Land Availability Assessment

Stages 1 and 2a

Site Assessment Criteria

2018 Methodology
Disclaimer

The site assessment criteria in this document will not allocate sites. Inclusion of a site in the Land Availability Assessment does not guarantee that the site will be allocated for development in any local plan or that planning permission will be granted. It also does not preclude the development of an identified site for an alternatively acceptable land use. Equally, the exclusion of a site does not preclude the submission of a planning application, the granting of permission for the development of a site or the sites allocation in a local plan.
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1. **Introduction**

1.1. The Chesterfield Borough Local Plan: Core Strategy (2011-2031) or ‘Chesterfield Core Strategy’ was adopted on the 24th July 2013 and set out the housing and economic land use development requirements for the Borough without identifying specific sites. The next stage of the Local Plan is to identify, assess and allocate sufficient land to meet the requirements set out in the Core Strategy. To do so requires initially a Land Availability Assessment (LAA) to identify and assess sites following which a further process of site allocation will be needed.

1.2. A joint methodology for carrying out LAA has been agreed between the Local Planning Authorities within the North Derbyshire and Bassetlaw Housing Market Area\(^1\). The methodology has been set out in a flow chart (see appendix A) and includes a requirement for the assessment of sites availability, suitability and achievability. Whilst the methodology sets out in greater detail how availability and achievability will be assessed for the purpose of LAA, further clarification is necessary in respect of how suitability criteria will be applied.

1.3. The joint methodology refers to consideration of suitability as stage 2. However, some of the considerations in stage 2 lend themselves more to being looked at early in the process, as they are more likely to lead to clear ‘show stoppers’ (fundamental constraints). Other suitability considerations are more complex and lend themselves to being looked at if no initial fundamental constraints exist. Consequently stage 2 has been split into two separate methods, stage 2a (initial) and stage 2b (secondary).

1.4. Stage 2a will only assess suitability based on the initial constraints and in some cases only to a limited level of complexity. This document only covers that initial consideration of suitability, with a secondary approach (stage 2b) being necessary with a view to having better information when considering the allocation of sites.

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\(^1\) North Derbyshire and Bassetlaw Land Availability Assessment 2015 Methodology
2. SITE ASSESSMENT CRITERIA METHODOLOGY

Stage 1: Site Identification and Initial Screening

2.1 The joint North Derbyshire and Bassetlaw LAA methodology’s stage 1 requires a filtering of identified sites based on size and the degree to which a site is within a nature conservation designation or in green belt. The following sets out how this will be applied.

Size Thresholds

2.2 The national planning practice guidance\(^2\) (NPPG) and the North Derbyshire and Bassetlaw HMA LAA methodology set minimum thresholds of; sites capable of delivering five or more dwellings or; economic development on sites of 0.25ha (or 500m\(^2\) of floorspace).

2.3 In respect of possible Traveller Sites, the Derbyshire and East Staffordshire Gypsy and Traveller Accommodation Assessment\(^3\) concludes that a pitch site of at least 500m\(^2\) would accommodate hard standing for 1 touring/mobile caravan and 1 static caravan, 2 car parking spaces, 1 amenity block, hard standing for storage shed and drying and a garden/amenity area. This is considered a reasonable minimum size of site for one pitch and also consistent with best practice\(^4\).

Nature Conservation Designations

2.4 The NPPF does not apply a presumption in favour of development on sites where appropriate assessment is necessary for development. It also requires a minimisation of impacts on biodiversity and net gains where possible, listing the categories of sites that should be given protection\(^5\). The Chesterfield Borough Local Plan: Core Strategy (2011-2031) or ‘Chesterfield Core Strategy’ policy CS9 requires the protection and enhancement of all green infrastructure.

2.5 Sites will be excluded from further assessment where they are not predominantly outside the following categories of designated nature conservation areas: -

- Internationally important nature conservation sites (RAMSAR sites, Special Areas for Conservation, Special Protection Areas)

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\(^2\) National Planning Practice Guidance Paragraph: 010 Reference ID: 3-010-20140306

\(^3\) Paragraph 10.62 of the Derbyshire and East Staffordshire Gypsy and Traveller Accommodation Assessment 2015

\(^4\) Paragraph 7.12 of Designing Gypsy and Traveller Sites Good Practice Guide 2008

\(^5\) Paragraphs 170 to 177 of the NPPF
2.6 For the purpose of initial screening it is important to quantify what is meant by the use of the words ‘predominantly outside’ to give transparency and also consistency in site assessments.

2.7 Unless a site has 75% or more of its area outside of the types of designated nature conservation sites listed above, it will be excluded from further assessment stages.

**Green Belt**

2.8 The NPPG advises that Local Planning Authorities LPA’s should be guided by local and national planning policies when considering the suitability of sites. The joint methodology adopts a ‘policy on’ position in respect of Green Belt at the initial screening stage (Stage 1), given that the Chesterfield Borough Local Plan: Core Strategy 2011-2031 did not identify a need to review Green Belt within the Council’s boundary. Should a requirement arise for a Green Belt Review in the future, such a review would be used to inform this initial screening stage.

2.9 Based on the joint methodology, sites that are not predominantly outside of Green Belt will be excluded from further stages of assessment.

2.10 For the purpose of initial screening it is important to quantify what is meant by the use of the words ‘predominantly outside’ to give transparency and also consistency in site assessments.

2.11 Hence; unless a site has 75% or more of its area outside of Green Belt, it will be excluded from further assessment stages.

**Availability**

2.12 Sites will be categorised as unavailable and so excluded from further stages of assessment where

- Land Owner is Unknown (Having regard to publically available information) or their views on availability are unknown

- Land Owner is Unwilling (For site to be developed or sold for development)

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6 National Planning Practice Guidance Paragraph: 019 Reference ID: 3-019-20140306
Significant Legal and/or Ownership impediments are known that might prevent development and there is insufficient evidence that these can be overcome.

2.13 Sites will be categorised as ‘available’ in accordance with the joint North Derbyshire and Bassetlaw LAA methodology where:-

- A site has recently been or is being actively promoted for consideration through any call for sites and where the land owner has made clear that the site is available for development; or

- A site is being actively marketed for development of a relevant type; and

- There are no known significant legal or ownership impediments to development or where there are, it has been demonstrated that they can be overcome
Stage 2a: Initial Assessment of Site Suitability

2.14 Following the identification of sites and broad locations and screening at stage 1, an initial assessment of suitability is required by national planning practice guidance (NPPG) and the agreed joint North Derbyshire and Bassetlaw LAA methodology, as the first part of stage 2.

Suitability (Initial)

2.15 The NPPG requires at this stage, consideration of the types of housing and economic development that may meet the needs of the community when assessing suitability, guided by the development plan, emerging plan policy and national policy, and market and industry requirements in a housing market or functional economic market area.

2.16 The joint methodology adopts an approach where suitability is assessed in terms of fundamental physical constraints, environmental impacts and only a limited application of local and national planning policy (and emerging policy). A further assessment stage for suitability is therefore necessary to apply more comprehensive criteria relating to physical and infrastructure constraints, environmental impacts, planning policy and market considerations prior to the process of determining site allocations. Initially suitability will be assessed at Stage 2a as follows:

Level of Flood Risk

2.17 The NPPF requires flood risk to be minimised through a sequential approach to development and also the consideration of risk from all potential sources of flood risk. Policies CS2 and CS7 of the adopted Chesterfield Borough Local Plan: Core Strategy 2011-2031 requires similar.

2.18 The NPPG classifies different uses according to their vulnerability to flooding. The classification forms a fundamental basis for assessing the appropriateness of development in flood risk areas and will be used to inform the assessment of suitability in conjunction with the most recent Strategic Flood Risk Assessment for the Borough.

2.19 Accordingly sites will be categorised as unsuitable in relation to flood risk where they are:
   - In Functional Flood Plain (Flood Zone 3b)

2.20 Sites subject to surface water flooding and in any identified Critical Drainage Area will not be excluded at this stage as normally mitigation is possible and a more detailed

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7 National Planning Practice Guidance Paragraph: 019 Reference ID: 3-019-20140306
8 Paragraphs 155 to 164 of the NPPF
9 Table 2 in Paragraph: 066 Reference ID: 7-066-20140306 and Table 3 in Paragraph: 067 Reference ID: 7-067-20140306
consideration of flood risk is necessary at stage 2b to inform decisions on site allocations.

Land Stability

2.21 The NPPF\textsuperscript{10} requires that land stability is addressed to ensure that sites are suitable for development, whilst policy CS8 of the adopted Chesterfield Borough Local Plan: Core Strategy 2011-2031 also requires that land stability is assessed and if necessary addressed prior to sites being considered suitable for development.

2.22 The majority of Chesterfield Borough is covered by areas identified as having a high risk from historic coal mining activity and in many cases such risk can be mitigated. In some instances sites suitability cannot be accurately determined until detailed site investigations have been carried out and any proposed mitigation accepted by the Coal Authority. Such a detailed assessment may be necessary at a later stage before site allocations are made.

2.23 Consequently at this stage of assessment sites will only be categorised as unsuitable where there is existing evidence of significant land stability problem and no evidence to demonstrate that these can be mitigated.

2.24 Sites will not otherwise be excluded on the basis of land stability issues at this stage.

Compatibility with Surrounding Land Uses

2.25 The National Planning Policy Framework (NPPF)\textsuperscript{11} requires that planning always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. The adopted Chesterfield Borough Local Plan: Core Strategy 2011-2031 requires similar in policies CS2 and CS18.

2.26 Accordingly housing would not be suitable in locations where future occupiers would be exposed to levels of pollution (noise, light, odour/air, vibrations) that would threaten health or have a significant adverse effect on amenity.

2.27 Equally sites within established residential areas would not be suitable for polluting uses where the new use is likely to harm existing resident’s health or have a significant adverse effect on amenity.

2.28 At this stage only a preliminary assessment will be used, with more detailed consideration being necessary to inform site allocation decisions.

\textsuperscript{10} Paragraphs 178 and 179 of the NPPF
\textsuperscript{11} Paragraphs 124 and 127 of the NPPF
2.29 Accordingly sites will be considered unsuitable for residential use where they are:

- Within 200m of the M1 Motorway\textsuperscript{12}
- Adjoining land with an established General Industrial land use (Use Class B2\textsuperscript{13}).
- Within an area where there is a known adverse effect on residential amenity from established polluting land uses (Evidence from the Council’s Environmental Protection Team will be relied upon).

2.30 Sites will not be excluded as unsuitable for economic development at this stage if within established residential areas given that many economic uses can be carried out in residential areas without significant adverse effects on adjoining occupier’s amenity and health. A more comprehensive assessment of amenity considerations is necessary at Stage 2b to inform decisions on site allocations.

Hazardous Installations

2.31 The NPPG\textsuperscript{14} requires that LPA’s have regard to the prevention of major accidents and limiting their consequences as part of local plan making. Part of such an approach is a consideration of the long-term need for appropriate distances between hazardous establishments and population.

2.32 It is appropriate for the LPA to have regard to the likely Health and Safety Executive (HSE) advice for new development within HSE consultation zones when considering suitability at this stage.

2.33 The HSE’s Land Use Planning Methodology\textsuperscript{15} requires consideration of specific development types and so uses a detailed approach. To use the HSE’s system to generate a response requires a judgement to be made on the amount and type of development being considered. This will be done using the density assumptions set out later in this document and published evidence on employment densities\textsuperscript{16}.

2.34 Accordingly sites will be considered unsuitable where after the application of the HSE’s website based Land Use Planning Methodology, the HSE advises against development. In cases where the HSE system advises against, the LPA will investigate if a smaller amount of development would be suitable, and if so it will not discount the site on the basis of proximity to a Hazardous Installation.

\textsuperscript{12} DMRB - Design Manual for Roads and Bridges, LAQM TG(08) - Local Air Quality Management TG(08))
\textsuperscript{13} Town and Country Planning (Use Classes) Order 1987 (As Amended)
\textsuperscript{14} Paragraph: 002 Reference ID: 39-002-20140306
\textsuperscript{15} http://www.hse.gov.uk/landuseplanning/methodology.htm
\textsuperscript{16} DTZ Research 2004
Access to and Impact on Local Highways

2.35 The NPPF\textsuperscript{17} requires that safe and suitable access to sites can be achieved for all people having regard to the cost implications for any necessary highway improvements; and that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Policy CS18 of the adopted Chesterfield Borough Local Plan: Core Strategy 2011-2031 requires that developments provide adequate and safe vehicle access and parking, whilst the Spatial Strategy deals separately with the location of development in relation to walking and cycling to services and facilities.

2.36 Suitability of sites in terms of accessibility by foot and bicycle on a strategic level will be assessed initially with the benefit of (where available) comments from the Highways Authority, site survey, a review of the planning register and evidence base for the Local Plan, review of the Local Transport Plan and also evidence submitted by those putting sites forward for development.

2.37 Sites will be categorised as follows in respect of access:

- No known constraints to access.
- Constraints but evidence that mitigation is feasible or that constraints are unlikely to be fundamental.
- Fundamental constraints and no evidence that mitigation is feasible.
- Fundamental constraints that cannot be mitigated.

2.38 Sites falling within the last two categories will be considered unsuitable.

2.39 Sites will be categorised as follows in respect of impacts on the highway network:

- No known likely severe impacts on the Transport Network.
- Severe impact likely but evidence that mitigation is feasible.
- Severe impact likely and no evidence that mitigation is feasible.
- Severe impact likely that cannot be mitigated.

2.40 Sites falling within the last two categories will be considered unsuitable.

\textsuperscript{17} Paragraph 108 of the NPPF
Site Topography and Natural Obstacles

2.41 Sites which have obvious significant constraints such as large areas of open water, steep ground, rivers, protected trees and ancient woodland will be categorised as unsuitable based on a judgement that takes into account knowledge of the site conditions, where there is no evidence provided or available of feasible mitigation or remediation. Stage 2b considerations will be applied where ancient woodland is present even during this initial phase of assessment.

Access to Key Services and Facilities

2.42 The NPPF\(^\text{18}\) requires LPA’s to support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport. It also requires land use planning to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable\(^\text{19}\).

2.43 The Spatial Strategy adopted in the Chesterfield Borough Local Plan: Core Strategy 2011-2031 is that of concentrating new development within walking and cycling distance of centres and also to focus development on areas that need regenerating. In the case of residential development this means the Town, District and Local Centres, Staveley and Rother Valley Corridor, Barrow Hill, Duckmanton, Mastin Moor, Poolsbrook and Rother ward. In the case of economic development this means a sequential approach to offices and main town centres uses ensuring that they are located as close as is reasonable to existing centres, whilst other land uses are to be focussed at Markham Vale and in the Staveley and Rother Valley Corridor.

2.44 The NPPF and Core Strategy both provide a requirement for patterns of development that are accessible to key services and facilities. The joint LAA methodology accords with such an approach by requiring suitability to be assessed on the basis of ‘access to key services and facilities’. Whilst the method of assessment and a definition of key services and facilities are not specified in the joint LAA methodology document it is reasonable to use the defined ‘key services’ set out in the Government’s accessibility indicators\(^\text{20}\). The Derbyshire County Council hold accessibility information in a Geographical Information System (GIS) called ‘TRACC’ which can be used to analyse accessibility based on travel times and distances to and from the defined key services, public transport and town centres. It also holds information on the routes and frequencies of public transport services.

2.45 Key services are identified as:

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\(^{18}\) Paragraph 103 of the NPPF
\(^{19}\) Paragraph 103 of the NPPF
\(^{20}\) Department for Transport Accessibility Indicators 2009 and Department for Transport Accessibility Indicators Guidance 2014
The Derbyshire County Council Accession software will be used at this stage of LAA to determine if sites are within a 30 minute travel time by foot, cycle or bus of key facilities (taking into account a bus service to centre(s) where it has no less than 2 services an hour). Sites that are not within this threshold will be excluded.

A further assessment is necessary at stage 2b in respect of walking distance to centres. Also, prior to making decisions on allocations regard will also be had to a more detailed assessment of accessibility from sites to both centres and key services, and in particular in terms of walking and cycling accessibility.

**Sites Development Potential**

Where information on development potential is not provided for a site or that given is inconsistent with other sites of similar characteristics or appear unrealistic given constraints identified during the consideration of suitability, the Council will make its own estimate of potential. Where a site is being assessed for residential development estimates will in part use the following assumptions made on the basis that normally a proportion of a site will be needed for on-site infrastructure requirements such as access roads, public open space or other ancillary uses:

<table>
<thead>
<tr>
<th>Site Size (ha)</th>
<th>Development Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt; 0.65</td>
<td>100%</td>
</tr>
<tr>
<td>0.65 – 5.99</td>
<td>90%</td>
</tr>
<tr>
<td>6 – 10</td>
<td>80%</td>
</tr>
<tr>
<td>&gt; 10</td>
<td>70%</td>
</tr>
</tbody>
</table>

The above are the assumptions agreed within the joint North Derbyshire and Bassetlaw LAA methodology.

A density of 40 dwellings per hectare in the town and district centres and, 30dph elsewhere will be assumed unless there is evidence e.g., planning permissions to indicate otherwise. Whilst recognising that these densities will not necessarily be

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21 Department for Transport Accessibility Indicators 2009 and Department for Transport Accessibility Indicators Guidance 2014
appropriate on all sites, when considered across the borough its use provides a reasonable average.

2.52 The outcome of stages 1 and 2a of the LAA will be a categorisation of sites as:

- Available/Unavailable
- Suitable/Unsuitable (based on an initial assessment)

To progress to stage 2b of the LAA where achievability is assessed following a more comprehensive look at suitability a site must be available now or in the next 15 years, suitable (based on the initial assessment)