

**TAYplan Strategic Development Plan Authority**

**Summary of Unresolved Issues (Schedule 4)**

*Issue 18: Policy 5 Housing – Policy 5 Part A Up to 10% shift between Housing Market Areas*

## Contents

### 1. Summary of Unresolved Issues

2. Copy of actual representations pertinent to this issue (*Personal details have been redacted. Full details have been provided to the DPEA separately.*)

- 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

- 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: 018 Policy 5 Housing – Policy 5 Part A Up to 10% shift between Housing Market Areas		
Development plan reference:	<b>Page 16 Supporting Text Bullet Point 5 and Page 17 Policy 5 Part A Bullet Point 1</b>	Reporter: [Note: For DPEA use only]
Body or person(s) submitting a representation raising the issue and Representation reference		
<b>Seeking a change</b>		
<b>Id Number</b>	<b>Organisation/Person</b>	<b>Response reference</b>
450613	Councillor Michael A Barnacle	PLAN816
445159	Geddes Consulting for Thomson Homes	PLAN891
546838	Kinross-shire Civic Trust	PLAN495
444081	Montagu Evans	PLAN462
548760	Mrs D Jeffrey	PLAN809
546491	TMS Planning for Champion Homes	PLAN231
546491	TMS Planning for Champion Homes	PLAN234
345005	TMS Planning for Mr James Thomson	PLAN244
345005	TMS Planning for Mr James Thomson	PLAN249
345007	TMS Planning for Mr Simon Wilson	PLAN402
345007	TMS Planning for Mr Simon Wilson	PLAN405
345006	TMS Planning for Mr Tim Esparon	PLAN206
345006	TMS Planning for Mr Tim Esparon	PLAN212
346675	TMS Planning for Muir Homes Ltd	PLAN364
346675	TMS Planning for Muir Homes Ltd	PLAN368
<b>Support as written</b>		
<b>Id Number</b>	<b>Organisation/Person</b>	<b>Response reference</b>
423150	Braes of the Carse Conservation Group	PLAN24
<b>Provision of the development plan to which the issue relates:</b>	The option given to Local Authorities in exceptional cases of environmental capacity for up to 10% of the housing provision for one market area to be shared between one or more neighbouring housing market areas within the same authority taking account of meeting needs in that housing market area.	
Planning Authority's summary of the representation(s):		
<b>SUMMARY OF REPRESENTATIONS SEEKING A CHANGE</b>		
<b><u>WIDENING THE FLEXIBILITY ON MEETING HOUSING NEED IN NEIGHBOURING HOUSING MARKET AREAS</u></b>		
<i>Montagu Evans (444081)</i> suggests allowing housing market areas with an effective land supply exceeding its own Policy 5A/Proposal 2 build rates to accommodate the housing requirement for a neighbouring housing market area(s) whose effective land supply falls short of being able to meet its Policy 5A/Proposal 2 build rates.		
<i>Mrs D Jeffrey (548760)</i> considers that the approach set out should be possible for any reason so long as it does not 'enfringe on its neighbouring Local Authority'.		
<b><u>AMENDING THE APPROACH SET OUT IN POLICY 5 PART A BULLET POINT 1</u></b>		
<i>Geddes Consulting for Thomson Homes (445159)</i> suggest that as written this approach suppresses housing need and demand requiring some families to move to another housing market area, perhaps some distance away from established social networks. The respondent suggests that local authorities must provide evidence to substantiate the seriousness of the constraint and that any resultant modification to the strategy needs to be fully justified to		

ensure that the Local Development Plan complies with the Strategic Development Plan.

***TMS Planning for (Campion Homes (546491) (PLAN231 and PLAN234); Mr James Thomson (345005) (PLAN244 and PLAN249); Mr Simon Wilson (345007) (PLAN402 and PLAN405); Mr Tim Esparon (345006) (PLAN206 and PLAN212); and Muir Homes Ltd (346675) (PLAN364 and PLAN368)*** suggest that the term "heavily constrained by environmental capacity" used in Bullet 5 on Page 16 and the term "exceptional cases of environmental capacity" in Policy 5 Part A Bullet Point 1 on Page 17 are open to wide interpretation and that these should be deleted as there is no evidence for them. Alternatively, if these sections are to be retained, they suggest modifications to explain what is meant by "exceptional cases of environmental capacity".

They assert that this matter arose at Main Issues Report stage relating to the 'Kinross Housing Market Area where 10% (14% in reality) was to be redirected...' and that the environmental case for this was not justified, which is inconsistent with Scottish Planning Policy paragraph 74. They argue that 'moving housing away from the area and limiting the provision of new homes' in this way fails to meet need; inflates demand and prices; will adversely impact on meeting the legitimate needs of the area and its residents, including the delivery of affordable housing; and, the local economy, services and sustainability, contrary to the 'underlying objective of sustainable mixed communities'.

### **IDENTIFY KINROSS AS A SETTLEMENT WHERE THIS APPROACH WILL SPECIFICALLY APPLY**

***Councillor Michael A Barnacle (450613) and Kinross-shire Civic Trust (546838)*** support the '10% environmental capacity' approach in Policy 5A. ***Councillor Michael A Barnacle (450613)*** considers that 10% of the Kinross-shire house building rates from Policy 5/Proposal 2 should be reallocated elsewhere and on affordable housing. ***Kinross-shire Civic Trust (546838)*** consider that Kinross-shire should be named as an area where this approach should apply and further suggest that this 10% should be shifted to Perth [Housing Market Area].

### **SUMMARY OF REPRESENTATIONS SUPPORTING AS WRITTEN**

***Braes of the Carse Conservation Group (423150)*** supports the whole of Policy 5.

#### **Modifications sought by those submitting representations:**

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

### **WIDENING THE FLEXIBILITY ON MEETING HOUSING NEED IN NEIGHBOURING HOUSING MARKET AREAS**

***Montagu Evans (444081)*** implies the addition of some form of supporting text and policy amendment where a housing market area with an effective land supply which exceeds Policy 5A/Proposal 2 build rates to be able to accommodate the housing requirement for a neighbouring housing market area whose effective land supply falls short of its own Policy 5A/Proposal 2 build rates.

***Mrs D Jeffrey (548760)*** Implies and amendment allowing the approach to be possible for any reason so long as it does not 'enfringe on its neighbouring Local Authority'.

### **AMENDING THE APPROACH SET OUT IN POLICY 5 PART A BULLET POINT 1**

***Geddes Consulting for Thomson Homes (445159)*** propose replacing Policy 5A Bullet Point 1 present text with:

*"in exceptional cases of serious environmental or infrastructure capacity constraints , Local Development Plans can provide for up to 10% of the housing requirement for one housing*

market area to be shared between one or more neighbouring housing market areas within the same authority taking account of meeting the overall housing needs in that housing market area. Evidence must be provided in the Local Development Plan to substantiate this transfer of housing requirement”.

**TMS Planning for (Campion Homes (546491) (PLAN231); Mr James Thomson (345005) (PLAN244); Mr Simon Wilson (345007) (PLAN402); Mr Tim Esparon (345006) (PLAN206); and Muir Homes Ltd (346675) (PLAN364))**

- Bullet point 5 on Page 16: Delete the term “heavily constrained by environmental capacity” and replace with “clearly demonstrates serious local environmental or infrastructure constraints that cannot be resolved to allow development within the life of the Plan”.
- Bullet point 5 on Page 16: Add to the end of “...and there are no other suitable settlements or other solutions to address housing need within the respective Housing Market Area”.

**TMS Planning for (Campion Homes (546491) (PLAN234); Mr James Thomson (345005) (PLAN249); Mr Simon Wilson (345007) (PLAN405); Mr Tim Esparon (345006) (PLAN212); and Muir Homes Ltd (346675) (PLAN368))**

- Policy 5 Part A Bullet point 1 on Page 17: Delete this bullet from the Policy; or,
- Policy 5 Part A Bullet point 1 on Page 17: If it is to be retained then replace “in exceptional cases of environmental capacity, provide” with, “in exceptional cases where there are clearly demonstrated serious local environmental or infrastructure constraints that cannot be resolved to allow development within the life of the Plan within a defined Housing Market Area, allowance” [Scottish Planning Policy paragraph 74].

### **IDENTIFY KINROSS AS A SETTLEMENT WHERE THIS APPROACH WILL SPECIFICALLY APPLY**

**Kinross-shire Civic Trust (546838)** name Kinross-shire as somewhere this approach applies.

**Councillor Michael A Barnacle (450613)** implies that the Proposed Plan should be amended to name Kinross-shire as somewhere this approach applies.

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

### **RESPONSE TO REPRESENTATIONS SEEKING A CHANGE**

The Proposed Plan sets house building rates for housing market areas based on the TAYplan-wide Housing Need and Demand Assessment (2010) (CL/Doc49) and wider strategic economic, social and environmental considerations. The Policy 5 distribution delivers Policy 1 Location Priorities concentrating most development in principal settlements. Policies 2 and 3 ensure that in doing so proper consideration is given to various other factors affecting place quality and the role of important assets. These ensure that all aspects of the Proposed Plan’s Vision and Objectives are achieved together.

Policy 5 Part A Bullet Point 1 enables Local Development Plans to deal with situations where these policy objectives conflict. For example; where a principal settlement also faces a series of important environmental considerations affecting its ability to accommodate housing. Policy 5 Part A Bullet Point 1 specifies how Scottish Planning Policy (2010) paragraph 74 (018/SL/Doc11) and the ‘wider strategic economic, social and environmental considerations’ of paragraph 70 (018/SL/Doc13) are applied to the Proposed Strategic Development Plan through:

- the scale of housing requirement that can be accommodated elsewhere;
- the requirement to consider meeting housing needs in that area; and,
- that this can only be between neighbouring housing market areas in the same authority.

It is for Local Authorities to justify circumstances where their own work, including Strategic Environmental Assessment and/or Habitats Regulations Appraisal, justifies this approach in Local Development Plans. This involves balancing a series of considerations contributing to shaping better quality places that; offer people a better quality of life; support a more competitive economy; adapt to and mitigate against climate change; and, operate within environmental limits.

### **WIDENING THE FLEXIBILITY ON MEETING HOUSING NEED IN NEIGHBOURING HOUSING MARKET AREAS**

**Montagu Evans (444081) and Mrs D Jeffrey (548760)** proposed modifications are inconsistent with Scottish Planning Policy paragraph 74 (018/SL/Doc11) based on accommodating housing requirement on grounds of neither environment nor infrastructure. Such a change would see the housing distribution governed by where effective housing land is available rather than based on Policy 1 Location Priorities. This proposed modification suggests that any neighbouring housing market area qualifies because no specific 'only within the same authority' approach is mentioned. This degree of flexibility and the proposed modification by **Mrs D Jeffrey (548760)** are tantamount to having no location priorities at all and would be inoperable without the removal of many aspects of Policies 1 and 3. They would also compromise the Proposed Strategic Development Plan vision and other objectives, for example; Climate Change (Scotland) Act 2009 Part 1 Sections 1 and 2 (018/SL/Doc15) emissions reduction targets and Planning etc. (Scotland) Act 2006 Section 3 (018/SL/Doc14) requirement to deliver sustainable development.

### **AMENDING THE APPROACH SET OUT IN POLICY 5 PART A BULLET POINT 1**

**Geddes Consulting for Thomson Homes (445159)**: Scottish Planning Policy (2010) (CL/Doc2) and the Proposed Plan should be read in conjunction by TAYplan Local Authorities in preparing Local Development Plans. It is implicit from Scottish Planning Policy (2010) paragraph 74 (018/SL/Doc11) that Local Development Plans applying this approach must justify doing so. Therefore there is no need to repeat this by replacing Policy 5 Part A Bullet Point 1 with Scottish Planning Policy (2010) paragraph 74 text.

**TMS Planning for (Campion Homes (546491) (PLAN231 and PLAN234); Mr James Thomson (345005) (PLAN244 and PLAN249); Mr Simon Wilson (345007) (PLAN402 and PLAN405); Mr Tim Esparon (345006) (PLAN206 and PLAN212); and Muir Homes Ltd (346675) (PLAN364 and PLAN368))**: The word '...exceptional...' in Policy 5 Part A Bullet Point 1 reflects Scottish Planning Policy paragraph 74 (018/SL/Doc11) because it should be used where circumstances warrant it rather than because development could be unpopular. There are a limited set of circumstances where this is anticipated within the TAYplan area. The proposed modifications would repeat Scottish Planning Policy (2010) and/or add superfluous text whose meaning is self-evident when reading the Proposed Plan and the Scottish Planning Policy together. The Proposed Modifications to Page 16 supporting text bullet point 5 would be irrelevant because TAYplan does not propose to delete or modify Policy 5 Part A bullet point 1.

The issue regarding '10% (14% in reality)' at Kinross is understood to refer to the Perth & Kinross Local Development Plan Main Issues Report (2010) (CL/Doc62). This is not considered a matter for the Proposed Strategic Development Plan.

### **IDENTIFY KINROSS AS A SETTLEMENT WHERE THIS APPROACH WILL SPECIFICALLY APPLY**

**Councillor Michael A Barnacle (450613) and Kinross-shire Civic Trust (546838)** in their attached submission: TAYplan welcomes the support for Policy 5 Part A Bullet 1 and recognises the circumstances at Kinross described in the Perth and Kinross Local Development Plan Main Issues Report (2010) (CL/Doc62). As presently written Policy 5 allows any of the four Local Development Plans to use this approach if appropriate and justifiable, it

will be for them to name specific settlements.

## **RESPONSE TO REPRESENTATIONS SUPPORTING AS WRITTEN**

TAYplan welcomes the support for the whole of Policy 5 by *Braes of the Carse Conservation Group (423150)*.

### **CONCLUSIONS**

The approach already set out within Policy 5 Part A Bullet Point 1 and on Page 16 Supporting Text provides flexibility in delivering housing which, as written, fits well with other objectives of the Proposed Plan and is consistent with Scottish Planning Policy (2010) paragraph 74 (018/SL/Doc11). **Scottish Government (443918)** and none of the key Government Agencies responsible for infrastructure or environmental issues have sought modifications to this part of the Proposed Plan. TAYplan considers that the proposed modifications would result in a strategy of dispersed housing development compromising other Proposed Plan objectives and policies, particularly Policies 1, 2 and 3. The proposed modifications would also repeat national policy and/or add superfluous text which does not sit well with Circular 1/2009 Page 4 Paragraph 14 which sees Strategic Development Plans as concise and visionary documents. 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.

<b>Reporter's conclusions:</b>
[Note: For DPEA use only]
<b>Reporter's recommendations:</b>
[Note: For DPEA use 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**