

Issue (ref and heading):	Issue 018: Policy 4 Homes - Effective Housing Land and Areas Surrounding Perth and Dundee Core Areas	
Development plan reference:	Policy 4 Part B, Part F and, supporting text, pages 24 to 29	Reporter: [For DPEA use only]
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Seeking a change Emac Planning LLP for A&J Stephen Ltd & Avant Homes (910368) Emac Planning LLP for Delson Contracts Ltd (846826) Emac Planning LLP for F M & G Batchelor (846821) Emac Planning LLP for J G Lang & Son (846827) Emac Planning LLP for Landvest PCC Ltd (910292) Emac Planning LLP for Linlathen Estates (Tayside) Ltd & James Keiller Estates Ltd (846825) Emac Planning LLP for R Watson & Son (846824) Emac Planning LLP for Scotia Homes Ltd (910294)</p>	<p>Emac Planning LLP for Stewart Milne Homes North Scotland (347277) Gladman Developments Ltd (846254) Homes For Scotland (785148) Montagu Evans LLP for Inverarity Farms Ltd (443912) Montagu Evans LLP for Mr J Russell Wallace Land Investment Management (343111) Muir Smith Evans (202101) Ryden for Bon Accord Land Ltd/Stewart Milne Homes (843701) Savills-SmithsGore for Errol Estate (909974) Springfield Properties (910130)</p> <p>Supporting as written Colliers International for Scottish Enterprise (835481) NHS Tayside (908896) Scottish Water (762198)</p>	
Provision of the development plan to which the issue relates:		
<p>Policy 4 parts B and F are both about land for housing. Policy 4B requires Local Development Plans to identify land which is effective or expected to become effective to meet the housing land requirement stated in Map 4 up to year 10 from the predicted date of adoption. Policy 4F makes a presumption against land release in areas surrounding the Dundee and Perth Core Areas where this would prejudice the delivery of Strategic Development Areas named in Policy 3/Map 3 or regeneration within the core areas or where it would conflict with other parts of the Plan.</p>		
Planning Authority's summary of the representation(s):		
<p>Summary of Representations Seeking a Change</p> <p><u>DE-ALLOCATION AND/OR RE-ALLOCATION OF LAND FOR HOMES</u></p> <p>These responses focus specifically on housing land but relate closely to similar representations made by many of the same respondents in the Schedule 4 Summary of Unresolved Issues for Issue 004 Policy 1B sequential approach.</p> <p>Emac Planning LLP for Delson Contracts Ltd (846826) PLAN2015_520, Emac Planning LLP for F M & G Batchelor (846821) PLAN2015_500, Emac Planning LLP for R Watson & Son (846824) PLAN2015_468, Emac Planning LLP for Scotia Homes Ltd (910294) PLAN2015_484, Emac Planning LLP for J G Lang & Son (846827) PLAN2015_443, Emac Planning LLP for Landvest PCC Ltd (910292) PLAN2015_406, Emac Planning LLP for Linlathen Estates (Tayside) Ltd & James Keiller Estates Ltd (846825) PLAN2015_434, Homes For Scotland (785148) PLAN2015_242, Emac Planning LLP for A&J Stephen Ltd & Avant Homes (910368) PLAN2015_556, Springfield Properties (910130) PLAN2015_345 and Emac Planning LLP for Stewart Milne Homes North Scotland (347277) PLAN2015_537 each propose new wording to ensure that local development plans examine the likelihood of sites coming forward and, where necessary, deallocate historic sites which have been 'allocated for some time' and have 'no obvious prospect of coming forward'.</p>		

They suggest that there is 'merit in re-balancing the suite of housing allocations' to provide a 'better focus on land in the strongest market areas'. The respondent suggests that this requires local authorities to take what they term a 'realistic view of the effectiveness and viability of existing sites'. They also suggest a disparity between the 'deliverability evidence' required of those promoting new sites versus that in relation to 'difficult sites'. They argue that a 'stronger approach' from the Strategic Development Plan is necessary to bring this about.

Ryden for Bon Accord Land Ltd/Stewart Milne Homes (843701) PLAN2015_311 welcomes the Policy 4B (Doc80) requirement for the identification of land which is effective, or expected to become effective to meet the housing land requirement, but they consider that 'too much reliance' is being placed on existing, long standing brownfield sites within settlement boundaries. They consider that some of these brownfield sites are constrained in the long term and have little prospect of being delivered in the lifetime of the Plan. The respondent proposes new wording at the end of Policy 4B (Doc80) to ensure that local development plans examine the likelihood of sites coming forward and, where necessary, deallocate 'long term constrained sites' which have 'little prospect of being delivered in the lifetime of the Plan' and replace them with new sites. In addition they also propose that more sites, free of constraints, should be identified within the 10-20% generosity allowance described in Scottish Planning Policy (2014) paragraph 116 (Doc84). The respondent considers that this would allow more weight to be given to what they describe as 'greenfield sites, on the edge of settlements, with developer backing, which are capable of early delivery'.

Gladman Developments Ltd (846254) PLAN2015_378 would like to see "how this policy works" Pages 27 to 29 section of Policy 4 (Doc80) require Local Development Plans to respond to the strongest market areas and for local authorities to review and consider de-allocating what they term 'long term housing allocations that have failed to deliver and there is no evidence to suggest these sites are likely to become effective'.

CHOICE

Gladman Developments Ltd (846254) PLAN2015_378 consider that the Strategic Development Plan should 'encourage local authorities to allocate a range of sites with a greater mix of smaller, effective housing sites that are deliverable in the short term in order to effectively plan for growth'. They base this on Scottish Planning Policy (2014) Paragraph 119 (Doc84).

They consider that doing so would provide 'flexibility and security from external factors and ensures choice, and essentially delivery, in the market'. They 'recognise' that large allocations can have an 'important role' in meeting the housing land requirement and can bring what they term 'inherent benefits to local communities'. However, they consider that large allocations can often fail to deliver the level of housing within the time originally anticipated due to their significant constraints or requirements for new infrastructure that they suggest makes a site 'unviable'.

PROMOTING SITES

Montagu Evans LLP for Mr J Russell Wallace Land Investment Management (343111) PLAN2015_252 is not persuaded that current land allocations in Local Development Plans will be delivered and would like to see TAYplan provide what they term a 'clear context within which to address any issue of housing land supply across the area'. They highlight the approach to this set out in Scottish Planning Policy (2014) paragraphs 27, 39 and 125 (Doc84) which include circumstances in which Local Development Plan policies for the supply of housing land will no longer be considered up to date. The respondent cites examples of what they term 'planning

delays' at various sites in Kinross and suggest that a site they are promoting at West Kinross (018/Extract/2) (previously known as site H46) is an opportunity to resolve these issues and should therefore be 'supported by TAYplan'.

Montagu Evans LLP for Wallace Land Investment Management (343111) PLAN2015_249 considers that Scottish Planning Policy (2014) (Doc84) sets out requirements for housing land requirements but argues that much of the land currently identified in Local Development Plans relates to 'strategic allocations' [TAYplan considers this to mean the Strategic Development Areas set out in Policy 3 (Doc80)]. The respondent considers that these strategic locations will not come forward in the timescales envisaged due to their 'complex nature and infrastructure requirements'.

The respondent suggests that Kinross continues to experience demand for growth and that the Plan should explore future capacity for this in a 'strategic manner'. Further, they consider that there will soon be a need to consider future growth beyond what is envisaged by the Perth & Kinross Local Development Plan (2014) (Doc5). In a separate response to another part of the Proposed Plan this respondent promotes a site in Kinross.

Montagu Evans LLP for Inverarity Farms Ltd (443912) PLAN2015_452 welcomes Dundee Western Gateway Strategic Development Area and seeks the addition of a site to the west of the current 'South Gray Village'. The respondent considers that this will make a contribution to the effective land supply in order to deliver the identified need and demand for new homes from the TAYplan-wide Joint Housing Need and Demand Assessment (2013) (Doc97).

Savills-SmithsGore for Errol Estate (909974) PLAN2015_525 proposes amendments to Policy 4F which they consider necessary to support their ambitions to use their land assets in the Carse of Gowrie to 'serve the leisure needs of both Dundee and Perth, and Scotland more generally' and allow for an increased scale of land release, to 'support sustainable development at Errol village', in line with their vision. They consider that the current Perth and Kinross Local Development Plan (2014) (Doc5) recognises Errol as having 'a healthy range of amenities and services' that are 'well linked via the national cycle network to the urban centres it serves'. They consider this approach to also reflect Proposed Plan (2015) Policies 2 and 8 (Doc80) including proposals to 'Improve access networks around national cycle network 77'. Their proposals aspire to the Carse of Gowrie becoming 'an exemplar for sustainable development' building on 'active and sustainable travel links' and seeking to develop what is termed 'the full range of green network functions' whilst 'encouraging sustainable development of the Errol settlement' with 'enabling housing development' where necessary. This would involve what is described as 'an appropriate scale of land release around Errol settlement, but only at the appropriate time'.

Muir Smith Evans (202101) PLAN2015_545 proposes amendments to Policy 4F (Doc80) and elements of the supporting text so that what they describe as 'opportunity sites' which meet other 'core plan objectives' and 'sustainability criteria' should also be recognised. The respondent considers there to be a need to balance the 'key objectives' from Scottish Planning Policy (2014) (Doc84) and promote sustainable development. They consider that specific proposals that 'meet development plan policy requirements in all other respects' and 'deliver sustainable development objectives but are not located within strategic growth areas' should not be undermined. They cite examples of where development or redevelopment fulfil 'sound planning objectives' and deliver 'significant environmental and heritage benefits'. The respondent goes on to argue that the 'core growth strategy' should not exclude other proposals simply on a locational basis if other policy principles are met.

They suggest that assessment of such sites should be supported by detailed analysis and evidence to assess whether strategic priorities would be threatened.

PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

Gladman Developments Ltd (846254) PLAN2015_377 considers that TAYplan should set out an approach to deal with the presumption in favour of sustainable development and approach for dealing with out of date housing land supply set out in Scottish Planning Policy (2014) paragraphs 25, 32 and 125 (Doc84). They suggest this should be included as a mechanism within Policy 4 (Doc80). The respondent does not regard addressing the shortfall through Local Development Plan reviews as appropriate because these take time to prepare. They consider the approach set out in SESplan Policy 7 (Doc15) to be a good one.

Summary of Supporting Representations

SUPPORT FOR BASIS AND APPROACH OF POLICY 4

Colliers International for Scottish Enterprise (835481) PLAN2015_370 supports all of Policy 4 (Doc80) as the basis for the identification of housing land as consistent with Scottish Planning Policy (2014) paragraphs 110, 123 and 125 (Doc84). They also support the role of the Strategic Development Areas (Policy 3) - (Doc80) in contributing to an effective housing land supply.

NHS Tayside (908896) PLAN2015_325 consider that the ability to be 'flexible' and 'respond to changes in terms of Housing Need and Demand Assessment' is important and recognises that 'population projections are not always reliable'.

Scottish Water (762198) PLAN2015_269

The respondent supports this policy and reinforces its duty as an infrastructure provider to support the delivery of this.

Modifications sought by those submitting representations:

DE-ALLOCATION AND/OR RE-ALLOCATION OF LAND FOR HOMES

Emac Planning LLP for Delson Contracts Ltd (846826) PLAN2015_520, Emac Planning LLP for F M & G Batchelor (846821) PLAN2015_500, Emac Planning LLP for R Watson & Son (846824) PLAN2015_468, Emac Planning LLP for Scotia Homes Ltd (910294) PLAN2015_484, Emac Planning LLP for J G Lang & Son (846827) PLAN2015_443, Emac Planning LLP for Linlathen Estates (Tayside) Ltd & James Keiller Estates Ltd (846825) PLAN2015_434, Emac Planning LLP for Landvest PCC Ltd (910292) PLAN2015_406, Emac Planning LLP for A&J Stephen Ltd & Avant Homes (910368) PLAN2015_556 and Emac Planning LLP for Stewart Milne Homes North Scotland (347277) PLAN2015_537 propose the expansion of Policy 4 (Doc80) to provide more guidance on the locational priorities for the allocation and de-allocation of sites in Local Development Plans using the following words:

'When preparing new Local Development Plans, careful consideration should be given to how realistic it is that each allocation will be delivered within the plan period. This principle should be applied to historic allocations that are carried forward or reintroduced from current or previous plans, as well as to new sites that are being allocated for the first time. Where there are particularly high levels of unimplemented legacy sites, the priority in identifying new allocations should be sites which have strong potential to deliver homes within the plan period which will help to recover any shortfall in meeting housing need and demand. Sites, which have no evidence of deliverability within the relevant plan period, should be de-allocated when Local Development Plans are prepared and reviewed. The annual Housing Land Audit is a

useful monitor in this regard.'

Ryden for Bon Accord Land Ltd/Stewart Milne Homes (843701) PLAN2015_311

proposes a new sentences at the end of Policy 4B (Doc80) to read:

'long term constrained sites, which have little prospect of being delivered in the lifetime of the Plan, should be removed and new sites, which are capable of delivery, should be identified in their place'.

Homes For Scotland (785148) PLAN2015_242 and Springfield Properties

(910130) PLAN2015_345 propose more direction could be given on the nature of the areas to be designated in Local Development Plans in the 'how the policy works text' for Policy 4B (Doc80) as follows:

'When preparing new Local Development Plans, careful consideration should be given to how realistic it is that each allocation will be delivered within the plan period. This thinking should be applied to older allocations that are carried forward or reintroduced from current or previous plans, as well as to new sites that are being allocated for the first time. Where there are particularly high levels of unimplemented legacy sites, the priority in identifying new allocations should be sites which have strong potential to deliver homes within the plan period which will help to recover any shortfall in meeting housing need and demand. Sites which have no evidence of deliverability within the relevant plan period should be de-allocated when Local Development Plans are prepared and reviewed.'

Gladman Developments Ltd (846254) PLAN2015_378 propose that in the "how this policy works" section for Policy 4 (Doc80), reference should be made to the need for Local Development Plans to respond to the strongest market areas and for local authorities to review and consider de-allocating long term housing allocations that have failed to deliver and there is no evidence to suggest these sites are likely to become effective.

CHOICE

Gladman Developments Ltd (846254) PLAN2015_378 propose that the Strategic Development Plan should encourage local authorities to allocate a range of sites with a greater mix of smaller, effective housing sites that are deliverable in the short term in order to effectively plan for growth.

PROMOTING SITES

Montagu Evans LLP for Mr J Russell Wallace Land Investment Management (343111) PLAN2015_252 propose that TAYplan should provide a clear context within which to address any issue of housing land supply across the area.

Montagu Evans LLP for Wallace Land Investment Management (343111) PLAN2015_249 implies the need for a reduction in the proportion of housing land that is part of Strategic Development Areas and the exploration of future capacity for this in a 'strategic manner' at Kinross.

Montagu Evans LLP for Inverarity Farms Ltd (443912) PLAN2015_452 propose that a site they are promoting should be included within the emerging TAYplan Strategic Development Plan.

Savills-SmithsGore for Errol Estate (909974) PLAN2015_525 propose an amendment to point F. as follows:

'ensure there is a presumption against large-scale land releases in areas surrounding the Dundee and Perth Core Areas, including the Carse of Gowrie, where it would prejudice the delivery of Strategic Development Areas or regeneration within the core areas or conflict with other parts of this plan except where an effective sustainable development argument is put forward'.

Muir Smith Evans (202101) PLAN2015_545 proposes amendments to:

- Policy 4F (Doc80) by including wording such as:
..."other than proposals for identified opportunity sites that accord with other sustainable development objectives"...

- Page 29 (Doc80) replace the current text:

"Local Development Plans will not make significant land allocations for new homes in these areas and planning decisions will also be expected to reflect this priority. Therefore, significant new housing development will not be supported in these areas."

With the new wording as follows:

..."Local Development Plans will not make significant land allocations for new homes in these areas and planning decisions will also be expected to reflect this priority. Therefore, significant new housing development will not be supported in these areas unless on specific opportunity sites that deliver other important policy objectives and do not threaten delivery in the strategic development areas."

PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

Gladman Developments Ltd (846254) PLAN2015_377 proposes that a mechanism should be added to Policy 4 which allows local authorities to deliver additional housing development through development management procedures where this is necessary in order to maintain a five years effective housing land supply.

Summary of responses (including reasons) by Planning Authority:

Context

Policy 4B (Doc80) is a continuation of the initial part of approved TAYplan (2012) Policy 5A (Doc16). Much of the wording remains similar but it was decided to separate the land element into Policy 4B in the Proposed Plan (2015) (Doc80).

This was done for clarity and to reflect the distinction that Scottish Planning Policy (2014) paragraphs 110 to 119 (Doc84) now make between the number of homes planned (housing supply targets) and the land that must be identified to deliver this (housing land requirement). Policy 4B (Doc80) continues to emphasise the need for a 5 year land supply at all times.

It has not continued the previous approach of moving to a 7 year land supply. There are two key reasons for this:

1. The original intention of the 7 year idea was so that housing land audits programmed anticipated build rates 7 years ahead allowing Local Development Plans to consider a 5 year land supply from the logical date of adoption. This shift has now happened in the region's housing land audits. It means that they look ahead at how much of the effective land is expected to be delivered in the forthcoming 7 year period from the date of the audit. This has now been achieved and therefore there is no need to re-state this.

2. Scottish Planning Policy (2014) now clarifies the role of the 5 year land supply at all times in paragraph 119 (Doc84) and also sets out how generosity of land supply will operate in paragraph 116 (Doc84). Even though housing land audits will continue to look ahead 7 years there is a considerable risk of confusion by restating this because of the approach to generosity and 5 year land supplies have already been stated by Scottish Planning Policy (2014) paragraphs 116 and 119 (Doc84).

Removing this from the plan is a helpful way of avoiding unintended confusion whilst retaining the operational practice in Housing Land Audits. No respondents have

raised any issues related to the changes described above.

Policy 4F is a continuation of approved TAYplan (2012) Policy 5C (Doc16). The text remains identical in both documents. Proposed Plan page 29 (Doc80) now explains how Policy 4F works including more about how it operates in conjunction with Policy 1C (Doc80).

TAYplan considers this to continue to reflect Scottish Planning Policy (2014) paragraphs 40 and 76 to 83 (Doc84), which seek to prevent suburbanisation of the countryside, unsustainable travel behaviour and unsustainable patterns of development.

Authority's Response to Proposed Changes

DE-ALLOCATION AND/OR RE-ALLOCATION OF LAND FOR HOMES

Emac Planning LLP for Delson Contracts Ltd (846826) PLAN2015_520, Emac Planning LLP for F M & G Batchelor (846821) PLAN2015_500, Emac Planning LLP for R Watson & Son (846824) PLAN2015_468, Emac Planning LLP for Scotia Homes Ltd (910294) PLAN2015_484, Emac Planning LLP for J G Lang & Son (846827) PLAN2015_443, Emac Planning LLP for Landvest PCC Ltd (910292) PLAN2015_406, Emac Planning LLP for Linlathen Estates (Tayside) Ltd & James Keiller Estates Ltd (846825) PLAN2015_434, Homes For Scotland (785148) PLAN2015_242, Emac Planning LLP for A&J Stephen Ltd & Avant Homes (910368) PLAN2015_556, Springfield Properties (910130) PLAN2015_345, Emac Planning LLP for Stewart Milne Homes North Scotland (347277) PLAN2015_537 and Gladman Developments Ltd (846254) PLAN2015_378

These responses focus specifically on housing land but relate closely to similar representations made by many of the same respondents in the Schedule 4 Summary of Unresolved Issues for Issue 004 Policy 1B sequential approach. That schedule concludes that the effectiveness or otherwise of a site is not automatically dictated by its brownfield or greenfield status.

TAYplan agrees that some sites will take longer to come forward than others. This can often be related to complexities of site ownership, infrastructure or access provision, the wider economic situation, including lending climate, or other factors.

TAYplan also agrees that in identifying land for homes (and other land uses) Councils may need to choose to de-allocate some long standing sites whose future delivery is unlikely. Such decisions will be determined by the evidence considered when preparing Local Development Plans and broader decisions about the importance of the contribution of individual sites and locations to regeneration objectives.

The factors that will contribute to these decisions are acknowledged by Proposed Plan (2015) Policy 4/Map 4 (Doc80), in the 'how it works' section on page 27 (Doc80) and in Scottish Planning Policy (2014) paragraphs 116, 118 and 119 (Doc84). These are that Councils will identify a generous supply of land through the housing land requirement; this can be made up of land from a variety of sources; and, that it must be effective or expected to be effective up to year 10 from the predicted date of adoption. Councils will be expected to fulfil these requirements in identifying land.

Councils may also ensure that a site(s) become effective within the 10 years following adoption by prioritising delivery of new infrastructure for example. Action Programmes are an appropriate place to document and describe the necessary measures and timescales.

TAYplan is satisfied that individual sites can already be de-allocated and that this can be achieved without a change to TAYplan's Proposed Plan (2015) (Doc80) and without the need to develop a set of complex and potentially unworkable criteria. The Proposed Plan (2015) (Doc80) and Scottish Planning Policy (2014) (Doc84) provide the relevant guidance to support Councils in collecting the evidence and drawing conclusions from it. These conclusions will inevitably be examined as part of any consideration of different sites and their rationale, both in preparing the Local Development Plan and in examining it following submission.

TAYplan does not see any additional value or necessity to point out to councils that something they can already do (namely de-allocate/re-allocate) may offer a solution in response to changes in circumstance based on the factors that have already been stated in the Proposed Plan (2015) (Doc80) and national policy. TAYplan considers that this is already clear to Councils and that it is for them to decide the appropriate course of action based on the evidence they have and the engagement processes they employ to prepare their Local Development Plan.

On an operational note Councils consult with builders and land owners each year when they prepare their housing land audits. They consider the responses which can include sometimes conflicting views on different sites and ultimately they must make a judgement. The fact that an individual may not agree with the allocation of a site or with judgements about its effectiveness does not automatically constitute a failure of process, a decision or a policy. Instead it means there is a disagreement.

The preparation of Local Development Plans is the time to debate the merits of individual sites based on achieving a variety of outcomes including the vision of the strategic development plan.

Therefore TAYplan is not persuaded that there is any additional value in pointing out that Councils can de-allocate sites and re-allocate new ones when preparing subsequent Local Development Plans.

Ryden for Bon Accord Land Ltd/Stewart Milne Homes (843701) PLAN2015_311

TAYplan considers there to be a clear intention by the respondent to ensure that greenfield land on edge of settlements comes forward for housing development. Proposed Plan (2015) Policy 1B (Doc80) already enables this but, crucially, as part of a well-established sequential approach, which prioritises development on brownfield and greenfield land within principal settlements ahead of locations elsewhere (including land on their edges). This is designed to deliver a sustainable pattern of development which reduces the need to travel and improves access to jobs, services and facilities. This strategy protects the countryside, contributes to healthier and more active lifestyles, promotes opportunity and contributes to reducing carbon emissions and improving air quality. This is consistent with Scottish Planning Policy (2014) paragraphs 40 and 76 to 83 (Doc84). It is also consistent with the Proposed Plan (2015) vision (Doc80).

TAYplan is therefore not persuaded that sufficient evidence has been provided to justify how the proposed changes would better deliver the vision or better contribute to the intended outcomes of Policy 1 (Doc80).

CHOICE

Gladman Developments Ltd (846254) PLAN2015_378

The adopted Dundee (Doc4) and Perth & Kinross (Doc5) Local Development Plans and the proposed FIFEplan (Doc78) and Proposed Angus Local Development Plan (Doc77) all identify a range of large, medium and small sized sites for new homes across different settlements. These sites will continue to be monitored through the respective annual housing land audits. Although these (emerging and adopted) Local

Development Plans are currently aligned to approved TAYplan (2012) (Doc16) they fulfil many of the requirements of the Proposed TAYplan (2015) (Doc80).

Policy 4A/Map 4 (Doc80) already states the scale of land through the housing land requirement and the 'How it works' section diagram on page 27 (Doc80) explains what land sources can contribute to this. This reflects Scottish Planning Policy (2014) paragraph 118 (Doc84). Policy 4A/Map 4 (Doc80) also states a generous land supply which provides flexibility. Policy 4B describes the importance of effective land and this reflects Scottish Planning Policy (2014) paragraph 119 (Doc84). Policy 4C (Doc80) describes the need to provide for a mix of housing type, size and tenure. Although Policy 3 (Doc80) identifies 11 Strategic Development Areas these do not constitute all of the housing land within the TAYplan area and not all of them are for housing. Strategic Development Areas are considered in more detail in the Schedule 4 Summaries of Unresolved Issues for Issues 010 Strategic Development Areas and 011 Cupar North.

The respondent has not provided any examples of more detailed evidence to substantiate their view. TAYplan agrees that small sites will play a role in delivering housing but does not agree with the inference that these alone are the key to planning effectively for growth. The Proposed Plan (2015) (Doc80) sets out a framework to deliver coordinated growth and better quality places. Sometimes this is best delivered through Strategic Development Areas and in other instances this is not necessary.

Therefore TAYplan is satisfied that the requirements to identify effective land within the Proposed Plan (2015) (Doc80) are appropriate and that there is nothing that prevents Local Development Plans from identifying small sites that are deliverable in the short term within the context of their housing land requirement in Policy 4/Map 4 (Doc80). TAYplan is therefore not persuaded that there is any evidence to justify a change to Policy 4 (Doc80) or that the proposed changes would result in a better framework to deliver the vision.

PROMOTING SITES

Montagu Evans LLP for Wallace Land Investment Management (343111) PLAN2015_252 and Montagu Evans LLP for Inverarity Farms Ltd (443912) PLAN2015_452

TAYplan is satisfied that Policies 1 and 4 (Doc80) provide an appropriate framework for Local Development Plans to identify land for new homes that is effective or expected to become effective within the requisite time period. Matters relating to individual sites are an issue for each Local Development Plan. Related issues have been considered above in more detail.

Montagu Evans LLP for Wallace Land Investment Management (343111) PLAN2015_249 and PLAN2015_252

TAYplan does not agree that 'the majority' or 'too much' of the housing land requirement is absorbed by Strategic Development Areas. For the TAYplan area over the period 2016-36 these represent approximately 20% of all the new homes planned. In Perth & Kinross the proportion is 26%. This assumes that the Strategic Development Areas are completed in their entirety before 2036. It is of course possible that some may continue beyond this date depending on when they commence.

There are no Strategic Development Areas within the Kinross Housing Market Area where the respondent is promoting sites. As such this means the housing supply targets and land requirement set out in Policy 4/Map 4 (Doc80) for Kinross Housing Market Area will not be met by Strategic Development Areas. Instead it will be for Perth & Kinross Council to consider the appropriateness of any sites that contribute

to meeting the need and demand for new homes in this area when reviewing the current Local Development Plan.

TAYplan already takes a strategic view of settlements and this is set out in Policies 1 and 3 (Doc80). The detail of specific sites within principal settlements is a matter for the respective Local Development Plan. No proposals for the site being promoted were submitted to TAYplan at the Pre-Main Issues Report Early Engagement (2013) as set out in Topic Paper 2: Growth (2015) Appendix 2 pages 70 and 71 (Doc104). TAYplan concludes that there is no need for any new Strategic Development Areas and no need to delete any of the existing ones. This was considered in Main Issues Report (2014) pages 16 to 20 (Doc56).

It will be for Perth & Kinross Council to determine whether it is appropriate to allocate these sites (018/Extract/2 and 018/Extract/3) in their next Local Development Plan. Therefore TAYplan does not propose to change the Proposed Plan (2015) (Doc80).

Montagu Evans LLP for Inverarity Farms Ltd (443912) PLAN2015_452

The decision about which sites constitute the current, and any future phases of, Dundee Western Gateway Strategic Development Area are a matter for Dundee City Council to determine. The southern village is under construction and the middle and northern village have now been granted planning permission pending section 75 agreement. The next Strategic Development Plan will be considering the growth of Dundee as a whole, in more detail. This is described in the Proposed Action Programme (2015) on page 59 (Doc76). Therefore TAYplan is not persuaded that the proposed changes are appropriate or necessary.

Savills-SmithsGore for Errol Estate (909974) PLAN2015_525 and Muir Smith Evans (202101) PLAN2015_545

TAYplan agrees that proposals for new development in locations outside of principal settlements should be considered in respect of significant evidence. This is what the existing policy framework already says:

- The identification of sites in Local Development Plans for housing and other land uses is already covered by Policy 1 (Doc80), which provides a clear and appropriate framework. It explains clearly that the majority of development (including homes) will be accommodated in the named principal settlements and that land in these settlements will be prioritised ahead of land elsewhere.
- Policy 1C (Doc80) already explains the circumstances in which development can take place outside of principal settlements. Policy 1C works in conjunction with Policy 4F as explained in the 'how this policy works' sections on page 13 and page 29 (Doc80).

All of this is part of the approach to deliver the sustainable pattern of development demanded by the Proposed Plan's vision and outcomes and also by Scottish Planning Policy (2014) paragraphs 40 and 76 to 83 (Doc84).

Policy 4F (Doc80) specifically recognises that there are risks to the regeneration of the two Core Areas and also to the delivery of their Strategic Development Areas from housing land releases in their surroundings. Policy 4F (Doc80) also recognises that housing development in areas surrounding the two Core Areas also has the potential to compromise other Policies in the Plan. This is a direct continuation of current policy in the approved TAYplan (2012) Policy 5C (Doc16) and no change has been made to this.

Policies 1C and 4F do not prevent development per se but they do require proponents of development to justify that their proposals will avoid the risks described. This ensures that new homes outside of principal settlements do not have adverse effects on other things that the Plan is trying to deliver.

TAYplan considers that the proposed changes are not helpful; would not improve the operation of the policy; and, would not lead to greater clarity about how to apply the policy. Instead TAYplan considers that the proposed changes would bring ambiguity. TAYplan does, however, consider that many of the concerns raised by the respondents are already considered and overcome by the existing approach and as such what the respondents seek from the policy is already apparent. This does not, however, mean that any future development being promoted by the respondents in areas surrounding the core areas would be automatically appropriate.

PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

Gladman Developments Ltd (846254) PLAN2015_377

TAYplan considers that the assurances sought by the respondent are largely apparent already. Policy 4A/Map 4 (Doc80) sets out housing land requirements and Policy 4B sets out the requirement for the land to be effective or expected to become effective within the 10 years from the anticipated date of adoption. This provides a generous supply of effective housing land to reflect Scottish Planning Policy (2014) paragraph 110 to 119 (Doc84).

Policy 4A/Map 4 (Doc80) is based on the first 12 years of the Plan (2016 to 2028). It is recognised that build rates will vary from year to year dependent on the market, site practicalities and the pace of the economic recovery.

Scottish Planning Policy (2014) paragraphs 24 to 35 (Doc84) are clear about the decision making framework should policies become out-of-date. However, there may well be an onus on the proponent to demonstrate and justify that policies in a plan are 'out of date'.

The Strategic Development Plan will also be reviewed and a new Proposed Plan will be submitted to ministers within 4 years of approval of the preceding plan. This means that there will be a new housing need and demand assessment and a new Main Issues Report. There is every possibility this will alter the requirements for Local Development Plans in planning for new homes and the associated land requirement.

Given these factors it would seem presumptuous to conclude the need for an 'emergency land release' policy when build rates will fluctuate and the plan review process is so frequent (every four years). TAYplan considers that any judgement about the types of risk described by the respondent would need to be based on sustained and long term evidence over several years. The low build rates experienced in the TAYplan area have been experienced in most parts of the UK following the economic downturn. The respondent has not described what additional evidence would be needed to justify the implementation of such an approach.

Similarly the criteria set out in approved SESplan (2013) Policy 7 (Doc15) are already covered by Proposed Plan (2015) Policies 1, 2 and 6 (Doc80). These already provide a coherent set of requirements for the location design and layout of development that work in conjunction with other policies to deliver the vision. TAYplan is not persuaded that there is any evidence to suggest that the circumstances described by the respondent exist now or will do in the future. TAYplan is also not persuaded that the respondent has provided any evidence to explain why the current decision making framework (described above) would not be adequate to respond to the issues they envisage.

TAYplan considers that the Proposed Plan (2015) (Doc80) and Scottish Planning Policy (2014) paragraphs 24 to 35 (Doc84) provide an adequate decision making framework for the identification of effective housing land. TAYplan also considers that the timing and frequency of the review process for Strategic Development Plans provides an adequate platform through which to review issues, consider new

evidence and to engage through the democratic processes set out in legislation to determine the most appropriate solution.

TAYplan is not persuaded that any detailed evidence has been provided to refute this and to justify the changes described. Therefore TAYplan does not propose to make any changes.

Authority's Responses to Supporting Representations

SUPPORT FOR BASIS AND APPROACH OF POLICY 4

Colliers International for Scottish Enterprise (835481) PLAN2015_370

TAYplan welcomes this support and agrees that the principles and approach set out contribute to the delivery of Scottish Planning Policy (2014) paragraphs 110, 123 and 125 (Doc84).

NHS Tayside (908896) PLAN2015_325

TAYplan welcomes the support and notes that successive population and household projections can vary in their conclusions. TAYplan agrees that the current approach provides flexibility to respond to these issues in a way which delivers the vision.

Scottish Water (762198) PLAN2015_269

TAYplan welcomes this support.

CONCLUSIONS

TAYplan is satisfied that its approach to land release set out in Policies 1 and 4 (Doc80) are clear and consistent with the intentions of Scottish Planning Policy (2014) (Doc84) and National Planning Framework 3 (2014) (Doc60). TAYplan is also satisfied that these policies work well with others in the Proposed Plan (2015) (Doc80) to deliver the vision.

The proposed changes sought are either clearly explained by the Proposed Plan (2015) (Doc80) or would not lead to circumstances that are better positioned to deliver the vision. The respondents have provided no compelling or robust evidence to refute TAYplan's conclusions or to justify their own.

Each of these parts of Policy 4 directly continues the approved TAYplan (2012) Policy 5 (Doc16) and no changes to these were proposed at Main Issues Report stage. Neither the Scottish Government nor any other government agency has raised any issues regarding Policy 4B or 4F (Doc80).

TAYplan considers that all of the issues raised do not warrant any change to the Proposed Strategic Development Plan (May, 2015) (Doc80) and propose that the elements dealt with in this Schedule 4 Summary of Unresolved Issues remain as written and unchanged.

Reporter's conclusions:

DPEA use only

Reporter's recommendations:

DPEA use only