

TAYplan Strategic Development Plan Authority

Summary of Unresolved Issues (Schedule 4)

Issue: 016 Policy 5 Housing – Policy 5 Part A: Effectiveness of land

Contents

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| 1. Summary of Unresolved Issues |
| 2. Copy of actual representations pertinent to this issue (<i>Personal details have been redacted. Full details have been provided to the DPEA separately.</i>) <ul style="list-style-type: none">• All representations include any attachments submitted by the respondent.• Where representations were submitted in hard copy or by email these were entered into TAYplan's online system and all material originally submitted has been attached and appears here with the representation. |
| 3. Library of documents <ul style="list-style-type: none">• All documents and extracts referred to in the representation and/or the Schedule 4 are either contained in the library attached to this Schedule or where over 50 pages within the Core Library (separate folders). |

1. Summary of Unresolved Issues

| Issue: 016 Policy 5 Housing – Policy 5 Part A: Effectiveness of land | | |
|---|---|--|
| Development plan reference: | Page 17: Policy 5 Part A and associated Page 16 Supporting Text | Reporter: [Note: For DPEA use only] |
| Body or person(s) submitting a representation raising the issue and representation references | | |
| Seeking a change | | |
| ID Number | Person/Organisation | Representation Reference |
| 545593 | Auchterhouse Community Council | PLAN870 |
| 443109 | Barton Willmore for Scotia Homes | PLAN383 |
| 443109 | Barton Willmore for Scotia Homes | PLAN385 |
| 416017 | Colliers International for Persimmon Homes Ltd | PLAN43 |
| 541486 | Colliers International for Taylor Wimpey East Scotland | PLAN66 |
| 346407 | DG Coutts Associates for Linlathen Developments | PLAN286 |
| 346407 | DG Coutts Associates for Linlathen Developments | PLAN287 |
| 548117 | Dundas Estates & Development Co | PLAN452 |
| 548117 | Dundas Estates & Development Co | PLAN459 |
| 445201 | Emac Planning for A&J Stephen | PLAN703 |
| 445201 | Emac Planning for A&J Stephen | PLAN705 |
| 548522 | Emac Planning for A&J Stephen Ltd/Bett Homes Ltd | PLAN747 |
| 548522 | Emac Planning for A&J Stephen Ltd/Bett Homes Ltd | PLAN750 |
| 445204 | Emac Planning for Angus Estates Ltd | PLAN616 |
| 445204 | Emac Planning for Angus Estates Ltd | PLAN622 |
| 548523 | Emac Planning for Bett Homes Ltd | PLAN768 |
| 548523 | Emac Planning for Bett Homes Ltd | PLAN770 |
| 445206 | Emac Planning for J G Lang & Son | PLAN538 |
| 445206 | Emac Planning for J G Lang & Son | PLAN539 |
| 445203 | Emac Planning for James Keiller Estates Ltd | PLAN718 |
| 548383 | Emac Planning for L Porter | PLAN569 |
| 548360 | Emac Planning for M Batchelor (B) | PLAN532 |
| 548301 | Emac Planning for M Batchelor (K) | PLAN525 |
| 445205 | Emac Planning for Mr R Watson | PLAN512 |
| 548524 | Emac Planning for Stewart Milne Homes | PLAN784 |
| 548524 | Emac Planning for Stewart Milne Homes | PLAN786 |
| 445159 | Geddes Consulting for Thomson Homes | PLAN889 |
| 445159 | Geddes Consulting for Thomson Homes | PLAN890 |
| 445159 | Geddes Consulting for Thomson Homes | PLAN893 |
| 445159 | Geddes Consulting for Thomson Homes | PLAN895 |
| 547268 | GVA for David Wilson Homes | PLAN450 |
| 547268 | GVA for David Wilson Homes | PLAN451 |
| 548389 | Halliday Fraser Munro for Barratt Homes | PLAN587 |
| 548389 | Halliday Fraser Munro for Barratt Homes | PLAN588 |
| 548389 | Halliday Fraser Munro for Barratt Homes | PLAN590 |
| 442882 | Homes for Scotland | PLAN218 |
| 442882 | Homes for Scotland | PLAN220 |
| 443893 | Karen Clark for Balmossie Devts Ltd & Messrs David Reid Farmers | PLAN529 |
| 548414 | Miss Lynn McGeorge | PLAN598 |
| 343111 | Montagu Evans for Wallace Land Investment Management | PLAN329 |
| 548055 | Mr Ian Fowler | PLAN393 |
| 548051 | Muir Smith Evans for Muir Homes Ltd | PLAN406 |

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|--------|--|---------|
| 453889 | Royal Burgh of St. Andrews Community Council | PLAN923 |
| 453889 | Royal Burgh of St. Andrews Community Council | PLAN924 |
| 453889 | Royal Burgh of St. Andrews Community Council | PLAN925 |
| 443918 | Scottish Government | PLAN640 |
| 443918 | Scottish Government | PLAN652 |
| 443918 | Scottish Government | PLAN658 |
| 442871 | Smiths Gore for Errol Park Estate | PLAN673 |
| 442870 | Smiths Gore for Mansfield Estates | PLAN553 |
| 442870 | Smiths Gore for Mansfield Estates | PLAN555 |
| 546491 | TMS Planning for Champion Homes | PLAN229 |
| 546491 | TMS Planning for Champion Homes | PLAN232 |
| 546491 | TMS Planning for Champion Homes | PLAN233 |
| 345005 | TMS Planning for Mr James Thomson | PLAN242 |
| 345005 | TMS Planning for Mr James Thomson | PLAN245 |
| 345005 | TMS Planning for Mr James Thomson | PLAN247 |
| 345007 | TMS Planning for Mr Simon Wilson | PLAN400 |
| 345007 | TMS Planning for Mr Simon Wilson | PLAN403 |
| 345007 | TMS Planning for Mr Simon Wilson | PLAN404 |
| 345006 | TMS Planning for Mr Tim Esparon | PLAN198 |
| 345006 | TMS Planning for Mr Tim Esparon | PLAN207 |
| 345006 | TMS Planning for Mr Tim Esparon | PLAN210 |
| 346675 | TMS Planning for Muir Homes Ltd | PLAN361 |
| 346675 | TMS Planning for Muir Homes Ltd | PLAN365 |
| 346675 | TMS Planning for Muir Homes Ltd | PLAN366 |

Support as written

| ID Number | Person/Organisation | Representation Reference |
|-----------|--|--------------------------|
| 423150 | Braes of the Carse Conservation Group | PLAN24 |
| 548029 | DPP LLP for Kinross Estate Company | PLAN441 |
| 548113 | DTZ for Headon Developments | PLAN515 |
| 548117 | Dundas Estates & Development Co | PLAN455 |
| 443912 | Montagu Evans for Inverarity Farms Ltd | PLAN362 |
| 443912 | Montagu Evans for Inverarity Farms Ltd | PLAN367 |
| 443912 | Montagu Evans for Inverarity Farms Ltd | PLAN369 |
| 337414 | Scottish Water | PLAN133 |
| 337414 | Scottish Water | PLAN135 |

Provision of the development plan to which the issue relates:

The first and the final sentences of Policy 5 Part A and related parts of the supporting text on Page 16 including the bullet points regarding flexibilities. These cover the provision of a generous and effective supply of housing land. (The scale of house building planned for are covered by Issue 015: Policy 5: Housing – Policy 5 Part A and B Scale and Distribution).

Planning Authority's summary of the representation(s):

SUMMARY OF REPRESENTATIONS SEEKING A CHANGE

MODIFY PAGE 16 BULLET POINT 3 AND/OR POLICY 5 PART A FINAL SENTENCE

A. Modify Page 16 Bullet Point 3 from 'may' to 'must' or to 'will' or to 'shall'

Barton Willmore for Scotia Homes (443109) (PLAN383); Colliers International for Persimmon Homes Ltd (416017) and for Taylor Wimpey East Scotland (541486); Emac

Planning for (J G Lang & Son (445206) (PLAN538); James Keiller Estates Ltd (445203); L Porter (548383); M Batchelor (B) (548360); M Batchelor (K) (548301); Mr R Watson (445205)); TMS Planning for (Mr Tim Esparon (345006) (PLAN210); Campion Homes (546491) (PLAN233); Mr James Thomson (345005) (PLAN247); Muir Homes Ltd (346675) (PLAN366) and for Mr Simon Wilson (345007) (PLAN404)); and, Halliday Fraser Munro for Barratt Homes (548389) (PLAN590) all suggest modifying Page 16 Bullet Point 3 to require Local Development Plan to allocate additional land to ensure the delivery of build rates in Proposal 2 and to provide clarity and certainty. **TMS Planning for Mr Tim Esparon (345006) (PLAN210); Campion Homes (546491) (PLAN233); Mr James Thomson (345005) (PLAN247); Muir Homes Ltd (346675) (PLAN366) and for Mr Simon Wilson (345007) (PLAN404) go on to propose additional text regarding the range of sites.**

B. Modify Page 16 Bullet Point 3 from 'may' to 'must' or indicate a percentage

Emac Planning for A&J Stephen (445201) (PLAN705); A&J Stephen Ltd/Bett Homes Ltd (548522) (PLAN750); Angus Estates Ltd (445204) (PLAN622); Bett Homes Ltd (548523) (PLAN770); Stewart Milne Homes (548524) (PLAN786); Homes for Scotland (442882) (PLAN220); Montagu Evans for Wallace Land Investment Management (343111); and Smiths Gore for Mansfield Estates (442870) (PLAN555) all also suggest modifying Page 16 Bullet Point 3 to require Local Development Plan to allocate additional land to ensure the delivery of build rates in Proposal 2 and to provide clarity and certainty. However, they go on to suggest that alternatively some percentage should be given to indicate the extent of the additional land allocation that should be made. **Homes for Scotland (442882) (PLAN220) would like to see additional land releases over and above the existing land supply to ensure that the housing land requirement is met in full and that a 'generous' supply of land is allocated to ensure an effective 5 year land supply is maintained at all times. They assert that much of the existing land supply is made up of strategic allocations which by their nature will be costly and complicated to deliver, and may not come forward in the timescales envisaged. **Homes for Scotland (442882) (PLAN220)** point to the Aberdeen City and Shire Structure Plan, which provides for a generous supply making provision for around 30% more new homes over and above the existing requirement.**

C. Modify Page 16 Bullet Point 3 and Policy 5 Part A final sentence

Scottish Government (443918) (PLAN652) and PLAN658 seek modifications to both Page 16 Bullet Point 3 and Policy 5 Part A Final Sentence of to emphasise that Local Development Plans should allocate additional land if it is necessary to ensure an effective supply of land and to help ensure that a generous supply of land is allocated.

Royal Burgh of St. Andrews Community Council (453889) (PLAN923 and PLAN924) Consider that Policy 5 Part A and Page 16 Bullet Point 3 should delete the ability for Local Development Plans to allocate additional land to ensure that delivery of build rates set out in Proposal 2. This is because the present wording is considered imprecise, raising the questions "additional to what, exactly?" and "provide choice for whom?" The proposed modification is considered to 'reiterate Scottish Planning Policy paragraph 72, thus providing precision'.

MODIFY PAGE 16 PARAGRAPH 7 AND/OR POLICY 5 PART A

A. Modify regarding a 5 years supply of effective housing land at all times

Barton Willmore for Scotia Homes (443109) (PLAN385); Emac Planning for (A&J Stephen (445201) (PLAN703); A&J Stephen Ltd/Bett Homes Ltd (548522) (PLAN747); Angus Estates Ltd (445204) (PLAN616); Bett Homes Ltd (548523) (PLAN768); J G Lang & Son (445206) (PLAN538); James Keiller Estates Ltd (445203); L Porter (548383); M Batchelor (B) (548360); M Batchelor (K) (548301); Mr R Watson (445205); and for Stewart Milne Homes (548524) (PLAN784)); Halliday Fraser Munro for Barratt Homes (548389) (PLAN587); Homes for Scotland (442882) (PLAN218); Montagu Evans for Wallace Land Investment Management (343111); Smiths Gore for Errol Park Estate (442871) and for

Mansfield Estates (442870) (PLAN553); TMS Planning for (Campion Homes (546491) (PLAN232); Mr James Thomson (345005) (PLAN245); Mr Simon Wilson (345007) (PLAN403); Mr Tim Esparon (345006) (PLAN207); and for Muir Homes Ltd (346675) (PLAN365)) all suggest modifying Policy 5 Part A first sentence to allocate sufficient land to ensure a 5 year land supply at all times suggesting that at present Policy 5 does not do this. They note that this would be equivalent to 9 years supply of land to reflect Scottish Planning Policy paragraph 73. **Homes for Scotland (442882) (PLAN218)** assert that TAYplan is merging the three existing Structure Plan's for the area and **Halliday Fraser Munro for Barratt Homes (548389) (PLAN588)** assert that its approach is based on the status quo.

Royal Burgh of St. Andrews Community Council (453889) (PLAN925) consider that Page 16 Bullet Point 3 should be modified to require Local Development Plans to allocate land on a range of sites which is effective or capable of becoming effective up to year 10 from the predicted year of adoption. They also consider that Policy 5 should require the use of historic data and urban capacity studies to provide realistic assessments of the extent to which the housing land requirement can be met through small sites and windfall sites with the addition of a new criterion. This is because such assessment is '*presented as merely optional in the Housing Needs and Demand Assessment*'. It is also considered to be inconsistent with Policy 1 Part B and to fail to respond to Scottish Planning Policy (2010) paragraph 81.

B. Modify to ensure that Local Development Plans must allocate 10 years worth of housing land within 2 years of the approval

Scottish Government (443918) (PLAN658) propose modifying Policy 5 Part A first sentence to ensure it is clear that Local Development Plans must allocate 10 years worth of housing land within 2 years of the approval. This is because Scottish Planning Policy Paragraph 72 requires that in city regions the Strategic Development Plan should identify the housing land requirement for the plan area and indicate where land should be allocated in Local Development Plans to meet requirements up to year 12 beyond the predicted year of plan approval and an indication of the possible scale and location of housing land up to year 20. The Strategic Development Plan should also identify how much of the housing land requirement should be met by site allocations in the Local Development Plan that are capable of development by the end of year 7. As currently worded they consider that Policy 5 may give the impression that Local Development Plans do not need to allocate 10 years worth of housing land.

C. Modify Page 16 Paragraph 7

Geddes Consulting for Thomson Homes (445159) (PLAN889); TMS Planning for Campion Homes (546491) (PLAN229); Mr James Thomson (345005) (PLAN242); Mr Simon Wilson (345007) (PLAN400); Mr Tim Esparon (345006) (PLAN198); and for Muir Homes Ltd (346675) (PLAN361) all suggest modifications to Page 16 paragraph 7 to allocate sufficient land to ensure a 5 year land supply at all times on the basis of Scottish Planning Policy paragraph 75. **TMS Planning for Campion Homes (546491) (PLAN229); Mr James Thomson (345005) (PLAN242); Mr Simon Wilson (345007) (PLAN400); Mr Tim Esparon (345006) (PLAN198); and for Muir Homes Ltd (346675) (PLAN361)** seek a further modification to delete the part referring to '*by 2024*'. They consider that, even if not intended, this appears to suggest working up to the first full delivery point by 2024 rather than at any point during the period.

D. Modify Page 16 Paragraph 7 and/or Policy 5 Part A

Miss Lynn McGeorge (548414) considers that a 7 years effective land supply is too long as there is '*no demand*'.

Auchterhouse Community Council (545593); consider that an effective supply is one that meets the supply of housing needed and that '*generous*' suggests taking more land than

necessary and that this would be contrary to Policy 3.

Mr Ian Fowler (548055) considers that the phrase 'may allocate a larger land supply' provides the ability to change decisions consulted upon by the Local Plan. The respondent suggests that Local Plans should be re-consulted upon if changes occur.

Muir Smith Evans for Muir Homes Ltd (548051) consider that TAYplan should avoid '*this predict and provide approach*' and encourage individual authorities to allocate a generous supply of housing land reflecting the range of choice required.

EFFECTIVENESS OF LAND IN PARTICULAR PARTS OF THE REGION

Karen Clark for Balmossie Devts Ltd & Messrs David Reid Farmers (443893); Emac Planning for JG Lang and Son (445206) (PLAN539); and, GVA for David Wilson Homes (547268) (PLAN450 and PLAN451); Halliday Fraser Munro for Barratt Homes (548389) (PLAN588); DG Coutts Associates for Linlathen Developments (346407) (PLAN286) all consider that specific Strategic Development Areas in Policy 4 are not effective and that additional land allocations will be necessary. They infer that this could be resolved by allocation of additional land in a location(s) where they [their clients] have land or development interests. The effectiveness of Strategic Development Areas identified in Policy 4 is covered by a separate Schedule 4 Summary of Unresolved Issues.

Karen Clark for Balmossie Devts Ltd & Messrs David Reid Farmers (443893) consider that the Dundee Western Gateway Strategic Development Area is not effective and further allocations are required East of Dundee. **Emac Planning for JG Lang and Son (445206) (PLAN539)** consider that the Cupar North Strategic Development Area is not effective and further allocations are required at Springfield. **GVA for David Wilson Homes (547268) (PLAN450 and PLAN451)** consider that many brownfield sites in Dundee are ineffective and that Perth North/North West Strategic Development Area is not effective. In PLAN 451 they suggest additional land allocations are required at Kinross. They propose a new criterion to manage this. **Halliday Fraser Munro for Barratt Homes (548389) (PLAN588)** support further land releases in the South Angus housing market area, particularly within and around Monifieth. **DG Coutts Associates for Linlathen Developments (346407) (PLAN286)** consider that the Proposed Plan cannot be ready from the start as long as the Strategic Development Areas are '*not free from constraint*'. They promote locations east of Dundee.

REACTING TO CHANGES IN BUILD RATES OR UNDER PERFORMANCE

DG Coutts Associates for Linlathen Developments (346407) (PLAN287) suggest that flexibility should be the prime objective of the Plan in order to react to any dynamic change in building rates. They suggest that this means Dundee City must be ready at all times to provide further housing land, besides the Strategic Development Area, in response to a recovery in the housing market.

GVA for David Wilson Homes (547268) (PLAN 451) suggests the addition of an additional point to Policy 5 to ensure that where allocated land in Local Development Plans is not providing the required level of housing over a 5 year period then new greenfield proposals can be considered subject to other Local Development Plan policies. This is because they consider that the Perth & Kinross Local Development Plan Main Issues Report (2010) suggests allocating a lower level of housing that Policy 5 Part A proposal 2 for the Kinross Housing Market Area.

Dundas Estates & Development Co (548117) (PLAN459) suggest strengthening Policy 5 Part A through the introduction of a mechanism to allow Local Development Plans to allocate additional land during a Local Development Plan period if delivery of the allocated and effective housing land supply falls short of delivery targets. They consider that this would provide the

degree of flexibility that the Proposed Plan intends.

Dundas Estates & Development Co (548117) (PLAN452) also consider that Page 16 Bullet Point 2 does not provide any flexibility and that it should be deleted. Instead they propose a mechanism which requires Local Development Plans to identify and release 'reserve land banks'.

TAYplan also note that whilst some respondents support the policy, they have identified some specific areas that seek a change: **Dundas Estates & Development Co (548117) (PLAN455)** support Page 16 Bullet Point 3 as written but consider that it could be strengthened to require additional land to be released if other land proves ineffective.

ASSUMPTIONS REGARDING THE EFFECTIVENESS OF EXISTING SUPPLY

Scottish Government (443918) (PLAN652) seek clarification on the assumptions made regarding effectiveness of existing supply. They also suggest that the quantity of additional effective housing land that Local Development Plans are expected to allocate is not presently apparent. They suggest a modification to rectify this could potentially be accommodated in the Proposed Action Programme.

Scottish Government (443918) (PLAN640) suggest the Proposed Plan should provide a clearer indication to Local Development Plans as to the amount of land that may be required to be allocated in order to provide a generous supply of land that will ensure 26,000 units can be delivered in the first 12 years of the plan.

Geddes Consulting for Thomson Homes (445159) (PLAN890, PLAN893 and PLAN895) suggest related modifications as they consider that the Proposed Plan is contrary to Scottish Planning Policy (2010) Paragraph 72. This is because they consider it does not show how much land should be allocated by year 7 by Local Development Plans. They propose an additional criterion to Policy 5 and a table which estimates the effective land supply and the shortfall that needs to be met with additional allocations.

REPRESENTATIONS IN SUPPORT

Braes of the Carse Conservation Group (423150) support the whole of the policy.

DPP LLP for Kinross Estate Company (548029) support flexibility in housing land supply.

DTZ for Headon Developments (548113) support the minimum of 5 years and move towards a 7 year effective supply.

Montagu Evans for Inverarity Farms Ltd (443912) (PLAN362, PLAN376 and PLAN369) support the flexibility built into the housing land requirement and; that Local Development Plans can allocate additional land; and, that the figures do not hold back good quality development that delivers the objectives of the plan. They also support '*being bold and clear on shaping better quality places, location emphasis and on being ready*'.

Scottish Water (337414) (PLAN133 and PLAN135) support allocating additional land to deliver Proposal 2 and moving from a 5 to a 7 year effective land supply. They attach their 5 criteria for enabling development to happen.

TAYplan also note that whilst some respondents support the policy, they have identified some specific areas that seek a change: **Dundas Estates & Development Co (548117) (PLAN455)** support Page 16 Bullet Point 3 as written but consider that it could be strengthened to require additional land to be released if other land proves ineffective.

Modifications sought by those submitting representations:

NOTE TO REPORTER: The text in italics in this section has been lifted directly from each individual/organisation's representation with minor typographical errors corrected.

MODIFY PAGE 16 BULLET POINT 3 AND/OR POLICY 5 PART A FINAL SENTENCE

A. Modify Page 16 Bullet Point 3 from 'may' to 'must' or to 'will' or to 'shall'

Barton Willmore for Scotia Homes(443109) (PLAN383); Colliers International for Persimmon Homes Ltd(416017) and for Taylor Wimpey East Scotland(541486); Emac Planning for (J G Lang & Son (445206) (PLAN538); James Keiller Estates Ltd (445203); L Porter (548383); M Batchelor (B) (548360); M Batchelor (K) (548301); Mr R Watson (445205)); and, Halliday Fraser Munro for Barratt Homes (548389) (PLAN590) propose modifications to Page 16 Bullet Point 3 to change from 'may' to 'must' or to 'will'.

TMS Planning for (Mr Tim Esparon (345006) (PLAN210); Champion Homes (546491) (PLAN233); Mr James Thomson (345005) (PLAN247); Muir Homes Ltd (346675) (PLAN366) and for Mr Simon Wilson (345007) (PLAN404)) propose a modification to Policy 5 Part A last sentence to say 'Local Development Plans shall allocate effective land in excess of the targets set in order to assist in the practical delivery of the required housing numbers. Within this process careful consideration to a range of sites in terms of location and scale should be given in order to aid choice, variety and deliverability and to ensure that the benefits of new development are delivered throughout the Plan area.'

B. Modify Page 16 Bullet Point 3 'may' to 'must' or indicate a percentage

Emac Planning for (A&J Stephen (445201) (PLAN705); A&J Stephen Ltd/Bett Homes Ltd (548522) (PLAN750); Angus Estates Ltd (445204) (PLAN622); Bett Homes Ltd (548523) (PLAN770); Stewart Milne Homes (548524) (PLAN786)); Homes for Scotland (442882) (PLAN220); Montagu Evans for Wallace Land Investment Management (343111); and Smiths Gore for Mansfield Estates (442870) (PLAN555) propose modifications to Page 16 Bullet Point 3 to change from 'may' to 'must' or to indicate a percentage level above the figures in Proposal 2.

C. Modify Page 16 Bullet Point 3 and Policy 5 Part A final sentence

Scottish Government (443918) (PLAN652) and PLAN658) propose modifications to:

- *Page 16 Bullet Point 3 to say 'Local Development Plans should allocate additional land as necessary to ensure an effective supply of land...'*
- *Policy 5 Part A final sentence to say 'to assist in the delivery of these build rates, local development plans should, where necessary allocate a larger land supply'.*

Royal Burgh of St. Andrews Community Council (453889) (PLAN923 and PLAN924) propose deletion from Policy 5 Part A and Page 16 Bullet Point 3 of "To assist the delivery of these build rates, Local Development Plans may allocate a larger land supply".

MODIFY PAGE 16 PARAGRAPH 7 AND/OR POLICY 5 PART A FIRST SENTENCE

A. Modify Policy 5 Part A first sentence to ensure a 5 years supply y of effective housing land at all times

Barton Willmore for Scotia Homes (443109 (PLAN385); Emac Planning for (A&J Stephen (445201) (PLAN703); A&J Stephen Ltd/Bett Homes Ltd (548522) (PLAN747); Angus Estates Ltd (445204) (PLAN616); Bett Homes Ltd (548523) (PLAN768); J G Lang & Son (445206) (PLAN538); James Keiller Estates Ltd (445203); L Porter (548383); M Batchelor (B) (548360); M Batchelor (K) (548301); Mr R Watson (445205); and for Stewart Milne Homes (548524) (PLAN784)); Halliday Fraser Munro for Barratt Homes (548389) (PLAN587); Homes for Scotland (442882) (PLAN218); Montagu Evans for Wallace Land

Investment Management (343111); Smiths Gore for Errol Park Estate (442871) and for Mansfield Estates (442870) (PLAN553); TMS Planning for (Campion Homes (546491) (PLAN232); Mr James Thomson (345005) (PLAN245); Mr Simon Wilson (345007) (PLAN403); Mr Tim Esparon (345006) (PLAN207); and for Muir Homes Ltd (346675) (PLAN365)) propose modifications to **Policy 5 Part A first sentence** to say '*Allocate sufficient land to maintain a 5 year land supply at all times [equivalent to a 9 year supply] to support economic growth.*'

Royal Burgh of St. Andrews Community Council (453889) (PLAN925) propose modifying:

- **Page 16 Bullet Point 3** to say "*Local development plans should 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*".
- **Policy 5 by inserting an additional criterion D as follows:** "D. Should use historic data and urban capacity studies to provide realistic assessments of the extent to which the housing land requirement can be met through small sites and windfall sites."

B. Modify to ensure that Local Development Plans must allocate 10 years worth of housing land within 2 years of the approval

Scottish Government (443918) (PLAN658) propose modifications to Policy 5 Part A to ensure it is clear that Local Development Plans must allocate 10 years worth of housing land within 2 years of Strategic Development Plan approval.

C. Modify Page 16 Paragraph 7

Geddes Consulting for Thomson Homes (445159) (PLAN889); TMS Planning for (Campion Homes (546491) (PLAN229); Mr James Thomson (345005) (PLAN242); Mr Simon Wilson (345007) (PLAN400); Mr Tim Esparon (345006) (PLAN198); and for Muir Homes Ltd (346675) (PLAN361)) propose modifications to **Page 16 Paragraph 7** to say '*Allocate sufficient land to maintain a 5 year land supply at all times [equivalent to a 9 year supply] to support economic growth.*'

TMS Planning for (Campion Homes (546491) (PLAN229); Mr James Thomson (345005) (PLAN242); Mr Simon Wilson (345007) (PLAN400); Mr Tim Esparon (345006) (PLAN198); and for Muir Homes Ltd (346675) (PLAN361)) also seek a modification to **Page 16 paragraph 7** to say "*This requires Local Development Plans to identify a minimum 5 year and work towards a 7 year effective housing land supply by 2015*** to support reaching Policy 5 build rates as soon as possible during the life of the Plan*". They also proposed the insertion of a new sentence afterwards as follows: "*This will require a generous supply of effective residential land to be allocated thought the respective local development plans*".

D. Modify Page 16 Paragraph 7 and/or Policy 5 Part A

Miss Lynn McGeorge (548414) implies that the requirement for 7 years supply of effective land should be removed and replaced by a lower figure.

Auchterhouse Community Council (545593) propose the deletion of the words '*...and generous...*' [Assumed to be Line 3 of Policy 5 Part A].

Mr Ian Fowler (548055) proposes modifications to delete Policy 5 Part A Final Sentence '*To assist in the delivery of these build rates; Local Development Plans may allocate a larger land supply*'.

Muir Smith Evans for Muir Homes Ltd (548051) propose no specific modifications.

EFFECTIVENESS OF LAND IN PARTICULAR PARTS OF THE REGION

Karen Clark for Balmossie Devts Ltd & Messrs David Reid Farmers (443893); Emac Planning for JG Lang and Son (445206) (PLAN539); and, GVA for David Wilson Homes (547268) (PLAN450 and PLAN451); Halliday Fraser Munro for Barratt Homes (548389) (PLAN588); DG Coutts Associates for Linlathen Developments (346407) (PLAN286) each imply modifications or the interpretation of the Proposed Plan that would result in locations of interest to them being allocated in Local Development Plans, or a modification that would result in these locations becoming Strategic Development Areas in the Strategic Development Plan.

REACTING TO CHANGES IN BUILD RATES OR UNDER PERFORMANCE

DG Coutts Associates for Linlathen Developments (346407) (PLAN287) implies Dundee City allocating more land.

GVA for David Wilson Homes (547268) (PLAN 451) propose the addition of a new point D: *'Where existing allocations are not providing the required level of housing development over a 5 year period then new greenfield proposals can be considered subject to being tested against other policies in the relevant LDP. Furthermore, if LDPs are not meeting the SDP targets additional greenfield land release will be considered subject to other policies in the plan'*.

Dundas Estates & Development Co (548117) (PLAN452) proposes deletion of **Page 16 Bullet Point 2** and replacement with a mechanism which requires Local Development Plans to identify and release 'reserve land banks'.

Dundas Estates & Development Co (548117) (PLAN459) imply a modification to **Page 16 Bullet Point 3** to be strengthened in some way to require additional land to be released if other land proves ineffective.

ASSUMPTIONS REGARDING THE EFFECTIVENESS OF EXISTING SUPPLY

Scottish Government (443918) (PLAN652) and (PLAN640) suggest a modification which clarifies the quantity of additional effective housing land that Local Development Plans need to allocate for each Housing Market Area.

Geddes Consulting for Thomson Homes (445159) (PLAN890, PLAN893 and PLAN895) propose modifications to:

- **Policy 5** to add a criterion D as follows: *'Local Development Plans must allocate housing land to meet the estimated housing shortfall by year 7 as presented in Proposal 3 [A table which is also proposed for insertion]. These allocations need to be effective and capable of delivering the necessary completions to meet the housing shortfall in each housing market area'*.
- **Policy 5** to add a table entitled 'Proposal 3' that sets out the estimated effective land supply for 2012-19 and the estimated shortfall.
- **Page 16 Bullet Point 2** to say: *'The strategic housing requirement for each Local Development Plan is expressed as average annual build rates and over the 12 years to 2024. The minimum strategic housing requirement to be achieved is set out in Proposal 2'*.

Summary of responses (including reasons) by Planning Authority:

RESPONSE TO REPRESENTATIONS SEEKING A CHANGE

Policy 5 and Page 16 supporting text should be read alongside Scottish Planning Policy (2010) (CL/Doc2), not instead of it. Policy 5 and Page 16 supporting text provide Local Development Plans with a series of flexibilities to ensure that they deliver the scale of house building planned for; for example, by allowing them to allocate additional land to provide choice. This requires Local Development Plans to provide a generous supply of land to ensure that land is not a

barrier to delivery whilst giving them the ability to respond to local circumstances; including the decisions about which sites are most effective and will best deliver the objectives of both the Strategic and Local Development Plans.

MODIFY PAGE 16 BULLET POINT 3 AND/OR POLICY 5 PART A FINAL SENTENCE

- A. Modify Page 16 Bullet Point 3 'may' to 'must' or to 'will' or to 'shall';
- B. Modify Page 16 Bullet Point 3 'may' to 'must' or indicate a percentage; and,
- C. Modify Page 16 Bullet Point 3 and Policy 5 Part A final sentence.

And

EFFECTIVENESS OF LAND IN PARTICULAR PARTS OF THE REGION

Barton Willmore for Scotia Homes(443109) (PLAN383); Colliers International for (Persimmon Homes Ltd (416017) and for Taylor Wimpey East Scotland (541486)); Emac Planning for (A&J Stephen (445201) (PLAN705); A&J Stephen Ltd/Bett Homes Ltd (548522) (PLAN750); Angus Estates Ltd (445204) (PLAN622); Bett Homes Ltd (548523) (PLAN770); J G Lang & Son (445206) (PLAN538 and PLAN539); James Keiller Estates Ltd (445203); L Porter (548383); M Batchelor (B) (548360); M Batchelor (K) (548301); Mr R Watson (445205); Stewart Milne Homes (548524) (PLAN786)); Halliday Fraser Munro for Barratt Homes (548389) (PLAN588 and PLAN590); TMS Planning for (Mr Tim Esparon (345006) (PLAN210); Champion Homes (546491) (PLAN233); Mr James Thomson (345005) (PLAN247); Muir Homes Ltd (346675) (PLAN366) and for Mr Simon Wilson (345007) (PLAN404)); Homes for Scotland (442882) (PLAN220); Montagu Evans for Wallace Land Investment Management (343111); Smiths Gore for (Errol Park Estate (442871) and for Mansfield Estates (442870) (PLAN555)); Karen Clark for Balmossie Devts Ltd & Messrs David Reid Farmers (443893); Dundas Estates & Development Co (548117) (PLAN459); GVA for David Wilson Homes (547268) (PLAN450 and PLAN451); DG Coutts Associates for Linlathen Developments (346407) (PLAN286); and, Royal Burgh of St. Andrews Community Council (453889) (PLAN923 and PLAN924): Proposed modifications suggesting Local Development Plans 'must'/'will'/'shall' rather than 'may' allocate additional land, or seek a proportional level by which this must occur, are too simplistic. So too are those which suggest further release of land within the Local Development Plan period or seek some recognition for a location they are promoting. Policy 5 and the Page 16 supporting text already explain key flexibilities available to Local Development Plans and are appropriate to deal with operational circumstances within the context of the Proposed Plan strategy. The purpose of this flexibility is to ensure delivery of the scale that is being planned for with a generous enough supply of effective housing land in locations which deliver the strategy; rather than simply to allocate as much land as possible. These flexibilities have been explained in Topic Paper 2: Growth Strategy (June 2011) Pages 8 to 10 and particularly paragraphs 5.9 and 5.10 (016/SL/Doc42). Deleting altogether the ability for Local Development Plans to allocate more land, as suggested by *Royal Burgh of St. Andrews Community Council (453889) (PLAN923 and PLAN924)* would make it difficult for Local Development Plans to provide a the generous housing land supply required by Scottish Planning Policy (2010) paragraph 66 and others in the housing section (016/SL/Doc21).

Providing the option for Local Development Plans to allocate more land rather than requiring it, or enforcing an arbitrary percentage by which this should occur; recognises that circumstances will vary between and within different housing market areas. The effects of infrastructure and environmental capacity along with other impacts are most appropriately considered and dealt with at Local Development Plan stage. The proposed modifications would risk outcomes with a strong likelihood of severely exceeding build rates where the market is strong, and, struggling to reach them where it is weaker at the expense of delivering the vision and objectives. Neither circumstance will deliver the intended outcomes of Policy 5 and in so doing could vastly and disproportionately exceed its build rates and/or lead to a dispersed and unsustainable pattern

of development. Such modifications and outcomes would fundamentally undermine the wider objectives and policies set out in the Proposed Plan.

Dundas Estates & Development Co (548117) (PLAN452) Page 16 Bullet Point 2 is considered to provide flexibility. Its deletion would also remove vital clarity for users of the Proposed Plan.

Scottish Government (443918) (PLAN652) and PLAN658) suggested modification to allocate additional land '*where necessary*' is considered to be the same as saying '*may*', as is presently written. However '*where necessary*' also suggests a complex set of criteria and circumstances (e.g. what determines when it is '*necessary*'), when in practice these will be the subject of conclusions drawn in preparing Local Development Plans; which authorities will, in any event, need to justify.

Homes for Scotland (442882) (PLAN220) proposed release of additional land over and above the existing land supply is already a central feature of the flexibilities set out on Page 16 and within Policy 5. Other related issues are already covered by Scottish Planning Policy (2010) paragraphs 70 to 76 (016/SL/Doc40) and repeating this is unnecessary given the requirements of Circular 1/2009 Page 4 Paragraph 14 (016/SL/Doc39) for Strategic Development Plans to concise and visionary documents.

The suggestion that too much of the existing land supply is made up of strategic allocations is considered incorrect. Of the 43,000 or so homes that are envisaged by Policy 5 between 2012 and 2032, 19% form part of the Strategic Development Areas identified in Policy 4. In other words, 81% of the land supply required to deliver Policy 5 (more if one accepts the flexibilities set out) would be on land which is not part of Strategic Development Areas. The Proposed Plan does not allocate '*too much*' to Strategic Development Areas.

There are some elements of the existing three Structure Plans that remain important to delivering the vision and objectives of this Proposed Plan, particularly where these have been approved recently. However, the suggestion that the level of housing provision has been arrived at in this way is incorrect. The scale of house building planned for has been derived from the TAYplan-wide Housing Need and Demand Assessment (2010) (CL/Doc49) and supported by work in Topic Paper 2: Growth Strategy (June 2011) (CL/Doc31), TAYplan Housing Analysis Paper (2010) (016/SL/Doc11), the Technical Background Paper to the Main Issues Report (2010) (CL/Doc58) and a series of wider strategic economic, social and environmental considerations; consistent with Scottish Planning Policy paragraph 70 (016/SL/Doc26). Details of the consultation exercise prior to finalisation of the TAYplan-wide Housing Need and Demand Assessment (2010) (CL/Doc49) are set out in Appendix 2 and Appendix 2A pages 27 to 33 of that document (016/SL/Doc41). Here **Homes for Scotland (442882)** considered that they were '*broadly happy with the methodology used*' in its preparation. The concerns that they do raise relate to delivery of affordable housing and conditions of the market but do not reflect the points raised above about approved Structure Plans.

MODIFY PAGE 16 PARAGRAPH 7 AND/OR POLICY 5 PART A FIRST SENTENCE

- A. Modify Policy 5 Part A first sentence to ensure a 5 years supply of effective housing land at all times; and,**
- B. Modify to ensure that Local Development Plans must allocate 10 years worth of housing land within 2 years of the approval**

Barton Willmore for Scotia Homes (443109) (PLAN385); Emac Planning for (A&J Stephen (445201) (PLAN703); A&J Stephen Ltd/Bett Homes Ltd (548522) (PLAN747); Angus Estates Ltd (445204) (PLAN616); Bett Homes Ltd (548523) (PLAN768); J G Lang & Son (445206) (PLAN538); James Keiller Estates Ltd (445203); L Porter (548383); M Batchelor

(B) (548360); M Batchelor (K) (548301); Mr R Watson (445205); and for Stewart Milne Homes (548524) (PLAN784); Halliday Fraser Munro for Barratt Homes (548389) (PLAN587 and PLAN588); Homes for Scotland (442882) (PLAN218); Montagu Evans for Wallace Land Investment Management (343111); Smiths Gore for (Errol Park Estate (442871) and for Mansfield Estates (442870) (PLAN553)); TMS Planning for (Campion Homes (546491) (PLAN232); Mr James Thomson (345005) (PLAN245); Mr Simon Wilson (345007) (PLAN403); Mr Tim Esparon (345006) (PLAN207); and for Muir Homes Ltd (346675) (PLAN365)); Royal Burgh of St. Andrews Community Council (453889) (PLAN925); and, Scottish Government (443918) (PLAN658): At no point does Policy 5 or Page 16 supporting text suggest that anything written in Scottish Planning Policy (2010) (CL/Doc2) has been overridden. The requirement for Local Development Plans to have a minimum of 5 years effective land supply at all times is implicit and proposed modifications to incorporate this would unnecessarily repeat Scottish Planning Policy (2010). The delivery of this requirement under Scottish Planning Policy (2010) paragraph 72 (016/SL/Doc17) is a matter for Local Development Plans. Policy 5 Part A/Proposal 2 and Page 16 supporting text explain the scale of house building planned for in the first 12 years and the second 8 years of the 20 year plan (2012-32); consistent with Scottish Planning Policy paragraph 72 (016/SL/Doc17). Page 16 and Policy 5 Part A first sentence then explains that Local Development Plans in the TAYplan region need to move from a 5 year (presently the case in some Local Authority areas) to a 7 year effective housing land supply and do so by 2015. This is to meet the requirements of Scottish Planning Policy paragraph 72 to allocate effective housing land up to year 7; thus incorporating the possible 2 years [i.e. by 2015] for the adoption of Local Development Plans following approval of the Strategic Development Plan. This point is also already covered by the third footnote on Page 16 which explains that the purpose of the shift is to comply with Scottish Planning Policy. This approach has been considered in Topic Paper 2: Growth Strategy (June 2011) paragraphs 5.2 to 5.10 (016/SL/Doc42).

Royal Burgh of St. Andrews Community Council (453889) (PLAN925): Local Development Plans will consider a wide range of potential sites for housing allocations including but not only those identified as small sites and in urban capacity studies. Broad locations or specific site allocations for housing land will be made in Local Development Plans based on Strategic Development Plan policies, local considerations and land effectiveness. Such proposals will be consulted upon at Main Issues Report stage and will need to be justified as part of preparing the Local Development Plan. Therefore proposed criterion D is considered to propose the addition of superfluous text

C. Modify Page 16 Paragraph 7

Geddes Consulting for Thomson Homes (445159) (PLAN889); TMS Planning for (Campion Homes (546491) (PLAN229); Mr James Thomson (345005) (PLAN242); Mr Simon Wilson (345007) (PLAN400); Mr Tim Esparon (345006) (PLAN198); and for Muir Homes Ltd (346675) (PLAN361)): proposed deletion of the parts of Page 16 and in Policy 5 Part A referring to 'by 2024' is unnecessary as this issue is already clear in the text and when read alongside the footnote on Page 17. The suggestion that reaching the build levels should be reached during the life time of the Plan is also false as the intention is for this to occur during the 2012-24 period.

TMS Planning for Campion Homes (546491) (PLAN229); Mr James Thomson (345005) (PLAN242); Mr Simon Wilson (345007) (PLAN400); Mr Tim Esparon (345006) (PLAN198); and for Muir Homes Ltd (346675) (PLAN361): The additional sentence proposed to note that this will occur through the allocations made in Local Development Plans is superfluous.

MODIFY PAGE 16 PARAGRAPH 7 AND/OR POLICY 5 PART A FIRST SENTENCE

D. Modify Page 16 Paragraph 7 and/or Policy 5 Part A

And;

REACTING TO CHANGES IN BUILD RATES OR UNDER PERFORMANCE

Miss Lynn McGeorge (548414): proposed modifications to Page 16 Paragraph 7 and/or Policy 5 Part A First Sentence to provide for less than a 7 year effective land supply would be contrary to the objectives of Scottish Planning Policy paragraph 72 (016/SL/Doc17). The suggestion that there is 'no demand' is considered incorrect as there are always people who need or want to move house. Demand has, in some cases, been suppressed by the lack of credit availability.

DG Coutts Associates for Linlathen Developments (346407) (PLAN287): The flexibility and position suggested for Dundee City is already covered on Page 16, within Policy 5 Part A and also in Policy 5 Part B, the later of which relates specifically to Dundee City. It is for the Dundee Local Development Plan to determine the appropriate scale and location of land to be allocated for housing in order to ensure delivery of the levels set out in Policy 5 Part A/Proposal 2.

Auchterhouse Community Council (545593): It is correct that an effective supply is one capable of delivering the level of housing set out in Policy 5. However, not all sites will come forward within the same timeframe and so the supply needs to be generous to ensure that there is choice and sufficient land to deal with unforeseen delays in developing homes. This is covered in Scottish Planning Policy (2010) paragraph 71 (016/SL/Doc27). This therefore may require a larger supply of effective land in some localities. However, it is also true that too much land in release in some areas could undermine the objectives and other policies in the Proposed Plan, such as Policy 3. It will be for Local Development Plans to consider all of these factors, as well as local circumstances, when allocating land for housing.

Mr Ian Fowler (548055) proposed deletion of Policy 5 Part A Final Sentence would remove a cornerstone of flexibility available to Local Authorities to ensure that the build rates in Proposal 2 can be delivered subject to market demand. Failure to provide this flexibility would risk under delivery and a failure to meet the identified need and demand for housing set out in the TAYplan-wide Housing Need and Demand Assessment (2010) (CL/Doc49). It is the expressed intention of this Proposed Plan to ensure that land is not a barrier to delivering its vision and objectives. It will be for Local Development Plans to identify the appropriate scale of land allocation necessary and consult on this through the appropriate mechanisms for their Local Development Plan.

Muir Smith Evans for Muir Homes Ltd (548051): Policy 5 provides certainty to users of the Plan by explaining what broad scale of house building should be planned for and the extent of flexibilities to support its delivery. Collectively these are considered to encourage individual authorities to allocate a generous supply of housing land reflecting a range of choice within the context already established by Scottish Planning Policy (2010) paragraphs 66 and 71 (016/SL/Doc40).

ASSUMPTIONS REGARDING THE EFFECTIVENESS OF EXISTING SUPPLY

Scottish Government (443918) (PLAN652 and PLAN640) and Geddes Consulting for Thomson Homes (445159) (PLAN890, PLAN893 and PLAN895): Page 16 paragraph 3 explains that the 2,170 homes per year (Policy 5 Part A and Proposal 2) includes sites that already have planning permission. This Proposed Plan runs from April 2012. Unlike previous Development Plans this date was in the future during preparation and is likely to be close to the time of any ministerial approval. There is presently no data on planning permissions as at March 2012 and no 2011 or 2012 housing land audit from which to subtract the appropriate figures from the build rates in Policy 5/Proposal 2 to enable the setting out of additional land for Local Development Plans to allocate. Some, such as **Geddes Consulting for Thomson**

Homes (445159) (PLAN890, PLAN893 and PLAN895), have estimated what these figures could be. However, this introduces potential inaccuracies as some permissions will be completed or expire and new ones will be granted before 2012. The provision of a new Proposal 3 is also contrary to the style and format of the Proposed Plan and includes estimates of land effectiveness for the 2012-19 period based on 2010 housing land audits which could change between now and 2012. TAYplan accepts the suggestion by **Scottish Government (443918) (PLAN652)** that the appropriate figures be incorporated into the Action Programme (016/SL/Doc43), which would explain how the Housing Land Requirement is to be delivered. An advantage of this is that with approval anticipated in late 2012, and the Action Programme being published within the subsequent 3 months, the 2012 Housing Land Audits figures are more likely to be available, consistent with the base date of the Proposed Plan. The figures can then be kept up to date as part of the reviews of the Action Programme at least every two years; and also contribute to a form of rolling supply as Local Development Plans will come forward at different times. This could also reduce hold ups at Local Development Plan examinations that could otherwise be caused by debates on how the effective supply and additional requirement has changed.

Geddes Consulting for Thomson Homes (445159) (PLAN890, PLAN893 and PLAN895) proposal for an additional criterion D repeats many of the requirements of Scottish Planning Policy (2010) paragraphs 71, 72, 74 and 75 (016/SL/Doc40), whilst adding no additional clarity that is not already covered by Page 16 or Policy 5. It also contradicts existing flexibilities set out on Page 16 Bullet Points 3 and 4 because it suggests that the allocation will be an exact number rather than supporting the more flexible approach established in Policy 5. The reasons for the annualised approach have been set out in Topic Paper 2: Growth Strategy (2010) paragraph 5.2 to 5.10 (016/SL/Doc42).

REPRESENTATIONS IN SUPPORT

Braes of the Carse Conservation Group (423150); DPP LLP for Kinross Estate Company (548029); DTZ for Headon Developments (548113); Dundas Estates and Development Co (548117) (PLAN455); Montagu Evans for Inverarity Farms Ltd (443912) (PLAN362, PLAN376 and PLAN369); and, Scottish Water (337414) (PLAN133 and PLAN135): TAYplan welcomes this support.

CONCLUSIONS

The flexibilities demanded by many proposed modifications already exist within on Page 16 and in Policy 5 as written. As written these provide appropriate clarity and flexibility within the operational context of Scottish Planning Policy (2010) (CL/Doc2) and the vision, objectives and other policies of the Proposed Plan. Many proposed modifications suggest unnecessary repetition of Scottish Planning Policy (2010), when this should be read alongside the Plan. Others seek addition of superfluous text to explain points that are already clear or that would result in significant and unnecessary operational complexity.

The proposed modifications are unnecessary and, in some cases, these would stretch the degree of flexibility to lead to over supply and distribution of development, simultaneously undermining the vision, objectives and other locational policies of the Proposed Plan. Policy 5 is consistent with Scottish Planning Policy (2010) (CL/Doc2). Therefore TAYplan considers that all of the issues raised do not warrant any change to the Proposed Plan (June 2011) and propose that the elements dealt with in this Schedule 4 Summary of Unresolved Issues remain as written and unchanged.

Reporter's conclusions:

[Note: For DPEA only]

Reporter's recommendations:

[Note: For DPEA only]

2. Copy of representations pertinent to this issue

3. Library of documents and extracts (less than 50 pages) referred to within representations and/or this Schedule