

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Leader and Executive Member for Hampshire 2050 and Corporate Services
Date:	30 November 2023
Title:	Local Plan - Land and Buildings Promotion Strategy
Report From:	Director of Hampshire 2050

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Purpose of this Report

1. The purpose of this report is to identify a more 'active' and agile approach to the promotion of the County Council's land and buildings as part of the Local Plan making process across Hampshire. The report seeks to secure an in principle delegated authority for the Director of Hampshire 2050, in consultation with the Leader and Executive Member for Hampshire 2050 and Corporate Services, to be able to confirm the availability of and to promote any identified assets as part of the County Council's landowner response to the various stages of the Plan preparation process.

Recommendations

2. That the Leader and Executive Member for Hampshire 2050 and Corporate Services approves the revised approach to the promotion of County Council landholdings into the Local Plan, as set out in the report.
3. That the Director of Hampshire 2050, in consultation with the Leader and Executive Member for Hampshire 2050 and Corporate Services, be authorised to identify and promote landholdings for development and/or alternative uses in response to formal consultation exercises as part of the Local plan making process.
4. That the Director of Hampshire 2050, in consultation with the Leader and Executive Member for Hampshire 2050 and Corporate Services, be authorised to have discussions on a without prejudice basis with relevant, adjoining third-party owners where it can be demonstrated it would be to the County Council's advantage to consider a co-ordinated approach to land promotion and that the Director of Hampshire 2050 be authorised to enter into a joint land promotion agreement where it is deemed appropriate to do so.

Executive Summary

5. This paper seeks to;
 - identify the existing and likely future stages of Local Plan preparation and the consequent need for a more active and agile approach to the promotion of the County Council's land holdings.
 - set out the current approach taken by the County Council (in its landowning capacity) to promote its land and assets into the Local Plan making process.
 - set out a revised approach to confirming the availability and subsequent promotion of County Council assets for a variety of land uses.

Existing Local Plan Making Process

6. The current Local Plan process is divided into a series of distinct stages as set out under the Town and Country Planning (Local Planning) (England) Regulations 2012 whereby the relevant Local Planning Authority will publish a Local Development Scheme (LDS) which identifies their intended programme to prepare and/or review their Local Plan. Typically, it can take between 3-5 years for a Plan to be adopted. Each formal stage of the Local Plan is the subject of a period of public consultation, generally for just a 6-week period.
7. The first stage, the 'Reg 18' is where a given Local Planning Authority will seek to assess their development requirements (housing, employment, and green land uses) and in advance of this they will 'Call for Sites' from public and private landowners alike to put forward sites for consideration. This process is used to identify a future supply of land which is suitable, available, and achievable principally for housing and economic development but increasingly for greener and other mitigation purposes. The responses received feed into the resultant spatial strategy and are used to demonstrate a 5-year housing land position.
8. The outcome of a 'Call for Sites' is summarised in a Strategic Housing and Employment Land Availability Assessment (SHELAA), and this is regularly updated, often on an annual basis. The published SHELAA records all submissions received and provide a high-level assessment in terms of prevailing planning policy, together with an 'availability' statement.
9. Whilst the SHELAA does not determine whether a site should or will be allocated for development, as this is a matter for the Local Plan to determine, it is the County Council's opportunity to identify that it has landholdings that it wishes to promote for alternative uses. Typically, the LPA will receive responses that could provide 4 or 5 times more development capacity than may be required and therefore ultimately the 'Call for Sites' process is in effect the start of a competitive 'dialogue' with the LPA.
10. The fact that the SHELAA is a published document means that any site promoted by the County Council is therefore in the public domain. It is therefore important there is clarity as to the basis land is being made available and ideally that appropriate Member endorsement is in place. Also, the brevity of the public consultation period often means that there is insufficient time to secure formal Member approval to making land available.

Current Approach to Land Promotion

11. Whilst there are various existing officer delegations in place to support the County Council's statutory roles and responsibilities in respect of the Local Plan making process, there are currently very few reciprocal delegations in place to support the County Council's actions in its landowning capacity. Officers use professional judgement to consider whether land and buildings should be put forward for consideration for inclusion within a Local Plan for development. However, this can often be in advance of any formal Member endorsement which in some instances, particularly on the larger sites, is secured retrospectively. In the absence of an explicit delegation, the approach taken could be viewed as perhaps fragmented and somewhat reactive and is not one that is always applied in a consistent manner.

Proposed approach to Land Promotion

12. To better support the work of the Land and Assets function of the Hampshire 2050 Directorate, it is considered appropriate to secure a more explicit Officer delegation to enable the promotion of the authority's landholdings into the Local Plan process undertaken by the District and Borough Councils across Hampshire. Such a delegation would have the following benefits:
 - Agile response: it will enable the Council's land promotion activity and any response to periods of public consultation to be undertaken outside the usual Committee cycle as these are rarely aligned to the consultation programme.
 - Confidence for the LPA: it will allow Officers to confirm that a particular site is 'available' for consideration for future development and ensures there is no doubt about its status.
 - Auditable process: it will provide a documented decision around making a given site available and in turn will provide a clear basis to respond to any inquiries received.
13. Given the sorts of sites available for promotion vary in size, from small/medium sized to strategic sites, and will often have a range of potential uses (for development and/or mitigation), it is considered appropriate that any delegation afforded to the Director of Hampshire 2050 should be considered in consultation with the Leader and Executive Member for Hampshire 2050 and Corporate Services via the monthly Leader Briefings. This will ensure that the Leader is fully sighted on the sites proposed for promotion into the Local Plan process and that clarity on whether the site should be put forward and for what purpose/use is determined before any formal submission is made. It may also be the case that a particular site or building has also been considered at the Corporate Land and Assets Board to agree a way forward in advance of any briefing of the Leader.
14. From time to time, the County Council may own land adjoining other third-party ownerships, that may also be being actively promoted and/or have development potential. Often, the third-party owner will approach the County

Council to work with and in some cases jointly promote the combined development opportunity. Whilst each opportunity necessarily needs to be considered on its own merit and would therefore be the subject of the briefing process mentioned above, approval to have discussions on a without prejudice basis with relevant third-party landowners is also sought together with a delegation to the Director of Hampshire 2050 to enter into a joint land promotion agreement, likely in the form of a Memorandum of Understanding (MOU) where it is deemed appropriate and necessary. Any onward discussion(s) around land equalisation, possible option agreement or a direct or joint sale strategy would be brought back to the Executive Member for a decision in the usual way.

Finance

15. The generality of the cost of Officer time associated with Local Plan activity for the County Council in its landowning (as opposed to its regulatory) capacity is met by a provision within the Strategic Land budget. Once the prospect of development for a particular site is accepted by the LPA, then separate and more specific funding is needed to support the planning and disposal activities, either again as part of the Strategic Land budget for any identified strategic site or from funding identified as part of an Invest to Save business case.

Performance

16. The proposal accords with all 4 of the County Council's Corporate Priorities but specifically "Hampshire maintains strong and sustainable economic growth and prosperity" as it will ensure that the County Council's landholdings are used in an effective and proactive way, enabling the use of our surplus landholdings for the most appropriate alternative use.

Consultation and Equalities

17. Where an asset has become available as part of a particular service review then it is likely that a form of consultation has been already been undertaken. For other sites, the submission to the Local Planning Authority as part of the 'Call for Sites' and/or any other stage of the Local Plan making process ensures that the availability for development will be the subject of extensive public consultation and engagement.
18. This decision relates to a statutory process involved in the making preparation of Local Plans across Hampshire, and the choice the County Council may choose to make to put forward land to be considered for development. There is no anticipated impact on residents of Hampshire, therefore this decision is assessed as having a neutral impact.

Climate Change Impact Assessments

19. Hampshire County Council utilises two decision-making tools to assess the carbon emissions and resilience of its projects and decisions. These tools

provide a clear, robust, and transparent way of assessing how projects, policies and initiatives contribute towards the County Council's climate change targets of being carbon neutral and resilient to the impacts of a 2°C temperature rise by 2050. This process ensures that climate change considerations are built into everything the Authority does.

20. The carbon mitigation and climate change adaptation tool were not considered applicable in respect of the proposed decision.

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

Hampshire maintains strong and sustainable economic growth and prosperity:	yes
People in Hampshire live safe, healthy and independent lives:	yes
People in Hampshire enjoy a rich and diverse environment:	yes
People in Hampshire enjoy being part of strong, inclusive communities:	yes

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

Document

Location

None

EQUALITIES IMPACT ASSESSMENT:

1. Equality Duty

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.

2. Equalities Impact Assessment:

This decision relates to a statutory process involved in the making preparation of Local Plans across Hampshire, and the choice the County Council may choose to make to put forward land to be considered for development. There is no anticipated impact on residents of Hampshire, therefore this decision is assessed as having a neutral impact.