
SUPPLEMENTARY GUIDANCE: HOUSING

Report by Service Director Regulatory Services

SCOTTISH BORDERS COUNCIL

24 August 2017

1 PURPOSE AND SUMMARY

- 1.1 This report seeks Council approval of the Supplementary Guidance on Housing (SG), in Appendix A.**
- 1.2 Scottish Borders Council Local Development Plan (LDP) was adopted on 12 May 2016. As recommended by the Directorate for Planning and Environmental Appeals following the Examination of the LDP, the LDP required the Council to identify a further 916no housing units within the Scottish Borders in order to address a housing shortfall. The process for identifying sites to accommodate the shortfall was via the production of Supplementary Guidance (SG). A draft SG was produced identifying potential sites following consideration and analysis of a number of options. The draft SG has been subject to public consultation.
- 1.3 All representations received during the public consultation have been scrutinised with amendments having been made accordingly and consequently a final version of the SG as set out in Appendix A is submitted for Council approval. A summary of consultation representations, a corresponding response by the Planning Officer and the recommendation as to whether the sites in question are included within the SG or not are set out in Appendix B. Appendix C confirms proposed amendments to the SG following the public consultation and Appendix D is an updated database report on all the assessments carried out for the sites considered for inclusion within the SG.
- 1.4 The Council is therefore recommended to accept the SG and the proposed sites within it to meet the housing shortfall. Once the Council agree the SG it will be referred to Scottish Ministers in order for it to formally become part of the statutory Development Plan.

2 RECOMMENDATIONS

- 2.1 I recommend that Council:**
 - a) Approves the Supplementary Guidance on Housing; and**
 - b) Notes the updated Environmental Report and the Habitats Appraisal in Appendices E and F.**

3 BACKGROUND

- 3.1 Scottish Planning Policy (SPP) requires Councils to identify a generous supply of land for housing within all housing market areas, across a range of tenures, maintaining a 5 year supply of effective housing land at all times. SPP sets out that Planning Authorities should prepare an annual housing land audit as a tool to critically review and monitor the availability of effective housing land, the progress of sites through the planning process and housing completions. A site is only considered effective, where it can be demonstrated that within 5 years it will be free of constraints and can be developed for housing.
- 3.2 The Strategic Development Plan (SDP) 2013 provides high level strategic guidance and the context for the LDP, setting an overall housing requirement for the SESplan area derived from the Housing Need and Demand Assessment (HNDA) output. The LDP should allocate a range of sites which are effective or expected to become effective in the plan period to meet the housing land requirement in full. Policy 5: Housing Land, sets out the housing land requirement for each Local Authority for the plan period.
- 3.3 The Scottish Borders LDP sets out the vision, aims and spatial strategy for the Scottish Borders and contains detailed policy, proposals and guidance for future development. One of the aims is to provide a generous supply of land for mainstream and affordable housing. Policy HD4: Meeting the Housing Land Requirement/Further Housing Land Safeguarding, intends to assist the Council to maintain the 5 year effective housing land supply at all times. The housing land audit process is used to monitor the need for any additional land release.
- 3.4 Following the Examination of the LDP Reporters from the Directorate for Planning and Environmental Appeals stated that there was a shortfall in housing land within the Scottish Borders and that the LDP did not identify sufficient land to meet the requirement contained within the SDP. The Reporter recommended that the Council, within 12 months of adoption of the LDP, should prepare and submit to Scottish Ministers Supplementary Guidance in order to identify additional sites to provide for a further 916 housing units.
- 3.5 At its meeting on 17 December 2015 the Council considered the Reporters' decision letter. Members ultimately agreed to accept the recommendations and the Plan was consequently referred to Scottish Ministers as part of the formal adoption process. Following formal adoption of the LDP in May 2016 work commenced on the production of the SG as required. As also agreed by Members on 17 December 2015 the Council wrote to the Chief Planner, Chief Reporter and the Chairman of the Planning Review Committee expressing serious concerns on the approach taken by the Reporter on Renewable Energy policy and Housing Land provision and on the time taken to deliver the Examination Report.

4 THE SUPPLEMENTARY GUIDANCE

- 4.1 In order to produce the SG an update of the housing shortfall was considered. This took cognisance of, for example, planning approvals since the Examination where housing numbers had been approved on allocated sites which exceeded the indicative number stated in the LDP. Taking this into consideration, the adjusted housing land requirement is now 811 housing units. This is the housing requirement the SG must address. Further details of this calculation are included within Appendix 3 of the SG.
- 4.2 In terms of the location of site options to meet the required 811 units, the Reporters did not state where these units should be located within the Scottish Borders. It was therefore considered that taking into account matters such as housing land take-up, development interest and population projections the split should roughly be within the identified LDP Housing Market Areas (HMA) as follows: Central - 60%, Berwickshire - 20% and Northern - 20%. Although consideration was given to the Southern HMA no suitable sites were identified.
- 4.3 The Reporters did state that in order to help identify these sites consideration should initially be given to potential housing numbers from mixed use, redevelopment, longer term housing and longer term mixed use sites within the LDP 2016.
- 4.4 A call for sites was then carried out on 28 January until 31 March 2016. Specific criteria requirements for any submitted sites were laid down in a pro forma and guidance note. These included for example, that the site capacity should be no less than 5no houses, the site should be effective, any infrastructure issues should be addressed and the identification of any interested developer should be confirmed.
- 4.5 In total 165no sites were considered for inclusion in the draft SG. This included those submitted as part of the call for sites and those considered as identified in para 4.3. A RAG (red, green, amber) process was then carried out. This involved carrying out detailed site assessments for each proposal against listed criteria.
- 4.6 The RAG process ultimately confirmed the following classifications :
- Green: It was considered that the site met the criteria satisfactorily;
 - Amber: The site requires further investigation/consultation or mitigation and/or potential constraints were identified within/adjacent to the site;
 - Red: The site was not considered to meet the criteria.

The "red" sites were removed from further consideration within the process and of those remaining, internal and external consultations were carried out. This resulted in a number of matters being raised which in essence concluded collectively as to whether sites could be considered appropriate for inclusion within the SG.

- 4.7 For each site included within the draft SG there was a site plan, a site code, a site area, whether the proposal is a preferred or alternative proposal and a list of relevant site requirements. The site requirements were identified following responses from the internal and external consultees.

- 4.8 The draft SG was presented to the Council on 10 November 2016. Members agreed the proposals within the document and that it should be put out to public consultation for a period of 8 weeks which would include the requirement to carry out neighbour notifications of the proposed sites to all land and property owners around the site boundaries. It was agreed that a further report should be submitted to the Council following the public consultation.

5 CONSULTATION ON DRAFT SUPPLEMENTARY GUIDANCE

- 5.1 Public consultation on the draft SG was carried out from 5 December 2016 to 30 January 2017. A total of 141 representations were received raising 261 issues. 2no new sites were submitted at Gattonside (AGATT016) and Charlesfield (ACHAR003). In preparing the finalised SG all representations received were fully scrutinised and further consultations were carried out where relevant.
- 5.2 From the representations received during the public consultation a wide range of opinions on the site options were raised. A summary of all the representations, the corresponding responses by the Planning Officer and the recommendation as to whether the sites in question are included within the SG or not can be viewed in Appendix B.
- 5.3 In total the SG identifies 926 housing units. These totals allow a healthy flexibility to meet the 811no required units. For each site within the SG site requirements are identified which should be addressed at the planning application stage.

In summary the SG proposes the inclusion of the following sites:

BERWICKSHIRE HOUSING MARKET AREA

- AAYTO004, Land North of High Street, Ayton (6 units)
- ACOLD011, Hillview North 1 (Phase 1), Coldstream (100 units).
- AREST004, Reston Long Term 2, Reston (38 units)

CENTRAL HOUSING MARKET AREA

- AGALA032, Lintburn Street, Galashiels (8 units)
- AGALA036, Rose Court, Galashiels (12 units)
- AGALA037, Former Castle Warehouse Site, Galashiels (30 units)
- AHAWI025, Leishman Place, Hawick (5 units)
- AHAWI026, Henderson Road, Hawick (6 units)
- RHAWI011, Factory – Fairhurst Drive, Hawick (10 units)
- AKELS025, Tweed Court, Kelso (15 units)
- AKELS026, Nethershot (Phase 2), Kelso (100 units)
- RKELS002, Former High School Site, Kelso (50 units)
- ANEWS005, The Orchard, Newstead (6 units)
- ASELK033, Angles Field, Selkirk (30 units)
- MSELK002, Heather Mill, Selkirk (75 units)
- MTWEE002, Lowood, Tweedbank (300 units)

NORTHERN HOUSING MARKET AREA

- MINNE001, Caerlee Mill, Innerleithen (35 units)
- MPEEB006, Rosetta Road Mixed Use, Peebles (30 units)
- MPEEB007, March Street Mill, Peebles (70 units)

5.4 A number of changes to the SG have been made following the public consultation. The main amendments are identified as follows :

- Some text within the SG has been updated to reflect relevance to the final SG as opposed to the draft version and to confirm the relationship between the LDP and the SG.
- Some background text within the draft SG relating to the process has been moved within the final SG and is now incorporated as appendices.
- The draft SG made reference to preferred and alternative sites as part of the public consultation. The SG now only references the proposed sites identified in para 5.3 of this report.
- For the sites included within the SG some amended site requirements have been identified via consultation responses and have been incorporated where relevant. These finalised site requirements are identified within Appendix C.
- The site boundary for Tweed Court, Kelso (AKELS025) has been marginally reduced in size. The indicative housing capacity has therefore been reduced to 15 units.
- The SG gives further reference to ensure that all developed sites are carried out in accordance with the Council's SPG on Placemaking and Design.
- The SG gives confirmation as to how proposed indicative site densities have been calculated.
- Updated settlement maps are contained within Appendix 1 of the SG.

5.5 Once the SG has been approved by the Council and agreed by the Scottish Ministers, the SG will be placed on the Council website as an adopted document which will form part of the adopted LDP 2016. Existing hard copies of the current LDP cannot be amended to include the sites allocated via the SG procedure. However, the online electronic version of the LDP will update relevant settlement maps to incorporate the allocated SG sites. This will include, for example, identification of new sites, new site codes and new settlement boundaries where appropriate.

6 IMPLICATIONS

6.1 Financial

There are no substantive cost implications arising for the Council. There is budget to cover the necessary consultation elements.

6.2 Risk and Mitigations

The key risks are considered to be:

Risk of not providing guidance

- (i) Failure to produce the SG would mean the Council would not have the statutorily required 5 year effective land supply.

Risk of providing guidance

There are no perceived risks related to the adoption of the guidance by the Council.

6.3 Equalities

An Equalities Impact Assessment has been carried out on this proposal and it is anticipated that there are no adverse equality implications.

6.4 Acting Sustainably

The SG has been subject to environmental appraisal under the terms of the Environmental Assessment (Scotland) Act 2005. An Environmental Report (ER) has been prepared alongside the SG. The Environmental Report sets out a detailed assessment of the potential impacts of the proposals within the SG, and puts forward any necessary mitigation requirements.

6.5 Carbon Management

There are no known effects on carbon emissions as a result of the SG.

6.6 Rural Proofing

The proposals within the SG have been subject to assessment, including rural impact.

6.7 Changes to Scheme of Administration or Scheme of Delegation

There are no changes to be made to either the Scheme of Administration or the Scheme of Delegation as a result of the proposals in this report.

7 CONSULTATION

- 7.1 The Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer, the Chief Officer Audit and Risk, the Service Director HR and the Clerk to the Council have been consulted and any comments received have been incorporated in this final report where required.
- 7.2 In developing the Supplementary Guidance on Housing a considerable number of relevant internal and external parties have been consulted as set out in section 4 and paragraph 5.1 of this report.

Approved by

Service Director Regulatory Services

Signature

Author(s)

Name	Designation and Contact Number
Charles Johnston	Lead Planning Officer (Forward Planning)

Background Papers: None

Previous Minute Reference: Scottish Borders Council, 10 November 2016

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Contact us at Jacqueline Whitelaw, Environment and Infrastructure, Scottish Borders Council, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA, Tel 01835 825431, Fax 01835 825071, email eitranslationrequest@scotborders.gov.uk