

Scottish Borders Council Proposed Local Development Plan Representations on behalf of Geddes Consulting

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| Volume: |
| Volume 1, Policies |
| Section: |
| 1. Introduction |
| Comment: |
| <p>The Scottish Borders Council Proposed Local Development Plan (LDP) states that ...<i>the combination of an up to date development plan with a generous supply of land for housing, and the current economic downturn means that the land requirement to deal with future housing need is modest</i> (paragraph 2.3).</p> <p>As a result, the Proposed LDP KEY OUTCOME 1 is presented as ...<i>the continued provision of a generous housing land supply</i>.</p> <p>This is not in accord with SESplan SDP which confirms in Policy 6 <i>Housing Land Flexibility</i> that:</p> <p style="padding-left: 40px;"><i>Each planning authority in the SESplan area shall maintain a five years' effective housing land supply at all times. The scale of this supply shall derive from the housing requirements for each Local Development Plan area identified through the supplementary guidance provided for by Policy 5. For this purpose planning authorities may grant planning permission for the earlier development of sites which are allocated or phased for a later period in the Local Development Plan.</i></p> <p>Further Scottish Planning Policy (SPP) requires the LDP to ... <i>allocate land on a range of sites which is effective or capable of becoming effective to meet the housing land requirement up to year 10 from the predicted year of adoption, ensuring a minimum of 5 years effective land supply at all times</i> (paragraph 72).</p> <p>The objective is therefore to maintain a 5 year effective housing land supply at all times to ensure a continuing generous supply of land for house building (SPP, paragraph 75).</p> <p>Proposed LDP does not accord with SESplan SDP and Scottish Planning Policy (SPP).</p> |
| Modification: |
| <p>Amend (red) paragraph 2.3 to state:</p> <p style="padding-left: 40px;"><i>The Council has prepared an update to its Housing Needs and Demand Assessment and this has been accepted by the Scottish Government. The Assessment identifies a continued need for affordable housing in the Scottish Borders amounting to some 100 houses per annum over the next 5 years. This Plan is focused on the period to 2024 which is ten years beyond the anticipated year of adoption. The combination of an up to date development plan with an effective housing land supply to ensure a generous supply of land for housing, and the current economic downturn means that the land requirement to deal with future housing need is modest.</i></p> <p style="padding-left: 40px;"><i>Key Outcome 1: The continued provision of an effective housing land supply to ensure a generous housing land supply</i></p> |

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| 3. Vision, Aims and Spatial Strategy |
| Comment: |
| <p>The Scottish Borders Council Proposed Local Development Plan (LDP) seeks to ...<i>identify a generous land supply to meet the requirement for the Scottish Borders set by the SESplan Housing Needs and Demand Assessment</i> (paragraph 3.13).</p> <p>In approving SESplan Strategic Development Plan (SDP), Scottish Ministers confirmed that ...<i>LDPs in the SESplan area should not be submitted to Ministers until after the supplementary guidance has been adopted.</i></p> <p>This is not in accord with SESplan SDP which confirms in Policy 5 <i>Housing Land</i> that ...<i>supplementary guidance will be prepared to provide detailed further information for Local Development Plans as to how much of that requirement should be met in each of those six areas, both in the period 2009 to 2019 and in the period 2019 to 2024.</i></p> <p>The SESplan draft Supplementary Guidance <i>Housing Land</i> has undergone consultation and the housing land requirement as agreed by the Council for Scottish Borders is known. This may be subject to change following consultation.</p> <p>The methodology to adopt to determine the housing land supply and consequently the housing land shortfall is also set out in SESplan Policy 5 which states:</p> <p style="padding-left: 40px;"><i>Subject to any justifiable allowance for anticipated house completions from ‘windfall’ sites, and for demolitions of existing housing stock, Local Development Plans will allocate sufficient land which is capable of becoming effective and delivering the scale of the housing requirements for each period, which will be confirmed in the supplementary guidance. Where appropriate they will indicate the phasing and mix of uses to be permitted on any sites to be allocated for housing development.</i></p> <p style="padding-left: 40px;"><i>Those existing housing sites which are assessed as being constrained, but also capable of delivering housing completions in the period 2024 to 2032, should be safeguarded for future housing development.</i></p> <p>Proposed LDP does not accord with SESplan SDP or draft Supplementary Guidance.</p> |
| Modification: |
| <p>Amend (red) paragraph 3.13 to state:</p> <p style="padding-left: 40px;"><i>Future development is focused on the extension of the main towns of the SDAs and they will continue to be the main focus for housing growth within the Borders through the identification of potential areas for longer term growth. The Plan seeks to identify a generous land supply to maintain a 5 year effective housing land supply at all times meeting the housing land requirement for the Scottish Borders as set by the SESplan Housing Needs and Demand Assessment Strategic Development Plan and Supplementary Guidance on Housing Land. and†The detail of the approach is set out in Appendix 2. Opportunities are identified across the whole area, but there is recognition that there are limitations to further development in the inner core area, where substantial housing development has been previously planned.</i></p> |

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| Appendix 2, Meeting the Housing Land Requirement |
| Comment: |
| <p>The Scottish Borders Council Proposed Local Development Plan (LDP), Appendix 2 states that:</p> <p><i>Scottish Planning Policy (SPP) confirms that Housing Need and Demand Assessments (HNDA) provide the evidence base for defining housing supply targets. SESplan have prepared a HNDA in accordance with detailed guidance from Scottish Government, and this was considered 'robust and credible' by the Scottish Government in June 2011. It is recognised that the HNDA is a technical, modelling exercise that provides a range of estimate-based scenarios. The SESplan HNDA covers each of the six Councils within the SESplan area, including the Scottish Borders.</i></p> <p>This is not in accord with SESplan SDP which confirms in Policy 5 <i>Housing Land</i> that ...<i>supplementary guidance will be prepared to provide detailed further information for Local Development Plans as to how much of that requirement should be met in each of those six areas, both in the period 2009 to 2019 and in the period 2019 to 2024.</i></p> <p>The SESplan draft Supplementary Guidance <i>Housing Land</i> has undergone consultation and the housing land requirement as agreed by the Council for Scottish Borders is known. The housing land requirement is 9,650 homes for 2009 – 2019 and 3,280 homes for 2019 – 2024. This may be subject to change following consultation. These should replace the housing needs and demands of the HNDA.</p> <p>In approving SESplan Strategic Development Plan (SDP), Scottish Ministers confirmed that ...<i>LDPs in the SESplan area should not be submitted to Ministers until after the supplementary guidance has been adopted.</i></p> <p>By approving the Proposed LDP for consultation prior to the adoption of the Supplementary Guidance, the Council has been unable to clarify the housing land requirement.</p> <p>However, the methodology to adopt to determine the housing land supply and consequently the housing land shortfall was also set out in SESplan Policy 5 which states:</p> <p><i>Subject to any justifiable allowance for anticipated house completions from 'windfall' sites, and for demolitions of existing housing stock, Local Development Plans will allocate sufficient land which is capable of becoming effective and delivering the scale of the housing requirements for each period, which will be confirmed in the supplementary guidance. Where appropriate they will indicate the phasing and mix of uses to be permitted on any sites to be allocated for housing development.</i></p> <p><i>Those existing housing sites which are assessed as being constrained, but also capable of delivering housing completions in the period 2024 to 2032, should be safeguarded for future housing development.</i></p> <p>Therefore, the methodology to adopt was known prior to the Proposed LDP consultation.</p> <p>The Council has adopted Housing Land Audit 2012 for the basis on the calculation. This is not agreed with Homes for Scotland and therefore not in accord with PAN 2/2010 <i>Affordable Housing and Housing Land Audits</i>.</p> <p>Agreement must be sought with Homes for Scotland for the Housing Land Audit 2013.</p> <p>Using the information provided by the Council in Appendix 2 with the methodology set out in SESplan Policy 5 and the housing land requirement defined in the SESplan draft Supplementary Guidance. This does not take account of a generosity allowance which is set out as 10% to 20% in the draft SPP (paragraph 85).</p> |

| | | 2009 - 2019 | 2019 - 2024 | 2009 - 2024 |
|---------------|------------------------------------|--------------------|--------------------|--------------------|
| | Housing Land Requirement | 9,650 | 3,280 | 12,930 |
| <i>minus</i> | Housing Completions (2009 – 2011) | 1,243 | - | 1,243 |
| <i>minus</i> | Effective Housing Land Supply | 5,779 | 883 | 6,662 |
| <i>minus</i> | Windfall Assumptions (2011 – 2024) | 1,169 | 730 | 1,899 |
| <i>plus</i> | Demolitions | 140 | 100 | 240 |
| <i>equals</i> | Housing Land Shortfall | 1,599 | 1,767 | 3,366 |

In accord with SESplan, the housing land shortfall to meet over the SESplan period is 3,366 homes. The Council identifies sites with a capacity of 630 homes. This is insufficient to meet the housing land requirement in full in accord with SPP.

Proposed LDP calculation for housing land supply does not accord with SESplan SDP or draft Supplementary Guidance.

Modification:

The Council is required to modify the calculation and methodology presented in Appendix 2 to reflect the requirements set out by SESplan SDP. As it stands, the Proposed LDP would come under legal challenge as it does not comply with SESplan SDP.

Remove Table 2: *Scottish Border HNDA Requirement and Cumulative Housing Supply* and replace with a revised Table 2 as follows:

Table 2: Scottish Borders Housing Land Requirement and Cumulative housing Land Supply

| | | 2009 - 2019 | 2019 - 2024 | 2009 - 2024 |
|---------------|------------------------------------|--------------------|--------------------|--------------------|
| | Housing Land Requirement | 9,650 | 3,280 | 12,930 |
| <i>minus</i> | Housing Completions (2009 – 2011) | 1,243 | - | 1,243 |
| <i>minus</i> | Effective Housing Land Supply | 5,779 | 883 | 6,662 |
| <i>minus</i> | Windfall Assumptions (2011 – 2024) | 1,169 | 730 | 1,899 |
| <i>plus</i> | Demolitions | 140 | 100 | 240 |
| <i>equals</i> | Housing Land Shortfall | 1,599 | 1,767 | 3,366 |

This does not take account of a generosity allowance which will range between 10% and 20% of the housing land requirement.

If the housing land requirement remains as stated in the above table, and the Housing Land Audit 2013 has a similar effective housing land supply following agreement with Homes for Scotland, then further housing land allocations will be required above and beyond the identified allocations of 630 homes.

In accord with SESplan SDP, the housing land shortfall is 1,599 homes from 2009 – 2019 and 1,767 homes from 2019 – 2024 or 3,366 homes in total from 2009 – 2024.

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| 4. Local Development Plan Policies |
| Comment: |
| <p>The Scottish Borders Council Proposed Local Development Plan (LDP) states that <i>...where a potential shortfall is identified within a housing market area, new development will be directed to the longer term safeguarded areas identified in relation to settlements</i> (Policy HD4, paragraph 1.1).</p> <p>This is in accord with SESplan SDP which confirms in Policy 6 <i>Housing Land Flexibility</i> that:</p> <p><i>Each planning authority in the SESplan area shall maintain a five years' effective housing land supply at all times. The scale of this supply shall derive from the housing requirements for each Local Development Plan area identified through the supplementary guidance provided for by Policy 5. For this purpose planning authorities may grant planning permission for the earlier development of sites which are allocated or phased for a later period in the Local Development Plan.</i></p> <p>However, further clarity needs to be specified in Policy HD4: <i>Further Housing Land Safeguarding</i>. There is no requirement by SESplan SDP to deal with shortfalls in the effective housing land supply by housing market area. This is further made difficult by the lack of a housing land requirement by housing market area in the Proposed LDP.</p> |
| Modification: |
| <p>Amend (red) paragraph 1.1 to state:</p> <p><i>This policy is intended to assist the Council to maintain the 5 year effective housing land supply at all times, while safeguarding particularly sensitive areas from development. The housing land audit process will be used to monitor the need for any additional land release. Where a potential shortfall is identified within a housing market area the Local Development Plan area, new development will be directed to the longer term safeguarded areas identified in relation to settlements. Where possible, the safeguarded areas are shown on the Proposal Maps. Any proposals that come forward in these areas will be assessed against the policies in the approved development plans.</i></p> <p>Amend (red) Policy HD4: <i>Further Housing Land Safeguarding</i> to state:</p> <p><i>The areas indicated in the settlement profiles for longer term expansion and protection shall be safeguarded accordingly. Proposals for housing development in such expansion areas may comeing forward for earlier development where it is demonstrated that there is in advance of the identification of a shortfall in the 5 year effective housing land supply will be treated as premature.</i></p> |