

<b>Issue 9</b>	<b>Housing 2018 - 2030 Period</b>	
<b>Development Plan reference:</b>	<b>Pages 46-47, paragraphs 5.8 to 5.12</b>	<b>Reporter: [Note: For DPEA use only.]</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Aithrie Estates (032643)  Ashfield Land (038483)  Barratt and David Wilson Homes (799597)  Mr Keith Bedborough (856480)  CALA Management Ltd (929806)  Cockburn Association (037249)  Edinburgh Association of Community Councils (040476)  Gladman Scotland (783418)  Grange and Prestonfield Community Council (790304)  Gullane Area Community Council (037068)  H and H Group Plc (927998)  Haddington and District Amenity Society (803807)  Hallam Land Management Ltd (037571)  Hallam Land Management Ltd (039805)  Homes for Scotland (040551)  Lawfield Estate (930075)  Liberton and District Community Council (790396)  Mactaggart and Mickel Homes (038949)  Midlothian Green Party (778339)  Moorfoot Community Council (906008)</p> <p>Murray Estates (930087)  New Ingliston Ltd (929755)  North Berwick Community Council (035522)  Park Lane (Scotland) Ltd (039990)  Peebles Community Trust (810911)  Persimmon Homes (040349)  Roslin and Bilston Community Council (790524)  Rural Renaissance (039402)  Scottish Property Federation (037013)  Scottish Wildlife Trust (038549)  Shawfair LLP (039940)  Shepherd Offshore (Scotland) Ltd (038954)  Mr Julian Siann (024823)  Stewart Milne Homes (930082)  Mr Charles Strang (907037)  Taylor Wimpey and Barratt Homes (040609)  Wallace Land Investment and Management (930071)  Wemyss and March Estate/Socially Conscious Capital (037270)  W S Crawford (040107)</p>		
<b>Provision of the Development Plan to which the issue relates:</b>	<b>Housing land</b>	
<b>Planning Authority's summary of the representation(s):</b>		
<p><u>Aithrie Estates (032643)</u>  Market housing is a key element of infrastructure funding. The provision of market housing in large part depends upon the success of the private sector to provide land and infrastructure at no cost to affordable housing providers. There is no logic to setting targets which do not accept these facts as SESplan and its member authorities have no control over the development level represented by the housing land supply.</p>		

Ashfield Land (038483)

Plan should clearly acknowledge potential of accessible locations on the boundary of Edinburgh in order to increase available sites for housing.

Barratt and David Wilson Homes (799597), Lawfield Estate (930075), W S Crawford (040107)

Statement in paragraph 5.8 that all areas with exception of City of Edinburgh can meet demand is not substantiated. Existing supply in tables 11.1 and 11.2 in the Housing Background Paper has to be assessed fully to gauge true, agreed, contribution between local authorities and development industry. Row B in tables 11.1 and 11.2 contain a numerical error. Total should be 19,354. This affects totals in rows H and J.

It is clear that City of Edinburgh, even at the most conservative estimates, will have a significant shortfall and this should be made clear so as to guide the local authority.

Barratt and David Wilson Homes (799597)

Criteria in paragraph 5.12 are too restrictive. The second bullet should be removed to ensure the all-tenure shortfall is addressed. Third bullet - wording is too vague. A 'significant' proportion is too ambiguous. The wording should be amended to reflect any contribution that is made from a proposed site is supported.

Mr Keith Bedborough (856480)

The acceptance criteria for infrastructure development and the commitment to this needs to be much clearer (Who, What, When). Infrastructure should be completed prior to development.

CALA Management Ltd (929806)

Cannot set out 2nd and 3rd sentences in paragraph 5.8 as have not undertaken effectiveness analysis of sites and this is the role of the Local Development Plans (LDPs) to identify scale of shortfall. Shortfall in City of Edinburgh is significantly higher than estimate set out in paragraph 5.9.

Object to methodology in 5.11 as shortfalls must be carried over across plan period and must take current failures in delivery into account pre 2018. Proposed methodology is not accepted in planning appeals. When a shortfall occurs, presumption in favour of sustainable development in SPP paragraphs 32-35 should apply.

5.12 - Remove 2nd bullet as tenure specific is not supported by legislation. Glasgow Clyde Valley Strategic Development Plan (SDP) requires all tenure approach.

5.12 - Remove 5th bullet as green network is not a determining factor on housing locations.

Cockburn Association (037249)

Plan is not clear on use of vacant housing to meet need and demand. Stronger measures are required to steer development to brownfield sites, and to encourage

development outside the Edinburgh Green Belt. Current brownfield priority is ineffective in refusing proposals. A mechanism needs to be devised to provide clear directions and incentives for the re-development of different categories of brownfield land. Believe the use of brownfield sites must be an overall policy, irrespective of whether or not there may be a shortfall of housing land. Disposal of Ministry of Defence sites provide brownfield opportunities for windfall housing.

Uncertainties due to Brexit could affect the delivery of five-year land targets. The Proposed Plan should not penalise Local Authorities for not meeting housing targets due to possible Brexit effects/uncertainties. Paragraph 5.12 - 5<sup>th</sup> and 6<sup>th</sup> bullets: 'align' is weak. Replace with 'conform'.

Edinburgh Association of Community Councils (040476), Grange and Prestonfield Community Council (790304)

There are no powers to prioritise brownfield sites unless regulatory powers or incentivises/ disincentives are used.

Gladman Scotland (783418)

Concerned that the Spatial Strategy suggestion that the need for strategic growth will be largely met by land already identified in existing and proposed LDPs will act as a disincentive for local authorities to continue to actively monitor and manage their housing land supply as the plan period progresses. Concerned that the Proposed Plan is rolling forward previous allocations and the existing supply in LDPs. Proposed Plan cannot state with certainty that the existing level of supply is sufficient (as it does in paragraph 5.8), without LDPs first having carried out the assessment set out in paragraph 5.10 (with regards to the deallocation of undelivered, and by extension, ineffective sites).

Paragraphs 5.8, 5.10 and 5.11 are not consistent with each other; paragraph 5.8 suggests that the existing land supply set out in LDPs based upon housing requirements from the 2013 approved SDP (SDP1) will ensure that there is a sufficient supply of housing land to meet the housing land requirements over the 10 year period from the expected date of plan adoption. This is not consistent with paragraph 5.10 (which refers to the deallocation of sites which have been carried over a number of plan periods and remain ineffective).

Paragraph 5.11 5 year land supply method ignores unmet need from early in plan period and will not result in the plan aims being met and fail to meet the requirement in SPP paragraph 118 to ensure that the housing requirement is "met in full". Unmet need from previous years should be redistributed over the preceding five-year period.

Gullane Area Community Council (037068)

Unmet housing land requirement for the City of Edinburgh is met within the city.

Alignment with Countryside Around Towns policy and conservation area designations should be criteria in paragraph 5.12.

H and H Group Plc (927998)

Land at Riccarton Village (promoted) can meet land supply shortfalls in a

sustainable location. Need to take pro-active steps to address shortfalls. Areas should be deemed acceptable either greenfield or brownfield to shorten planning process and help meet shortfall.

Deallocation reference is supported but is not evidenced in practice. Instead of deallocation, identify as long term prospects and not identify as part of 5 year phasing. Realistic phasing is required.

Haddington and District Amenity Society (803807)

Paragraph 5.10 - Allowances for windfall sites should not apply to smaller towns and villages such as Haddington, as it has caused inappropriate development that does not meet the placemaking principles.

Hallam Land Management Ltd (037571)

Support for 5.11 and 5.12 re: step change required, monitoring supply and maintaining 5 year effective land supply at all times.

Paragraph 5.12 continues SESplan policy but should be made clearer to properly reflect policy 7.

Hallam Land Management Ltd (039805)

Support 2nd sentence of 5.9. Identification of the green belt inner boundary should take account of housing sites such as Cragiehall. Proposed Plan should identify the need for a green belt and the LDP the precise form and boundaries of it.

Homes for Scotland (040551), Wallace Land Investment and Management (930071)

Paragraph 5.8, 2nd and 3rd sentences assume that there is sufficient housing land within each local authority, other than City of Edinburgh, to meet the housing land requirement. This evidence can only be determined through the preparation of emerging LDPs in accord with SPP (paragraph 119). Accordingly these sentences should be deleted.

Paragraph 5.11 5 year land supply calculation method will not meet Scottish Ministers' aim of meeting the HST and HLR in full over the plan period. It does not take account of the performance of the development strategy in the plan period to date, and does not deal with the situation where a surplus, or shortfall, emerges over plan period. In planning appeals, the calculation set out in Paragraph 5.11 has been rejected consistently by Planning and Environmental Appeals Division Reporters as inappropriate to determine whether the five year effective housing land supply is maintained.

The delivery of the proposed development strategy should be on an all-tenure basis recognising that new housing provided in any tenure will contribute to meeting the overall HLR across the SESplan region. This should be set out in paragraph 5.12.

Liberton and District Community Council (790396)

Support for paragraph 5.8 and for brownfield first in 5.9 subject to not leading to loss of employment land and replacement with new greenfield employment sites. Should be greater support to encourage development of longstanding sites. De-

allocation may support developer preferred easier approach of greenfield first.

Consider this paragraph 5.12 is an open invitation for the development industry to bid for additional sites. An alternative approach would be to require the bringing forward of effective sites in the period 6-10 years, an approach espoused by the City of Edinburgh Council in its response to the Reporter considering the City of Edinburgh LDP.

Mactaggart and Mickel Homes (038949), Shawfair LLP (039940), Shepherd Offshore (Scotland) Ltd (038954)

Caution should be employed at LDP level to ensure sites are not deallocated without prior and full consideration of action that could be taken in relation to infrastructure constraints to allow such sites to be continued for future development.

Midlothian Green Party (778339)

Provisions for de-allocation of housing land are supported but will require powers to deal with challenges to that policy.

Moorfoot Community Council (906008)

Paragraph 5.12 - Placemaking principles should be 'adhered to' not 'took account of'.

Murray Estates (930087), Persimmon Homes (040349), Stewart Milne Homes (930082), Taylor Wimpey and Barratt Homes (040609)

Paragraph 5.8 of the Plan requires LDPs to ensure that there is a sufficient supply of housing land to meet the HLRs over the 10 year period from the expected date of plan adoption. This wording is less rigorous than Policy 5 of SESplan 1, which clearly identifies the imperative for LDPs to allocate enough land for houses to be built to achieve the HSTs. Policy 5 was approved by Scottish Ministers 2 years ago, and we see no reason to dilute those words.

2nd sentence of paragraph 5.8 is a contentious assumption. SESplan 1 Supplementary Guidance contained reference to speculative and optimistic assumptions regarding the delivery of the established land supply that proved to be significant over-estimates in LDP examinations. It could be misleading and should be deleted. It is not the function of the SDP to identify the housing supply. Same applies to 1st sentence of paragraph 5.9.

In paragraph 5.9, the principle that priority should be given to brownfield sites is supported by SPP, but should apply over the whole SESplan area, given that shortfalls in housing may arise in all Councils. Moreover, to be realistic, the Plan should also make reference to the need for greenfield sites to be allocated or granted planning permission should there not be enough effective brownfield sites.

De-allocation reference in paragraph 5.10 is not necessary. The Housing Land Audit process should ensure that all stakeholders contribute the best information available and do not make over-optimistic assumptions regarding delivery. If there is no evidence that sites can become effective then they should be defined as constrained and make no contribution to the land supply. If they do become

effective, then they can still make a useful contribution.

Paragraph 5.11 3rd sentence should be amended to be clear that each Council is responsible for its own HLR, and avoids the possibility of individual Councils arguing that its shortfall should be met in another Council area. Final sentence does not reflect agreement between authorities and Homes for Scotland that shortfalls in delivery across plan period must be made up by the end of the plan period.

1st sentence of paragraph 5.12 is open to abuse by authorities, where they could claim that they don't have a shortfall, as City of Edinburgh have done in previous planning appeals. This was rejected at appeals and the City of Edinburgh LDP examination. Requirements of paragraph 5.12 are more onerous than requirements in equivalent SESplan SDP1 policy 7.

1st bullet - growth areas in spatial strategy are too constrained to meet Housing Supply Targets (HSTs) and do not encompass land which is sustainably located in terms of the City, other towns and transport corridors. The growth areas need to be extended in places, and the clause in paragraph 5.12 needs to be expressed more flexibly, in a similar manner to SESplan 1 Policy 7.

2nd bullet - strongly disagree as 5 year land supply should be calculated on all-tenure basis and no distinction should be drawn in respect to the tenure of sites needed to meet shortfalls. All tenure targets were required in the modified 2012 Glasgow and Clyde Valley SDP. The reporters recognised the importance of private sector housing meeting affordable needs along with other providers. The Reporters highlighted the need to maintain an all tenure five year effective land supply at all times. Findings identified that new housing provided in any sector can contribute to meeting that requirement (Issue 23 paragraph 2). The Reporter's recommended modification, accepted by Scottish Ministers, was to identify an all tenure housing requirement and that this overall housing requirement can be met by any housing tenure. For the same reasons, SESplan 2 should identify an all tenure housing supply target to allow the LDPs to make land available to meet the housing land requirement in full, regardless of the tenure of housing provided.

3rd bullet - needs to be caveated as in the City of Edinburgh LDP the reporter concluded that there was shortfall in allocations amounting to approximately 7,000 homes over the plan period, but did not recommend the allocation of additional land. In these circumstances it may be appropriate to grant planning permission for large sites, where a significant proportion of the development is programmed beyond the 5-year period.

5th bullet - Delete as one purpose of the Green Belt and similar designations is to accommodate growth if required, and in many cases it represents the most sustainable location for development.

New Ingliston Ltd (929755)

Do not support de-allocation reference.

North Berwick Community Council (035522)

Alignment with Countryside Around Towns policy and conservation area designations should be criteria in paragraph 5.12.

Park Lane (Scotland) Ltd (039990)

Support 2nd sentence of 5.9. Identification of the green belt inner boundary should take account of sustainable housing sites such as Ratho North. Proposed Plan should identify the need for a green belt and the LDP the precise form and boundaries of it.

Peebles Community Trust (810911)

Imbalance between housing land and social and physical infrastructure provision, particularly in small peripheral / rural settlements.

Roslin and Bilston Community Council (790524)

Consider that para 5.12 allows the LDP to be ignored.

Rural Renaissance (039402)

Scottish Borders allocations have been made in towns with little evidence of demand or marketability. Effective sites are required. SESplan should require a detailed appraisal of sites to ensure effectiveness. This should be based on a rigorous assessment using an HLA with an agreed methodology and views of housebuilders. Sites should be removed from audit if over five years old. Include strategic policy on presumption in favour of sustainable development where allocated sites do not come forward and/or sites are deleted from the housing land audit.

SESplan should require a detailed reappraisal of allocations so that LDPs provide a strong base of sites that are demonstrably effective and able to deliver the 5 year land supply. The Housing Land Audit for each authority should be subject to robust scrutiny. This will result in sites being deleted from the audit if not demonstrably effective. Need a common set of measures for assessing effectiveness of housing sites. Housing Land Audit should be starting point, produced using an agreed methodology and set of assumptions; and take account of the views of housebuilders and Homes for Scotland. Paragraph 5.11 refers to the need for a step change in house building but does not explain adequately how this will be achieved. There should be a presumption in favour of sustainable development where allocated sites do not come forward and/or sites are deleted from the housing land audit.

Mr Julian Siann (024823)

No estimate of land area required in the housing background paper making it impossible to ascertain densities.

Scottish Property Federation (037013)

Question accuracy of supply figures used in tables 11.1 and 11.2 of Housing Background Paper that lead to land allocation conclusions in paragraphs 5.8 and 5.9 of the plan.

Scottish Wildlife Trust (038549)

5.12 Additional bullet: 'The proposal actively contributes to green networks and that

this will be a material consideration in the planning process'.

Shawfair LLP (039940)

SESplan Member Authorities have a shortfall in housing land supply. This was highlighted in the City of Edinburgh LDP Reporter's Findings. This is not addressed in the Proposed Plan and requires action before approval.

Mr Charles Strang (907037)

Insufficient to merely 'give priority to Brownfield sites in the urban area': the LDP must ensure these sites are developed, with councils using compulsory purchase powers.

Wemyss and March Estate/Socially Conscious Capital (037270)

East Lothian only has a generous supply of land up to 2024. Post 2024 it is reliant on Blindwells, which is only aspirational. Expansion of the allocation at Longniddry South beyond 2024 will provide additional strategic scale housing development which will contribute to the effective housing land supply in accordance with the SESplan Spatial Strategy.

**Modifications sought by those submitting representations:**

Aithrie Estates (032643)

Paragraph 5.8, 1st sentence - add 'effective' after 'supply of' 5.8,  
Paragraph 5.8 2nd sentence - replace 'sufficed' with 'calculated excess of'.  
Paragraph 5.8 - additional sentence 'Nevertheless, the aim will be to capitalise on the resource represented by the established land supply, itself represented by historic pre-recession rates of housebuilding, in order to assist in the provision of infrastructure'.

Ashfield Land (038483)

The plan should also clearly acknowledge potential of accessible locations on the boundary of Edinburgh in order to identify a range of sites and alleviate any shortfall in housing land.

Barratt and David Wilson Homes (799597), Lawfield Estate (930075), W S Crawford (040107)

Para 5.8, 2nd sentence - subject to an agreed (with Homes for Scotland) breakdown of Land Supply Estimates (Table 11.1 and 11.2 of Housing Background Paper) in relation to contribution from Effective Land Supply, constrained sites and windfall sites in period 2018-30.

Paragraph 5.9, 1st sentence - Replace 'may' with 'will'. □

Barratt and David Wilson Homes (799597)

Paragraph 5.12 - Delete Bullet point 2.

Paragraph 5.12 - Amend Bullet point 3 to, 'proposals must demonstrate that proposed housing can contribute to the immediate five year period'.

Mr Keith Bedborough (856480)

No modification is specified, representation indicates:

Paragraph 5.12 - Modify final bullet point requiring binding commitment development to deliver infrastructure prior to development.



CALA Management Ltd (929806)

Paragraph 5.8 - Delete 2nd and 3rd sentences.

Paragraph 5.10 - 2nd sentence - replace 'could' with 'would'.

Paragraph 5.11 - Use methodology set out in Advice Box 1 of East Lothian Proposed LDP.

Paragraph 5.12 - Delete 2nd bullet.

Paragraph 5.12 - Delete 5th bullet.

Cockburn Association (037249)

Insert stronger measures to direct development to brownfield.

Paragraph 5.12 - 5th and 6th bullets: Replace 'align' with 'conform'.

Edinburgh Association of Community Councils (040476), Grange and Prestonfield Community Council (790304)

Paragraph 5.9, second sentence - Delete. Insert new sentence requiring exploration of what incentives or disincentives to ensure that brownfield land is developed first. Describe what regulatory/legislative changes are needed and press for these.

Gladman Scotland (783418)

Revise the emphasis on the sufficiency of the existing housing land supply in existing and emerging LDPs.

Paragraph 5.8 - Delete non-emboldened text (and any consequential modifications required elsewhere be made to reflect this change).

Paragraph 5.11 - Additional sentence 'Any shortfall in delivery over the plan period to date should be added on to the housing supply target for the next five year period.'

Gullane Area Community Council (037068)

Paragraph 5.9 - Insert statement requiring any that unmet housing land requirement for the City of Edinburgh is met within the city.

Paragraph 5.12 - Modify to ensure that 'other designations' as referred to, include the Countryside Around Towns policy and also designated conservation area.

H and H Group Plc (927998)

Plan should direct development to sustainable, in demand locations.

No modification is specified, representation indicates:

5.10 Delete 3rd and 4th sentences and replace with statement that instead of deallocation sites should be re-identified as long term growth prospects out of 5 year phasing.

Haddington and District Amenity Society (803807)

Paragraph 5.10 - Modify to prevent windfall development in smaller towns and villages.

Hallam Land Management Ltd (037571)

Paragraph 5.12 - Modify to read "Where a shortfall in the five year effective land supply is identified, sites for greenfield housing development proposals may be

allocated in Local Development Plans or granted planning permission to maintain a five years effective housing land supply, subject to the following criteria:"

Hallam Land Management Ltd (039805), Park Lane (Scotland) Ltd (039990)

None requested, but representation indicates: at Paragraph 5.9, insert statement requiring inner green belt boundary review to take account of sustainable housing sites.

Homes for Scotland (040551), Wallace Land Investment and Management (930071)

5.8, 2nd and 3rd sentence - delete.

Paragraph 5.11 - Modify as follows and add table ' They will maintain a five year effective housing land supply at all times measured against the all tenure five year housing supply targets. The five year effect housing land supply is calculated using the following methodology:

Step	Description	Method
A	Housing Supply Target for relevant plan period from Development Plan	
B	Housing Completions to date from Housing Land Audit	
C	Remaining Housing Supply Target for plan period	A - B
D	Annual Average Housing Supply Target over remaining plan period, where Y = number of years in plan period remaining	C / Y
E	<b>Five Year Housing Supply Target</b>	<b>D x 5</b>
F	<b>Five Year Effective Housing Land Supply from Housing Land Audit</b>	
	<b>Shortfall/Surplus in Five Year Effective Housing Land Supply</b>	<b>E - F</b>
	<b>Number of Years Supply</b>	<b>(F / E) x 5</b>
	<b>Percentage of Five Year Housing Supply Target Met</b>	<b>(F / E) x 100</b>

Paragraph 5.12 - Delete 2nd bullet and Paragraph should be amended to reflect an all-tenure approach.

Liberton and District Community Council (790396)

No modification suggested, representation suggests:

Paragraph 5.9 - Modify second sentence requiring that brownfield priority should not lead to need for replacement greenfield employment sites.

Paragraph 5.10 - Require that authorities will work with landowners and developers to bring sites forward before considering de-allocation.

Paragraph 5.12 - Additional first sentence setting out "When there is a shortfall in the five year supply, prior to consideration permitting additional housing land supply, planning authorities should require developers to advance developing effective sites in the 6-10 year supply to contribute to meeting any 5 year shortfall."

Mactaggart and Mickel Homes (038949), Shawfair LLP (039940), Shepherd Offshore (Scotland) Ltd (038954)

None suggested, representation indicates:

5.10 - insert additional sentence requiring full consideration of actions that could deliver sites before deallocating.

Midlothian Green Party (778339)

No modification is specified, representation indicates at Paragraph 5.10 - Insert statement calling for councils to be given greater powers to enable de-allocation.

Moorfoot Community Council (906008)

Paragraph 5.12, 4th bullet - modify as follows: "The scale, location and design of development must adhere to the placemaking principles...."

Murray Estates (930087), Persimmon Homes (040349), Stewart Milne Homes (930082), Taylor Wimpey and Barratt Homes (040609)

5.8, 1st sentence - modify to "Local Development Plans will allocate sufficient land which is capable of becoming effective to meet the Housing Land Requirements and deliver the housing supply targets over the 10 year period from the expected date of plan adoption".

5.8 - Delete 2nd and 3rd sentences.

5.9 - Delete 1st sentence.

5.9 - Modify 2nd sentence to: 'To meet any shortfall, all SESplan authorities will give priority to brownfield sites, with greenfield sites being allocated should there not be sufficient effective brownfield sites. All LDP allocations should be consistent with this Strategic Development Plan".

5.10 - Delete 2nd and 3rd sentences.

5.11 - Modify as follows "...through the Housing Land Audit. They will maintain a five year effective housing land supply at all times, within each Council area, measured against the five year housing supply targets. These are calculated by multiplying the annual average all-tenure housing supply targets (Table 5.1) by five, and fully accounting for any deficit or surplus in completions against the all-tenure housing supply target in previous years. Any deficits arising must be added to the 5-year all-tenure housing supply target to ensure that the whole target is achieved by the end of the plan period."

5.12, 1st sentence - Modify to "Where there is a shortfall in the five year effective land supply, as calculated by way of the methodology described in paragraph 5.11 above, proposals for additional housing will granted if they meet the following criteria':

5.12, 1st bullet - Modify to "Development is consistent with the spatial strategy of the development plan or, if outwith an identified growth area, should be well located in respect to community facilities and sustainable transport options."

5.12, 2nd bullet – Delete.

5.12, 3rd bullet - Modify to: "...will be completed in the next five years unless there is evidence of a longer term failure in the effective housing land supply'.

5.12, 5th bullet - Replace with "The development will be in keeping with the character of the settlement and local area, and should not result in significant harm to the natural environment or cultural heritage."

North Berwick Community Council (035522)

Paragraph 5.12 - Modify to ensure that 'other designations' as referred to, include the Countryside Around Towns policy and also designated conservation area.

Peebles Community Trust (810911)

Paragraph 5.12 - additional bullet requiring development to accommodate / address the cumulative impact of housing allocations.

Roslin and Bilston Community Council (790524)

Replace para 5.12 to say that where it appears to a member authority that a shortfall in the 5 year effective land supply is likely to arise they will review their Local Development Plan as a matter of urgency.

Rural Renaissance (039402)

Require allocations in marketable areas and remove ineffective sites.

Paragraph 5.10 - Additional sentence requiring that "Sites should not remain in the audit for more than 5 years without clear signs of activity."

Paragraph 5.10 - Additional sentence requiring "a presumption in favour of sustainable development where allocated sites do not come forward and/or sites are deleted from the housing land audit."

5.11 - Insert additional detail on how step change in house building will be achieved.

Scottish Wildlife Trust (038549)

5.12 Additional bullet: 'The proposal actively contributes to green networks and that this will be a material consideration in the planning process'.

Mr Charles Strang (907037)

No modification suggested, representation suggests:

Paragraph 5.9 - Modify to direct Local Development Plan to ensure that brownfield sites in the urban area are developed before greenfield sites are considered

Wemyss and March Estate/Socially Conscious Capital (037270)

5.10 - Modify indicating that East Lothian will be required to allocate land to ensure a generous housing land requirement post 2024.

**Summary of responses (including reasons) by Planning Authority:**

**Paragraph 5.8**

CALA Management Ltd (929806), Wallace Land Investment and Management (930071), Wemyss and March Estate/Socially Conscious Capital (037270), Homes for Scotland (040551), Murray Estates (930087), Persimmon Homes (040349), Stewart Milne Homes (930082), Taylor Wimpey and Barratt Homes (040609), Gladman Scotland (783418)

SESplan does not accept any modifications to the second and third sentences of paragraph 5.8. The wording is compliant with SPP paragraph 118 (ASD06) which requires SDPs to "state the amount and broad locations of land which should be allocated in LDPs to meet the Housing Land Requirement (HLR) up to year 12 from the expected year of plan approval". Therefore it is SPP compliant to state that current land supply estimates (section 11 of Housing Background Paper) (ASD22) indicate that there is sufficient land supply to meet the HLRs for East Lothian, Fife,

Midlothian, Scottish Borders and West Lothian up to 2030. This was signposted in the comparison of supply and need and demand for these areas in paragraph 4.11 and Table 4.4 of the Main Issues Report (ASD12).

The first sentence of paragraph 5.10 qualifies this by setting out that “for all SESplan authorities the level of housing land to be allocated will depend on the estimates of housing land at the time of LDP preparation”. Therefore the position in paragraph 5.8 is not fixed but depending on housing land supply which will change between SDP Proposed Plan and LDP preparation, including reductions through potential deallocations or moving sites to long term growth opportunities. **No Modification Proposed.**

Murray Estates (930087), Persimmon Homes (040349), Stewart Milne Homes (930082), Taylor Wimpey and Barratt Homes (040609)

The first sentence of paragraph 5.8 is in full compliance with SPP paragraph 118 – “which should be allocated in LDPs to meet the HLR up to year 12 from the expected year of plan approval”. If there is not a sufficient supply of land then additional land will have to be allocated. Policy 5 of the SDP1 was approved (2013) prior to the current SPP (2014). **No Modification Proposed.**

Barratt and David Wilson Homes (799597), Lawfield Estate (930075), W S Crawford (040107), Scottish Property Federation (037013)

Accept that there is a calculation error in table 11.2 of the Housing Background Paper. The row B SESplan total should be '19,354' not '20,354'. Subsequently the SESplan totals in rows H and J should be '104,658' and '+34,420' respectively. This would not change any of the statements in the plan as all authorities except City of Edinburgh currently have land supply estimates that indicate further allocations are not required to meet HLRs.

Do not accept the modification that the 2<sup>nd</sup> sentence has to be agreed with Homes for Scotland. The estimates of land supplies are based on Housing Land Audits and estimates of windfall used in LDP preparation. Housing Land Audits are agreed with Homes for Scotland and will be used to inform LDP preparation. **No Modification Proposed.**

Rural Renaissance (039402)

Effectiveness of sites in the Scottish Borders is a matter for the Scottish Borders Council during preparation of the LDP as set out in SPP paragraph 117. **No Modification Proposed.**

Aithrie Estates (032643)

Effective supply is not required to be demonstrated over ten years to meet HLRs. Justified windfall allowances can be included as set out in SPP paragraph 117. 'Sufficient' is clearer terminology than the suggested modification. Additional sentence modification is not required. The aim is to deliver the HSTs through a generous supply of land in the form of the HLRs being met through LDPs. **No Modification Proposed.**

**Paragraph 5.9**

Barratt and David Wilson Homes (799597), CALA Management Ltd (929806),

Lawfield Estate (930075), W S Crawford (040107), Murray Estates (930087), Persimmon Homes (040349), Stewart Milne Homes (930082), Taylor Wimpey and Barratt Homes (040609)

For the same reasons set out under paragraph 5.8, SESplan does not agree with reasoning for deleting or modifying the first sentence of paragraph 5.9. It is compliant with SPP paragraph 118 (ASD06). It does not set out the specific scale of the shortfall to the HLR as this will fluctuate between SDP Proposed Plan preparation and LDP preparation, by which point it could become a surplus. Therefore the word 'may' is more appropriate than the definitive 'will'. The numerical evidence for this sentence is set out in section 11 of the Housing Background Paper (ASD22). **No Modification Proposed.**

Gullane Area Community Council (037068)

There is no mechanism in the plan for HLRs to be met in other local authority areas, therefore the suggested modification is not required. **No Modification Proposed.**

Ashfield Land (038483), Murray Estates (930087), Persimmon Homes (040349), Stewart Milne Homes (930082), Taylor Wimpey and Barratt Homes (040609)

The plan does not need to make reference to the need for peripheral or greenfield sites to be allocated or granted planning permission should there not be enough effective brownfield sites or a shortfall. This is the next step should there not be a sufficient supply of brownfield sites available to meet the HLR. As this paragraph relates to City of Edinburgh, it is not appropriate to refer to all authorities. This is covered under the Placemaking Principle (table 3.1) that "The re-use or re-development of brownfield land should be considered before new development takes place on greenfield land, including Prime Agricultural Land and other land important for food production." This applies to allocating land to meet HLRs if required. Brownfield land is not required to be effective at the time of plan preparation to meet the HLR. SPP paragraph 117 (ASD06) states "HLR can be met from a number of sources, most notably sites from the established supply which are effective or expected to become effective". For these reasons the proposed modification of the second sentence is not supported. **No Modification Proposed.**

Ashfield Land (038483), H and H Group Plc (927998)

The location of development sites in line with the Proposed Plan strategy is a consideration of multiple factors for LDPs, not just 'in demand' locations or sites on the Edinburgh boundary. They will be assessed through site selection process factoring in paragraph 5.9, the Placemaking Principles, Strategic Environmental Assessment and other requirements of the SDP. **No Modification Proposed.**

Hallam Land Management Ltd (039805), Park Lane (Scotland) Ltd (039990)

The SDP sets out the broad location of Green Belts. Exact boundaries are a matter for LDPs. There is no indication that a Green Belt review is required in Edinburgh at this stage based on the requirements of meeting the HLR. **No Modification Proposed.**

Cockburn Association (037249), Edinburgh Association of Community Councils (040476), Grange and Prestonfield Community Council (790304), Mr Charles Strang (907037), Liberton and District Community Council (790396)

SESplan refers to its reasoning set out in Issue 2.3 Schedule 4.

Requiring brownfield land to be developed before greenfield land is developed is not possible when greenfield sites have already been allocated and permitted for development to meet requirements of the strategy. The wording in the second sentence of paragraph 5.9 is considered in compliance with SPP, the strategy and the Placemaking Principles.

Other than the strategy, which locates development in and around settlements with brownfield land, and the brownfield priority set out in the plan, it is not appropriate for SESplan to set out any other incentives for brownfield development.

The existing employment use and level of occupancy of brownfield employment sites will be considered when assessing sites. **No Modification Proposed.**

#### **Paragraph 5.10 and De-allocation**

Haddington and District Amenity Society (803807), CALA Management Ltd (929806)

Paragraph 117 of SPP (ASD06) states that windfall evidenced allowances can be used to meet the HLR. This will be a decision for authorities during LDP preparation. The assessment of windfall housing proposals is a matter for East Lothian Council. **No Modification Proposed.**

Cockburn Association (037249)

HST can be contributed towards through net additional dwellings returned to use from vacant occupancy as well as new build development. Consideration of this is set out in paragraphs 10.2 and 10.3 of the Housing Background Paper which states that 'whilst each authority is seeking a net reduction in vacant homes, there is no robust data yet available to indicate that this would be significant'. The matter will be more appropriately addressed in Local Housing Strategies and local authority vacant housing programmes. **No Modification Proposed.**

Mactaggart and Mickel Homes (038949), Shawfair LLP (039940), Shepherd Offshore (Scotland) Ltd (038954), H and H Group Plc (927998), Murray Estates (930087), New Inqliston Ltd (929755), Persimmon Homes (040349), Stewart Milne Homes (930082), Taylor Wimpey and Barratt Homes (040609)

The need for de-allocation of sites that remain ineffective despite multiple actions to make them deliverable was identified in page 127 of the Planning for Infrastructure Research Project: Final Report (ASD43) and in paragraph 76 of the subsequent Draft Planning Delivery Advice: Housing and Infrastructure (ASD44). The current wording of paragraph 5.10 gives assurance that it would only be used where action taken has proved ineffective. The alternative would also be to reclassify allocated sites as long term growth opportunities for future plan periods. An excessive level of land supply where action has proved ineffective does not provide certainty to communities, authorities or infrastructure providers and therefore de-allocation should be considered as a potential action. **No Modification Proposed.**

Midlothian Green Party (778339)

Increased powers are not required at this stage. Councils can de-allocate land

through the LDP preparation process. **No Modification Proposed.**

Rural Renaissance (039402)

Guidance on Housing Land Audits does not require sites to be removed if over five years old. Sites over this age can deliver housing into the plan period. Paragraphs 5.11 and 5.12 set out the approach to where there is a shortfall in effective housing land supplies therefore an additional strategic policy is not required. **No Modification Proposed.**

Gladman Scotland (783418)

Paragraph 5.10 is not inconsistent with paragraph 5.8. Table 5.11 of the Housing Background Paper indicates that authorities apart from City of Edinburgh have significant surplus housing land compared to Housing Land Requirements as well as some constrained sites that may not become effective. This could allow authorities to consider de-allocating sites. Authorities also may choose to de-allocate sites and then allocate new sites to meet HLRs. **No Modification Proposed.**

Support for de-allocation reference in paragraph 5.10 was also received from two organisations not set out in the Schedule.

**Paragraph 5.11**

CALA Management Ltd (929806), Gladman Scotland (783418), Homes for Scotland (040551), Murray Estates (930087), Persimmon Homes (040349), Stewart Milne Homes (930082), Taylor Wimpey and Barratt Homes (040609), Wallace Land Investment and Management (930071)

The approach required by the proposed modifications has not worked in practice. It requires additional land supply when delivery failure has been due to changes in demand or other non-land supply related reasons. There have not been shortfalls in land supplies, only shortfalls in delivery over initial parts of plan period. This has been particularly apparent in a post credit crunch and post-recession environment. This results in additional housing land supply creating further uncertainty for communities, authorities and infrastructure providers. Impacts of oversupplies of land are set out in the SESplan response to Issue 8. If there is always a five year effective land supply, then shortfalls in delivery against HSTs will not be due to the effectiveness of land supply.

Gladman reference to SPP paragraph 118 is misplaced as this statement refers to the HLRs being met in full when LDPs are prepared and is not a five year effective supply matter.

Representations state that their suggested approach is the only approach accepted. This is not correct as demonstrated in the adopted Scottish Borders LDP Appendix 2 Section B (ASD45). That approach allows previous levels of delivery to inform the 5 year effective land supply target not only the housing requirements of SDP1 and the Housing Land Supplementary Guidance. The Scottish Government does not currently set out a specific approach to setting five year supply targets. The matter is being considered by Scottish Government and others at present and will also be considered as part of the planning review. An approach was considered in the Draft Planning and Delivery Advice: Housing and Infrastructure and the



Scottish Government has indicated that that work will proceed once the review consultation has concluded. **No Modification Proposed.**

Rural Renaissance (039402)

Part of the step change will be achieved through the increase in scale of affordable housing programmes of Local Authorities and Registered Social Landlords though increased funding. How housing sites will be delivered is more appropriate for action programmes. **No Modification Proposed.**

**Paragraph 5.12**

Murray Estates (930087), Persimmon Homes (040349), Stewart Milne Homes (930082), Taylor Wimpey and Barratt Homes (040609)

As it is authorities who prepare housing land audits, in agreement with Homes for Scotland, they are the most appropriate organisations to then determine if there is a shortfall of effective supply. **No Modification Proposed.**

Hallam Land Management Ltd (037571)

The criteria in paragraph 5.12 should apply to assessing all housing development proposals when there is a shortfall in five year effective supply, not only greenfield proposals. The priority for brownfield sites (paragraph 5.9 and Table 3.1) applies when assessing proposals for allocation during LDP preparation. **No Modification Proposed.**

Liberton and District Community Council (790396)

Housing Land Audits will consider phasing of sites but authorities cannot bring forward land for development unless they are the developer or the landowner. **No Modification Proposed.**

Roslin and Bilston Community Council (790524)

Reviews of LDPs are a lengthy process and are therefore not appropriate to mitigate shortfalls in 5 year effective land supplies. The approach in the Proposed Plan is compliant with SPP. **No Modification Proposed.**

Cockburn Association (037249)

The impacts of 'Brexit' cannot be estimated at this stage. SPP requires that planning authorities should maintain a 5-year effective land supply. **No Modification Proposed.**

**5.12 Bullet 1**

Murray Estates (930087), Persimmon Homes (040349), Stewart Milne Homes (930082), Taylor Wimpey and Barratt Homes (040609)

It would not be appropriate to grant permission for housing sites that are not consistent with the broad strategy of the SDP solely due to a shortfall in effective housing supply. Doing so would conflict with the vision of the SDP and potentially have negative impacts on environmental objectives. **No Modification Proposed.**

**5.12 Bullet 2**

Barratt and David Wilson Homes (799597), CALA Management Ltd (929806), Homes for Scotland (040551), Murray Estates (930087), Persimmon Homes (040349), Stewart Milne Homes (930082), Taylor Wimpey and Barratt Homes

(040609)

The reasoning for setting separate HSTs and not taking an all tenure approach to HSTs is set out in the Issue 8 Increasing Housing Delivery Schedule 4. The Glasgow Clyde Valley SDP referred to, was approved under a different SPP to the current 2014 SPP. The previous SPP did not require separate affordable and market HSTs.

Establishing the adequacy of the 5 year effective land supply is a comparison against housing supply targets and this has to be tenure specific as required by SPP paragraph 115. Where there is a shortfall in affordable housing, it cannot be met by market housing (or vice versa). This is recognised in SPP paragraph 115 as that is the purpose of the separate HSTs. Doing so would mask the need to deliver affordable or market housing. Therefore the proportion of affordable and market housing in the development must reflect the tenure and scale of the shortfall identified.

The 2<sup>nd</sup> criteria requires that the scale of the proposal must also reflect the scale of the shortfall. It would not be appropriate to grant permission solely on the basis of five year effective supply shortfalls for large scale proposals (e.g. 1,000 dwellings) when the scale of the shortfall is small (e.g. 100 dwellings). Similarly it would not be appropriate to consent small scale proposals purely for five year land supply reasons when the scale of the shortfall is significantly larger as the proposal would not contribute significantly to meeting the shortfall.

### **5.12 Bullet 3**

Barratt and David Wilson Homes (799597), Murray Estates (930087), Persimmon Homes (040349), Stewart Milne Homes (930082), Taylor Wimpey and Barratt Homes (040609)

'Significant' is used rather than setting a defined percentage which would not allow for discretionary and flexible use. The criterion is required as it would not be appropriate to grant consent for a large housing proposal when only a small proportion would be delivered in the five year period. It would not fulfil the original purpose of being considered for development, namely to reduce the shortfall in five year supply, only to increase the supply in year five onwards. **No Modification Proposed.**

### **5.12 Bullets 4, 5, 6 and 7**

CALA Management Ltd (929806)

Green networks, including forthcoming Cross Boundary Green Networks Supplementary Guidance, are a relevant consideration when additional development may need to be permitted to meet land supply shortfalls. They are referred to in paragraph 29 of SPP, which sets out guiding principles when considering whether development contributes towards sustainable development. Unsustainable development proposals should not be permitted. **No Modification Proposed.**

Murray Estates (930087), Persimmon Homes (040349), Stewart Milne Homes (930082), Taylor Wimpey and Barratt Homes (040609)

The representations refer to the 5<sup>th</sup> bullet (which covers green networks) but then refers to green belt. This response assumes there is a typo in the representations

and that the 6<sup>th</sup> bullet is what they are referring to. The inclusion of green belts as a consideration accords with the current SDP1 policy 7 that 'development will not undermine green belt objectives'. SESplan disagrees that green belt is often the most suitable location for development. Green belt locations are often peripheral and have poor accessibility. Non-LDP planned development in these locations can often lead to the sprawl of large built up areas, coalescence of settlements, negative impacts on the character and setting of towns and can discourage urban regeneration.

Other similar designations are also considered relevant as the setting, regeneration and the spread of development is a consideration for all settlements, not just those with green belts. **No Modification Proposed.**

Mr Keith Bedborough (856480)

Delivery infrastructure prior to development is not always an efficient use of resources. Infrastructure should be delivered alongside development or when required by the development. The current wording of the 7<sup>th</sup> bullet point is considered sufficient. **No Modification Proposed.**

Moorfoot Community Council (906008)

SESplan considers existing wording is sufficient for the criteria to be used. **No Modification Proposed.**

Cockburn Association (037249)

SESplan considers existing wording is sufficient for the criteria to be used. **No Modification Proposed.**

Gullane Area Community Council (037068), North Berwick Community Council (035522)

Countryside around Towns designations do fulfil similar functions to Green Belt and does not need to be specifically listed. However, conservation areas do not but proposals will need to take account of the placemaking principles. They cover character and historic environment of places. **No Modification Proposed.**

## **5.12 Additional Bullets**

Peebles Community Trust (810911)

7<sup>th</sup> bullet point addresses the need for infrastructure and covers all types of infrastructure required, including through the cumulative impacts from development. **No Modification Proposed.**

Scottish Wildlife Trust (038549)

Green networks are adequately addressed through the 5<sup>th</sup> bullet. **No Modification Proposed.**

## **Other Matters**

Mr Julian Siann (024823)

The area of land required is not set out in Housing Background Paper because it is dependant on land supplies at the time of LDP preparation. The SDP provides outline guidance on the use of densities in the Placemaking Principles and

Supporting Non-Car Travel sections. **No Modification Proposed.**

CALA Management Ltd (929806), Shawfair LLP (039940)

Shortfalls to the current SDP are an LDP and member authority matter and are therefore not required to be addressed in the Proposed Plan. The Annual Housing Updates set out the latest SESplan land supply positions with respect to the current SDP. The Housing Land Requirements in the current SDP and the Housing Land Supplementary Guidance will be superceded and no longer in effect when the HSTs and HLRs in the Proposed Plan are adopted in 2018. **No Modification Proposed.**

Support was received for paragraph 5.12 from five representees.

**Reporter's conclusions:**

[Note: For DPEA use only.]

**Reporter's recommendations:**

[Note: For DPEA use only.]