

Methodology for a strategic housing land availability assessment in Hertsmere



June 2009

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Differences between the Strategic Housing Land Availability Assessment and an Urban Capacity Study

1. Paragraph 16 of CLG's 2007 Practice Guidance¹ sets out that a Strategic Housing Land Availability Assessment (SHLAA) is significantly different from its predecessor, the Urban Capacity Study (UCS). Key differences include the need to now identify sites outside urban areas (e.g. sites in rural settlements) as well as those in urban areas, involvement of key stakeholders from very early in the process and an assessment of a sites deliverability, developability and availability.
2. Given the fundamental differences arising from these changes, it is our view that our UCS cannot be easily converted into a SHLAA. For example, the need to now assess site availability means many sites counted as future housing site under the UCS may now not be considered suitable. On the other hand, the age of our UCS means that sites that may not have been counted previously, but have come forward in the intervening years, can now be considered in our housing trajectory.
3. However, much of the methodology for determining site yield and the sites considered can be utilised. These can be included at the relevant stages in the process as discussed below.

The number of additional homes that need to be provided

4. To determine the minimum number of dwellings that need to be provided over a fifteen year period, it is useful to note the number of dwellings completed between 2001 and now. Of the 5000 additional homes² required in Hertsmere between 2001 and 2021, 1886 were constructed as of 31 March 2009. This equates to a rate of approximately 236 per year and leaves an additional minimum of 3116 to be provided between now and 2021, an average of 260 dwellings per year.

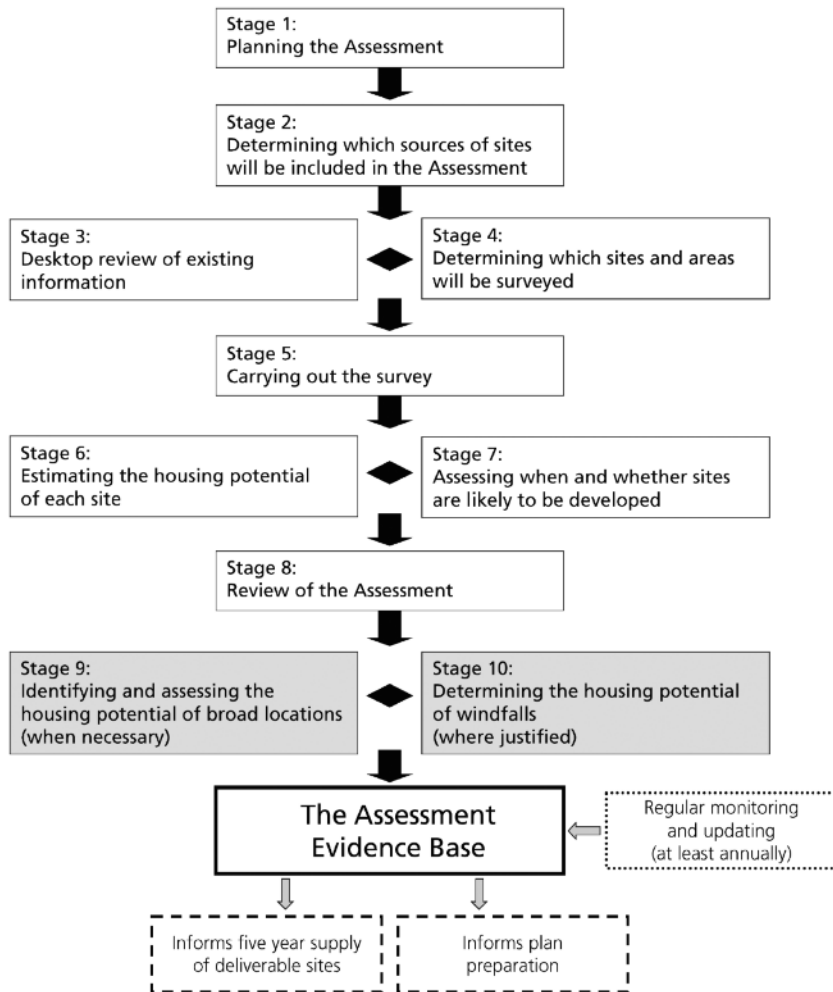
The SHLAA process

5. Section two of the SHLAA practice guidance sets out the process for the creation of a SHLAA. The process and the outputs are set out in figure 1 below.

¹ Department for Communities and Local Government, July 2007, "*Strategic Housing Land Availability Assessments - Practice Guidance*"

² Policy H1 of RSS 14 (also known as the East of England Plan), sets out a requirement on Hertsmere to provide 5000 homes between 2001 and 2021.

Figure 1: The SHLAA Process and Outputs, as set out in the SHLAA Practice Guidance.



6. How this process will be applied, bearing in mind the work already existing in Hertsmere's 2006 UCS (and its 2007 update) is set out below.

Stage 1 - Planning the assessment

- 7. This document forms the key component of this stage and sets out how the stages noted above will be met using the resources of Hertsmere's Planning Policy Team.
- 8. Partnership work with other local planning authorities in this area is not considered necessary to complete a SHLAA for Hertsmere. Paragraph 13 of the SHLAA practice note specifies that there may be reasons why an assessment cannot be prepared with other authorities in the housing market area. In Hertsmere's case, this SHLAA is being prepared to supplement data from the existing UCS that informs the Core Strategy DPD. At present, the examination in public for the Core Strategy DPD is subject to a six-month adjournment, pending the undertaking of this and at least one other study. Given the urgency imposed by this six-month timeframe and for the reasons set out in the following paragraphs, an assessment of the entire sub-market area is not considered appropriate.

9. Notwithstanding, the Council is in the process of completing a Strategic Housing Market Assessment (SHMA) with five other Hertfordshire authorities. Although yet to be finalised as a whole, some parts, such as those identifying Housing Sub-markets in London Commuter Belt West, have been completed to the satisfaction of the partner authorities.
10. As a housing sub-market area, paragraph 3.33 of the SHMA report identifies that Hertsmere has weak links to Watford Borough via Bushey Heath. As a SHLAA was recently completed for Watford, this precludes going into partnership with that authority³. Paragraph 3.33 also notes that the larger settlements of Borehamwood and Potters Bar are linked more closely to the North London housing market due to the good connectivity afforded by frequent train services and the location of employment.
11. With regards to the north London boroughs adjoining Hertsmere, all London boroughs and the GLA are undertaking a joint SHLAA. This is on the basis that London is a unique housing market area in its own right⁴. This working arrangement therefore precludes inclusion of Hertsmere. The South West Hertfordshire and emerging GLA assessments should however be reviewed to ensure consistency across the housing market area.

Stakeholder Involvement

12. The Government's practice guidance makes clear the importance of a partnership approach⁵ to the preparation of SHLAAs. While this is not overly prescriptive, it advocates that local planning authorities should work with key stakeholders to undertake assessments, to ensure a joined-up and robust approach.
13. In addition to wider consultation with interested parties at key stages in the preparation of the SHLAA, the Council proposes a Core-stakeholder Panel ("the Panel") to assist in the Assessment process. The Panel will assist in the assessments of suitability, availability and achievability necessary in Stages 6 and 7 based on the information held by the Council and supplied by the wider stakeholder group. The benefits of a Panel are three-fold:
 - a) It allows representatives from within the development industry, government agencies and community interest groups to have a direct influence on the SHLAA;
 - b) The SHLAA, particularly assessment of economic potential and the availability of sites, benefits from expert knowledge held by Panel Members; and
 - c) The inclusion of key stakeholders with different backgrounds and interests ensures a balanced assessment of the suitability, availability and achievability of housing development on identified sites.
14. The operational details of the Panel are set out in the Terms of Reference attached as Annex 1.
15. Before the Panel is set up, an initial consultation phase shall be carried out with all interested parties. These stakeholders shall be contacted through a mail out that will contain this methodology for comment, a questionnaire to be returned to the Council and a nomination form for membership to the Panel. The questionnaire will contain questions relating to the availability, suitability and achievability of a housing development on a stakeholders site and the results will inform stages 6 and 7 in particular.
16. A period of one month shall be set aside for return of the questionnaires and for nominations to be made. Selection of Panel members would occur within two weeks and follow the process set out in Annex 1.

³ The South West Hertfordshire Strategic Housing Land Availability Assessment was completed in October 2008. This covers the areas administered by Dacorum, Three Rivers and Watford Borough Councils.

⁴ See paragraph 4 of a statement from the GLA titled "Addressing PPS3 requirements for a 15-year housing land supply (Interim Approach)" dated March 2008

⁵ See paragraph 11, "Strategic Housing Land Availability Assessments: Practice Guidance" (DCLG, July 2007)

17. Following completion of stage 7, a draft report shall be circulated amongst all interested parties for comment, for a period of four weeks. Should any disagreements arise regarding the assessment of particular sites, the Core-stakeholder group will consider the objections and, where deemed necessary, revisions made before finalising report.
18. It should be noted that a 'Call for Sites' is not considered necessary. A recent 'Call for Sites' occurred in November-December 2008 that was well publicised and resulted in a number of sites being identified by the Council. Given this, and that additional sites have come forward since this time, it is not considered necessary to undertake a further 'Call for Sites'.

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

19. Based on Figure 4 of the SHLAA practice guidance, as well as consideration of the Hertsmere context, the following sources of sites have been identified:
 - a) Land allocated (or with permission) for employment or other land uses which are no longer required for those uses
 - b) Existing housing allocations and site development briefs
 - c) Unimplemented/outstanding planning permissions for housing
 - d) Sites subject to s106
 - e) Planning permissions for housing that are under construction
 - f) Pre-application enquiries/applications
 - g) Vacant and derelict land and buildings
 - h) Surplus public sector land
 - i) 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 mixed-use development
 - j) Additional housing opportunities in established residential areas, such as under-used garage blocks
 - k) Large scale redevelopment and re-design of existing residential areas
 - l) Suitable sites in settlements washed over by Green Belt designation
 - m) Representations received during the November – December 2008 Site Allocations DPD call for sites
 - n) Representations received during the Preferred Options and Submission consultation periods of the Core Strategy
 - o) Any potential Gypsy and Traveller site(s)
 - p) Local knowledge of the borough

Stage 3 - Desktop review of existing information

20. Further to the site sources identified above and having regard to Figure 5 of the SHLAA practice guidance, the following sources of information shall be used:

Figure 2: Sources of information

Source	Purpose
Land/buildings relating to site allocations representations not yet the subject of planning permission	To identify sites
Planning permissions/sites under construction (particularly those being developed in phases) and sites approved subject to s106	To identify sites
Site specific development briefs	To identify sites and any constraints to delivery
Planning application refusals	To identify sites which are still acceptable, in principle, for development
Dwelling starts and completion records	To identify the current development progress on sites with planning permission
Pre-application enquiries/applications	To identify sites
Representations received during the November - December 2008 Site Allocations DPD 'Call for sites'	To identify sites and determine landowner and/or developer intentions
Representations received during the Preferred Options and Submission consultation periods of the Core Strategy	To identify sites and determine landowner and/or developer intentions
Urban Capacity Study	To identify buildings and land, and any constraints to delivery
Potential suitable Gypsy and Traveller Sites	To identify sites
Local planning authority Empty Property Register	To identify vacant buildings
English House Condition Survey (see www.communities.gov.uk)	To identify buildings
National Land Use Database (see www.englishpartnerships.co.uk/publications.htm)	To identify buildings and land, and any constraints to delivery
Register of Surplus Public Sector Land (see www.englishpartnerships.co.uk/rspl.htm)	To identify buildings and land
Central Hertfordshire Employment Land Review	To identify surplus employment buildings and land
Valuation Office database (see www.voa.gov.uk)	To identify vacant buildings
Local planning authority vacant property registers (industrial and commercial)	To identify vacant buildings
Commercial property databases (e.g. estate agents and property agents)	To identify vacant buildings and land
Ordnance Survey maps (see www.ordnancesurvey.co.uk/oswebsite)	To identify land
Aerial photography and Google Street View/other online resources function	To identify land

21. Once assembled, information will be gathered on each site. This should include mapping each site on a 1:1250 map base for use in the site survey and to identify duplicates. A record of landowner or developer contact details should also be noted should further information be necessary and to arrange site visits.

Stage 4 - Determining which sites and areas will be surveyed

22. Where a source or type of land is not to be considered by an LPA, Paragraph 21 of the SHLAA practice guidance specifies that this needs to be justified. The following types of land have not been included for the reasons stated:
 - a) **SSSI, Wildlife Sites, Local Nature Reserves and Regionally Important Geological Sites** - locating housing on these sites could result in the loss of significant protected species, habitat, visual amenity and/or areas of general scientific interest.
 - b) **Historic Parks and Gardens, Scheduled Ancient Monuments, Historic Battlefields and Sites of Archaeological Interest** - With regards to Historic Parks and Gardens and Historic Battlefields, housing on these types of sites would compromise the amenity value and/or historic value of such sites. With regards to Scheduled Ancient Monuments Sites and Sites of Archaeological Interest, PPG 16 specifies that any remains should be left in-situ. This therefore, precludes housing development.
 - c) **Land within Type 3a and 3b Flood Risk Areas** - In the case of Type 3b Flood Risk Areas, PPS25 specifies that housing should not be located within these areas. In the case of Type 3a Flood Risk Areas, PPS25 specifies that housing should not be located within these flood risk areas where there are other more suitable sites that can be used. As this is a borough wide study, it is anticipated that more suitable land will come forward.
23. With regards to the remainder of the Borough, paragraph 26 of the SHLAA Practice Guidance sets out a number of considerations for determining which sites and areas should be surveyed. Based on these and the Hertsmere context, the following areas shall be assessed:
 - a) **Sites outside the Green Belt and within the settlement boundaries⁶ of Borehamwood, Potters Bar, Bushey, Elstree and Radlett** - these locations are likely to be most sustainable in terms of access to services, public transport, infrastructure and employment and have the least number of policy constraints.
 - b) **Sites within the Green Belt and located within the settlements of Shenley, Elstree, Ridge, South Mimms, Aldenham and Letchmore Heath** - these locations are likely to be most sustainable in terms of access to services, infrastructure and employment and have less policy constraints than surrounding Green Belt land.
 - c) **Green Belt Sites outside settlements, nominated by landowners/developers/stakeholders and containing previously developed land** - these sites are likely to be available and have the least impact on the openness of the Green Belt as they contain previously developed land.
24. Within the settlements identified in (a) and (b) above, a site threshold of 0.1 ha has been used. This is consistent with the South West Hertfordshire SHLAA as well as Council's UCS. For all other sites, a threshold of 0.5 ha has been used.

Stage 5 - Carrying out the survey

25. Paragraph 24 of the SHLAA guidance specifies that all sites identified should be visited to ensure consistent information, identify constraints and the progress of any development on-site. Consistency of approach to site surveys is also stressed. Accordingly, a pro-forma sheet (Appendix 2 to this document) is to be filled in by survey team members and shall include the following headings:
- a) Site size
 - b) Site boundaries
 - c) Current use(s)
 - d) Surrounding land use(s)
 - e) Character of surrounding area
 - f) Physical constraints (e.g. access, steep slopes, evidence of flooding, natural features of significance, pylons, trees)
 - g) Development progress (e.g. ground works completed, number of homes started and number of homes completed)
 - h) Initial assessment of whether the site is suitable for housing or housing as part of a mixed-use development

Stages 6 and 7 - Estimating the housing potential of each site and assessing when and whether sites are likely to be developed

26. Stage 6 of the SHLAA practice guidance requires an estimate of the housing potential for each site to be undertaken either before Stage 7 or in parallel. However, assessment of a site's housing potential is considered unnecessary if the site is not suitable and/or available. As such, Stages 7a (Site suitability) and 7b (Site availability) shall be carried out before an assessment of housing potential.
27. As noted in the SHLAA guidance, the housing potential of a site is a significant factor in determining the economic viability and therefore achievability of housing development. Therefore, those sites considered suitable and available after Stages 7a and 7b will then be assessed for their housing potential (Stage 6), followed by an assessment of achievability (Stage 7C). The methodology to be used in each stage is set out below.

Stage 7a - Assessing the suitability of a site for housing

28. Paragraph 37 of the SHLAA Practice Guidance states that *"a site is suitable for housing development if it offers a suitable location for development and would contribute to the creation of sustainable, mixed communities"*. The following four factors are then recommended as considerations in determining suitability:
- a) **Policy restrictions** - such as existing or emerging planning policy and corporate or community strategy policy. Note that the policy restrictions likely to give rise to an in principle objection to use of a site for housing should already have been identified and these sites discounted in stage 4 above. At this stage it is determining the degree to which a policy restriction will affect the level of housing development. For example, if a site is located within a Conservation Area, this may make a site less suitable for housing whilst not precluding it.
 - b) **Physical problems or limitations** - such as access, infrastructure, ground conditions, flood risk, hazardous risks, pollution or contamination. Like the policy restrictions, physical problems or limitations likely to give rise to an in principle objection to use of a site for housing should already have been identified and discounted earlier. At this stage, an assessment of the relative accessibility of a site

should be undertaken using the accessibility ratings utilised in the UCS (an update to these may be necessary in consultation with HCC)

- c) **Potential impacts** - including effect upon landscape features and conservation. For example, housing development on 'greenfield' Green Belt land would likely have a greater detrimental impact than development of previously developed land in the same position.
 - d) **Environmental conditions** - which prospective residents would experience. For example, housing development adjacent to heavy industry or a busy night spot may not be suitable.
29. When considering sites that have been the subject of planning permission, those that have been granted permission or were considered acceptable in principle but were refused on other grounds will still be considered for the SHLAA. For other sites, an assessment will need to be made by the relevant officer using professional judgement and common sense. Information submitted already on file may be useful, such as a representation made during the 2008 call for sites.
30. It is proposed that site suitability be reported in a matrix using the above criteria. These criteria should not be prioritised, but should inform an overall conclusion about the subject site.

Stage 7b - Assessing availability for housing

31. Paragraph 39 of the SHLAA Practice Guidance states *"a site is available for development, when, on the best information available, there is confidence that there are no legal or ownership problems, such as multiple ownerships, ransom strips, tenancies or operational requirements of landowners. This means that it is controlled by a housing developer who has expressed an intention to develop, or the land owner has expressed an intention to sell"*. Where a representation has been received from or on behalf of a developer or landowner, this should be possible to ascertain. If no representation has been received, attempts shall be made to contact the landowner or their agent directly. Only then, will a judgement need to be made as to if or when a site is likely to be available for housing.
32. As part of the availability assessment, it is interesting to note the approach taken in the South West Hertfordshire SHLAA with regards to availability for sites six years into the housing land supply period. After this time, availability was impossible to assess on some otherwise suitable and achievable sites as the landowners' intentions could not be ascertained or predicted. However, the researchers experience with similar studies in the past found that where a site features in a capacity study, it could help trigger landowner or developer action, thus creating a 'self-fulfilling prophecy'. This not only justifies their inclusion in the SHLAA but also helps fulfil the PPS3 requirement of there being a reasonable prospect that the site could be developed at the point envisaged.
33. Sites that have passed the test of availability and which are considered suitable and achievable for development will therefore be included within one of the housing periods identified in PPS3. Where it is not clear precisely when (rather than if) a site will become available, it will be assigned to years 11-15, on the basis that an available site can reasonably be expected to be developed within the next fifteen years. Ongoing monitoring may in due course lead to sites of this type being assigned to a different phasing period. Sites which have not passed the availability test but which are nonetheless considered suitable for housing will not be assigned a phasing period but will be included in an assessment of overall capacity beyond the fifteen year period.
34. With regards to sites with planning permission, it should not be assumed that they are automatically available. This is because anyone can apply for planning permission with respect to a parcel of land without having to own it. As such, the ownership certificates attached to a planning permission application will be checked in the first instance to determine ownership and establish, through contact with the individual/organisation, its availability.

Stage 6 - Estimating the housing potential of each site

35. To determine housing potential, the methodology within the UCS will be redeployed. This method used a baseline density of 30 dwellings per hectare and allowed for factored increases according to a range of indicators including a site's accessibility, surrounding density and likely dwelling types to be accommodated. The Typical Urban Area's (TUA) provide a comprehensive mapping of prevailing densities across the Borough. Exemplar recent developments within the borough will also be identified as good examples or benchmarks of what the Council may wish to see on certain sites, in accordance with existing Local Plan and emerging Core Strategy policy.

Stage 7c - Assessing achievability for housing

36. Paragraph 40 of the SHLAA Practice Guidance states that *"a site is considered achievable where there is a reasonable prospect that housing will be developed on the site at a particular point in time. This is essentially a judgement about the economic viability of a site and the capacity of the developer to complete and sell the housing over a period"*.
37. In the first instance, the views of the Panel will be engaged so that a consensus might be achieved on whether a site is achievable. Assistance from the Council's Estates and Valuation department may need to be sought. If necessary and exceptionally, the use of a viability toolkit and / or external consultant will be employed should an agreed assessment of economic viability provide difficult.
38. With regards to sites submitted by landowners and agents, it should not be assumed that the development of all of these sites is economically viable. This is because landowner/developer aspirations may be greater than what would likely be approved by the Council. Any development plans submitted with representations will therefore be reviewed and if the levels of development proposed largely correspond with the housing estimates from Stage 6, that site should be considered economically viable.

Stage 7d - Overcoming constraints

39. If constraints have been identified, the assessment should consider what action would be needed to remove them. These actions could include infrastructure investment, dealing with fragmented land ownership, environmental improvement or amended planning policy that is constraining housing development. If sufficient sites are suitable, available and achievable, however, overcoming constraints is not likely to be a big issue. The Council will also refer to the Hertfordshire Infrastructure and Investment Study which has been prepared for Hertfordshire County Council to identify future infrastructure and associated funding requirements, to support housing growth across the County.

Stage 8 - Review of the Assessment

40. Following completion of Stages 6, 7a, 7b, 7c and 7d, the capacity, availability, suitability and achievability of all sites will be collated into a matrix. This matrix will contain phasing details (i.e. 0-5 years, 6-10 years, 11-15 years and 16 years plus) and an estimate of total housing capacity. The information in this matrix can then be used to produce an indicative housing trajectory, which will indicate any shortfall; whether any constraints to development need to be overcome (Stage 7d) and whether broad locations for housing will need to be allocated (Stage 9) to meet East of England Plan housing targets.

Stage 9 - Identifying and assessing the housing potential of broad locations (where necessary)

41. Paragraph 46 of the SHLAA Practice Guidance states that “*broad locations are areas where housing development is considered feasible and will be encouraged*”. However, the Areas of Search contained in the submission Core Strategy and decided upon using a criteria based assessment (paragraph 3.13 of the submission Core Strategy) are consistent with what’s described in the SHLAA practice guidance. Furthermore, sites within these areas should already have been considered in Stage 4 above. As such, the need to identify additional broad locations should not be necessary but will be revisited following the completion of Stages 1 to 8.

Stage 10 - Determining the housing potential of windfall (where justified)

42. Paragraph 59 of PPS3 states that “*allowances for windfalls should not be included in the first 10 years of land supply unless local authorities can provide robust evidence of genuine local circumstances that prevent specific sites being identified*”.
43. Historically, a large proportion of Hertsmere’s housing development has been through windfall development. For example, data from 2002 to 2008 indicates that approximately two-thirds of housing development in Hertsmere has been through windfall. Furthermore, 80% of Hertsmere is designated Green Belt. Pursuant to PPG2, housing is considered an inappropriate use of Green Belt land, thereby limiting land availability for housing in the Borough to only 20% of the Borough’s area. It is also noted that the East of England Plan has not specified strategic or local Green Belt reviews in Hertsmere to meet the housing targets set therein and as such, large incursions into the Green Belt could raise issues of general conformity with the regional spatial strategy. As such, it is considered that there may be genuine local circumstances for Hertsmere that justify use of windfall.
44. To determine windfall capacity, paragraph 51 of the SHLAA Practice Guidance suggests using the average annual windfall completion rate from all sources (e.g. existing residential sites, former employment sites), being sure not to double count the specific sites identified in Stages 1-7 above. However, the use of design exercises linked to the different TUAs in the Borough would enable a more robust projection of windfall rates to be provided, using previous trends to estimate the amount of land predicted to come forward from within these different areas. To determine the average trend, AMR data from the last ten years should be analysed, the number of homes developed on identified sites removed and the average of the residual amount determined. This average should then be adjusted to take into account the following:
- a) Whether the annual rate is likely to increase or decrease;
 - b) Whether the pattern of redevelopment is likely to remain the same, grow or decline; and
 - c) Whether current market conditions are likely to stay the same, worsen or improve in the future.
45. It is difficult to assess whether and when market conditions are likely to stay the same, worsen or improve in the future. The current economic downturn may influence short term house building rates but an assessment of housing land availability over any fifteen year period might be expected to coincide with peaks and troughs in the economy.
46. However, it is recognised that the inclusion of windfall sites will be an area of debate and as such, a total with and without windfall will be included. For the latter, deference to the broad locations/Areas of Search would then be included if land cannot be identified for the 5,000 home East of England plan target.

Annex 1 - SHLAA core-stakeholder panel terms of reference

Why is there a need for Terms of Reference?

1. The Government's practice guidance makes clear the importance of a partnership approach⁷ to the preparation of Strategic Housing Land Availability Assessments (SHLAAs). While this is not overly prescriptive, it advocates that local planning authorities should work with key stakeholders to undertake assessments, to ensure a joined-up and robust approach.
2. In addition to consultation with all interested parties, the Council proposes a "Panel" to assist in the Assessment process. The Panel concept is a key component of the process included in the *"Methodology for Strategic Housing Land Availability Assessments in Hertsmere"* (hereafter referred to as the "Methodology") published by Hertsmere Borough Council ("the Council") alongside this Constitution. The Council's rationale for using a Panel is three-fold:
 - a) It allows representatives from within the development industry, government agencies and community interest groups to have a direct influence on the SHLAA;
 - b) The SHLAA, particularly assessment of economic potential and the availability of sites, benefits from expert knowledge held by Panel Members; and
 - c) The inclusion of key stakeholders with different backgrounds and interests ensures a balanced assessment of the suitability, availability and achievability of housing development on identified sites.
3. It is likely the preparation of a SHLAA will generate significant public interest. There will also be a high level of public expectation in the preparation of technical documents that inform the plan making process that leads to the delivery of housing in the Borough. To ensure clarity and transparency in the management of the process, management of potential bias and to assist effective operation of the Panel, the Council considers it necessary that the Panel is bound by Terms of Reference.
4. The Terms of Reference set out how the Panel will be formed, how it will operate, how decisions are made and the procedures that will be followed in the process leading to the completion of the SHLAA.

Membership

5. The Panel will be made up of Members from:
 - a) up to five organisations / companies / individuals which are representative of the broad spectrum of the house building industry in Hertsmere. To be representative each will need to be actively engaged in the development of land for housing, for example as a land agent (i.e. national or local) or developer (i.e. volume or small scale house builder), Registered Social Landlord, architect, planner or urban designer or other related profession that may usefully inform the assessment of potential sites for housing;
 - b) the Home Builders Federation (HBF);
 - c) Planning Policy Officer(s) from the Council engaged in the preparation of a SHLAA report; and
 - d) representatives of relevant community interest groups (for example, but not limited to, local Green Belt society or Development Agencies) within or covering the administrative area of Hertsmere Borough Council.

6. For clarity, one representative only from each organisation, company, or interest group identified above shall sit on the Panel at any one time.
7. Membership will be through acceptance of an offer of appointment made by the Council, in accordance with the process set out in Annex A.
8. Where a Panel Member elects to leave the Panel, the Council will be responsible for making an offer of appointment to another organisation / company / individual in accordance with the process outlined in Annex A.
9. Membership on the Panel will be on a voluntary / unpaid basis. There will be no budget provision for the Panel with administration costs covered by the Council.

Leading Panel Meetings

10. Panel meeting(s) and / or any other event(s) will be led by a Planning Policy officer from the Council and held at the Civic Offices in Borehamwood.

Accountability

11. The Council will ensure the Panel works in a transparent manner and in accordance with the Methodology and Terms of Reference. Panel members may be provided with unpublished information about identified sites and other draft documentation relating to the preparation of the SHLAA report. They will be required to keep this information confidential. Where there is deemed to be inappropriate conduct⁸ by a Panel Member this will be referred to a senior Council officer to act as an arbitrator to resolve the matter.

Timetables and Meetings

12. Following its inception meeting, the Panel may be required to meet at a successive meeting(s) as necessary to facilitate completion of the SHLAA. The Council will be expected to prepare a timetable indicating likely dates for meetings, make provision for a suitable venue and make clear the timescales for the process leading to the completion of the SHLAA. This will need to be agreed between the Council and the Panel.

Declaration of site interest

13. Interest in the development of one or more potential sites in Hertsmere for housing will not preclude membership on the Panel. However, where such an interest exists either as the controller of land or as agent for a landowner, then this interest must be declared to the Panel from the outset. Where a Panel Member declares an interest in one or more potential sites it may continue to provide advice on the developability and deliverability of these sites for the purpose of the preparation of the SHLAA. However, this advice will not guarantee that such sites are considered favorably in the final SHLAA report, would be allocated for development in a DPD or granted planning permission.

Consideration of which sites are to be included in the SHLAA report

14. Each Panel Member will provide advice and opinions to the Council on the “suitability”, “availability” and “achievability” of identified potential sites. The Council will consider the advice and opinions of all Panel Members when making its final assessment of identified sites. The Council will attach appropriate weight to such advice and opinions, relative to other evidence and considerations. The final assessment of sites and their inclusion in the final SHLAA report will be the responsibility of the Council
15. To ensure that publication of the SHLAA report is practicable in accordance with the timetable produced by the Council, the partner authority may still make a final assessment of sites where one or more Panel Members have been unable to undertake and / or complete their assessments in a timely manner, there is disagreement amongst Panel Members or where one or more Panel Member(s) are unable to attend a Panel meeting.
16. Where elements of the assessment for a site may be incomplete, the Council may consider the merits for the inclusion of such sites in the published SHLAA report. In such instances the Council will have regard to whether “missing” information would fundamentally preclude the deliverability and developability of a site, and whether this could reasonably be expected to be resolved at a later stage in the plan making or development control decision making processes.
17. Panel Members will provide advice and opinions to the partner authority on the understanding that:

The assessment of the deliverability and developability of sites for new housing through the SHLAA process and the identification of potential housing sites in a local authority’s published SHLAA report does not indicate that the site(s) will be allocated for new housing development in Development Plan Documents or that planning permission will be granted for new housing. Potential sites for new housing which have been identified through the SHLAA may be further tested through the plan making process for Development Plan Documents where judgments will be made about whether sites should be allocated through plan policy. This will include testing through Sustainability Appraisal / Strategic Environmental Assessment, stages of public participation and independent examination. Planning proposals on sites identified in a published SHLAA report will be judged on their merits against the relevant Local Plan or Development Plan Document policies unless material considerations indicate otherwise. The SHLAA report may be a material consideration in the determination of such planning proposals.

Administrative support and publication of the SHLAA report

18. The Council will be responsible for providing administrative support to the Panel for the purpose of recording notes of meetings and preparing draft documents in relation to the SHLAA where these are necessary. The Council will be responsible for publishing the final SHLAA report.

Annex A: Selection criteria and process for panel membership for representatives of the house building industry

Eligibility

- a. The candidate will need to be actively engaged in the development of land for housing in Hertsmere, for example as a land agent (national or local) or developer (i.e. volume or small scale house builder), Registered Social Landlord, architect, planner or urban designer or other related and suitably qualified profession that may usefully inform the assessment of potential sites for housing.
- b. The candidate must have completed a pro forma for expressing interest in their representation on the Panel, which must be signed and dated for the purpose of data protection, freedom of information and to indicate familiarity with the Stakeholder Panel constitution.

Composition

- c. The Panel will include up to five appointed individuals who must be representative of the broad cross section of the house building industry in the sub-region. Therefore the selection process will seek to achieve a balance in the professions / nature of business undertaken by Panel Members (e.g. between volume and small scale house builders and national / local land agents).

Process

- d. The selection process for making an offer of appointment will be made by the Council to provide for the "optimal mix" of Members to achieve the representation sought.
- e. The Council will prepare a shortlist of candidates from the expressions of interest received to Panel membership. The Council will then make an offer of appointment in writing to each short listed candidate. To ensure a place on the Panel, written confirmation of acceptance for Panel membership must be received from the candidate within a specified timescale.
- f. Where one or more of the short listed candidates declines to confirm their acceptance of Panel membership, or where a Panel Member elects to leave the Panel, the Council will select one or more further candidates from the expressions of interest received to Panel membership. The Council will make an offer of appointment in writing to the selected candidate(s) and will require a confirmation of acceptance of Panel membership in writing from these candidate(s).
- g. The Council's decision on Panel membership shall be final.

Annex 2 - Site survey pro-forma

Site Survey Sheet	Site Ref No:
a) Site Address:	
b) Site Size:	
c) Current Use:	
d) Boundary treatment and surrounding land-use North: West: East: South:	
e) Briefly describe the character of the surrounding area:	
f) Are there any physical constraints notable on-site (e.g. steep slopes, lack of access, evidence of flooding, significant natural features, pylons or trees)?	
g) If housing development is underway on-site, how far has this progressed? As a minimum, please note number of homes started and number of homes completed.	
h) What are your initial thoughts on the potential development typology and density (e.g., houses, flats, mixed use development) and why?	
i) Are there any other sites apparent in the vicinity of this site that may be suited to housing development? If so, please provide details.	