

[Redacted]

From: [Redacted]
Sent: 04 August 2017 15:07
To: [Redacted]
Subject: LDP-390-2 Further Information Request 16
Attachments: 2017 08 04 - HfS Response to FIR 16.pdf

[Redacted]

See attached response from Homes for Scotland regarding FIR 16.

Kind regards

[Redacted]

[Redacted]
Principal Planning Advisor
Homes for Scotland

5 New Mart Place, Edinburgh, EH14 1RW
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*Homes for Scotland's 6th Annual Conference will take a hard-hitting look at where the housing industry is now, where it goes next and how it gets there 10 years on from the Scottish Government's Firm Foundations "discussion document". Join us at this leading housing event on **1 November** – click on the logo below to find out more and book your place. Early bird HFS member discount ends **18 August!***



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██████████
Planning and Environmental Appeals Division
The Scottish Government
4 The Courtyard
Callendar Business Park
Falkirk
FK1 1XR

By Email to: M ██████████

04 August 2017

Dear ██████████

PROPOSED STIRLING LOCAL DEVELOPMENT PLAN

**THE TOWN AND COUNTRY PLANNING (DEVELOPMENT PLANNING)
(SCOTLAND) REGULATIONS 2008**

**FURTHER INFORMATION REQUEST 16:
ISSUES 3 SETTING THE LAND REQUIREMENT FOR HOUSING & 4 HOUSING
LAND POLICIES**

In response to the Reporter's query set out within FIR 16, Homes for Scotland is aware that the Scottish Government has stated an aim to deliver 50,000 new affordable homes during the current Scottish Parliament's term. The Scottish Government expects to achieve this through provision of funds to local authorities in response to each local authority setting out its aspirations in their Strategic Housing Investment Plans.

Whilst not all of the funds may necessarily result in new homes being built, i.e. buy backs of previous right-to-buy properties (a point that had been clarified recently by the Minister), it is anticipated that most of the funds will be directed towards new build projects.

FIR 16 refers to a fund that has been made available by the Scottish Government, and Homes for Scotland understands that this relates to the Scottish Government seeking to ensure the 50,000 target is met by confirming what monies will be available to local authorities between 2018 and 2021 to assist with the delivery of affordable homes.

Homes for Scotland understands that the resource allocations to each local authority area have been determined by the needs-based Strategic Housing Investment Framework (SHIF) model agreed with COSLA in 2012; that model allocates the budget in accordance with the size of each authority (measured by the total number of households of all tenures), adjusted by four agreed indicators of housing need. Therefore, in addition to the £6.012m made available to Stirling Council for affordable housing during 2017/18, the recently announced agreed funding for affordable housing in Stirling Council to 2021 is as follows:

	2017/18	2018/19	2019/20	2020/21	Total
Stirling	£6.102m	£7.965m	£9.011m	£9.614m	£32.692m

Source: <https://beta.gov.scot/publications/resource-planning-assumptions-to-councils-2017-2018/> and <https://beta.gov.scot/publications/long-term-resource-planning-assumptions-to-councils-2018-2019-to-2020-2021/>

The current Strategic Housing Investment Plan (SHIP) for Stirling has the following figures for requested funding from the Scottish Government:

	2017/18	2018/19	2019/20	2020/21	Total
Stirling	£7.048m	£4.420m	£4.042m	£4.602m	£20.112m

Source: <http://www.stirling.gov.uk/documents/housing/managing-tenancies/lhs-information/ship-templates-2017-2022.pdf>

These figures therefore demonstrate that 62.5% more funds are now available to Stirling Council than the Council has currently expected or planned for.

The Council's current SHIP has predicted that some 374 completions would be achieved during these 4 years which therefore equates to an average assumed cost of c£54,000 per unit. Notwithstanding this is a very simplified calculation, the additional funding could then potentially generate a further 230 new affordable homes between 2017 and 2021 (on average 58 per annum).

Whilst it is presently unclear how Stirling Council will respond to this opportunity (a 62.5% increased in available funding), it would be expected that the funds will be used by Stirling Council to deliver more affordable housing than presently planned. Any additional affordable homes may come forward from existing allocations within the Local Development Plan or they may be realised on brownfield sites within urban areas. These additional funds may also support the delivery of constrained sites where viability has been an issue but they could also necessitate new sites being found to ensure the funds can be used.

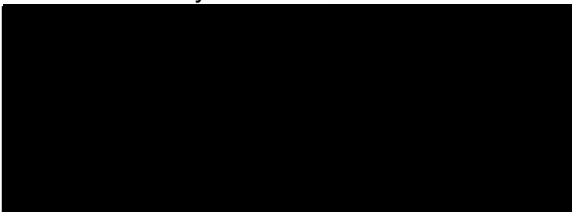
Whatever the response to the additional funding on the ground, it must be taken as a signal that the Scottish Government recognises that there are significant unmet housing needs within the Stirling area (derived from their SHIF modelling) and are responding through their resource allocation. It can also be interpreted as a signal for Stirling Council to do more to meet housing need and demand in general.

However, the Examination Hearing heard from Mr Holder that the figures for affordable housing need and demand as set out within the HNDA were significantly higher than what has been brought forward as part of the Local Development Plan's Housing Supply Target. Part of the justification for the much reduced target was the inability for Stirling Council to deliver sufficient new homes to meet those needs and demands.

The predicted affordable housing output as set out within the Agreed 2016 Housing Land Audit is generally in line with or a little above the annualised affordable housing element of the Local Development Plan's Housing Supply Target. Therefore, given that more funds than previously expected have been confirmed to 2021, the Council's argument to discount the Housing Supply Target has been diminished in a small way. Accordingly, Homes for Scotland would suggest that a modest increase in the Housing Supply Target, that equates to c60 units per annum or around 600 new homes between the date the Plan is adopted and the end of the Plan period, can be justified.

I trust the above is of assistance to the Reporters in formulating their conclusions in the Local Development Plan but if there are any queries, do not hesitate to contact me.

Yours sincerely




Principal Planning Advisor

[Redacted]

From: [Redacted]
Sent: 04 August 2017 15:07
To: [Redacted]
Subject: LDP-390-2 Further Information Request 17
Attachments: 2017 08 04 - HfS Response to FIR 17.pdf

[Redacted]

See attached response from Homes for Scotland regarding FIR 17.

Kind regards

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Principal Planning Advisor
Homes for Scotland

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Planning and Environmental Appeals Division
The Scottish Government
4 The Courtyard
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FK1 1XR

By Email to: ██████████

04 August 2017

Dear ██████████

PROPOSED STIRLING LOCAL DEVELOPMENT PLAN

**THE TOWN AND COUNTRY PLANNING (DEVELOPMENT PLANNING)
(SCOTLAND) REGULATIONS 2008**

**FURTHER INFORMATION REQUEST 17:
ISSUES 3 SETTING THE LAND REQUIREMENT FOR HOUSING & 4 HOUSING
LAND POLICIES**

Further to the Reporter's query as set out within FIR 17, Homes for Scotland was aware of the Notice of Intention issued by the DPEA regarding Appeal reference PPA-360-2046. This Notice was referred to in the Homes for Scotland closing statement (paragraphs 12 and 57). This Notice was also referred to in the Homes for Scotland response to the Council's reply to FIR 03 (paragraph 7.2).

The Council was asked about this Notice during the Examination Hearing and in response it was accepted that the site would add to the predicted housing completions coming forward within the area. Homes for Scotland agree with this perspective.

However, what the Notice demonstrates very clearly is the inconsistency of the Council's approach to calculating land supply. Within their submissions to the Appeal, the Council accepted that there was a shortfall in the effective land supply for Stirling (paragraph 6 of the Notice); that calculation being based on the 2015 Housing Land Audit and a compounded approach being used.

Homes for Scotland also note that the position of Stirling Council in respect of planning applications continues to be that there is an undersupply of housing against the Housing Supply Target (a "shortfall"). Part of the Council's response to a query from the Reporter dealing with Appeal PPA-390-2052 issued as recently as 27 July 2017 stated:

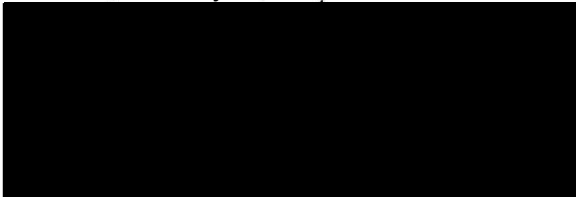
“In Stirling, there is currently a shortfall in the 5-year effective housing land supply, and therefore the consideration of what constitute “development plan policies for the supply of housing land” is relevant.” Source: <http://www.dpea.scotland.gov.uk/Document.aspx?id=462929>

The position of Homes for Scotland is that the Cambusbarron site, when this comes forward for development, will make a contribution to meet housing need and demand within Stirling (and address associated infrastructure constraints). Given the status this site has reached, it can also be considered as a new allocation to be included within the emerging Local Development Plan and in so doing would reduce the 900 house shortfall that has been identified by Homes for Scotland in our response to the Council’s reply to FIR 13.

The promoters of the site are presently envisaging that the first completions could be achieved as early as 2019 with around 35 to 40 new homes then built on average each year. This would result in the site being built out in full through the life of the emerging Local Development Plan. Whilst the Appeal proposals assumed some 170 new homes could be delivered on the site a detailed site layout may result in a different final site capacity.

I trust the above is of assistance to the Reporters in formulating their conclusions in the Local Development Plan but if there are any queries, do not hesitate to contact me.

Yours sincerely

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Principal Planning Advisor

[REDACTED]

From: [REDACTED]
Sent: 16 August 2017 16:07
To: [REDACTED]
Subject: RE: LDP-390-2 Request Comments
Attachments: 2017 08 16 - HfS Response to Stirling Council reply to FIR 14.pdf

[REDACTED]

See attached response from Homes for Scotland

Kind regards

[REDACTED]

[REDACTED]
Principal Planning Advisor
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-----Original Message-----

From: DPEA [mailto:[REDACTED]]
Sent: 02 August 2017 16:46
To: [REDACTED]
Subject: LDP-390-2 Request Comments

[REDACTED]

Please find attached a document related to the case: LDP-390-2 - Proposed Stirling Local Development Plan

Regards,

[REDACTED]

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██████████
Planning and Environmental Appeals Division
The Scottish Government
4 The Courtyard
Callendar Business Park
Falkirk
FK1 1XR

By Email to: ██████████

16 August 2017

Dear ██████████

**PROPOSED STIRLING LOCAL DEVELOPMENT PLAN
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT PLANNING)
(SCOTLAND) REGULATIONS 2008
FURTHER INFORMATION REQUEST 14:
ISSUES 3 SETTING THE LAND REQUIREMENT FOR HOUSING & 4 HOUSING
LAND POLICIES**

This response is to be read in conjunction with the Homes for Scotland response to FIR 13.

Homes for Scotland are grateful to the additional detail that Stirling Council has provided which relates back to the request made by the Reporter at the Examination Hearing on 13 June 2017. Stirling Council has helpfully set out what they anticipate will change between the figures set out within the agreed 2016 Audit and those they are now assuming to underpin the emerging Local Development Plan.

As Homes for Scotland indicated in the response to FIR 13, any updated information is helpful to understand what the Council's current assumptions and expectations are regarding land supply across their area. However, measuring land supply is normally best undertaken through the Housing Land Audit process which allows for engagement with developers, landowners and other relevant agencies and bodies (including Homes for Scotland) to ensure that as robust an evidence base as possible is generated.

Stirling Council has started the process to update the Housing Land Audit and has already received feedback from developers on anticipated programming to be included within the 2017 Audit. Homes for Scotland is engaging fully with the 2017 Housing Land Audit review process. A draft schedule of programming for sites within the 2017 Housing Land Audit has now also been circulated to Homes for Scotland and other relevant agencies. It is anticipated that the 2017 Audit will be finalised in mid October 2017.

What will be evident from a brief review of the 2015 Agreed Housing Land Audit, the LDP Background Housing Paper, the 2016 Housing Land Audit, the Council's updated PLDP Schedules and even the draft 2017 Housing Land Audit site programming is that the land supply situation is of a dynamic nature. The Homes for Scotland's position has always been to endorse a Council's optimism on the land supply where this can be justified but to highlight where an over-optimistic (or unrealistic) stand-point has been proposed.

It is also always the expectation that not all of the completions programmed will be realised and it could be that only 75% of the programme actually comes to fruition. That is plainly why a reasonable generosity margin must be added to a robust and reasonable Housing Supply Target to ensure that sufficient allocations are made within an LDP to ensure the target will be then met through the lifetime of the Plan.

To then exemplify the dynamic nature of land supply, the agreed 2016 Housing Land Audit indicated that between 2017 and 2022, there could be 2,098 completions on HLA sites (excluding small sites), Stirling Council has then assumed 2,242 new homes may be delivered (which also excludes small sites but includes the new LDP sites and changes to some site capacities) within their PLDP schedules. For information, the draft 2017 Housing Land Audit has programmed 2,087 completions for this period (including the new LDP sites, revised site capacities and sites that have secured planning permission recently). There may be more changes once all comments on the draft 2017 Housing Land Audit have been collated. No potential outputs from the Cambusbarron Appeal site are included in any of the figures quoted above.

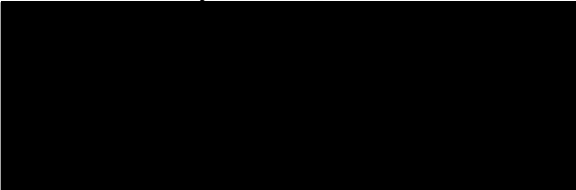
The difference between the Council's assumptions on programming of PLDP sites to 2027 and their programming of sites within the draft 2017 Housing Land Audit is more stark with their assumption within the PLDP schedules that some 4,757 completions may be possible (excluding small sites) but this reduces to 4,331 completions in the draft 2017 Housing Land Audit (excluding small sites); some 426 completions fewer. The Agreed 2016 Housing Land Audit had an expectation of 4,385 completions (excluding small sites) between 2017 and 2024 although that did not include any new LDP sites, adjusted site capacities or recently consented sites which the draft 2017 Housing Land Audit does.

In considering the changes from the PLDP Schedules to the draft 2017 Housing Land Audit, programming has been pushed back on 31 of the 70 sites that remain active from the PLDP Schedules (a practice that has been a regular feature of the Housing Land Audit process). The programming on 10 sites has been brought forward, 11 sites have had the sequencing of completions revised slightly, and 11 sites have seen no change. There have also be some 45 completions across 7 sites that were expected to arise before 2017 within the PLDP that did not materialises and are now expected to come forward this year (2017/18); actual completions for 2016/17 are not available at this time. The draft 2017 Housing Land Audit includes 5 new sites that are expected to generate 21 completions between them within the next 5 years but does not yet include the Cambusbarron Appeal site.

In conclusion, whilst Homes for Scotland is prepared to endorse a Council's optimistic stance on the programming of their Established Land Supply, this is on the basis that an appropriate Housing Land Requirement is set that will ensure that the Housing Supply Target can be met throughout the lifetime of the Local Development Plan and that due account is taken of the advice offered by the development industry on the deliverability of housing sites. Given the position being presented by Stirling Council within their draft 2017 Housing Land Audit, the figures provided to date within the PLDP Schedules appear to be over-optimistic and cannot be relied upon in considering whether the emerging LDP has allocated sufficient housing land or not.

I trust the above is of assistance to the Reporters in formulating their conclusions in the Local Development Plan but if there are any queries, do not hesitate to contact me.

Yours sincerely




Principal Planning Advisor

[Redacted]

From: [Redacted]
Sent: 22 September 2017 16:32
To: [Redacted]
Subject: East Lothian LDP Examination - Homes for Scotland Response - FIR 06, Issue 12 - Planning for Housing
Attachments: Housing Land Audits - Hfs Procedures - May 2015.pdf; 170922 - East Lothian LDP - FIR 06 Issue 12 - Homes for Scotland Response.pdf

Dear [Redacted]

Please see attached the Homes for Scotland response to FIR 06, Issue 12 – Planning for Housing for the East Lothian LDP Examination

Kind regards

[Redacted]

[Redacted]

Principal Planning Advisor
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**PROPOSED EAST LOTHIAN LOCAL DEVELOPMENT PLAN
FURTHER INFORMATION REQUEST 06, ISSUE 12 – PLANNING
FOR HOUSING
HOMES FOR SCOTLAND RESPONSE**

22 September 2017

ABOUT HOMES FOR SCOTLAND

Homes for Scotland is **the** voice of the home building industry.

With a membership of some 200 organisations together providing 95% of new homes built for sale in Scotland each year as well as a significant proportion of affordable housing, we are committed to improving the quality of living in Scotland by providing this and future generations with warm, sustainable homes in places people *want* to live.

Visit www.homesforscotland.com for further information and follow us on twitter @H_F_S

PROCESS

Homes for Scotland represents members on a wide range of issues affecting their ability to deliver much needed homes.

Our views are endorsed by committees and advisory groups utilising the skills and expertise of key representatives drawn from member companies.

Response to East Lothian Proposed Local Development Plan Further Information Request 06, Issue 12, Planning for Housing

Introduction

Homes for Scotland welcomes the opportunity to respond to Further Information Request 06 on Issue 12 of the Proposed East Lothian Local Development Plan Examination on Planning for Housing.

This response comprises information on questions 1 – 3 as requested by the reporter. A further response making comment on East Lothian's response to questions 4 – 25 will be subsequently submitted within the 14 day deadline for comment.

Question 1.

Homes for Scotland are asked to provide a copy of their document concerning procedures for Housing Land Audits referred to in their representation and relative to this, comment on appropriate lead in times for the development of the new allocations programmed within the Council's Technical Note 1, Appendix 2.

- 1.1 Homes for Scotland submits the document "Housing Land Audits: Homes for Scotland Procedures" to the Reporter alongside this response, as requested.
- 1.2 Since the preparation of the East Lothian Proposed Local Development Plan (LDP), progress has been made between East Lothian Council and Homes for Scotland in agreeing both the 2016 Housing Land Audit, and more recently the 2017 Housing Land Audit. The agreed 2017 Housing Land Audit contains all LDP allocations, and is the most up to date record available to the reporter of the programming of allocated sites.
- 1.3 Homes for Scotland considers that the agreed 2017 Housing Land Audit should be used by both the council and the reporter for the purposes of calculating the effective housing land supply, and in planning for the necessary infrastructure required to support the level of development promoted within the LDP.
- 1.4 We therefore consider that Technical Note 1, Appendix 2 should be updated to include programming from the 2017 Housing Land Audit and all references in the LDP itself updated to reflect the most recent agreed audit, rather than relying on the out of date 2015 Audit, given that this information is now available and has been agreed with Homes for Scotland.

Question 2.

The reporter notes the view expressed by Homes for Scotland in their representation (0353/3) that a level of generosity has not been added to SESplan as it was approved prior to the Scottish Planning Policy (SPP) 2014. In relation to the following statement also set out in their representation, Homes for Scotland are asked to clarify:

- a) Which plan the second sentence refers: *“East Lothian Council has not explicitly added generosity to the SDP Housing Requirement. However, in the case of this SDP, we acknowledge that an element of generosity has certainly been added, although not clearly stated within the Plan”*.
- b) Further to this, Homes for Scotland are asked to explain what the essential difference of adding generosity to the housing requirement as opposed to the housing supply (as the council has done) would make to the assumptions in the plan and the figures set out in Table HOU2.

- 2.1 In response to question 2a), Homes for Scotland is referring to the Proposed East Lothian Local Development Plan when stating *“within the Plan”*.
- 2.2 Scottish Planning Policy (SPP) 2014 requires the overall housing supply target to be increased by a margin of 10 to 20% *“to establish the housing land requirement, in order to ensure that a generous supply of land for housing is provided. The exact extent of the margin will depend on local circumstances, but a robust explanation for it should be provided in the plan”* (paragraph 116). Further, SPP goes on to state in paragraph 118 that *“Strategic development plans should set out the housing supply target for the plan area, each local authority area, and each functional housing market area.”*
- 2.3 SESplan was approved prior to the publication of SPP 2014, therefore the terminology differs. SESplan sets out a housing requirement for each local authority area. Homes for Scotland suggests that it can be reasonably presumed that the SESplan housing requirement can be equated to the housing supply target within SPP 2014.
- 2.4 As stated in the Homes for Scotland response to the East Lothian Proposed LDP, and acknowledged above in the reporter’s question, Homes for Scotland believes that a level of generosity has not been added to SESplan as it was approved prior to the publication of SPP 2014. Therefore, to comply with the requirements of SPP 2014, the LDP must add a generosity margin of 10 to 20% to the housing supply target (the SESplan housing requirement) to establish the housing land requirement for East Lothian and ensure that a generous supply of land for housing is provided.
- 2.5 Therefore in response to question 2b), Homes for Scotland acknowledges that an element of generosity has certainly been added by East Lothian Council, however this has not been explicitly set out within the LDP and the level of

generosity has not been clearly evidenced. We maintain that a generosity margin of 10 – 20% must be added to the SESplan housing requirement (housing supply target) and be clearly set out within Table HOU2 together with a robust justification of the level of generosity chosen, to be fully compliant with paragraph 116 of SPP.

Question 3.

Homes for Scotland are asked to elaborate why, in the circumstance where a shortfall is caused by marketability, Policy HOU2 is not relevant and land cannot be brought forward for development.

- 3.1 The comment referred to in the reporter’s question above relates to the concerns raised by Homes for Scotland in its response to the Proposed LDP that Paragraphs 3.46-3.48 of the Proposed LDP seem to be seeking to remove marketability as a relevant factor when calculating the 5-year effective housing land supply.
- 3.2 Homes for Scotland acknowledges Planning Advice Note 2/2010 Affordable Housing and Housing Land Audits is the relevant national guidance on calculating effective housing land supply and is a material consideration. Paragraph 55 of PAN 2/2010 states *“to assess a site or a portion of a site as being effective, it must be demonstrated that within the five-year period beyond the date of the audit the site can be developed for housing (i.e. residential units can be completed and available for occupation), and will be free of constraints on the following basis:”*. Marketability forms part of the subsequent list.
- 3.3 Paragraph 3.48 of the Proposed Plan suggests that the Council will not consider a shortfall due to “marketing constraints”. Therefore, Homes for Scotland is concerned that if marketability is excluded, this would be contrary to PAN 2/2010 and could result in a situation where there is unmet need in the area, but not a numerical shortfall calculated due to the exclusion of marketability as a factor, so Policy HOU2 would not apply.
- 3.4 For clarity, Homes for Scotland considers that, in accordance with PAN 2/2010, marketability should be included as a relevant factor in the calculation of the 5-year effective housing land supply. If marketability is included, all relevant factors will be taken into consideration when calculating the 5-year effective housing land supply, giving a more accurate and realistic picture of the housing land supply. In the event of a shortfall in housing land supply, Policy HOU2 would apply and allow for land to be brought forward for housing development.

Prepared by:

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Title: Principal Planning Advisor

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Housing Land Audits: Homes for Scotland Procedures

This document explains the role and status of housing land audits in the Scottish planning system, and how Homes for Scotland seeks to contribute towards their preparation.

Section 1: The role and status of housing land audits

What are housing land audits?

Housing land audits are the established method for monitoring housing land supply. They show whether an area is maintaining a continuous five-year supply of effective land. They also provide a snapshot of the amount of land available for house building at a given time.

What is the status of a housing land audit?

Housing land audits are intended to provide a factual account of an area's effective and established housing land supply. They are not policy documents in their own right, though they are referenced in Scottish Government guidance (Pan 2/2010) and policy (Scottish Planning Policy June 2014). This gives them a high degree of status, with councils effectively having an imperative to produce them.

How will a housing land audit affect development management decisions?

The latest housing land audit will be a first port of call for decision makers in the determination of planning applications or appeals for housing developments.

Whether or not the relevant council has maintained a five-year supply of effective land for housing is a material consideration when making decisions on planning applications for residential development.

Where it cannot be demonstrated that there is a five-year supply of effective land, the council's development plan policies on the supply of land for housing will not be considered up to date, and the ***presumption in favour of development that contributes to sustainable development*** comes into play. See Scottish Planning Policy paragraphs 125 and 32 to 35).

What role do housing land audits play in development planning?

Councils are required, in their local development plans, to allocate sufficient land to ensure a five-year supply of effective housing land is maintained at all times throughout the plan period. The information included in the latest housing land audit will also assist the council in determining how much of the housing requirement for the time period of an emerging plan will be met from programmed supply. This will inform their decision as to how much additional land will need to be allocated.

Section 3: How Homes for Scotland and members can best contribute

What role do Homes for Scotland and the industry play?

Homes for Scotland support housing land audits, which provide valuable information, and routinely contribute information towards them.

Homes for Scotland and our members are uniquely well-placed to provide up-to-date, sound information which can improve the accuracy and usefulness of housing land audits. We are not obliged to comment on draft audits but it is in our interests to do so, particularly in areas where significant levels of house-building activity is underway or planned.

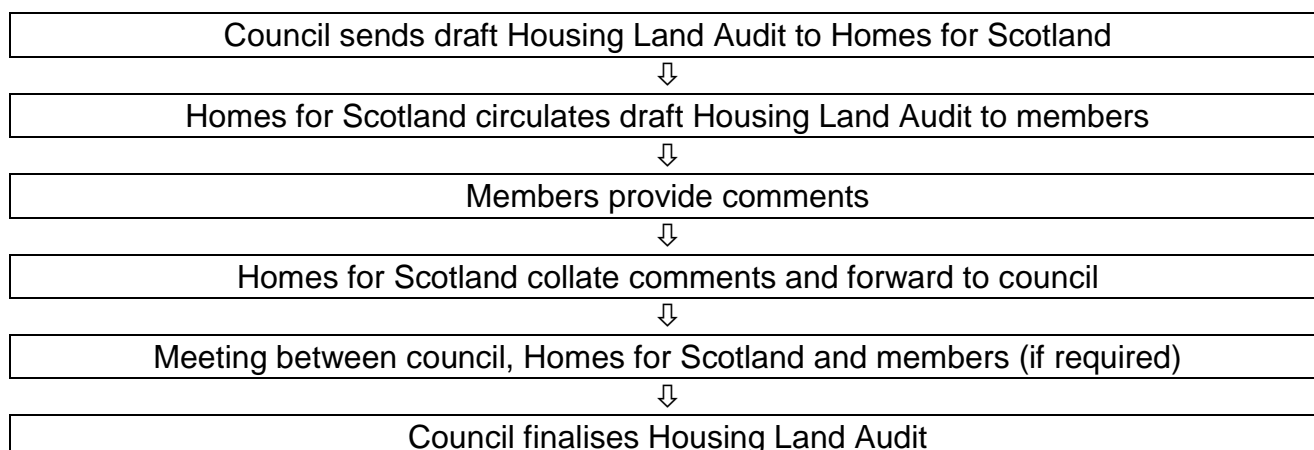
Scottish Planning Policy clearly indicates that planning authorities should work with housing providers when preparing their housing land audits, to ensure they are critically reviewed and contain realistic and up to date information. Planning Advice Note 2/2010 sets out the Scottish Government's good practice advice on preparing housing land audits. Homes for Scotland and our members are identified as being important contributors to the audit process. This is a strong and very welcome endorsement of our industry.

Homes for Scotland's aim is to ensure that five-year land supply assessments are as robust as possible, and in particular that sites shown as being part of the effective supply are based on realistic programming, whether or not they are controlled by members.

How do Homes for Scotland provide their input?

Each year, councils provide Homes for Scotland with draft schedules showing the sites which they consider to be effective, non-effective and constrained. We circulate these to house-builder members, who provide up-to-date information on (for example) effectiveness, programming, changes in ownership, market issues and other constraints. Homes for Scotland collates this and forwards it to the council. Wherever possible, the audit is agreed via an exchange of information. If there are significant discrepancies in viewpoint between the industry and the council a meeting will take place to try and resolve the differences. Homes for Scotland will generally seek a pre-meeting with interested members in advance of this. The council has the final say on what the audit says. The final audit should include a note of any sites still disputed by Homes for Scotland.

Homes for Scotland aims for consistency in its responses to draft audits across Scotland. We are also able to provide market commentary which can be adjusted to local circumstances whilst setting out a common economic and market analysis.



When can a site be considered effective?

PAN 2/2010 identifies several factors relevant to whether a site (whole or part) is effective:

Ownership	The site is in the ownership or control of a party which can be expected to develop it or release it for development. Where a site is in the ownership of a local authority or other public body, it should be included only where it is part of a programme of land disposal.
Physical	The site (or relevant part of it) is free from constraints which relate to slope, aspect, flood risk, ground stability or vehicular access which would preclude its development. Where there is a solid commitment to removing the constraints in time to allow development in the period under consideration, or the market is strong enough to fund the remedial work required, the site should be included in the effective land supply.
Contamination	Previous use has not resulted in contamination of the site or, if it has, commitments have been made which would allow it to be developed to provide marketable housing.
Deficit funding	Any public funding required to make residential development economically viable is committed by the public bodies concerned.
Marketability	The site, or relevant part of it, can be developed in the period under question.
Infrastructure	The site is either free of infrastructure constraints, or any required infrastructure can be provided realistically by the developer or another party to allow development.
Land Use	Housing is the sole preferred use of the land in planning terms, or if housing is one of a range of possible uses other factors such as ownership and marketability point to housing being a realistic option.

Reflecting our industry knowledge, **Homes for Scotland** also considers the following when providing comments on whether a site is effective or not:

Ownership: Private	Homes for Scotland considers that a site can only really be considered effective if it is owned or controlled by a developer. If the land is not controlled by a developer, this will have a significant impact on programming and there is an argument to adopt different programming assumptions depending on whether the land is under the control of a developer, a land trader or still in the hands of solely a landowner. It is prudent for councils to ask individuals / institutions / developers / agents to confirm whether they intend to sell or develop a site in line with the audit programming (as opposed to holding it). If a home-builder has an option on a site, their programming should be used.
Ownership: Public	Public land should be in a disposal programme and should be being marketed.
Approach to development	Funding evidence is needed if the development is intended to proceed by contract or design-build.
Marketability	Sales potential within an area must be considered, as must a developer's expectation for a reasonable return from a site. For example: <ul style="list-style-type: none"> ➤ Type & value of product on site (urban flats for example remain difficult to market, so there must be evidence of developer activity) ➤ Account must be taken of developer's intentions to remix sites.

	<p>This may impact on sales volumes and programmes.</p> <ul style="list-style-type: none"> ➤ Councils must acknowledge locations of low demand or sub-prime housing and consider them largely non-effective. ➤ The overall scale of programmed completions by settlement or area must be carefully considered and reality-checked. ➤ Careful consideration should also be given to any situation where a substantial part of the land supply is within the control of a developer who has no track record of building at the pace anticipated by the programming in the audit.
Mortgage finance	Homes for Scotland will challenge councils which assert lack of mortgage finance as the main reason for non-effectiveness of land, unless industry-supported evidence is given to substantiate this.
Programming	<p>Programming information comes variously from direct survey by councils, evidence from members, and trend-based estimates. Homes for Scotland will use the following realistic default assumptions on maximum annual completion rates, unless up-to-date industry evidence is available. These figures relate to the market housing on a site.</p> <p><u>Type of site</u></p> <p>Detached / semi: Urban 30 units per annum (24 if no developer) Rural 10-20 units p/a (depending on past trends)</p> <p>Flats: Urban 38 units p/a (30 if no developer) Rural 20 units p/a</p> <p>Strategic sites: 3 builders acting in a single year = 90 units p/a (72 if no developer)</p> <p>Small sites: 50% effective rule west Scotland Local trend-informed % assumption elsewhere</p> <p>As a default, the programme for the first year of production should be no more than 50% of a full year output</p> <p>The above figures are the default assumption which Homes for Scotland will adopt in the absence of 'live' information from a member company, or where the land is not in the hands of a developer. Individual members are invited to provide site programming for their own sites, but are asked to consider the advice in this note when doing so.</p> <p>It should also be noted that these figures are intended for use only in situations where detailed site-specific programming has not yet been undertaken. For example to inform the programming of sites which are not yet in the control of a developer, or for which a planning application has yet to be submitted. In the event of a planning application or appeal, the applicant will likely have undertaken their own programming estimates. The default assumptions above are not intended to be used as a general rule of thumb when considering housing supply as a material consideration in planning decisions – though an applicant or appellant may choose to use them at his / her discretion.</p>

Planning consent	<p>Planning consent does not guarantee a site will be built immediately. Audits should show details of the consents. Our default assumptions are:</p> <ul style="list-style-type: none"> • If consent expires before construction starts the site will be considered non-effective unless the council supplies evidence of activity. • Sites in the final year of consent, without activity, are non-effective. They will become effective again if they commence between audits. • Councils will be asked to justify their assumptions for sites shown to start in the final year of a consent, or after apparent expiration. • Sites where s75 agreements cannot be concluded because of viability should be considered non-effective until an agreement is signed.
Subsidised Housing	Councils will be asked for evidence that their programming of affordable housing in audits is aligned with their SHIP and with resources.
Old Sites	Homes for Scotland would assume that any site which has appeared in the housing land audit for 12 more years, without significant recent progress, is non-effective. Such sites should identified in a separate 'non-effective' schedule and reconsidered when the development plan is next reviewed.

Does Homes for Scotland have default assumptions on lead in times?

Realistic standard assumptions are:

- Build time for a house is 20 weeks
- From start on site to first lawful completion takes 6 months
- No start can be made on site until access and all statutory consents are in place
- It can take on average 18-24 months from submission of a planning application in principle to the delivery of first units on a site. Where the site is in the hands of a developer at the time of application, this timeframe will likely be shorter.
- Lawful completions will not begin within 2 years of receipt of permission in principle

Does Homes for Scotland just look at programming for individual sites?

No, Homes for Scotland can consider the overall picture for all or part of a council area. It may be (for example) that the indicative programming for a particular town or area looks reasonable on a site by site basis but, when taken cumulatively, suggests an overall build rate that past trends suggest cannot be achieved in that location. Where this is the case, Homes for Scotland will raise this issue with the relevant council and may suggest an adjustment be made to reflect market reality when calculating land supply in areas with a lot of theoretically-effective sites. This would apply, for example, where councils are expecting small businesses to develop at a pace that outstrips their past built-rates.

What impact does an audit have on the planning status of individual sites?

What an audit says about a site has no impact on its planning status. An audit cannot allocate or de-allocate a site, or pave the way for a grant or refusal of planning permission. A housing land audit is a technical document, not a political tool. Home-builders should not seek to use them to shore-up the status for a site. Equally, councils should not manipulate them in defence against allocating more land or granting more permissions. A housing land audit is only of real value when both sides have faith in the information it contains and the evidence behind it. Providing artificially high completion forecasts for a particular site

will disadvantage the industry as a whole by giving a council an unrealistically positive 5-year housing land supply figure and thereby reducing the weight attached to housing supply when applications and appeals are determined. It also risks debasing the value that councils and the Scottish Government attach to our involvement.

In considering their own sites, it is important that members strike the right balance between realistic optimism and wishful thinking, and are realistic about timing and volumes. If there is a good prospect of a site delivering units within the next five years (when considered against the advice in this note and other up-to-date information) then it should be identified within the effective supply shown in the audit. If the site is unlikely to deliver units within five years it should not be included just to seek to maintain its status. There is no benefit to the industry in over-stating delivery, and no threat to individual site interests by being realistic.

It is important that councils and members do not seek to shoe-horn the balance of a site into the fifth year of an audit period as the effect is to artificially increase the on-paper effective-supply. If this results in the appearance of a full or exceeded 5-year housing land supply it will stop the SPP presumption in favour of sustainable development from operating as intended.

Should home builders make their own representations on draft audits?

Councils typically send individual information requests out to landowners and developers with known interests, and are likely to welcome useful information at any stage from any relevant party. But members who want to query or inform parts of the draft audit are strongly encouraged to do this, in the first instance, through Homes for Scotland. This will enable us to make the clearest and strongest, industry-wide position. It is at the discretion of each home builder whether they also want to contact the council directly, but it should be noted that Homes for Scotland might not be able to endorse any information which is not in line with the reasonable default positions outlined in this paper. Members who do correspond directly with councils on draft housing land audits are asked to copy Homes for Scotland in for information.

What time periods are housing land audits based on?

Housing land audits are typically based on financial years – i.e. they run from 01 April in one year to 31 March in the next. There is often a time lag before a draft audit is issued – sometimes several months. This can lead to discrepancies between a council's record of completions by year-end and a developers record of completions by the date a draft audit is issued. Homes for Scotland notes that a council will typically base the audit on the position at 31 March of the relevant year. We ask for consistency in this – for example a site should not be shown as newly effective or have its programming brought forward on the basis of a new planning application or pre-application enquiry, unless that event happened within the relevant audit year. It is also important that there is consistency between public and private sector sites.

Homes for Scotland represents members on issues affecting their ability to deliver much-needed homes. Our views are endorsed by committees and advisory groups utilising the skills and expertise of representatives drawn from member companies. This paper was considered by our 5 area committees and approved by our Planning Policy Committee.

Ends



██████████
Planning and Environmental Appeals Division
The Scottish Government
4 The Courtyard
Callendar Business Park
Falkirk
FK1 1XR

By Email to: ██████████

06 October 2017

Dear ██████████

**PROPOSED STIRLING LOCAL DEVELOPMENT PLAN
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT PLANNING)
(SCOTLAND) REGULATIONS 2008
FURTHER INFORMATION REQUEST 23:
ISSUES 3 SETTING THE LAND REQUIREMENT FOR HOUSING & 4 HOUSING
LAND POLICIES**

Further to your letter of 02 October 2017 and the Council's reply to FIR 23, Homes for Scotland would offer the following comments.

We note the Council's position on the matter raised by FIR 23 is that given the impending changes in pupil product ratios, "*in some cases a slightly higher level of development may be able to be accommodated in those areas with known school capacity constraints.*" This could result in the additional units being added to the development programme as set out in the Housing Land Audit.

An important point to recognise is that increased site capacity need not necessarily result in more houses being built during a plan period as it will simply extend the length of time over which a site will be developed. The only effective means to deliver more completions during a plan period is to allocate a sufficient range of sites across the area; the effect of the Cambusbarron Appeal site now is an example of that reality.

It is also unclear from the Council's statement what the other Local Development Plan sites that will be able to deliver a "*higher level of development*" are given that a number have a physical constraint to how many completions they can deliver during the plan period rather than simply an education infrastructure constraint. Some clarity on the expectations that underline that statement would therefore be helpful as would clarification of sites where the Council believes development capacity could now be increased or sites that could now come forward.

What this late information also suggests is a lack of clear understanding of the potential land supply situation that could arise across the Stirling Area and an undermining of the levels of confidence that the Local Development Plan is supposed to be able to achieve. It appears as a wholly piecemeal approach to the basic role of development planning.

Given the importance of education capacity in Stirling, like most other local authority areas, it would have been more appropriate to have identified and addressed this main issue at an earlier stage in the plan making process rather than have it introduced by a third party at a very late stage in the process.

However, given the update set out in FIR 23 it is perhaps relevant to revisit Homes for Scotland’s response to FIR 14 dated 16 August 2017 and to highlight to the Reporter that the 2017 Housing Land Audit had reached an agreed position.

Homes for Scotland’s letter of 16 August included a series of figures to show the dynamic nature of the housing land supply position within Stirling and urged caution in placing any reliance on the figures provided by Stirling Council within the schedule of expected completions across sites during the Local Development Plan period. The net effect of FIR 23 then is to further exemplify the dynamic nature of the land supply.

Homes for Scotland is now therefore able to update the figures quoted at that time based on the position now reached with the 2017 Housing Land Audit and the following table summarises this (which excludes any potential contribution from small and windfall sites).

	5 Year Land Supply (2017 – 2022)	LDP Land Supply (2017 -2027)
2016 Housing Land Audit	2,098	-
PLDP Schedules	2,242	4,757
Draft 2017 Housing Land Audit	2,087	4,331
Updated 2017 Housing Land Audit	1,939	4,238
Updated 2017 Housing Land Audit + Cambusbarron Site	2,042	4,356

Through discussions with Stirling Council, various amendments were made to the programming set out in the Draft 2017 Housing Land Audit which included delaying output on some sites as well as adjusting programming on others. Those amendments then generated the “Updated 2017 Housing Land Audit” figures included above.

Those discussions also highlighted that progress towards conclusion of the Section 75 Agreement associated with the Cambusbarron Appeal site (PPA-360-2046) had reached a stage that the site could be included in the 2017 Housing Land Audit. That is therefore programmed to start to deliver around 200 units from 2019/20 at a rate of 35 units per annum (which is in line with Homes for Scotland’s comments regarding FIR 17).

On that basis, Homes for Scotland was reasonably content that the 5-year effective land supply (excluding small sites) at 2017 could be 2,042 units. The now noted changes raised within FIR 23 would not alter the 5-year land supply situation but could increase the Local Development Plan land supply (to 2027) to 4,454 potential new homes once a planning permission is secured.

In then updating the figures provided in Homes for Scotland’s response to FIR 13, the following is evident:

Total Housing Supply Target (2010 Base) (2015 – 2027)	5,532
Completions (2015/16)	368
Completions (2016/17) (*)	345
Remaining Housing Supply Target (2010 Base) (2017 – 2027)	4,819
Housing Land Requirement (rHST + 20% GM) (2017 – 2027)	5,783
Contribution from Established Land Supply (2017 - 2027) (**)	4,454
Contribution from Small Sites & Windfall (2016 - 2027)	350
Total Potential Supply (2017 - 2027)	4,804
Shortfall against Housing Land Requirement	979

* The completion figures for 2016/17 are derived from the recently published Housing Statistics for Scotland 2017 which may differ slightly from figures generated by Stirling Council.

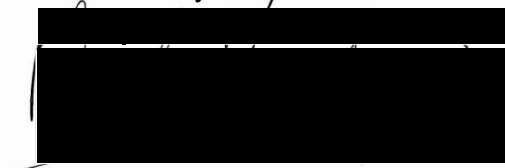
** The Established Land Supply now includes the additional sites / capacity increases set out in the proposed Local Development Plan and within FIR 23.

The scale of the Local Development Plan’s under-allocation of land quoted in the Homes for Scotland response to FIR 13 was 900 homes and this has increased to around 980 homes in light of the 2017 Housing Land Audit despite the Established Land Supply being further augmented by the inclusion of 200 new homes on the Cambusbarron Appeal site and the increased potential capacity noted in FIR 23.

This further demonstrates the fragility of the Stirling land supply position which is reliant on a combination of regeneration sites funded by central government money or major strategic land release. Both elements are useful parts of the land supply jigsaw but the missing pieces are the range of medium sized mid-market housing sites that can deliver the volume of completions needed, as well as the range and choice required, within the Stirling housing market area. This therefore supports the allocation of deliverable sites in the shorter term (years 1-3) to complement the regeneration sites and which can be delivered ahead of the Plan’s strategic land releases.

I trust the above is of assistance to the Reporters in formulating their conclusions on the Stirling Local Development Plan but if there are any queries, do not hesitate to contact me.

Yours sincerely




Principal Planning Advisor

[REDACTED]

From: [REDACTED]
Sent: 09 October 2017 16:20
To: [REDACTED]
Cc: [REDACTED]
Subject: PROPOSED EAST LoTHIAN LOCAL DEVELOPMENT PLAN - LDP-210-1 - FIR 06:
ISSUE 12: PLANNING FOR HOUSING
Attachments: HFS Document 3 - Chief Planner Stakeholder Letter 29 09 17.pdf; HFS Document 1
- Edinburgh LDP Examination Report.pdf; HFS Document 2 - Letter to ELC re
Programming - 01 03 16.pdf; 17 10 09 - ELC LDP - FIR 06 HFS 2nd Response -
FINAL.pdf

[REDACTED]

See attached further comments on FIR 06 on behalf of Homes for Scotland.

If there are any queries, please do not hesitate to contact my colleague Nikola Miller.

Kind regards

[REDACTED]

Principal Planning Advisor
Homes for Scotland

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*Homes for Scotland's 6th Annual Conference will take a hard-hitting look at where the housing industry is now, where it goes next and how it gets there 10 years on from the Scottish Government's Firm Foundations "discussion document". Join us at this leading housing event on **1 November** – click on the logo below to find out more and book your place.*



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improving living in scotland



**PROPOSED EAST LOTHIAN LOCAL DEVELOPMENT PLAN
FURTHER INFORMATION REQUEST 06, ISSUE 12 – PLANNING
FOR HOUSING
HOMES FOR SCOTLAND SECOND RESPONSE**

09 OCTOBER 2017

ABOUT HOMES FOR SCOTLAND

Homes for Scotland is *the* voice of the home building industry.

With a membership of some 200 organisations together providing 95% of new homes built for sale in Scotland each year as well as a significant proportion of affordable housing, we are committed to improving the quality of living in Scotland by providing this and future generations with warm, sustainable homes in places people *want* to live.

Visit www.homesforscotland.com for further information and follow us on twitter @H_F_S

PROCESS

Homes for Scotland represents members on a wide range of issues affecting their ability to deliver much needed homes.

Our views are endorsed by committees and advisory groups utilising the skills and expertise of key representatives drawn from member companies.

Second Response to East Lothian Proposed Local Development Plan Examination – FIR 06, Issue 12, Planning for Housing

Introduction

Homes for Scotland (HFS) welcomes the opportunity to comment on the Council's response to Further Information Request 06, Issue 12 of the Proposed East Lothian Local Development Plan Examination on Planning for Housing.

This submission responds to questions 4 – 25 of the Reporter's Further Information Request, and makes comment on the response submitted by East Lothian Council (ELC) on 22nd September 2017.

HFS considers that the 2017 Housing Land Audit (HLA) represents the most up to date position on land supply and programming for East Lothian. It was agreed between ELC and HFS in September 2017 and therefore should be used in place of the 2015 HLA at all times in the LDP evidence base, policies and text.

The adoption of the latest agreed HLA for LDP Examinations is endorsed by Scottish Ministers through the recent Edinburgh LDP Examination.

HFS has updated East Lothian Proposed LDP Table HOU2 and submits Table 1 below as evidence to support the HFS response to questions 2 – 25. The methodology used within this updated table is explained throughout the subsequent response to the relevant questions.

For clarity, the updated Table HOU2 set out in Table 1 includes the following:

- SESplan housing requirement equal to the SPP 2014 housing supply target (HST);
- A generosity margin has been added to the housing supply target as required by SPP 2014 (paragraph 116) to provide the housing land requirement (HLR);
- The agreed 2017 HLA has been used to inform housing completions to 2017, the contribution from the established supply, contribution from new allocations, and contribution from Blindwells;
- A HST and HLR have been calculated for the period 2024-28 to be compliant with SPP 2014 (paragraph 119). This methodology follows the method adopted by the Reporter in the Edinburgh LDP Examination (as set out below in paragraph 7.3);
- For the period 2024-28 the contribution from the established supply and contribution from Blindwells have been incorporated within the contribution from new allocations row;
- The resulting undersupply or surplus of housing land based on the total land supply compared to the housing land requirement has been calculated (explained in paragraph 7.6 below).

A 20% generosity margin that is set out in Table 1 below aligns with the Council's own view on land supply as set out in the 2017 HLA to 2024 at least. HFS is also of the view that a 20% generosity margin best reflects the dynamic nature of the established land supply within East Lothian.

The following HST supporting documents are submitted together with this response.

- HFS Document 1 - Edinburgh LDP Examination Report (June 2016)
- HFS Document 2 – Homes for Scotland letter to East Lothian Council re Housing Site Programming, 1st March 2016
- HFS Document 3 – Letter from Chief Planner, 29th September 2017

Table 1 – Updated Table HOU2 (20% Generosity)

Housing Land Requirement	2009-19	2019-24	2024-28	2009-28
SESplan Housing Requirement (Housing Supply Target)	6,250	3,800	3,040	13,090
Generosity (20%)	1,250	760	608	2,618
Housing Land Requirement	7,500	4,560	3,648	15,708
Meeting the Housing Land Requirement				
Housing Completions 2009 -2017	3,064	0	0	3,064
Contribution from Established Supply (2017 Audit)	1,213	3,213	594	5,020
Contribution from Small Sites	70	106	140	316
Contribution from New Allocations	331	3,545	1,265	5,141
Contribution from Future Windfall Sites	42	105	55	202
Loss of Supply to Dwelling Demolitions	-3	-8	-6	-17
Contribution from Blindwells	0	291	388	679
Total Land Supply	4,647	7,146	2,296	14,089
Undersupply / Surplus of Housing Land	-2,783	2,692	-1,212	-1,303

Housing Supply and Generosity

Question 4.

The reporter notes the council's explanation that it has chosen to add generosity to the supply of housing, not the housing requirement, to ensure enough effective land is available at all times.

(a) In the proposed plan, paragraph 3.32, it is stated: ***“The resultant housing land shortfall has informed the amount of additional housing land needed and new site allocations made by this LDP”***. The council is asked to explain how this statement corresponds with that stated within the council's Position Statement: ***“Additional sites were selected and added to the proposed LDP housing land supply until the cumulative completions from them met SESplan's Housing Requirement / Housing Land Requirement for each plan period. Additional sites were selected and added until the requirement for each plan period was exceeded by 10-20%”***.

- 4.1 Scottish Planning Policy (SPP) 2014 requires the overall housing supply target to be increased by a margin of 10 – 20% *“to establish the housing land requirement, in order to ensure that a generous supply of land for housing is provided. The exact extent of the margin will depend on local circumstances, but a robust explanation for it should be provided in the plan”* (paragraph 116). SPP then goes on to state in paragraph 118 that *“Strategic development plans should set out the housing supply target for the plan area, each local authority area, and each functional housing market area.”*
- 4.2 SESplan was prepared and approved before SPP 2014 was published. As such SESplan's terminology differs from that of SPP 2014, referring to a housing requirement. Homes for Scotland contends that it can be reasonably presumed that the SESplan housing requirement can be equated to the housing supply target within SPP 2014.
- 4.3 This matter was discussed for Issue 05 of the Edinburgh LDP Examination Report (HFS Document 1) where the Reporter concluded that the approved SDP's 'housing requirements' are the 'housing supply targets':
- “The housing supply target is based on the HNDA but is a policy view of the number of homes that are needed by local authority area. SESplan predates current Scottish Planning Policy so does not use the word target but refers to housing requirements and housing land requirements. However for the purposes of the examination there is nothing to suggest to me that the figures in SESplan should not be interpreted as the target”*.
- 4.4 The Reporter's recommendations for Edinburgh LDP Examination were accepted by Scottish Ministers. Therefore, to comply with SPP 2014, the East Lothian LDP must add a generosity margin of 10-20% to the SESplan housing requirement (the housing supply target) to provide a housing land requirement. In addition to adding this generosity margin, the LDP must provide a *“robust explanation”* (SPP paragraph 116) for the margin chosen given the local circumstances.

- 4.5 The function of the generosity margin to ensure that additional land is added through the LDP to guarantee that a generous supply of land for housing is provided and the HST can therefore be met in full.
- 4.6 HFS does not agree with the Council's methodology in providing generosity to its land supply. The council states in bullet 3 on page 2 of its FIR response under "the provision of generosity in the supply" that to provide generosity:
- "more proposed new housing site allocations were added to the supply of housing land until the cumulative contribution of dwelling completions anticipated from all sites would meet and exceed the housing land requirement for each plan period (2009-2019 and 2019-2024) by around 10-20%. This was to take account of the SDP examination findings and the SPP 2014 generosity range of between 10-20%."*
- 4.7 We do not consider that the requirements of SPP are met by this approach. SPP is clear in paragraph 116 and in diagram 1 on page 30 that an appropriate generosity margin of 10-20% is to be added to the HST to establish the HLR. It does not allow for other approaches, such as this one where the Council has sought to use the programming within the 2015 Housing Land Audit (HLA) and assumed programming set out within Technical Note 1, Appendix 2 to inform the generosity margin. There is no policy support for this methodology.
- 4.8 The Proposed East Lothian LDP does not explicitly set out the generosity margin of between 10-20% within the LDP together with the necessary reasoned justification. This is necessary to comply with the requirements of SPP 2014 and ensure that a generous supply of land for housing is provided. Table HOU2 should be updated to include the specific generosity margin.

(b) Related to the above, further explanation is required on how the council has determined the actual levels of generosity in the supply for each of the periods 2009/19 (10%) and 2019/24 (43%) as set out in Table 1, Appendix 1 of Technical Note 1 and the overall 23% generosity for period 2009/24. For instance, are the levels of generosity policy-led in some way depending on local circumstances? Where is this explained within the plan?

- 4.9 Please refer to the response to question 4a) above.
- 4.10 The Council's response to this question deals mainly with its use of the 2015 HLA and its assumptions for programming of allocated sites which have been set out within Technical Note 1, Appendix 2. HFS suggests that this programming should be updated, based on the agreed 2017 HLA for the following reasons:
- 4.11 The 2017 Housing Land Audit was agreed in September 2017 between HFS and East Lothian Council. This Audit includes LDP allocated sites, and is therefore the most up to date agreed position on land supply and programming of all sites in East Lothian. The programming set out within Technical Note 1, Appendix 2 has been superseded by the agreed 2017 HLA.
- 4.12 There was no formal period of consultation and agreement on programming carried out for the preparation of Technical Note 1, Appendix 2 by East Lothian Council, therefore the programming set out within the Appendix has not been agreed with the

home building industry. Conversely, the 2017 Housing Land Audit is not only a more up to date reflection of the programming of LDP sites, and all other sites in East Lothian, but it has also been agreed with Homes for Scotland, representing its home builder members, and represents a more reliable evidence base for the LDP than the programme in the Technical Note. The adoption of the most up to date Housing Land Audit for LDP Examinations has been deemed appropriate for the Edinburgh LDP Examination. The Reporter's recommendations and conclusions were accepted by Scottish Ministers.

- 4.13 East Lothian Council engaged Homes for Scotland in discussion on the programming in advance of the formal Proposed LDP consultation, and allowed HFS to comment on the proposed programming. At this time, in March 2016, HFS wrote to East Lothian Council (HFS Document 2). We dispute the Council's statement within paragraph 5, page 5 of its response to this FIR where it states:

"Importantly, Homes for Scotland was of the view that it would be possible for the Council to meet the SDP Housing Land Requirement if it reconsidered the programming of sites that it proposed to allocate within its proposed LDP. The implication of this is that the anticipated rate of development on sites should be accelerated from the rate proposed by the Council at that time."

- 4.14 The Council's assumption here is incorrect. The letter from HFS expresses the following "elements of risk" in the way the Council anticipates the numbers being realised:
- The Council assumes all new site allocations will deliver homes from 2018/19 onwards. That would require planning permission for all those sites to be granted this year. This is unlikely as, to date, not all of the sites are subject of a planning application (as written in 2016);
 - Some of the sites are in locations which have unresolved infrastructure challenges;
 - Not all of the sites have a home builder attached to them; and
 - Some of the sites are very ambitiously programmed in terms of annual yields.
- 4.15 Our letter also stated that, *"we believe there is scope for you to reconsider your programming (to take these issues into account)"*. The letter clearly showed support for the Council's approach, but raised concerns and suggested that the Council reconsiders its programming. In any event, the 2017 HLA has now been agreed and this should be used for all programming of land supply going forward as it supersedes the earlier assumed programming of the Council, set out in Technical Note 1, Appendix 2.
- 4.16 Homes for Scotland therefore wishes to clarify that, as set out within the Council's response to this FIR in paragraph 4 of page 5, we are not of the view that additional sites should be added to the LDP to address the identified undersupply in the first period to 2019. Additional allocations would be unlikely to deliver enough homes by 2019 to make a meaningful reduction in the undersupply to 2019. Furthermore, HFS agrees with the Council's statement in this paragraph that we have, overall, been positive in our comments in respect of the proposed LDP in terms of the engagement undertaken by the Council and the overall capacity of the land supply proposed within the LDP. HFS continues to support East Lothian Council's approach on housing delivery, and offers support and clarification within its comments on this FIR.

The comments raised within the responses to this FIR reflect HFS' consistent approach in promoting compliance of the LDP with SPP and in promoting the use of the most up to date evidence available.

Question 5.

In adding generosity to the supply rather than the housing requirement, the reporter notes the council's reasons for this are twofold: in recognition of the SESplan examination findings; and due to concerns over measuring the 5-year effective land supply against an inflated requirement which is not meant to be satisfied and would be unnecessarily challenging. Are there any other reasons why the council has added generosity to the supply?

- 5.1 Please see the response above to question 4a) and 4b).
- 5.2 Despite the Council's reasoning for the provision of "additional generosity in the housing land supply", the methodology used by the Council in adding generosity to the housing land supply does not comply with SPP 2014 which requires that a generosity margin of 10-20% must be added to the housing supply target to reach a housing land requirement and ensure that a generous supply of land is available to allow the housing supply target to be met in full.

Question 6.

What is the council's understanding of why SPP 2014 requires that a generous supply of land for housing is provided?

- 6.1 The function of the generosity margin is to ensure that additional land is added through the LDP to guarantee that a generous supply of land for housing is provided and the HST can therefore be met in full. It allows for the possibility that not all allocated sites will be deliverable at the rate anticipated at the time of adoption of the plan.
- 6.2 Regardless of the reasoning behind this, SPP remains clear that a generosity margin of 10-20% must be added to the housing supply target to reach a housing land requirement to ensure that a generous supply of land for housing is provided (SPP paragraph 116 and process also illustrated in Diagram 1, page 30).

Question 7.

The council is asked to confirm whether any distinction has been made between the amount of housing programmed to be built and the amount of housing land available at the point of adoption of the plan, with regard to the figures set out within Table HOU2.

- 7.1 As previously stated, HFS believes that table HOU2 within the LDP must be updated using the 2017 agreed HLA rather than the 2015 HLA. The 2017 Audit gives up to date programming. Updated versions of Table HOU2 are provided within the introduction to this submission (on page 4) which give completions to 2017 and include the established land supply and programmed LDP allocations as set out in the 2017 HLA.
- 7.2 The updated versions of Table HOU2 also address an issue raised by HFS in its Proposed Plan consultation response. SPP (paragraph 119) requires that "*Local development plans in city regions should allocate a range of sites which are effective or expected to become effective in the plan period to meet the housing land requirement of the strategic development plan up to year 10 from the expected year of adoption.*" The East Lothian LDP is expected to be adopted in 2018, therefore the Council must allocate land up to 2028. The Proposed Plan, however, does not explicitly set out allocations for the period of 2024-28. In the HFS updated Table HOU2 (at question 4a), the housing land supply and housing land requirement (based on a 20% generosity margin) have been set out to 2028.
- 7.3 Within the updated HFS Table HOU2, we set out a specific requirement for the post-2024 period of 4 years from 2024-28. This has been calculated using agreed methodology from the Edinburgh LDP examination, whereby the Reporter accepted City of Edinburgh Council's calculations of annualising the 2019-24 figure and rolling out for a further 2 years (where 10 years post adoption was 2026). For East Lothian, this would be calculated by dividing the housing supply target for the period of 2019-24 of 3,800 homes by 5, and multiplying that 760 homes by four to equate to a housing requirement of 3,040 for the final 4 years of the Plan, as set out within the table(s).
- 7.4 HFS does not consider there to be any necessity to provide a 'read across' between SPP 2010 and SPP 2014 and that the table provided on page 9 of the Council's response is misleading. SPP2010 was revoked prior to the commencement of the preparation of this LDP. Table HOU2 in the LDP should set out the housing supply target (the SDP housing requirement), the chosen generosity margin adopted by the authority, and the resulting housing land requirement to 10 years post-adoption (to 2028), not to 2032. An updated version of Table HOU2 should follow the HFS example (set out in question 4a) rather than the example provided by the authority.
- 7.5 HFS does not believe that there is any "inflated requirement" following the justification set out in our response to question 4a) and reasonably concluding that the SESplan housing requirement is equal to the SPP 2014 housing supply target therefore requiring the addition of a generosity margin (of 20%) to reach a housing land requirement for each of the plan periods 2009-19, 2019-24 and 2024-28. The housing requirement set by SESplan for East Lothian includes an element of redistribution of Edinburgh's need and demand which was a policy decision of SESplan, and one which was agreed by all member authorities at the time of approval of the SDP. The housing requirements set out within SESplan are required

by statute to be met by the LDP, and the LDP is also required to comply with the provisions of SPP 2014.

- 7.6 HFS notes the undersupply in land allocated by the LDP expected to deliver by the end of the first SDP period of 2009-19, however we acknowledge that the addition of further sites at this stage will not solve this issue, as these sites would be unlikely, at this late stage, to make a meaningful contribution to the SDP period up to 2019. Yet there remains a requirement to allocate enough land to meet the housing supply target in each of the three periods of the plan (2009-19, 2019-24, and 2024-28). Looking at the HFS amended versions of Table HOU2 on page 4 above, for a generosity margin of 20% there is a surplus in the SDP period from 2019 to 2024, and for a generosity margin of 20% there is an undersupply in the final period from 2024-28. Overall across the LDP plan period to 2028, there is an undersupply of 1,303 homes when a generosity margin of 20% is adopted.
- 7.7 HFS agrees with the Council's conclusion that it has a 6 year effective housing land supply based on the 2017 HLA.

Question 8.

The reporter notes the council's comments regarding the intention of SPP 2010 and the council's view that SDP allocations are not an 'interim' requirement. As SESplan and its associated supplementary guidance has identified a requirement for the period 2009/19, what ultimately does this mean for this local development plan?

- 8.1 SESplan Policy 5 is clear that the requirement (housing supply target) for both periods 2009-19 and 2019-24 must be met within the LDP.
- 8.2 SPP 2010 has been replaced by SPP 2014 before the East Lothian LDP process began, and is therefore not a relevant consideration for this or any other LDP.

Housing Land Audit

Question 9.

The reporter notes the council's position that it is the 2015 housing land audit that the plan is based on and that this audit does not include the new allocation sites as it pre-dates the publication of the proposed plan. Further to this:

- (a) The 2015 audit should be provided in an excel spreadsheet format.
 - (b) Clarification is required on the current status of the 2016 and 2017 audits and how far they have been agreed with Homes for Scotland. If not agreed, drafts should be provided (in excel format) along with commentary on any sites in dispute.
- 9.1 HFS considers the 2017 HLA to be the most appropriate audit to use for the LDP, instead of the 2015 HLA. There were no disputed sites within the 2017 HLA and it has been agreed by both HFS and East Lothian Council. The adoption of the most up to date Housing Land Audit for LDP Examinations has been deemed appropriate for the Edinburgh LDP Examination. The Reporter's recommendations and conclusions were accepted by Scottish Ministers.

Question 10.

The reporter notes the council's concerns over the use of Planning Advice Note (PAN) 2/2010 'marketability' criterion in order to determine the effectiveness and the programming of sites through the audit process which is stated, can result in a numerical shortfall of effective housing land.

(a) Clarity is sought on the extent to which the programming of sites within the effective supply within the 2015 audit is based on the entire PAN 2/2010 criteria set out in paragraph 55, including marketability.

(b) Table HOU2 indicates that the established land supply is based on the 2015 audit. Relative to the council's concerns regarding marketability, does it consider that the contribution from the established land supply up to 2024 (total 4,813 units) shown in Table HOU2 is an underestimate of the amount of effective land?

(c) If so, what established sites does the council consider could be effective and contribute over the period to 2024?

- 10.1 HFS agrees that all factors within PAN 2/2010 are taken into account during the Audit process.
- 10.2 The Council notes "on-going delay in site starts" reflected in the 2017 HLA. HFS does not consider this to be an accurate depiction of the land supply and delivery position in East Lothian. Each year the Audit process represents a snapshot in time of the land supply and programmed completions in East Lothian. The 2017 HLA is the first Audit to include the LDP allocations within the Audit as this is the starting point for the plan. The delay that the Council refers to can only be assumed to be equated to delays when comparing the agreed 2017 HLA to the assumed programming included within Technical Note 1, Appendix 2 which was calculated using the 2015 HLA as a base, and did not have the benefit of being agreed with the home building industry, or having the full and up to date programming for home builders, as the 2017 HLA does. As summarised above in question 4b), the HFS letter of March 2016 raised potential issues with the over-optimistic programming set out within the Technical Note supporting the LDP.
- 10.3 An additional factor in the changes to housing delivery since the 2015 Audit is the time taken for the Council to grant planning permission (and other approvals such as building warrant and RCC) for housing sites, and the rate of development is often controlled by the Council within planning conditions, therefore on certain sites this rate cannot be exceeded by the home builder.
- 10.4 If, as the council suggests, the constrained sites may be able to be developed within the plan period, a justification must be provided by the authority as to the reasons that each site is constrained and what actions would be required to make them effective. HFS is willing to work with the Council on reducing the number of constrained sites, and encouraging delivery (although we acknowledge that there are very few constrained sites within the East Lothian HLA, with only 106 homes in total constrained in the 2017 HLA).

Question 11.

It is also noted within the 2015 audit that although a small list of constrained sites is included within the schedule, a figure for the total constrained is excluded from the summary. Details of why this is the case is required and how these sites are considered constrained.

- 11.1 Homes for Scotland reiterates that the 2017 Housing Land Audit should be used by East Lothian Council for its Local Development Plan as the most up to date agreed position on land supply and programming available.
- 11.2 HFS notes that only 40 units were considered constrained in the 2015 HLA, and 106 constrained in the 2017 Audit. Neither audit provides reasons why these sites are constrained. While the Council remarks that "these sites are constrained mainly due to marketability issues" there is no evidence provided to substantiate this suggestion. From a HFS perspective, it seems that ownership and availability to home builders is the issue in the majority of constrained sites in the 2017 HLA rather than marketability issues

Question 12.

As the 2015 audit only provides site programming up to 2022, explanation is required of how the established land supply figure of 2,143 units for the period 2019/24 in Table HOU2 has been arrived at.

- 12.1 Rather than relying on a continuation of programming from sites within the 2015 Audit, the 2017 HLA provides programming up to 2024 and should be used in place of the 2015 HLA as the most up to date reflection of the land supply position and programming from 2017 onwards to 2024. It can also be used to extrapolate required numbers to 2028 as the Council has already done so in the all sites 2032 tab in the 17 HLA.

Question 13.

Finally on this matter, the council is asked whether a more up to date audit should now be used as the basis for the plan given that progress on some sites may now have moved on from 2015, and if so, how this would affect the figures in Table HOU2.

- 13.1 HFS considers the 2017 Audit to be the most appropriate basis for the Plan given that some sites have now moved on from 2015, and Table HOU2 should be updated accordingly. HFS includes an updated version of Table HOU2 on page 4 within the introduction of this submission which we request that the Reporter considers in relation to this question.
- 13.2 The HST and HLR should be identified to 10 years post-adoption of the LDP, to 2028. The Council has not provided this calculation in the LDP or in the table on Page 15 of its FIR response. This is contrary to SPP policy 119.
- 13.3 The Council's methodology for calculating the HST post-2024 differs from the HFS methodology. HFS has used the method that the Reporter in the Edinburgh LDP Examination adopted – this is set out above in paragraph 7.3. ELC relies on the HNDA to project out from 2024 onwards, but this figure does not include a generosity margin, nor the SDPA policy decision to redistribute some of Edinburgh's need and demand to neighbouring authorities. We therefore consider the HFS approach to be the most reasonable methodology for calculating the HST for the final 4 years of the LDP. The Reporter's recommendations and conclusions for the Edinburgh LDP Examination were accepted by Scottish Ministers..

New allocations

Question 14.

With reference to Technical Note 1, Appendix 2, on what basis has the council determined the programming of each of the new allocations over the period 2017/19 and the period 2019/24?

- 14.1 Homes for Scotland suggests that the programming set out within Technical Note 1, Appendix 2 should be updated, based on the agreed 2017 Housing Land Audit for the following reasons:
- 14.2 The 2017 Housing Land Audit was agreed in September 2017 between Homes for Scotland and East Lothian Council. This Audit includes LDP allocated sites, and is therefore the most up to date agreed position on land supply and programming of all sites in East Lothian. The programming set out within Technical Note 1, Appendix 2 has therefore been superseded by the agreed 2017 Housing Land Audit.
- 14.3 There was no formal period of consultation and agreement on programming carried out for the preparation of Technical Note 1, Appendix 2 by East Lothian Council, therefore the programming set out within the Appendix has not been agreed with the home building industry. Conversely, the 2017 Housing Land Audit is not only a more up to date reflection of the programming of LDP sites, and all other sites in East Lothian, but it has also been agreed with Homes for Scotland, representing its home builder members engaged in the delivery of housing in the local authority area.
- 14.4 East Lothian Council engaged Homes for Scotland in discussion on the programming in advance of the formal Proposed LDP consultation, and allowed HFS to comment on the proposed programming. At this time, in March 2016, HFS wrote to East Lothian Council (HFS Document 2) expressing concern over “ambitiously programmed” sites and the assumption that allocated sites will deliver homes from 2018/19 onwards which is considered over-optimistic. This letter also stated, “*we believe there is scope for you to reconsider your programming (to take these issues into account)*”. Therefore, concern was raised by Homes for Scotland on the suggested programming at this time. Now that the 2017 Housing Land Audit has been agreed, we conclude that this audit should be used instead of any programming set out within Technical Note 1, Appendix 2.

Question 15.

How far does the programming of the new allocations match that within the latest housing land audit? Where there is a discrepancy this should be explained.

15.1 HFS suggests that the agreed 2017 HLA is used to ensure that there are no discrepancies.

Question 16.

With reference to paragraph A1.43 of Technical Note 1, what ‘*similar assumptions*’ to the 2015 audit have been applied to determining the programming of the new allocations.

16.1 HFS has no comments on this question.

Question 17.

How have the criteria within PAN 2/2010 (paragraph 55) been used to consider the effectiveness and programming of new allocation sites? How has marketability been taken account of? Does the council consider that the contribution from the new allocations up to 2024 (total 5,021 units) shown in Table HOU2 is likely to be an underestimate?

- 17.1 HFS agrees with the Council that the contribution of 5,021 homes from new allocations to 2024 shown in Table HOU2 does not represent an underestimate. We believe it, in fact, to be an overestimate. In the updated Table HOU2 on page 4 of this response, based on the 2017 HLA, we calculate that the contribution from new allocations to 2024 is 4,331 units. We also agree that all criteria within PAN 2/2010 have been taken account of in discussions between HFS and the Council on the 2017 HLA.
- 17.2 HFS notes that the council refers again to on-going delay in site starts. The delay that the Council refers to is assumed to be equated to delays when comparing the agreed 2017 HLA to the assumed programming included within Technical Note 1, Appendix 2 which was calculated using the 2015 HLA as a base, and did not have the benefit of being agreed with the home building industry, or having the full and up to date programming for home builders, as the 2017 HLA does. As summarised above in question 4b), the HFS letter of March 2016 raised potential issues with the over-optimistic programming set out within the Technical Note supporting the LDP.

Question 18.

With regard to the council's interim planning guidance and the comments in paragraphs A1.40 and A1.41 of Technical Note 1, which anticipate early progress on new allocations; to what extent have the new allocations progressed through the planning application process? A list of current planning applications and permissions granted including dates and plan proposal references should be provided.

18.1 HFS notes the table and has no comments on this question.

Question 19.

Given that the outcome of the examination is now to be later than that anticipated within Technical Note 1 (stated as mid-autumn 2017), is the council still confident that the proposed programming of new allocations, particularly for the year 2017/18 can be achieved? In allocating sites, how has the council demonstrated that it is confident that land can be brought forward for development within the plan period and that the range of sites allocated will enable the requirement to be met?

- 19.1 HFS agrees that there will be an undersupply against the HST to 2019 in the emerging LDP, however we have acknowledged throughout this submission that there is little that can be done at this stage to address this undersupply given the timescale for adoption of the LDP in 2018. Further allocations will be unlikely to make a meaningful contribution to the undersupply by 2019. However, SESplan still requires that the overall target to 2024 is met.
- 19.2 As previously stated, HFS believes that the programming set out within Technical Note 1 is superseded by the agreed 2017 HLA which sets a more up to date programming for new allocated sites.
- 19.3 HFS does not accept that a 91% generosity margin is added to the HST at any point, as suggested by the Council in its response. This ignores the undersupply against the HST to 2019, and is misleading. HFS suggests that this figure is disregarded by the Reporter.
- 19.4 In considering the updated tables on page 4 of this submission, in both generosity scenarios, HFS concludes that the HLR to 2024 is expected to be met based on the 2017 agreed Audit.

Five-year effective supply

Question 20.

The reporter notes that Technical Note 1, Appendix 1 (Table 16c) sets out the 5-year effective land supply calculation from the year 2015. With regard to SPP paragraph 119, how does the plan demonstrate that it provides for a minimum 5-years effective land supply at all times? Has the council produced any rolling calculations of the 5-year effective supply?

- 20.1 HFS does not consider that the council has carried out a 'rolling' calculation of the 5-year effective housing land supply. The Council's calculation has interpreted 'rolling' as addressing the cumulative undersupply from 2009-17 within the 5-year effective supply target.
- 20.2 However, Homes for Scotland considers that the LDP will provide a 5 year housing land supply at all times from the date of adoption against the housing supply targets. This is only due to the Council's adoption of a generosity allowance of 20% to identify the appropriate housing land requirement.

Question 21.

21. Within Advice Box 1 on page 68 of the proposed plan, what is meant by “or any housing monitoring paper”? Does the council have an example for this examination?

21.1 The Council's response to this question confirms that it cannot commit to the preparation of a housing monitoring paper, therefore we suggest that the words “or any housing monitoring paper” are removed from the Advice Box on page 68 and the most recent HLA is used. The Audit is agreed annually and could be supplemented with an additional table to calculate the 5-year effective housing land supply.

Question 22.

With reference to paragraph 3.48 of the proposed plan:

(a) How does the council intend to operate the process of excluding ‘marketing constraints’ in determining whether there is a programmed shortfall of dwelling completions?

(b) What particular factors would be considered with regard to ‘marketing constraints’?

- 22.1 In the Council’s response, it states that market conditions have been the problem since the base date of the plan (2009/10). HFS suggests that acknowledgement must be given to the delays in the East Lothian LDP, now programmed for adoption some 8 years after the SDP base date. In addition, delays in the determination of planning applications and delays in making infrastructure decisions (e.g. the new secondary school in Musselburgh) are also factors in slower than anticipated housing delivery.
- 22.2 Further, the Council states that market constraints were created post 2008 that significantly affected the housing market and affected the ability of housing providers to deliver homes in East Lothian. Although HFS would acknowledge the significant impact of the recession on the industry, in East Lothian marketability does not seem to be a factor constraining site delivery. The bullets below set out the number of constrained units within the HLA from 2010 to 2017:
- 2010 HLA – no constrained sites
 - 2011 HLA – no constrained sites
 - 2012 HLA – no constrained sites
 - 2013 HLA – no constrained sites
 - 2014 HLA – 32 units constrained (no reason specified)
 - 2015 HLA – 40 units constrained (no reason specified)
 - 2016 HLA – 48 units constrained (no reason specified)
 - 2017 HLA – 106 units constrained (no reason specified)
- 22.3 Given the lack of constrained sites within the HLA from 2010 to 2013 and the very small number of units constrained from 2014 to 2017, it can reasonably be concluded that delays due to marketability of housing sites is not a significant issue in East Lothian. Indeed, HFS argues that ownership rather than marketability is the main issue for the majority of the 106 units constrained within the most up to date HLA.
- 22.4 The Council takes marketability into consideration as part of the HLA process, and the most recent Audit (2017) was agreed in September 2017 between HFS and ELC. HFS does not consider a ‘delayed’ site start to be a marketability issue. A number of factors influence the delivery timescales of a development including achieving necessary planning consents, negotiating the Section 75 agreement, securing Roads Construction Consent and other technical constraints can regularly hold up the commencement of development. All of these factors are taken into account in the annual HLA process.
- 22.5 Based on the 2017 Audit, and the relevant Planning Advice Note (PAN) 2/2010 (Affordable Housing and Housing Land Audits), HFS confirms that there is a 5-year effective supply of housing land at the point of adoption of the Plan.

- 22.6 PAN 2/2010 remains the relevant guidance on HLAs. The Council refers to the Scottish Government's Draft Planning Delivery Advice in its response. HFS does not consider this to be a relevant consideration.
- 22.7 Scottish Government Chief Planner, John McNairney, wrote to stakeholders on 29th September 2017. This letter (HFS Document 3) provides a key summary of Scottish Government workstreams, including the Draft Planning Delivery Advice. Within this section on page 2 the letter states:
- "Last year we consulted on the draft advice on housing delivery. Whilst stakeholders agreed with much of the content there remains disagreement on key elements around the provision of an effective housing land supply. Given the advanced stage of the planning review we want to avoid any conflict between established planning policy and guidance contained in SPP and the draft advice. Accordingly we are minded to withdraw the draft advice."*
- 22.8 Given that the Chief Planner is '*minded to withdraw the draft guidance*', we consider that the draft advice has limited, if any weight, and that PAN 2/2010 remains the relevant guidance. Indeed the Chief Planner goes on to confirm that "*in the meantime the terms of circular 2/2010 and SPP remain in force to provide policy context*". We assume the Chief Planner means to refer to the Planning Advice Note (PAN) rather than a Circular here, and this updated confirmation from Scottish Government on the status of the existing PAN and the draft delivery advice is welcome.
- 22.9 Irrespective of the small number of constrained sites in East Lothian, and our view that ownership rather than marketability is the predominant factor constraining these units, it is not appropriate to remove marketability as a relevant factor when calculating the 5-year effective housing land supply. As evidenced above, PAN 2/2010 remains the relevant guidance on HLAs, and the PAN includes marketability as part of the list of factors to be taken into consideration in demonstrating the 5-year effective housing land supply.

Question 23.

In paragraph 3.47 of the proposed plan (last sentence) it states: “*These are significant material considerations*”. The council is asked to clarify what it means by this statement relative to the presumption in favour of development that contributes to sustainable development within SPP.

23.1 HFS considers that the Draft Planning Delivery Advice should not be referred to as a relevant consideration in the LDP.

23.2 Scottish Government Chief Planner, John McNairney, wrote to stakeholders on 29th September 2017. This letter (HFS Document 3) provides a key summary of Scottish Government workstreams, including the Draft Planning Delivery Advice. Within this section on page 2 the letter states:

“Last year we consulted on the draft advice on housing delivery. Whilst stakeholders agreed with much of the content there remains disagreement on key elements around the provision of an effective housing land supply. Given the advanced stage of the planning review we want to avoid any conflict between established planning policy and guidance contained in SPP and the draft advice. Accordingly we are minded to withdraw the draft advice.”

23.3 Given that the Chief Planner is ‘*minded to withdraw the draft guidance*’, we consider that the draft advice has limited, if any weight, and that PAN 2/2010 (Affordable Housing and Housing Land Audits) should remain the relevant guidance. Indeed the Chief Planner goes on to confirm that “*in the meantime the terms of circular 2/2010 and SPP remain in force to provide policy context*”. We assume the Chief Planner means to refer to the Planning Advice Note (PAN) rather than a Circular here, and this updated confirmation from Scottish Government on the status of the existing PAN and the draft delivery advice is welcome.

24.4 SPP itself sets out the range of principles by which policies and decisions should be guided in paragraph 29, and goes on to state in paragraph 33 that “*where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration*”. HFS considers the draft Planning Delivery advice to have very little weight in the decision-making process by comparison to the ‘presumption’ which has ‘significant weight’.

Question 24.

Within the Housing Position Statement, the council makes reference to the Draft Planning Delivery Advice: Housing and Infrastructure. The council considers that the calculation of the 5-year effective supply contained within the draft advice excludes completions achieved since the base date of plan (a reflection that actual take-up could be a function of market demand). Explanation is required on how the council reaches this conclusion and where in the draft advice this matter is confirmed.

- 24.1 HFS considers that the Draft Planning Delivery Advice should not be referred to as a relevant consideration in the LDP or any supporting documents such as the Housing Position Statement. As set out above under question 24, the Chief Planner's letter of 29th September stating that he is '*minded to withdraw the draft guidance*' is evidence enough to show that the draft guidance has very little weight, and to support the removal of all references to the Draft Planning Delivery Advice from the LDP and its supporting documents.

Policy HOU2 – maintaining an adequate 5-year effective housing land supply

Question 25.

Clarification is required on the following criteria contained within the policy:

(a) Location – how would this criterion operate where a proposal does not comprise an ‘*extension to an existing settlement*’?

25.1 SESplan Policy 7 does not explicitly relate to extension of existing settlements as defined by the LDP, therefore HFS does not believe that SESplan Policy 7 takes the argument as far as the Council has in restricting the application of a land release policy to existing settlements only. However, it is acknowledged that SESplan Policy 7 states that any development considered acceptable under the policy must be “in keeping with the character of the settlement and the local area”.

(b) Scale – why is the maximum figure of 300 units considered appropriate? What evidence can the council point to that development below this scale would not predetermine or prejudice land allocation considerations in a future review of the plan?

25.2 HFS does not consider a maximum figure of 300 units to be appropriate and does not agree with the Council’s justification of this figure.

25.3 SESplan Policy 7 does not impose a maximum figure for land allocations or applications coming forward in the event of an undersupply. We believe that a housing development brought forward through Policy HOU2 in the event of an identified undersupply in the 5-year effective housing land supply should demonstrate its effectiveness and be capable of beginning within the 5-year period, and should be capable of making a meaningful contribution within that 5-year period. That does not mean that at least half of the development must be delivered within the 5-year period as suggested in the Council’s response, nor does it require the entire development to be delivered within that period or require the scale of the site to be restricted to 300 units or less. The scale of the undersupply should also be assessed at the time of an application coming forward under Policy HOU2. Each site is considered on its own merits, and there are other policy considerations in place through Policy HOU2 that would mean scale of development would be taken into account as the application is determined, without setting an arbitrary maximum figure.

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REPORT TO THE CITY OF EDINBURGH COUNCIL

**PROPOSED EDINBURGH
LOCAL DEVELOPMENT PLAN EXAMINATION**

Reporters:



Date of Report:

30 June 2016

Issue 5	Housing and Community Facilities General	
Development plan reference:	Part 3 Section 2 pages 20 - 28	Reporter: Allison Coard
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>0132 Leith Central Community Council 0244 Tony Gray 0278 Richard Owen 0360 Grahame Whitehead 0364 Craighleith/Blackhall Community Council 0624 South West (Edinburgh) Communities Forum 0649 Helen Campbell 0652 Margaret Collins 0698 David Wilson Homes and J & J Muir 0749 Cramond and Harthill Estate 0755 BDW Trading Ltd 0799 NHS Lothian Public Health & Health Policy 1124 Liberton Association 1133 Danzan 2003 Trust 1154 CALA Management Ltd 1159 New Ingliston Limited 1170 A J C Clark 1202 Land Options East 1726 Marchmont & Sciennes Community Council 2086 Persimmon Homes East Scotland 2088 Scottish Government 2126 Cockburn Association 2189 Currie Community Council 2251 Taylor Wimpey 2265 Springfield Properties</p>	<p>2272 Lord Dalmeny 2274 CALA Management 2275 Murray Estates 2276 Gladman Developments Ltd 2277 Hallam Land Management Ltd 2278 Stewart Milne Homes 2279 Hallam Land Management Ltd 2280 Mr and Mrs Philip and Barratt David Wilson Homes 2281 Wallace Land Investment and Management 2290 Edinburgh Developers' Group (Edinburgh Chamber of Commerce) 2291 Defence Infrastructure Organisation 2297 Friends of Craighouse 2354 Grange/Prestonfield Community Council 2408 HolderPlanning 2416 Miller Homes Ltd 2421 SEEDco 2497 Grosvenor 2534 Pam Barnes 2582 Sergey Gorobets 2641 Victoria Rogacheva 2648 Mike Crockart MP 2684 Homes for Scotland 2688 Spokes 2703 Ogilvie Homes 2709 Scottish Property Federation</p>	
Provision of the development plan to which the issue relates:	This section of the Plan details the housing requirement and how this will be met. It identifies housing and school proposals and the approach to healthcare provision.	
Planning authority's summary of the representation(s):		
<p>CONTEXT</p> <p>Chapter 3 of the Main Issues Report identified the Proposed SDP context in which the Plan could identify land for housing and sought opinion on which sites to allocate. The first Proposed LDP provided a generous supply of housing land prepared on the basis of</p>		

Reporter's conclusions:Overview

1. The schedule 4's, as prepared by the council, help to assist an efficient examination. However, this does not detract from the need to address the issues raised in representation to the proposed plan as a whole. In this context, our assessment has identified a number of re-current themes running through the submitted schedule 4's and the detail of the individual representations received:

- That there is a shortfall in the land supply which justifies further additional land release
- That the green belt should be protected in the long term
- That there is a significant supply of brownfield land that should be utilised first
- That there are more suitable housing sites available
- That the infrastructure required to support the proposed housing (particularly transport and schools) has not been addressed.

2. A number of these themes were the subject of further information requests. In addition hearings were held on the 18 and 19 November on the housing land supply and on its delivery including the provision of the appropriate infrastructure. A further exchange during April and May of this year focussed on the assessment of greenfield sites as suggested for inclusion in West and South East Edinburgh.

3. These issues extend beyond particular sections or policies of the plan. Consequently these themes, which in the main relate to the extent of proposed housing land, are drawn together below. Cross reference to the detail included in other schedule 4's is included as appropriate.

Context

4. A target for delivery of housing land is established through SESplan. If the local development plan does not identify land sufficient to enable this target then I must consider what steps should be taken, through modification to the proposed plan, to address this deficiency.

5. Whilst a matter raised mainly in the context of individual sites, the issue of infrastructure provision has a bearing on the timely delivery of sites and the appropriate mitigation of transport and education impacts. There are wide ranging concerns around these issues.

6. The remaining more specific issues as raised in representation relative to the section on housing and community facilities are addressed in the final section of my conclusions.

The Housing Land Requirement

7. A Housing Need and Demand Assessment (HNDA) was carried out for SESplan and this was signed off as robust and credible. Scottish Planning Policy paragraph 113

advises that “where the Scottish Government is satisfied that the HNDA is robust and credible, the approach used will not normally be considered further at a development plan examination.” The assessment process follows an accepted methodology which takes into account a variety of factors and is not based purely on the National Records of Scotland Projections. I find no basis to revisit or question the HNDA assessment as the basis for the calculation of the areas housing needs.

8. The housing supply target is based on the HNDA but is a policy view of the number of homes that are needed by local authority area. SESplan predates current Scottish Planning Policy so does not use the word target but refers to housing requirements and housing land requirements. However for the purposes of the examination there is nothing to suggest to me that the figures in SESplan should not be interpreted as the target. Paragraph 108 of the strategic plan clarifies the plan’s role to ensure that the areas overall assessed housing requirements can be met by new house completions. SESplan clarifies that some of the housing demand generated by the city will be accommodated in the wider city region. The local development plan is required to demonstrate consistency with the Strategic Development Plan. The housing target as set through SESplan and its associated supplementary guidance is already approved and not a matter for this examination.

9. The strategic plan was approved in 2013 and sets out targets from 2009-2019, 2019-2024 and in the longer term to 2032. These figures are not broken down to local development plan areas. However, the target for the City of Edinburgh up to 2024 is further detailed in Table 3.1 of the SESplan Supplementary Guidance on Housing Land November 2014 as 22,300 units to 2019 and a further 7,210 units up to 2024. Paragraph 3.7 explains that most of this housing is expected to be built on sites already in the current local plan or where there is already planning permission.

10. Table 3.2 then sets out the potential additional contribution required from the West and South East Strategic Development Area at 2700 and 2500 units respectively. A further 2500 units are estimated to be required on land elsewhere in the City. These figures are stated to reflect an analysis undertaken of opportunities and constraints within the Strategic Development Areas. Paragraph 3.9 clarifies that no significant brownfield opportunities have been identified to assist in meeting the additional requirement.

11. Paragraph 3.8 of the guidance goes onto explain that the requirement for new sites depends on the extent to which existing sites are capable of delivering house completions by 2024 and that any changes will have implications for the amount of additional land required. From this it is clear to me that Table 3.2 was intended to be indicative subject to re-assessment of the housing land supply through the local development plan process. However, I understand the expectation of local communities and others that these figures would give a reasonable indication of the spatial strategy for new housing development.

12. Diagram 1 on page 30 of Scottish Planning Policy illustrates how the housing land requirement should be derived from the target and met by the local development plan. Paragraph 119 explains that the local development plan should meet the strategic requirement up to year 10 from the expected date of adoption. Applying this time period to this local development plan indicates a period from 2016-2026. This was agreed by parties at the hearing even although SESplan only sets out a target up to 2024.

13. Table 1 below sets out the target for housing supply which applies to this proposed Local Development Plan over the SESplan period up to 2024 and then for the remaining

two years up to 2026.

Table 1. The housing target for the City of Edinburgh 2009-2026

	To 2019	2019-2024	Remainder 2024- 2026*	Total 2009-2026
SESplan	22,300	7210	2884 5672*	32394 35182*

* Alternate figure presented in submissions to the hearing,

14. It is straightforward to determine the figures in the first two columns from SESplan. However determining a target in the longer term from 2024-2026 is more problematic. Whilst longer term needs are assessed in the HNDA, the supplementary guidance on housing land does not include a target for this period.

15. House-building interests at the hearing directed me to an extract from the HNDA, as submitted by the council, in response to my first further information request. This shows the total estimated demand for housing up to 2032. It includes an annual figure of 2836 which equates to 5672 over the period 2024-2026. This approach, as highlighted in table 1 above, results in a significantly higher figure than that suggested by the council. The council considers it is more appropriate to continue an average rate of completions based on that established through SESplan for the previous 5 years. The figure 2884 is then derived by dividing the figure in the previous column by 5 (1442) and multiplying by two to arrive at the total of 2885.

16. My conclusion is that the main objective of including this longer time period is to maintain the continuity of the land supply. Projections inevitably become increasingly unreliable into the future. SESplan and this local development plan will be reviewed in advance of this timeframe. Whilst the SESplan supply target reflects the HNDA some of the identified demand is to be met in other areas. This is explained in paragraph 3.5 of the Housing Land Supplementary Guidance 2014. Consequently, whilst neither view is necessarily wrong, I am content that the council’s more conservative estimate is applied.

17. Given the time lag between preparation of SESplan and this local development plan, I consider that it is appropriate to update the housing target in light of current circumstances. In taking account of completions and demolitions the first column can be updated so that it applies only to the remaining 4 year requirement from 2015-2019. Table 2 below reflects the revised supply target for the period under consideration from now until 10 years from anticipated adoption of this proposed plan (so up to 2026). Representations question the approach to demolitions being added to the calculation. The table below illustrates that it is necessary to take account of additions to the housing stock (through house-building that has taken place) and deletions (loss of housing stock through demolitions) in order to arrive at the remaining target.

Table 2 The supply target 2015-2026

	To 2019	2019-2024	Remainder 2024- 2026*	Total 2015-2026
Minus Completions	9266			9266
Plus Demolitions	2000			2000
Supply Target from 2015.	15,034	7210	2884	25128

18. Paragraph 116 of Scottish Planning Policy states that within the overall housing supply target, plans should indicate the number of new homes to be built over the plan period. This figure should be increased by a margin of 10 - 20% to establish the housing land requirement so that a generous supply of land for housing is provided. The exact extent of the margin will depend on local circumstances, but a robust explanation for it should be provided in the plan.

19. In this case such a margin was not included in the strategic plan which pre-dates the current Scottish Planning Policy. Instead the flexibility is added to obtain the housing land requirement for this local development plan. The proposed plan applies a margin of 10% flexibility as indicated in the table below. I return to the matter of the sufficiency of this margin and whether it should be increased below.

Table 3 The housing land requirement including generosity

	2015-19	2019-2024	Remainder 2024-2026	Total
Plus 10% to ensure generosity	16,537	7931	3172	27640

20. Having established the above requirement it falls to the local development plan to demonstrate how this can be met. Scottish Planning Policy paragraph 117 explains that this can be met from a number of sources, most notably sites from the established supply which are effective or expected to become effective in the plan period, sites with planning permission, proposed new land allocations and in some cases a proportion of windfall development. Windfall sites are defined as sites which become available for development unexpectedly during the life of the development plan and so are not identified individually in the plan.

21. Table 4 below shows the anticipated contribution of sites in the existing land supply. These are sites in the current local plan and sites with planning permission. The figures for the effective supply were updated through the hearing process to reflect the current 2015 housing land audit. The top figures represent those presented by the council whilst those highlighted reflect the alternate figures presented by Homes for Scotland.

22. Representations question the need for additional land given the stock of existing land including the extent of brownfield sites. However, meeting the SESplan target does not just require a stock of land but that the identified land is capable of delivering housing in the relevant time periods. This assessment brings in a range of other considerations such as marketability, land ownership and infrastructure delivery. Table 4 therefore shows the amount of land which has in the main been agreed, through the housing land audit process, as being effective or capable of delivering housing rather than the total stock of available land. This assessment of the existing supply and its capacity to deliver house completions in the timeframe is a requirement of SESplan as referenced above. This may then have implications for the amount of additional land required over and above that envisaged in Table 3.2 of the Supplementary Guidance.

Table 4 Meeting the LDP 10 year Housing Land Requirement- existing supply.

Meeting the LDP Housing Land Requirement.	2015-2019	2019-2024	Remaining requirement to 2026	Total 2015-2026
Effective supply	6410 6464*	4774 4944*	1490 1597*	12674 13005*
Contribution from sites capable of becoming effective	0	2324 913*	826 225*	3150 1138*
Windfall	1694 1008*	2116 1260*	846 426*	4656 2694*
Total supply from existing sources (derived from 2015 HLA)	8104 7472*	9214 7117	3162 2248*	20480 16,837*

* Homes for Scotland Figures as updated through Further Information Request 9.

23. The need for new land to be included in the local development plan is then calculated by deducting the existing supply from the total requirement. This is shown in table 5 below. The negative figure in the second column indicates that the council anticipates a surplus of land in the period 2019-2024. This surplus is not evidenced in the submissions of the house-building industry for the reasons discussed further below. However, in general I consider it is appropriate to conclude that, given the anticipated greater output from the established supply in later years, the most pressing requirement is for new sites that can deliver housing in the short to medium term.

Table 5 Required new land allocation. Requirement minus total supply from existing sources.

	20015-2019	2019-2024	2024-2026	2015-2026
Required New LDP allocation	8433 9065*	-1283 814*	10 3991*	7160 13,871*

* Homes for Scotland Figures as updated through Further Information Request 9.

24. Table 6 below then shows how the proposed plan has addressed this requirement through the allocation of new sites on brownfield land, within the West and South East Edinburgh Strategic Development Areas and in other locations across the city. Again this shows the current anticipated programming of this land. The first row indicates the significant extent of the remaining anticipated shortfall in the period 2015-2019. Current programming as submitted by the council then shows a surplus in the remaining periods with a relatively small deficit over the whole period of circa 400 homes. Homes for Scotland’s submissions, as echoed by most other parties at the hearing, show a slightly higher deficit in the first period and less of a surplus in the following periods with a consequent overall shortfall of circa 7000 homes.

Table 6 How the requirement is to be met.

Allocations	2015-2019	2019-2024	2024-2026	2015-2026
Brownfield	221	519	75	815
West Edinburgh SDA	175	1400	400	1975
South East Edinburgh SDA	756	1396 1461*	280 310	2432 2527
Outwith SDA	162 292*	1080 960*	288 213	1530 1465
Total new LDP allocations	1314 1444*	4395 4340*	1043 998*	6752 6782*
Current programming shortfall	7119 7621*	-5678 -3526*	-1033 2993*	408 7 089*

* Homes for Scotland Figures as updated through Further Information Request 9

25. Representations point to the potential of brownfield land to meet a much larger proportion of the city's needs. An emphasis on the role of brownfield land reflects national and local planning policy. Indeed the potential of the water-front is specifically recognised through the National Planning Framework 3. However, most of this land is part of the existing rather than the new supply. Current estimates of the contribution of this area to deliver housing in the short to medium term show only a relatively limited output in the early period of the plan. This does not undermine the future importance of this area but SESplan accepts that new sites in the Strategic Development Areas and elsewhere in the city will be required if an enhanced rate of house-building is to be achieved. More information on the water-front area is included in Issue 20 and I consider the issue of constrained sites below. However, I find all of this supports my conclusion that brownfield sites and capacity within the existing supply cannot currently be relied upon to meet the SESplan target.

26. The tables above were discussed at some length at the hearing session where the figures were checked and the underlying assumptions were explored. Subsequent submissions have presented some relatively slight variations in these figures to take account of recent approvals and changed circumstances. However, in accepting the figures are a snapshot in time; my assessment relies on those figures that were scrutinised through the hearing process. Based on these figures the areas of disagreement between parties, as highlighted above, are considered in turn under the following headings:

- The housing requirement to 2019 and how this should be treated in any calculation of the five year land supply.
- Windfall assumptions
- Assumed completions from constrained sites.
- The 10% margin of flexibility
- Infrastructure Delivery

The housing requirement to 2019 and the five year land supply.

27. Normally, the housing land requirement and the subsequent five year supply assumptions would be based on an average of the total number of houses that would be required to meet the target overall. However, SESplan distinguishes an early period to 2019 with an associated target of 22,300. This translates to a target of 15,034 by 2019 (table 2 above) when current completions and demolitions are taken into account. Table 7 below sets out the annual average rate of completions that would have to be achieved to meet the strategic housing targets. The first column indicates the significant impact the 2019 target has on the target rate of completions in the period up until 2019.

Table 7 Annual average rate of completions required based on the SESplan target.

	To 2019	2019-2024	Remainder 2024- 2026*	Total 2015-2026
Annual average completion rate	3759	1442	1442	2284

28. I understand that the 2019 target was added specifically to address an assessed backlog in housing need as identified through the HNDA. The council’s submissions reference this in the context of a backlog in the need for social rented accommodation. However, SESplan makes no distinction in this respect.

29. Paragraph 3.15 of the guidance states that “A very significant increase in the rate of house completions across the SESplan area will be needed if the requirements set by this Supplementary Guidance are to be met. This is challenging and particularly so in the period 2009-2019 as it is expected that LDP’S will be adopted around 2015 around 6 years into the first period.”

30. I note from submissions to the hearing that the annual average completions required to achieve the 2019 target, 3759 units, would exceed anything historically achieved even in the most positive economic circumstances. There was acceptance at the hearing that these build rates are unlikely to be realistic and the council’s position is that even if all the land suggested through this examination was included the target could not be met. However, house-building interests remained of the view that significant additions to the land supply would help meet the target and maintain the continuity of the land supply.

31. There was no disagreement between parties that the target rather than the land requirement (which includes an additional margin) was the focus of any assessment of the 5 year land supply. Beyond 2019 the 5 year land supply target would simply be rolled forward based on completions to date and an average of the total remainder. However, by 2021 there should be a new strategic plan and a replacement local development plan.

32. I recognise the considerable difficulties in achieving a realistic delivery programme to account for this amount of housing in such a short remaining time-frame to 2019. However, the 2019 target is not expressed as phasing and there is no supporting text in SESplan to support flexibility in its application. The local development plan is required to be consistent with SESplan. I find no justification to conclude that the requirement to 2019 can be set aside.

33. Consequently, I find there is a significant shortfall in the anticipated effective land supply in the period to 2019. This points to a consequent and potentially on-going deficiency in the plan's ability to make provision for maintenance of a 5 year land supply at all times.

Land effective or capable of becoming effective and the definition of marketability

34. The council counters the argument that more land is required, particularly to meet the requirement to 2019, by suggesting that it has allocated sufficient land that is effective or capable of becoming effective over the plan period. It sees nothing to prevent the programming assumed in the later stages of the plan period coming forward earlier: "Therefore if the market is strong enough and the demand exists, sufficient land will have been made available". In its later April 2016 submissions the council reference a theoretical rate of programming as evidence that that the land supply is sufficient to meet the SESplan target.

35. The house-builders view is that it is incumbent on the council to provide a supply of land which can deliver a realistic rate of programming in the relevant time frames to meet the SESplan target. This should be demonstrated through assumptions agreed through the housing land audit process.

36. This has been a re-current theme in a number of local development plan examinations. I understand the expectation that there should be transparency between the strategic target and the corresponding amount of land identified in the local development plan. An approach based purely on programming may result in a total stock of land that is significantly in excess of that envisaged through SESplan. Marketability is a matter over which the council has limited control and the council cannot dictate the rate at which a site is delivered. In addition, a plan which places priority on the more immediate marketability of sites may not address other planning objectives such as urban regeneration, green belt and the efficient provision of infrastructure.

37. House building interests at the hearing interpreted the criteria on marketability (as set out in PAN 2/2010) to directly reflect a market view of an achievable rate of programming. However, perceptions and assumptions about programming may change over time and indeed even between audit periods. The council point to signs of increasing interest and activity in the delivery of the city's substantial brownfield resource along Edinburgh's waterfront (see Issue 20). Experience elsewhere has shown that regeneration areas can go onto become marketable locations and make a significant addition to housing completions.

38. Submissions were made about the recently published draft Planning Delivery Advice: Housing and Infrastructure. However it is clear to me that PAN 2/2010 remains in place until the draft advice has been finalised as stated on the Scottish Government's web site. This advice would not in any event change the terms of Scottish Planning Policy but would provide some further advice in securing its consistent interpretation and implementation in line with best practice.

39. In the context of this plan, I consider there is a lack of clarity around the issue of marketability and viability and the corresponding impact these have on the definition of effectiveness. The council suggests that the funding gap for brownfield sites is less than for greenfield whilst the developers indicate to the contrary. For example Holder Planning states that it is involved in the planning of a number of major greenfield and brownfield

sites in Edinburgh and that the significant majority of greenfield sites are capable of sustaining the developer contribution requirements of the Action Plan. They go on to state that “ both major brownfield Waterfront sites we are involved with are not viable if they have to contribute the full requirement”.

40. I have nothing to suggest that the current audit assumptions are unrealistic. There was a degree of consensus at the hearing that these figures already presented an optimistic view reflecting improving market conditions. I find that the emphasis of Scottish Planning Policy and SESplan is on delivering housing. In this context I consider that where land is not currently programmed or with some developer or market interest at this stage it is unlikely to contribute much if anything to completions in the first five year period. Beyond that I accept that higher outputs may be feasible and programmed outputs become less certain.

41. Drawing all of this together I do not accept the council’s position that a theoretical rate of programming should be assumed and that this is sufficient to demonstrate the adequacy of the identified land supply. Whilst sufficient land may be available and capable of becoming effective at some point in the future SESplan has a target to 2019 and then to 2024. The audit is the only substantive evidence I have to assess a realistic and agreed rate of housing delivery in these timeframes. The focus on the established land supply and brownfield sites should not be lost. However, I find that a greater range and choice of effective sites would be the most realistic means of increasing the rate of housing delivery in accordance with the challenging targets established by SESplan.

42. This is already, at least partly, reflected in the strategy of this local development plan. It accepts the release of sites currently in the greenbelt. These sites are anticipated to provide for some early programmed output. This view has also been reflected in recent appeal decisions but only where consistent with the other requirements of SESplan (mainly policy 7). This policy enables the release of greenfield housing sites either within or outwith the identified Strategic Development Areas to maintain an effective five year housing land supply where:

- a. The development will be in keeping with the character of the settlement and the local area
- b. The development will not undermine green belt objectives
- c. Any additional infrastructure required as a result of the development is either committed or to be funded by the developer

43. There is no equivalent policy in the proposed plan or acceptance that additional greenfield/greenbelt sites may be required in this proposed plan. This matter is addressed in more detail through Issue 23. However, it is also relevant to my consideration of how the identified shortfall in the housing land supply should be addressed. I return to these matters below.

Windfall assumptions

44. The issue here centres on whether it is appropriate to assume a continuation of an assumed average rate of windfall completions or whether this should be reduced as sites come forward and are programmed in the audit.

45. The evidence for an assumed windfall contribution of 5200 units over the plan period is based on the Housing Land Study (Section 3) June 2014. This looked at sites within the urban area identifying a total potential capacity of 14746 units of which 5753 were considered to have a high probability of becoming available for development. Reduction to provide for a 10% margin for error and a rounding up of the figures provided the estimated contribution of 5200. This study was based on the 2013 housing land audit and sites in the effective and constrained supply for the Strategic Development Plan were filtered out to avoid double counting.

46. The council's revised table 7, as submitted to the hearing, rolls the calculation forward on the basis of the 2015 Audit. The windfall assumption is reduced to deduct completions arriving at a remaining total of 3810 units (2019-2024). This provides an assumed annual average of 423 units and this average assumption is continued into the 2024-2026 period to provide an estimated total of 4656. Other submissions to the hearing pointed to a reduction in the remaining total taking into account the 2015 audit position, including future programming, to arrive at a reduced remainder of 2,268. This results in a reduction in the annual average to 252 units per annum. This is further reduced to an average of 213 homes per annum if the additional period 2024-2026 is added giving an estimated total of 2694.

47. In my consideration of these matters, I have returned to the definition of windfall in SESplan and as reflected in Scottish Planning Policy. Windfall sites are defined as sites which become available for development unexpectedly during the life of the development plan and so are not identified individually in the plan. Scottish Planning Policy goes on to advise that assumptions on windfall must be realistic and based on clear evidence of past completions and sound assumptions about likely future trends.

48. I do not consider the estimation of windfall can be an exact science. By their nature such sites come forward unexpectedly. There has been a relatively high rate of completions on windfall sites in the period since the council undertook its 2014 housing land study. I also understand that its estimates were arrived at having deducted an allowance for error. I consider that such capacity assessments can only ever provide general estimates.

49. My conclusion is that it is sufficient at this stage to rely on the council's evidence that there is identified potential capacity for windfall sites with a high probability of coming forward. There is also substantial additional potential albeit with an identified medium probability of coming forward. I consider it is appropriate to identify a trend so long as this has a reasonable prospect of continuing. Monitoring over the next few years will demonstrate whether this proves to be realistic. At this stage in the process, I find nothing sufficient to demonstrate that the council's assumptions are unjustified or that it is necessary to reduce the assumed contribution from windfall of 4656 over the plan period.

Assumed completions from constrained sites.

50. One of the main differences in view between the council and other parties at the hearing was the assumption that a number of constrained sites could become effective over the plan period. The initial view of Homes for Scotland was that sites identified as constrained in the current audit should not be relied upon at all. However, the council has submitted additional evidence to support its assumptions (further information request 9 following the hearing). In response other parties accepted that some of these sites might come forward. Table 8 below highlights the remaining differences between parties:

Table 8 Assumed completions from constrained sites.

	Non-waterfront	Waterfront	Total
Council	1,163	1987	3150
Homes for Scotland	1,074	64	1138
Difference	89	-1923	-2012

51. This shows the most significant disagreement centres around the anticipated contribution of sites in the waterfront area. The anticipated contribution of the water-front is considered in more detail through Issue 20 but the main points relative to sites identified as constrained are outlined below:

LDPEW 1a Western Harbour-Platinum Point where the previous developer/promoter of the site went into administration. However the site is partially completed and has planning permission for the remaining units.

LDPEW1b Central Leith Waterfront where Forth Ports question the overall housing capacity of the site given its intended future role in port operations. Homes for Scotland question the access arrangements, the number of developers likely to be on site and current market demand for the type and density of housing proposed. The council consider that whilst the overall capacity will be reduced the sites can still contribute the assumed rate of programming. Programming does not rely on any housing completions on land within Forth Ports operational area in plan period.

Granton Harbour including Plots 3,31 and 29 Homes for Scotland again point to issues with the developer being in administration, the proposed mix of housing, a lack of active marketing of the site and the lack of developer involvement in the proposed masterplan. All of which lead to a lack of confidence in delivery of these sites. However I note that plots 3 and 31 have extant planning permissions.

52. Drawing all of this together I find that, from the evidence presented by the council, it is reasonable to assume some contribution from these constrained sites. The council's submissions programme these from 2020/21 recognising their capacity to become effective over the plan period. I note the council's reference to some 300 units in the 2013 housing land audit which were identified as constrained but are now completed/under construction. A further 950 units previously identified as constrained are now included in the agreed five year effective land supply. I agree that this serves to illustrate the potential for circumstances to change over the next five years.

53. Whilst I accept the uncertainty referenced in the Homes for Scotland's submission these are mainly marketing considerations which may change over time. I have nothing sufficient to demonstrate that these sites are not capable of becoming effective. If future monitoring proves these assumptions wrong this will increase the pressure to address the shortfall in the housing land supply through further green field land release. There has been a recent announcement from the Scottish Government about a 50 million pound Infrastructure Fund but this remains to be detailed. It may be that this or other alternate funding mechanisms may assist with an enhanced rate of house-building in the waterfront area. The flexible grant and loan fund is intended to help unlock development plan compliant strategic housing sites of importance to increase the scale of housing delivery.

The 10% margin of flexibility.

54. Scottish Planning Policy references a 10-20% margin to be added to the housing land requirement. The council's margin is consistent with this but applies the lower margin of 10%. Representations and submissions to the hearing state that the historically constrained land supply position in Edinburgh, the backlog of need and optimistic assumptions regarding windfall and constrained sites justify the highest margin of flexibility.

55. Whilst the council points to an expectation of higher output from the identified land supply, than that currently identified in the audit, some sites may not perform as well as expected. In this respect I note the following extract from the reporter's report of examination on SESplan:

"It is also likely that land with a higher capacity than the numerical housing requirement will have to be allocated in each local development plan, because not all sites prove to be effective or capable of delivering all of their potential house completions in the time-scale initially anticipated. Doing so will also minimise the potential need subsequently to grant planning permission for further unallocated sites in order to ensure that the five years' effective housing land supply is maintained."

56. The council has responded to this by adding 10% to the numerical housing requirement. Table 7 shows that this alone has not proved sufficient, in current market conditions, to achieve the required rate of programming. Reliance on a mid-point density assumption for site capacity may provide some additional flexibility and a number of sites, including in the water-front area, have additional capacity which may have potential to be brought forward earlier if market conditions improve. However rather than provide additional flexibility, as referenced by the council, I consider such an uplift in performance of the identified land supply will at best help alleviate the identified shortfall particularly in the period to 2019.

57. The council has complied with the flexibility percentage advised by Scottish Planning Policy albeit at the lower end of the range. I find the fundamental issue here is one of how the housing target is to be delivered. Paragraph 3.15 of the SESplan guidance recognises that a very significant increase in the rate of house completions across the area will be needed if the requirements set by this Supplementary Guidance are to be met. This is challenging and particularly so in 2009 - 2019 as it is expected that LDPs will be adopted around 2015, around six years into the first period (2009 - 2019).

58. Given the inherent difficulties in meeting an already challenging target I am not persuaded that a further increase in the margin of flexibility would serve any clear planning purpose. The applied margin of flexibility offers consistency with Scottish Planning Policy. Consequently, and in the circumstances of this plan, I find that the 10% margin of flexibility is sufficient.

Infrastructure Delivery

59. The site specific issues reflect local concerns that the city's infrastructure will struggle to cope with the additional traffic associated with this level of growth. There are also significant concerns about the capacity of the city's schools. Whilst expressed in the context of particular sites these representations highlight a number of issues about how and when the required infrastructure is going to be delivered and who is going to pay for

this. At the same time Transport Scotland (Issue 19) state concern about the mitigation of cross boundary and cumulative transport impact to an extent that they question compliance with SESplan policy 8f. Through the hearing process Homes for Scotland stated that they do not share the council's confidence that the significant infrastructure requirements would be addressed on time.

60. The council's submissions to the hearing including the "Finance and Resources Committee report (Local Development Action Programme; Financial Assessment and next steps)" accepts the challenges and uncertainty the council must address in securing delivery of the required infrastructure. The council accepts the need to address issues such as forward and gap funding. Despite the council's assurance that it will bear any associated risk, and this will not hold up housing delivery, I consider that this uncertainty raises matters regarding consistency with SESplan particularly :

- **Policy 8f**- Local Planning Authorities in collaboration with Transport Scotland will take account of the cross-boundary transport implications of all policies and proposals
- **Policy 9b** Provide policy guidance that will require sufficient infrastructure to be available, or its provision to be committed, before development can proceed with particular emphasis on the strategic infrastructure requirements set out in figure 2.

61. In my opinion the council has done considerable work in this regard. However, this is not wholly transparent in the proposed plan subject to this examination. As set out in Issue 21, Circular 6/2013 on development plans distinguishes between the relative roles of the development plan subject to examination and supplementary guidance. This clearly states that supplementary guidance should not include items for which financial or other contributions , including affordable housing, will be sought and the circumstances, locations, or types of development where they will be sought. These matters should rather be addressed in the plan.

62. The Circular states it is suitable to address the exact levels of developer contributions or methodologies for their calculation in supplementary guidance. The role of Supplementary Guidance should be limited to the provision of further information or detail in respect of policies or proposals set out in the SDP or LDP. There must be a sufficient 'hook' in the SDP or LDP policies or proposals to hang the Supplementary Guidance on, in order to comply with policy.

63. A separate section on Action Programmes describes their role in setting out a list of actions to deliver each of the plan's policies and proposals, the name of the person who is to carry out the action and the timescale for carrying out each action. The first action programme is to be submitted to Ministers within three months of adoption of the plan and following this they should be updated and republished at least every two years.

64. From all of this I do not consider it is appropriate to introduce new matters through the action programme or specify additional items of infrastructure or the means through which they are to be delivered without first establishing these through the development plan. Other-wise I consider there is a risk that the plan lacks appropriate clarity on the required infrastructure provision.

65. Supplementary Guidance can provide a vehicle to address some of the detailed

considerations set out in the development plan where there is a sufficient hook in the plan. Such guidance once adopted has the advantage over the action programme in that it forms a part of the development plan and will be subject to due consultation. The action programme can then focus on delivery of those actions already established through the development plan and its associated supplementary guidance.

66. Consequently, I consider that it is important that all the main items of infrastructure to support the development strategy should be referenced in the plan. This matter is addressed through the relevant site specific issues and through Issue 21 which includes General Development Principles regarding the assessment and delivery of the potential key items of infrastructure required to enable delivery of development within those areas where most future development is proposed.

67. Given the likely funding challenges in addressing new schools provision and strategic transport infrastructure I consider further detail is required on how financial viability issues might be addressed and on the council's approach to forward and gap funding. Drawing on the conclusions in Issues 19 and 21 further detail would also be required, subject to the appropriate consultation, on the approach to cumulative contribution zones and to address the concerns of Transport Scotland. I do not see the action programme as the solution to these deficiencies as it does not form part of the development plan.

68. I find that appropriate changes are required to the proposed plan to further detail the requirement for and approach to timeous delivery of the required infrastructure. This is required to demonstrate consistency with SESplan policies 8f and 9b.

Options to address the matters raised above

Include more sites

69. At the hearing parties unanimously pointed the examination towards the inclusion of additional sites as this would enable greater certainty, avoid delay and better allow for the planned provision of infrastructure.

70. The options for this are limited to the sites suggested in representation. We based our assessment of the additional sites suggested in representation on the criteria set out in the council's housing site assessments in its Environmental Report Second Revision June 2014 and May 2015 addendum namely:

- Whether the site is brownfield or in the greenbelt
- Whether it has good accessibility to public transport or scope for this to be enhanced
- Whether there is infrastructure capacity or scope for this to be addressed
- Whether the development would impact on the wider landscape setting of the city
- Whether it would enable clear and defensible green-belt boundaries to be formed
- Impact on access to countryside recreation
- Acceptability of the impact from the SEA/HRA assessment
- Any previous public consultation responses
- Whether the site was likely to prove effective in the early part of the plan period.

71. Circular 6:2013 on Development Plans sets out the remit of the development plan

examination. This makes it clear that our task as reporters is first to examine the sufficiency of the proposed plan and only to consider alternative or additional proposals if the plan is found to be deficient in some respect. The Circular clarifies that modifications can be made so long as the reporter has adequate environmental information together with evidence arising from public consultation. Where a shortfall in the land supply is identified, as through this examination, then an assessment is required as to whether other sites are suitable for inclusion. The reporter’s recommendations through the examination are, with certain exceptions, binding and there is no requirement for the plan to be re-issued for public consultation.

72. Given delays in bringing forward this local development plan and the extent of the apparent shortfall in the housing land supply a number of sites in the green belt have recently been approved at appeal. These greenfield sites have all been recommended for inclusion in the plan. There are a number of other suggested sites, as assessed through this examination, which I understand are now at or near planning application stage.

73. In coming to a view on the inclusion of sites the council has already accepted a shift in emphasis to focus on sustainable sites which will not compromise green-belt objectives. This is demonstrated on sites in West and South-East Edinburgh which were previously held to merit retention in the green belt but are now included in the proposed plan. Recent appeal decisions have identified additional land to meet housing need in sustainable locations whilst ensuring the Edinburgh Green Belt continues to meet its purpose. The purpose of the green belt is as established through SESplan Policy 12 and reflected in paragraph 34 of the proposed plan.

74. From our initial assessment of additional sites, as detailed in the relevant schedule 4’s, the following sites were identified as having some potential for inclusion.

Table 9 Shortlist of candidate sites for inclusion following initial assessment:

Site	Schedule 4 Reference	Capacity- as indicated through proposed plan	Potential revised capacity or addition
International Business Gateway Policy Emp 6	Issue 20	300-400	2000-2400
Gilmerton Station Road HSG24	Issue 14	350-490	600-650
East of Millburn Tower	Issue 14	0	1300
Ravelrig Road Balerno	Issue	0	120
Edmonstone	Issue 14	0	170-370
The Wisp	Issue 14	0	71
Lang Loan	Issue 14	0	220
Lasswade Road	Issue 14	0	160
East of Burdiehouse	Issue 14	0	100-120

75. Our initial assessment of these sites in comparison with sites in the proposed plan or

approved at appeal showed only marginal differences, subject to appropriate mitigation, in respect of impact on green belt objectives, public transport accessibility and environmental impact. When balanced against the need to secure an enhanced rate of housing delivery these matters alone were not considered to rule out inclusion of these sites.

76. However this initial assessment identified a number of outstanding matters including:

- Establishing a consistent and long term approach to any new green belt boundary
- Consistency with National Planning Framework 3
- Matters relating to the continued operation of Science and Advice for Scottish Agriculture(SASA) if the site East of Millburn Tower were to be developed.
- The assessment of cumulative and cross boundary transport impacts.
- Strategic Environmental Assessment and Public Consultation

77. Consequently, further information was requested from relevant parties to assist in a more detailed assessment of the suitability of these sites for inclusion in the plan at this stage. In the interests of fairness and consistency, recognising the emphasis on the south-east and west Edinburgh Strategic Development Areas, all those with land interests in these areas were invited to make additional submissions. Assessment of the relevant information re-affirmed some elements of our initial comparative assessment particularly that sites, other than those listed above, were appropriately ruled out at this stage due to green belt and other planning considerations. For the remainder our further assessment led to the following conclusions:

Site	Schedule 4 Reference	Summary of Conclusion	Recommendation
International Business Gateway Policy Emp 6	Issue 20	Focus on nationally important business use to complement airport expansion. Concerns about conflict with National Planning Framework 3 outweigh the potential benefits of creating a mixed use sustainable community. Cumulative impacts of increased housing uncertain. Further assessment required of the relative split of uses in the context of the priority to be placed on strategic airport enhancements.	No change from proposed plan. Enhanced contribution to housing land supply not relied on at this stage.
East of Millburn Tower	Issue 14	In terms of Green Belt and accessibility – marginally less preferred to sites included in the proposed plan. However uncertainty around the required	No change to proposed plan. Not considered appropriate for inclusion through this examination

		access mitigation and the assessment of cumulative and cross boundary transport impacts. Remaining uncertainty as to whether the site would threaten the future viability of SASA operations.	
Gilmerton Station Road HSG24	Issue 14	Principle of extended development established through recent appeal decision. Lack of robust green belt boundary to the west.	Include larger site increasing capacity by 160 units and re-define green belt boundary for Gilmerton area.
Ravelrig Road Balerno	Issue 16	Established for inclusion through appeal decision.	Include site in proposed plan and amend green belt boundary.
Edmonstone	Issue 14	Established for inclusion through appeal decision.	Include site in proposed plan and amend green belt boundary.
The Wisp	Issue 14	Established for inclusion through appeal decision.	Include site in proposed plan and make consequential changes to green belt boundary.
Lang Loan	Issue 14	Established for inclusion through appeal decision.	Include site in proposed plan and redefine green belt boundary along Lang Loan.
Lasswade Road	Issue 14	Recognised potential to reconfigure green belt boundary along Gilmerton Station Road and Lasswade Road but remaining uncertainty about cumulative impacts.	Not considered appropriate for inclusion as a housing site through this examination. However recommendation to realign Green Belt boundary to include this site in the urban area.
East of Burdiehouse	Issue 14	Recognised potential to reconfigure green belt boundary along Lang Loan but remaining uncertainty about cumulative impacts.	Not considered appropriate for inclusion as a housing site through this examination. However recommendation to realign Green Belt boundary to include this site in the urban area.

78. Consequently, the examination has recommended the inclusion of a limited number of additional sites. This mirrors those which have already progressed at least to the extent of a notice of intention to allow planning permission at appeal. Inclusion of these sites in the plan should provide a clearer picture of the extent of proposed development. I consider that these sites are capable of becoming effective over the plan period.

79. I have not included these additional sites in my revisions to Table 7 as the

anticipated programming is a matter more appropriately left to the annual audit process. Consequently, my recommendations include a new paragraph to sit alongside table 7 explaining these further additions and that their anticipated output should be assessed through the audit process.

80. I recognise that these sites will be programmed through the plan period and are only likely to contribute a proportion by the 2019 target. Subsequent audits will determine the contribution these sites will make over the relevant time period. For other sites suggested in representation the relative balance of considerations did not support inclusion at this time as explained in the relevant schedule 4s.

81. Undoubtedly those promoting other sites may consider that the identified short fall in the housing land supply should have led this examination to include a greater number of the sites suggested in representation. However, I do not consider that achieving a programmed rate of completions to meet the housing land target can be viewed as the only objective of SESplan. Emphasis on achieving target rates of output need to be balanced with ensuring that sites come forward in a planned manner and with sufficient confidence that their impacts, including cumulative transport and education impacts, can be sufficiently addressed. Suggested additional sites have been subject to varying degrees of assessment but there are gaps and uncertainties about the extent to which cumulative impacts, particularly in relation to transport, have been assessed or can be addressed. A formal Strategic Environmental Assessment has not been undertaken for suggested additional sites and unless sites have otherwise progressed through the planning process there is limited evidence of public consultation.

82. Added to this there are concerns about further additions to the overall land supply beyond what was expected given the extent of remaining brownfield land. By way of example the council indicates the consequences of including all the suggested housing sites in West and South East Edinburgh and expresses concern that this would result in multiples of the level of growth expected in the Strategic Development Plan:

	From Supplementary Guidance Table 3.2	Capacity of land in proposed plan	Addition if all suggested sites were included.
West Edinburgh	2700	2800	6580
South East Edinburgh	2500	3155	7270

83. From my experience one of the main purposes of strategic planning is to provide a firm basis for infrastructure provision. SESplan estimated the amount of land that was likely to be required in the Strategic Development Areas and elsewhere. It assumed that the established supply including brownfield sites would by now be making a much greater contribution to the rate of housing completions. I do not consider that the fact that the market has not realised these assumptions justifies setting aside the spatial strategy of the development plan or the emphasis it places on bringing forward the significant potential of the water-front. The development plan signalled to the public and others an extent of housing in specific areas. The council consulted on this basis and has sought to identify land with the physical capacity to deliver the target and to address delivery of the associated infrastructure

84. Concerns about infrastructure provision are perhaps most accurately summed up by the statement that “in essence the proposal is to allow development to happen on an

iterative basis with developer contributions taken but with no clear masterplan as to how to tackle the transport issues and with the knowledge that the council will not have sufficient funds to address the emerging increased traffic problem.” The council’s submissions accept a funding gap in delivering the infrastructure required to support the extent of development already included in the proposed plan. The views of the Scottish Government on behalf of Transport Scotland add weight to concern that adding more sites would accentuate this uncertainty (Issue 19). There are also significant matters arising about the delivery of nationally important developments (airport expansion and the IBG) and the maintenance of existing uses which are considered to be in the national interest (SASA).

85. Whilst I have not relied on the draft PAN on Housing Land and Infrastructure Delivery it serves to illustrate the difficulties in reaching a firm conclusion on the issue of programming and the effective land supply. There remains a strong polarisation of views between the council and the development industry. This is reflected in the consultation responses which are currently being considered by the Scottish Government prior to finalising its advice.

86. I have placed significant emphasis on the housing land supply position but I consider that there are limits to the reasonable scope of this examination. Based on the available evidence and the remaining uncertainties as discussed above I find that the relative balance of considerations does not support modification through this examination to include further land release of a strategic scale. Consequently, I accept that the identified housing land supply, with the limited additions referenced above, would not currently achieve consistency with the SESplan target to 2019 and is unlikely to achieve a sufficient five year housing land supply at least in the early years of the plan period.

87. My conclusions through Issue 14 recognise the potential of some sites to come forward if the uncertainties summarised above can be appropriately addressed. Ideally these should be re-considered through the development plan process. However, my conclusions below also support a policy framework which would allow appropriate sites to come forward earlier to meet any shortfall. Through my conclusions on Issues 2 and 14, I have addressed matters relating to the significant changes proposed to the urban form of South-East Edinburgh and the potential this creates not only to establish a more robust long term green belt boundary but also to recognise some potential for future growth. I have also considered a similar approach in West Edinburgh but, for the reasons stated in Issue 14, I do not consider this could be justified at this time. In addition a further small amendment to the green belt is accepted through Issue 15.

A policy Approach

88. In recognising the challenges in delivery of the housing requirement and maintenance of the 5 year land supply the strategic plan makes provision for green field sites to come forward as planning applications subject to the relevant criteria.

89. Paragraph 65 on page 61 of the proposed plan acknowledges that SESplan Policy 7 sets out criteria to bring forward additional greenfield sites should annual monitoring show a shortfall in the maintenance of a five year effective supply. I consider this approach should also be reflected in the local development plan. However, I consider that the policy focus, on delivering the established land supply and the appropriate infrastructure, should not be lost and that there may be a diminishing supply of sites that can assist in delivering housing whilst achieving compliance with SESplan.

90. By the later stages of the plan period it may be that the council's more optimistic programming assumptions can be realised through growing confidence in the housing market and an associated increase in market interest on sites currently considered less attractive or constrained.

91. Many of the difficulties illustrated through this examination arise from delays in the process of bringing forward a land supply that is sufficient to address the SESplan target bearing in mind the realities of programming and delivery. It will remain important to progress an early replacement of the development plan in order to timeously address any revision to the housing target and how it is to be met. In the meantime, I consider it is important that the local development plan makes provision for further land release through the planning application process.

92. Consequently, I recommend inclusion of a replacement policy Hou 1 (as detailed through Issue 23). An enhanced wording should establish an appropriate mechanism to top up the land supply if required. Clear linkage through to policies on transport (see Issue 19) and developer contributions (see Issue 21) should ensure consistency with SESPlan. A consistent level of assessment and mitigation should be applied to sites brought forward through Hou 1 as to sites already included in the proposed plan. In stressing the importance of a plan led system I have also included text to highlight the importance of an early review of the development plan so that all these matters can be timeously addressed.

Supplementary Guidance

93. One option which that has been recommended elsewhere (an example was cited from the Scottish Borders local development plan examination) was to address the identification of an additional land supply through Supplementary Guidance.

94. This was not favoured by participants at the hearing who considered it would create delay and uncertainty. I consider this is likely to cause a significant time delay and divert resources from the process of preparing the next development plan. Such site selection is better addressed through the development plan process where consultation and a full assessment of available options can be more comprehensively addressed. In any event by the time such guidance was brought forward the process of replacing SESplan would be well underway and this may herald a change in circumstance. The strategic plan has an intended lifespan of 5 years and so would be due for replacement by 2018. For all these reasons I do not consider that supplementary guidance is the appropriate vehicle to address the identified shortfall in the housing land supply.

95. However, I think that supplementary guidance can assist in providing clarity about the required infrastructure and avoid delay in negotiating developer contributions. This would require clear "hooks" to be established through this local development plan. The detail would then fall to be addressed through expanded Supplementary Guidance on developer contributions and infrastructure delivery. Issue 19 identifies the need for this to address the concerns of Transport Scotland.

96. At the hearing the council explained that it would carry the risk of the required infrastructure provision and this would not delay development. However, without further detail on this I do not consider that the SESplan requirement (to provide policy guidance that will require sufficient infrastructure to be available, or its provision to be committed, before development can proceed with particular emphasis on the strategic infrastructure

requirements set out in figure 2) is fully addressed. In addition, in the absence of the further assessment required by Transport Scotland, the plan would not fully address SESplan Policy 8(f).

97. Consequently a number of text and policy changes are recommended through various site specific issues and through Issues 19 and 21. In combination, these provide a hook within the development plan for the preparation of statutory supplementary guidance to more fully address the details of infrastructure delivery. I find that this is required to address any consequent implications for delay in delivery of the housing land supply as well as consistency with SESplan.

Conclusions on land supply and delivery matters

98. Circular 6/2013 states that “In limited, exceptional circumstances, the reporter may identify a serious policy omission or deficiency in the plan, such as inconsistency with the National Planning Framework or Scottish Planning Policy. If this deficiency is not capable of being resolved through the Examination process due to a lack of sufficient information, or if the information required could not be provided within the normal timescale for an Examination the reporter will highlight the deficiency in the Examination Report.”

99. It goes on to state that “In such circumstances the reporter will provide recommendation(s) on actions that could be taken to remedy the deficiency such as recommending that an early review of the plan be carried out, or the preparation of statutory Supplementary Guidance. Ministers have powers in section 20 to prevent a plan being adopted (or in the case of an SDP to reject a plan under section 13) and in circumstances where a plan has a serious deficiency may exercise those powers. Where such a serious deficiency was identified, until such time as the deficiency had been resolved, the level of certainty normally provided by a development plan may be greatly reduced, leading to more planning applications for development contrary to the plan and, perhaps, more planning appeals.

100. Drawing together all of the above, my conclusions are:

- The identified land supply shows a significant shortfall over that anticipated in SESplan in the period to 2019 and potentially beyond. This signals consequent on-going problems for the maintenance of the 5 year housing land supply. This conflicts with SESplan and with the requirements of Scottish Planning Policy.
- Brownfield sites have significant capacity but due to current market conditions an increase in programmed completions is unlikely in the short term
- SESplan accepts the need for additional housing land in the West and South East Edinburgh Strategic Development Areas and this requires a re-defined green belt.
- A greater number of effective sites would be required to enable programming to meet the SESplan target.
- The approach to infrastructure provision and the absence of evidence or associated actions to address cumulative and cross boundary transport issues is not currently in accordance with SESplan.

101. My conclusion is that these matters can be sufficiently addressed through the following actions as reflected in my recommendations below and in the other relevant Issues within this report:

- Retention of the sites identified in the proposed plan as these are all assessed

through this examination as appropriate for inclusion subject to any necessary revision/addition to the proposed site briefs/development principles.

- Inclusion of the additional housing sites referenced in table 9 above.
- Clarification of the approach to developer contributions and the delivery of the required infrastructure (Policy Del 1, Issue 21).
- Associated text changes to addresses the relevant balance of content between the plan, statutory supplementary guidance, and the action programme so that the main infrastructure requirements are referenced in the plan.(Issue 21)
- Inclusion of the main items of infrastructure provision within the plan rather than relying on the action programme.(Issue 21).
- Set out a policy framework for the release of additional sites in the event the five year land supply is not maintained (Policy Hou 1, Issue 23)
- Including a policy and associated text to address cross-boundary and cumulative transport impacts and give further explanation of the council’s approach to seeking developer contributions (Issue 19).
- Including text committing the council to bringing forward the next local development plan as soon as possible to enable any remaining shortfall to be timeously addressed and to respond quickly to the requirements of the new SESplan (a new strategic plan is anticipated every 5 years so should be in place by 2018).
- Recommending some rationalisation of the green belt in South-East Edinburgh to provide more robust long term boundaries and to reflect the potential for future growth should acceptability be confirmed through further assessment.

102. In the short term I am conscious that there will be a time-lag in the preparation of the supplementary guidance, for anticipated improving market conditions to fully take effect and for newly identified land to come forward through the planning process. The consequences of this and the impact on maintenance of the 5 year land supply will only be fully apparent subject to future monitoring of the housing land supply. This will set the context for the next development plan and may signal the need for remedial action through that process as soon as possible. In the meantime Policy Hou 1 provides a mechanism to bring forward additional land if the 5 year supply is not maintained.

Other housing matters raised in representation.

103. The housing target as established by SESplan for market and owner occupied housing applies irrespective of tenure with the expectation that the land supply should provide for a range and choice of housing including housing for rent. This is a land use plan and I do not consider that it would be appropriate to distinguish a particular rented housing requirement given that this is likely to vary considerably over time to reflect current market conditions. I am content that the matter is sufficiently addressed by commitment to housing development of all tenures as expressed through Policy Hou 2.

104. I understand that work is progressing on proposals for the redevelopment of the Royal Victoria Hospital Site. The plan makes provision for such sites (referred to as windfall sites) within the urban area to come forward where consistent with the relevant plan policies. As a site within the urban area this development would count towards the housing target given that the council relies on an estimated contribution from such sites coming forward over the plan period.

105. I note concern regarding the lower quality of place and the greater need for

improvement in certain areas of the city and the need to give priority to these areas. However I consider that this matter is addressed by the strategy of the plan and its aim to create strong, sustainable and healthier communities (part 1, paragraph 11) and to support the City's Economic and Housing Strategy (Part 3, paragraphs 55 and 66).

106. My recommended changes reflect the importance placed on ensuring that new development addresses any identified deficiencies in infrastructure subject to consistency with the guidance set out in Circular 3/2012 Planning Obligations and Good Neighbour Developments. Paragraph 119 refers to site briefs and developer guidelines and these have an important role in clarifying such developer requirements.

107. My conclusion above is that the main items of additional infrastructure referenced in the Action Programme should have a clear basis in the plan. In this respect I agree that it would be consistent to apply the same text to housing release elsewhere in the city as is currently included for West and South East Edinburgh. I have also included additional text through Issue 21. Our assessment of specific sites includes conclusions on schools, including secondary schools, and other infrastructure provision and these matters are further addressed through Issue 21. Health care and other community facilities are also important and are addressed through Hou 10. However my conclusions on Issue 21 accept that such provision may rely on other mechanisms rather than specifically on developer contributions as no current assessment has been made of the need for such provision or the scale of any required contributions.

108. Sites with planning permission prior to the publication of the 2015 housing land audit will have been taken into account in the calculation of the housing land supply. Other sites may count towards the assumed windfall requirement. The site referred to as Ravelrig Balerno is referenced in my table 9 above and recommended for inclusion in Table 4 of the proposed plan along with other sites in South-East Edinburgh which have also progressed through the planning process. These should now contribute to the effective housing land supply (see also Issues 14 and 16) subject to detailed programming to be agreed through the audit process.

109. Scottish Planning Policy paragraph 119 explains that local development plans in city regions should allocate a range of sites which are effective or expected to become effective in the plan period to meet the housing land requirement of the strategic development plan up to year 10 from the expected year of adoption. They should provide for a minimum of 5 years effective land supply at all times. The glossary definition in Scottish Planning Policy does not reference 5 years but rather the period under consideration: "The part of the established housing land supply which is free or expected to be free of development constraints in the period under consideration and will therefore be available for the construction of housing." Consequently, I do not recommend any change to the glossary definition bearing in mind that this does not negate the separate although related requirement to maintain a 5 year effective land supply at all times.

110. The Capital Coalition Motion forms part of the examination documents and the relevant sections are included in the council's schedule 4's. The committee expressed a view that there was some merit in certain representations which might point to a change to the plan. However, these issues are in any event subject to examination and all the issues raised in representation have been carefully considered. The plan once adopted should provide a clear locational strategy and site specific proposals to accommodate the growth identified through SESplan. I consider that the suggestion in representations that the plan should include reference to possible alternatives would be ambiguous and lead

to uncertainty contrary to the objectives of development planning.

111. SESplan recognises the role of Strategic Development Areas but also accepts the need for housing land release elsewhere in the city if the housing target is to be met. South-West Edinburgh was identified to meet some of this identified need to provide a range and choice of sites throughout the city as well as through brownfield land and within the Strategic Development Areas. It may be that financial incentives are required to enable delivery of the city's brownfield resource but there is no firm commitment to this and I must rely on the evidence to the examination that the water-front is unlikely to deliver significant housing to meet the target in the short to medium term. Drawing on the site specific assessment of sites elsewhere in this report I find no reason to conclude that sites in South-West Edinburgh should be excluded from the plan.

112. Representations question the lack of a separate target for affordable and market housing by housing market area. I recognise this approach is established through Scottish Planning Policy(SPP). However this local development plan is required to be consistent with SESplan and it predates the current SPP approach. I do not consider it would be appropriate for this local development plan to redefine the targets established through SESplan or to take a different approach. These will be matters for the next development plan to address. One representation suggests that the plan should be put on hold until revised SESplan estimates are published. However this plan is prepared in the context of the current strategic plan and its timely adoption is required to deliver the approved strategy.

113. A number of representations seek changes to the Housing Land Study. These matters, as far as they relate to the plan, are addressed above. However changes to supporting documents fall outwith the remit of this examination.

Reporter's recommendations:

1. For consistency with West Edinburgh and South East Edinburgh add new sentence at the end of paragraph 119: "All proposals will be required to make appropriate contributions to new and improved infrastructure as detailed in Part 2 section 1 of the proposed plan."

2. Delete paragraph 63-65 and replace with:

63. The rate at which housing sites are developed is constrained by a variety of factors including market conditions. SESplan accepts that the required housing targets will be challenging to deliver. It stresses the importance of ensuring growth is accompanied by the appropriate infrastructure. It also requires greenbelt release to be minimised. Current programming assumptions are subject to consultation with the house-building industry and are monitored and updated through an annual housing land audit.

64. Figure 7 shows the current programming assumptions (drawing on the 2015 housing land audit) for existing sites and new sites as identified through this plan. Alternate figures presented by the house-building industry assume a more significant on-going shortfall extending over the plan period and beyond. There has been a recent increase in completions and the council considers it has identified land with sufficient total capacity overall. However, table 7 signals a shortfall in the effective housing supply to 2019 and potential on-going difficulties in maintaining a 5 year land supply.

Replace Figure 7 as below:

Current Anticipated programming of the Housing Land Supply (November 2015).

	2015-2019	2019-2024	Remainder 2024- 2026*	Total 2015-2026
Remaining SESplan Supply Target from 2015.	15,034	7210	2884	25128
Plus 10% to ensure generosity	16,537	7931	3172	27640
Effective supply	6410	4774	1490	12674
Contribution from sites capable of becoming effective	0	2324	826	3150
Windfall	1694	2116	846	4656
Total supply from existing sources (derived from 2015 HLA)	8104	9214	3162	20480
Required New LDP allocation	8433	-1283	10	7160
Brownfield	221	519	75	815
West Edinburgh SDA	175	1400	400	1975
South East Edinburgh SDA	756	1396	280	2432
Outwith SDA	162	1080	288	1530
Total new LDP allocations	1314	4395	1043	6752
Estimated shortfall	7119	-5678	-1033	408

65. Figure 8 shows additional sites, as included in Table 4, which are also identified for inclusion in the plan to assist in meeting the SESplan housing target. They are not currently accounted for in Table 7 as an assumed programming remains to be established through the annual audit process.

Figure 8 Additional capacity from existing and new sites.

Site	Approximate Additional Capacity
Gilmerton Station Road HSG24	160
Ravelrig Road Balerno	120
Edmonstone	170
The Wisp	71
Lang Loan	220
Total additional potential	742

66. The council has a clear role in working with developers and other agencies to ensure that there are no land use planning barriers to an increased take up of its identified stock of housing land. This will be facilitated through Supplementary Guidance to set out a realistic approach to enabling infrastructure provision taking into account financial viability and looking at innovative approaches to forward and gap funding. This will be particularly important if the considerable potential of the water-front is to be realised.

67. It may take time for any increase in the uptake of the identified land supply and this may create pressure for the release of additional land through Policy Hou 1. However any shortfall in the housing land supply, whilst carrying considerable weight, does not over-ride other considerations such as directing development to sustainable locations, securing green belt objectives and the appropriate provision of infrastructure.

68. The current housing target is based on a ten year period and the development plan is to be reviewed every five years. The process of preparing a new SESplan is already underway and the plan will be due for replacement in 2018. An early review of this local development plan is proposed in order to ensure a timeous response to any revised strategic housing target and to secure an ongoing and sufficient supply of housing land.

Note: Other relevant recommendations include: a new Policy Hou 1 (Issue 23), revision to the developer contributions policy Del 1 (Issue 21), inclusion of General Principles for transport and schools provisions within specific development areas (Issue 21) and a new policy to address cumulative and cross boundary transport matters Trans X (Issue 19)

Issue 5 - Housing and Community Facilities General
Appendix A - Progress on sites identified in Housing Land Study (HLS) June 2014

Table 1: 'Potential sites' (identified in HLS) now included in Housing Land Audit 2014 (at 31 March 2014)									
HLS ref	HLA ref	Address	Developer	UNITS - HLA	UNITS - HLS	Completed	Application ref	Decision Date	Under Construction
31	5274	Broomhouse Crescent	Cruden Homes (East) Ltd.	97	68	0	13/00195/FUL	12-Sep-13	31-Mar-14
47	5379	Station Road	WPH Developments Ltd.	32	39	0	13/01606/FUL	21-Mar-14	
60	5374	Westfield Avenue	Hart / Dunedin Canmore HA	60	60	0	12/01415/FUL	17-Jan-14	31-Mar-14
76	5289	Duddingston Park South	Clockwork Properties Ltd.	186	199	0	13/00040/FUL	22-Jan-14	
139	5370	West Bowling Green Street	J Smart & Co (Contractors) Plc.	114	114	0	12/01840/FUL	14-May-13	
149	5270	Bellevue Road	New Age Developers Ltd.	19	22	0	12/04302/FUL	26-Sep-13	31-Mar-14
150	5280	Canonmills Bridge	Glovart Holdings Ltd.	9	9	0	09/00830/FUL	08-May-13	
262	5277	Burdiehouse Road	Edenlaw Midlothian Ltd.	28	5	0	09/03244/FUL	06-Dec-13	
283	5314	Kinnear Road	Kinnear Road Ltd.	15	15	0	12/01113/FUL	17-May-13	31-Mar-14
284	5323	Malta Terrace	S1 Developments.	11	11	0	12/04044/FUL	14-Jun-13	
285	5324	McDonald Road	Foremost Properties (Scotland) LLP.	67	67	19	12/03518/FUL	03-Jun-13	31-Mar-14
286	5300	Fort House	The City Of Edinburgh Council.	94	110	0	12/04268/FUL	30-May-13	
287	5310	Greenbank Drive	BT Plc.	9	12	0	12/04263/FUL	21-Oct-13	
288	5373	West Mill Road	CALA Management Ltd &	15	22	0	11/03175/FUL	25-Oct-13	31-Mar-14
Total				756	753				

Table 2: 'Potential sites' (identified in HLS) with consent since 31 March 2014 at January 2015

HLS ref	Address	Units - new app	Units - HLS	Application ref	Decision date
26	Niddrie Mains Road	66	30	14/01820/FUL	16-Dec-14
52	Liberton Gardens	297	200	14/00577/AMC	08-Oct-14
105	Ravelston Terrace	32	40	13/02957/FUL	09-Jun-14
176	Craigmount Brae	44	42	13/03817/FUL	14-Mar-14
251	Balmwell Terrace	43	15	13/05171/FUL	08-Jul-14
261	Harvesters Way	183	300	13/02640/FUL	28-Apr-14
284	Malta Terrace	8	11	14/00852/FUL	25-Apr-14
Total		398	352		

Table 3: 'Potential sites' (identified in HLS) with new applications/decision pending at January 2015

HLS ref	Address	Units - new app	Units - HLS	Application ref
67	McLeod Street	25	33	14/04948/FUL
82	Dalgety Road	52	33	14/03883/FUL
92	Horne Terrace	16	33	14/03752/FUL
111	Brunswick Road	175	165	14/03940/FUL
128	Eyre Terrace	70	22	14/01177/PPP
131	Annandale Street	60	66	14/04044/FUL
Total		398	352	

Table 4: Sites recorded as constrained in Housing Land Audit (HLA) 2013 recorded as effective in HLA 2014

HLA REF	Address	Developer	Units	Application ref	Decision date	Under construction
3105.5	West Shore Road	Persimmon Homes East Scotland.	32	12/04568/FUL	06-Aug-13	31-Mar-14
3424.6	Western Harbour View	AB Leith Ltd.	258	13/00498/FUL	13-May-13	
3750	RWELP HSP 6: Craigpark Quarry	Craigpark Partnership.	117	05/01229/FUL	11-Aug-06	
3762	RWELP HSG 5: Stewart Terrace	Lp Site	117	14/01509/PPP		
4171	Liberton Road	McCarthy And Stone Retirement Lifestyle	48	12/04342/FUL	27-Aug-13	31-Mar-14
4638	ECLP CA2: Calton Road (Caltongate)	Mountgrange (Caltongate) Ltd.	36	07/00560/FUL	30-Oct-08	31-Mar-14
4819	Tenant Street	Silverfields LLP	49	13/04405/FUL	12-Jan-15	
4942	Ferrymuir	Bellway Homes	130	14/04172/FUL		
Total			787			

Table 5: Constrained sites in Housing Land Audit 2014 with new consents (since 31 March 2014) at January 2015

HLA REF	Address	Developer	Units	Application ref	Decision date
5132	LDP HSG 4: West Newbridge	Lp Site	490	07/04646/OUT	08-Sep-14
1000	RWELP HSG 1: Kinleith Mills	Treetops Development Company.	89	12/04126/PPP	09-Apr-14
3761	RWELP HSG 3: Baird Road	Lp Site	2	07/00442/FUL	29-Apr-14
4728	Groathill Road South	Ciji Properties.	11	14/00026/FUL	24-Nov-14
4503	Burdiehouse Road	BJ Hendry	18	14/00336/FUL	25-Jun-14
4635	Broughton Street Lane	Prosper Holdings Ltd.	11	13/01217/FUL	22-Apr-14
Total			621		

Table 6: Constrained sites in Housing Land Audit 2014 with new applications/decisions pending at January 2015

HLA REF	Address	Developer	Units - new app	Application ref
4793	St James Centre	Henderson Global Investors.	138	14/02070/AMC
1000	RWELP HSG 1: Kinleith Mills	Treetops Development Company.	89	14/03079/AMC
5027	London Road	Caledonian Trust Plc.	81	14/05174/PPP
4793	St James Centre	Henderson Global Investors.	20	14/05147/FUL
4793	St James Centre	Henderson Global Investors.	0	14/05263/AMC
Total			328	

**Issue 5 - Housing and Community Facilities General
Appendix B – Alternative Table 7 – Programming**

Site Name /Address	LDP mid points	Expected Completions						
		14/15	15/16	16/17	17/18	18/19	Total 14-19	Total 19-24
West SDA								
LDP Emp 6 IBG	350	0	0	50	50	50	150	200
LDP HSG 19: Maybury	1,850	0	50	100	150	150	450	1,400
LDP HSG 20: Cammo	600	0	0	50	100	100	250	350
TOTAL WEST SDA	2,800						850	1,950
South East SDA								
LDP HSG 21: Broomhills	510	0	0	22	40	40	102	408
LDP HSG 22: Burdiehouse phase 2	180	0	0	30	56	45	131	49
LDP HSG 23: Gilmerton Dykes Road	60	0	30	30	0	0	60	0
LDP HSG 24: Gilmerton Station Road	420	0	20	50	50	100	220	200
LDP HSG 25: The Drum	150	0	0	25	50	50	125	25
LDP HSG 26: Newcraighall North	180	0	40	40	69	31	180	0
LDP HSG 27: Newcraighall East	330	0	0	25	25	50	100	230
LDP HSG 29: Brunstane	1,140	0	0	0	50	50	100	1,040
LDP HSG 30: Moredunvale Road	185	0	0	0	25	25	50	135
TOTAL SE SDA	3,155						1,068	2,087
Outwith SDA								
LDP HSG 35: Riccarton Mains Road	30	0	0	15	15	0	30	0
LDP HSG 31: Curriemuirend	165	0	0	0	25	25	50	115
LDP HSG 32: Buileyon Road	840	0	0	0	50	50	100	740
LDP HSG 33: South Scotstoun	440	0	0	0	40	50	90	350
LDP HSG 34: Dalmeny	15	0	0	0	15	0	15	0
LDP HSG 36: Curriehill Road	60	0	0	0	30	30	60	0
LDP HSG 37: Newmills Road, Balerno	210	0	0	0	50	50	100	110
TOTAL ELSEWHERE	1,760						445	1,315
New Brownfield Allocations								
South Gyle Broadway		0	27	36	58	32	153	47
LDP Del 5 Edinburgh Park	575	0	0	0	50	50	100	275
LDP HSG 28 : Ellen's Glen Road	240	0	0	0	30	50	80	160
	815						333	482
Total New LDP Allocations	8,530						2,696	5,834

Issue 5 – Housing and Community Facilities General																									
Appendix C - Notional Programming of Additional Sites Promoted by Representations																									
Housing Land Representation Analysis																									
Developer	Representation Code	Site Location	Site Size (ha)	Site Capacity (Units)	Delivery Timescale	Associated Documents	15/16	16/17	17/18	18/19	19/20	20/21	21/22	22/23	23/24	24/25	25/26	26/27	27/28	28/29	29/30	30/31	31/32	32/33	33/34
Danzan 2003 (Holder Planning)	01133	Kirkliston East	46	500	N/A	N/A			50	50	100	100	100	100											
Foxhall Trust (GVA)	01155	Factory Field, Kirkliston	5	100	N/A	N/A			50	50															
Hallam Land Management	02277	North East of Craigiehall	80	1000	Sort and Medium term, 250 houses in first instance	Craigiehall Village Concept			50	50	50	100	100	100	100	150	150	150							
Defence Infrastructure Organisation	02291	Craigiehall	38.5	200					50	50	50	50													
Lafarge Tarmac	02131	Harvest Road	0.4	12					12																
Lafarge Tarmac	02131	South of Harvest Road	2.8	70					20	25	25														
Lafarge Tarmac	02131	West of Baird Road	23.7	550	N/A				50	50	100	100	100	100	50										
David Wilson Homes and J & J Muir	00698	South of Freeland Road	50	180	Year 2017/2018 - 35 units, 2018/2019 - 35 units 2019/2020 - 25 units, 2020/2021 - 35 units,	David Wilson Homes and J & J Muir, Land East of Ratho			35	35	35	35	40												

					2021/2022 - 40 units																				
Murray Estates	02275	East of Ratho Station	5	100				50	50																
Colin Paton	02583	East of Ratho (land at Ashley House)	5	10				10																	
Royal Bank of Scotland (GVA)	02272	Turhouse Golf Course	N/A	45	N/A			20	25																
Wallace Land Investments and Management	02281	Riccarton South and West	123.7	1500	850 to 2024 (phase 1) and 650 post 2024 (phase 2)	Riccarton Village Form 9		50	100	100	150	150	150	150	150	150	150	150	150	50					
CALA/Miller	00685	Currievale	30	420	Start Construction April 2017: April 2018- 25th completion , April 2019- 85th completion , 2020- 145th completion , 2021- 235 completion , April 22- 325 completion , April 23- 410th completion	Currievale site submission on behalf of CALA Management Ltd- October 2014		25	60	60	90	90	85	10											
CALA	00685	Riccarton Garden Centre	9	110	April 2017- Site Start, April 2018- 30th completion , April 2019- 60th completion , April 2020, 90th completion , April 2021- 110th completion	Currievale site submission on behalf of CALA Management Ltd- October 2014		30	30	30	20														

Gladman Developments	02276	Ravelrig Road	14	120	25 and 30 units/ year (i.e. 4 – 5 year build out project).	Planning Statement			30	30	30	30													
Lord Dalmeny	02272	Harlaw Gate	4.78	45					20	25															
Mr and Mrs Philip and BDW Homes	02280	Cockburn Crescent	12.5	280	Anticipated housing completions will be achievable in 2016	Cockburn Crescent Site Brief		30	50	50	50	100													
Taylor Wimpey	02251	Muir Wood Road	9.6	250	N/A				50	50	50	50	50												
CALA	01154	Craigcrook Road	7.75	35	N/A	N/A			35																
Boland Properties (Colliers)	01463	Ravelston Quarry	2	4	Within 5 years				4																
Blackford Hill Ltd.	02244	Midmar Paddock	4.1	10	N/A	N/A			10																
Miller Homes	02416	Winton Gardens	4.3	50					25	25															
CALA	02691	Frogston Road West	2.8	18					9	9															
Ogilvie Homes	02703	Duddingston Golf Course	0.9	30	N/A	N/A			15	15															
Ogilvie Homes		Duddingston Golf Club	0.5	15					15																
Cala	02691	Mortonhall Army Camp		100					50	50															
BW Trading Ltd.	00755	South of Frogston Road East	5.9	165	N/A	N/A			50	50	50	15													
McTaggart and Mickel Homes	02246	West of Liberton Brae	1.5	40	N/A				20	20															
McTaggart and Mickel Homes	02246	West of Liberton Brae	7.1	170	N/A				20	50	50	50													
Land Options East (Derek Scott Planning)	01202	South of Liberton Drive	3.35	70	N/A	N/A			35	35															
McTaggart and Mickel Homes	02246	Station Road	N/A	200	States current site boundary should be extended to accommodate level of development				50	50	50	50													

SEEDCO (Holder Planning)	02421	Drum North and South		2500				50	50	100	100	150	150	150	150	200	200	200	200	200	200	200	200	200	
Hallam Land Management	02279	East of Burdiehouse	N/A	120				50	50	20															
Springfield Properties	02265	South East Wedge North	2.29	70	Within 5 years			35	35																
Wallace Land Investments and Management	02281	North of Lang Loan	12.7	220	4 year development period	Lang Loan Development Framework		55	55	55	55														
Wallace Land Investments and Management	02281	North of Gilmerton Station	12.5	160	3 year development period	Lasswade Road Development Framework		50	50	60															
Sheratan Ltd	02408	South East Wedge South	36.4	400	N/A	N/A		50	50	100	100	100													
Yeoman McAllister	02085	Part of site below			Part of site below																				
Stewart Milne Homes	02278	Ratho Park Road/South of Ratho Park Road	35.8	350	N/A			50	50	100	100	50													
Murray Estates	02275	District East of Milburn tower		1000	Complete by year 11	Murray Estates appendix 1. LDP MiR Submission		50	50	100	100	100	100	100	100	100	100	100	100						
Murray Estates	02275	EGD West		1100	Complete by year 11	Murray Estates appendix 1. LDP MiR Submission		50	50	100	100	100	100	100	100	100	100	150	150						
Murray Estates	02275	EGD South		1400	Complete by year 11	Murray Estates appendix 1. LDP MiR Submission		50	50	100	100	100	150	150	150	150	200	200							
				13719																					
Output	Up to 2019	3034																							
	2019 to 2024	6235																							
	Beyond 2024	4450																							
	TOTAL	13719																							

Programmin g assumptions																																					
1. Assumed programmin g assumptions supplied in rep.																																					
If no timescale in rep:	Under 100 units	Spread programming out over 2 to 3 years																																			
	100 to 200 units	1 developer, Programme as 50,50,50,50																																			
	200 to 500 units	1 developer, Programme as 50,50,100,100,100,100																																			
	500 to 1000 units	2 developers, Programme as 50,50,100,100,100,100,...																																			
	1000 to 2000 units	2 developers, programme as 50,50,100,100,100,100,150,150,1 50,...																																			
	200 units +	3 developers, programme as 50,50,100,100,150,150,150,150,2 00,200,...																																			

Issue 23	Employment, Housing & Retail policies	
Development plan reference:	Part 2 Section 4 pages 94 - 98 Part 2 Section 5 pages 99 - 103 Part 2 Section 6 pages 104 – 110	Reporter: Allison Coard
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>0124 sportsotland 0194 Corstorphine Community Council 0241 Theatres Trust 0364 Craigleith/Blackhall Community Council 0381 Jez Kempston 0748 S Harrison Developments Ltd 0799 NHS Lothian Public Health & Health Policy 0828 Network Rail 0836 Heriot-Watt University 0838 Gibraltar General Partner Ltd 1140 Diana Cairns 1141 Fairmilehead Association 1154 CALA Management Ltd 1170 A J C Clark 1901 Stephen and Joan Carter 2088 Scottish Government 2126 Cockburn Association 2172 Southside Association 2192 Edinburgh Bioquarter Partners 2269 Essel Securities plc 2271 Vita Edinburgh 1 Limited 2276 Gladman Developments Ltd 2279 Hallam Land Management Ltd 2281 Wallace Land Investment and Management</p>	<p>2290 Edinburgh Chamber of Commerce – Developer’s Group 2299 Forbes Marr 2317 Edinburgh Napier University 2320 Edinburgh University Students’ Association 2341 New Town & Broughton Community Council 2354 Grange/Prestonfield Community Council 2440 Unite Group plc 2443 University of Edinburgh 2505 Scottish Wildlife Trust 2536 Parc Craigmillar Ltd 2568 Stephen Hawkins 2569 Town Centre Securities plc 2657 Hilary McDowell 2673 Sheila Gilmore MP 2676 Flying Scot Parking (Edinburgh) Ltd 2677 Turley 2680 National Union of Students Scotland 2684 Homes for Scotland 2690 West End Community Council 2698 Prem Rooster Ltd 2713 McCarthy and Stone Retirement Lifestyle Ltd 2719 Royal Mail Group</p>	
Provision of the development plan to which the issue relates:	This issue relates to three chapters in Part 2 of the Plan. Each chapter provides detailed policies used to assess proposals for: employment and economic development; housing and community facilities and shopping and leisure developments. Policies Emp 4 – 7 relate to allocations in West Edinburgh, and so are addressed under Issue 20.	
Planning authority’s summary of the representation(s):		
<p>CONTEXT</p> <p>The Main Issues Report chapter 5 consulted the public on issues relating to the strategic economic land supply and the meeting the needs of small businesses. The preferred option was taken forward in the Plan and represents a change from policies in the</p>		

Network. The supplementary guidance being prepared for each of the town centres includes policies on the change of use of shop units which are expressed using a map-based/spatial approach. The supplementary guidance documents take account of local circumstances and available evidence, including the Council’s Town Centres Strategy (2013). No modification proposed. **(2088 Scottish Government)**

- Criterion a) and b) of Policy Ret 8 apply to local centres only, and so would not apply to town centres including the city centre. They seek to allow commercial and community uses, recognising the benefits they can bring alongside retail uses. However, they continue to apply a limit on such uses, to reserve some retail function in local centres. The Glossary definition of ‘shop units’ has been written to encompass basement units which are accessed directly from the street. Policy for change of use in town centres is set in separate supplementary guidance, which is consulted on separately and can take a different form to criterion a) and b) in Policy Ret 8. No modification proposed. **(2341 New Town & Broughton Community Council)**
- The areas identified in paragraph 255 are those where there is both a significant concentration of residential properties and of relevant late night uses. The part of the First New Town referred to has a relatively low concentration of residential uses. No modification proposed, however it is acknowledged that the non-statutory Guidance for Businesses is expected to be monitored and updated on a more frequent basis than the Plan, and that the text in paragraph 255 could be made more open-ended, to allow future editions of the guidance to identify further areas of sensitivity. **(2341 New Town & Broughton Community Council)**
- The finalised supplementary guidance for the City Centre Retail Core (February 2014) covers Shandwick Place and Castle Street. It sets out policy criteria to manage change of use of shop units in its area. That policy framework has been informed by consideration of available evidence, and by consultation responses. If changing circumstances justify a change in its policy framework that can be identified through the monitoring and updating of the supplementary guidance. No modification proposed. **(2569 Town Centre Securities plc; 2269 Essel Securities plc)**

Reporter’s conclusions:

Office Development

1. Scottish Planning Policy (SPP) paragraph 60 requires the application of a town centre first policy when planning for uses which attract significant numbers of people, including retail and commercial leisure, offices, community and cultural facilities.

2. Paragraph 68 states that “Development plans should adopt a sequential town centre first approach when planning for uses which generate significant footfall, including retail and commercial leisure uses, offices, community and cultural facilities and, where appropriate, other public buildings such as libraries, and education and healthcare facilities. This requires that locations are considered in the following order of preference:

- town centres (including city centres and local centres);
- edge of town centre;
- other commercial centres identified in the development plan; and
- out-of-centre locations that are, or can be, made easily accessible by a choice of

transport modes.

3. SPP Paragraph 71 states that – “Where development proposals in edge of town centre, commercial centre or out-of-town locations are contrary to the development plan, it is for applicants to demonstrate that more central options have been thoroughly assessed and that the impact on existing town centres is acceptable. Where a new public building or office with a gross floor-space over 2,500 square metres is proposed outwith a town centre, and is contrary to the development plan, an assessment of the impact on the town centre should be carried out.”

4. The strategic business centres are an intrinsic part of the development plan strategy. I do not consider that location here should require an impact assessment given that this would be consistent with the plan’s locational strategy. I consider the requirement for assessment should only apply where the proposal is outwith: the city centre, the identified strategic office locations or another town centre as identified in table 6 on the proposals map. In this context, my recommended change to this policy reflects that proposed in the Scottish Government’s representation with some slight amendment to clarify that the requirement for assessment only applies outwith city centres, other strategic business centres or town centres.

5. Promoting sustainable economic growth is a key objective of the National Planning Framework and Scottish Planning Policy. I consider the plan should support the continued growth of Edinburgh as a business and commercial centre. Office space will be required to facilitate this. The application of criteria to assess whether a new office was essential would be difficult to define and unnecessarily restrictive.

6. Whilst there may be vacant office space and an apparent surplus, needs change over time and a range and choice of provision is required. I do not consider that it would be appropriate for the proposed plan to seek to control office development as proposed in this representation. This might restrict the opportunities for future investment and employment growth. I note the concern about what might happen to redundant office buildings not suited to current use. However, Policy Emp 9 provides a framework for consideration of alternative uses of such buildings. My conclusion is that no change is required to address the matters raised by the Cockburn Association.

Special Economic Areas – Edinburgh BioQuarter (EBQ)

7. Paragraph 194 states that supplementary guidance will be prepared to support the future development of the site. There is no specific reference to the EBQ masterplan or its function as non-statutory guidance. The policy reference to Supplementary Guidance leads me to assume this is to be statutory guidance which once approved would carry the weight of section 25 of the Act. This is clarified in paragraph 9 of the plan. However, this is subject to a separate process and further consultation. Such guidance is not within the remit of the examination but I consider there may be scope for the guidance to reflect some, if not most, of the detail currently included in the masterplan.

8. Whilst I do not consider it would be appropriate to reference a master-plan, which may have moved on, I am content that the emphasis of the policy is on supporting proposals in accordance with the development principles. Any subsequent guidance needs to be appropriately referenced. However, I consider that it is inappropriate for the policy to require compliance with yet to be approved guidance which will be subject to the due process of consultation and approval by Ministers. In this context, I consider the

emphasis of the policy wording should be changed to reflect the correct balance of considerations and the context within which future Supplementary Guidance should be prepared. This would correctly reflect the reference in Part 1 Section 5 that more detailed development principles are to be set out in Supplementary Guidance for the Edinburgh Bioquarter. My recommendation reflects this.

9. I appreciate that the location of the hospital, medical school and university within the city combine to support the proposed use of this site. However, as this is an employment allocation, to support life sciences and related commercial research, I consider that it would be inappropriate to refer specifically to the university. The policy is specific to the site rather than the wider contribution of the university which operates in a number of other locations throughout the city. My conclusion is that no change is required to reference the university across its whole estate.

Special Economic Areas – Riccarton University Campus and Business Park

10. It is not possible or appropriate for development plan policies to cover every eventuality. In this context, I consider that it is sufficient that Policy Emp 3 refers to uses ancillary to the university. This leaves some discretion to assess proposals which may arise without seeking to include a large list of uses which may in any event require assessment against the other relevant policies of the plan.

11. The policy refers specifically to residential accommodation and to sport and recreational facilities. I consider this approach is consistent with the policy objectives and the aim of keeping development plan policies as succinct and concise as possible. Paragraph 195 gives some further explanation to the policy and I agree with the council and the university that this section could appropriately reference the National Performance Centre for Sport. Additional reference to directly related development would provide a supportive context within which ancillary facilities such as a hotel could be assessed. My recommendation reflects this conclusion.

Other Economic and Employment Policies – Emp 8, 9, 10

12. I agree with the council that it is important to retain a range of employment sites across the city including business and industry areas. Representation on Lochend Industrial Estate points to the different character of this area as it does not have good Heavy Goods Access to the trunk road network and has a mix of uses not limited to the use classes stipulated under Policy Emp 8. Reference to a poor marketing record suggests the need for flexibility to consider a wide range of business uses to operate from a west of Edinburgh location.

13. I accept that some dilution of uses has occurred at Lochend and access may not compare as favourably to other sites. However, paragraph 202 clarifies that goods access for Heavy Good Vehicles is not a pre-requisite by reference to “most” in terms of such access. Some flexibility is applied through reference in paragraph 202 to exceptions for ancillary uses which support local businesses and provide services for their employees. Given that the area remains characterised by a range of employment uses I consider it is appropriately retained as a “Business and Industrial Area”.

14. I understand that the council anticipates a significant contribution from windfall housing sites and that these may include sites currently in employment use. However, the focus of this section of the plan is on employment provision. Redevelopment is

supported whilst seeking to support small business premises within any larger redevelopment schemes. In this context, I find no justification for a specific reference to housing development as this is covered by other policies, specifically Policy Hou 1 (see below and Issue 5).

15. I note that Policies Env 5 and Env 6 are relevant to the consideration of proposals within conservation areas. The plan should be read as a whole and I consider these policies provide an appropriate context without the need for repetition in Policy Emp 9. This is specifically related to proposals to redevelop employment sites and premises. As far as the post office premises referenced in this representation I do not consider that location outwith a defined regeneration area would exclude consideration of re-use. This is a general criteria which also references improvement of the wider area. I see no reason why this consideration would not extend to premises within or adjacent to a conservation area.

16. My conclusions above support the addition of a specific reference to the National Performance Centre for Sport in Policy Emp 3. I have no reason to doubt that a hotel on site is a prerequisite for this award. However, the site is within the urban area and there is scope for such a proposal to be considered under the terms of Policy Emp10. I consider this is sufficient without the need for an additional location specific reference.

17. I note the council's reference to the compatibility of car showroom use at Newbridge with designation for business and industry. The supporting text refers to small-scale proposals for ancillary uses which support local businesses and provide services for their employees. I do not consider it appropriate or necessary to make specific reference to car showrooms at Axis Park, Newhouse given that the focus of this policy is on business and industrial areas in general and on their retention in employment use.

Housing Policies

General

18. I note the supporting documentation provided by CALA Management Limited in support of a site at Craigcrook Road. These matters are addressed through Issue 17. I do not consider it would be appropriate to make reference to a particular market sector as the plan is seeking to cater for the full range of housing needs. I cover issues relating to affordable housing below. Whilst I recognise the importance of the private rented sector land use planning makes no distinction in relation to tenure. Policy Hou 3 relates to green space provision and paragraph 212 clarifies the role of the council's Open Space Strategy. As this sets out standards for play space in new development I consider this matter is sufficiently covered. Consequently, I do not recommend any changes in response to these general matters.

Hou 1 Housing Development

19. Site specific issues are dealt with under the relevant schedule 4 specifically Issues 14 and 16.

20. I note the council's response that Hou 1 is intended to apply only within the urban area. However I consider that this results in a lack of a clear policy to apply to sites outwith this area. In addition, it does not allow for the local translation of SESplan Policy 7 which reflects the difficulties of providing an effective land supply and securing

completions in accordance with the strategic land requirement. From my conclusion in Issue 5 there is a clear deficiency in the anticipated programming of the housing land supply particularly in the first five years. This makes the local application of Policy 7 a particularly important consideration. For this reason my recommendations include a revised Policy Hou 1. Given my conclusions on Issue 5 this reflects the emphasis that will be required to secure delivery of the identified land supply and adds a requirement to demonstrate the effectiveness of the site. I consider an additional criteria on sustainability is also justified to reflect Scottish Planning Policy objectives.

21. Representation from Galdman Developments suggest the council should prepare Supplementary Guidance to set out the mechanism through which a five year land supply will be maintained at all times. However, I consider that Hou 1 is sufficient in its own right to clarify the mechanism through which a five year land supply will be maintained at all times.

22. On the matter of deviation from site briefs and development principles my conclusions and recommendations on Issues 5 and 21 recognise that financial viability issues will be important if delivery is to be secured. This is addressed through recommended revision to Policy Del 1 and its associated Supplementary Guidance (see Issue 21). This guidance will be subject to further consultation including with the development industry. With these changes I do not consider that this matter need be specifically referenced in Policy Hou 1. I note concern regarding the realisation of high density yields in the water-front area and on other brownfield sites. However the anticipated densities are expressed as estimates and generally include a range. I find this enables sufficient flexibility at this stage in the planning process.

Hou 2 Housing Mix

23. I consider that it is sufficient that Hou 2 addresses a mix of house types and sizes to meet the full range of housing needs as there is a separate Policy Hou 8 which deals specifically with student accommodation.

24. My reading of this policy is that it applies to the mix of housing within areas and sites rather than to the geographical spread of that provision. The objective is to achieve more socially diverse and inclusive communities. In this respect I consider the existing policy wording is sufficient.

25. I agree that appropriate provision for the elderly is an important consideration. This is referenced in Policy Hou 2 and reflected in the objective of meeting the needs of different population groups. Delivery is likely to rely on a range of mechanisms including available funding, other housing specific policies applied through the council's housing strategy and on co-operation between the private sector and social housing providers.

26. The provision of whole life housing which is reflected in Policy Des 5b and the requirements of the building regulations should also help to ensure that new housing is more suitable and adaptable to meet a range of housing needs. Consequently, I am satisfied that the policy is sufficient in establishing such provision as an objective within the council's land use plan.

Hou 3 Private Green Space in Housing Development

27. Whilst I appreciate the desire to secure adaptability within the housing stock (as

reflected in Policy Des 5b) there is likely to continue to be demand for purpose built provision of accommodation for the elderly and for students. In these circumstances I consider the council's approach, in seeking to tailor the nature of green space provision in accordance with the needs of these groups, is a sensible one. This need not negate the need for appropriate open space access or provision but enables such provision to be tailored to specific circumstances. Consequently, my conclusion is that it is appropriate to apply some limited exceptions to this policy to reflect specific housing types.

28. My understanding of the policy is that part a) recognises circumstances where, in the absence of private gardens, communal green space provision should be sought for at least (20%) of the site. In other circumstances where the development is for housing with private gardens a percentage is not applied. However, account will be taken of linkage with the existing green network and the provisions of the open space strategy to determine any wider contribution whether on or off-site through a commensurate contribution. I consider this is satisfactorily explained through supporting paragraphs 211 and 212. I consider it is appropriate to seek an appropriate contribution to publically accessible space and connection with the wider network enhancement in the interests of amenity and access. Consequently, I do not consider that criteria b) should be removed.

29. I consider the issues of quality and biodiversity enhancement are sufficiently covered elsewhere in the plan specifically through Policies Des 1 and Des 3.

30. Paragraph 213 of the proposed plan applies appropriate flexibility in recognising the needs of particular groups such as students and the elderly. This would enable factors such as internal communal space to be considered and for a tailored approach to specific developments. My conclusion is that no change is required.

Hou 4 Housing Density

31. I appreciate the desire to have a more precise definition as to how criterion c) and d) are to be assessed. However there are various approaches to assessing accessibility such as the walking distance from bus, tram or train stops, connectivity to the cycle network, proximity to employment and higher order services.

32. These concepts are generally well understood and in the interests of brevity and a concise plan I find no reason to rehearse these in detail through this policy. However, I accept that some clarification would be helpful and that the reference to other relevant services could be further clarified. I propose that the emphasis should be placed on accessibility including access to public transport so that it also covers walking and cycling as well as proximity to services and facilities. My recommendation reflects this.

33. Criteria d) simply expresses the fact that a higher density should support the provision of the necessary local facilities. The policy does not reference a minimum or maximum density but rather an appropriate density.

34. My reading of Policy Hou 4 on housing density is that this would also apply to student housing as this is a general policy which applies to all housing. However, it should be read alongside Policy Hou 8 which accepts that student housing can take place at relatively high density and requires significantly less car parking and open space than family housing. In my opinion, the design based principles of Policy Hou 4 would remain relevant to the consideration of student housing. In this respect I do not consider it is necessary to include a specific reference to any particular form of housing in this policy.

Hou 5 Conversion to Housing

35. Paragraph 215 accepts the role of conversion of commercial buildings in contributing to housing provision and enabling the sustainable re-use of otherwise redundant premises. I accept that the same could apply to shops but I also recognise the important objective of maintaining the shop units in defined centres, speciality streets and other locations as this contributes to the vitality of the city. In this context my recommended change to paragraph 215 accepts that appropriate re-use for housing may be preferable to long term vacancy. However given the council's view that a restrictive policy approach has worked in the particular circumstances of Edinburgh as it has a vibrant city centre retail core and town centres I have placed this flexibility in the context of Policies Ret 8 and 9. Read together this flexibility is then most relevant in the context of Policy Ret 9 where residential use is specifically referenced. I consider it is appropriate to include reference to circumstances where the shop unit has been vacant for over a significant period of time and been actively marketed, where there is local need and to demand for a range of housing types and town centre living. My recommendation reflects this.

Hou 6 Affordable Housing

36. I appreciate the significant need to deliver affordable housing in the city as evidenced through the housing needs and demand assessment. In this respect, I consider that Policy Hou 6 with its requirement for 25% provision on sites of more than 12 units and on larger sites, where on site provision will normally be required, is unlikely to meet the full scale of these needs. However Scottish Planning in paragraph 129 states that the benchmark figure is that each site should contribute 25% of the total number of housing units as affordable housing. This approach reflects the statement in paragraph 129 that policies on affordable housing provision should be realistic and take into account considerations such as development viability and the availability of funding.

37. I do not consider that a higher percentage or an absolute requirement for on-site delivery would be appropriate or realistic in the current economic circumstances. This does not prevent higher percentages of affordable housing being delivered where grant funding is available or where provision may be enabled through a social housing provider. My conclusion is that the policy appropriately reflects Scottish Planning Policy and that a higher percentage requirement would not be justified.

38. For Policy Hou 4 above I conclude that the relevant design principles could be applied to student accommodation. For affordable housing the council distinguishes between housing and residential use as defined in the use classes order. However, this can be a matter of scale and degree and will depend on the extent to which students are living independently of each other. Some purpose built accommodation for students is made up of independent flats with limited use of shared facilities and may differ little from other city centre flats or key worker accommodation.

39. In any event provision of affordable housing on site is likely to be inappropriate and economic viability assumptions are likely to presume against the requirement for an off-site contribution. The provision of tailored student accommodation may have a role in freeing up other flatted and affordable housing stock on the housing market. For these reasons, I do not consider it would be appropriate to apply this policy to purpose built student accommodation.

40. I recognise the need for affordable housing in the city as reflected in the Housing

Need and Demand Assessment. Policy Hou 6 states that provision of affordable housing should normally be on site. The text in paragraph 218 clarifies that provision on an alternative site may be acceptable where the housing proposal is less than 20 units or there are other exceptional circumstances.

41. PAN2/2010 Affordable Housing and Housing Land Audits recognises that it may not always be possible to deliver on site and that in some cases provision could be made on another site or through a commuted payment. Paragraph 21 of the advice note explains that a site may be unsuitable for affordable housing for a variety of reasons, including the size of the site, location, topography, conversion of buildings where relevant standards cannot be met and other local circumstances such as whether an appropriate tenure mix can be delivered. I consider Policy Hou 6 correctly places the emphasis on site provision but that it is appropriate to enable some flexibility in certain limited circumstances. My conclusion is that no change is required.

42. I do not have specific information on the relevant mix of housing proposed on site HSG 14 at Niddrie Mains but note it is a large site which will be developed in phases and that future proposals should accord with the Craigmillar Urban Design Framework. Policy Hou 6 refers to 25% contribution based on the total number of units proposed. The key objective is to secure a full range of housing including integration of affordable and market housing. An over-emphasis on one type of housing is unlikely to fulfil this objective and it may be that future phases can redress this balance. However, that is not to say that an appropriate contribution would not be sought from subsequent developers even if this was to be directed elsewhere. This is a general policy and cannot respond to every circumstance but I consider that it provides an appropriate framework for individual circumstances to be assessed on their own merits. My conclusion is that no change is required.

43. On the matter of contributions to affordable housing from specialist accommodation providers I note the reference in Scottish Planning Policy paragraph 129. It states that where planning permission is sought for specialist housing a contribution may not always be required. The council refers to the affordable housing needs of the elderly and I consider this is a relevant consideration but that its application should be tailored accordingly depending on the nature of the specialist housing being proposed and economic viability considerations. My conclusion is that wording to highlight the potential for exceptions to apply to specialist housing should be included. My recommendation reflects this.

Policy Hou 8 Student Accommodation

44. The guidance referenced in this policy and the council's intentions for its future review fall outwith the scope of this examination. I understand the current guidance may have led to a specific detailed policy approach including use of a 30% threshold. This has been used as a guide to the concept of excessive concentration. This threshold was only applied to locations which were not within or adjacent to main campuses. However my focus is on the actual terms of Policy Hou 8 and its supporting text which contain no reference to a threshold or to the application of a more detailed locational approach.

45. There may be a role for additional guidance but this should be firmly based in the terms of the policy. Policy Hou 8 provides the local development plan policy on student accommodation and does not define a "campus" or any specific locations. Further guidance is proposed through paragraph 222 but I note this is not referenced as

Supplementary Guidance. To be included as such the guidance would have to be appropriately referenced and based on the principles established in the plan. The guidance referred to is not a matter for this examination and in considering future proposals, Policy Hou 8 as part of the development plan, would carry the greatest weight.

46. The policy recognises the benefits of purpose built student accommodation as it does not result in the loss of general needs housing stock and can generally take place at relatively high densities. Criteria a) directs such development to locations accessible to public transport and to university and college facilities. I consider this serves a clear planning purpose in that it reduces the need to travel other than by walking, cycling or public transport. I consider this could be further clarified by better definition of what is required to secure access to university and college facilities. The council's suggested wording provides a helpful addition in this respect - 'The location is appropriate in terms of access to university and college facilities by walking, cycling or public transport'. My recommendation reflects this.

47. With this change I consider the planning objective to secure locations accessible to higher education facilities is sufficiently covered. It would be difficult to define "direct relationship" or the planning objective behind such a requirement. Specific reference to Sighthill would not fit with the more general nature of this policy in applying to all student accommodation. Consequently, I do not consider any change is required in these respects.

48. In relation to criteria b) Paragraph 222 of the proposed plan takes account of the nature of the locality. Whilst purpose built accommodation is preferred this is only supported in appropriate locations. It would not be appropriate to refer to specific localities or streets in this more general policy. I have no evidence on the application of an appropriate percentage threshold or how this might be applied. I consider there may be locations where a concentration exceeding 30% would not be excessive.

49. I consider that the interpretation of excessive would fall to be considered on the merits of any particular proposal.

50. In this respect I consider that it would be helpful if the policy wording in "bold" better reflected the considerations set out in the supporting text so that it is clear what the planning objectives is in seeking to avoid an "excessive concentration". To reflect this conclusion, I recommend additional wording in b) to reference the maintenance of balanced communities and the avoidance of detrimental impacts on the character and amenity of the area.

51. I note the use of 'accommodation' and the council's interpretation of this to apply to all student accommodation including that in the private rented sector and not just that which is purpose built. I consider a small change here to specifically reference the private rented sector would avoid any future ambiguity in this respect. My recommendation reflects this.

52. I have addressed the requests for specific references to student accommodation within other housing policies elsewhere in this issue under the relevant policy reference. In this respect I do not consider it necessary to include a cross-reference to Policy Hou 8 as the plan should be read as a whole. I find that my proposed changes are sufficient to address the required clarification of this policy as referenced in relation to appeal decision (PPA-230-2122) and the concerns expressed by the Southside Association.

53. Given that this policy is concerned with purpose built accommodation I am not persuaded that there should also be a specific reference to the emerging strength of the private rented sector housing market and the need to positively address this.

54. I recognise that it is important to make appropriate provision for student accommodation and some locations by their nature are better placed to accommodate a particularly high concentration of students. That is why I do not consider it would be appropriate to apply a percentage threshold through the development plan. This enables flexibility to apply a realistic interpretation based on the established character of the area.

55. I appreciate concerns about reference to higher densities, less car parking and open space and accept that student accommodation should not be to the detriment of the character and amenity of the area. I consider the final sentence of paragraph 221 could be clarified to avoid any potential to establish a mixed message. Replacement with a more general sentence which should not imply that design considerations should be set aside would address these concerns. With these changes I do not consider that further cross referencing or changes to the wording in paragraphs 221 and 222 is appropriate or necessary.

56. As for any type of development there is an expectation that the market will take account of the sustainability of the use as part of any investment decision. Representations to this plan highlight a continued demand for such accommodation and I have no evidence of any anticipated saturation of the market. This policy cannot cover every eventuality and if such a situation should occur then any applications for change of use of these building to mainstream or other types of residential provision would be assessed on their merits with regard to other relevant policies in the plan. Consequently, my conclusion is that no change is required to address this specific matter.

Housing in Multiple Occupancy

57. Policy Hou 9 of the Edinburgh City Local Plan was deleted as its influence was limited to larger premises of 6 people or more. The planning system has no control on the use of flats and other premises where less than 6 people are sharing. The objective of any policy should reflect matters which fall within the remit of planning. In this case such influence is restricted to changes of use which require planning permission. This could apply equally to an HMO as another use. The planning objective is to ensure that such proposals do not have an unacceptable impact on the living conditions of nearby residents. I consider that these matters are sufficiently addressed through Policy Hou 7 on inappropriate uses in residential areas.

Hou 9 Sites for Gypsies, Travellers and Travelling Show-people

58. Scottish Planning Policy paragraph 133 references the specific housing needs of Gypsies and Travellers. The needs of all Gypsies and Travellers for appropriate accommodation should be considered through the housing needs and demand assessment and the local housing strategy. Planning authorities should identify suitable locations for meeting the needs of Gypsies and Travellers and set out policies about small privately owned sites. Gypsy and Traveller communities should be involved in identifying sites for their use.

59. I appreciate that Policy Hou 9 has not gone as far as to identify a specific site or sites to meet these needs but rather it sets out criteria to guide future provision. In the

absence of a specific site search, I consider that paragraph 223 could go further to reflect the pro-active stance set out in Scottish Planning Policy. Accordingly my recommendation adds a sentence on working in consultation with the gypsy and travelling community to identify an appropriate site in the context of this policy.

60. The policy does not presume against sites outwith the urban area and Policy Env 10 on development in the green belt and countryside does reference proposals where a countryside location is essential. This would provide some scope for greenfield locations in the absence of an alternative location in the urban area. Consequently I find no need for a specific reference to this in either Policy Hou 9 or Policy Env 10.

Hou 10 Community Facilities

61. Policy Hou10 references health and other community facilities and paragraph 224 includes specific reference to community halls. Given that Policy Env 19 applies to playing fields and any other form of indoor sports provision is likely to fall to a commercial provider I consider that the issue of protection existing sports facilities and planning positively for new provision is sufficiently addressed.

62. I agree that community facilities can apply to a range of uses depending on the circumstances but it may not be practicable or reasonable to extend this protection to all commercial premises. Policies can only address land use planning matters and not the future commercial viability and sustainability of individual businesses. For this reason I consider that it would be inappropriate to include a detailed definition of all cultural facilities. Paragraph 224 refers to facilities necessary to foster community life. I consider the existing references and policy, as carried forward from the current local plan, are sufficient.

63. I have reflected the Scottish Planning Policy town centre first approach through my conclusions on the location of office development and in the shopping and leisure section of the plan. I consider that inclusion of a new over-arching policy (as recommended below through new Policy Ret 1) gives this matter appropriate emphasis (see below). Policy Hou 10 has a focus on the co-location of housing with the necessary community facilities. Whilst town centres also have clear role in this respect I consider this is more appropriately addressed through a new stand- alone town centre first policy. Consequently I do not recommend any change to Hou 10 to address this matter

64. I appreciate that health care provision is not specifically referenced in the developer contribution policies but is specifically mentioned through Policy Hou 10. Reference to Scottish Planning Policy provides clarity that co-ordination of housing land release with investment in infrastructure including transport and educational investment is an important consideration. This matter is also raised in relation to Issue 21 and Homes for Scotland's response to Further Information Request 6 is relevant in this respect.

65. Policy Hou 10 sets out a requirement for housing development to be served by the necessary health and community facilities rather than the mechanism for doing so. However for the avoidance of doubt and in compliance with Circular 3/2012 I consider it necessary to clarify this in the context of any impact arising directly from the proposal. In this context I find the wording proposed in representation a helpful addition "relative to the impact and scale of development proposed". My recommendation reflects this.

66. Developer contributions are specifically addressed through Part 2 Section 1 of the

plan on delivering the strategy. Recommended changes in this section of the plan reflect our conclusion that, given the available evidence, the main focus of such contributions is on schools, transport infrastructure and green space provision. Additional text has been inserted on the specific matter of health contributions to address representation from the health board. This references the importance of health provision but also accepts the lack of current information or justification on the scale of the required provision and the associated need for contributions.

67. I note that growth allocations set out in the Plan have been discussed with the Edinburgh Community Health Partnership. This work has taken account of known student housing developments. I appreciate that the student population can put additional strain on infrastructure provision but the student population is determined by the capacity of the city's education institutions. Failure to cater for this demand would simply increase the pressure on the existing housing stock rather than decrease the amount of students. I have discussed above the difference in approaches between health care and other forms of infrastructure such as roads and education. In this instance the universities and colleges also play an important role in providing the required social and community infrastructure. Consequently I do not consider that Policy Hou 10 should specifically reference student accommodation.

Retail Policies

Town Centre First

68. Scottish Planning Policy (paragraphs 58-69) places considerable emphasis on town centres as the primary location when planning for uses which generate significant footfall. I appreciate that this section of the plan is focussed on shopping and leisure and the relative roles of city, town, commercial and local centres. I have separately addressed a town centre first approach in relation to Policy Emp 1. I appreciate the council's view that this approach is set out through its specific policies Ret 1-5. However, I consider that to set out a clear message and reflect the appropriate emphasis there should be a single policy that fully covers the town centres first approach as set out in Scottish Planning Policy. My recommendation reflects this. I have included some corresponding changes to paragraph 227 to provide consistency with the new policy but retain the existing references to adjoining council areas and the possible application of retail assessment to smaller proposals.

Policy Ret 1 City Centre Retail Core

69. I acknowledge that it is important to create a safe and attractive environment for all. However, traffic access can often run contrary to this objective so far as pedestrians are concerned. A key focus for town centres is enhancing pedestrian footfall. In any event the wider road network and traffic management fall to other transport policies and strategies rather than to specific retail proposal. My conclusion is that the wording of criteria d) is sufficient in this respect.

70. As this policy is directed at proposals for retail development I do not consider it would be appropriate to include reference to wider issues such as advertising and the general street-scene and public realm. These are more general matters to be addressed through public realm and street-scape initiatives. My conclusion is that no change is required.

71. Whilst a variety of shops will undoubtedly assist in retail choice and the attractiveness of the town centre there is no mechanism to address this through the planning system. Consequently I do not consider that reference to retail variety in this policy would be appropriate.

Policy Ret 2 – Town Centres

72. With regard to the request to delete the text 'or can form an effective extension to the centre' and replace this within "within easy walking distance" I prefer a slightly amended alternative. The key here is that the site functions alongside the town centre without an adverse impact, that it might promote linked trips to other town centre shops and facilities and that it is easily and safely accessed from the town centre. By the nature of these requirements this will generally mean that such locations should be in easy walking distance.

73. Consequently I propose some addition to the text to include reference to safe and convenient pedestrian access and the potential for linked trips. My recommendation reflects this.

74. The reference to supplementary guidance does not indicate that this would be statutory guidance and as such it would not carry the weight of inclusion in the development plan. Nonetheless, it may provide guidance on current considerations that cannot await update through the development plan process. The text does state that guidance may be prepared and given I have no representation requesting deletion of this reference I am content to leave it to the council to consider the scope for this to extend to town centre boundary changes and the approach it would take to consultation. The guidance itself falls outwith the remit of this plan.

Policy Ret 3 – Commercial Centres

75. I understand that retail formats are changing and different approaches may emerge to reflect online shopping habits. However, paragraph 63 of Scottish Planning Policy references the appropriate scale of development and that it should help to meet qualitative or quantitative deficiencies. I consider that scale is a relevant consideration in assessing whether a sequentially preferable location could be found and also in terms of its potential impact on town centres. My conclusion is that no change is required.

Policy Ret 4 – Local Centres

76. Town centre boundaries are drawn to reflect the logical boundary of the retail and commercial area. It would not be appropriate or consistent to revise this boundary in any particular area purely on the basis of excluding large scale advertisement hoardings. Any advertisement proposals would fall to be assessed through the development management process. My conclusion is that no change is required.

Policy Ret 5 – Out-of-Centre Development

77. My conclusion reflects that above in that reference to qualitative improvement is supported through Scottish Planning Policy (paragraph 73) which is specific to out of centre locations.

Policies Ret 6 and 7 Entertainment and Leisure Uses

78. Policies Ret 6 and Ret 7 refer to proposals for new entertainment and leisure development in the city. Whilst I appreciate concern about protecting existing cultural facilities such as theatres I have no evidence that this is a particular issue in the city or that it is one that could be appropriately addressed through the planning system. Reference to protection would only be relevant if this was justified and where it was clear how such a policy could be implemented. Consequently, I do not recommend any change in this respect.

79. Planning policies cannot cover every eventuality and I would be concerned about diluting the emphasis placed on town centres. However, I consider there is sufficient flexibility in the terms “compatible with its surroundings” and in discounting “unsuitable locations” to enable consideration of proposals which may be location specific.

Policy Ret 8 Alternative Use of Shop Units and Policy Ret 9 Alternative Use of Shop Units in Other Locations.

80. Scottish Planning Policy paragraph 67 recognises concerns about the number and clustering of some non-retail uses such as betting offices and money lending premises in some town and local centres. However it does not suggest an embargo on such uses but rather a focus on an appropriate mix of uses. Whilst support is given to a policy approach to prevent over provision or clustering of these sort of uses this would have to be based on the appropriate evidence that this was actually having a detrimental effect on the character and amenity of centres and the well-being of communities. Such evidence would normally be drawn from the town centre strategy. In the absence of such justification I do not consider it would be appropriate to place a limit on further such development whether in Corstorphine or elsewhere.

81. I appreciate the approach to primary retail frontages in town centres is established through the Edinburgh City Local Plan. However the blanket application of policy through-out the city may restrict the potential to tailor the approach to individual circumstances. The preparation of statutory Supplementary Guidance as outlined in paragraph 248 of the plan is intended to guide change of use applications in each of the nine town centres. There is no detail as to how this is to be approached but this guidance is specifically referenced in Policy Ret 8. Given the need to establish the principles of any Supplementary Guidance in the plan (as explained in Circular 6/2013) the scope of this would be limited to further detail on the implementation of the policy as set out in this plan.

82. I consider a tailored approach is sensible as this can reflect the relative strengths and particular characteristic of the centre. Consequently, I do not consider that reference to primary retail frontages need be retained. Statutory supplementary guidance once approved forms part of the development plan and will carry the relevant weight in the decision making process.

83. In certain circumstances there may no longer be a justification to retain retail premises. In these cases I consider it is preferable to have a policy approach to enabling alternative uses such as residential. This approach avoids the negative consequences of long term vacancies including the deterioration of the building. It would not be appropriate to refer to specific sites or locations such as Pentland View Court or the site of the former Currie Primary School in these more general policies.

84. Given the context of the proposed Supplementary Guidance and the move towards a tailored approach for individual centres I consider that a reference to town centre health checks could appropriately be included in accordance with Scottish Planning Policy. The purpose of a health check is to assess a town centre's strengths, vitality and viability, weaknesses and resilience (Scottish Planning Policy paragraph 64). This would establish a sound evidence base on which to approach the detailed implementation of Policy Ret 8. My modification reflects this.

85. Criteria a) relates only to local centres and the combination of a) and b) both apply in seeking to retain a retail function for these centres. The detailed approach in the city centre is to be set out in separate Supplementary Guidance. The reference to shop units as defined in the glossary would include basement units which are accessed directly from the street.

86. I note that Sensitive Areas are defined in the Guidance for Business non statutory guidance in relation to food and drink establishments. In the absence of detailed evidence of the concentration of such uses and the nature of any current impacts I would not be in a position to conclude that the west end of Rose Street/George Street should be added to the list of sensitive areas. Amendment of guidance or changes other than those required to address the issues raised in representation fall outwith the scope of this examination.

87. Policy Ret 8 does not reference specific locations as it is a general policy to be defined through more detailed supplementary guidance. Circular 6/2013 Development Planning helps to define the relative split between the principles to be established in the development plan and further supporting detail which can be addressed in Supplementary Guidance. In this respect I have some sympathy with the view that a firmer basis for the Supplementary Guidance could have been established in the plan as subject to this examination.

88. However when read with the supporting text the objectives of this policy and its locally tailored approach are sufficiently clear. If the criteria on 'four or more consecutive non-shop uses' is to carry weight in the decision making process I consider it is correctly included in the policy. I find no detailed justification to support a conclusion that this approach is overly rigid or that it fails to reflect the policy objective of maintaining the retail function of local centres. The policy does not reference core and primary frontages so they would have no basis to be included on the proposals map. Consideration of comments addressed specifically at the proposed Supplementary Guidance fall outwith the scope of this examination.

Reporter's recommendations:

Modify the proposed plan as follows

1. Delete Policy Emp 1 and replace as follows:

High Quality office development including major developments will be supported:

a) In the City Centre as identified on the Proposals Map

b) In other strategic business centres identified on the proposals map at Edinburgh Park South Gyle, the International Business Gateway and Leith preferably as part of business

led mixed use proposals

c) in town or local centres as identified in Table 6 and on the Proposals Map (where of an appropriate scale).

Where it is demonstrated that sites in locations a-c above are unavailable or unsuitable other accessible mixed use locations may be considered where:

In proximity to public transport nodes, compatible with the accessibility of the location by public transport and with the character of the local environment, and
For any development exceeding 2500 square metres an assessment of impact has been prepared which demonstrates that the impact on existing town centres is acceptable.

2. Delete the text in bold in Policy Emp2 Edinburgh Bioquarter and replace with:

Development within the boundary of Edinburgh Bioquarter as defined on the Proposals Map will be granted provided it accords with the Bioquarter Development Principles (Part one section 5) to be further detailed through Supplementary Guidance.

3. After the second sentence in paragraph 195 insert:

This policy also supports the development of the National Performance Centre for Sport and directly related development.

4. Replace paragraph 208 in support of revised Policy Hou 1

208. Policy Hou 1 reflects the emphasis on delivery of the identified land supply. However, it also sets out a mechanism through which to bring forward additional land if a 5 year supply is not maintained. The criteria which apply reflect the considerations already established through SESplan(Policy 7) as well as the Scottish Planning Policy presumption in favour of sustainable development. Whilst the green belt is established by the plan this should not automatically preclude housing development where the relevant balance of considerations points to approval and the objectives of the city wide designation of green belt are maintained.

5. Delete Policy Hou 1 and replace as follows:

1. Priority will be given to the delivery of the housing land supply and the relevant infrastructure* as detailed in Part 1 Section 5 of the Plan including:

- sites allocated in this plan through tables 3 and 4 and as shown on the proposals map
- as part of business led mixed use proposal at Edinburgh Park/South Gyle
- as part of the mixed use regeneration proposals at Edinburgh Waterfront (Proposals EW1a-EW1c and EW2a-2d and in the City Centre).
- On other suitable sites in the urban area, provided proposals are compatible with other policies in the plan

2. Where a deficit in the maintenance of the five year housing land supply is

identified (as evidenced through the housing land audit) greenfield/greenbelt housing proposals may be granted planning permission where:

- a) The development will be in keeping with the character of the settlement and the local area
- b) The development will not undermine green belt objectives
- c) Any additional infrastructure required* as a result of the development and to take account of its cumulative impact, including cross boundary impacts, is either available or can be provided at the appropriate time.
- d) The site is effective or capable of becoming effective in the relevant timeframe.
- e) The proposal contributes to the principles of sustainable development.

* This should be addressed in the context of Policy Del 1, Trans X and the associated supplementary guidance.

6. Amend Policy Hou 4 c) to read:

The accessibility of the site including access to public transport.

7. Amend the supporting text to Policy Hou 5 by adding the following at the end of paragraph 215:

However, conversions to residential use could be supported where the shop unit has been vacant for a significant period of time and been actively marketed, where there is local need and demand for a range of housing types and for town centre living.

8. Add the following to the end of paragraph 218:

Where planning permission is sought for specialist housing an affordable housing contribution may not always be required depending on the nature of the specialist housing being proposed and economic viability considerations.

9. Replace Policy Hou 8 Student Accommodation criteria a) and b) to read:

- a) The location is appropriate in terms of access to university and college facilities by walking, cycling or public transport
- b) The proposal will not result in an excessive concentration of student accommodation (including that in the private rented sector) to an extent that would be detrimental to the maintenance of balanced communities or to the established character and residential amenity of the locality.

10. Replace the final sentence in paragraph 221 with:

In general such provision can take place at relatively high densities. Open space and car parking provision can be tailored to reflect the nature of the proposed use. However these considerations should not compromise design quality.

11. Add the following sentence to paragraph 223 following Policy Hou 9:

There is a commitment to working in consultation with the gypsy and travelling community to identify an appropriate site(s) in the context of this policy.

12. Add the following at the end of the first sentence of policy Hou 10 “relative to the impact and scale of development proposed”.

13. Add the following new Policy at the end of paragraph 226 and delete paragraph 227 with consequent renumbering of the remaining retail policies:

Policy Ret 1: Town centres first policy

Planning permission will be granted for retail and other uses which generate a significant footfall including commercial leisure use, offices, community and cultural facilities and where appropriate libraries, education and healthcare facilities following a town centre first sequential approach in the following order of preference:

- Town centres(including city and local centres)
- Edge of town centre
- Other commercial centres as identified in the plan
- Out of centre locations that are or can be made accessible by a choice of transport modes

Where a retail or leisure development with a gross floorspace over 2500sqm or occasionally for smaller proposals, if proposed outwith a town centre and contrary to the development plan, a retail impact analysis will be required sufficient to demonstrate that there is no significant adverse effect on the vitality and viability of existing town centres. Town and local centres within adjoining Council areas will also be considered when assessing retail impact if they fall within the intended catchment area of the proposal.

14. In the final paragraph of Policy Ret 2 following criteria e) amend to state “or can form an effective extension to the centre by promoting linked trips with safe and easy access to the town centre, where it is clear -----”.

15. In Policy Ret 8 under criteria b) Supplementary Guidance will detail an approach tailored to different parts of the city centre retail core and each town centre to be informed by town centre health checks which will assess the centres strengths, vitality and viability, weaknesses and resiliencies.



[REDACTED]
Local Development Plan
East Lothian Council
John Muir House
Haddington
East Lothian
EH41 3HA

01 March 2016

Dear [REDACTED]

Thank you very much for allowing for Scotland and our members to consider and comment on your housing site programming in advance of the formal Proposed Plan consultation. We have suggested in our written evidence to the current planning review that housing numbers should be discussed and agreed on at an early stage, so it is very positive to see this being done on a voluntary basis.

We are also pleased to see your authority taking a confident and ambitious approach on future housing supply. This resonates well with Homes for Scotland's confidence, as expressed in our manifesto for this year's Scottish Parliament elections. In that document, *Building Enough Homes for Scotland*, we make a number of recommendations that would create a supporting policy environment that could enable a 10% year on year increase in delivery and allow the Scottish home building industry to return to its pre-recession delivery rate of 25,000 homes a year by 2020.

In terms of the figures themselves, our summary view is that whilst you have identified sufficient sites to deliver the required number of homes in site capacity terms, there are some elements of risk in the way you anticipate those number being realised. For example, you assume all new site allocations will deliver homes from 2018/19 onwards. That would require planning permission for all those sites to be granted this year. This is unlikely as, to date, not all of the sites are the subject of a planning application. Additionally, some of the sites are in locations which have unresolved infrastructure challenges, not all of the sites have a home builder attached to them, and some of them are very ambitiously programmed in terms of annual yields.

That said, we believe there is scope for you to reconsider your programming (to take these issues into account) and still meet your SESplan housing land requirements. We also feel your revised interim guidance will help the home building industry to improve delivery in the pre-LDP period. We can't provide comments on a site-by-site basis at this stage. However, I have provided our own guidelines on housing land audits. These set out helpful advice on factors such as lead in times and typical annual yields for different types of sites, including large sites delivered by more than one builder (for example).

I hope that document, and the comments above, will help you in finalising your programming. The above advice is, of course, given without prejudice to any comments we make at the formal LDP Proposed Plan consultation stage.

Yours sincerely,

[REDACTED]
[REDACTED]
Head of Planning

T: [REDACTED]
E: chief.planner@gov.scot

29 September 2017

Dear colleague,

I am writing to you to provide a general update on progress with the review of planning. Over the summer a range of related workstreams have been progressing and we remain on target to introduce a Planning Bill by the end of this year. I'm providing a summary of key workstreams below but more information is available on our webpages at <https://beta.gov.scot/policies/planning-architecture/>.

Review of Planning

Our Places, People and Planning Consultation set out 20 proposals for change. It secured over 470 written responses and prompted a large number of events and conversations. Such high engagement levels provided an excellent evidence base for us to refine our proposals and in June we published our Position Statement. The Position Statement focuses on the technical matters and legislative issues but acknowledges that they are one part of a wider programme of reform.

We invited comment on the Position Statement and the accompanying Strategic Environmental Assessment and were again very encouraged by the number of responses. The individual responses are available on our website and we will shortly publish an analysis of responses report, which Kevin Murray and Associates have prepared.

Some stakeholders felt that more detail might have been provided in the position statement in terms of how proposals could work and on timings and transitional arrangements. It is important to say that there is still a substantial process ahead and I want to reassure stakeholders that we will maintain high levels of engagement as things progress.

We are in the process of developing a detailed process to support understanding of how the provisions being taken forward might work in practice. We will discuss the content further with the working groups which we are convening on 2 October. We will ensure that relevant papers are available online thereafter.

The Planning Bill is only one part of the process, and much more can be done outwith legislation to support the planning review. Whilst our current priority is to ensure we are prepared for the Bill, there are a range of other projects being progressed which are all aimed at realising the aims and aspirations of the review. To help stakeholders to understand how this all fits together, next week we will provide some additional information on our review webpage. There will be diagrams showing the overall programme of work and information on each proposal setting out whether legislation is needed to implement and what progress has been made. This information will be updated as we go forward.

Planning Bill Timetable

We are working towards introducing a Planning Bill to the Scottish Parliament around the end of 2017. Following Introduction, the Committee considering the Bill will usually issue a call for written evidence, and invite key stakeholders to give evidence in person. They may also arrange other consultation events to hear views on the Bill and I would encourage you to take part in this process. Completion of the Bill is subject to the Parliament's timetable, but we would expect it to be passed by the end of June 2018.

Business and Regulatory Impact Assessment

Following the consultation, we are now seeking further information to identify the potential financial implications of our proposals. Whilst we appreciate it is difficult to put exact costs on certain elements at this stage, it is important to gather as much information as we can to assist with scrutiny of the Bill, and this can then be developed as more detail emerges. We have already contacted some targeted interests for this purpose, but if you would like to contribute to the exercise, please get in touch.

Housing Delivery Advice

Last year we consulted on draft advice on housing delivery. Whilst stakeholders agreed with much of the content there remains disagreement on key elements around the provision of an effective housing land supply. Given the advanced stage of the planning review we want to avoid any conflict between established planning policy and guidance contained in SPP and supporting documents and the draft advice note. Accordingly we are minded to withdraw the draft advice. We have separately launched the advice note on Build to Rent and will pursue an agreed process for establishing an effective land supply as a supporting workstream to the planning review. The Build to Rent guidance is available here:

<https://beta.gov.scot/publications/planning-delivery-advice-build-to-rent-advice>

In the meantime the terms of circular 2/2010 and SPP remain in force to provide policy context.

Digital Taskforce

The Digital Task Force, chaired by the Minister for Local Government and Housing, held its first meeting on 23 August, where they agreed their vision, terms of reference, principles and approach. The group aims to deliver a digital planning strategy by autumn 2018. Further information is available on our website.

Performance

The annual planning performance statistics for 2016/17 were published over the summer. There were 246 major applications determined within the period, which took an average of 37 weeks. In 2016/17, over 26,000 applications were determined within 9.2 weeks, the quickest since 2010. This includes almost 5,000 local housing applications determined within 12.7 weeks.

We have now received Planning Performance Frameworks from all planning authorities and will provide feedback as soon as we can. The next High Level Group on Performance is scheduled for the end of October. The group, which is jointly chaired by the Minister for Local Government and Housing and the COSLA Spokesperson for Environment and Economy, agreed to use the next meeting to refine and update their remit to ensure they are focused on supporting reform. We will update you following the meeting.

A Nation with Ambition

On 5 September, the Scottish Government published [A Nation with Ambition: The Government's Programme for Scotland 2017-18](#). It notes that the review of the planning system highlighted the importance of infrastructure to unlock opportunities for development and housing supply. Key issues for planning include:

- the introduction of a Planning Bill to improve the system of development planning, give people a greater say in the future of their places and deliver planned development.
- actions to support inclusive growth and investment such as a new approach to Simplified Planning Zones, modernising Compulsory Purchase Orders and building on our eDevelopment services with the Digital Taskforce.
- reviewing the National Planning Framework and strengthening its alignment with wider strategies and programmes,
- use new powers to restrict the over-provision of betting shops and payday lenders on our high streets, explore how food outlets in the vicinity of schools can be better controlled and work with local authorities to support people to live an active lifestyle through access to walking, cycling and places to participate in physical activity.
- support the increased delivery of self-build and custom-build homes and expand the options available to provide more flexibility for both individual homeowners and the construction industry. This will include Simplified Planning Zones for housing, in recognition of the significant opportunities for the self-build and custom-build sector.

Compulsory Purchase Orders

I noted in my last letter that a team had been formed in PAD to take forward Ministers commitment to reforming Compulsory Purchase Orders (CPO) and supporting local authorities to utilise existing CPO powers. The team has met a number of local authorities to understand recent utilisation of CPO, the barriers to wider use and what support we can provide. New guidance on the CPO process for acquiring authorities is currently being drafted and will be shared widely for comment shortly. In the meantime the team would be happy to meet with anyone who wishes to share their recent experience of, or who is considering the use of, compulsory purchase. Please let us know if you would like to take up this offer.

Charrettes

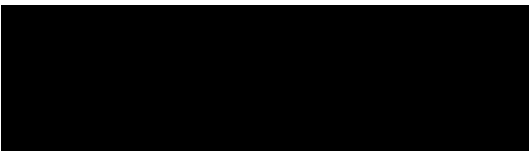
In 2017-18 we are broadening the scope of the previous design charrette programme to support a wider range of participative design events. The initiative will support design processes in many forms, from intensive working over a few days to projects that adopt a slower pace over a longer timescale, or short workshops with key groups. In addition, we will be working with Architecture & Design Scotland to support communities keen to develop their capacity or those who are moving forward with the delivery of previous design processes through the Community Capacity Building and Community Delivery support initiatives.

Research

Research projects to support the review are ongoing. The work by Peter Brett Associates, Brodies and Traderisks on an infrastructure levy is now complete with Stage 3 being published shortly. Similarly, research (commissioned jointly with Historic Environment Scotland, SEPA and SNH) on Strategic Environmental Assessment to inform the review of planning is close to completion and will be published in due course. We will be commissioning further work on permitted development rights, information to support site allocations in development plans, and aligning consents in the coming months. Work on a number of development plan exemplars and pilots is also ongoing.

I hope that this update has been useful. Should you wish any further information on any of the above points, please contact us at chief.planner@gov.scot. Additional information about our current workstreams can be found at: <https://beta.gov.scot/policies/planning-architecture/>

Yours faithfully



[REDACTED]

From: [REDACTED]
Sent: 23 November 2017 15:45
To: [REDACTED]
Subject: Recent Appeal Decisions Relating to West Lothian LDP Examination

Dear [REDACTED]

Whilst I realise that the Examination Report for the West Lothian Local Development Plan Examination is due to be published shortly, I wanted to draw the Reporters' attention to two recent West Lothian planning appeal decisions.

The Reporters may already be aware of these appeal decisions, and they provide an up to date and interesting set of conclusions on the methodology for calculating the effective housing land supply. In the case of the Wellhead Farm decision (number 2 below), Reporter Robert Seaton addresses the West Lothian 2016 Housing Land Audit, and makes reference to the Examination and Further Information Requests on housing supply.

1. Land Murieston Road, Livingston - <https://www.dpea.scotland.gov.uk/CaseDetails.aspx?ID=117436> (Reporter – Claire Milne)
2. Land at Wellhead Farm, Murieston Road, Livingston – <https://www.dpea.scotland.gov.uk/CaseDetails.aspx?ID=117574> (Reporter – Robert Seaton)

I understand that the FIR process for the LDP Examination has concluded, and that the Reporters will be finalising their report, therefore this email comes late in the day to you and is not information sought by the Reporters, however I believe the information within both appeal decisions to be of optimal importance to the LDP Examination.

Kind regards

[REDACTED]

[REDACTED]

Principal Planning Advisor
Homes for Scotland

5 New Mart Place, Edinburgh, EH14 1RW

Tel: [REDACTED]
Mob: [REDACTED]
Email: [REDACTED]
Website: www.homesforscotland.com

*In order to tackle Scotland's housing crisis and ensure that we have **enough homes of all tenures in the right locations** to properly house our growing population, Homes for Scotland is calling for at least 100,000 new homes by the end of the next Scottish Parliament. Click [here](#) to read our manifesto in full or visit www.homesforscotland.com for up to date market commentary.*

Charity partner:



From: [REDACTED]
Sent: 29 November 2017 13:31
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: LDP-390-2 Development Plan Examination Report Now Available

Thank you for sending this through. I have read through quickly some of the Report and have noted that there may be an arithmetic oversight within the Reporter's calculations of the Housing Land Calculation set out on page 56 of the Report.

If I understand matters correctly, the Reporter has based the calculations on the [Agreed 2016 Housing Land Audit](#). On that basis, I note that the land supply (excluding small sites & windfall) between 2016 and 2022 would be 2,316 new homes with a further 35 new homes per annum delivered from small and windfall sites based on the revised assumption set out on page 24 of the [proposed LDP](#). In addition, there have been 368 new homes delivered in 2015/16.

However, if the 2016 HLA figures for potential supply between 2016 and 2022 including small and windfall sites (which was previously assumed to be 40 new homes per annum) (page 16 of the 2016 HLA) and the 2015/16 completions is added together, the figure would be 2,924 new homes; the figure used in the Reporter's Table.

This therefore suggests to me that the calculation has double counted the 2015/16 completions as well as over-estimating the small and windfall sites assumption by 5 new homes per annum (55 units across the Plan period) which is therefore a total error of 423 new homes.

The Housing Land Calculation table on page 56 of the Reporters' Report should perhaps then be as follows (tracked changes included to show suggested changes that may need to be made):

	Homes (all tenure)
HST	7,072
- Completions 2010 - 2015	-1,540
+ generosity Margin of 16%	885
HLA	6,417
Land Supply	
Completions 2015/16	368
Established Land Supply 16/22 (HLA 16) inc windfall (assumed 35 new homes per annum)	2,924 2,526
Established Land Supply 22/27 (HLA 16) inc windfall (assumed 35 new homes per annum)	2,487 2,462
New PLDP site allocations (now inc in HLA 16)	
Total Supply	5,779 5,356
Difference (Surplus / shortfall)	-638 -1,061

This also then has consequential implications for the LDP Housing Land Supply table on page 59 of the Report and the Difference (surplus / shortfall) would then become -411.

I would be grateful if you could bring this to the Reporter's attention and advise how this matter will be taken forward.

Kind regards

[Redacted]

Principal Planning Advisor

Homes for Scotland

5 New Mart Place, Edinburgh, EH14 1RW

Tel: [Redacted]

Mob: [Redacted]

E-mail: [Redacted]

Web: www.homesforscotland.com

*In order to tackle Scotland's housing crisis and ensure that we have **enough homes of all tenures in the right locations** to properly house our growing population, Homes for Scotland is calling for at least 100,000 new homes by the end of the next Scottish Parliament. Click [here](#) to read our manifesto in full or visit www.homesforscotland.com for up to date market commentary.*



Charity partner:



-----Original Message-----

From: DPEA [mailto:[Redacted]]

Sent: 29 November 2017 10:16

To: [Redacted]

Subject: LDP-390-2 Development Plan Examination Report Now Available

[Redacted]

Please find attached a document related to the case: LDP-390-2 - Proposed Stirling Local Development Plan

Regards,

[Redacted]

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

[Redacted]

From: [Redacted]
Sent: 31 May 2018 12:38
To: [Redacted]
Cc: [Redacted]
Subject: RE: LDP-180-2 Request Comments
Attachments: 2018 05 31 - FIR02 - HFS Response.pdf

[Redacted]

Please find attached a submission on behalf of HFS to Further Information Request 02.

Please also note, I will be leaving HFS on 15 June 2018 and therefore I would be grateful if you can liaise with my colleagues Tammy-Swift Adams and Nikola Miller on this matter.

Kind regards

[Redacted]

[Redacted]
Principal Planning Advisor
Homes for Scotland
5 New Mart Place, Edinburgh, EH14 1RW
Tel: [Redacted]
Mob: [Redacted]
E-mail: [Redacted]
Web: www.homesforscotland.com

-----Original Message-----

From: DPEA [Redacted]
Sent: 17 May 2018 17:01
To: [Redacted]
Subject: LDP-180-2 Request Comments

[Redacted]

Please find attached a document related to the case: LDP-180-2 - Proposed Dundee Local Development Plan

Regards,

[Redacted]

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>



██████████
Planning and Environmental Appeals Division
4 The Courtyard
Callendar Business park
Falkirk
FK1 1XR

By Email to: ██████████

31 May 2018

Your Ref.: LDP-180-2

Dear ██████████

**Proposed Dundee Local Development Plan 2
The Town and Country Planning (Development Planning) (Scotland) Regulations 2008
Further Information Request 02: Issue 03 (Housing Strategy) and Issue 04 (Supply of
Land for Housing)**

We note your letter to Dundee City Council (DCC) of 26 April 2018 regarding Further Information Request 02 (FIR02) and the Council's response dated 17 May 2018. We have reviewed the Council's response and discussed this with Homes for Scotland (HFS) members.

On a general level, it may be that HFS and DCC are not significantly far apart. However, it is HFS's position that a Local Development Plan (LDP) must provide clear guidance to delivery partners on what is required to be achieved and be derived from a robust evidence base. This submission therefore explores the necessary amendments to the numerical basis for this plan without which the Plan may fail to meet the expectations of national policy or statutory obligations set through legislation.

- **Housing Land Requirement**

HFS notes what DCC has stated on this matter, and this is reflected in the commentary below. Nevertheless, it is unclear to HFS what point DCC is attempting to make in their comments in the second paragraph of their response on this matter. For the avoidance of any doubt, it is HFS's position that in preparing a LDP within a city region, Scottish Planning Policy (SPP) (CD 1) clearly sets out the national policy expectation at paragraph 119 that such plans:

"should allocate a range of sites which are effective or expected to become effective in the plan period to meet the housing land requirement of the strategic development plan up to year 10 from the expected year of adoption."

In this case, proposed LDP2 must meet the Housing Land Requirement (HLR) set out within TAYplan strategic development plan (SDP) (CD4). In so doing, it is relevant to note the wording of SPP paragraph 119. Irrespective of what was deemed acceptable previously, paragraph 119 clearly states that an emerging LDP must meet the strategic HLR. This then means allocating land for at least 6,336 new homes to be delivered (or capable of being delivered) between 2016 and 2028. It must also be noted that the predecessor of TAYplan was brought forward under the predecessor of SPP.

In allocating any land, the critical obligation is that this land is in the process of being delivered, or there is evidence to give comfort that it can be delivered within the timescales required; this is reflected on further below and later in this response.

The views of the home building industry are relevant to test the assumptions made by a local authority and the Housing Land Audit (HLA) process is a highly valuable approach to then be able to achieve this. That approach makes it possible to measure the land that can and will come forward. The delivery of this land is a partnership between a local authority and home builders. It would therefore be a highly disingenuous position to adopt that a local authority will simply allocate land and devolve the responsibility of delivery to home builders and one that we do not believe that DCC actually believes (despite the comment offered by the Council in the fourth paragraph of their response on this matter).

It may therefore be relevant to seek clarification from DCC as to what they mean by the statement:

“With a realistic supply of effective land on which to build and no constraints to delivery, the onus here in Dundee is on housebuilders to meet the housing supply target and for the Council to actively monitor completions and maintain a 5-year effective land supply as per Policy 9 of the Proposed LDP2.”

This appears to set aside the fact that there are constraints to the supply of new homes within Dundee (within the Established Land Supply) including constraints on the pace of land coming forward for acquisition and ultimate development as well as market conditions that all impact on how many homes can then be delivered in any year; much of which is within the gift of DCC to address through how and where they release land for development.

In terms of defining an appropriate HLR figure for proposed LDP2, given that the proposed plan period will run beyond the core SDP plan period, on the basis that DCC will adopt LDP2 in 2019, they are nevertheless still required to define a HLR to 2029 and continue to ensure compliance with SPP paragraph 119. In so doing they must also ensure they can comply with Section 16(6) of the Town and Country Planning (Scotland) Act 1997 (as amended) (The Planning Act) (CD33).

The matter of LDP start date (2018 or 2019) was raised by the Reporters in the context of the “take-up” matter but perhaps need some consideration at this stage. HFS understood the reasoning for adopting an LDP plan period to 2029 was to allow for a 10 year plan period starting in 2019 (as stated by paragraph 6.5 of proposed LDP2). It is therefore a confused position presented within the DCC response as to whether they are in fact planning for an 11 year plan period (2018 to 2029) or 10 years (2019 to 2029). HFS has proceeded on the basis that plan Adoption would take place in 2019 and therefore the 10 year plan period would run from then until 2029. DCC could perhaps be asked to clarify what plan period they are in fact planning for.

In their considerations of the City of Edinburgh LDP in 2016 (see [LDP-230-2](#)), the Reporters addressed a similar issue to that faced by DCC in terms of the LDP plan period extending beyond a stated SDP plan period. City of Edinburgh Council, through their proposed LDP, promoted a simple pro-rata extension of the approved strategic target between 2019 and 2024 out a further 2 years to 2026. The Reporters endorsed that approach in their conclusions on Issue 5 of that LDP Examination. TAYplan however, through Policy 4, presents a longer term timescale (20 years to 2038) that continues the same assumed annual average delivery rate for Dundee beyond 2028 as is stated for the period to 2028.

It is HFS's position that there must be a HLR identified for at least 10 years after the expected Adoption of the LDP to ensure consistency with SPP and the pro-rata approach presented by City of Edinburgh Council and endorsed by the Reporters dealing with the LDP Examination in 2016 (and in line with TAYplan Policy 4) has also been applied to Dundee's proposed LDP2 situation. As such, HFS is content that an annualised average HLR of 528 homes is used as the basis for defining the minimum scale of allocations that are to be brought forward through this LDP to the stated end of the plan period of 2029.

However, for clarity, HFS's position is that it is the strategic HST that proposed LDP2 must ensure it can and will deliver sufficient land to meet that target. The basis for this assertion is the statement of paragraph 115 of SPP which states:

"The housing supply target of a policy view of the number of homes the authority has agreed will be delivered in each housing market area over the periods of the development plan and local housing strategy, taking into account wider economic, social and environmental factors, issues of capacity, resource and deliverability, and other important requirements such as the aims of National Parks."

In allocating land, the emerging LDP must therefore consider whether the strategic targets have been met from the base date of the Strategic Development Plan (SDP). In this case, the LDP must take into consideration progress towards satisfaction of the strategic targets since 2016 and thereby ensure that the strategic targets will be met by the end of the plan period; no other LDP considers whether the strategic HST since 2016 has been delivered since the extant LDP for Dundee is based on the preceding SDP (which in turn was based on the preceding SPP).

Such an approach is also consistent with the position presented through the most recent City of Edinburgh LDP and also subsequently endorsed by those LDP Examination Reporters as well as being an approach endorsed by the Reporters dealing with the recent Stirling LDP Examination ([LDP-390-2](#)).

To that end, HFS is of the view that DCC's proposed LDP2 must set out how the annualised average of 480 homes per annum HST will be met between 2016 and 2029, a total HST of 6,240 homes (i.e. 13 years at an annualised average of 480 homes). To this a 10% Generosity Margin must be applied and subsequently, as is guided by SPP paragraph 119, the HLR that is to be met by proposed LDP2 would be enough land that is capable of delivering 6,864 homes between 2016 and 2029 with whatever has not been delivered by the time the LDP has been Adopted then requiring to be delivered by the end of the plan period.

An updated land supply calculation is provided as Annex 1 to this submission and draws together the position presented in here as well as updating the calculation set out in HFS's submission on DCC's proposed LDP2 from October 2017.

- **Take-up 2016-2018**

HFS notes what DCC has stated on this matter, and this is reflected in the commentary below.

HFS would question why an assumption was used in the first instance given HLAs provide a view (often agreed) on the potential land supply. "Take-up" is an arbitrary figure with no evidential basis and perhaps simply unsubstantiated guesswork of the land supply that may come forward. That figure is also less than what is expected to arise from information set out in the latest HLA.

The 2016 HLA (CD10) indicated that between 2016 and 2018 there would be 903 new homes delivered across the City. However, despite the DCC response to FIR02 it is still unclear to HFS why expected "take-up" to 2018 only was considered within the Housing Background Paper (CD08) when it should have considered "take-up" to 2019 with the adopted plan period then running for the 10 years from then to 2029. The 2016 HLA indicated a predicted output from the Established Land Supply to 2019 of 1,659 homes (303 new homes in 2016/17).

However, DCC has now finalised the 2017 HLA (CD11) following dialogue with HFS. Whilst there are a number of sites disputed within the 2017 HLA (see Annex 2), that nevertheless provides a view on potential supply to 2024. The known supply in 2016/17 was 416 new homes and the expected output from the Established Land Supply between 2017 and 2019 is now 960 new homes.

The variance between the predicted supply between 2016 and 2019 based on the 2016 HLA and that known / predicted within the 2017 HLA is then 283 fewer homes (this discrepancy arising through changes in programming of sites between the HLAs and sites being agreed as constrained in the 2017 HLA following dialogue with HFS). Across the disputed sites within the 2017 HLA, some 75 completions are predicted between 2017 and 2019; it is HFS's view that some of these may still come forward but only in later years.

The assumption that DCC has then suggested is that only 924 new homes may be delivered between 2016 and 2019 when their 2017 HLA has stated that some 1,376 new homes have been or will be delivered during this period. Even if the disputed sites are discounted from this figure, the variance between DCC's assumption and the published evidence would still be 377 more homes. Albeit DCC then expects these to still come forward later in the plan period it may question the validity of the programming set out in the 2017 HLA and implies that the final programming is perhaps too optimistic, including on sites where HFS has not disputed the Council's suggested programming.

- **Windfall sites**

HFS notes what DCC has stated and HFS would not disagree with the predicted supply of windfall and small sites across the plan period which has been assessed as an average of 72 windfall homes per annum and a further 20 new homes pa from small sites. HFS would state that the windfall and small sites assumption cannot be applied to any years where completions have been noted but, based on DCC's proposed approach, it would be reasonable to assume that during 2017/18 and 2018/19, a windfall and small sites contribution may be made in addition to the supply of new homes from the Established Land Supply.

This would then amount to 184 additional homes that may come forward in advance of the LDP2 being Adopted in 2019 plus a further 920 such completions that may come forward between 2019 and 2029.

HFS's view the overall numerical position is therefore, that proposed LDP2 must ensure that, as a minimum, land that is capable of delivering 5,304 new homes between 2019 and 2029 is identified within proposed LDP2.

This remaining strategic HLR could be met from the Established Land Supply and the 2017 HLA predicts this could now deliver 2,889¹ new homes to 2024 plus a further 681 then still available to be delivered between 2024 and 2029 from the unconstrained Established Land Supply² as well as the constrained supply. As also noted above, this supply could also be met in part through a contribution from windfall and small sites during that 10-year period (i.e. 920 new homes).

However, based on those figures, there would remain an under-supply of land for 814 new homes capable of being delivered by 2029 over and above that identified within the 2017 HLA that requires to be addressed within proposed LDP2. That under-supply may be addressed by new allocations coming through proposed LDP2 as well as new planning permissions on other sites and that is addressed below.

HFS has disputed a number of sites that would equate to land for 513 new homes from the effective Established Land Supply (75 homes between 2017 and 2019 and 438 homes between 2019 and 2029). These sites may still come forward during the LDP2 plan period to 2029 and for the purposes of the LDP land supply calculations, HFS has assumed these sites will still come forward and be developed by 2029 although later in the plan period than suggested by the 2017 HLA.

- **LDP Allocations**

HFS notes what DCC has stated throughout their response in that the additional allocations that amount to land for 930 additional units will meet any assessment of under-supply (be that DCC's assessments of land for 334 homes, 934 homes or 824 homes or HFS's updated assessment of land for 814 homes). However, the reality is perhaps more nuanced than this basic assumption.

Whilst unfortunate that the proposed LDP2 uses different site numbering to either the existing LDP or any HLA, in seeking to bring clarity of the situation (and in particular to understand which proposed LDP2 sites already form part of the Established Land Supply, which are additions to that supply and how much of the supply is not shown as an allocation within the Plan) HFS has prepared a schedule that combines information contained within Appendix 3 of proposed LDP2 and the 2017 HLA (Annex 3). This is then also reflected in HFS's conclusions on additional supply from new allocations set out below.

- **Land east of Strathyre Avenue (H47)**

HFS notes what DCC has stated and HFS agree that this site is classified as greenfield.

¹ The 2017 HLA mis-calculates the potential total supply between 2019 and 2024 and has omitted 6 new homes that will arise during that period from the annual totals.

² Note the 2017 HLA does not include the 49 units left to be built on the Whitfield Later Phases site beyond 2024 (2017 HLA site reference 200739 and proposed LDP2 sites H29 and H33).

- **Land at Western Gateway, Liff (H42)**

HFS notes what DCC has stated and HFS understands that proposed LDP2 site H42 is a new allocation being brought forward at this time in addition to the current allocations in this location. Proposed LDP2 site H42 lies between 2017 HLA sites 200409 and 200738.

- **Additional land proposed for housing within the LDP**

HFS notes what DCC has stated. Nevertheless, the information set out in our Annex 3 indicates that some 12 sites are not currently included within the 2017 HLA (shaded yellow in Annex 3) and as such these can be deemed new allocations within proposed LDP2. The new allocations include proposed LDP2 site H16 which is an extension of the existing 2017 HLA site 201107. They also include 7 former school sites across Dundee and 4 new greenfield sites; 3 of which are at the Dundee Western Gateway location and the fourth is on the north east edge of the City.

A further site (proposed LDP2 site H13 - Queen Victoria Works; shaded orange in Annex 3) has seen its capacity increased by 10 units within proposed LDP2 from that set out within the 2017 HLA and the Linlathen site (proposed LDP2 site H46, also shaded orange in Annex 3) has also seen its capacity increased by 100 units within proposed LDP2 from that set out in the 2017 HLA.

DCC's table includes the Linlathen site at Arbroath Road as a new allocation, HFS would consider this is not a new allocation given it already forms part of the Established Land Supply (albeit constrained). The Council's table also excludes the proposed LDP2 site H16.

The combined capacity of new allocations is therefore land for 860 new homes with 2 sites showing an increased capacity (over and above what is set out in the Established Land Supply) that amounts to land for a further 110 new homes. Therefore, whilst DCC has suggested that proposed LDP2 is adding land for 930 new homes to the Established Land Supply, in HFS's assessment they are promoting additional land for 970 new homes.

- **Effectiveness of LDP sites / delivery of enough new homes**

HFS notes what DCC has stated, and this is reflected in the commentary below. As noted above and as is set out in Annex 3, HFS understands that proposed LDP2 is promoting 12 new and 2 amended allocations that have a combined capacity of 970 homes. This must be set in context with the HFS assessed undersupply of land for 814 new homes once the Established Land Supply is considered (as now defined by the 2017 HLA) or any of the 3 assumptions of under-supply now provided by DCC.

However, there is a lack of evidence at this time to clarify how many of the potential 970 new homes proposed LDP2 is promoting over and above the Established Land Supply are capable of coming forward for delivery by 2029 (hence actually meeting the HLR and thereby complying with SPP paragraph 16 and Section 16(6) of The Planning Act). There also remains a question as to whether 2017 HLA presents an over-optimistic view of output from the Established Land Supply given DCC's use of "take-up" rather than HLA programming.

HFS has not undertaken any detailed quantitative analysis of the new / amended allocations but, we have briefly considered the Western Gateway sites. There is a potential that the additional allocations at the Western Gateway (proposed LDP2 sites

H41, H42 and H43) which have a combined capacity of 430 new homes, may only come forward for development later in the plan period (i.e. around 2024) once the current sites in that location are nearing completion.

As these sites come forward in due course, there is also a potential that the current delivery rate of 70 new homes per annum in that location will be maintained; a position that seems to be accepted by DCC in their comment at paragraph 3 on page 2 of their response to FIR02: “*Simply increasing the land supply would not increase the rate of delivery*”. Therefore, it is possible that only 24 new homes from the 3 proposed LDP2 allocations at this location would come forward in 2023/24 and then a further 210 new homes would come forward from these sites between 2024 and 2029 over and above the remainder of 2017 HLA site 200356.

Therefore, even if all of the other new allocations were capable of coming forward for development in full by 2029, these new allocations as a whole may only be capable of generating 774 new homes by the end of the plan period. However, given the known constraints on 2 of the sites (proposed LDP2 sites H44 and H46 which are also 2017 HLA constrained sites 201425 and 201424 respectively) that may not arise.

There is a risk that proposed LDP2 has not allocated sufficient land that is effective, or capable of becoming effective, to meet the strategic HLR and as such, Dundee’s proposed LDP2 would not be consistent with the national planning policy position set out within SPP at paragraph 119 and proposed LDP2 could not meet the statutory test set by Section 16(6) of The Planning Act.

It may therefore be relevant for DCC to produce an extended programming of the Established Land Supply and new / amended proposed LDP2 sites to 2029, to which further comment can be offered by third parties, to more explicitly test the ability of proposed LDP2 to meet the strategic HLR. This should clarify how currently constrained sites can and will be delivered and can perhaps also identify which, if any, Established Land Supply sites are to be deleted.

- **Delivery of Affordable Homes**

HFS notes what DCC has stated in their response to FIR02.

It is presently unclear from the 2017 HLA which sites are deemed affordable and which are market sites (which may then also deliver an element of affordable housing) despite the expectation clearly set out at paragraph 155 of SPP.

However, given the delivery rate achieved to date combined with the volume of land within the Established Land Supply and the new allocations where DCC is the landowner, it may be reasonable to assume that the 150 affordable homes per annum delivery rate can be achieved.

I trust the above is of assistance to the Reporters as they continue their consideration of DCC’s proposed LDP2.

As noted in our introduction to this submission, while it appears that HFS and DCC are not significantly far apart on a number of general points, it is HFS’s position that an LDP must provide clear guidance to delivery partners on the expectations that underpin the plan. Without the amendments to the numerical basis for this plan promoted by HFS response, that will be not be achieved.

I can also confirm that HFS will be available to attend a Hearing on Tuesday 24 July 2018 to explore these matters further if required.

Yours sincerely




Principal Planning Advisor

Enc.

Annex 1

Land Supply Calculations (May 2018)

a.	Strategic Housing Supply Target (2016 – 2029) based on an average of 480 pa (TAYplan 2017)	6,240
b.	Generosity Margin (10%) (TAYplan 2017)	624
c.	Housing Land Requirement (2016 – 2029) (= a. + b.)	6,864
d.	Actual Completions (2016/17) (2017 Housing Land Audit)	416
e.	Assumed completions from Effective Land Supply (2017-2019) (2017 Housing Land Audit)	960
f.	Assumed completions windfall sites (assume 72 pa) and small sites (assume 20 pa) (2017-2019)	184
g.	Equals Housing Land Requirement for LDP period (2019 – 2029) (= c. – d. – e. – f.)	5,304
h.	Completions expected from Effective Land Supply over the LDP 2 period (2019 – 24) (2017 Housing Land Audit)	2,889
i.	Completions expected from the remainder of Established Land Supply over the LDP2 period (2024 – 29) including constrained sites (2017 Housing Land Audit)	681
j.	Completions that may arise from windfall sites (assume 72 pa) and small sites (assume 20 pa) over LDP period (2019 – 2029)	920
	Under / Over supply against Housing Land Requirement (= h. + i. + j. – g.)	-814
k.	Disputed sites expected supply (2017 – 2019) (2017 Housing Land Audit)	75
l.	Disputed sites expected supply (2019 – 2029) (2017 Housing Land Audit)	438

Annex 2

Homes for Scotland Disputed sites within the 2017 Housing Land Audit

HLA SITE REF	CURRENT LDP REF	SITE NAME	OWNER / DEVELOPER
200115		Blackness Nursery	Signature Homes
200309	H04	Marketgait / South Tay Street	Brian Ower / Dundee City Council
200728	H19	Princes Street Ph2	Dundee City Council
200734	H21	224-232 Hilltown	Sydhur Properties (Dundee) Ltd
200821		Hawkhill Court, Mid Wynd	Lindores (Hawkhill) Ltd
200913	H31	Former Lawside Academy	Dundee City Council
201002		32-34 Mains Loan	James Keillor Estates
201004		Longhaugh Road	Tusker Developments
201205	H43	Land at Earn Crescent	Dundee City Council
201405		Land to Rear of Charleston Drive	Private
201408		114 Hilltown	Private
201412		36 Castle Street	Private
201508		The Old Mill, Brown Street	Crosslane Ltd
200727	H18	Princes Street Ph1	Dundee City Council
200730	H20	Maryfield Depot	Scottish Water
200808	H25	Angus Street	Dundee City Council
200813	H27	Loons Road	Private
201404		3 Albert Road Broughty Ferry	Private

Annex 3

Local Development Plan 2 Allocations and the Established Land Supply

LDP2 Reference	Site Name	LDP2 Capacity	HLA Reference	2017 HLA Capacity	2017 HLA Supply 2017 - 2019	2017 HLA Supply 2019 - 2024	2017 HLA Supply 2024+	2017 HLA Supply 2019 - 2024+
H01	Former Charleston Primary School	40	201416	40	10	30	0	30
H02	Land at Earn Crescent	20	201205	20	0	20	0	20
H03	Land at Clatto	60	201413	60	0	60	0	60
H04	Quarry Gardens	18	200807	18	0	18	0	18
H05	Fomer Lochee Primary School	30	201417	30	0	30	0	30
H06	Lochee District Centre	40	201510	88	32	56	0	56
H07	Foggyley Gardens	40	200339	40	21	19	0	19
H08	Former Macalpine Primary School	25	200911	25	0	25	0	25
H09	Former Lawside Academy	70	200913	70	0	70	0	70
H10	Luaderdale Avenue	30	201414	33	0	33	0	33
H11	Former Downfield Primary School	25	200909	25	0	25	0	25
H12	Former St Columba's primary School	22	201415	22	0	22	0	22
H13	Queen Victoria Works	50	200321	40	0	40	0	40
H14	Railyards	110	199524	110	0	110	0	110
H15	Maxweltown Works	50	201421	50	0	50	0	50
H16	Maxweltown Multis	30	-	-	-	-	-	0
-	Maxweltown Multis	0	201107	81	81	0	0	0
H17	Central Waterfront	375	201109	375	40	290	45	335
H18	Princes Street	20	200728	20	5	15	0	15
-	Princes Street (ph 1)	-	200727	10	0	10	0	10
-	Barns of Claverhouse Road	-	201606	35	0	35	0	35
H19	Land at Barns of Claverhouse Road	12						
H20	Hebrides Drive West	10	201213	90	15	75	0	75
H21	Hebrides Drive North East	15						

LDP2 Reference	Site Name	LDP2 Capacity	HLA Reference	2017 HLA Capacity	2017 HLA Supply 2017 - 2019	2017 HLA Supply 2019 - 2024	2017 HLA Supply 2024+	2017 HLA Supply 2019 - 2024+
H22	Hebrides Drive South East	20						
-	Land to the north of Hebrides Drive	-	201710	14	0	14	0	14
H23	Former Mossgiel Primary School	30	201110	42	0	42	0	42
H24	Former Mid Craigie Primary School	37	200910	37	10	27	0	27
H25	Former Whitfield Shopping Centre	30	201012	46	0	36	10	46
H26	Lothian Crescent	15	200353	15	0	15	0	15
H27	Former Whitfield Primary School	25	201011	25	0	25	0	25
H28	Tranent Grove	70	201010	62	10	52	0	52
-	Site 4 Whitfield	-	199113	44	24	20	0	20
H29	Summerfield Gardens	80						
H33	Kellyfield, drumgeith Road	100	200739	232	50	133	49	182
H30	Haddington Avenue	35	201009	26	13	13	0	13
H31	Bowling Green East	30	201008	28	0	28	0	28
H32	Aberlady Crescent	75	200504	75	15	60	0	60
H34	Former Gowriehill Primary School	35	-	-	-	-	-	0
H35	Former Hillside Primary School	45	-	-	-	-	-	0
H36	Former St Mary's Infant School	10	-	-	-	-	-	0
H37	Former Baldragon Academy	70	-	-	-	-	-	0
H38	Former Our Lady's Primary School	35	-	-	-	-	-	0
H39	Former St Luke's & St Matthew's Primary School	30	-	-	-	-	-	0
H40	Former Longhaugh Primary School	25	-	-	-	-	-	0
H41	Dykes of Gray, North West	250	-	-	-	-	-	0
H42	Western Gateway, Liff	30	-	-	-	-	-	0
H43	Dykes of Gray, North East	150	-	-	-	-	-	0
H44	Baldragon Farm (constrained in 2017 HLA)	110	201425	110	0	0	110	110
H45	Land to East of Ballumbie Road	150	-	-	-	-	-	0

LDP2 Reference	Site Name	LDP2 Capacity	HLA Reference	2017 HLA Capacity	2017 HLA Supply 2017 - 2019	2017 HLA Supply 2019 - 2024	2017 HLA Supply 2024+	2017 HLA Supply 2019 - 2024+
H46	Linlathen, Arbroath Road (constrained in 2017 HLA)	250	201426	150	0	0	150	150
H47	Land to East of Strathyre Avenue	26	201424	26	0	26	0	26
-	Western Gateway, South Gray	-	200356	371	100	131	140	271
-	Western Gateway, Swallow	-	200408	165	50	115	0	115
-	Dundee Western, Liff Ph 1	-	200409	22	12	10	0	10
-	Dundee Western, Liff Ph 2	-	200738	100	20	80	0	80
-	Pitkerro Mill	-	201423	6	6	0	0	0
-	Blackness Nursery	-	200115	20	0	20	0	20
-	Marketgait / South Tay Street	-	200309	18	0	18	0	18
-	38-40 Seagate	-	200315	24	0	24	0	24
-	Taybank Works Phase 2	-	200329	28	8	20	0	20
-	Trottick Lowrise	-	200343	56	39	17	0	17
-	Monifieth Road	-	200347	26	15	11	0	11
-	Loons Road / Lawside Road	-	200348	12	6	6	0	6
-	Former Homebase Site	-	200611	158	80	78	0	78
-	Wallace Craigie Works	-	200723	100	0	80	20	100
-	Strathmore Avenue	-	200725	6	6	0	0	0
-	Mayfield Depot	-	200730	20	0	20	0	20
-	224-232 Hilltown	-	200734	10	0	10	0	10
-	Angus Street	-	200808	8	0	8	0	8
-	Loons Road	-	200813	16	0	16	0	16
-	Clement Park House	-	200817	14	9	5	0	5
-	Hawkhill Court	-	200821	101	0	101	0	101
-	Car Parks 3 - 7 & 9 - 11	-	200902	30	10	20	0	20
-	95 Seagate	-	200904	17	10	7	0	7
-	Tivoli 20 Bonnybank Road	-	200908	8	0	8	0	8
-	32-34 Mains Road	-	201002	131	20	111	0	111

LDP2 Reference	Site Name	LDP2 Capacity	HLA Reference	2017 HLA Capacity	2017 HLA Supply 2017 - 2019	2017 HLA Supply 2019 - 2024	2017 HLA Supply 2024+	2017 HLA Supply 2019 - 2024+
-	Longhaugh Road	-	201004	17	7	10	0	10
-	Gray's Lane	-	201101	12	12	0	0	0
-	Dura Street	-	201102	8	0	8	0	8
-	22 Castle Street	-	201103	12	12	0	0	0
-	Seagate / Trades Lane	-	201106	24	0	24	0	24
-	Derby Street Multis	-	201108	163	18	125	20	145
-	51 Magdalen Yard Road	-	201201	7	0	7	0	7
-	189-197 Pitkerro Road	-	201303	32	8	24	0	24
-	3 Albert Road BF	-	201404	6	3	3	0	3
-	Land to the rear of Chareston Drive	-	201405	16	5	11	0	11
-	55-57 Pitalpin Street	-	201406	5	5	0	0	0
-	114 Hilltown	-	201408	8	8	0	0	0
-	5-11 King Street	-	201411	12	12	0	0	0
-	36 Castle Street	-	201412	5	5	0	0	0
-	Former Blackwood Court	-	201419	6	6	0	0	0
-	Finavon Street	-	201422	56	56	0	0	0
-	42 Camphill Road	-	201502	7	7	0	0	0
-	164 Nethergate	-	201503	6	6	0	0	0
-	The Old Mill, Brown Street	-	201508	22	11	11	0	11
-	Land to the east of Linlathen House	-	201509	42	0	42	0	42
-	Winnock, 1 Gardyne Road	-	201601	7	7	0	0	0
-	4 North Isla Street	-	201604	8	8	0	0	0
-	26 Dock Street	-	201605	10	0	10	0	10
-	Constitution Road	-	201609	110	0	110	0	110
-	Lochee Old Church and Hall	-	201610	16	5	11	0	11
-	Land north of Molison Street	-	201701	2	2	0	0	0
-	44 Gray Street	-	201702	14	7	7	0	7
-	3-5 West Bell Street	-	201703	12	0	12	0	12

LDP2 Reference	Site Name	LDP2 Capacity	HLA Reference	2017 HLA Capacity	2017 HLA Supply 2017 - 2019	2017 HLA Supply 2019 - 2024	2017 HLA Supply 2024+	2017 HLA Supply 2019 - 2024+
-	70 Cotton Road	-	201704	5	5	0	0	0
-	Eliza Street	-	201706	40	20	20	0	20
-	124 Seagate	-	201707	8	8	0	0	0
-	Queen Street BF	-	201708	5	0	5	0	5
-	9 West Bell Street	-	201709	9	0	9	0	9
-	South Tay Street (constrained in 2017 HLA)	-	200308	15	0	0	15	15
-	Roseangle, Peterson House (constrained in 2017 HLA)	-	200316	10	0	0	10	10
-	Stewarts Land / Liff Road (constrained in 2017 HLA)	-	200806	40	0	0	40	40
-	Land at Charleston Drive (constrained in 2017 HLA)	-	201206	22	0	0	22	22
-	Stack Leisure Park (constrained in 2017 HLA)	-	201511	50	0	0	50	50
TOTALS		2,855		4,530	960	2,889	681	3,570

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**PERTH AND KINROSS LDP FURTHER INFORMATION REQUEST 02
– POLICY 5 INFRASTRUCTURE CONTRIBUTIONS**

JANUARY 2019

Homes for Scotland (HFS) is the voice of the home building industry in Scotland, representing some 200 companies and organisations which together deliver the majority of the country's new homes.

We are committed to improving the quality of living in Scotland by providing this and future generations of Scots with warm, energy-efficient, sustainable homes in places people want to live.

HFS makes submissions on national and local government policy issues affecting the industry. Its views are endorsed by committees and advisory groups utilising the skills and expertise of key representatives drawn from our member companies.

RESPONSE TO PERTH AND KINROSS LDP FURTHER INFORMATION REQUEST 02 – POLICY 5 INFRASTRUCTURE CONTRIBUTIONS

Introduction

1. Homes for Scotland (HFS) welcomes the opportunity to comment on Perth and Kinross's Further Information Request (FIR) response. These submissions have been reviewed and agreed by Homes for Scotland's East Central Area Committee.

Perth and Kinross Response

2. We understand from the Perth & Kinross response that it does not consider that changes to the policy wording are necessary. However, two alternative proposed wordings have been set out in the event the Reporter considered a more detailed policy to be necessary.
3. The text for inclusion in the policy is not differentiated by a different text / formatting so there is some uncertainty over precisely what is proposed. The first option referred to as the "Draft Reworded - Policy 5" adds a further paragraph setting out specifically what contributions would be sought towards before detailing these including the precise financial contributions sought. A second option referred to as the "Council Suggested Draft Reworded Policy 5" includes almost identical wording but without reference to the sums sought to allow these to be defined through subsequent supplementary guidance.

Homes for Scotland Comments on the Perth and Kinross Response

4. In principle HFS welcomes additional detail but this must be supported by evidence and we consider further information is required in this respect alongside changes to the wording of the policies.

Scope of Planning Obligations

5. HFS considers that it is essential that the scope of any obligations is set out in the LDP. The Chief Planner's letter of 15 January 2015 is clear that to comply with Regulation 27(2) of The Town and Country Planning (Development Planning) (Scotland) Regulations 2008 it must clearly relate to a development plan policy

"It is therefore essential that supplementary guidance is limited to the provision of further information or detail and that the local development plan expressly identifies the matters to be dealt with in supplementary guidance... If there is no, or an insufficient, express statement regarding the supplementary guidance within the plan, it cannot be adopted as statutory supplementary guidance."

6. Having regard to this and the 2008 Regulations we therefore support the inclusion of a clear statement setting out what infrastructure types and specific projects Perth and Kinross will seek contributions towards. Both amended versions of the policy include an identical paragraph (below the "Note") which

touches upon this but is insufficient as currently drafted. We consider it should be amended as follows (~~deletion~~ / **addition**):

7. The Council **may** ~~currently~~ seeks specified developer contributions towards Primary Education, Auchterader A9 Junction Improvements and Transport Infrastructure. ~~Other contribution requirements will be assessed on an individual basis.~~ **Obligations will only be sought where they pass the five tests set out in Circular 3/2012 - Planning Obligations and Good Neighbour Agreements and there must be more than a trivial connection between the development and the intervention or interventions which are proposed to be funded / delivered via the planning obligation.**
8. This detail would mean that the more general description in bullet points (a) and (b) above would be redundant and could be removed.
9. This change would give greater clarity over what infrastructure contributions will be sought towards. It would also make clear the requirement for consistency with the relevant Circular and the *Aberdeen City and Shire Strategic Development Planning Authority v Elsick Development Company Limited (Scotland)* Judgement.

Impact of the Proposed Changes in Planning Policy

10. The proposed LDP seeks to introduce two significant changes which HFS objects to principally because they are not justified by evidence. In the event the changes were adopted they would have a negative impact upon site viability and would require further revision of proposed developer obligations.
11. At the Full Council meeting on 29 August 2018 Councillors voted to amend Policy 1D to cap the number of homes on allocated sites to no more than the range set out in the LDP. The LDP did state that the capacity range for allocated sites should only be exceed in exceptional circumstances. The amendment would instead state that *"applications which exceed the capacity range will not be permitted"*. No suitable evidence has been provided to justify this decision and it would reduce the delivery of much needed homes on allocated housing sites. The plan has not been formally amended to reflect this rather the Schedule 4 response has recommended this change. It has therefore not been subject to any public scrutiny. HFS opposes this change.
12. Policy 25 states that sites of 20 or more houses should meet the needs of smaller households including older people and lower income households, by providing at least 10% of their homes as one or two bedroom homes. This requirement would be in addition to the 25% affordable housing set out in Policy 20. Particularly when combined with the amended policy above would lead to less efficient use of allocated housing sites as 1 and 2 bedroom homes take up less space. It also presents a challenge to viability as 1 and 2 bedroom homes are less marketable in many areas. This is particularly so for 1 bedroom homes as there are many locations where there is a negligible market for flatted properties.
13. The 29 August 2018 Report to Council states that the reason for the policy is as follows

“The latest household projections for Scotland (2016-based) reinforce this. In Perth & Kinross the percentage of single person households by 2041 is projected to increase by 26%. Single adult households with children are projected to increase by 33% while two adult households without children are to increase by 18%. The increase in single and two adult households without children is partly due to an ageing population. By 2041 nearly half of all households (47%) in Perth & Kinross will be headed by someone aged 60+; there is an expected increase of 80% of those households headed by someone aged 75+. It is reasonable to assume that many of these households will wish to downsize to smaller properties.” (Para. 4.5.12)

14. Appendix 1 shows the anticipated changes in single person, single adult with children and two adult households over the plan period to 2029 (i.e. 10 years from the date of adoption). It is important to point out that not all these households will seek one and two bedroom homes in the private sector. Some may require additional rooms for home working and guests or simply want more space. Those with children may have more than one child and so require more than two bedrooms. It does not therefore follow that such households particularly need one and two bedroom properties.
15. HFS strongly object to its inclusion of Policy 25 because it is not supported by evidence. However, if it was adopted it would reduce the viability of allocated sites limited the resources available to fund infrastructure obligations particularly in combination with the cap on housing numbers. In this event the level of all infrastructure obligations would need to be reviewed to avoid making the delivery of allocated housing sites unviable.
16. Furthermore, the relevance of specific contributions would need to be reviewed. For instance the proportion of households with children out of the single adult, two adult and single adult with children households referred to in the Report to Council above, only 7% include children (Appendix 1), this remains constant throughout the plan period. It should also be noted that for many of these families a two bedroom home may not be appropriate, particularly if they have more than one child. As such the pupil product of 0.27 would be inappropriate to apply to homes delivered in response to this policy and so accordingly would the current per dwellings education contribution of £6,460 set out in the Supplementary Guidance and “Draft Reworded - Policy 5”.
17. Similarly, the transport / highways impact of smaller homes would be less as on average such households would have significantly fewer cars. Accordingly, the level of transport contribution for such homes should be revised in the event the policy is adopted.
18. HFS strongly objects to both the cap on new homes on allocated sites and the additional requirement for one and two bedroom homes. However, in the event that the latter was adopted we consider that as the aim of the policy is to provide homes for elderly downsizers and households which include a very small proportion of families with children we consider that homes provided through this policy should be treated as affordable homes currently are with no Education contribution charged.

Inclusion of Financial Figures within the Policy Wording - Draft Reworded Policy 5

19. Homes for Scotland does not in principle object to the inclusion of specific sums appearing in the LDP. However, it is important that they are robustly evidenced, viable and that a thorough discussion of the proposed figures can take place. This is not currently the case.
20. The Scottish Government's response to The City of Edinburgh Council Supplementary Guidance on Developer Contributions and Infrastructure Delivery (dated 29 November) makes clear the importance of a fully evidenced approach to Developer Obligations. It states that "*Decisions relating to statutory guidance on such an important subject area must be robust and informed by proper consideration of available evidence*". A Reporter was instructed to review the guidance emphasising the importance of taking a rigorous approach to the setting of financial obligations.
21. This is consistent with previous direction from the Scottish Government (dated 12 March) in relation to Fife Supplementary Planning Guidance on Planning Obligations which direct the Council not to adopt the guidance as "*neither the supplementary guidance itself nor the information which was put out to consultation was sufficient to enable an informed view to be reached, by Ministers or consultees, as to whether the proposals are consistent with Circular 3/2012: Planning Obligations and Good Neighbour Agreements.*"
22. At present there is insufficient evidence included in the Perth and Kinross FIR Response or the Developer Obligations Supplementary Guidance to justify the figures referred to in Draft Reworded - Policy 5. For instance, there is no explanation of the cost per dwelling for the Education Contribution, the cost per pupil figure which appears in the Supplementary Guidance is also not explained and the source of it is unknown. Similarly, the other figures set out in the Draft Reworded Policy have no workings shown and the source of them is also not set out.
23. The level of obligations impacts upon the viability of allocated sites and hence the deliverability of the LDP. As such there is a good case to be made that they should be considered at the same time as the LDP as set out in paragraph 139 of Circular 6/2013. However, the inclusion of the figures would represent a very significant change to the policy and impact on housing delivery. We would therefore respectfully request that if the Reporter was minded to suggest that the wording of the policy included specific figures that a further FIR request was made to obtain detailed explanations of how the proposed per unit / sq.m contribution figures had been arrived at and subsequently to allow all interested parties to review and comment on the evidence presented.

Council Suggested Draft Reworded Policy 5

24. As set out above and in our Proposed LDP representations we consider that references need to be added to the policy to refer to the tests in Circular 3/2012 and take into account recent case law. Reference also should be made to the evidence base that explains why these contributions are necessary and this should be made available for further scrutiny via a further FIR Request.

Conclusion

25. In principle Homes for Scotland welcomes the additional detail. However, we consider that further changes to the wording are required and that the evidence base justifying the scope and level of these contributions should be made available for scrutiny through a further FIR request. This evidence base should also consider the impact of new proposed policies which could impact upon viability. We trust our comments will be taken into account and should further information be sought HFS would be pleased to provide further comments.

Prepared by:

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