan period and at what point in the future (i.e. 1-5 years, 6-10 years, or 11 years and beyond). However, as discussed previously, all such sites submitted to the SHELAA and found to be suitable, available and achievable will still need to be considered through the plan-making process and specifically the SA and SEA, as well as the emerging policies of the Local Plan. The SHELAA is therefore the starting point to identify deliverable sites. A housing trajectory will be included as part of the emerging Local Plan and would be updated annually through the Council's Authority Monitoring Report (AMR).
- 4.42 The PPG also states that an overall risk assessment should be made as to whether sites will come forward as anticipated, as the SHELAA may conclude that insufficient sites/broad locations have been identified to meet objectively assessed needs, including the identified minimum local housing need.
- 4.43 If this is the case, in the first instance, the Council will seek to revisit its position in accordance with the PPG. If there is still a shortfall in sites following such revisions, then consideration needs to be given to how such development needs might be met in adjoining areas through the process of preparing Statements of Common Ground (SoCG), and in accordance with the duty to cooperate.

5.0 Conclusions and Next Steps

- 5.1 The final evidence base for SHELAA will provide a number of outputs including:
- a list of all sites or broad locations considered, cross-referenced to their location on maps;
 - an assessment of each site or broad location, including:

²³ PPG – [Paragraph: 024 Reference ID: 3-024-20190722](#)

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- where these have been discounted, evidence justifying reasons given;
 - where these are considered suitable, available and achievable, the potential type and quantity of development, including a reasonable estimate of build out rates, setting out how any barriers to delivery could be overcome and when; and
 - an indicative trajectory of anticipated development based on the evidence available.
- 5.2 The Council will endeavour to provide these standard outputs as part of its SHELAA assessment and/or through the emerging Local Plan as it is drafted. The Council's Local Development Scheme (LDS) provides the timetable for the progression of the new Local Plan and the SHELAA will be updated and will be publically available at the relevant consultation stages (Regulation 18 and 19).
- 5.3 A table of responses to the consultation on this SHELAA methodology and the Council's response to those comments will be included as part of the final SHELAA methodology document. Any revisions to this document as part of that process will be incorporated into the final report.