Chichester District Council Housing and Economic Land Availability Assessment 2020

# Frequently Asked Questions

## How is the 2020 HELAA dealing with flood risk and climate change?

The 2020 HELAA takes a robust approach to flood risk and climate change, supported by advice from the Environment Agency.

For existing flood risk we have used the EA’s data from 2020 for Zones 1, 2 and 3 and information from our 2018 Strategic Flood Risk Assessment (SFRA) to distinguish between Zone 3a and Zone 3b and whether the risk is predominantly fluvial or tidal. These layers are all mapped on our GIS system.

Climate change data is taken from the 2018 SFRA which uses 2016 data and predicts tidal and fluvial risk areas to 2070 and 2115. These have been mapped. We don’t yet have access to mapped data for the full set of 2018 predictions.

The HELAA considers land on a site by site basis. It doesn’t take into account cumulative impacts, how to protect existing communities at risk, other sources of flooding or indirect impacts. Only sites which are in themselves directly within the tidal or fluvial risk zones are discounted at this stage. Further studies including the next stages or updates to the SFRA and Sustainability Appraisal will continue to analyse the data and be used to inform the forthcoming development strategy.

## What is the latest position on brownfield/ previously developed land?

By assessing all sites regardless of existing use or existing policy constraints, the 2020 HELAA considers all options for future development or redevelopment of previously developed land. The 2020 HELAA uses the NPPF definition of previously developed/ “brownfield” land (PDL) to identify relevant sites. The classification of sites as PDL in whole or part has been undertaken for HELAA purposes based on the information available at the time of assessment and is not necessarily determinative of the lawful planning status of the site. The impact of considering more PDL sites is discussed on page 11 of the Report. Unless there is clear evidence to the contrary, any active site identified with potential for an alternative use is estimated to come forward for redevelopment at a later phase in the plan.

Information from the 2020 HELAA will be used to inform the next edition of the Council’s Brownfield Land Register.

## Have you taken into account infrastructure capacity constraints?

No. Infrastructure capacity for wastewater and transport and other environmental and policy constraints such as nitrate impacts, landscape gaps, wildlife corridors and agricultural land quality form part of other evidence studies. The HELAA is only one document. The full set of Local Plan Review evidence will be used concurrently to inform the revised development strategy.

## What do you mean by the “policy-off” approach?

A “policy-off” assessment is not constrained by existing Local Plan or Neighbourhood Plan policies or existing land uses. All options can therefore be considered on an equal footing, resulting in a full picture of potential available land for a range of uses. The HELAA will be used alongside the results from a range of other technical studies, to help inform the development strategy. Policy considerations will form part of that later process.

## What are the key changes from the 2018 version?

The main differences and areas of clarification are set out on pages 11-13 of the Report. In summary, the 2020 HELAA does not take existing Development Plan policy into account, which significantly increased the amount of land that was subject to assessment. Climate change flood risk is however a key constraint that has influenced the conclusions. The 2020 edition places more emphasis on previously developed land and takes opportunities to increase development density where scope was identified in principle.

Consequently, the 2020 HELAA identifies theoretical potential for a capacity of approximately 27,000 dwellings for the Plan area for the next 15+ years, compared with approximately 8,700 dwellings from the 2018 HELAA.

## Does this mean all these sites will be developed?

No. The HELAA is only a “first cut” of sites that are known to be available and have some potential for development in the future. This long list of options will then be tested against many other criteria which will narrow down the options to the most suitable sustainable locations for development and how much development each area will be expected to provide under the new Local Plan. Figure 2 on page 9 of the Report illustrates how this filtering process works.

Any site that is submitted for development as a planning application, including if this happens before the new development strategy, will be thoroughly tested against current Local Plan and Neighbourhood Plan policy and be subject to full consultation. A site being green in the HELAA would not necessarily receive planning permission if the details are not acceptable at the time. Similarly sites which are red in the HELAA may be found acceptable following a detailed assessment of their individual merits.

## When is a decision taken on the level and location of development in the Plan?

This will happen once all the necessary evidence based and technical studies are completed and the outcomes of all have been considered cumulatively and in detail. The HELAA is only one of this series of studies that will inform the level and location of development identified in the Local Plan Review.

## Have you considered higher densities than 30dph?

Yes. Where promoters have identified potential for higher density development, or where officers have considered more efficient use of land could be appropriate, higher figures are used in the assessment on a site by site basis. Any further detailed work on sites that progress beyond the HELAA will test increased densities to comply with national policy on making efficient use of land.

## What are the E and F use classes?

The Town and Country Planning (Use Classes) Order 1987 (as amended) was updated on 1 September 2020. Some uses in Class A (retail/food/drink), Class B (business) and D (community) have been re-categorised.

A new class E “Commercial, Business and Service” has been introduced to include shops, offices, industrial premises, indoor sports and health services previously split between A, B and D use classes. A new class F “Local Community and Learning” includes museums, galleries, law courts and religious settings (F1) formerly identified in class D, and local community uses (F2) which covers small scale or local facilities.

Pubs, hot food takeaways and hostels are amongst the uses now categorised as “sui generis”.

Full details of the changes including a comparison can be found using the link below:

<https://www.planningportal.co.uk/info/200130/common_projects/9/change_of_use>

## Can the conclusions be challenged?

The HELAA is a technical study with a specific scope and purpose. It is not a policy document. It is a snapshot of land availability at a particular point in time. The content of the HELAA should therefore be used with care, within the context in which it was intended.

The conclusions of the HELAA are not determinative of any decisions made on sites by the Council in its role as the Local Planning Authority. Regardless of the HELAA conclusion, a land promoter could submit a proposal through the Development Management processes, such as a pre-application enquiry, planning applications or an application to test a proposal against the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

The conclusions are not determinative of the future policy position or development allocations. Neighbourhood Plan groups can undertake their own HELAA to consider development opportunities within their Neighbourhood Plan area.

Any reports of inaccurate information or updates can be submitted to planningpolicy@chichester.gov.uk for consideration in the next edition.

The HELAA is a living document that will be kept under review by officers. A further public update will be preceded by requests for updated information.