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For Publication

Additional information:

To be read in conjunction with report to Council, 28 March 2017 - Proposed Local Development Plan: Schedule 4 Representation Responses for Submission to Scottish Ministers, Appendix 3. The numbered lists correspond to the individual representations.

Authorised By	Douglas Proudfoot
Designation	Head of Development
Date	21/03/17

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Proposed East Lothian Local Development Plan Schedule 4 Representation Responses

Please refer to Appendix 3 of the report to Council on 28 March 2017: Proposed Local Development Plan: Schedule 4 Representation Responses

http://www.eastlothian.gov.uk/meetings/meeting/5908/east_lothian_council

Each Schedule 4 document lists at the beginning who made representations on that subject. Each individual representation has a reference number which corresponds to the file numbers of the original representations.

For further information or advice, please contact:

Planning Policy and Strategy, via Environment Reception at East Lothian Council,
tel: 01620 827216

Wallace Land Investments – Representations to Proposed Plan Representation about East Linton

About You

What is your name?	Stuart Salter
What is your email address?	stuart@geddesconsulting.com
Postal Address:	The Quadrant 17 Bernard Street Edinburgh
Please enter your postcode:	EH6 6PW
Are you responding as (or on behalf of) a...?	Developer/agent/landowner
What is your organisation and role (if applicable)?	Organisation: Geddes Consulting Role: Director
Are you supporting the plan? If Yes: Please include your reasons for support	No

Section 2f - Dunbar Cluster Strategy Map (pg 45)

1a. Strategy Map for Dunbar Cluster - What modifications do you wish to see made to the strategy map for the Dunbar Cluster? Please state all relevant paragraph numbers of the plan to which the modification(s) refer. Your justification for this will be sought in the next question.

Modifications(s) Sought:

Wallace Land Investments objects to the non-allocation of land at Drylawhill, East Linton for residential development.

Given the scale of housing shortfall identified in the *Assessment of Housing Supply*, land at Drylawhill, East Linton as shown in the *Development Framework Report* should be allocated for residential development along with its substantial public open space.

1b. Strategy Map for Dunbar Cluster - Please give any information/reasons in support of each modification suggested to the Strategy Map for Dunbar. State all relevant paragraph numbers of the plan to which the modification(s) refer.

Justification for Modification(s):

The conclusion from the *Assessment of Housing Land Supply*, accompanying these Representations to the Proposed LDP, is that the proposed development strategy outlined in the Proposed LDP does not meet the housing supply requirements set by SESplan. Further housing land allocations will be required to enable the LDP to comply with SESplan

The site is a viable development proposal and is effective in accord with PAN 2/2010. It can be developed within the LDP plan period. This is explained in the *Statement of Site Effectiveness* submitted with this Representation.

There is environmental and landscape capacity, as explained in the *Development Framework Report*, to accommodate the proposed scale of development.

The site is effective and deliverable in the short term. It can be developed over a period of 6 years including affordable housing, within the early phases of the plan period.

Section 3a - Planning for Housing (pages 64 - 73)

1a. Housing & Housing Land Requirement - What modifications do you wish to see made to the Housing & Housing Land Requirement section of the proposed Plan? Please state all relevant policy and/or paragraph numbers of the plan to which the modification(s) refer. Your justification for this will be sought in the next question.

Modifications(s) Sought:

Wallace Land Investments has commissioned an *Assessment of the Housing Land Supply*.

This Assessment calculates the Housing Land Requirement to be met in the Proposed Plan, taking account of the Housing Supply Target set by SESplan.

The Housing Land Requirement has then been compared with the effective housing land supply. This effective housing land supply includes completions from the Established Housing Land Supply as well as the proposed allocations.

The conclusion from this Assessment is that there is a significant shortfall of homes in the period to 2019. Accordingly, it is recommended that the Council, in formulating its Schedule 4s for the Examination, allocates additional land to meet this short term requirement.

1b. Please give any information/reasons in support of each modification suggested to Housing and Housing land Requirement section of the proposed Plan. State all relevant policy and/or paragraph numbers of the plan to which the modification(s) refer.

Justification for Modification(s):

Please refer to the *Assessment of the Housing Land Supply* submitted in support of this representation.

2a. Established Housing Land Supply - What modifications do you wish to see made to the Established Housing Land Supply section of the proposed Plan? Please state all relevant policy and/or paragraph numbers of the plan to which the modification(s) refer. Your justification for this will be sought in the next question.

Modifications(s) Sought:

Please refer to the *Assessment of the Housing Land Supply* submitted in support of this representation. Table HOU2: *Housing Land Requirements and Supply* should be modified as set out in this Assessment.

2b. Please give any information/reasons in support of each modification suggested to the Established

<p><i>Housing Land Supply section of the proposed Plan. State all relevant policy and/or paragraph numbers of the plan to which the modification(s) refer.</i></p> <p><i>Justification for Modification(s):</i></p>
<p>Please refer to the <i>Assessment of the Housing Land Supply</i> submitted in support of this representation.</p>
<p><i>3a. Maintaining an Adequate Effective Five-Year Housing Land Supply - What modifications do you wish to see made to the Maintaining an adequate Effective Five-Year Housing Land Supply section of the proposed Plan? Please state all relevant policy and/or paragraph numbers of the plan to which the modification(s) refer. Your justification for this will be sought in the next question.</i></p> <p><i>Modifications(s) Sought:</i></p>
<p>Please refer to the <i>Assessment of the Housing Land Supply</i> submitted in support of this representation.</p>
<p><i>3b. Please give any information/reasons in support of each modification suggested to the Maintaining an Adequate Five-Year Housing Land Supply section of the proposed Plan. State all relevant policy and/or paragraph numbers of the plan to which the modification(s) refer.</i></p> <p><i>Justification for Modification(s):</i></p>
<p>Please refer to the <i>Assessment of the Housing Land Supply</i> submitted in support of this representation.</p>

<p>Proposals Map</p>
<p><i>1a. Proposal Map - What modifications do you wish to see made to the LDP Proposal Map? Please state all relevant area and inset map numbers to which the modification(s) refer. Your justification for this will be sought in the next question.</i></p> <p><i>Modifications(s) Sought:</i></p>
<p>If the Council agrees that it needs to allocate further land to meet an identified housing shortfall in the development strategy to meet SESplan's housing land target (as explained in the <i>Assessment of Housing Land Supply</i>), then residential land should be allocated at Drylawhill, East Linton as shown on the plan (section 5 of the <i>Development Framework Report</i>).</p>
<p><i>1b. Please give any information/reasons in support of each modification suggested to the LDP Proposal Map. State all relevant areas and inset map numbers of the plan to which the modification(s) refer.</i></p> <p><i>Justification for Modification(s):</i></p>
<p>The modifications to the LDP Proposal Map are justified for the reasons explained above.</p>

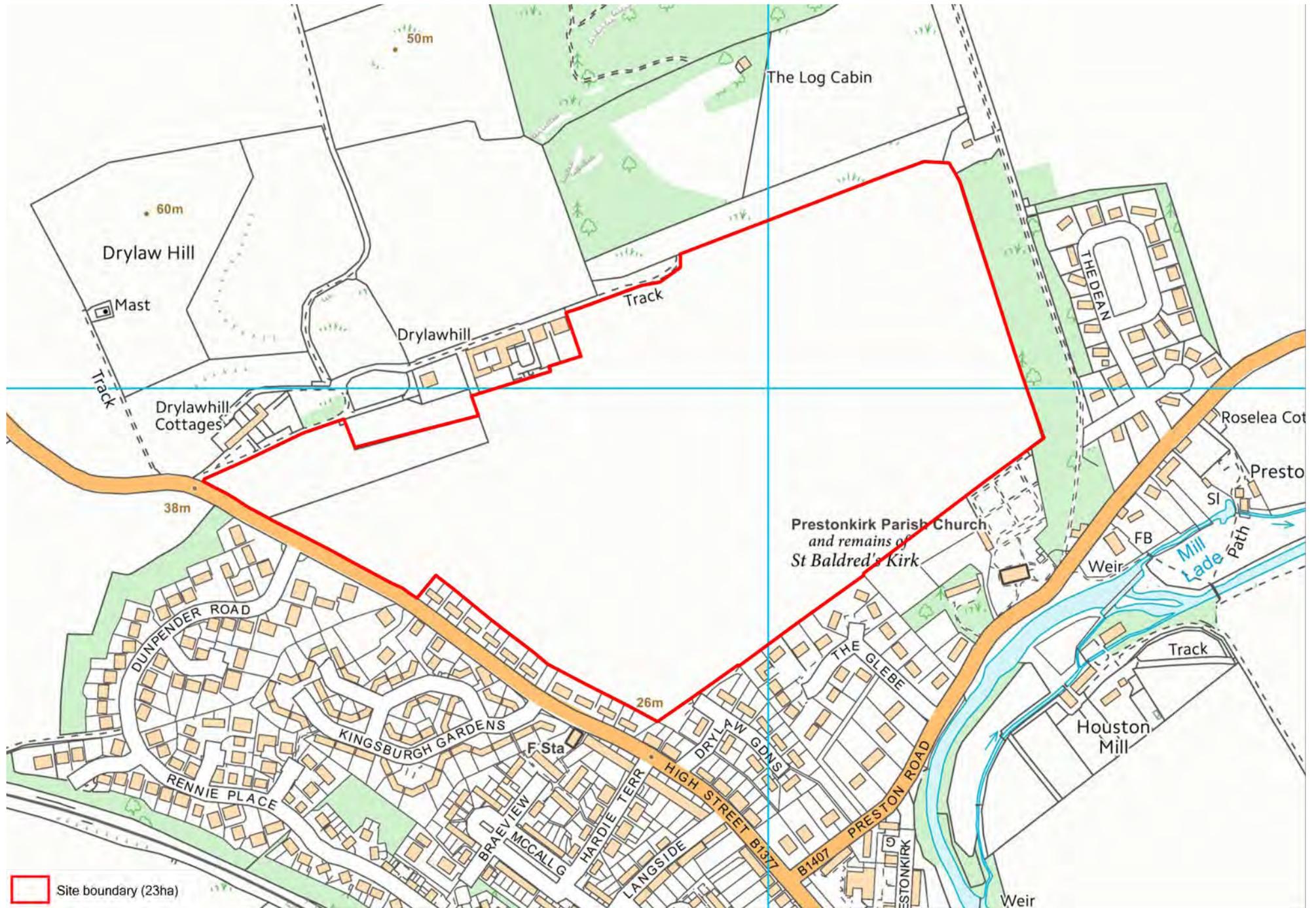


Drylawhill, East Linton
Development Framework Report
Representation to Local Development Plan

November 2016

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The site is located adjacent to the settlement edge of East Linton within the East Lothian SDA

1. Introduction

Introduction

East Lothian Council is seeking representations to the East Lothian Local Development Plan Proposed Plan (2016).

Wallace Land Investments (Wallace) controls 23ha of land on the northern edge of East Linton at Drylawhill. These representations are submitted on behalf of Wallace and the landowner, Gladys Dale's Drylawhill Trust.

The site can accommodate around 215 homes and provides a substantial area of public open space (12.8ha) which takes into account the setting of the *Drylaw Cursus* Scheduled Monument, located within the site.

The site is in a sustainable location in East Linton and offers the potential to provide a sustainable development. The site is part of the East Lothian Strategic Development Area and is therefore a preferred location for future development.

This site was considered by the Council at the Main Issues Report (MIR) stage of the Local Development Plan (LDP) as part of a much larger general area of search (Site Ref: PM/DR/HSG115 – extending to 600 ha). A submission was then made by Wallace to the MIR.

This Report responds to the Council's Proposed Local Development Plan (LDP) and, in particular, to the *Draft Environmental Report Appendix 9 Dunbar Area Site and Strategic Environmental Assessments*.

The *Draft Environmental Report* provides an objective assessment of the planning merits and strategic environmental assessment of the general Dunbar Area as well as for the potential development sites submitted for consideration as part of the LDP process.

This Report provides detailed information to the Council about this particular site at Drylawhill, East Linton. It provides more detailed information to the Council, updating the Council's assessment and highlighting ways in which mitigation measures, as part of the proposal, can address any potential impacts.

One of the conclusions from the Council's Site Assessment is that *...its development would therefore align quite well with strategic policy objectives of steering new development towards the most sustainable locations within the city region*.

Wallace is promoting this site for inclusion in the Local Development Plan as an allocated site for residential development of 215 homes.

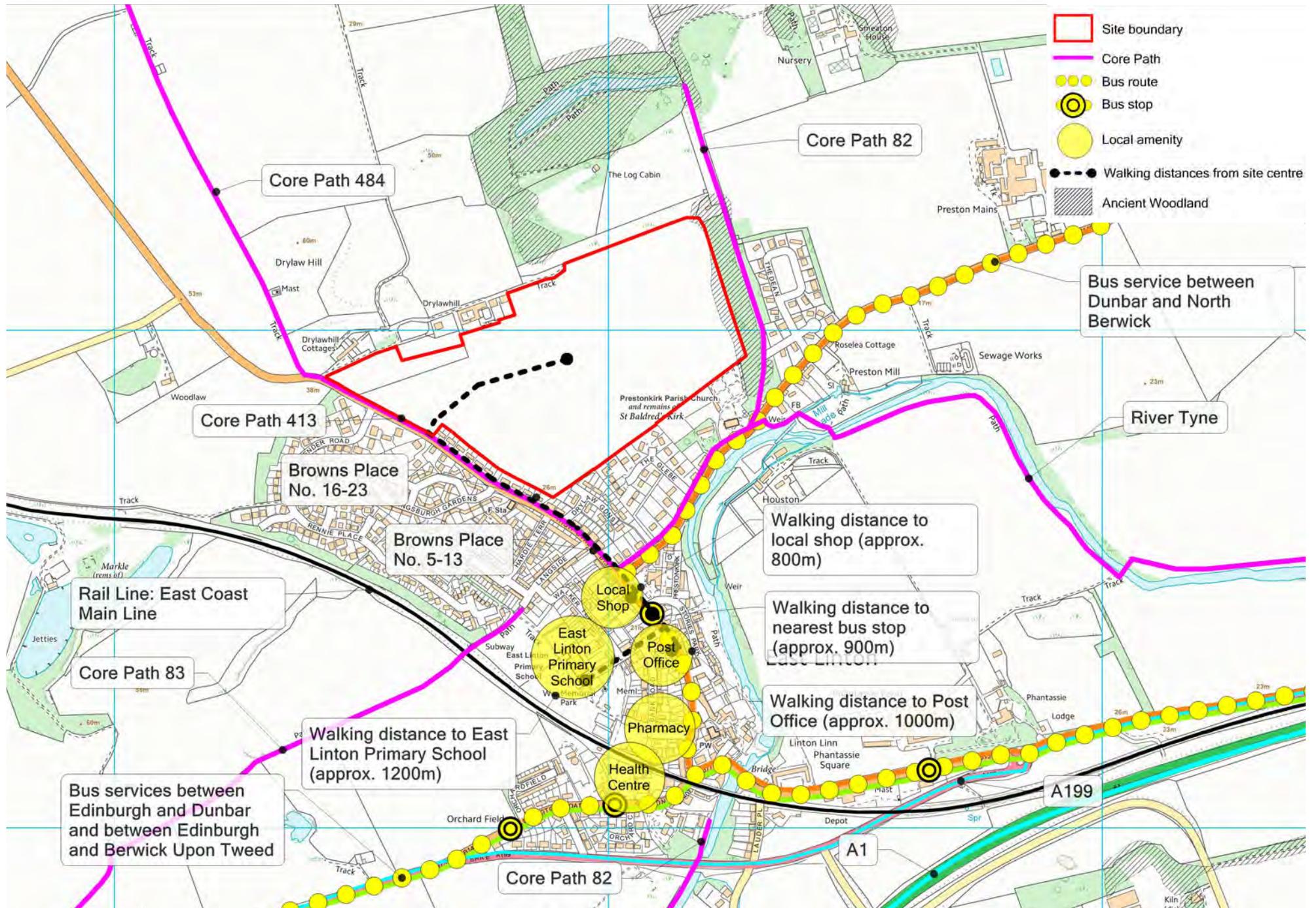
Meeting Housing Supply Target

As part of the representations to the Proposed Plan, the *Assessment of Housing Land Supply* concludes that the proposed development strategy outlined in the Proposed Plan does not meet the housing land target set by SESplan to 2019.

Further land allocations are required to meet the housing land requirements in full up to 2019.

Allocating this site for 215 homes will help address this housing shortfall.

Wallace is committed to developing new homes on this site. This site is immediately effective and the proposal will be developed over a 6 year period from 2018.



The site is conveniently located to a variety of facilities located within the centre of East Linton.

2. Sustainability of Location

In the SEA assessment for the site (Ref. MIR/DR/HSG124), the Council states *...East Linton is in a less accessible location in regional terms than most other East Lothian towns and larger villages and is further from major centres of employment than many other East Lothian settlements, though has a moderate range of local facilities and services. Therefore development in this location would not be focusing development in the most accessible and sustainable locations.*

The Council states in its Proposed LDP that *...Dunbar / Belhaven, West Barns, East Linton are the most accessible settlements within the cluster.*

A potential new rail halt is being proposed at East Linton. This would improve the regional accessibility of the village. The Council supports this new rail halt in the Proposed LDP. This is also supported by Wallace.

The Council confirms that *...the site is moderately well positioned to access public transport, active travel routes, as well as local facilities and services. There is a good range of local facilities.*

The Core Path Network can be readily accessed from the site via Core Path 413, adjacent to the south western boundary. The proposal will extend recreational walking routes within the village.

Existing bus services within the village are approximately hourly between Edinburgh and Dunbar and additionally some services between Edinburgh and Berwick upon Tweed.

The nearest bus stop is located within 900m walking distance of the site. The addition of new homes within the village should lead to an extension to the bus service, nearer the proposal and within 400m of the proposal. It should also lead to an improvement in the frequency of existing services.

Local services within East Linton include a local shop, a post office, a pharmacy and health centre. The site is located for convenient access to these services with the local shop being within 800m walking distance.

The site is within the catchment area for East Linton Primary school. This is within 1,200m walking distance of the site.

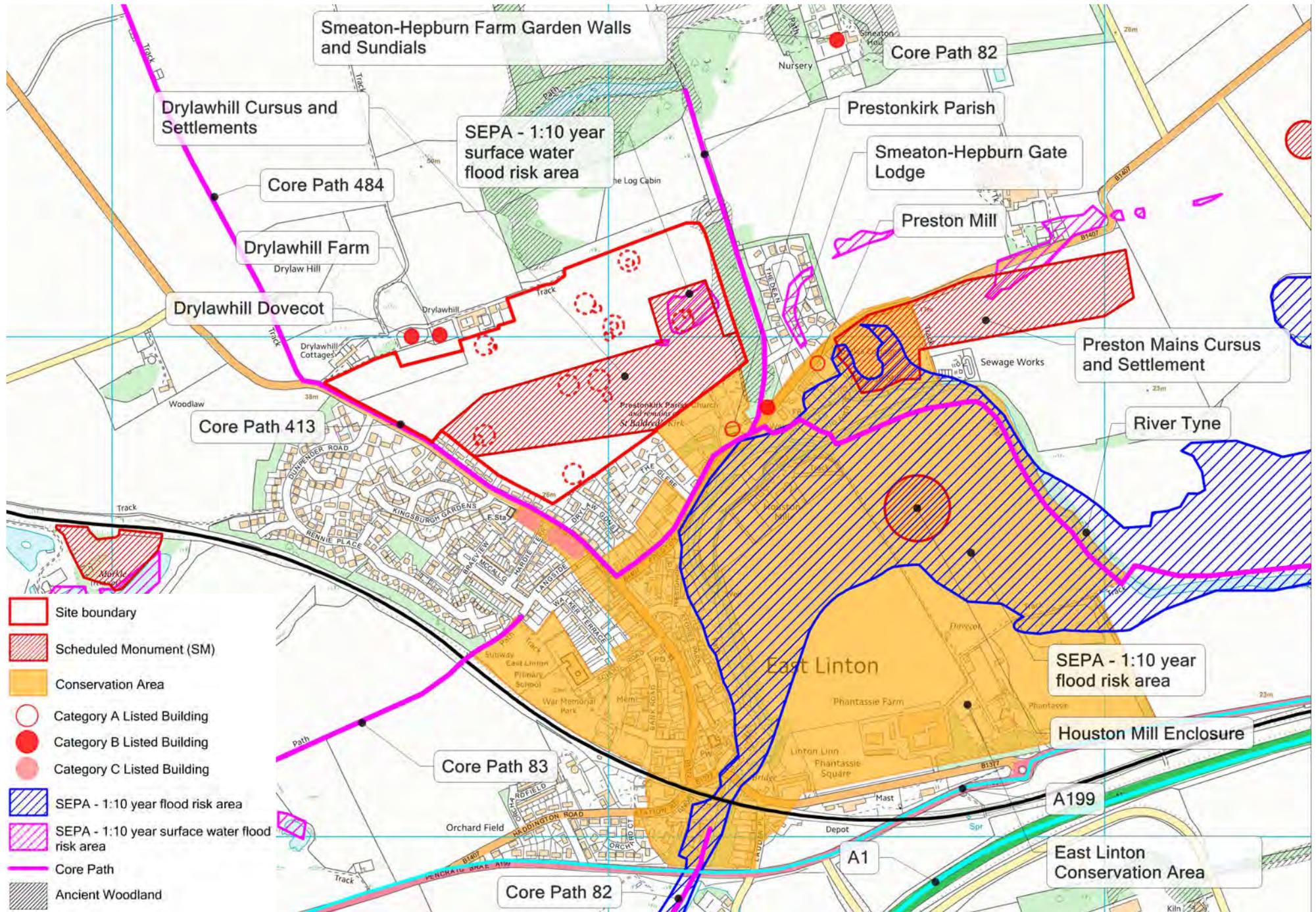
At secondary school level, the site is within the catchment of Dunbar Grammar School. As this school is located further than 2 miles from the settlement, all attending pupils within East Linton receive free transportation. This will extend to pupils within the proposal.

The Council's SEA highlights that both of these schools have limited capacity. The Council states that there is *...potential for further modest expansion on site.*

The site is conveniently located for access to local facilities within the village.

New homes within the development could support improvements to public transport, including more frequent bus services and future patronage for a new rail halt.

The site is located within a sustainable location and new development within East Linton would improve the sustainability of the village.



Drylaw Cursus SM will be retained and preserved in-situ on the site.

3. Site Appraisal

The site is located adjacent to the northern edge of the settlement boundary. The Council states in their SEA assessment that the *...north part of the site is on high ground which does not relate well to East Linton which is in a valley, however lower parts of the site do relate well.*

The site is currently in agricultural use and slopes up to its northern edge to the cottages and steading at Drylawhill. This forms a strong building line and landscape edge. Woodlands further to the east reinforce the site's visual containment.

The site boundary to the east benefits from a woodland edge, which forms a strong landscape feature. There is more housing beyond these trees to the east of the site.

The southern site boundary is defined by housing and the elevated Prestonkirk Church and its glebe. Access to the southern area of the site can be taken from Drylaw Gardens.

The site boundary to the west is behind the existing housing on Browns Place and Browns Place (B1377) itself. Access to the northern area of the site can be taken from this road.

The site is largely perceived from longer distant views as part of the village, given the presence of housing at Drylawhill immediately to the north of the site.

The village is contained within its defined landscape setting. Development of this well contained site will help consolidate the village's landscape setting.

East Linton has a large number of designated heritage assets. It has an extensive Conservation Area containing the historic village core and land to the east including Preston Mill, Phantassie Cottages and the land between.

The Council states in its SEA that the site's allocation would *... have the potential to affect...* the setting of A Listed Prestonkirk Church. The Council also states that the expansion of the village *...would also change the character of East Linton Conservation Area and its listed parish church.*

A significant landscape buffer can be provided to safeguard the setting of Prestonkirk Church which marks the edge of the Conservation Area.

East Linton has 65 listed buildings, mostly within the well preserved village centre but also including buildings related to the extensive agricultural heritage of the area at Phantassie, Preston, Houston, Smeaton, Drylaw, and Limekilns.

Development of the site will not impact on the inter-relationship between these Listed buildings and their setting.

Detailed design solutions will mitigate impacts on village character and scale.

The Council's SEA also notes *...This site includes the scheduled monument known as Drylawhill cursus (index no. 6379).*

The setting of this Scheduled Monument (SM) will be taken into account. A substantial area of public open space is proposed on site to protect the SM in situ. Recorded remains outwith the SM will be investigated further at an appropriate stage, to confirm whether any are of sufficient interest to record and retain in situ.

Further protection for the setting of the SM and adjacent listed buildings can be taken into account in the detailed design of the proposal.

Development of the site can have a positive impact on the village. This can be achieved by mitigating any adverse effect on the special relationship with its landscape setting and through improvements to the developed edge, ensuring access to important archaeological remains and through the provision of a new park.

There are no physical constraints to the development of this site.



The proposal provides substantial public open space within the village.

4. Proposal

The proposal complies with Scottish Government's guidance on sustainable development presented in Scottish Planning Policy (SPP). It meets the Scottish Ministers' policy on *Designing Streets* as well as the design guidance and requirements set by the Council.

Around 215 homes, including 25% affordable homes, can be accommodated on the site.

Private housing would be made available for sale along with 54 affordable homes, to be provided in accord with Council requirements.

The construction process will support local jobs and services.

Access will be taken from Browns Place into the northern part of the site and from Drylaw Gardens into the much smaller southern part of the site. Pedestrian movement will be prioritised throughout the proposal.

Priority will be given through a movement hierarchy which will focus on providing pedestrian friendly lanes. Parking requirements will meet the Council's guidelines.

The greenspace proposal has been designed to avoid the Scheduled Monument completely. It also provides a sufficient stand-off to minimise impacts on its setting. The substantial greenspace proposal allows for the Scheduled Monument to be protected in situ.

The proposal allows for other areas with known archaeological interests, adjoining the Scheduled Monument, to be incorporated into this area of public open space, pending further assessment.

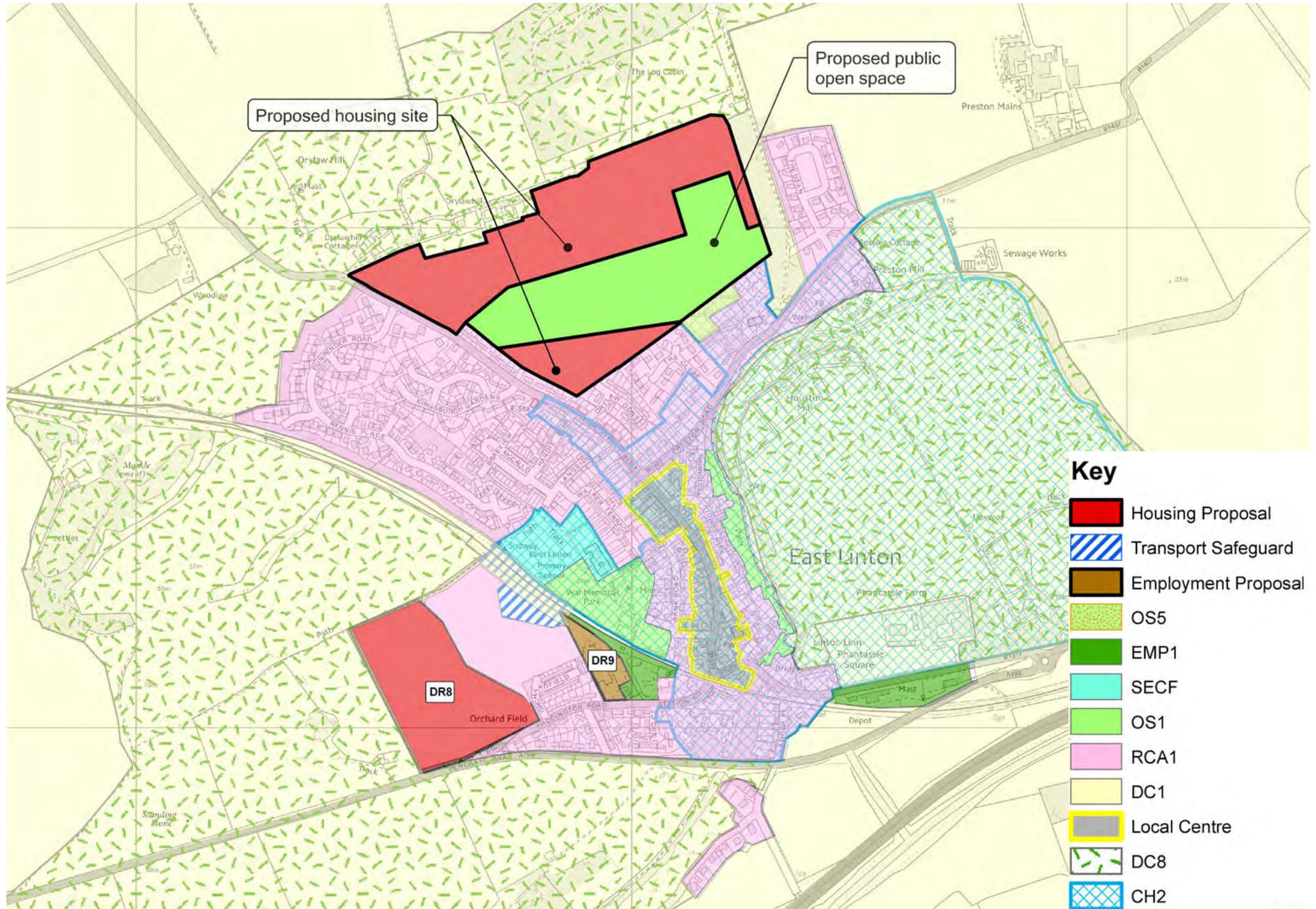
The greenspace proposal can help local biodiversity measures as well as providing an informal play space which will be overlooked, encouraging passive surveillance from adjacent homes.

The proposal incorporates SuDS measures which will aid biodiversity and will be incorporated into the greenspace proposals. Surface water discharge will be restricted to greenfield run-off rates and will be provided in accord with Scottish Water and Council requirements.

The proposal adds an appropriate scale of development to East Linton on its northern edge, with housing backing onto existing development. The setting of the village beyond Drylawhill will not be adversely affected.

Consideration will be given to the design of new homes at the detailed design stage to ensure they respond to and complement the local character.

The proposal helps to consolidate the landscape setting of the village.



Wallace recommends that the site is allocated for 215 homes along with its substantial greenspace framework.

5. Recommendation for Proposed Plan

The conclusion from the *Assessment of Housing Land Supply* accompanying these Representations to the Proposed LDP, is that the proposed development strategy outlined in the Proposed LDP does not meet the housing supply requirements set by SESplan.

Further housing land allocations will be required to enable the LDP to comply with SESPlan

The site is a viable development proposal and is effective in accord with PAN 2/2010. It will be developed over the LDP plan period in accord with market demand.

It can be developed over the period of 6 years including affordable housing, within the early phases of the plan period.

There is environmental and landscape capacity, as explained in this Report, to accommodate the proposed scale of development.

Accordingly, Wallace invites the Council to allocate this site for up to 215 homes at Drylawhill, East Linton with its substantial greenspace framework., as shown in the plan opposite.



The Quadrant
17 Bernard Street
Leith
Edinburgh
EH6 6PW

[t] 0131 553 3639

[e] info@geddesconsulting.com
[w] www.geddesconsulting.com

Revision	Status	Prepared	Checked	Date
Version 1	Draft	Steven Brown	Bob Salter	28/10/2016
Version 2	Final	Steven Brown	Bob Salter	02/11/2016
Version 3	Final	Katherine Tatton	Stuart Salter	04/11/2016



Drylawhill, East Linton Statement of Site Effectiveness



Introduction

Scottish Government now specifically requires local authorities to ensure that sites allocated in Local Development Plans are effective and can contribute completions during the development plan period. An effective housing site can finance necessary infrastructure costs. An effective housing land supply delivers a viable LDP.

The overall level of programmed annual completions from all sites in the effective land supply need to be sufficient to maintain a 5 year effective land supply at all times and so meet the identified housing requirement in the approved development plan, as well as meeting the shortfall identified by the assessment of housing need and demand in the Local Housing Strategy.

These policy requirements are set by Scottish Government in Scottish Planning Policy (SPP). A council now needs to be satisfied through its own appraisal that an allocated site is effective in order to comply with the Strategic Development Plan, following the guidelines set out by Scottish Government in PAN 2/2010 *Affordable Housing and Housing Land Audits*.

There is an expectation that all sites to be allocated in the LDP will be subject to testing by the Council and a conclusion reached as to the overall construction period (taking account of the developer's or house builder's lead-in period). This construction timeframe would then define the annual rate of completions expected. Currently, most house builders expect to deliver a house sale rate of 2 to 3 homes per month or between 24 and 36 sales per annum. Affordable housing requirements would be in addition to this but certainly provided before the development is completed.

PAN 2/2010 includes a series of criteria to test the effectiveness of individual sites. This guidance is used to assess whether a site or portion of a site is effective. By applying the tests of effectiveness in this guidance, it can be demonstrated that within the 10 year period of LDP under consideration, the site is capable of development for housing, being free of potential site constraints as set out in PAN 2/2010.

Outcome

Based on the appraisal of the criteria in PAN 2/2010, the proposal at Drylawhill, East Linton by Wallace Land Investments (Wallace) for around 215 homes is an immediately effective site. This Statement explains how the proposal meets the tests of effectiveness in PAN 2/2010.

The proposal will be developed over a 6 year period from 2018. This will include private sales by a house builder, together with the building of affordable homes during this period.

Appraisal

This conclusion is based on the following analysis.

Criteria	Response	Comment
<p>Ownership: the site is in the ownership or control of a party which can be expected to develop it or to release it for development. Where a site is in the ownership of a local authority or other public body, it should be included only where it is part of a programme of land disposal.</p>	<p>The site is under the control of Wallace. It is immediately available for development.</p> <p>If the site is allocated in the Proposed Plan in 2017, construction will start once all relevant planning and other consents are secured which are planned for 2018.</p>	<p>Complies</p>
<p>Physical: the site, or relevant part of it, is free from constraints related to slope, aspect, flood risk, ground stability or vehicular access which would preclude its development. Where there is a solid commitment to removing the constraints in time to allow development in the period under consideration, or the market is strong enough to fund the remedial work required, the site should be included in the effective land supply.</p>	<p>Adverse development factors give rise to abnormal development costs which can affect the viability of a site and hence its effectiveness.</p> <p>Appraisals of the site have been carried out to establish whether there any constraints to development and what measures are necessary to enable development on the site. These appraisals also determine whether the site is viable for future development.</p> <p>The following assessments will be undertaken relating to the physical aspects of the site's future development:</p> <ul style="list-style-type: none"> • Engineering Assessment with Drainage Report, and Flood Risk Assessment; • Transport Assessment; • Cultural Heritage Assessment; • Conservation Area Assessment; • Arboricultural Assessment; • Ecological Assessment; • Landscape and Visual Impact Assessment; • Air Quality Impact Assessment; • Environmental Noise Impact Assessment. 	<p>Complies</p>

The following comments are highlighted:

- The topography of the site can accommodate the necessary gradients and development platforms for the proposal without extensive ground modelling.
- The development area is not subject to fluvial flood risk as highlighted in SEPA's mapping. The pluvial flooding on the site as identified by SEPA will be resolved by the proposed SuDS measures. The SuDS measures ensures that run-off from surface water drainage will be discharged at greenfield rates. Three detention basins within the site will regulate water discharge.
- The site can accommodate the scale of development proposed. Two access points are proposed: one from Browns Place (B1377) to the north of the site and one from Drylaw Gardens to the south. Necessary visibility can be provided via upgrades to the B1377. Additional path connections are proposed.
- No development will take place within the Scheduled Monument and a buffer area will be established to avoid adverse impacts on the setting of adjacent Listed Buildings. A buffer area will be established to the A Listed church to the south east of the site.
- The site is used for arable purposes and is of low ecological value. Greenspace proposals along with gardens will enhance the biodiversity of the site.

There are no physical constraints on this site to either prevent development in accordance with the proposed Indicative Development Framework or require engineering works which would generate unacceptable abnormal costs.

<p>Contamination: previous use has not resulted in contamination of the site or, if it has, commitments have been made which would allow it to be developed to provide marketable housing.</p>	<p>The site is in arable agricultural use and is a greenfield site. Most of the site is prime agricultural land.</p> <p>The site is out with the Coal Reporting Area and there is no evidence of contaminated land on site.</p>	<p>Complies</p>
<p>Deficit Funding: any public funding required to make residential development economically viable is committed by the public bodies concerned;</p>	<p>Wallace is promoting the development of this site for new homes. The development principles are in accord with the Council's requirements.</p> <p>No funding from the public sector is required to make the development viable, except for the provision of subsidy for affordable housing. Wallace is committed to providing 25% affordable housing in accord with the Council's policy.</p> <p>Wallace is also willing to provide affordable (low cost home ownership) housing without subsidy to augment the supply of subsidised affordable housing to achieve the agreed overall requirement of 25% on site provision as necessary.</p>	<p>Complies</p>

<p>Marketability: the site, or a relevant part of it, can be developed in the period under consideration;</p>	<p>East Lothian is a prime housing market area. There is an ongoing and significant demand for a full range of market housing in the locality as well as affordable housing needs. There is considerable interest from house builders to develop in this location as this is a prime location for private housing.</p> <p>This is confirmed by the regional Housing Need & Demand Assessment (HNDA) and the Council’s Local Housing Strategy. The Council has allocated sites in the locality as part of its development strategy for the Proposed LDP which recognises the area’s marketability for housing.</p> <p>Given the outstanding shortfall in the supply of effective housing land, Wallace expects one house builder to be constructing on the site, together with 54 affordable homes. The affordable homes are assumed to be built in two phases, dependent on the availability of financing, by the end of the site’s development period.</p> <table border="1" data-bbox="577 616 1630 772"> <thead> <tr> <th>Drylawhill, East Linton</th> <th>17/18</th> <th>18/19</th> <th>19/20</th> <th>20/21</th> <th>21/22</th> <th>22/23</th> <th>22/23</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>Market</td> <td>0</td> <td>30</td> <td>30</td> <td>30</td> <td>30</td> <td>30</td> <td>31</td> <td>161</td> </tr> <tr> <td>Affordable</td> <td>0</td> <td>0</td> <td>25</td> <td>29</td> <td>0</td> <td>0</td> <td>0</td> <td>54</td> </tr> <tr> <td>Total</td> <td>0</td> <td>30</td> <td>55</td> <td>59</td> <td>30</td> <td>30</td> <td>31</td> <td>215</td> </tr> </tbody> </table>	Drylawhill, East Linton	17/18	18/19	19/20	20/21	21/22	22/23	22/23	Total	Market	0	30	30	30	30	30	31	161	Affordable	0	0	25	29	0	0	0	54	Total	0	30	55	59	30	30	31	215	<p>Complies</p>
Drylawhill, East Linton	17/18	18/19	19/20	20/21	21/22	22/23	22/23	Total																														
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Affordable	0	0	25	29	0	0	0	54																														
Total	0	30	55	59	30	30	31	215																														
<p>Infrastructure: the site is either free of infrastructure constraints, or any required infrastructure can be provided realistically by the developer or another party to allow development;</p>	<p>Preliminary investigations confirm the following:</p> <ul style="list-style-type: none"> • Gas, electricity and telecoms can be provided; • Foul drainage from the site can be accommodated; and • Water supply to the site can be provided. <p>Infrastructure of the required capacity can be made available, subject to undertaking a DIA and WIA with Scottish Water.</p> <p>Appraisals carried out confirm that the school children from the development can be accommodated in the catchment schools taking account of the solutions presented by the Council in its Supplementary Guidance: <i>Developer Contributions</i>. Financial contributions to fund planning obligations will be available from Wallace to fund required upgrades to infrastructure in compliance with the requirements of Circular 3/2012.</p>	<p>Complies</p>																																				

<p>Land Use: housing is the sole preferred use of the land in planning terms, or if housing is one of a range of possible uses other factors such as ownership and marketability point to housing being a realistic option.</p>	<p>Wallace is contracted with the land owner to deliver residential development on this site.</p> <p>As a residential development, the site provides the full range of housing tenure to create a socially inclusive development.</p>	<p>Complies</p>
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**East Lothian Local Development Plan
Assessment of the Housing Land Supply**

On behalf of



November 2016

Prepared by :



The Quadrant
17 Bernard Street
Leith
Edinburgh
EH6 6PW

[t] 0131 553 3639

[e] info@geddesconsulting.com

[w] www.geddesconsulting.com

Document Control and Approval

Revision	Status	Prepared	Approved	Date
V1	Draft for Comment	Stuart Salter	Bob Salter	31 st October 2016
V2	Final	Stuart Salter	Bob Salter	4 th November 2016

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1.0 Introduction

- 1.1. There are issues regarding the methodology adopted by East Lothian Council (the Council) to define the housing supply target, housing land requirement and the programme of completions for the proposed allocations for the Local Development Plan (LDP). These issues need to be addressed by the Council prior to submission of the LDP to Examination.
- 1.2. This *Assessment of the Housing Land Supply* (the Assessment) examines the methodology and assumptions adopted in the LDP, as set out in the Technical Note 1 *Planning for Housing*.
- 1.3. The Council's proposed development strategy will not meet the requirements as set out by SESplan Strategic Development Plan (SDP) or Scottish Planning Policy (SPP) as well as the approved guidance in PAN 2/2010 *Affordable Housing and Housing Land Audits*.
- 1.4. The analysis in this Assessment confirms the proposed development strategy:
- assumes many of the proposed allocations will begin to be built in 2017/18, and this general assumption is not supported by Homes for Scotland;
 - does not identify the housing land requirement 10 years post adoption to 2028; and
 - the housing land requirement for the period to 2019 is not met in full.
- 1.5. This Assessment confirms that there is a shortfall in the scale of new housing allocations required in the LDP to meet the housing land requirement in full.
- 1.6. Further effective housing land releases are needed in support of the Council's proposed development strategy.
- 1.7. For the purposes of the LDP, Table HOU2 *Housing Land Requirement* should be replaced with the following tables below:

Table HOU2 Housing Land Requirement

Planning Periods	2009-2019	2019-2024	2024 - 2028
Housing Supply Target	6,250	3,800	1,910
Housing Land Requirement (20%)	7,500	4,560	2,292
Dwelling Completions (2009 to 2015)	2,038	0	0
Contribution from the Established Land Supply	2,670	2,143	0
Contribution from Future Windfall Sites	84	105	56
Loss of Supply to Dwelling Demolitions	-15	-8	-6
Contribution from Blindwells	0	291	388
Sub-Total Housing Land Supply	4,777	2,531	444
Contribution required from New Allocations	2,723	2,029	1,848
Updated Contribution from New Allocations	790	3,725	1,485
Shortfall / Surplus	-1,933	+1,696	-364

- 1.8. Further additional allocations are required to be allocated in the LDP. Overall, there is a shortfall of 601 homes over the timescale of the LDP from 2009 to 2028. However, in the period to 2019, a significant shortfall of 1,933 homes is expected to emerge.
- 1.9. The Council's proposed allocation of 7,285 homes is insufficient in terms of programming to meet the scale of allocation required. Further effective housing land capable of accommodating additional homes is required in the short term.
- 1.10. The consequence of failing to make these additional allocations is that the Council will not be maintaining a 5 year effective housing land supply from the adoption of the LDP. This will mean that the housing land supply policies in the LDP will be considered out of date in accord with SPP paragraph 125. In these circumstances, a presumption in favour of development that contributes to sustainable development will apply through the development management process as set out in SPP paragraphs 29 and 32 to 35.
- 1.11. Should the Council not identify additional allocations to maintain a 5 year effective housing land supply at all times from the point of adoption, a Hearing Session will be required as part of the Examination process to resolve matters.

2.0 Scottish Planning Policy and National Guidance

Scottish Planning Policy

- 2.1 SPP (June 2014) sets out the policy requirements in paragraphs 109 to 125 for both development plans and development management for *Enabling the Delivery of New Homes*.
- 2.2 The policy principles which have a direct consequence on the Council's preferred development strategy and are summarised in SPP, paragraph 110:
- Policy Principles**
- 110. The planning system should:*
- *identify a generous supply of land for each housing market area within the plan area to support the achievement of the housing land requirement across all tenures, maintaining at least a 5-year supply of effective housing land at all times;*
 - *enable provision of a range of attractive, well-designed, energy efficient, good quality housing, contributing to the creation of successful and sustainable places; and*
 - *have a sharp focus on the delivery of allocated sites embedded in action programmes, informed by strong engagement with stakeholders.*
- 2.3 The delivery mechanism should include partnership working with a range of partners including the delivery sector such as Homes for Scotland as set out in paragraph 111.
- 2.4 LDPs should be based on a robust and credible HNDA. It should adopt the housing supply target based on evidence from the HNDA for both affordable and market sector housing. As paragraph 115 explains, this housing supply target is a policy view of the number of homes to be delivered over the development plan period but must properly reflect the HNDA estimate of housing demand and be supported by compelling evidence. The choice of the housing supply target should also be reflected in the local housing strategy.
- 2.5 In paragraph 116, the housing supply target will be based on the number of homes to be built in the plan period together with a margin of 10% to 20% to ensure a generous land supply is provided. The exact extent of the margin depends on local circumstances and requires a robust explanation. This then establishes the housing land requirement for the LDP.
- 2.6 The application of the 'generosity allowance' translates the housing supply target to the housing land requirement.
- 2.7 Sources of land supply to meet the housing land requirement are referred to in paragraph 117. These include the established land supply, proposed new allocations and a proportion of windfall development which can be justified.
- 2.8 This housing supply target should be set out as well as the housing land requirement up to year 10. This housing supply target should be met in full (paragraph 120). In addition beyond year 10 and up to year 20, the LDP should provide an indication of the possible scale and location of housing by local development plan area.
- 2.9 This process is helpfully set out in Diagram 1 on page 30 of SPP.

2.10 SPP requires planning authorities to maintain a 5 year effective land supply at all times, using the housing land audit process as a monitoring tool measure whether this requirement is being met (paragraph 123).

2.11 Where a shortfall in the 5 year effective land supply emerges, paragraph 125 sets out that development plan policies for the supply of housing land will not be considered up to date and reference to paragraphs 32 to 35 of SPP is made. This is a reference to the development management process and how the issue of prematurity is to be addressed with a presumption in favour of sustainable development.

National Guidance

2.12 In considering the implications of these paragraphs set out in SPP, their interpretation needs to have regard for the existing guidance in PAN2/2010, specifically:

- factors which determine whether a site is effective or not (paragraph 55);
- restricting the proportion of effective land to be included to that which can be built in the plan period (paragraph 56); and
- assessing the amount of effective housing land using the housing land audit process (paragraph 57).

2.13 Further, Scottish Government's response to the Review of Planning indicated that Planning and Architecture Division (PAD) will be reducing their input to current development plans. A Service Standard was published on 16th August 2016 outlining how PAD will input to development plans from September 2016.

2.14 An accompanying note was prepared to aide Planning Authorities in preparing LDPs. On matters relating to *New Homes*, Scottish Government requires the following to be set out in the LDP:

- Plans should use the same terminology as used in the SPP;
- Plans should set out figures, preferably in a table, identifying:
 - HNDA estimates;
 - Housing Supply Target for each Housing Market Area. This should be separated into market and affordable sector;
 - The percentage of generosity, and a summary of the reason for this; and
 - The Housing Land Requirement.
- Plans should set out what approach would be taken where an annual Housing Land Audit indicates there is a shortfall in the 5 year effective housing land supply; and
- Plans should consider the level of affordable housing contribution which can realistically be delivered. The level of affordable housing required as a contribution should generally be no more than 25% of the total number of houses.

2.15 Accordingly, the LDP may require modification to take account of these matters prior to Examination.

3.0 SESplan SDP

3.1 In approving SESplan SDP, Scottish Ministers set out a requirement for Supplementary Guidance in respect of Policy 5 *Housing Land* to identify the housing land requirement to be met by the local development plans for the periods 2009 to 2019 and 2019 to 2024.

3.2 The Supplementary Guidance has now been approved by the Scottish Ministers subject to modification. The following sentence should be deleted from paragraph 3.13:

Member authorities will base their calculation of the five year land supply on the period 2009 - 2024, taking into consideration housing completions.

3.3 The SESplan Joint Committee considered the matter at its meeting on 30th June 2014 and recommended to the member authorities that the guidance be adopted with the modification

3.4 Policy 5 states that:

...Supplementary guidance will be prepared to provide detailed further information for Local Development Plans as to how much of that requirement should be met in each of those six areas, both in the period 2009 to 2019 and in the period 2019 to 2024.

...Subject to any justifiable allowance for anticipated house completions from 'windfall' sites, and for demolitions of existing housing stock, Local Development Plans will allocate sufficient land which is capable of becoming effective and delivering the scale of the housing requirements for each period, which will be confirmed in the supplementary guidance.

...Those existing housing sites which are assessed as being constrained, but also capable of delivering housing completions in the period 2024 to 2032, should be safeguarded for future housing development.

3.5 It is clear from Policy 5 that the housing land requirement for East Lothian is as set out in the Supplementary Guidance.

3.6 The SDP and its Supplementary Guidance was approved under SPP (2010). SPP (2014) has now been published and requires a housing supply target to be identified.

3.7 The Examination of the Edinburgh Proposed Plan concluded that the housing land requirement as set out in the Supplementary Guidance is now the housing supply target. Appropriately, a generosity allowance of between 10 - 20% will be added to the target to provide a housing land requirement.

3.8 Therefore the housing supply target for East Lothian is set out in the table below:

Local Development Plan	2009-2019	2019-2024
East Lothian	6,250	3,800

Source: Supplementary Guidance, Table 3.1 Housing Land Requirement by Local Development Plan Area

3.9 For the period beyond 2024, the housing supply target is set out in the table below:

Local Development Plan	2024 - 2032
East Lothian	3,820

Source: Supplementary Guidance (Technical Note), Table 3.1 Estimate of Need and Demand for Housing

3.10 According to SPP (paragraph 115), the housing supply target for East Lothian is as follows:

Local Development Plan	2009-2019	2019-2024	2024 - 2032
East Lothian	6,250	3,800	3,820

Source: Supplementary Guidance

3.11 It can be concluded that the SDP has adopted the findings of the HNDA and therefore the housing supply target as set out in paragraph 115 of SPP. This housing supply target should now be adopted by the Council for Local Development Plan purposes subject to application of the generosity allowance.

3.12 According to the HNDA and the Supplementary Guidance, most of the need and demand will arise in the period to 2019. It is therefore imperative that the finalised development strategy in the adopted LDP is capable of releasing the scale of effective sites needed in the short term. There needs to be no doubt about the effectiveness of the allocated sites in the LDP to deliver at least 6,250 homes by 2019.

3.13 SESplan Policy 6 *Housing Land Flexibility* requires that:

Each planning authority in the SESplan area shall maintain a five years' effective housing land supply at all times. The scale of this supply shall derive from the housing requirements for each Local Development Plan area identified through the supplementary guidance provided for by Policy 5. For this purpose planning authorities may grant planning permission for the earlier development of sites which are allocated or phased for a later period in the Local Development Plan.

3.14 Each planning authority in the SESplan area shall maintain a five year effective housing land supply at all times otherwise the development plan policies about the supply of housing land will not be considered up to date (SPP, paragraph 125).

3.15 As set out in paragraph 119, SPP requires that the emerging LDP should allocate a range of sites which are effective or are expected to be effective in the plan period to meet the housing land requirement of the strategic development plan up to year 10 from the expected date of adoption.

3.16 Further, the development strategy proposed in the emerging LDP should provide for a minimum of a 5 year effective land supply at all times.

4.0 East Lothian Local Development Plan

Setting the Housing Supply Target

- 4.1 The Council considers that SPP (2010), the SESplan Examination Report as well as the Supplementary Guidance do not require the housing land requirement set for East Lothian to be increased by a further generosity allowance of 10 – 20% in the preparation of the LDP (Technical Note 1, paragraph 4.1 to 4.6)..
- 4.2 This is contrary to the findings of the Edinburgh LDP Examination Report which supported the housing land requirement being defined as the housing supply target as well as a generosity allowance added to this figure.
- 4.3 The Council will note that this methodology has also been adopted in the Glasgow & the Clyde Valley SDP area for all adopted LDPs post SPP (2014).
- 4.4 In all instances, this methodology was considered appropriate given the passage of time from the approved SDP to the present.
- 4.5 The Council is also required to identify the housing supply target 10 year post adoption. With the expected date of adoption 2018, the Council is required to identify the housing supply target from 2024 to 2028, as well as the SESplan periods 2009 to 2019 and 2019 to 2024.
- 4.6 Using the evidence set out in the Supplementary Guidance, this equates to 1,910 homes from 2024 to 2028.
- 4.7 The housing supply target for East Lothian is set out in the table below:

Planning Periods	2009-2019	2019-2024	2024 - 2028
Housing Supply Target	6,250	3,800	1,910

- 4.8 Accordingly the Council's Table HOU2 *Housing Land Requirement* should be modified to reflect the outcomes set out in the table above.

Setting the Housing Land Requirement

- 4.9 The housing supply target is set out in the Glossary for SPP which explains that *...it is the number of homes to be built.*
- 4.10 The housing land requirement is therefore the housing supply target **plus** a generosity allowance of between 10% and 20%. The purpose of identifying a housing land requirement is to allocate sufficient effective housing land to meet the housing supply target in full.
- 4.11 The Council has identified a generosity allowance of 23% over the period 2009 to 2024. However, this represents 10% in the first period, 2009 to 2019, and 43% in the second period, 2019 to 2024. It is noted that this was established by identifying a range of suitable land for housing and the generosity level was calculated thereafter. This is due to supply led approach to determining generosity.
- 4.12 At present, the Council's adopted methodology to select the generosity allowance of 23% in the LDP is **contrary** to the requirements SPP as well as recently published note by Scottish Government.

4.13 SPP expects that ...*the requirement for each housing market area* is met in full (paragraph 118). This is an **overall** housing requirement to be met in full.

4.14 The housing land requirement for the LDP adopting a generosity allowance of 20% is set out in the table below:

Planning Periods	2009-2019	2019-2024	2024 - 2028
Housing Land Requirement (20%)	7,500	4,560	2,292

4.15 Based on a generosity allowance of 20%, the housing land requirement to plan for is 7,500 homes from 2009 to 2019; 4,560 homes from 2019 to 2024 and 2,292 homes from 2024 to 2028.

4.16 Accordingly the Council's Table HOU2 *Housing Land Requirement* should be modified to reflect the outcomes set out in the table above.

Identifying the Contribution from Dwelling Completions

4.17 The Council has identified that there were 2,038 homes completed in the period from 2009 to 2015. This is set out in the table below:

Planning Periods	2015-2019	2019-2024	2024 - 2028
Dwelling Completions (2009 to 2015)	2,038	0	0

Identifying the Contribution from the Established Land Supply

4.18 As set out in the Technical Note 1, the Council considers that the 2015 Housing Land Audit provides the baseline for the contribution from the established land supply, including small sites.

4.19 The contribution from the established land supply for the LDP is set out in the table below:

Planning Periods	2015-2019	2019-2024	2024 - 2028
Contribution from the Established Land Supply	2,670	2,143	0

4.20 Based on the 2015 Housing Land Audit, the contribution from the established land supply is 2,670 homes from 2009 to 2019 and 2,143 homes from 2019 to 2024. There are no homes programmed from 2024 to 2028.

4.21 We note that 2016 Housing Land Audit will be agreed with Homes for Scotland and this should form the basis of the contribution from the established land supply for the LDP Examination.

4.22 Accordingly the Council's Table HOU2 *Housing Land Requirement* should be modified to reflect the outcomes set out in the table above.

Identifying the Contribution from Future Windfall Sites

4.23 The Council has identified a contribution of 299 homes from future windfall sites from 2009 to 2032.

4.24 The LDP is required only to identify a contribution to 2028 – 10 years post adoption.

4.25 It should be noted that as the baseline is the 2015 Housing Land Audit, windfall assumption will begin in 2015.

4.26 As set out in Technical Note 1 (paragraph A1.24), the contribution from Future Windfall Sites is set out in the table below:

Planning Periods	2015-2019	2019-2024	2024 - 2028
Contribution from Future Windfall Sites	84	105	56

4.27 The contribution from future windfall sites is 84 homes from 2009 to 2019; 105 homes from 2019 to 2024; and 56 homes from 2024 to 2028.

4.28 Accordingly the Council's Table HOU2 *Housing Land Requirement* should be modified to reflect the outcomes set out in the table above.

Loss of Supply to Dwelling Demolitions

4.29 The Council has identified a loss of 35 homes due to demolitions from 2009 to 2032.

4.30 The LDP is required only to identify a contribution to 2028 – 10 years post adoption.

4.31 As set out in Technical Note 1 (paragraph A1.31), the loss of supply from demolitions is set out in the table below:

Planning Periods	2015-2019	2019-2024	2024 - 2028
Loss of Supply to Dwelling Demolitions	15	8	6

4.32 The loss of supply to dwelling demolitions is 15 homes from 2009 to 2019; 8 homes from 2019 to 2024; and 6 homes from 2024 to 2028.

4.33 Accordingly the Council's Table HOU2 *Housing Land Requirement* should be modified to reflect the outcomes set out in the table above.

Contribution from Blindwells

4.34 The Council has separated Blindwells' contribution from established land supply. A programme of completions for Blindwells is set out in Technical Note 1 (Appendix 2).

4.35 The Council's expected contribution from Blindwells is set out in the table below:

Planning Periods	2015-2019	2019-2024	2024 - 2028
Contribution from Blindwells	0	291	388

4.36 We note that 2016 Housing Land Audit will be agreed with Homes for Scotland and this should form the basis of the contribution from the established land supply for the LDP Examination.

4.37 Accordingly the Council's Table HOU2 *Housing Land Requirement* should be modified to reflect the outcomes set out in the table above.

Identifying the Scale of Allocations Required

4.38 Based on a 20% generosity allowance, the process and information to identify the scale of allocations required for the East Lothian LDP is set out in the table below:

Planning Periods	2009-2019	2019-2024	2024 - 2028
Dwelling Completions (2009 to 2015)	2,038	0	0
Contribution from the Established Land Supply	2,670	2,143	0
Contribution from Future Windfall Sites	84	105	56
Loss of Supply to Dwelling Demolitions	15	8	6
Contribution from Blindwells	0	291	388

Sub-Total Housing Land Supply	4,777	2,531	444
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4.39 The total housing land supply is 4,777 homes from 2009 to 2019; 2,531 homes from 2019 to 2024; and 444 homes from 2024 to 2028.

4.40 Subtracting the total housing land supply from the housing land requirement will identify the scale of proposed allocations required for the LDP. This is set out in the table below:

Planning Periods	2009-2019	2019-2024	2024 - 2028
Housing Land Requirement (20%)	7,500	4,560	2,292
Sub-Total Housing Land Supply	4,777	2,531	444
Contribution required from New Allocations	2,723	2,029	1,848

4.41 The contribution required from new allocations is 2,723 homes from 2009 to 2019; 2,029 homes from 2019 to 2024; and 1,848 homes from 2024 to 2028.

4.42 Comparing these figures with the Council's contribution set out in Table HOU2 *Housing Land Requirement*, additional allocations will be required. This is set out in the table below:

Planning Periods	2009-2019	2019-2024	2024 - 2028
Contribution required from New Allocations	2,723	2,029	1,848
Council's Contribution	2,115	2,906	1,204
Shortfall / Surplus	-608	+877	-644

4.43 The total additional allocations required to be allocated in the LDP is 608 homes over the period to 2019, with a further 644 homes required in the period beyond 2024.

4.44 Over the whole time period of the LDP from 2009 to 2028, there is a shortfall of 375 homes.

4.45 The Council's proposed allocations are therefore insufficient to meet the scale of allocations required. This Assessment confirms that an additional 608 homes are required over the LDP period to 2019.

Identifying the Programming of Proposed Allocations

4.46 The Council is encouraging proposed allocations to be determined in advance of adoption of the LDP. It is noted that the Council has programmed many of the proposed allocations to begin on site in 2017/18. This is optimistic and unrealistic.

4.47 Technical Note 1 (Appendix 1 and 2) should amend the programming of proposed allocations to begin in 2018/19 rather than 17/18. This would be appropriate to house builders and Homes for Scotland.

4.48 The resultant effect of this movement on the programming in Table HOU2 *Housing Land Requirement* is set out in the table below:

Planning Periods	2009-2019	2019-2024	2024 - 2028
Contribution from New Allocations	790	3,725	1,485

4.49 The updated contribution from new allocations is 790 homes from 2009 to 2019; 3,725 homes from 2019 to 2024; and 1,485 homes from 2024 to 2028.

4.50 Comparing the contribution required with this updated Council's contribution, additional allocations will be required. This is set out in the table below

Planning Periods	2009-2019	2019-2024	2024 - 2028
Contribution required from New Allocations	2,723	2,029	1,848
Updated Council's Contribution	790	3,725	1,485
Shortfall / Surplus	-1,933	+1,696	-364

4.51 The total additional allocations required to be allocated in the LDP is 1,933 homes over the period to 2019, with a further 364 homes required in the period beyond 2024.

4.52 Over the whole time period of the LPD from 2009 to 2028, there is a shortfall of 601 homes.

4.53 The Council's proposed allocations are therefore insufficient to meet the housing land requirement in full. This Assessment confirms that an additional 1,933 homes are required over the LDP period to 2019.

4.54 Accordingly the Council's Table HOU2 *Housing Land Requirement* should be modified to reflect the outcomes set out in the table above.

Draft 2016 Housing Land Audit

4.55 The draft 2016 Housing Land Audit has to be agreed with Homes for Scotland.

4.56 Subject to commentary from Homes for Scotland, the adopted 2016 Housing Land Audit will form the basis for the LDP Examination.

5.0 Recommendations for Proposed Plan

- 5.1 The Council's proposed development strategy as set out in the LDP does not comply with the requirements of SPP.
- 5.2 The methodology for identifying the scale of allocations required to meet the housing land requirement in full is incorrect.
- 5.3 For the purposes of the LDP, Table HOU2 *Housing Land Requirement* should be replaced with the following tables below:

Table HOU2 *Housing Land Requirement*

Planning Periods	2009-2019	2019-2024	2024 - 2028
Housing Supply Target	6,250	3,800	1,910
Housing Land Requirement (20%)	7,500	4,560	2,292
Dwelling Completions (2009 to 2015)	2,038	0	0
Contribution from the Established Land Supply	2,670	2,143	0
Contribution from Future Windfall Sites	84	105	56
Loss of Supply to Dwelling Demolitions	-15	-8	-6
Contribution from Blindwells	0	291	388
Sub-Total Housing Land Supply	4,777	2,531	444
Contribution required from New Allocations	2,723	2,029	1,848
Updated Contribution from New Allocations	790	3,725	1,485
Shortfall / Surplus	-1,933	+1,696	-364

- 5.4 The total additional allocations required to be allocated in the LDP is 601 homes over the total plan period from 2009 to 2028. In the period to 2019, a shortfall of 1,933 homes is expected to emerge.
- 5.5 The Councils proposed allocation of 7,285 homes is insufficient to meet the scale of allocations required. Further effective housing land capable of accommodating additional homes is required in the short term.
- 5.6 The consequence of failing to make these additional allocations is that the Council will not be maintaining a 5 year effective housing land supply from the adoption of the LDP. This will mean that the housing land supply policies in the LDP will be considered out of date in accord with SPP paragraph 125. In these circumstances a presumption in favour of development that contributes to sustainable development will apply through the development management process as set out in SPP paragraphs 29 and 32 to 35.
- 5.7 Should the Council not identify additional allocations to maintain a 5 year effective housing land supply at all times from the point of adoption, a Hearing Session will be required as part of the Examination process to resolve matters.

Wallace Land Investments – Representations to Proposed Plan Representation about Port Seton

About You

What is your name?	Stuart Salter
What is your email address?	stuart@geddesconsulting.com
Postal Address:	The Quadrant 17 Bernard Street Edinburgh
Please enter your postcode:	EH6 6PW
Are you responding as (or on behalf of) a...?	Developer/agent/landowner
What is your organisation and role (if applicable)?	Organisation: Geddes Consulting Role: Director
Are you supporting the plan? If Yes: Please include your reasons for support	No

Section 2b - Prestonpans/Cockenzie/Port Seton/Longniddry Cluster Strategy Map (pg 23)

1a. What modifications do you wish to see made to the Strategy map for the Prestonpans/Cockenzie/Port Seton/Longniddry Cluster? Please state all relevant paragraph numbers of the plan to which the modification(s) refer. Your justification for this will be sought in the next question.

Modifications(s) Sought:

Wallace Land Investments objects to the non-allocation of land at Fishergate Road, Port Seton for residential development.

Given the scale of housing shortfall identified in the *Assessment of Housing Supply*, land at Fishergate Road, Port Seton as shown in the *Development Framework Report* should be allocated for residential development.

1b. Please give any information/reasons in support of each modification suggested to the Strategy Map for Prestonpans/Cockenzie/Port Seton/Longniddry Cluster. State all relevant paragraph numbers of the plan to which the modification(s) refer.

Justification for Modification(s):

The conclusion from the *Assessment of Housing Land Supply* accompanying these Representations to the Proposed LDP, is that the proposed development strategy outlined in the Proposed LDP does not meet the housing supply requirements set by SESplan. Further housing land allocations will be required to enable the LDP to comply with SESplan

The site is a viable development proposal and is effective in accord with PAN 2/2010. It can be developed over the LDP plan period. This is explained in the *Statement of Site Effectiveness* submitted with this representation.

There is environmental and landscape capacity, as explained in the *Development Framework Report*, to accommodate the proposed scale of development.

The site is effective and deliverable in the short term. It can be developed over a period of 4 years including affordable housing.

Section 3a - Planning for Housing (pages 64 - 73)

1a. Housing & Housing Land Requirement - What modifications do you wish to see made to the Housing & Housing Land Requirement section of the proposed Plan? Please state all relevant policy and/or paragraph numbers of the plan to which the modification(s) refer. Your justification for this will be sought in the next question.

Modifications(s) Sought:

Wallace Land Investments has commissioned an *Assessment of the Housing Land Supply*.

This Assessment calculates the Housing Land Requirement to be met in the Proposed Plan, taking account of the Housing Supply Target set by SESplan.

The Housing Land Requirement has then been compared with the effective housing land supply. This effective housing land supply includes completions from the Established Housing Land Supply as well as the proposed allocations.

The conclusion from this Assessment is that there is a significant shortfall of homes in the period to 2019. Accordingly, it is recommended that the Council, in formulating its Schedule 4s for the Examination, allocates additional land to meet this short term requirement.

1b. Please give any information/reasons in support of each modification suggested to Housing and Housing land Requirement section of the proposed Plan. State all relevant policy and/or paragraph numbers of the plan to which the modification(s) refer.

Justification for Modification(s):

Please refer to the *Assessment of the Housing Land Supply* submitted in support of this representation.

2a. Established Housing Land Supply - What modifications do you wish to see made to the Established Housing Land Supply section of the proposed Plan? Please state all relevant policy and/or paragraph numbers of the plan to which the modification(s) refer. Your justification for this will be sought in the next question.

Modifications(s) Sought:

Please refer to the *Assessment of the Housing Land Supply* submitted in support of this representation. Table HOU2: *Housing Land Requirements and Supply* should be modified as set out in this Assessment.

<p>2b. Please give any information/reasons in support of each modification suggested to the Established Housing Land Supply section of the proposed Plan. State all relevant policy and/or paragraph numbers of the plan to which the modification(s) refer.</p> <p>Justification for Modification(s):</p>
<p>Please refer to the Assessment of the Housing Land Supply submitted in support of this representation.</p>
<p>3a. Maintaining an Adequate Effective Five-Year Housing Land Supply - What modifications do you wish to see made to the Maintaining an adequate Effective Five-Year Housing Land Supply section of the proposed Plan? Please state all relevant policy and/or paragraph numbers of the plan to which the modification(s) refer. Your justification for this will be sought in the next question.</p> <p>Modifications(s) Sought:</p>
<p>Please refer to the Assessment of the Housing Land Supply submitted in support of this representation.</p>
<p>3b. Please give any information/reasons in support of each modification suggested to the Maintaining an Adequate Five-Year Housing Land Supply section of the proposed Plan. State all relevant policy and/or paragraph numbers of the plan to which the modification(s) refer.</p> <p>Justification for Modification(s):</p>
<p>Please refer to the Assessment of the Housing Land Supply submitted in support of this representation.</p>

<p>Section 5 - Diverse Countryside & Coastal Areas (pages 118-124)</p>
<p>1a. Diverse Countryside & Coastal Areas - What modifications do you wish to see made to the Diverse Countryside & Coastal Areas section of the proposed Plan? Please state all relevant policy and/or paragraph numbers of the plan to which the modification(s) refer. Your justification for this will be sought in the next question.</p> <p>Modifications(s) Sought:</p>
<p>The Proposed Plan introduces a new policy designation – Countryside Around Towns. This new designation is promoted in Policy DC8: <i>Countryside Around Towns</i>.</p> <p>Wallace recommends that the text in the Proposed Plan (paragraphs 5.20 - 5.22) along with Policy DC8: <i>Countryside Around Towns</i> should be deleted.</p> <p>Where appropriate, the designation should be amended to Policy DC1: <i>Rural Diversification</i>.</p>
<p>1b. Please give any information/reasons in support of each modification suggested to the Diverse Countryside & Coastal Areas section of the proposed Plan. State all relevant policy and/or paragraph numbers of the plan to which the modification(s) refer.</p> <p>Justification for Modification(s):</p>
<p>Wallace Land Investments considers this new policy designation to be unnecessary given the policy framework in the adopted Local Plan and the lack of any direction from national or strategic policy to address</p>

the requirements of this policy.

The objectives of Policy DC8 are to conserve landscape setting, character or identity of certain towns and villages. It is essentially a policy designation to maintain separate identities and avoid coalescence.

This designation is in addition to the Policy DC7: *Development in the Edinburgh Green Belt*; Policy DC9: *Special Landscape Areas*; Policy DC1: *Rural Diversification* and Policy DC4: *New Build Housing in the Countryside*.

Further, the Council also uses conservation area designations to protect the setting of villages – Policy CH2: *Development Affecting Conservation Areas*.

The existing policy framework in the Local Plan is more than adequate to control development in the countryside and protect it from inappropriate development.

Coalescence was considered a planning issue in the previous version of Scottish Planning Policy 2010 (paragraph 160). It should be noted that Scottish Planning Policy 2014 no longer considers coalescence to be a specific issue to be addressed in planning policy.

It should also be noted that SESplan does not require the East Lothian Local Development Plan to consider matters of coalescence other than through Policy 12: *Green Belt* (criterion a). This strategic requirement is seeking to prevent the coalescence of the City with the neighbouring settlements, such as Musselburgh.

Accordingly, there is no national or strategic policy remit to promote a new policy to address the objectives of Policy DC8.

Therefore coalescence, is not an issue that requires to be addressed by this proposed specific policy or in this location.

If the Council wishes to safeguard areas around its villages and towns, it should continue to use its existing policy designations in its adopted Local Plan.

The Council's Technical Note 8 *Planning for Countryside Around Towns* states that the land south of Cockenzie and Port Seton is designated as Countryside Around Towns to retain the character and identity of these coastal settlements.

The *Development Framework Report* submitted in support of this representation confirms that the proposal represents a logical expansion of Port Seton in landscape terms. It will not adversely affect the character and identity of Port Seton. The site is separated from the proposed new settlement of Blindwells by over 600m of countryside.

Proposals Map

1a. Proposal Map - What modifications do you wish to see made to the LDP Proposal Map? Please state all relevant area and inset map numbers to which the modification(s) refer. Your justification for this will be sought in the next question.

Modifications(s) Sought:

If the Council agrees that it needs to allocate further land to meet an identified housing shortfall in the

development strategy to meet SESplan's housing land target (as explained in the *Assessment of Housing Land Supply*), then residential land should be allocated at Fishergate Road, Port Seton as shown on the plan on section 5 of the *Development Framework Report*.

Delete references to areas designated as DC8 and replace with DC1.

1b. Please give any information/reasons in support of each modification suggested to the LDP Proposal Map. State all relevant areas and inset map numbers of the plan to which the modification(s) refer.

Justification for Modification(s):

The modifications to the LDP Proposal Map are justified for the reasons explained above.



Fishergate Road, Port Seton

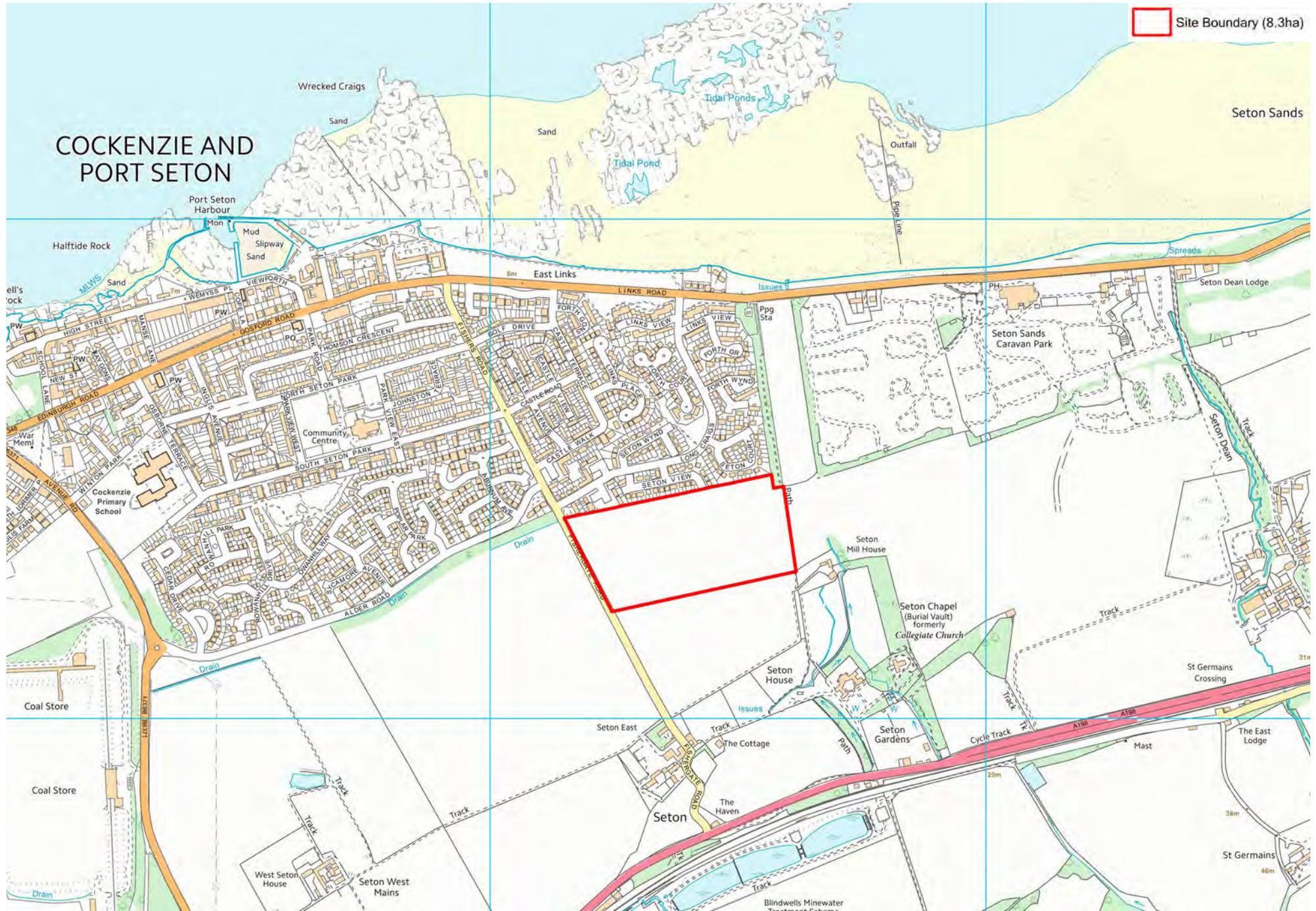
Development Framework Report

Representation to Local Development Plan

November 2016

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The site is located within the East Lothian Strategic Development Area

1. Introduction

East Lothian Council is seeking representations to the East Lothian Local Development Plan Proposed Plan (2016).

Wallace Land Investments (Wallace) controls 8.3 ha of land on the southern edge of Port Seton. This site is capable of accommodating up to 150 homes.

This site is in a sustainable location and offers the potential to provide a sustainable development. The site is part of the East Lothian Strategic Development Area and is therefore a preferred location for future development.

This Development Framework Report responds to the Council's Site Assessment presented in the *Draft Environmental Report Appendix 6 Prestonpans Area Site and Strategic Environmental Assessments* (site assessment ref: MIR/PP/HSG130).

The Council's Site Assessment provides an objective assessment of the planning merits and strategic environmental assessment of the general area as well as for the potential development sites submitted for consideration as part of the LDP process.

This Development Framework Report provides detailed information to the Council about this site, taking account of the Council's assessment and highlighting ways in which mitigation measures, as part of the proposal, can address potential impacts.

Meeting Housing Supply Target

As part of the representations to the Proposed Plan, the *Assessment of Housing Land Supply* concludes that the proposed development strategy outlined in the Proposed Plan does not meet the housing land target set by SESplan to 2019.

Further land allocations are required to meet the housing land requirements in full up to 2019.

Wallace is committed to developing new homes on this site. This site is immediately effective and the proposal will be developed over a 4 year period from 2018.

2. Sustainability of Location

In the SEA assessment for the site (SEA Ref: Fishergate Road, Port Seton MIR/PP/HSG130) the Council states that the *...site is relatively close to Prestonpans, which is in an accessible location in regional terms and closer to major centres of employment than most other East Lothian settlements, and therefore development of this site would be focusing development towards the most accessible and sustainable locations.*

Wallace agrees with this assessment.

The Council also confirms that *...The site is well positioned to access public transport, active travel routes, as well as local facilities and services.*

Bus services are within an easy walking distance along Long Craigs (400m walk from the centre of the site). There is infrastructure capacity in the existing road network.

The site is adjacent to Core Path 426 on its eastern boundary. Core Path 486 passes the north east corner of the site. The Council is seeking to link Core Path 486 along the site to Fishergate Road and Core Path 426.

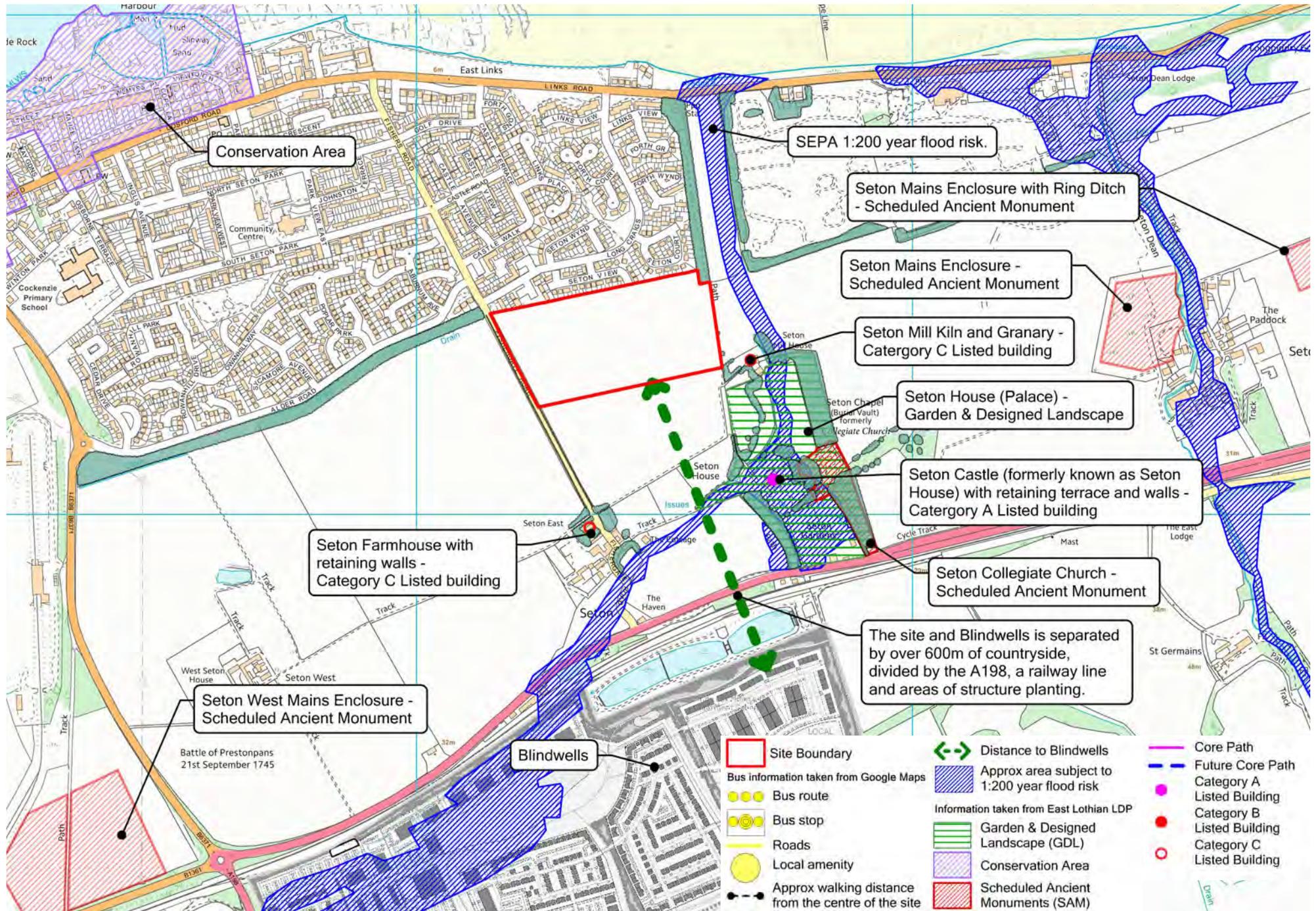
The site is within the catchment areas for Cockenzie Primary School and Preston Lodge High School which have available capacity to accommodate this scale of development.

The Council state that the *...site is not within 1600m of local services and facilities.*

Wallace disagrees with this assessment. As shown on the plan opposite, the site is conveniently located for access to local facilities within the village. The primary school, community centre and local shops are all within an easy 15 minute walking distance (1,200m).

New homes within the development could support improvements to public transport, including more frequent bus services.

The analysis confirms that the site is well located in terms of easy walking distances to the services and amenities in the village, including the primary school, community centre and local shops.



Development at this location does not promote coalescence with Blindwells.

3. Site Appraisal

The Council confirm in its SEA assessment that there *...would not be land use conflict issues with surrounding uses (residential and agriculture) should the site be developed for housing.*

The following summarises the environmental context for the site which is to be considered for development.

The site represents a logical expansion of Port Seton in landscape terms.

The choice of the area to be developed has taken into account the environmental sensitivities of neighbouring designations to the west and south east.

The site is part of an open and fairly level part of a large field, currently in agriculture use. It is prime agricultural land, as are the majority of the Council's preferred sites in its development strategy.

The area of the field for development is level with a rising slope to the south. This field will be subdivided with a new landscaped boundary. The remaining part of the site to the south will continue in arable use.

This choice of site will restrict new housing to the lower lying areas of the field and minimise any visual impacts on properties to the south.

The site boundary to the north backs onto existing housing in Port Seton. The boundaries to the east and south do not benefit from strong landscape features, other hedges or fencing. The southern boundary is open. The boundary to the west is a well defined mature hedge on Fishergate Road.

There is a further mature hedge on the western edge of Fishergate Road.

The area for development has the potential to be visually well-contained.

The Council state that development of this site *... would see a south-eastern expansion of Cockenzie and Port Seton and although would encroach on to areas of countryside, in landscape terms it would be well related to the existing residential site.*

SNH note that *...there is a need to further consider the issues of coalescence and loss of landscape setting between Port Seton and the emerging new settlement of Blindwells.*

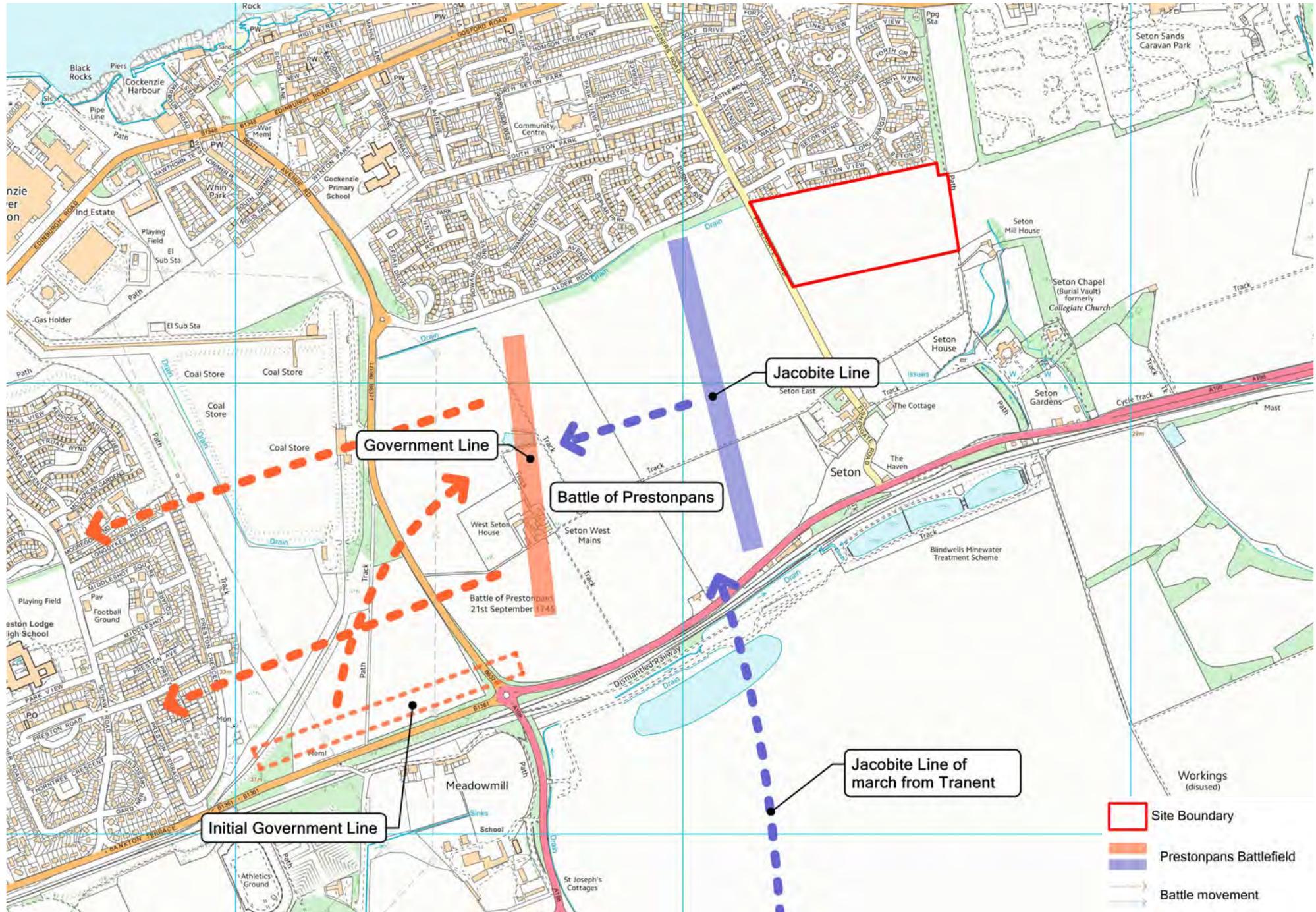
The proposed site and the area of Blindwells is separated by over 600m of countryside, divided by the A198, a railway line and areas of structure planting.

There is no issue of coalescence - either physical or visual as the plan opposite demonstrates.

It is noted that the Council wishes to include a new policy designation - Policy DC8: *Countryside Around Towns* to prevent the coalescence of Port Seton and Cockenzie with the proposed new town of Blindwells, further to the south.

This site analysis highlights why this new policy designation is both unnecessary and redundant in its objectives.

The case for the deletion of Policy DC8 from the Proposed Plan is explained in Section 5.



The site is unrelated to the events of the Battle of Prestonpans

Battle of Prestonpans

The site is within the Inventory Area for the Battle of Prestonpans Battlefield, as designated by Historic Environment Scotland (HES).

The site is east of the core part of the battlefield, as shown on the plan opposite.

The Council have stated that the *...development raises issues for its effect on the battlefield.*

Research of the battle manoeuvres carried out by HES confirms that cultural and visual relationships of the battle are not impacted on.

As shown on the plan opposite, the site is not on the route of the path used by the Jacobites to pass through the boggy ground of Tranent Muir prior to the actual battle further to the west.

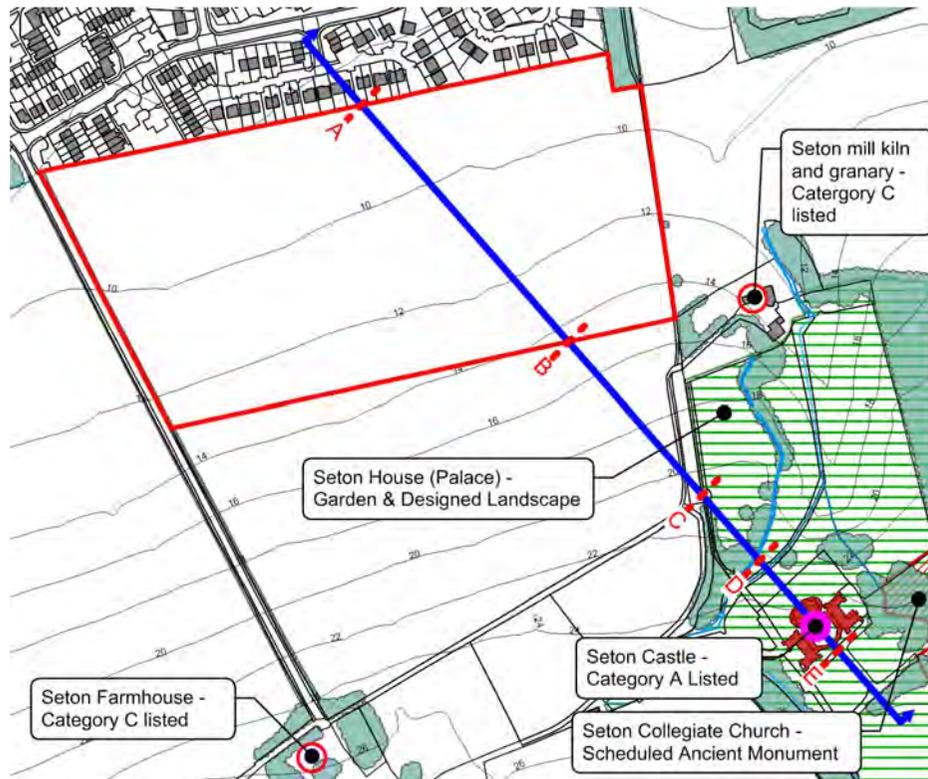
This site is therefore unrelated to events during the Battle.

Accordingly, development at this location would not undermine the understanding of the battle nor its cultural or visual associations.

The site is on the periphery of all events relating to the Battle. It is already separated from the events of the Battle by Fishergate Road.

A heritage assessment will be undertaken to demonstrate that the site makes a negligible contribution towards understanding of the battlefield landscape.

The site may have potential for archaeological remains relating to a different period and this will be subject to further investigation.



Impact on Setting of Listed Buildings

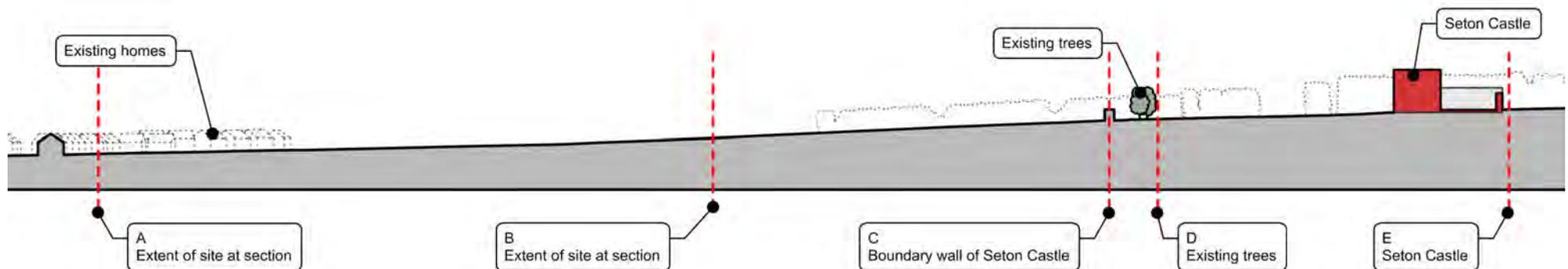
Further south, and on the higher ground, the site is overlooked by Seton House (Palace) Garden and Designed Landscape and the Scheduled Monument of Seton Collegiate Church.

There are 3 Listed buildings to the south and east including Seton Mill Kiln and Granary, Seton Farmhouse with retaining walls and Seton Castle (formerly known as Seton House) with retaining terrace and walls. These are shown on the plan opposite.

The impact on the setting of these designations have been considered. To minimise any impact the proposed site boundary extends only to the lower lying area of the agricultural field.

Restricting development to the lower lying area will utilise the topography of the landscape to provide screening to any views to and from these designated properties higher up the slopes. Development of the site will not impact an existing views or vistas experienced by the Scheduled Monuments. This is demonstrated by the cross section on page 10.

In addition, the existing mature woodland on an elevated position above the site, also protect the setting of the above mentioned designations.



Existing site section from Seton Castle

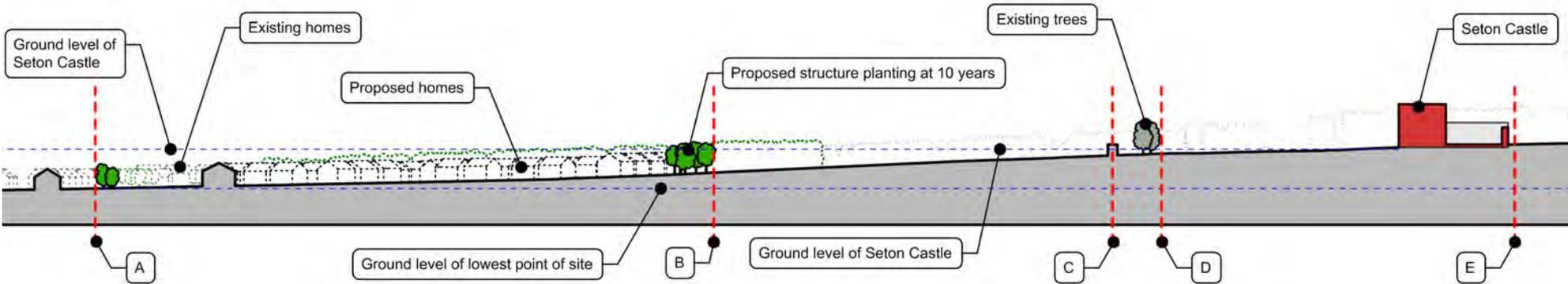


Mitigation measures such as boundary treatments are provided on site to further safeguard any views or vistas from the Scheduled Monuments and the setting of Seton Castle, Seton Farmhouse and the Seton Mill Kiln and Granary.

Initially, where some of the proposal may be visible, such as from the upper floors of Seton Castle, it will be seen in the context of the existing settlement albeit slightly closer. Once the proposed mitigation planting has matured, it will provide a sense of separation between the settlement and Seton Castle.

In the medium to long term, the proposed mitigation planting will screen the proposal and the existing abrupt settlement edge from view of Seton Castle.

Further protection for the setting of the Scheduled Monument, Designed Landscape and Seton Collegiate Church can be taken into account in the design of the proposal, as well as providing a robust and defensible edge to the proposed development.



Proposed site section from Seton Castle highlighting that the proposed new houses would not impact an existing views or vistas.



The site can provide around 150 new homes to the southern side of Port Seton, providing a robust edge to the settlement

4. Proposal

The proposal complies with Scottish Government's guidance on sustainable development presented in Scottish Planning Policy (SPP). It meets the Scottish Ministers' policy on *Designing Streets* as well as the design guidance and requirements set by the Council.

Up to 150 homes, including 25% of the site's capacity as affordable homes, can be accommodated on the site subject to further detailed studies.

The proposed scale of development is appropriate for the southern edge of Port Seton. The whole northern edge of the proposal adjoins existing residential use.

Access will be taken from two locations on Fishergate Road to promote permeability of the proposal. Pedestrian movement will be prioritised through the development. Parking requirements will meet Council's guidelines.

A strong landscape edge with screen planting is proposed on the southern and eastern boundaries. This provides a robust new settlement edge.

This proposal will not result in coalescence (physical or visual) between Port Seton and the proposed new town of Blindwells.

This landscaped southern boundary will also minimise impacts on the setting of the more elevated adjacent Scheduled Monuments to the south and the three Listed buildings.

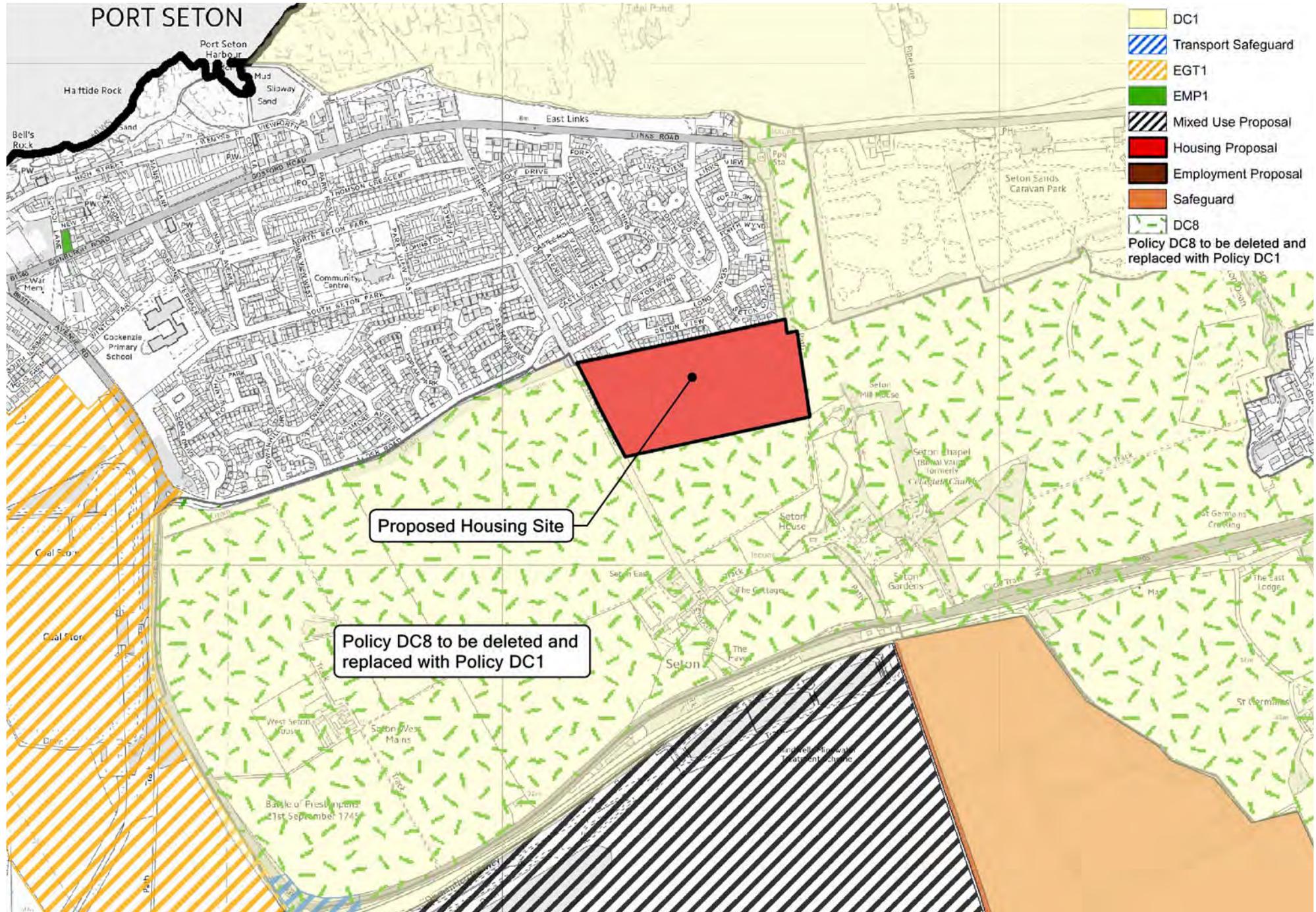
The cultural or visual relationships and associations will continue to be maintained with the battlefield in the adjacent field, in a more open relationship along Fishergate Road. This will be in the form of staggered tree planting.

The greenspace to the north of the site forms a context for linking Core Paths 486 and 426, as sought by the Council. This linking core path will be set in the landscape framework along with a play area.

These greenspace proposals will help local biodiversity measures as well as providing play areas which will be overlooked, encouraging passive surveillance from adjacent homes. A circular path can be provided around the site's boundary.

The proposal incorporates SuDS measures which will aid biodiversity and will be incorporated into the greenspace proposals. Surface water discharge will be restricted to greenfield run-off rates and will be provided in accord with Scottish Water and Council requirements.

Consideration will be given to the design of new homes at the detailed design stage to ensure they respond to and complement the local character.



Wallace recommends that the site is allocated for around 150 homes along with its greenspace framework to provide a robust new settlement edge.

5. Recommendation to the Proposed Plan

The conclusion from the *Assessment of Housing Land Supply*, accompanying these Representations to the Proposed LDP, is that the proposed development strategy outlined in the Proposed LDP does not meet the housing supply requirements set by SESplan.

Further housing land allocations will be required to enable the LDP to comply with SESplan

The site is a viable development proposal and is effective in accord with PAN 2/2010. It will be developed over the LDP plan period in accord with market demand. It can be developed over a 4 year period including affordable housing in the initial plan period.

Accordingly, Wallace invites the Council to allocate this site for up to 150 homes at Port Seton.

There is environmental and landscape capacity as explained in this Development Framework Report.

Countryside Around Towns

The Proposed Plan introduces a new policy designation - *Countryside Around Towns*. This new designation is promoted in Policy DC8: *Countryside Around Towns*.

This designation is shown on the plan opposite. Wallace considers this designation to be unnecessary given the policy framework in the adopted Local Plan and the lack of any direction from national or strategic policy to address the requirements of this policy.

The objectives of Policy DC8 are to conserve landscape setting, character or identity of certain towns and villages. It is essentially a policy designation to maintain separate identities and avoid coalescence.

This designation is in addition to the Policy DC7: *Development in the Edinburgh Green Belt*; Policy DC9: *Special Landscape Areas*; Policy DC1: *Rural Diversification* and Policy DC4: *New Build Housing in the Countryside*. Further, the Council also uses conservation area designations to protect the setting of villages - Policy CH2: *Development Affecting Conservation Areas*.

The existing policy framework in the Local Plan is more than adequate to control development in the countryside and protect it from inappropriate development.

Coalescence was considered a planning issue in the previous version of Scottish Planning Policy 2010 (paragraph 160). It should be noted that Scottish Planning Policy 2014 no longer considers coalescence to be a specific issue to be addressed in planning policy.

It should also be noted that SESplan does not require the East Lothian Local Development Plan to consider matters of coalescence other than through Policy 12: *Green Belt* (criterion a). This strategic requirement is seeking to prevent the coalescence of the City with the neighbouring settlements, such as Musselburgh.

Accordingly, there is no national or strategic policy remit to promote a new policy to address the objectives of Policy DC8.

Therefore coalescence, is not an issue that requires to be addressed by this proposed specific policy or in this location.

If the Council wishes to safeguard areas around its villages and towns, it should continue to use its existing policy designations in its adopted Local Plan.

Wallace therefore recommends that the text in the Proposed Plan (paragraphs 5.20 - 5.22) along with Policy DC8: *Countryside Around Towns* should be deleted and where appropriate, the designation amended to Policy DC1: *Rural Diversification*.

The Council's Technical Note 8 Planning for Countryside Around Towns states that the land south of Cockenzie and Port Seton is designated as Countryside Around Towns to retain the character and identity of these coastal settlements.

This Report confirms that the proposal represents a logical expansion of Port Seton in landscape terms. It will not adversely affect the character and identity of Port Seton. The site is separated from the proposed new settlement of Blindwells by over 600m of countryside.



The Quadrant
17 Bernard Street
Leith
Edinburgh
EH6 6PW

[t] 0131 553 3639

[e] info@geddesconsulting.com

[w] www.geddesconsulting.com

Revision	Status	Prepared	Checked	Date
Version 1	Draft	Shaun Doherty	Katherine Tatton	31/10/16
Version 2	Final	Shaun Doherty	Bob Salter	31/10/16
Version 3	Final	Shaun Doherty	Bob Salter	02/11/16
Version 4	Final	Katherine Tatton	Stuart Salter	04/11/16



Fishergate Road, Port Seton Statement of Site Effectiveness

Introduction

Scottish Government now specifically requires local authorities to ensure that sites allocated in Local Development Plans are effective and can contribute completions during the development plan period. An effective housing site can finance necessary infrastructure costs. An effective housing land supply delivers a viable LDP.

The overall level of programmed annual completions from all sites in the effective land supply need to be sufficient to maintain a 5 year effective land supply at all times and so meet the identified housing requirement in the approved development plan, as well as meeting the shortfall identified by the assessment of housing need and demand in the Local Housing Strategy.

These policy requirements are set by Scottish Government in Scottish Planning Policy (SPP). A council now needs to be satisfied through its own appraisal that an allocated site is effective in order to comply with the Strategic Development Plan, following the guidelines set out by Scottish Government in PAN 2/2010 *Affordable Housing and Housing Land Audits*.

There is an expectation that all sites to be allocated in the LDP will be subject to testing by the Council and a conclusion reached as to the overall construction period (taking account of the developer's or house builder's lead-in period). This construction timeframe would then define the annual rate of completions expected. Currently, most house builders expect to deliver a house sale rate of 2 to 3 homes per month or between 24 and 36 sales per annum. Affordable housing requirements would be in addition to this but certainly provided before the development is completed.

PAN 2/2010 includes a series of criteria to test the effectiveness of individual sites. This guidance is used to assess whether a site or portion of a site is effective. By applying the tests of effectiveness in this guidance, it can be demonstrated that within the 10 year period of LDP under consideration, the site is capable of development for housing, being free of potential site constraints as set out in PAN 2/2010.

Outcome

Based on the appraisal of the criteria in PAN 2/2010, the proposal at Fishergate Road, Port Seton by Wallace Land Investments (Wallace) for around 150 homes is an immediately effective site. This Statement explains how the proposal meets the tests of effectiveness in PAN 2/2010.

The proposal will be developed over a 4 year period from 2018. This will include private sales by a house builder, together with the building of affordable homes during this period.

Appraisal

This conclusion is based on the following analysis.

Criteria	Response	Comment
<p>Ownership: the site is in the ownership or control of a party which can be expected to develop it or to release it for development. Where a site is in the ownership of a local authority or other public body, it should be included only where it is part of a programme of land disposal.</p>	<p>The site is under the control of Wallace Land Investments (Wallace). It is immediately available for development.</p> <p>Construction will start once all relevant planning and other consents are secured which are planned for 2018 onwards, if the site is allocated in the Proposed Plan.</p>	<p>Complies</p>
<p>Physical: the site, or relevant part of it, is free from constraints related to slope, aspect, flood risk, ground stability or vehicular access which would preclude its development. Where there is a solid commitment to removing the constraints in time to allow development in the period under consideration, or the market is strong enough to fund the remedial work required, the site should be included in the effective land supply.</p>	<p>Adverse development factors give rise to abnormal development costs which can affect the viability of a site and hence its effectiveness.</p> <p>Appraisals of the site have been carried out to establish whether there any constraints to development and what measures are necessary to enable development on the site. These appraisals also determine whether the site is viable for future development.</p> <p>The following assessments will be undertaken relating to the physical aspects of the site's future development:</p> <ul style="list-style-type: none"> • Engineering Assessment with Drainage Report, Mining Risk Assessment, and Flood Risk Assessment; • Transport Assessment; • Desk-based Archaeological Assessment; • Heritage Impact Assessment; • Arboricultural Assessment; • Ecological Assessment; • Landscape and Visual Impact Assessment; • Air Quality Impact Assessment; 	<p>Complies</p>

- Environmental Noise Impact Assessment.

The following comments are highlighted:

- The topography of the site can accommodate the necessary gradients and development platforms for the proposal without extensive ground modelling.
- The development area is not subject to fluvial flood risk as highlighted in SEPA's mapping. The pluvial flooding on the site as identified by SEPA will be resolved by the proposed SuDS measures. The SuDS measures ensures that run-off from surface water drainage will be discharged at greenfield rates. A detention basin in the northwest of the site will regulate water discharge.
- The site can accommodate the scale of development proposed. Two access points are proposed off Fishergate Road. Additional path connections are proposed.
- Cultural heritage interests within the site are of lesser significance than consideration of the setting of the adjacent listed buildings to the south and east, including Seton Mill House, Seton House and remains of Seton Castle. The proposal is located below Seton Castle and will not impact on existing views to the north from the castle. Mitigation measures, such as landscape planting, are proposed on the southern and eastern boundary of the site to avoid any adverse impacts on the setting of the listed buildings.
- The site is used for arable purposes and is of low ecological value. Where possible, existing hedges and trees will be retained. Greenspace proposals along with gardens will enhance the biodiversity of the site.
- The site has the landscape capacity to accommodate development without significant adverse impacts.

There are no physical constraints on this site to either prevent development in accordance with the proposed Indicative Development Framework or require engineering works which will generate unacceptable abnormal costs.

<p>Contamination: previous use has not resulted in contamination of the site or, if it has, commitments have been made which would allow it to be developed to provide marketable housing.</p>	<p>The site is in arable agricultural use and is a greenfield site. All of the site is prime agricultural land.</p> <p>There are no known contamination issues present on the site.</p>	<p>Complies</p>
<p>Deficit Funding: any public funding required to make residential development economically viable is committed by the public bodies concerned;</p>	<p>Wallace is promoting the development of this site for new homes. The development principles are in accord with the Council's requirements.</p> <p>No funding from the public sector is required to make the development viable, except for the provision of subsidy for affordable housing. Wallace is committed to providing 25% affordable housing in accord with the Council's policy.</p> <p>Wallace is also willing to provide, as part of the affordable housing tenure mix, low cost home ownership without subsidy to augment the supply of subsidised affordable housing to achieve the agreed overall requirement as necessary.</p>	<p>Complies</p>

<p>Marketability: the site, or a relevant part of it, can be developed in the period under consideration;</p>	<p>East Lothian is a prime housing market area. There is an ongoing and significant demand for a full range of market housing in the locality as well as affordable housing needs. There is considerable interest from house builders to develop in this location as this is a prime location for private housing.</p> <p>This is confirmed by the regional Housing Need & Demand Assessment (HNDA) and the Council’s Local Housing Strategy. The Council has allocated sites in the locality as part of its development strategy for the Proposed LDP which recognises the area’s marketability for housing.</p> <p>Given the outstanding shortfall in the supply of effective housing land, Wallace expects one house builder to be constructing and selling at least 30 homes annually on the site, together with the Council or a housing association to deliver 38 affordable homes.</p> <table border="1" data-bbox="577 619 1727 775"> <thead> <tr> <th>Fishergate Road, Port Seton</th> <th>16/17</th> <th>17/18</th> <th>18/19</th> <th>19/20</th> <th>20/21</th> <th>21/22</th> <th>22/23</th> <th>23/24</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>Market</td> <td>0</td> <td>0</td> <td>30</td> <td>30</td> <td>30</td> <td>22</td> <td>0</td> <td>0</td> <td>112</td> </tr> <tr> <td>Affordable</td> <td>0</td> <td>0</td> <td>0</td> <td>18</td> <td>20</td> <td>0</td> <td>0</td> <td>0</td> <td>38</td> </tr> <tr> <td>Total</td> <td>0</td> <td>0</td> <td>30</td> <td>48</td> <td>50</td> <td>22</td> <td>0</td> <td>0</td> <td>150</td> </tr> </tbody> </table>	Fishergate Road, Port Seton	16/17	17/18	18/19	19/20	20/21	21/22	22/23	23/24	Total	Market	0	0	30	30	30	22	0	0	112	Affordable	0	0	0	18	20	0	0	0	38	Total	0	0	30	48	50	22	0	0	150	<p>Complies</p>
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Affordable	0	0	0	18	20	0	0	0	38																																	
Total	0	0	30	48	50	22	0	0	150																																	
<p>Infrastructure: the site is either free of infrastructure constraints, or any required infrastructure can be provided realistically by the developer or another party to allow development;</p>	<p>Preliminary investigations confirm the following:</p> <ul style="list-style-type: none"> • Gas, electricity and telecoms can be provided; • Foul drainage from the site can be accommodated; and • Water supply to the site can be provided. <p>Infrastructure of the required capacity can be made available, subject to undertaking a DIA and WIA with Scottish Water.</p> <p>Appraisals carried out confirm that the school children from the development can be accommodated in the catchment schools taking account of the solutions presented by the Council in its Supplementary Guidance: <i>Developer Contributions</i>. Financial contributions to fund planning obligations will be available from Wallace to fund required upgrades to infrastructure in compliance with the requirements of Circular 3 / 2012.</p>	<p>Complies</p>																																								

<p>Land Use: housing is the sole preferred use of the land in planning terms, or if housing is one of a range of possible uses other factors such as ownership and marketability point to housing being a realistic option.</p>	<p>Wallace is contracted with the land owner to deliver residential development on this site.</p> <p>As a residential development, the site provides the full range of housing tenure to create a socially inclusive development.</p>	<p>Complies</p>
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**East Lothian Local Development Plan
Assessment of the Housing Land Supply**

On behalf of



November 2016

Prepared by :



The Quadrant
17 Bernard Street
Leith
Edinburgh
EH6 6PW

[t] 0131 553 3639

[e] info@geddesconsulting.com

[w] www.geddesconsulting.com

Document Control and Approval

Revision	Status	Prepared	Approved	Date
V1	Draft for Comment	Stuart Salter	Bob Salter	31 st October 2016
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1.0 Introduction

- 1.1. There are issues regarding the methodology adopted by East Lothian Council (the Council) to define the housing supply target, housing land requirement and the programme of completions for the proposed allocations for the Local Development Plan (LDP). These issues need to be addressed by the Council prior to submission of the LDP to Examination.
- 1.2. This *Assessment of the Housing Land Supply* (the Assessment) examines the methodology and assumptions adopted in the LDP, as set out in the Technical Note 1 *Planning for Housing*.
- 1.3. The Council's proposed development strategy will not meet the requirements as set out by SESplan Strategic Development Plan (SDP) or Scottish Planning Policy (SPP) as well as the approved guidance in PAN 2/2010 *Affordable Housing and Housing Land Audits*.
- 1.4. The analysis in this Assessment confirms the proposed development strategy:
- assumes many of the proposed allocations will begin to be built in 2017/18, and this general assumption is not supported by Homes for Scotland;
 - does not identify the housing land requirement 10 years post adoption to 2028; and
 - the housing land requirement for the period to 2019 is not met in full.
- 1.5. This Assessment confirms that there is a shortfall in the scale of new housing allocations required in the LDP to meet the housing land requirement in full.
- 1.6. Further effective housing land releases are needed in support of the Council's proposed development strategy.
- 1.7. For the purposes of the LDP, Table HOU2 *Housing Land Requirement* should be replaced with the following tables below:

Table HOU2 Housing Land Requirement

Planning Periods	2009-2019	2019-2024	2024 - 2028
Housing Supply Target	6,250	3,800	1,910
Housing Land Requirement (20%)	7,500	4,560	2,292
Dwelling Completions (2009 to 2015)	2,038	0	0
Contribution from the Established Land Supply	2,670	2,143	0
Contribution from Future Windfall Sites	84	105	56
Loss of Supply to Dwelling Demolitions	-15	-8	-6
Contribution from Blindwells	0	291	388
Sub-Total Housing Land Supply	4,777	2,531	444
Contribution required from New Allocations	2,723	2,029	1,848
Updated Contribution from New Allocations	790	3,725	1,485
Shortfall / Surplus	-1,933	+1,696	-364

- 1.8. Further additional allocations are required to be allocated in the LDP. Overall, there is a shortfall of 601 homes over the timescale of the LDP from 2009 to 2028. However, in the period to 2019, a significant shortfall of 1,933 homes is expected to emerge.
- 1.9. The Council's proposed allocation of 7,285 homes is insufficient in terms of programming to meet the scale of allocation required. Further effective housing land capable of accommodating additional homes is required in the short term.
- 1.10. The consequence of failing to make these additional allocations is that the Council will not be maintaining a 5 year effective housing land supply from the adoption of the LDP. This will mean that the housing land supply policies in the LDP will be considered out of date in accord with SPP paragraph 125. In these circumstances, a presumption in favour of development that contributes to sustainable development will apply through the development management process as set out in SPP paragraphs 29 and 32 to 35.
- 1.11. Should the Council not identify additional allocations to maintain a 5 year effective housing land supply at all times from the point of adoption, a Hearing Session will be required as part of the Examination process to resolve matters.

2.0 Scottish Planning Policy and National Guidance

Scottish Planning Policy

- 2.1 SPP (June 2014) sets out the policy requirements in paragraphs 109 to 125 for both development plans and development management for *Enabling the Delivery of New Homes*.
- 2.2 The policy principles which have a direct consequence on the Council's preferred development strategy and are summarised in SPP, paragraph 110:
- Policy Principles**
- 110. The planning system should:*
- *identify a generous supply of land for each housing market area within the plan area to support the achievement of the housing land requirement across all tenures, maintaining at least a 5-year supply of effective housing land at all times;*
 - *enable provision of a range of attractive, well-designed, energy efficient, good quality housing, contributing to the creation of successful and sustainable places; and*
 - *have a sharp focus on the delivery of allocated sites embedded in action programmes, informed by strong engagement with stakeholders.*
- 2.3 The delivery mechanism should include partnership working with a range of partners including the delivery sector such as Homes for Scotland as set out in paragraph 111.
- 2.4 LDPs should be based on a robust and credible HNDA. It should adopt the housing supply target based on evidence from the HNDA for both affordable and market sector housing. As paragraph 115 explains, this housing supply target is a policy view of the number of homes to be delivered over the development plan period but must properly reflect the HNDA estimate of housing demand and be supported by compelling evidence. The choice of the housing supply target should also be reflected in the local housing strategy.
- 2.5 In paragraph 116, the housing supply target will be based on the number of homes to be built in the plan period together with a margin of 10% to 20% to ensure a generous land supply is provided. The exact extent of the margin depends on local circumstances and requires a robust explanation. This then establishes the housing land requirement for the LDP.
- 2.6 The application of the 'generosity allowance' translates the housing supply target to the housing land requirement.
- 2.7 Sources of land supply to meet the housing land requirement are referred to in paragraph 117. These include the established land supply, proposed new allocations and a proportion of windfall development which can be justified.
- 2.8 This housing supply target should be set out as well as the housing land requirement up to year 10. This housing supply target should be met in full (paragraph 120). In addition beyond year 10 and up to year 20, the LDP should provide an indication of the possible scale and location of housing by local development plan area.
- 2.9 This process is helpfully set out in Diagram 1 on page 30 of SPP.

2.10 SPP requires planning authorities to maintain a 5 year effective land supply at all times, using the housing land audit process as a monitoring tool measure whether this requirement is being met (paragraph 123).

2.11 Where a shortfall in the 5 year effective land supply emerges, paragraph 125 sets out that development plan policies for the supply of housing land will not be considered up to date and reference to paragraphs 32 to 35 of SPP is made. This is a reference to the development management process and how the issue of prematurity is to be addressed with a presumption in favour of sustainable development.

National Guidance

2.12 In considering the implications of these paragraphs set out in SPP, their interpretation needs to have regard for the existing guidance in PAN2/2010, specifically:

- factors which determine whether a site is effective or not (paragraph 55);
- restricting the proportion of effective land to be included to that which can be built in the plan period (paragraph 56); and
- assessing the amount of effective housing land using the housing land audit process (paragraph 57).

2.13 Further, Scottish Government’s response to the Review of Planning indicated that Planning and Architecture Division (PAD) will be reducing their input to current development plans. A Service Standard was published on 16th August 2016 outlining how PAD will input to development plans from September 2016.

2.14 An accompanying note was prepared to aide Planning Authorities in preparing LDPs. On matters relating to *New Homes*, Scottish Government requires the following to be set out in the LDP:

- Plans should use the same terminology as used in the SPP;
- Plans should set out figures, preferably in a table, identifying:
 - HNDA estimates;
 - Housing Supply Target for each Housing Market Area. This should be separated into market and affordable sector;
 - The percentage of generosity, and a summary of the reason for this; and
 - The Housing Land Requirement.
- Plans should set out what approach would be taken where an annual Housing Land Audit indicates there is a shortfall in the 5 year effective housing land supply; and
- Plans should consider the level of affordable housing contribution which can realistically be delivered. The level of affordable housing required as a contribution should generally be no more than 25% of the total number of houses.

2.15 Accordingly, the LDP may require modification to take account of these matters prior to Examination.

3.0 SESplan SDP

3.1 In approving SESplan SDP, Scottish Ministers set out a requirement for Supplementary Guidance in respect of Policy 5 *Housing Land* to identify the housing land requirement to be met by the local development plans for the periods 2009 to 2019 and 2019 to 2024.

3.2 The Supplementary Guidance has now been approved by the Scottish Ministers subject to modification. The following sentence should be deleted from paragraph 3.13:

Member authorities will base their calculation of the five year land supply on the period 2009 - 2024, taking into consideration housing completions.

3.3 The SESplan Joint Committee considered the matter at its meeting on 30th June 2014 and recommended to the member authorities that the guidance be adopted with the modification

3.4 Policy 5 states that:

...Supplementary guidance will be prepared to provide detailed further information for Local Development Plans as to how much of that requirement should be met in each of those six areas, both in the period 2009 to 2019 and in the period 2019 to 2024.

...Subject to any justifiable allowance for anticipated house completions from 'windfall' sites, and for demolitions of existing housing stock, Local Development Plans will allocate sufficient land which is capable of becoming effective and delivering the scale of the housing requirements for each period, which will be confirmed in the supplementary guidance.

...Those existing housing sites which are assessed as being constrained, but also capable of delivering housing completions in the period 2024 to 2032, should be safeguarded for future housing development.

3.5 It is clear from Policy 5 that the housing land requirement for East Lothian is as set out in the Supplementary Guidance.

3.6 The SDP and its Supplementary Guidance was approved under SPP (2010). SPP (2014) has now been published and requires a housing supply target to be identified.

3.7 The Examination of the Edinburgh Proposed Plan concluded that the housing land requirement as set out in the Supplementary Guidance is now the housing supply target. Appropriately, a generosity allowance of between 10 - 20% will be added to the target to provide a housing land requirement.

3.8 Therefore the housing supply target for East Lothian is set out in the table below:

Local Development Plan	2009-2019	2019-2024
East Lothian	6,250	3,800

Source: Supplementary Guidance, Table 3.1 Housing Land Requirement by Local Development Plan Area

3.9 For the period beyond 2024, the housing supply target is set out in the table below:

Local Development Plan	2024 - 2032
East Lothian	3,820

Source: Supplementary Guidance (Technical Note), Table 3.1 Estimate of Need and Demand for Housing

3.10 According to SPP (paragraph 115), the housing supply target for East Lothian is as follows:

Local Development Plan	2009-2019	2019-2024	2024 - 2032
East Lothian	6,250	3,800	3,820

Source: Supplementary Guidance

3.11 It can be concluded that the SDP has adopted the findings of the HNDA and therefore the housing supply target as set out in paragraph 115 of SPP. This housing supply target should now be adopted by the Council for Local Development Plan purposes subject to application of the generosity allowance.

3.12 According to the HNDA and the Supplementary Guidance, most of the need and demand will arise in the period to 2019. It is therefore imperative that the finalised development strategy in the adopted LDP is capable of releasing the scale of effective sites needed in the short term. There needs to be no doubt about the effectiveness of the allocated sites in the LDP to deliver at least 6,250 homes by 2019.

3.13 SESplan Policy 6 *Housing Land Flexibility* requires that:

Each planning authority in the SESplan area shall maintain a five years' effective housing land supply at all times. The scale of this supply shall derive from the housing requirements for each Local Development Plan area identified through the supplementary guidance provided for by Policy 5. For this purpose planning authorities may grant planning permission for the earlier development of sites which are allocated or phased for a later period in the Local Development Plan.

3.14 Each planning authority in the SESplan area shall maintain a five year effective housing land supply at all times otherwise the development plan policies about the supply of housing land will not be considered up to date (SPP, paragraph 125).

3.15 As set out in paragraph 119, SPP requires that the emerging LDP should allocate a range of sites which are effective or are expected to be effective in the plan period to meet the housing land requirement of the strategic development plan up to year 10 from the expected date of adoption.

3.16 Further, the development strategy proposed in the emerging LDP should provide for a minimum of a 5 year effective land supply at all times.

4.0 East Lothian Local Development Plan

Setting the Housing Supply Target

- 4.1 The Council considers that SPP (2010), the SESplan Examination Report as well as the Supplementary Guidance do not require the housing land requirement set for East Lothian to be increased by a further generosity allowance of 10 – 20% in the preparation of the LDP (Technical Note 1, paragraph 4.1 to 4.6)..
- 4.2 This is contrary to the findings of the Edinburgh LDP Examination Report which supported the housing land requirement being defined as the housing supply target as well as a generosity allowance added to this figure.
- 4.3 The Council will note that this methodology has also been adopted in the Glasgow & the Clyde Valley SDP area for all adopted LDPs post SPP (2014).
- 4.4 In all instances, this methodology was considered appropriate given the passage of time from the approved SDP to the present.
- 4.5 The Council is also required to identify the housing supply target 10 year post adoption. With the expected date of adoption 2018, the Council is required to identify the housing supply target from 2024 to 2028, as well as the SESplan periods 2009 to 2019 and 2019 to 2024.
- 4.6 Using the evidence set out in the Supplementary Guidance, this equates to 1,910 homes from 2024 to 2028.
- 4.7 The housing supply target for East Lothian is set out in the table below:

Planning Periods	2009-2019	2019-2024	2024 - 2028
Housing Supply Target	6,250	3,800	1,910

- 4.8 Accordingly the Council's Table HOU2 *Housing Land Requirement* should be modified to reflect the outcomes set out in the table above.

Setting the Housing Land Requirement

- 4.9 The housing supply target is set out in the Glossary for SPP which explains that *...it is the number of homes to be built.*
- 4.10 The housing land requirement is therefore the housing supply target **plus** a generosity allowance of between 10% and 20%. The purpose of identifying a housing land requirement is to allocate sufficient effective housing land to meet the housing supply target in full.
- 4.11 The Council has identified a generosity allowance of 23% over the period 2009 to 2024. However, this represents 10% in the first period, 2009 to 2019, and 43% in the second period, 2019 to 2024. It is noted that this was established by identifying a range of suitable land for housing and the generosity level was calculated thereafter. This is due to supply led approach to determining generosity.
- 4.12 At present, the Council's adopted methodology to select the generosity allowance of 23% in the LDP is **contrary** to the requirements SPP as well as recently published note by Scottish Government.

4.13 SPP expects that ...*the requirement for each housing market area* is met in full (paragraph 118). This is an **overall** housing requirement to be met in full.

4.14 The housing land requirement for the LDP adopting a generosity allowance of 20% is set out in the table below:

Planning Periods	2009-2019	2019-2024	2024 - 2028
Housing Land Requirement (20%)	7,500	4,560	2,292

4.15 Based on a generosity allowance of 20%, the housing land requirement to plan for is 7,500 homes from 2009 to 2019; 4,560 homes from 2019 to 2024 and 2,292 homes from 2024 to 2028.

4.16 Accordingly the Council's Table HOU2 *Housing Land Requirement* should be modified to reflect the outcomes set out in the table above.

Identifying the Contribution from Dwelling Completions

4.17 The Council has identified that there were 2,038 homes completed in the period from 2009 to 2015. This is set out in the table below:

Planning Periods	2015-2019	2019-2024	2024 - 2028
Dwelling Completions (2009 to 2015)	2,038	0	0

Identifying the Contribution from the Established Land Supply

4.18 As set out in the Technical Note 1, the Council considers that the 2015 Housing Land Audit provides the baseline for the contribution from the established land supply, including small sites.

4.19 The contribution from the established land supply for the LDP is set out in the table below:

Planning Periods	2015-2019	2019-2024	2024 - 2028
Contribution from the Established Land Supply	2,670	2,143	0

4.20 Based on the 2015 Housing Land Audit, the contribution from the established land supply is 2,670 homes from 2009 to 2019 and 2,143 homes from 2019 to 2024. There are no homes programmed from 2024 to 2028.

4.21 We note that 2016 Housing Land Audit will be agreed with Homes for Scotland and this should form the basis of the contribution from the established land supply for the LDP Examination.

4.22 Accordingly the Council's Table HOU2 *Housing Land Requirement* should be modified to reflect the outcomes set out in the table above.

Identifying the Contribution from Future Windfall Sites

4.23 The Council has identified a contribution of 299 homes from future windfall sites from 2009 to 2032.

4.24 The LDP is required only to identify a contribution to 2028 – 10 years post adoption.

4.25 It should be noted that as the baseline is the 2015 Housing Land Audit, windfall assumption will begin in 2015.

4.26 As set out in Technical Note 1 (paragraph A1.24), the contribution from Future Windfall Sites is set out in the table below:

Planning Periods	2015-2019	2019-2024	2024 - 2028
Contribution from Future Windfall Sites	84	105	56

4.27 The contribution from future windfall sites is 84 homes from 2009 to 2019; 105 homes from 2019 to 2024; and 56 homes from 2024 to 2028.

4.28 Accordingly the Council's Table HOU2 *Housing Land Requirement* should be modified to reflect the outcomes set out in the table above.

Loss of Supply to Dwelling Demolitions

4.29 The Council has identified a loss of 35 homes due to demolitions from 2009 to 2032.

4.30 The LDP is required only to identify a contribution to 2028 – 10 years post adoption.

4.31 As set out in Technical Note 1 (paragraph A1.31), the loss of supply from demolitions is set out in the table below:

Planning Periods	2015-2019	2019-2024	2024 - 2028
Loss of Supply to Dwelling Demolitions	15	8	6

4.32 The loss of supply to dwelling demolitions is 15 homes from 2009 to 2019; 8 homes from 2019 to 2024; and 6 homes from 2024 to 2028.

4.33 Accordingly the Council's Table HOU2 *Housing Land Requirement* should be modified to reflect the outcomes set out in the table above.

Contribution from Blindwells

4.34 The Council has separated Blindwells' contribution from established land supply. A programme of completions for Blindwells is set out in Technical Note 1 (Appendix 2).

4.35 The Council's expected contribution from Blindwells is set out in the table below:

Planning Periods	2015-2019	2019-2024	2024 - 2028
Contribution from Blindwells	0	291	388

4.36 We note that 2016 Housing Land Audit will be agreed with Homes for Scotland and this should form the basis of the contribution from the established land supply for the LDP Examination.

4.37 Accordingly the Council's Table HOU2 *Housing Land Requirement* should be modified to reflect the outcomes set out in the table above.

Identifying the Scale of Allocations Required

4.38 Based on a 20% generosity allowance, the process and information to identify the scale of allocations required for the East Lothian LDP is set out in the table below:

Planning Periods	2009-2019	2019-2024	2024 - 2028
Dwelling Completions (2009 to 2015)	2,038	0	0
Contribution from the Established Land Supply	2,670	2,143	0
Contribution from Future Windfall Sites	84	105	56
Loss of Supply to Dwelling Demolitions	15	8	6
Contribution from Blindwells	0	291	388

Sub-Total Housing Land Supply	4,777	2,531	444
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4.39 The total housing land supply is 4,777 homes from 2009 to 2019; 2,531 homes from 2019 to 2024; and 444 homes from 2024 to 2028.

4.40 Subtracting the total housing land supply from the housing land requirement will identify the scale of proposed allocations required for the LDP. This is set out in the table below:

Planning Periods	2009-2019	2019-2024	2024 - 2028
Housing Land Requirement (20%)	7,500	4,560	2,292
Sub-Total Housing Land Supply	4,777	2,531	444
Contribution required from New Allocations	2,723	2,029	1,848

4.41 The contribution required from new allocations is 2,723 homes from 2009 to 2019; 2,029 homes from 2019 to 2024; and 1,848 homes from 2024 to 2028.

4.42 Comparing these figures with the Council's contribution set out in Table HOU2 *Housing Land Requirement*, additional allocations will be required. This is set out in the table below:

Planning Periods	2009-2019	2019-2024	2024 - 2028
Contribution required from New Allocations	2,723	2,029	1,848
Council's Contribution	2,115	2,906	1,204
Shortfall / Surplus	-608	+877	-644

4.43 The total additional allocations required to be allocated in the LDP is 608 homes over the period to 2019, with a further 644 homes required in the period beyond 2024.

4.44 Over the whole time period of the LDP from 2009 to 2028, there is a shortfall of 375 homes.

4.45 The Council's proposed allocations are therefore insufficient to meet the scale of allocations required. This Assessment confirms that an additional 608 homes are required over the LDP period to 2019.

Identifying the Programming of Proposed Allocations

4.46 The Council is encouraging proposed allocations to be determined in advance of adoption of the LDP. It is noted that the Council has programmed many of the proposed allocations to begin on site in 2017/18. This is optimistic and unrealistic.

4.47 Technical Note 1 (Appendix 1 and 2) should amend the programming of proposed allocations to begin in 2018/19 rather than 17/18. This would be appropriate to house builders and Homes for Scotland.

4.48 The resultant effect of this movement on the programming in Table HOU2 *Housing Land Requirement* is set out in the table below:

Planning Periods	2009-2019	2019-2024	2024 - 2028
Contribution from New Allocations	790	3,725	1,485

4.49 The updated contribution from new allocations is 790 homes from 2009 to 2019; 3,725 homes from 2019 to 2024; and 1,485 homes from 2024 to 2028.

4.50 Comparing the contribution required with this updated Council's contribution, additional allocations will be required. This is set out in the table below

Planning Periods	2009-2019	2019-2024	2024 - 2028
Contribution required from New Allocations	2,723	2,029	1,848
Updated Council's Contribution	790	3,725	1,485
Shortfall / Surplus	-1,933	+1,696	-364

4.51 The total additional allocations required to be allocated in the LDP is 1,933 homes over the period to 2019, with a further 364 homes required in the period beyond 2024.

4.52 Over the whole time period of the LPD from 2009 to 2028, there is a shortfall of 601 homes.

4.53 The Council's proposed allocations are therefore insufficient to meet the housing land requirement in full. This Assessment confirms that an additional 1,933 homes are required over the LDP period to 2019.

4.54 Accordingly the Council's Table HOU2 *Housing Land Requirement* should be modified to reflect the outcomes set out in the table above.

Draft 2016 Housing Land Audit

4.55 The draft 2016 Housing Land Audit has to be agreed with Homes for Scotland.

4.56 Subject to commentary from Homes for Scotland, the adopted 2016 Housing Land Audit will form the basis for the LDP Examination.

5.0 Recommendations for Proposed Plan

- 5.1 The Council's proposed development strategy as set out in the LDP does not comply with the requirements of SPP.
- 5.2 The methodology for identifying the scale of allocations required to meet the housing land requirement in full is incorrect.
- 5.3 For the purposes of the LDP, Table HOU2 *Housing Land Requirement* should be replaced with the following tables below:

Table HOU2 *Housing Land Requirement*

Planning Periods	2009-2019	2019-2024	2024 - 2028
Housing Supply Target	6,250	3,800	1,910
Housing Land Requirement (20%)	7,500	4,560	2,292
Dwelling Completions (2009 to 2015)	2,038	0	0
Contribution from the Established Land Supply	2,670	2,143	0
Contribution from Future Windfall Sites	84	105	56
Loss of Supply to Dwelling Demolitions	-15	-8	-6
Contribution from Blindwells	0	291	388
Sub-Total Housing Land Supply	4,777	2,531	444
Contribution required from New Allocations	2,723	2,029	1,848
Updated Contribution from New Allocations	790	3,725	1,485
Shortfall / Surplus	-1,933	+1,696	-364

- 5.4 The total additional allocations required to be allocated in the LDP is 601 homes over the total plan period from 2009 to 2028. In the period to 2019, a shortfall of 1,933 homes is expected to emerge.
- 5.5 The Councils proposed allocation of 7,285 homes is insufficient to meet the scale of allocations required. Further effective housing land capable of accommodating additional homes is required in the short term.
- 5.6 The consequence of failing to make these additional allocations is that the Council will not be maintaining a 5 year effective housing land supply from the adoption of the LDP. This will mean that the housing land supply policies in the LDP will be considered out of date in accord with SPP paragraph 125. In these circumstances a presumption in favour of development that contributes to sustainable development will apply through the development management process as set out in SPP paragraphs 29 and 32 to 35.
- 5.7 Should the Council not identify additional allocations to maintain a 5 year effective housing land supply at all times from the point of adoption, a Hearing Session will be required as part of the Examination process to resolve matters.

Wallace Land Investments – Representations to Proposed Plan Representation about MH15 Whitecraig North

About You

What is your name?	Stuart Salter
What is your email address?	stuart@geddesconsulting.com
Postal Address:	The Quadrant 17 Bernard Street Edinburgh
Please enter your postcode:	EH6 6PW
Are you responding as (or on behalf of) a...?	Developer/agent/landowner
What is your organisation and role (if applicable)?	Organisation: Geddes Consulting Role: Director
Are you supporting the plan? If Yes: Please include your reasons for support	No. Wallace supports the allocation of PROP MH15 but modifications are sought as set out below. These will maximise the capacity of the housing development strategy and facilitate its delivery.

Section 2a - Musselburgh Cluster Strategy Map (pg 15)

1a. Strategy Map for Musselburgh Cluster - what modifications do you wish to see made to the Strategy Map for the Musselburgh Cluster in the proposed Plan? Your justification for this will be sought in the next question.

Modifications(s) Sought:

Wallace Land Investments seeks an amendment to the allocation boundary to ensure a viable and safe access point from Whitecraig Road can be achieved. This is as set out in the *Development Framework report* submitted in support of this representation.

The allocated site is capable of accommodating around 250 homes and this capacity should be adopted in the Proposed Plan, rather than 200 homes as proposed by the Council.

1b. Strategy Map for Musselburgh - Please give any information/reasons in support of each modification suggested to the Strategy Map for Musselburgh in the proposed Plan.

Justification for Modification(s):

For the reasons given below, the proposal for PROP MH15: *Land at Whitecraig North* should be amended.

<p>Section 2a - Musselburgh Cluster Main Development Proposals (pages 15-26)</p>
<p>15a. <i>PROP MH15: Land at Whitecraig North - What modifications do you wish to see made to Prop MH15 of the Plan? Please state all relevant paragraph numbers of the plan to which the modification(s) refer. Your justification for this will be sought in the next question.</i></p> <p><i>Modifications(s) Sought:</i></p>
<p>The Proposal in the Proposed Plan is as follows:</p> <p><i>PROP MH15: Land at Whitecraig North</i> <i>Land at Whitecraig North is allocated for residential development including circa 200 homes and the provision of infrastructure and associated works. A comprehensive masterplan for this site that conforms to the Council’s Development Brief will be required. Any development here is subject to the mitigation of any development related impacts, including on a proportionate basis for any cumulative impacts with other proposals including on the transport network, on education and community facilities, and on air quality as appropriate.</i></p> <p>Wallace is seeking modifications to Proposal PROP MH15 to the following:</p> <p><i>PROP MH15: Land at Whitecraig North</i> <i>Land at Whitecraig North is allocated for residential development including circa 200 250 homes and the provision of infrastructure and associated works. A comprehensive masterplan for this site that conforms to the Council’s Development Brief and any agreed amendments to this Brief will be required. Any development here is subject to the mitigation of any development related impacts, including on a proportionate basis for any cumulative impacts with other proposals including on the transport network, on education and community facilities, and on air quality as appropriate.</i></p>
<p>15b. <i>Please give any information/reasons in support of each modification suggested to Prop MH15 of the Plan. State all relevant paragraph numbers of the plan to which the modification(s) refer.</i></p> <p><i>Justification for Modification(s):</i></p>
<p>Scale of development</p> <p>The site promoted by Wallace at Whitecraig North is 10.8 hectares, and capable of accommodating 250 homes, as set out in the <i>Development Framework Report</i> submitted in support of this representation. The proposed density of development accords with Council requirements.</p> <p>The environmental impacts of the proposal are acceptable, as confirmed in the <i>SEA Site Assessment</i> submitted in support of this representation.</p> <p>The site is effective and capable of delivery within the LDP period, as confirmed in the <i>Statement of Site Effectiveness</i> submitted in support of this representation. This Statement follows the tests of effectiveness as set out in PAN 2/2010 paragraph 55.</p> <p>The site currently allocated in the Proposed Plan is capable of accommodating more than 200 homes. Wallace proposes that the scale of development in PROP MH15 is 250 homes.</p>

Access arrangements

The Council's *Development Brief* for the site allocated in the Proposed Plan allows access from Whitecraig Road into the site. It is not possible to achieve this within the boundary proposed by the Council as required visibility splays cannot be achieved due an obstruction from an existing telecommunication mast and the boundary of an existing house plot on Whitecraig Road.

To enable access to be provided from Whitecraig Road with the required visibility splays, the access point into the site requires to be moved further east. Wallace therefore seeks an amendment to the allocation boundary to accommodate this viable and safe access point. The principle of the amended location of this access has been agreed with East Lothian Council.

17a. Policy MH17: Development Briefs - What modifications do you wish to see made to Policy MH17 of the Plan? Please state all relevant paragraph numbers of the plan to which the modification(s) refer. Your justification for this will be sought in the next question.

Modifications(s) Sought:

Policy MH17 is as follows:

Policy MH17: Development Briefs

As part of any planning application for any allocated site, comprehensive masterplan solutions for the entire allocated site must be submitted. Proposed masterplans must conform to the relevant Development Brief prepared for the site.

Proposed masterplans must demonstrate how the relevant objectives for the allocated site will be secured, how development will be delivered on an appropriate phased basis, and set out design requirements to ensure the development will properly integrate with its surroundings and the character of the local area.

Wallace proposes the following amendment:

Policy MH17: Development Briefs

*As part of any planning application for any allocated site, comprehensive masterplan solutions for the entire allocated site must be submitted. Proposed masterplans ~~must~~ **should generally** conform to the relevant Development Brief prepared for the site.*

Proposed masterplans must demonstrate how the relevant objectives for the allocated site will be secured, how development will be delivered on an appropriate phased basis, and set out design requirements to ensure the development will properly integrate with its surroundings and the character of the local area.

17b. Please give any information/reasons in support of each modification suggested to Policy MH17 of the Plan. State all relevant paragraph numbers of the plan to which the modification(s) refer.

Justification for Modification(s):

The Council's site *Development Briefs* are based on limited information and surveys. It is probable that through further detailed survey and design, an acceptable proposal could be delivered. At this stage in the planning process, a degree of flexibility is necessary.

Accordingly, compliance with the site *Development Brief* should incorporate some flexibility.

<p>Section 3a - Planning for Housing (pages 64 - 73)</p>
<p><i>1a. Housing & Housing Land Requirement - What modifications do you wish to see made to the Housing & Housing Land Requirement section of the proposed Plan? Please state all relevant policy and/or paragraph numbers of the plan to which the modification(s) refer. Your justification for this will be sought in the next question.</i></p> <p><i>Modifications(s) Sought:</i></p>
<p>Wallace Land Investments has commissioned an <i>Assessment of the Housing Land Supply</i>.</p> <p>This Assessment calculates the Housing Land Requirement to be met in the Proposed Plan, taking account of the Housing Supply Target set by SESplan.</p> <p>The Housing Land Requirement has then been compared with the effective housing land supply. This effective housing land supply includes completions from the Established Housing Land Supply as well as the proposed allocations.</p> <p>The conclusion from this Assessment is that there is a significant shortfall of homes in the period to 2019. Accordingly, it is recommended that the Council, in formulating its Schedule 4s for the Examination, allocates additional land to meet this short term requirement.</p>
<p><i>1b. Please give any information/reasons in support of each modification suggested to Housing and Housing land Requirement section of the proposed Plan. State all relevant policy and/or paragraph numbers of the plan to which the modification(s) refer.</i></p> <p><i>Justification for Modification(s):</i></p>
<p>Please refer to the <i>Assessment of the Housing Land Supply</i> submitted in support of this representation.</p>
<p><i>2a. Established Housing Land Supply - What modifications do you wish to see made to the Established Housing Land Supply section of the proposed Plan? Please state all relevant policy and/or paragraph numbers of the plan to which the modification(s) refer. Your justification for this will be sought in the next question.</i></p> <p><i>Modifications(s) Sought:</i></p>
<p>Please refer to the <i>Assessment of the Housing Land Supply</i> submitted in support of this representation. Table HOU2: <i>Housing Land Requirements and Supply</i> should be modified as set out in this Assessment.</p>
<p><i>2b. Please give any information/reasons in support of each modification suggested to the Established Housing Land Supply section of the proposed Plan. State all relevant policy and/or paragraph numbers of the plan to which the modification(s) refer.</i></p> <p><i>Justification for Modification(s):</i></p>
<p>Please refer to the <i>Assessment of the Housing Land Supply</i> submitted in support of this representation.</p>
<p><i>3a. Maintaining an Adequate Effective Five-Year Housing Land Supply - What modifications do you wish to see made to the Maintaining an adequate Effective Five-Year Housing Land Supply section of the proposed Plan? Please state all relevant policy and/or paragraph numbers of the plan to which the modification(s) refer. Your justification for this will be sought in the next question.</i></p>

<p><i>Modifications(s) Sought:</i></p>
<p>Please refer to the <i>Assessment of the Housing Land Supply</i> submitted in support of this representation.</p>
<p><i>3b. Please give any information/reasons in support of each modification suggested to the Maintaining an Adequate Five-Year Housing Land Supply section of the proposed Plan. State all relevant policy and/or paragraph numbers of the plan to which the modification(s) refer.</i></p>
<p><i>Justification for Modification(s):</i></p>
<p>Please refer to the <i>Assessment of the Housing Land Supply</i> submitted in support of this representation.</p>

<p>Section 8 - Delivery (pages 142 - 144)</p>
<p><i>1a. Delivery - What modifications do you wish to see made to the Delivery section of the proposed Plan? Please state all relevant policy and/or paragraph numbers of the plan to which the modification(s) refer. Your justification for this will be sought in the next question.</i></p>
<p><i>Modifications(s) Sought:</i></p>
<p>The Proposed Plan includes the following policy:</p> <p><i>Policy DEL 1: Infrastructure and Facilities Provision</i> <i>New development will only be permitted where the developer makes appropriate provision for infrastructure and community facilities required as a consequence of their development in accordance with Scottish Government Circular 3/2012 or any revision. Any necessary provision for interventions must be phased as required with the new development.</i></p> <p><i>This provision will include but will not be limited to the key interventions identified by the LDP and its Action Programme. Developer contributions will be required where a proposal generates a need for a key intervention and it is within the contribution zone that applies to that intervention. The developments that are planned for by this LDP and that must provide for these interventions in accordance with the Supplementary Guidance: Developer Contributions Framework will be:</i></p> <ul style="list-style-type: none"> • <i>Proposals of 5 or more dwellings, including affordable homes; and</i> • <i>Employment, retail, leisure or tourism proposals of 100m2 gross floor space or larger.</i> <p><i>The need for any windfall development proposal to make provision for infrastructure and community facilities will be assessed on a case by case basis.</i></p> <p><i>Developer contributions will always be used to deliver the mitigation for which they were originally intended.</i></p> <p><i>Planning conditions and/or legal agreements will be used as appropriate and required to secure any necessary provision from developers, which could include land and/or a capital contribution.</i></p> <p>Wallace proposes the following amendments:</p> <p><i>Policy DEL 1: Infrastructure and Facilities Provision</i> <i>New development will only be permitted where the developer makes appropriate provision for</i></p>

infrastructure and community facilities required as a consequence of their development in accordance with Scottish Government Circular 3/2012 or any revision. Any necessary provision for interventions must be phased as required with the new development.

This provision will include but will not be limited to the key interventions identified by the LDP and its Action Programme. Developer contributions will be required where a proposal generates a need for a key intervention ~~and it is within the contribution zone that applies to that intervention~~. The developments that are planned for by this LDP and that must provide for these interventions in accordance with the Supplementary Guidance: Developer Contributions Framework will be:

- Proposals of 5 or more dwellings, including affordable homes; and
- Employment, retail, leisure or tourism proposals of 100m² gross floor space or larger.

The need for any windfall development proposal to make provision for infrastructure and community facilities will be assessed on a case by case basis.

Developer contributions will always be used to deliver the mitigation for which they were originally intended. *Interventions will be funded from the infrastructure investment fund and at all times committed development will only be required to fund its proportionate share.*

Planning conditions and/or legal agreements will be used as appropriate and required to secure any necessary provision from developers, which could include land and/or a capital contribution. *In formulating the overall cost of the planning obligations, regard will be given to the impact on development viability to ensure the delivery of an effective site.*

1b. Please give any information/reasons in support of each modification suggested to the Delivery section of the proposed Plan. State all relevant policy and/or paragraph numbers of the plan to which the modification(s) refer.

Justification for Modification(s):

The Council has provided a comprehensive approach to defining the developer contributions being sought. This includes the following structured approach:

Policy DEL1: *Infrastructure and Facilities Provision*
 Supplementary Guidance: *Draft Developer Contributions Framework*
 Technical Note 14: *Draft Developer Contributions Framework*

The Council is seeking a comprehensive range of funding solutions to the following:

- *Transport network capacity, including for active travel, public transport and the strategic and local road networks;*
- *Education facilities capacity, including for pre-school, primary school and secondary school levels;*
- *Affordable housing, which may include provision of housing and support services to meet the needs of older people as well as those with long term health needs including learning disability, mental health needs or physical disability or younger people with health and social care needs;*
- *Sport Facilities Capacity, including formal indoor and outdoor recreation and changing facilities;*
- *Environmental mitigation, including to address development related impacts on any identified Air Quality Management Area (which in the case of Musselburgh town centre will be addressed by transport interventions);*
- *Health and social care facilities capacity, including General Practitioner Services and community health services to meet the needs of the growth in population, particularly the projected increase in number of elderly people; and*

- *Employment land servicing as identified on site by site basis.*

Wallace notes that the Council has undertaken a review of these requirements against the tests of Circular 3/2012.

1. It is evident that the Council is seeking financial contributions to a number of matters which are not directly attributable to the impacts of the development strategy and more importantly, individual sites allocated in the Proposed Plan.

For example, the need for financial contributions to meet the needs of existing health and social care facilities is unrelated to a new housing proposal (for example, projected increase in number of elderly people) and should be financed through separate financial arrangements.

This equally applies to funding within Rail Network contribution zones. The funding upgrades to the rail network is a Transport Scotland matter which is centrally funded by Scottish Government. It is a commercial operation and the network operator has a responsibility to ensure that the service is fit for purpose. Developer contributions should not be used fund improvements to services which fail to meet all of the tests in Circular 3/2012.

It is noted that developer contributions are sought to establish a GP practice in Blindwells. The establishment of a GP practice is a matter for the NHS and cannot be delivered through the planning system. The establishment of GP practices requires NHS approval and the costs associated with their establishment are funded by a separate funding system. The planning system can require that a masterplan for a new town such as Blindwells provides the opportunity to accommodate a new GP practice in terms of making available a serviced site in an appropriate location. It cannot oblige the funding and delivery of the actual GP practice as part of the planning system.

Wallace invites the Council to reconsider its financial requirements as set out in the Supplementary Guidance, to ensure that there is a direct relationship as required by Circular 3/2012.

2. Wallace recommends that the reference to ... *within the contribution zone that applies to that intervention...* should be deleted from Policy DEL1.

There has been significant development in Scottish planning case law relating to planning obligations in the last 12 months. This includes a number of appeal decisions as well as judicial review.

In particular, the Court of Session has quashed the *Supplementary Guidance – Strategic Transport Fund*, adopted by Aberdeen City and Shire Strategic Development Planning Authority (*Elsick Development Co Ltd v Aberdeen City and Shire Strategic Development Planning Authority and Goodgrun Ltd* [2016]). This Supplementary Guidance required developers to contribute towards the cost of transport improvements in Aberdeenshire.

In this case, the Cumulative Transport Assessment methodology was flawed because it based its assessment on the proportion of traffic from each new development using the transport improvements, and not the traffic from new developments as a proportion of the total traffic using the transport improvements.

This decision has important implications for planning authorities seeking cumulative financial contributions through supplementary guidance. Planning authorities must establish a clear-cut and direct link between new development and the improvements sought. Cumulative financial contributions will be lawful provided the policy tests in Circular 3/2012 are met.

Planning authorities need to establish the required link between new development and the improvements.

A review has been undertaken of Technical Note 14 *Draft Developer Contributions Framework* to ascertain the calculation of the developer contribution and its relationship to the allocated sites in the Proposed Plan. This review highlights a number of concerns over the transparency of the modelling assumptions used to derive the scale of impact and subsequent cost to mitigate. The following is not an exhaustive list of comments but highlights a number of principles:

Education

- The pupil product ratio being used in the modelling along with other assumptions has not been explicitly defined across the school catchment areas. This makes it difficult to assess how the mitigation measure and cost was derived;
- It is difficult to ascertain why the mitigation measure has been chosen and the cost attributed to the proposal;
- It is difficult to understand what and why financial contributions are being made by the Council, existing committed development, and reason for costs attributable to the new allocations in the Proposed Plan;
- It is noted that the education contribution zones are defined on existing or proposed school catchment areas. Where a school catchment area is proposed, it is subject to the requirement for public consultation as set out in the Schools (Consultation) (Scotland) Act 2010 as amended. Accordingly, these proposed catchment areas are still subject to statutory process.
- The Council may from time to time require to modify its school catchment areas for operational purposes. Under the terms of the Supplementary Guidance, subsequent modifications to these education contribution zones will be required when it modifies existing school catchment areas. How does the Council intend to address this matter?

Transportation

- An examination of the proposed financial contributions highlights that for many developments, the actual costs sought are not significant. At most a substantial number of allocations may only be expected to make payments of a few thousand pounds. This highlights that the necessity for the intervention is not significant. It is evident that the Council has not considered significance of impact in its Transport Contribution Zones.

Further guidance is also required for proposals (allocated and windfall sites) which may be located in two adjacent transport contribution zones. The assumption is that these proposals only make a proportionate cost to each intervention based on the capacity of only each part of the proposal in each zone.

The Council's approach may be contrary to current case law as the Court determined in the judgement in *Elsick Development Co Ltd v Aberdeen City and Shire Strategic Development Planning Authority and Goodgrun Ltd* [2016]. One of the conclusions in the judgement is as follows:

[37] The general statement (in para 7.3) to effect that contributions will not be used to support projects not affected by the contributing development can have little meaning where the contributions are all pooled. The statement goes on to say that all the interventions are "necessary to make all developments acceptable in planning terms". For the reasons outlined above, that statement is materially flawed given the accepted lack of any impact on many of the interventions by several of the development zones and consequently the developments within them. In so far as the revised Table 7.2 has been employed to support the proposition, that the

*developments can only be regarded as acceptable in planning terms if each intervention is delivered, the basis for the SG is unreasonable. The new figures do not demonstrate a relationship between any, or all, of the new developments and the intervention proposed. **The statistic, that a certain proportion of new development traffic will use a particular intervention, does not provide any material to support a contention that the intervention is necessary by reason of the new development by itself or when accumulated with the effects of other developments.** [our emphasis]*

- Wallace wishes to highlight the necessity test in Circular 3/2012 and invites the Council to review its transport contribution costs per zone. It is evident that the approach adopted by the Council to defining these zones is highlighting how minor the final cost contribution is going to be, e.g. many of the contributions in the zones will only amount to a few thousand pounds at most. It is difficult to reconcile a planning obligation of a few thousand pounds to the test of necessity in Circular 3/2012.
- An examination of the cost of interventions from a particular area within a zone highlights a number of inconsistencies which undermine the validity of the modelling approach.

We wish to highlight this comment by reference to *Mitigation of Cumulative Impacts at Tranent High Street Contribution Zones*. Zone 12 in south Tranent is to contribute £10.70 per home towards Tranent High Street, whereas Zone 4 in east Wallyford is to contribute £459.24 per home. It is difficult to understand the logic behind the variance in the charging of the mitigation costs and compliance with the tests in Circular 3/2012.

This is not an isolated example as a review of the costs per home across all the zones for each intervention also demonstrates this effect.

The deletion of this wording from Policy DEL1 ensures that the policy mechanism in the Local Development Plan is not affected by any subsequent case law or challenges to the inconsistencies in the methodology being employed to derive the value of the developer contributions.

3. Wallace recommends that the following sentence is inserted into Policy DEL1: *...Interventions will be funded from the infrastructure investment fund and at all times committed development will only be required to fund its proportionate share.*

The reason for this clarification is that the Council is committed to a delivery process which depends on drawing down the total cost of the intervention irrespective of whether it has the full cost contribution from all identified proposals.

Without this reference, the delivery of the Council's development strategy could be delayed, if a developer is required to fund the full cost of the intervention but is only responsible for a proportion of the impact. For example, if four sites contribute to a defined intervention, and the initial site securing planning permission is required to meet 40% of the costs because of its impact, the delivery mechanism would not require that developer to deliver the full cost of the intervention.

By making the Council's delivery mechanism transparent in the policy, this will provide essential guidance when it comes to defining the triggers in each individual Section 75 agreement.

4. Wallace recommends that the following sentence is inserted into Policy DEL1: *...In formulating the overall cost of the planning obligations, regard will be given to the impact on development viability to ensure the delivery of an effective site.*

The reason for this addition is to allow both the developer and the Council to come to an arrangement about the overall cost of the planning obligations or the timing of agreed payments. As an example, the overall cost of the planning obligations for PROP MH15 *Whitecraig North* is as follows:

- Proposed Musselburgh Secondary Education Contribution Zone = £4,073 per unit
- Proposed Whitecraig Primary Education Contribution Zone = £9,618 per unit
- Segregated Active Travel Corridor Contribution Zones 10 / 12 = £454.5 per unit
- Rail Network contribution zones 11 / 19 = £52.95 blended rate per unit
- Old Craighall A1(T) / A720 Junction Developer Contribution Zones 4 / 9 = £131.66 blended rate per unit
- Salter's Road Interchange A1(T) Contribution Zones 6 / 21 = £162.67 blended rate per unit
- Bankton Interchange A1(T) Contribution Zones 9 / 16 = £69.76 blended per unit
- Mitigation of Cumulative Impacts in Musselburgh Contribution Zones 2 / 14 = £86.48 blended per unit
- Mitigation of Cumulative Impacts at Tranent Contribution Zones 2 / 14 = £149.34 blended per unit
- Proposed Musselburgh Sports Facilities Contribution Zones = £1,270 per unit

If this assessment is valid, then the total cost per unit is £16,068.36. For 250 homes, this represents an overall cost for planning obligations at £4,017,090.

At over £4M, the cost of the planning obligation is material and due allowance should be made in policy to enable discussions between the developer and the Council to maintain a viable and therefore effective proposal.

This can be in terms of the overall cost, or the timing of any agreed payments.

Proposals Map

1a. Proposal Map - What modifications do you wish to see made to the LDP Proposal Map? Please state all relevant area and inset map numbers to which the modification(s) refer. Your justification for this will be sought in the next question.

Modifications(s) Sought:

For the reasons given above, the site boundary of MH15 should be amended to accommodate a viable and safe access from Whitecraig Road as shown in the *Development Framework Report* submitted with this representation. This should be reflected in the Proposals Map.

1b. Please give any information/reasons in support of each modification suggested to the LDP Proposal Map. State all relevant areas and inset map numbers of the plan to which the modification(s) refer.

Justification for Modification(s):

For the reasons given above, the site boundary of MH15 should be amended as shown in the *Development Framework Report* as submitted with this representation. This should be reflected in the Proposals Map.



Whitecraig Road, Whitecraig Development Framework Report

Representation to Proposed Local Development Plan

November 2016

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An opportunity to provide 250 homes at PROP MH15

1. Introduction

Introduction

East Lothian Council is seeking representations to the East Lothian Local Development Plan Proposed Plan (2016).

Wallace Land Investments (Wallace) controls land on the northern edge of Whitecraig. The extent of this control is shown on the plan opposite. These representations are submitted on behalf of Wallace and the landowner, The Sir John Hope Executry.

This site has been allocated in the Proposed Plan, reference PROP MH15: *Land at Whitecraig North*. This site is allocated for circa 200 homes in the Proposed Plan. Wallace supports the allocation of this site for housing.

In terms of capacity, Wallace considers that this allocated site is capable of accommodating up to 250 homes.

However, Wallace has technically appraised the site and seeks an amendment to the allocation boundary. This is to ensure a viable and safe access point from Whitecraig Road can be achieved. The principle of the amended location of this access has been agreed with East Lothian Council.

The site is in a sustainable location and offers the potential to provide a sustainable development. It is part of the East Lothian Strategic Development Area and is therefore a preferred location for future development.

This Report responds to the Site Assessment presented in the *Draft Environmental Report Appendix 5 Musselburgh Area Site and Strategic Environmental Assessments*.

One of the conclusions from the Council's Site Assessment is that *...its development would therefore align quite well with strategic policy objectives of steering new development towards the most sustainable locations within the city region*.

This Report also takes into account the Council's policy framework in the Proposed Plan and in particular the *Development Brief for Land at Whitecraig North*, which is part of Supplementary Guidance (*Development Briefs Pt1*).

This Development Framework Report highlights the reasons why the access from Whitecraig Road should be approved outwith the Council's allocation boundary and within an amended boundary proposed by Wallace.

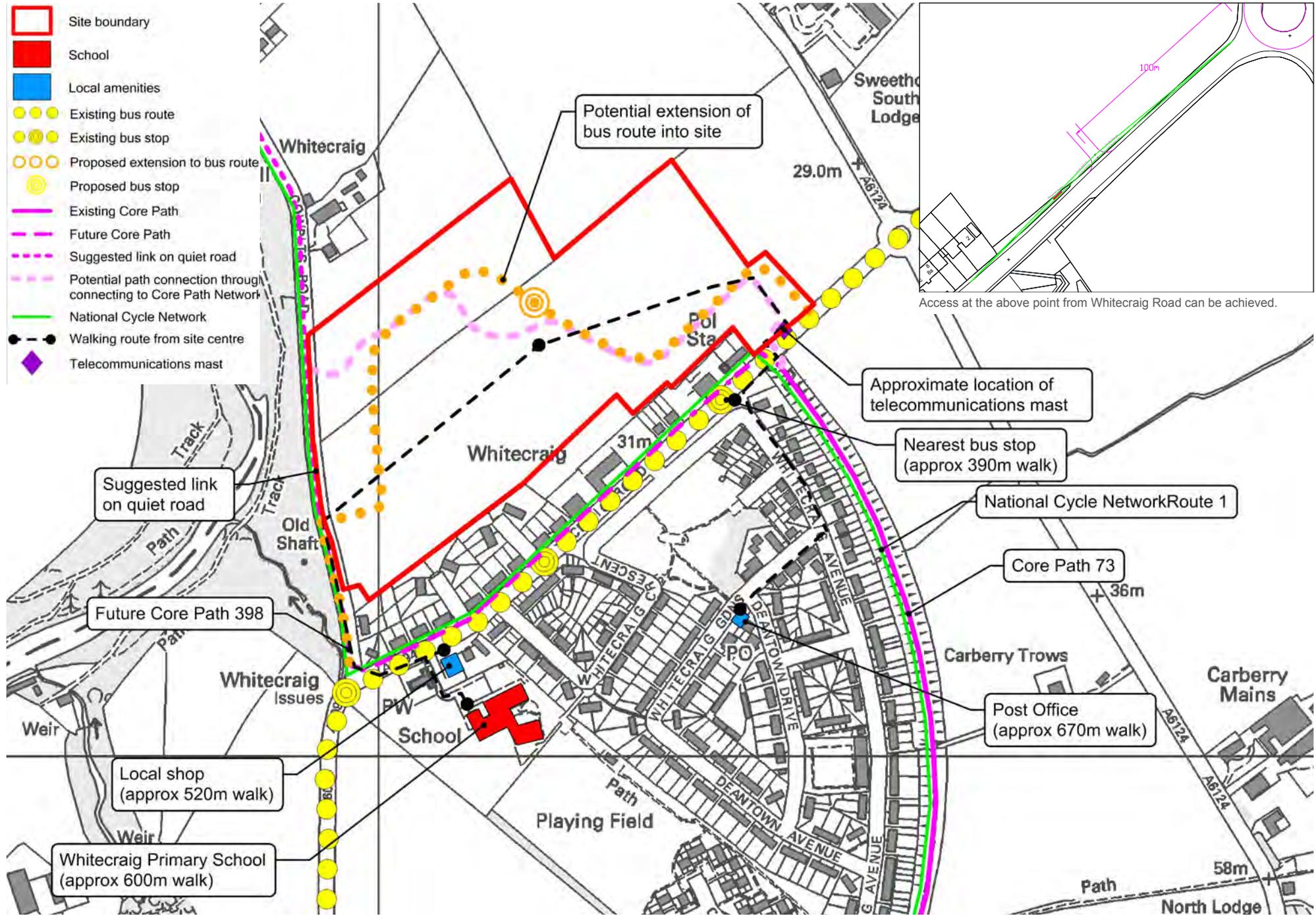
It provides more detailed information to the Council, updating the Council's assessment and highlighting ways in which mitigation measures, as part of the proposal, can address any potential impacts.

Meeting Housing Land Requirements

As part of the representations to the Proposed Plan, the *Assessment of Housing Land Supply* concludes that the proposed development strategy, outlined in the Proposed Plan, does not meet the housing land target set by SESplan to 2019.

Further land allocations are required to meet the housing land requirements in full up to 2019.

Wallace has appraised the site and can confirm that 250 homes can be accommodated within the Council's allocation boundary, whilst complying with the Council's open space/design standards. A revised allocation boundary is sought to provide a viable and safe access to Whitecraig Road.



The site is well connected to the existing settlement and can accommodate a bus route through the site

2. Connectivity of Site

The Council's *Development Brief* for PROP MH15: *Land at Whitecraig North* highlights the placemaking principles which the proposal needs to take into account.

The principle access arrangements in the *Development Brief* are set out below:

Vehicular access to the site must be taken from Cowpits Road. This will require the road to be upgraded and street lighting and path/ landscape requirements as set out in 2. The road will require widening from the south west corner of the site to the point of access on the western boundary. A second access could be taken from the A6094 Whitecraig Road. The 30mph speed limit area will need to be extended to accommodate the new accesses within the village. A connection through the site linking between these two access points must be capable of accommodating buses

It is evident that the Council's *Development Brief* is seeking a connection from Whitecraig Road through to Cowpits Road. In addition, this road connection should be capable of accommodating a bus service.

The access from Whitecraig Road, as proposed by the Council, has a limited frontage of around 45m which would include the space required for the access road. Within this available frontage, there is a telecommunication mast and other apparatus.



View of telecommunication mast along Whitecraig Road

Due to the presence of the existing telecommunication mast and the existing boundary of the house plot on Whitecraig Road, the access point from Whitecraig Road requires further consideration.

It is therefore recommended that an access from Whitecraig Road needs to be positioned outwith the Council's allocation boundary and set within a revised boundary as proposed by Wallace.

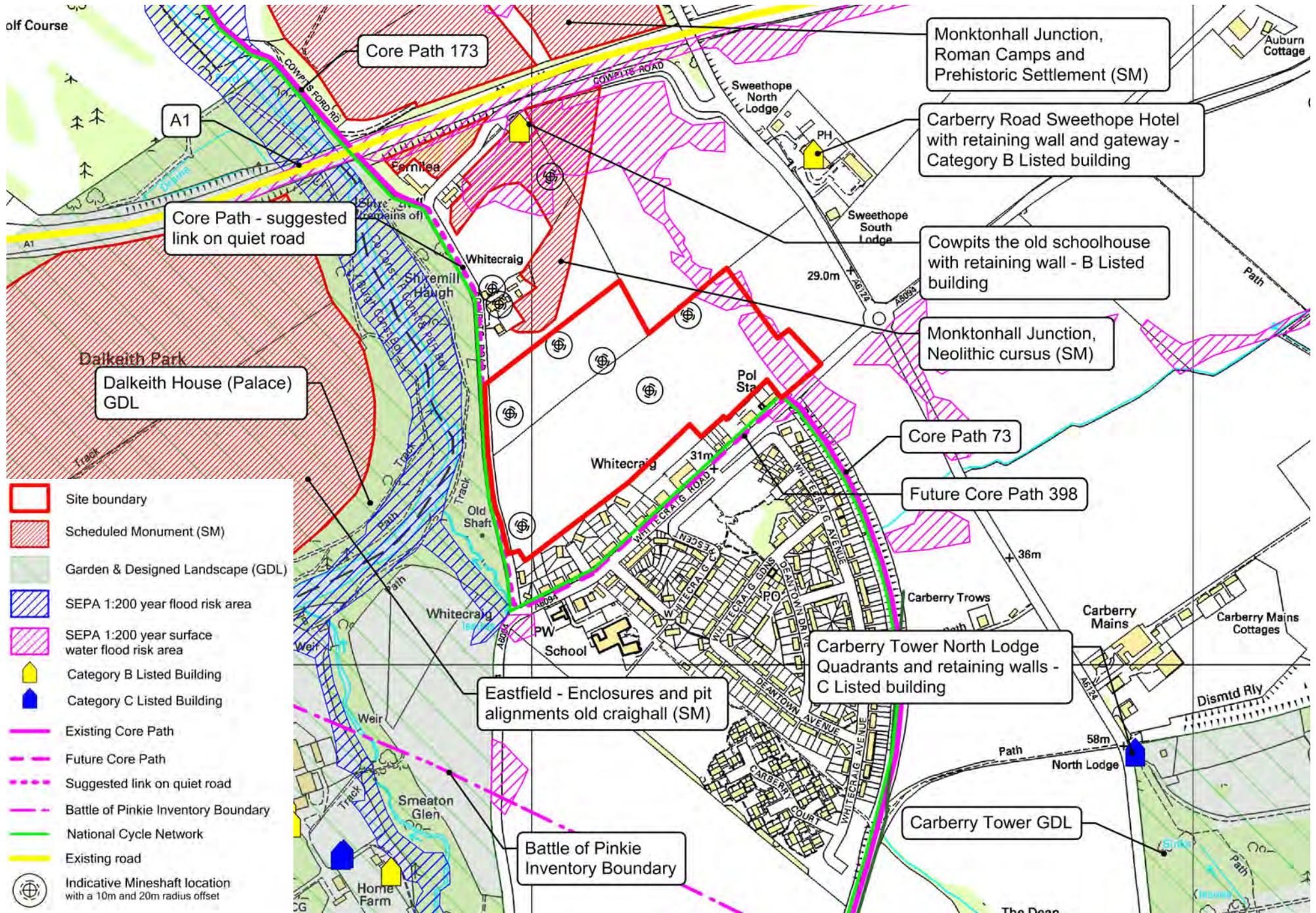
This will provide the required sightlines, taking into account the obstruction presented by the telecommunication mast and adjacent properties, as shown on the plan opposite.

Because the eastern boundary of the site will form a boundary for the Green Belt, it is proposed to plant a tree belt to help define this as a physical boundary.

There is infrastructure capacity in the existing road network with access proposed from Whitecraig Road and Cowpits Road.

There is an opportunity to connect Core Path 73 on the eastern side of the village with Core Path 173 to the north as part of this development.

The analysis confirms that the site is well located in terms of easy walking distances to the services and amenities in the village including the primary school, post office, bus services along Whitecraig Road and the village shop.



A comprehensive site analysis has been carried out.

3. Site Appraisal

The plan, shown opposite, illustrates the environmental context for the site.

Coal mining below the site has been recorded and this has been taken into account in the design and will inform the future development of the site. There may be a need to undertake ground stabilisation works, subject to engineering investigations.

There are a number of potential mineshafts on the site. These will need to be capped and safeguarded from any road alignments or foundations.

Additional costs arising have been factored into the development viability assessment for the site.

It is noted that parts of the site are poorly drained and suffer from pluvial flooding. The proposed mitigation measures to be introduced as part of the Sustainable Drainage System (SuDS) for the site will remedy any on site pluvial flooding.

The Council considers that the site represents a logical expansion in landscape terms. It consists of two open and fairly level fields that are currently in agriculture and equine uses.

The site is visually well-contained by adjacent woodland to the west and housing to the south.

The site boundary to the north and east does not benefit from the same strong landscape features. There are open views across the site from A6094 and A6224 from the east.

The Council concluded that *...The site is within the Green Belt but its development would not in itself result in settlement coalescence as it is separated from Musselburgh by the A1 and open land beyond.*

The site is within, although on the periphery of, the designated Battle of Pinkie battlefield, adjacent to *Dalkeith House Garden and Designed Landscape*.

It is also now adjacent to the Scheduled Monument of *Monktonhall Junction, Roman Camps and prehistoric settlement*. Historic Environment Scotland (HES) has recently scheduled land adjacent to the site as it may contain archaeology with potential of national importance. The proposal is not part of this Scheduled Monument.

The design of the proposal has provided open space and a landscape buffer to further protect the setting of this feature.

Historic Environment Scotland's Battlefield Inventory for the Battle of Pinkie highlights that, although the site is within the battlefield, it is at the edge of the Inventory area. The main focus of the battle was further east.

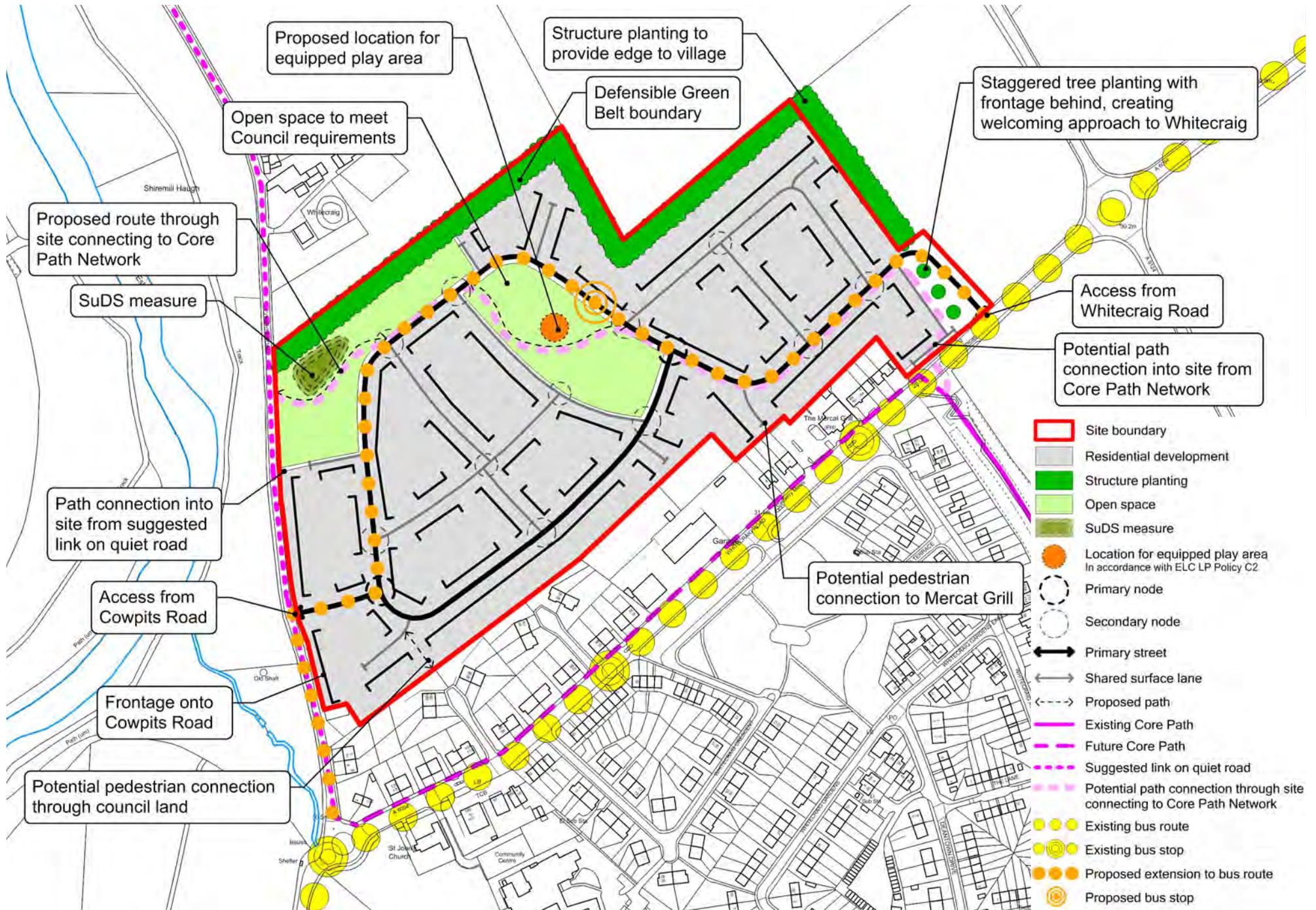
Research of the battle manoeuvres carried out by HES, and explained in the Inventory, confirms that cultural and visual relationships of the battle are not impacted on by further development at this location. Development at this location would not undermine the understanding of the battle.

Whilst the site's location in the battlefield does not preclude development, it is acknowledged that further archaeological studies will be required prior to development. This will provide a better understanding of the battlefield landscape and record any associated archaeological remains.

The Council notes that there is also potential for impact on the setting of a category B-Listed schoolhouse at the site's northern edge and a B-Listed hotel to the east. These Listed buildings are some distance away. Appropriate boundary mitigation measures, as part of the design of the proposal, can minimise any impacts on the Listed buildings.

This boundary treatment will also establish new inner boundaries for the Green Belt which are robust.

Locating the access from Whitecraig Road just to the east of the Council's allocation boundary and set within a revised boundary as proposed by Wallace, does not give rise to any additional adverse environmental impacts.



The allocated site delivers a more sustainable proposal with an increased capacity of up to 250 homes, if access is secured from Whitecraig Road.

4. Proposal

Wallace is seeking the relocation of the access from Whitecraig Road, just to the east of the Council's proposed allocation boundary and set within a revised boundary as proposed by Wallace. The proposal will be delivered on land under the control of Wallace.

The relocation of the access point allows for a viable and safe access to be provided from Whitecraig Road, which can then route through the site to Cowpits Road. This access arrangement can accommodate the local bus service. This would be in accord with the Council's *Development Brief* for the site.

Access will be taken from both Cowpits Road and Whitecraig Road to promote permeability with the proposal and the existing urban structure in the village.

The site can accommodate around 250 homes, including 25% affordable homes. These homes can be accommodated within the allocation boundary originally proposed by the Council.

This proposed scale of development provides balance in Whitecraig's urban structure, adding an appropriate scale of development on its northern edge. Almost all of the southern edge of the proposal backs onto existing development along Whitecraig Road.

Within the development, the proposed hierarchy of streets will prioritise pedestrian movement. Parking requirements will meet Council guidelines.

A strong landscape edge will provide screening on the northern and eastern boundaries. This provides a strongly defined edge to the village boundary and the inner boundary of the Green Belt.

Boundary treatments, on the north and east of the site, also minimise impacts on the setting of the Scheduled Monument to the north and the two Listed buildings beyond.

The site is within the Inventory Battlefield for the Battle of Pinkie. The boundary treatment provides visual containment in terms of any known or perceived relations - cultural or visual associations - with the battlefield.

The greenspace proposals within the site take into account areas of the site which cannot be developed due to potential historical mine shafts. These will add local interest within the urban structure of the development and will help local biodiversity.

SuDS measures will be provided including a basin designed into the greenspace, which will encourage biodiversity. These SuDS measures will resolve existing pluvial flooding on site. Surface water discharge will be restricted to greenfield run-off rates and will be provided in accord with Scottish Water and Council requirements.

The location of the play area will be determined through consultation with the Council, but will be overlooked, encouraging passive surveillance from adjacent homes.

Other than the location of the access road from Whitecraig Road, the proposal complies with the Council's *Development Brief* for PROP MH15: *Land at Whitecraig North*.

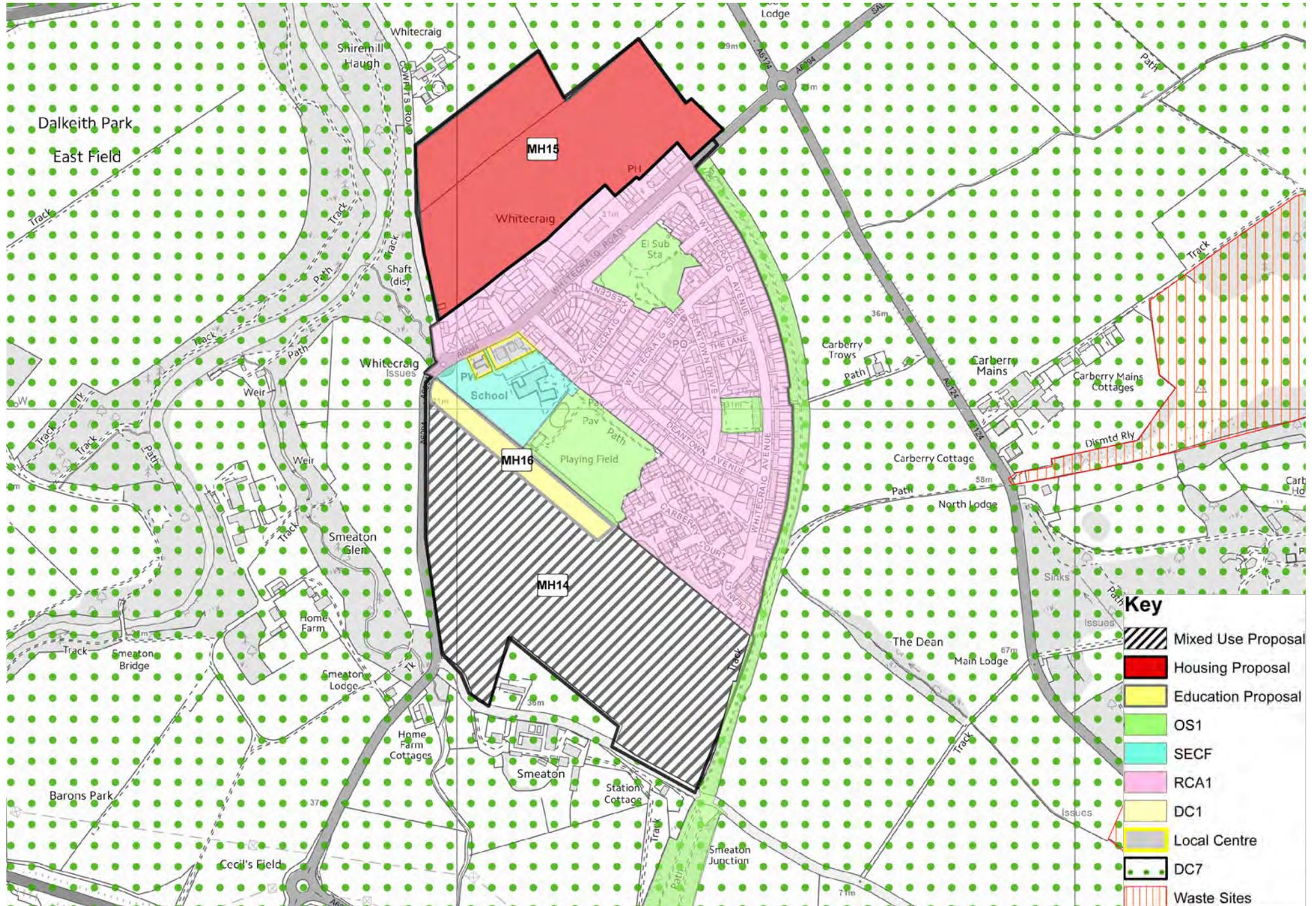
It is also in accord with the Council's placemaking agenda, as set out in its Supplementary Guidance.

The proposal also complies with Scottish Government's guidance on sustainable development presented in Scottish Planning Policy (SPP).

The Strategic Environmental Assessment (SEA) for the site, undertaken by the Council, has been reviewed taking this proposal into account. This confirms that the proposal continues to be a sustainable development.

A Statement of Site Effectiveness has been prepared, taking account of the tests in PAN 2/2010. This Statement confirms that the site is effective and will be developed during the initial period of the plan.

Confirming that the site capacity can be increased from 200 to 250 homes will help address the housing shortfall to 2019.



Recommendation to increase the capacity of PROP MH15: Land at Whitecraig North to up to 250 homes, and to modify the Development Brief to enable access from Whitecraig Road

5. Recommendation for Proposed Plan

This site extends to 10.8ha and can accommodate up to 250 homes.

Wallace Land Investments invites the Council to modify PROP MH15: *Land at Whitecraig North* to increase the site capacity to up to 250 homes for the reasons set out in this Development Framework Report.

The site can accommodate a viable development proposal and is effective. It can be developed over a 5 year period including affordable housing in the initial plan period.

The updated Strategic Environmental Assessment for this proposal demonstrates that the proposal delivers environmental benefits.

The Council is also invited to amend its Development Brief and the allocation boundary of the site to include a revised access to Whitecraig Road, which takes into account technical considerations to provide a viable and safe access point to Whitecraig Road.



The Quadrant
17 Bernard Street
Leith
Edinburgh
EH6 6PW

[t] 0131 553 3639

[e] info@geddesconsulting.com
[w] www.geddesconsulting.com

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This document was prepared by Geddes Consulting.

Geddes Consulting | The Quadrant | 17 Bernard Street | Leith | Edinburgh | EH6 6PW

[t] 0131 553 3639

[e] info@geddesconsulting.com

[w] www.geddesconsulting.com

Whitecraig Road, Whitecraig Statement of Site Effectiveness

Introduction

Scottish Government now specifically requires local authorities to ensure that sites allocated in Local Development Plans are effective and can contribute completions during the development plan period. An effective housing site can finance necessary infrastructure costs. An effective housing land supply delivers a viable LDP.

The overall level of programmed annual completions from all sites in the effective land supply need to be sufficient to maintain a 5 year effective land supply at all times and so meet the identified housing requirement in the approved development plan, as well as meeting the shortfall identified by the assessment of housing need and demand in the Local Housing Strategy.

These policy requirements are set by Scottish Government in Scottish Planning Policy (SPP). A council now needs to be satisfied through its own appraisal that an allocated site is effective in order to comply with the Strategic Development Plan, following the guidelines set out by Scottish Government in PAN 2/2010 *Affordable Housing and Housing Land Audits*.

There is an expectation that all sites to be allocated in the LDP will be subject to testing by the Council and a conclusion reached as to the overall construction period (taking account of the developer's or house builder's lead-in period). This construction timeframe would then define the annual rate of completions expected. Currently, most house builders expect to deliver a house sale rate of 2 to 3 homes per month or between 24 and 36 sales per annum. Affordable housing requirements would be in addition to this but certainly provided before the development is completed.

PAN 2/2010 includes a series of criteria to test the effectiveness of individual sites. This guidance is used to assess whether a site or portion of a site is effective. By applying the tests of effectiveness in this guidance, it can be demonstrated that within the 10 year period of LDP under consideration, the site is capable of development for housing, being free of potential site constraints as set out in PAN 2/2010.

Outcome

Based on the appraisal of the criteria in PAN 2/2010, the proposal at Whitecraig Road, Whitecraig by Wallace Land Investments (Wallace) for around 250 homes is an immediately effective site. This Statement explains how the proposal meets the tests of effectiveness in PAN 2/2010.

The proposal will be developed over an 8 year period from 2018 if only one housebuilder is on site. The period would be less than 6 years if a second house builder was accommodated on site. This will include private sales by a house builder, together with the building of affordable homes during this period.

Appraisal

This conclusion is based on the following analysis.

Criteria	Response	Comment
<p>Ownership: the site is in the ownership or control of a party which can be expected to develop it or to release it for development. Where a site is in the ownership of a local authority or other public body, it should be included only where it is part of a programme of land disposal.</p>	<p>The site is under the control of Wallace Land Investments (Wallace). It is immediately available for development.</p> <p>Construction will start once all relevant planning and other consents are secured which are planned for 2017 onwards.</p>	<p>Complies</p>
<p>Physical: the site, or relevant part of it, is free from constraints related to slope, aspect, flood risk, ground stability or vehicular access which would preclude its development. Where there is a solid commitment to removing the constraints in time to allow development in the period under consideration, or the market is strong enough to fund the remedial work required, the site should be included in the effective land supply.</p>	<p>Adverse development factors give rise to abnormal development costs which can affect the viability of a site and hence its effectiveness.</p> <p>Appraisals of the site have been carried out to establish whether there any constraints to development and what measures are necessary to enable development on the site. These appraisals also determine whether the site is viable for future development.</p> <p>The following assessments will be undertaken relating to the physical aspects of the site's future development:</p> <ul style="list-style-type: none"> • Engineering Assessment with Drainage Report, Mining Risk Assessment, and Flood Risk Assessment; • Transport Assessment; • Desk-based Archaeological Assessment; • Heritage Impact Assessment; • Arboricultural Assessment; • Ecological Assessment; • Landscape and Visual Impact Assessment; • Air Quality Impact Assessment; 	<p>Complies</p>

- Environmental Noise Impact Assessment.

The following comments are highlighted:

- The topography of the site can accommodate the necessary gradients and development platforms for the proposal without extensive ground modelling.
- The site has been subject to mining in the past. A number of mine shafts are present on the site. These mine shafts and adits will be located and then grouted and capped.

A detailed site investigation to locate mine shafts will be carried out after the proposal has secured Planning Permission In Principle. The detailed site layout together with ground engineering solutions will ensure that no development is affected by the legacy of past mining. The proposal has identified areas with mine shafts as open space and the proposed road layout avoids mine shafts on any route.

- The development area is not subject to fluvial flood risk as highlighted in SEPA's flood mapping. The pluvial flooding on the site as identified by SEPA will be resolved by the proposed SuDS measures. The SuDS measures ensures that run-off from surface water drainage will be discharged at greenfield rates. A detention basin in the northwest of the site will regulate water discharge.
- The site can accommodate the scale of development proposed. Two access points are proposed off Whitecraig Road and Cowpits Road. Additional path connections are proposed.
- Cultural heritage interests within the site are of lesser significance than the adjacent Scheduled Monument to the north of the site. Mitigation measures are proposed on the northern boundary of the site to avoid adverse impacts on the setting of the Scheduled Monument.
- The site is used for arable purposes and is of low ecological value. Existing hedges will be retained. Greenspace proposals along with gardens will enhance the biodiversity of the site.
- The site has the landscape capacity to accommodate development without significant adverse impacts. The inner boundary of the Green Belt is to be the northern and eastern boundaries of the proposal. A tree belt will be planted in accord with the Council's *Development Brief* for PROP MH15: *Land at Whitecraig*

	<p><i>North.</i></p> <p>There are no physical constraints on this site to either prevent development in accordance with the proposed Indicative Development Framework or require engineering works which will generate unacceptable abnormal costs.</p> <p>As agreed with the Council, the access point specified by the Council in the <i>Development Brief</i> will need to move further east, beyond the identified boundary of the allocated site. This is necessary to gain safe access from Whitecraig Road, providing suitable visibility splays to meet Councils requirements. Wallace Land Investments therefore seeks an amendment to the allocation boundary to accommodate this viable and safe access.</p> <p>This is also presented in the <i>Development Framework Report</i> submitted with this representation to help identify the appropriate access point from Whitecraig Road.</p>	
<p>Contamination: previous use has not resulted in contamination of the site or, if it has, commitments have been made which would allow it to be developed to provide marketable housing.</p>	<p>The site is in arable agricultural use and is a greenfield site. Most of the site is prime agricultural land.</p> <p>It is known that several mine shafts are present on the site. All mine shafts will be grouted and capped. Any contamination on site from these past uses will be subject to clean up.</p> <p>An intrusive site investigation will be undertaken to confirm the mitigation measures at the detailed design stage.</p>	<p>Complies</p>
<p>Deficit Funding: any public funding required to make residential development economically viable is committed by the public bodies concerned;</p>	<p>Wallace is promoting the development of this site for new homes. The development principles are in accord with the Council's requirements.</p> <p>No funding from the public sector is required to make the development viable, except for the provision of subsidy for affordable housing. Wallace is committed to providing 25% affordable housing in accord with the Council's policy.</p> <p>Wallace is also willing to provide affordable (low cost home ownership) housing without subsidy to augment the supply of subsidised affordable housing to achieve the agreed overall requirement as necessary.</p>	<p>Complies</p>

<p>Marketability: the site, or a relevant part of it, can be developed in the period under consideration;</p>	<p>East Lothian is a prime housing market area. There is an ongoing and significant demand for a full range of market housing in the locality as well as affordable housing needs. There is considerable interest from house builders to develop in this location as this is a prime location for private housing.</p> <p>This is confirmed by the regional Housing Need & Demand Assessment (HNDA) and the Council’s Local Housing Strategy. The Council has allocated sites in the locality as part of its development strategy for the Proposed LDP which recognises the area’s marketability for housing.</p> <p>Wallace expects at least one house builder to be constructing on the site, together with the delivery of 63 affordable homes.</p> <table border="1" data-bbox="577 580 1704 738"> <thead> <tr> <th>Whitecraig Road, Whitecraig</th> <th>18/19</th> <th>19/20</th> <th>20/21</th> <th>21/22</th> <th>22/23</th> <th>23/24</th> <th>24/25</th> <th>25/26</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>Market</td> <td>24</td> <td>24</td> <td>24</td> <td>24</td> <td>24</td> <td>24</td> <td>24</td> <td>19</td> <td>187</td> </tr> <tr> <td>Affordable</td> <td>0</td> <td>0</td> <td>30</td> <td>0</td> <td>33</td> <td>0</td> <td>0</td> <td>0</td> <td>63</td> </tr> <tr> <td>Total</td> <td>24</td> <td>24</td> <td>54</td> <td>24</td> <td>57</td> <td>24</td> <td>24</td> <td>19</td> <td>250</td> </tr> </tbody> </table> <p>The pace of house building on the site will be determined by the availability of education capacity at the primary school and the planned delivery of extensions to this primary school.</p>	Whitecraig Road, Whitecraig	18/19	19/20	20/21	21/22	22/23	23/24	24/25	25/26	Total	Market	24	24	24	24	24	24	24	19	187	Affordable	0	0	30	0	33	0	0	0	63	Total	24	24	54	24	57	24	24	19	250	<p>Complies</p>
Whitecraig Road, Whitecraig	18/19	19/20	20/21	21/22	22/23	23/24	24/25	25/26	Total																																	
Market	24	24	24	24	24	24	24	19	187																																	
Affordable	0	0	30	0	33	0	0	0	63																																	
Total	24	24	54	24	57	24	24	19	250																																	
<p>Infrastructure: the site is either free of infrastructure constraints, or any required infrastructure can be provided realistically by the developer or another party to allow development;</p>	<p>Preliminary investigations confirm the following:</p> <ul style="list-style-type: none"> • Gas, electricity and telecoms can be provided; • Foul drainage from the site can be accommodated; and • Water supply to the site can be provided. <p>Infrastructure of the required capacity can be made available, subject to undertaking a DIA and WIA with Scottish Water.</p> <p>Appraisals carried out confirm that the school children from the development can be accommodated in the catchment schools taking account of the solutions presented by the Council in its Supplementary Guidance: <i>Developer Contributions</i>. Financial contributions to fund planning obligations will be available from Wallace to fund any necessary upgrades to infrastructure in line with Circular 3/2012.</p>	<p>Complies</p>																																								

<p>Land Use: housing is the sole preferred use of the land in planning terms, or if housing is one of a range of possible uses other factors such as ownership and marketability point to housing being a realistic option.</p>	<p>Wallace is contracted with the land owner to deliver residential development on this site.</p> <p>As a residential development, the site provides the full range of housing tenure to create a socially inclusive development.</p> <p>Except for the location of the access from Whitecraig Road, the proposal complies with the Council's <i>Development Brief</i> for PROP MH15: <i>Land at Whitecraig North</i>.</p> <p>As agreed with the Council, the access point specified by the Council in the <i>Development Brief</i> will need to move further east, beyond the identified boundary. This is required to gain safe access from Whitecraig Road, providing suitable visibility splays to meet Councils requirements. Wallace Land Investments therefore seeks an amendment to the allocation boundary to accommodate this viable and safe access.</p>	<p>Complies</p>
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**East Lothian Local Development Plan
Assessment of the Housing Land Supply**

On behalf of



November 2016

Prepared by :



The Quadrant
17 Bernard Street
Leith
Edinburgh
EH6 6PW

[t] 0131 553 3639

[e] info@geddesconsulting.com

[w] www.geddesconsulting.com

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1.0 Introduction

- 1.1. There are issues regarding the methodology adopted by East Lothian Council (the Council) to define the housing supply target, housing land requirement and the programme of completions for the proposed allocations for the Local Development Plan (LDP). These issues need to be addressed by the Council prior to submission of the LDP to Examination.
- 1.2. This *Assessment of the Housing Land Supply* (the Assessment) examines the methodology and assumptions adopted in the LDP, as set out in the Technical Note 1 *Planning for Housing*.
- 1.3. The Council's proposed development strategy will not meet the requirements as set out by SESplan Strategic Development Plan (SDP) or Scottish Planning Policy (SPP) as well as the approved guidance in PAN 2/2010 *Affordable Housing and Housing Land Audits*.
- 1.4. The analysis in this Assessment confirms the proposed development strategy:
- assumes many of the proposed allocations will begin to be built in 2017/18, and this general assumption is not supported by Homes for Scotland;
 - does not identify the housing land requirement 10 years post adoption to 2028; and
 - the housing land requirement for the period to 2019 is not met in full.
- 1.5. This Assessment confirms that there is a shortfall in the scale of new housing allocations required in the LDP to meet the housing land requirement in full.
- 1.6. Further effective housing land releases are needed in support of the Council's proposed development strategy.
- 1.7. For the purposes of the LDP, Table HOU2 *Housing Land Requirement* should be replaced with the following tables below:

Table HOU2 Housing Land Requirement

Planning Periods	2009-2019	2019-2024	2024 - 2028
Housing Supply Target	6,250	3,800	1,910
Housing Land Requirement (20%)	7,500	4,560	2,292
Dwelling Completions (2009 to 2015)	2,038	0	0
Contribution from the Established Land Supply	2,670	2,143	0
Contribution from Future Windfall Sites	84	105	56
Loss of Supply to Dwelling Demolitions	-15	-8	-6
Contribution from Blindwells	0	291	388
Sub-Total Housing Land Supply	4,777	2,531	444
Contribution required from New Allocations	2,723	2,029	1,848
Updated Contribution from New Allocations	790	3,725	1,485
Shortfall / Surplus	-1,933	+1,696	-364

- 1.8. Further additional allocations are required to be allocated in the LDP. Overall, there is a shortfall of 601 homes over the timescale of the LDP from 2009 to 2028. However, in the period to 2019, a significant shortfall of 1,933 homes is expected to emerge.
- 1.9. The Council's proposed allocation of 7,285 homes is insufficient in terms of programming to meet the scale of allocation required. Further effective housing land capable of accommodating additional homes is required in the short term.
- 1.10. The consequence of failing to make these additional allocations is that the Council will not be maintaining a 5 year effective housing land supply from the adoption of the LDP. This will mean that the housing land supply policies in the LDP will be considered out of date in accord with SPP paragraph 125. In these circumstances, a presumption in favour of development that contributes to sustainable development will apply through the development management process as set out in SPP paragraphs 29 and 32 to 35.
- 1.11. Should the Council not identify additional allocations to maintain a 5 year effective housing land supply at all times from the point of adoption, a Hearing Session will be required as part of the Examination process to resolve matters.

2.0 Scottish Planning Policy and National Guidance

Scottish Planning Policy

- 2.1 SPP (June 2014) sets out the policy requirements in paragraphs 109 to 125 for both development plans and development management for *Enabling the Delivery of New Homes*.
- 2.2 The policy principles which have a direct consequence on the Council's preferred development strategy and are summarised in SPP, paragraph 110:
- Policy Principles**
- 110. The planning system should:*
- *identify a generous supply of land for each housing market area within the plan area to support the achievement of the housing land requirement across all tenures, maintaining at least a 5-year supply of effective housing land at all times;*
 - *enable provision of a range of attractive, well-designed, energy efficient, good quality housing, contributing to the creation of successful and sustainable places; and*
 - *have a sharp focus on the delivery of allocated sites embedded in action programmes, informed by strong engagement with stakeholders.*
- 2.3 The delivery mechanism should include partnership working with a range of partners including the delivery sector such as Homes for Scotland as set out in paragraph 111.
- 2.4 LDPs should be based on a robust and credible HNDA. It should adopt the housing supply target based on evidence from the HNDA for both affordable and market sector housing. As paragraph 115 explains, this housing supply target is a policy view of the number of homes to be delivered over the development plan period but must properly reflect the HNDA estimate of housing demand and be supported by compelling evidence. The choice of the housing supply target should also be reflected in the local housing strategy.
- 2.5 In paragraph 116, the housing supply target will be based on the number of homes to be built in the plan period together with a margin of 10% to 20% to ensure a generous land supply is provided. The exact extent of the margin depends on local circumstances and requires a robust explanation. This then establishes the housing land requirement for the LDP.
- 2.6 The application of the 'generosity allowance' translates the housing supply target to the housing land requirement.
- 2.7 Sources of land supply to meet the housing land requirement are referred to in paragraph 117. These include the established land supply, proposed new allocations and a proportion of windfall development which can be justified.
- 2.8 This housing supply target should be set out as well as the housing land requirement up to year 10. This housing supply target should be met in full (paragraph 120). In addition beyond year 10 and up to year 20, the LDP should provide an indication of the possible scale and location of housing by local development plan area.
- 2.9 This process is helpfully set out in Diagram 1 on page 30 of SPP.

2.10 SPP requires planning authorities to maintain a 5 year effective land supply at all times, using the housing land audit process as a monitoring tool measure whether this requirement is being met (paragraph 123).

2.11 Where a shortfall in the 5 year effective land supply emerges, paragraph 125 sets out that development plan policies for the supply of housing land will not be considered up to date and reference to paragraphs 32 to 35 of SPP is made. This is a reference to the development management process and how the issue of prematurity is to be addressed with a presumption in favour of sustainable development.

National Guidance

2.12 In considering the implications of these paragraphs set out in SPP, their interpretation needs to have regard for the existing guidance in PAN2/2010, specifically:

- factors which determine whether a site is effective or not (paragraph 55);
- restricting the proportion of effective land to be included to that which can be built in the plan period (paragraph 56); and
- assessing the amount of effective housing land using the housing land audit process (paragraph 57).

2.13 Further, Scottish Government's response to the Review of Planning indicated that Planning and Architecture Division (PAD) will be reducing their input to current development plans. A Service Standard was published on 16th August 2016 outlining how PAD will input to development plans from September 2016.

2.14 An accompanying note was prepared to aide Planning Authorities in preparing LDPs. On matters relating to *New Homes*, Scottish Government requires the following to be set out in the LDP:

- Plans should use the same terminology as used in the SPP;
- Plans should set out figures, preferably in a table, identifying:
 - HNDA estimates;
 - Housing Supply Target for each Housing Market Area. This should be separated into market and affordable sector;
 - The percentage of generosity, and a summary of the reason for this; and
 - The Housing Land Requirement.
- Plans should set out what approach would be taken where an annual Housing Land Audit indicates there is a shortfall in the 5 year effective housing land supply; and
- Plans should consider the level of affordable housing contribution which can realistically be delivered. The level of affordable housing required as a contribution should generally be no more than 25% of the total number of houses.

2.15 Accordingly, the LDP may require modification to take account of these matters prior to Examination.

3.0 SESplan SDP

3.1 In approving SESplan SDP, Scottish Ministers set out a requirement for Supplementary Guidance in respect of Policy 5 *Housing Land* to identify the housing land requirement to be met by the local development plans for the periods 2009 to 2019 and 2019 to 2024.

3.2 The Supplementary Guidance has now been approved by the Scottish Ministers subject to modification. The following sentence should be deleted from paragraph 3.13:

Member authorities will base their calculation of the five year land supply on the period 2009 - 2024, taking into consideration housing completions.

3.3 The SESplan Joint Committee considered the matter at its meeting on 30th June 2014 and recommended to the member authorities that the guidance be adopted with the modification

3.4 Policy 5 states that:

...Supplementary guidance will be prepared to provide detailed further information for Local Development Plans as to how much of that requirement should be met in each of those six areas, both in the period 2009 to 2019 and in the period 2019 to 2024.

...Subject to any justifiable allowance for anticipated house completions from 'windfall' sites, and for demolitions of existing housing stock, Local Development Plans will allocate sufficient land which is capable of becoming effective and delivering the scale of the housing requirements for each period, which will be confirmed in the supplementary guidance.

...Those existing housing sites which are assessed as being constrained, but also capable of delivering housing completions in the period 2024 to 2032, should be safeguarded for future housing development.

3.5 It is clear from Policy 5 that the housing land requirement for East Lothian is as set out in the Supplementary Guidance.

3.6 The SDP and its Supplementary Guidance was approved under SPP (2010). SPP (2014) has now been published and requires a housing supply target to be identified.

3.7 The Examination of the Edinburgh Proposed Plan concluded that the housing land requirement as set out in the Supplementary Guidance is now the housing supply target. Appropriately, a generosity allowance of between 10 - 20% will be added to the target to provide a housing land requirement.

3.8 Therefore the housing supply target for East Lothian is set out in the table below:

Local Development Plan	2009-2019	2019-2024
East Lothian	6,250	3,800

Source: Supplementary Guidance, Table 3.1 Housing Land Requirement by Local Development Plan Area

3.9 For the period beyond 2024, the housing supply target is set out in the table below:

Local Development Plan	2024 - 2032
East Lothian	3,820

Source: Supplementary Guidance (Technical Note), Table 3.1 Estimate of Need and Demand for Housing

3.10 According to SPP (paragraph 115), the housing supply target for East Lothian is as follows:

Local Development Plan	2009-2019	2019-2024	2024 - 2032
East Lothian	6,250	3,800	3,820

Source: Supplementary Guidance

3.11 It can be concluded that the SDP has adopted the findings of the HNDA and therefore the housing supply target as set out in paragraph 115 of SPP. This housing supply target should now be adopted by the Council for Local Development Plan purposes subject to application of the generosity allowance.

3.12 According to the HNDA and the Supplementary Guidance, most of the need and demand will arise in the period to 2019. It is therefore imperative that the finalised development strategy in the adopted LDP is capable of releasing the scale of effective sites needed in the short term. There needs to be no doubt about the effectiveness of the allocated sites in the LDP to deliver at least 6,250 homes by 2019.

3.13 SESplan Policy 6 *Housing Land Flexibility* requires that:

Each planning authority in the SESplan area shall maintain a five years' effective housing land supply at all times. The scale of this supply shall derive from the housing requirements for each Local Development Plan area identified through the supplementary guidance provided for by Policy 5. For this purpose planning authorities may grant planning permission for the earlier development of sites which are allocated or phased for a later period in the Local Development Plan.

3.14 Each planning authority in the SESplan area shall maintain a five year effective housing land supply at all times otherwise the development plan policies about the supply of housing land will not be considered up to date (SPP, paragraph 125).

3.15 As set out in paragraph 119, SPP requires that the emerging LDP should allocate a range of sites which are effective or are expected to be effective in the plan period to meet the housing land requirement of the strategic development plan up to year 10 from the expected date of adoption.

3.16 Further, the development strategy proposed in the emerging LDP should provide for a minimum of a 5 year effective land supply at all times.

4.0 East Lothian Local Development Plan

Setting the Housing Supply Target

- 4.1 The Council considers that SPP (2010), the SESplan Examination Report as well as the Supplementary Guidance do not require the housing land requirement set for East Lothian to be increased by a further generosity allowance of 10 – 20% in the preparation of the LDP (Technical Note 1, paragraph 4.1 to 4.6)..
- 4.2 This is contrary to the findings of the Edinburgh LDP Examination Report which supported the housing land requirement being defined as the housing supply target as well as a generosity allowance added to this figure.
- 4.3 The Council will note that this methodology has also been adopted in the Glasgow & the Clyde Valley SDP area for all adopted LDPs post SPP (2014).
- 4.4 In all instances, this methodology was considered appropriate given the passage of time from the approved SDP to the present.
- 4.5 The Council is also required to identify the housing supply target 10 year post adoption. With the expected date of adoption 2018, the Council is required to identify the housing supply target from 2024 to 2028, as well as the SESplan periods 2009 to 2019 and 2019 to 2024.
- 4.6 Using the evidence set out in the Supplementary Guidance, this equates to 1,910 homes from 2024 to 2028.
- 4.7 The housing supply target for East Lothian is set out in the table below:

Planning Periods	2009-2019	2019-2024	2024 - 2028
Housing Supply Target	6,250	3,800	1,910

- 4.8 Accordingly the Council's Table HOU2 *Housing Land Requirement* should be modified to reflect the outcomes set out in the table above.

Setting the Housing Land Requirement

- 4.9 The housing supply target is set out in the Glossary for SPP which explains that *...it is the number of homes to be built.*
- 4.10 The housing land requirement is therefore the housing supply target **plus** a generosity allowance of between 10% and 20%. The purpose of identifying a housing land requirement is to allocate sufficient effective housing land to meet the housing supply target in full.
- 4.11 The Council has identified a generosity allowance of 23% over the period 2009 to 2024. However, this represents 10% in the first period, 2009 to 2019, and 43% in the second period, 2019 to 2024. It is noted that this was established by identifying a range of suitable land for housing and the generosity level was calculated thereafter. This is due to supply led approach to determining generosity.
- 4.12 At present, the Council's adopted methodology to select the generosity allowance of 23% in the LDP is **contrary** to the requirements SPP as well as recently published note by Scottish Government.

4.13 SPP expects that ...*the requirement for each housing market area* is met in full (paragraph 118). This is an **overall** housing requirement to be met in full.

4.14 The housing land requirement for the LDP adopting a generosity allowance of 20% is set out in the table below:

Planning Periods	2009-2019	2019-2024	2024 - 2028
Housing Land Requirement (20%)	7,500	4,560	2,292

4.15 Based on a generosity allowance of 20%, the housing land requirement to plan for is 7,500 homes from 2009 to 2019; 4,560 homes from 2019 to 2024 and 2,292 homes from 2024 to 2028.

4.16 Accordingly the Council's Table HOU2 *Housing Land Requirement* should be modified to reflect the outcomes set out in the table above.

Identifying the Contribution from Dwelling Completions

4.17 The Council has identified that there were 2,038 homes completed in the period from 2009 to 2015. This is set out in the table below:

Planning Periods	2015-2019	2019-2024	2024 - 2028
Dwelling Completions (2009 to 2015)	2,038	0	0

Identifying the Contribution from the Established Land Supply

4.18 As set out in the Technical Note 1, the Council considers that the 2015 Housing Land Audit provides the baseline for the contribution from the established land supply, including small sites.

4.19 The contribution from the established land supply for the LDP is set out in the table below:

Planning Periods	2015-2019	2019-2024	2024 - 2028
Contribution from the Established Land Supply	2,670	2,143	0

4.20 Based on the 2015 Housing Land Audit, the contribution from the established land supply is 2,670 homes from 2009 to 2019 and 2,143 homes from 2019 to 2024. There are no homes programmed from 2024 to 2028.

4.21 We note that 2016 Housing Land Audit will be agreed with Homes for Scotland and this should form the basis of the contribution from the established land supply for the LDP Examination.

4.22 Accordingly the Council's Table HOU2 *Housing Land Requirement* should be modified to reflect the outcomes set out in the table above.

Identifying the Contribution from Future Windfall Sites

4.23 The Council has identified a contribution of 299 homes from future windfall sites from 2009 to 2032.

4.24 The LDP is required only to identify a contribution to 2028 – 10 years post adoption.

4.25 It should be noted that as the baseline is the 2015 Housing Land Audit, windfall assumption will begin in 2015.

4.26 As set out in Technical Note 1 (paragraph A1.24), the contribution from Future Windfall Sites is set out in the table below:

Planning Periods	2015-2019	2019-2024	2024 - 2028
Contribution from Future Windfall Sites	84	105	56

4.27 The contribution from future windfall sites is 84 homes from 2009 to 2019; 105 homes from 2019 to 2024; and 56 homes from 2024 to 2028.

4.28 Accordingly the Council's Table HOU2 *Housing Land Requirement* should be modified to reflect the outcomes set out in the table above.

Loss of Supply to Dwelling Demolitions

4.29 The Council has identified a loss of 35 homes due to demolitions from 2009 to 2032.

4.30 The LDP is required only to identify a contribution to 2028 – 10 years post adoption.

4.31 As set out in Technical Note 1 (paragraph A1.31), the loss of supply from demolitions is set out in the table below:

Planning Periods	2015-2019	2019-2024	2024 - 2028
Loss of Supply to Dwelling Demolitions	15	8	6

4.32 The loss of supply to dwelling demolitions is 15 homes from 2009 to 2019; 8 homes from 2019 to 2024; and 6 homes from 2024 to 2028.

4.33 Accordingly the Council's Table HOU2 *Housing Land Requirement* should be modified to reflect the outcomes set out in the table above.

Contribution from Blindwells

4.34 The Council has separated Blindwells' contribution from established land supply. A programme of completions for Blindwells is set out in Technical Note 1 (Appendix 2).

4.35 The Council's expected contribution from Blindwells is set out in the table below:

Planning Periods	2015-2019	2019-2024	2024 - 2028
Contribution from Blindwells	0	291	388

4.36 We note that 2016 Housing Land Audit will be agreed with Homes for Scotland and this should form the basis of the contribution from the established land supply for the LDP Examination.

4.37 Accordingly the Council's Table HOU2 *Housing Land Requirement* should be modified to reflect the outcomes set out in the table above.

Identifying the Scale of Allocations Required

4.38 Based on a 20% generosity allowance, the process and information to identify the scale of allocations required for the East Lothian LDP is set out in the table below:

Planning Periods	2009-2019	2019-2024	2024 - 2028
Dwelling Completions (2009 to 2015)	2,038	0	0
Contribution from the Established Land Supply	2,670	2,143	0
Contribution from Future Windfall Sites	84	105	56
Loss of Supply to Dwelling Demolitions	15	8	6
Contribution from Blindwells	0	291	388

Sub-Total Housing Land Supply	4,777	2,531	444
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4.39 The total housing land supply is 4,777 homes from 2009 to 2019; 2,531 homes from 2019 to 2024; and 444 homes from 2024 to 2028.

4.40 Subtracting the total housing land supply from the housing land requirement will identify the scale of proposed allocations required for the LDP. This is set out in the table below:

Planning Periods	2009-2019	2019-2024	2024 - 2028
Housing Land Requirement (20%)	7,500	4,560	2,292
Sub-Total Housing Land Supply	4,777	2,531	444
Contribution required from New Allocations	2,723	2,029	1,848

4.41 The contribution required from new allocations is 2,723 homes from 2009 to 2019; 2,029 homes from 2019 to 2024; and 1,848 homes from 2024 to 2028.

4.42 Comparing these figures with the Council's contribution set out in Table HOU2 *Housing Land Requirement*, additional allocations will be required. This is set out in the table below:

Planning Periods	2009-2019	2019-2024	2024 - 2028
Contribution required from New Allocations	2,723	2,029	1,848
Council's Contribution	2,115	2,906	1,204
Shortfall / Surplus	-608	+877	-644

4.43 The total additional allocations required to be allocated in the LDP is 608 homes over the period to 2019, with a further 644 homes required in the period beyond 2024.

4.44 Over the whole time period of the LDP from 2009 to 2028, there is a shortfall of 375 homes.

4.45 The Council's proposed allocations are therefore insufficient to meet the scale of allocations required. This Assessment confirms that an additional 608 homes are required over the LDP period to 2019.

Identifying the Programming of Proposed Allocations

4.46 The Council is encouraging proposed allocations to be determined in advance of adoption of the LDP. It is noted that the Council has programmed many of the proposed allocations to begin on site in 2017/18. This is optimistic and unrealistic.

4.47 Technical Note 1 (Appendix 1 and 2) should amend the programming of proposed allocations to begin in 2018/19 rather than 17/18. This would be appropriate to house builders and Homes for Scotland.

4.48 The resultant effect of this movement on the programming in Table HOU2 *Housing Land Requirement* is set out in the table below:

Planning Periods	2009-2019	2019-2024	2024 - 2028
Contribution from New Allocations	790	3,725	1,485

4.49 The updated contribution from new allocations is 790 homes from 2009 to 2019; 3,725 homes from 2019 to 2024; and 1,485 homes from 2024 to 2028.

4.50 Comparing the contribution required with this updated Council's contribution, additional allocations will be required. This is set out in the table below

Planning Periods	2009-2019	2019-2024	2024 - 2028
Contribution required from New Allocations	2,723	2,029	1,848
Updated Council's Contribution	790	3,725	1,485
Shortfall / Surplus	-1,933	+1,696	-364

4.51 The total additional allocations required to be allocated in the LDP is 1,933 homes over the period to 2019, with a further 364 homes required in the period beyond 2024.

4.52 Over the whole time period of the LPD from 2009 to 2028, there is a shortfall of 601 homes.

4.53 The Council's proposed allocations are therefore insufficient to meet the housing land requirement in full. This Assessment confirms that an additional 1,933 homes are required over the LDP period to 2019.

4.54 Accordingly the Council's Table HOU2 *Housing Land Requirement* should be modified to reflect the outcomes set out in the table above.

Draft 2016 Housing Land Audit

4.55 The draft 2016 Housing Land Audit has to be agreed with Homes for Scotland.

4.56 Subject to commentary from Homes for Scotland, the adopted 2016 Housing Land Audit will form the basis for the LDP Examination.

5.0 Recommendations for Proposed Plan

- 5.1 The Council's proposed development strategy as set out in the LDP does not comply with the requirements of SPP.
- 5.2 The methodology for identifying the scale of allocations required to meet the housing land requirement in full is incorrect.
- 5.3 For the purposes of the LDP, Table HOU2 *Housing Land Requirement* should be replaced with the following tables below:

Table HOU2 *Housing Land Requirement*

Planning Periods	2009-2019	2019-2024	2024 - 2028
Housing Supply Target	6,250	3,800	1,910
Housing Land Requirement (20%)	7,500	4,560	2,292
Dwelling Completions (2009 to 2015)	2,038	0	0
Contribution from the Established Land Supply	2,670	2,143	0
Contribution from Future Windfall Sites	84	105	56
Loss of Supply to Dwelling Demolitions	-15	-8	-6
Contribution from Blindwells	0	291	388
Sub-Total Housing Land Supply	4,777	2,531	444
Contribution required from New Allocations	2,723	2,029	1,848
Updated Contribution from New Allocations	790	3,725	1,485
Shortfall / Surplus	-1,933	+1,696	-364

- 5.4 The total additional allocations required to be allocated in the LDP is 601 homes over the total plan period from 2009 to 2028. In the period to 2019, a shortfall of 1,933 homes is expected to emerge.
- 5.5 The Council's proposed allocation of 7,285 homes is insufficient to meet the scale of allocations required. Further effective housing land capable of accommodating additional homes is required in the short term.
- 5.6 The consequence of failing to make these additional allocations is that the Council will not be maintaining a 5 year effective housing land supply from the adoption of the LDP. This will mean that the housing land supply policies in the LDP will be considered out of date in accord with SPP paragraph 125. In these circumstances a presumption in favour of development that contributes to sustainable development will apply through the development management process as set out in SPP paragraphs 29 and 32 to 35.
- 5.7 Should the Council not identify additional allocations to maintain a 5 year effective housing land supply at all times from the point of adoption, a Hearing Session will be required as part of the Examination process to resolve matters.