

Issue 20c		Housing Land Strategy	
Development plan reference:	4 – Spatial Strategy, page 63-66 5.1 – Perth Area Housing Strategy, page 67-71 6.1 – Highland Perthshire Area Housing Strategy, page 151-153 7.1 – Kinross-shire Area Housing Strategy, page 197-199 8.1 – Strathearn Area Housing Strategy, page 239-241 9.1 – Strathmore and the Glens Area Housing Strategy, page 273-274	Reporter: Hugh M Begg	
	Body or person(s) submitting a representation raising the issue (including reference number):		
Ian Steel (00214) Peter Allan (00327) FT Property Investments Ltd (00369) Portmoak Community Council (00638) E J Baxter (00729) Thomson Homes Ltd/Cocklaw Developments Ltd (00870) Councillor Michael Barnacle (02633) S Howie (07693/5) J Halley (07693/7) A Ritchie & Son/M & S M Bullough (08651) Peter McRobbie (08816/4) Zurich Assurance (08816/12) Persimmon Homes East Scotland (09004/11, 09004/13, 09004/17 & 09004/18)		Taylor Wimpey UK Ltd (09004/22, 09004/24, 09004/25 & 09004/26) Shand Partnership (09010) CALA Homes (East) Ltd (09022) Meikleour Trust (09023) George Maxwell Builders (09071) Mr & Mrs A McLaren (09128/2 & 09128/7) James Thomson (09128/3 & 09128/8) Messrs A & J Bayne (09128/4 & 09128/12) Philip Sloan (09128/9) Kinross Estate Company (09313) Duncan Scott (09389) Lomond Land (09415) Steve Sayers (09520) A & J Stephen Ltd (09727) Stewart Milne Homes (10080) Homes for Scotland (10214) David Wilson Homes (10227)	
Provision of the development plan to which the issue relates:	LDP Housing Land Strategy		
Planning authority's summary of the representation(s):			
<p><u>Maintenance of an Effective Housing Land Supply</u> George Maxwell Builders (09071/1/003); S Howie (07693/5/002); J Halley (07693/7/001): The LDP strategy should not be reliant on the delivery of a small number of large scale strategic allocations due to significant infrastructure costs involved. S Howie (07693/5/002) and J Halley (07693/7/001): The LDP acknowledges the sites on the A93/A94 corridor cannot be developed without the Cross Tay Link Road which will not be implemented until 2020 at the earliest. This contradicts the Background Topic Paper – Housing Appendix 1 (Core_Doc_176) which shows these sites commencing in 2015. These sites are not therefore deliverable within the Plan period so additional units need to be identified on alternative sites which are deliverable and free from such significant infrastructure constraints.</p>			

Zurich Assurance Ltd (08816/12/002): Approximately one third of the houses allocated for the Perth Core to 2024 are constrained until major new transport infrastructure is delivered; these houses are not effective in terms of PAN 2/2010 (Core_Doc_019) and there is a serious threat to delivery of housing land and maintaining a 5 year effective supply. 1355 houses in the Perth housing market area are constrained by the Cross Tay Link Road. This is not a committed project, there is no funding in place, the final route is not agreed, there is no detailed design and no Transport Scotland approval, compulsory purchase is likely to be needed, and planning consent is still required. The delivery timescale of 2020 is unrealistic and the deliverability of housing land allocations at Scone, Luncarty, Berthapark, Balbeggie and Perth Airport in the period to 2024 unreliable. Allocations to sites free from serious infrastructure constraint should be maximised to ensure TAYplan (Core_Doc_099) requirements can be met.

George Maxwell Builders (09071/1/003): The development of the large strategic sites is not assured within the timescale proposed. If the overall housing land requirement increases through the TAYplan examination and there are problems in delivering the strategic sites, additional effective housing land will have to be identified in the LDP for urgent release. Small sites adjacent to village boundaries which can use existing infrastructure can better provide range and choice and ensure a truly effective housing land supply.

Stewart Milne Homes (10080/15/003): Reliance on strategic sites will potentially impede housing delivery because of the significant infrastructure constraints and the unreasonable developer contributions sought. In any market conditions developers cannot be expected to fund large scale infrastructure projects and make up for shortfalls within the local authority budget especially where the requirements do not comply with planning guidance (refers Circular 1/2010 (Core_Doc_097)).

Lomond Land (09415/6/001); Homes for Scotland (10214/1/031); Emac Planning LLP (09727/4/002); Stewart Milne Homes (10080/15/003): There is reliance on large strategic sites but these will take time to deliver in the current market. These strategic sites should continue to be pursued for the longer term but there still must be a 5 year effective housing land supply in the short term.

CALA Homes (East) Ltd (09022/5/003): There is not enough effective land identified within the Plan to meet minimum TAYplan (Core_Doc_099) requirements. Homes for Scotland (10214/1/031 & 10214/1/035); Emac Planning LLP (09727/4/002); Emac Planning LLP (09727/4/003): The LDP must contain further information on the maintenance of a 5 year effective land supply at all times. For the Perth Area there is little indication as to how the TAYplan requirements will be met. It is not currently possible to examine whether or not the first half of the LDP can deliver as the current format hides any potential short term problems. Given the reliance on strategic sites, maintenance of a 5 year supply must be demonstrated in LDP table 5.1.11. Changes are suggested to ensure a full analysis can be undertaken of the identified sites ability to timeously deliver the housing requirement and whether additional sites need to be identified.

Lomond Land (09415/6/001); Stewart Milne Homes (10080/15/003): There needs to be a more generous supply of deliverable constraint free land and a variety of size of sites including smaller and less costly / risky sites which can come forward during the earlier Plan period. Messrs A & J Bayne (09128/4/002); Mr & Mrs A McLaren (09128/7/002); James Thomson (09128/8/002): Additional effective land allocations require to be made. In the Kinross housing market area a number of smaller, community based allocations

could be made to assist delivery, reflect environmental capacity and increase housing range and choice.

Emac Planning LLP (09727/4/002): It is essential that the LDP facilitates early release of housing land to ensure the provision of a generous housing land supply and ensure TAYplan (Core_Doc_099) requirements are met. If site specific consents have to await LDP adoption new housing will not be delivered until at least 2015 and this should be used as the strategic benchmark when considering appropriateness and deliverability of sites promoted for inclusion in the LDP. Full consideration of the scale and location of the housing land requirement in development plans well ahead of land being required should assist in aligning the investment decisions of developers, infrastructure providers and others.

FT Property Investments Ltd (00369/7/004): What SPP (Core_Doc_048) sets as minimum housing land supply targets have been interpreted in the LDP as absolute numerical targets. There should be sufficient land both throughout and at the end of the Plan period. It is imperative that there is flexibility in the land supply and that only the effective element of large sites are counted towards the effective supply. The LDP must therefore allocate additional land. In determining what constitutes suitable sufficient housing sites the following approach ought to be adopted: identify a range of small to medium housing sites with minimal up front infrastructure investment; ensure housing sites can contribute to underlying placemaking agenda; and seek commitments from developers/landowners that they will bring sites forward during the LDP period.

David Wilson Homes (10227/1/013): Unclear why the effective supply in the 2011 Housing Land Audit (Core_Doc_047) is higher than the 5 year supply, they should be the same and the effective land supply in Kinross should be reduced to the actual 5 year supply amount. There is therefore clearly a shortfall in Kinross HMA.

Councillor Michael Barnacle (02633/1/025): Sceptical of the growth projections upon which the LDP is based therefore LDP should continue to identify the traditional 5 year supply of effective housing land in line with SPP (Core_Doc_048) thereby allowing for revision earlier of the figures if the projections prove wrong.

Ian Steel (00214/1/004): A five year land bank should be calculated as per the Scottish Government requirements and not a seven year one.

Thomson Homes Ltd and Cocklaw Developments Ltd (00870/1/003): From the Background Topic Paper – Housing (Core_Doc_176) it appears at least 7 of the sites allocated in the LDP are already counted as part of the adopted Local Plan allocations and therefore part of the Housing Land Audit (this is assumed to be the 2011 Audit (Core_Doc_047)).

Housing Land Requirement

Peter Allan (00327/1/001); Homes for Scotland (10214/1/029); Persimmon Homes East Scotland (09004/13/001, 09004/17/001 & 09004/18/001); A Ritchie & Son & M & S M Bullough (08651/5/001 & 08651/7/001); Taylor Wimpey UK Ltd (09004/22/001, 09004/25/001 & 09004/26/001): Object to the housing land requirement on some or all of the following grounds: the requirement is underestimated; the requirement does not provide a generous supply nor clearly support a range of choices; land should be allocated for an additional 1570 houses; there is no clarity from TAYplan (Core_Doc_099) on what the actual housing land requirement is for each area and figures are therefore open for debate and potentially revision upwards; the Reporter examining TAYplan has

identified an issue relating to the scale and distribution of housing and has sought TAYplan's view on the impact of an increase in build rates and use of the 2008 GROS projections (Core_Doc_134) (refers letter from TAYplan Examination Reporter to TAYplan Strategic Development Planning Authority dated 7 Feb 2012 requesting further information (Issue 15) (S4_Doc_632); and the Authority's response dated 27 Feb 2012 (S4_Doc_070)) – the LDP housing land strategy should reflect these possible changes by the Reporter; the annual build rates in TAYplan have been challenged as too low; and there is insufficient clarity in the TAYplan land supply requirements to enable the LDP to deliver them in full and it is unclear whether additional sites will be needed in addition to the Strategic Development Sites identified in TAYplan Policy 4 (S4_Doc_633).

Persimmon Homes East Scotland (09004/18/001); Taylor Wimpey UK Ltd (09004/25/001): The relevant period for the housing requirement should be updated to coincide with the relevant TAYplan (Core_Doc_099) period of 2012-2032. The 2012 Housing Land Audit (Core_Doc_191) or most up to date figures at time of LDP adoption should be used.

Steve Sayers (09520/1/004): Using the 2010-11 completions of 30 units in Kinross is a meaningless statistic (paragraph 7.1.9), 5 and 10 year completion rates are more indicative of market demand. Even so the proposed 880 units is a 30 year supply on the 2010/11 run rate.

Duncan Scott (09389/4/003): The housing land requirement appears to be set by completions as opposed to being population based.

Homes for Scotland (10214/1/026): The Plan format is disjointed with the spatial strategy spread over chapters 4-9 and housing numbers split into individual housing market areas. Absence of an overall figure makes it difficult to compare the LDP figures to the TAYplan (Core_Doc_099) requirement. Totals have been calculated and produced in the representation which fall substantially short of the figure required by TAYplan.

10% Reallocation from Kinross to Perth Housing Market Area

Lomond Land (09415/1/001 & 09415/4/001); Mr & Mrs A McLaren (09128/2/001); James Thomson (09128/3/001); David Wilson Homes (10227/1/004); Thomson Homes Ltd & Cocklaw Developments Ltd (00870/1/001 & 00870/3/001); Kinross Estate Company (09313/9/001); Messrs A & J Bayne (09128/12/001); Shand Partnership (09010/1/002): Object to 10% of the housing land requirement for Kinross housing market area being reallocated to Perth housing market area for some or all of the following reasons: it is not in accordance with SPP paragraph 74 (S4_Doc_318), and there is no justification through SPP or TAYplan (Core_Doc_099) for this approach; there is provision in TAYplan for reallocation in exceptional cases of environmental capacity but the Council have not provided justification, rather it is based on a perception that further development would have negative environmental consequences for Loch Leven; there are sites and settlements within the Kinross-shire area but outwith the Loch Leven catchment which could contribute to the 10% without any environmental effect on the loch; there is already an adequate policy test to prevent negative effects of development on Loch Leven; more rigorous standards in new development e.g. replacing old septic tanks is helping reduce phosphorous levels so there is no significant adverse environmental impact on Loch Leven of meeting the full housing land requirement, indeed development in the catchment can deliver environmental improvements by removing / upgrading septic tanks and providing new facilities and helping retain and support communities; SEA Addendum no.2 (S4_Doc_671) identifies that approximately 74% of Kinross-shire has no or few development constraints and / or has recognised development potential; environmental

constraints in the Kinross housing market area have to be balanced against the present difficulties in delivering housing development and the need to provide a generous land supply and; concerns as to the ability of the Perth housing market area to accommodate the 10% reallocation due to environmental constraints and significant infrastructure constraints already affecting the deliverability of sites in that area.

Mr & Mrs A McLaren (09128/2/001); James Thomson (09128/3/001); David Wilson Homes (10227/1/004); Messrs A & J Bayne (09128/12/001): Object to moving development away from the area it is required for some or all of the following reasons: it has a potentially negative impact on the area as it fails to meet housing needs (refers PKC Housing Needs and Demand Assessment (Core_Doc_055)) and the TAYplan (Core_doc_099) requirements, exacerbates affordability issues, maintains high demand, does not deliver affordable housing, restricts people's access to housing, does not assist the delivery of sustainable mixed communities, may frustrate local indigenous expansion, may result in population decline in the Kinross area and may potentially impact adversely on the local economy and services, and restricting development in more rural areas and directing this to larger centres of population will not necessarily reduce travel distances.

Councillor Michael Barnacle (02633/1/026 & 02633/1/031): Supports the reallocation from the Kinross HMA but believes there is a case for it to be spread throughout Perthshire not just Perth itself due to concerns about the proposed expansion of the City.

E J Baxter (00729/1/002); Portmoak Community Council (00638/2/012): Support the Plan as written.

Windfall Sites Allowance

Homes for Scotland (10214/1/027); Persimmon Homes East Scotland (09004/11/001); Mr & Mrs A McLaren (09128/2/003 & 09128/7/001); James Thomson (09128/3/003 & 09128/8/001); Messrs A & J Bayne (09128/4/001 & 09128/12/002); David Wilson Homes (10227/1/005); Stewart Milne Homes (10080/19/001); A Ritchie & Son & M & S M Bullough (08651/5/002); Taylor Wimpey UK Ltd (09004/24/001); Thomson Homes Ltd & Cocklaw Developments Ltd (00870/1/002); FT Property Investments Ltd (00369/7/003); A Ritchie & Son & M & S M Bullough (08651/7/002); Philip Sloan (09128/9/001); Duncan Scott (09389/4/004): Object to the proposal that 10% of the housing land requirement will come from windfall sites on some or all of the following grounds: contrary to SPP (Core_Doc_048); contrary to PAN 2/2010 paragraph 62 (S4_Doc_634) which states windfall sites are not to be counted towards meeting the housing land requirement until planning permission is granted and they are effective or they have been identified through an urban capacity study; windfall should remain as additional to the allocated supply providing some flexibility and ensuring a generous supply; LDP acknowledges the availability of brownfield sites is limited therefore the windfall allowance is excessive given that the majority of windfall sites are on brownfield land; the nature of a windfall site implies they are not part of the planned housing land supply; if the LDP allocated sufficient sites in the right places there is less likelihood of windfall sites coming forward; the approach will mean that sufficient allocations will not be made and the LDP will therefore fail to meet the requirements of TAYplan (Core_Doc_099) and SPP; and the windfall allowance is high and there appears to be no identified methodology.

Persimmon Homes East Scotland (09004/11/001); David Wilson Homes (10227/1/005); Taylor Wimpey UK Ltd (09004/24/001): A standard 10% windfall assumption across the whole of Perth and Kinross is not appropriate. Persimmon Homes East Scotland (09004/11/001); Taylor Wimpey UK Ltd (09004/24/001): The allowance should instead be varied with higher allowances in Perth and Highland (identified as having the largest

windfall contributions) and lower or zero allowances elsewhere. By reducing the windfall proportion downwards in housing market areas with all their allocations on greenfield sites (except in Perth and Highland) would prevent developers seeking out windfall sites which creates uncertainty for communities. A plan-led approach is essential.

A Ritchie & Son & M & S M Bullough (08651/7/002): Object to LDP paragraph 5.1.10 – there are not 720 windfall units with consent and which are effective in the most recent housing land audit.

Meikleour Trust (09023/1/001): Suggests windfall sites are reserved exclusively for small developments and the LDP makes it explicit that it has not considered any individual development of less than 5 houses.

Windfall and Small Sites in Highland Area

Homes for Scotland (10214/1/028): Historically allocated housing sites in the Highland area have not delivered due to infrastructure constraints which led to a reliance on small sites and conversions. Many of the infrastructure barriers have been removed and the technical constraints to mainstream housing lifted. A reliance on a 15% small sites contribution will exacerbate the existing problem of a lack of mainstream family housing for local residents. Only by allocating more sites in Highland HMA will the current undersupply be addressed.

Peter McRobbie (08816/4/001): Objects to assumption that 25% of the land supply in the Highland housing market area will come forward through windfall and small sites. Historically a high proportion of the supply came from these sources but it is now contrary to Scottish Government policy to continue to rely on these when opportunities exist to allocate suitable land for development. An over reliance on unplanned development encourages unsustainable settlement patterns and the strategy for Highland is contrary to SPP. Specific reference is made to SPP paragraph 68 (it is assumed the reference is actually to paragraph 66 (S4_Doc_106)) which requires a generous supply of housing land, and SPP paragraph 74 (S4_Doc_318) which requires that sufficient land is available to meet the housing requirement for each housing market area in full.

Peter Allan (00327/2/001): Ignoring the contribution from unallocated small and windfall sites in settlements without a settlement boundary denies how important they are to the overall housing supply. Housing sites are allocated in those villages with settlement boundaries but this could mean those villages without boundaries may have to accommodate a larger share of development in order to meet the assumption that 25% of the housing land requirement will come from windfall and small sites. There should be a mechanism in the LDP for encouraging such unallocated small and windfall sites to come forward and clear guidance as to what LDP policy would apply. Complete reliance on development management is unsatisfactory.

Small Sites Allowance in Other HMAs

Meikleour Trust (09023/1/002): Small developments particularly in rural areas are vital in promoting rural development and architectural diversity and quality. Whilst it is impractical to identify all sites of 5 or less houses in the LDP providing no allowance for these sites creates a danger there will always be a presumption against them.

Modifications sought by those submitting representations:

Maintenance of an Effective Housing Land Supply

Lomond Land (09415/6/001): Housing land supply should be augmented with smaller

easier to deliver housing sites either through specific allocations or a policy which allows them to come forward if they demonstrate their effectiveness and ability to contribute to the housing land supply in the short term.

Stewart Milne Homes (10080/15/003): The LDP needs to identify a more generous supply of deliverable, constraint free land and a variety of size of sites.

George Maxwell Builders (09071/1/003): No specific modification sought other than the LDP should not be reliant on the delivery of the Strategic Development Areas.

Zurich Assurance Ltd (08816/12/002): Allocations to sites free from serious infrastructure constraint should be maximised.

Emac Planning LLP (09727/4/002): The LDP must facilitate early release of land to ensure an ongoing 5 year effective housing land supply. Emac Planning LLP (09727/4/002); Homes for Scotland (10214/1/031): A table is required in chapter 4 to demonstrate the annual housing numbers will deliver a 5 year effective housing land supply at all times with annual figures for private and affordable housing.

S Howie (07693/5/002); J Halley 07693/7/001): An additional 982 units (approximately) should be identified in the Perth HMA on sites which are deliverable and free from significant infrastructure constraints.

CALA Homes (East) Ltd (09022/5/003): It should be recognised that there is a shortfall in housing land supply in the Strathmore HMA (285 units). The site at Wellbank, Hatton Road in Blairgowrie should be allocated for 60-80 units to help address this shortfall.

Messrs A & J Bayne (09128/4/002); Mr & Mrs A McLaren (09128/7/002); James Thomson (09128/8/002): Additional land allocations need to be made in the Kinross HMA. It is suggested there is the opportunity to allocate a number of smaller, community based, allocations in order to assist delivery, to reflect environmental capacity, and to increase the range and choice of housing within the area.

Homes for Scotland (10214/1/035): Table at paragraph 5.1.11 - the Housing Numbers to 2024 should be broken down to demonstrate that a 5 year land supply will be maintained at all times.

Emac Planning LLP (09727/4/003): Tables at paragraph 5.1.10 and 5.1.11 should be split into 5 year periods; windfall allowances should be excluded; and any sites subject to a constraint / embargo should be highlighted and the timescale for lifting the constraint identified.

FT Property Investments Ltd (00369/7/003): The following statement should be added to column F (Additional Allocations Required) to the table at paragraph 6.1.10 as a table note: *'the Additional Allocations figure is a minimum expectation of the Plan with total completions to 2024 of up to 1,230 being deemed to continue to reflect the strategic expectations for the Highland Perthshire area where any housing sites that come forward contribute to the Council's place-making agenda'*. Additional land therefore must be allocated in the Highland housing market area.

David Wilson Homes (10227/1/013): Effective land supply figures should be amended to reflect the 5 year land supply figures from the 2011 Housing Land Audit (Core_Doc_047).

Councillor Michael Barnacle (02633/1/025); Mr Ian Steel (00214/1/004): LDP should identify a 5 year supply of effective housing land rather than seeking to increase this to 7 years.

Thomson Homes Ltd & Cocklaw Developments Ltd (00870/1/003): Potential double counting in the housing land supply needs to be clarified.

Housing Land Requirement

Peter Allan (00327/1/001): LDP should be amended in line with the outcome of the TAYplan (Core_Doc_099) examination.

Taylor Wimpey UK Ltd (09004/26/001): Change annual build rates identified on the diagram entitled TAYplan Average Annual LDP Area Build Rates (LDP page 63) to mirror the annual build rates suggested by the Reporter examining the TAYplan SDP. For Strathearn the Reporter has indicated the change should be from 130 to 140.

Persimmon Homes East Scotland (09004/17/001): Change annual build rates identified on the diagram entitled TAYplan Average Annual LDP Area Build Rates to mirror the annual build rates suggested by the Reporter examining the TAYplan SDP. For Kinross the Reporter has indicated that change should be from 70 to 80.

Persimmon Homes East Scotland (09004/18/001); Taylor Wimpey UK Ltd (09004/25/001): Change table showing TAYplan 2010-24 requirement Effective Housing Land Supply Shortfall at paragraph 4.3.8 to better reflect the Reporter's identified update to TAYplan Policy 5 / Proposal 2 in the Proposed SDP (S4_Doc_062). Numbers suggested in appendix of representation. The relevant period for the housing requirement should be updated to coincide with the relevant TAYplan period of 2012-2032.

A Ritchie & Son/M & S M Bullough (08651/7/001): Column A in table at paragraph 5.1.10 should be updated following receipt of the TAYplan examination report (Core_Doc_170) or there should be an educated estimate as to what the revised requirement might be and ensure the LDP delivers it in full.

Persimmon Homes East Scotland (09004/13/001): Change the figure from 70 housing units per year to 80 units in paragraph 7.1.8.

Taylor Wimpey UK Ltd (09004/22/001): Amend paragraph 8.1.9 so the build rate is an average of 140 and not 130 houses per year.

A Ritchie & Son & M & S M Bullough (08651/5/001): PKC should await outcome of the TAYplan examination to allow the housing land requirement to be clarified then incorporate revised requirements and republish proposed LDP for consultation or, in the absence of this clarity use the Housing Needs and Demand Assessment and Housing Land Audit to make an educated estimate as to what that requirement might be and ensure the LDP delivers it meeting need and demand in full in the areas it arises through allocations in this LDP.

Steve Sayers (09520/1/004): 5 and 10 year completions rates should be used as an indicator of market demand in paragraph 7.1.9.

Duncan Scott (09389/4/003): Appears to suggest that the housing land requirement should be population based rather than based on completions but no specific

modification is proposed.

Homes for Scotland (10214/1/026): A table similar to that provided for employment land at paragraph 4.3.4 should be included for housing land to show the additional housing land requirement.

Homes for Scotland (10214/1/029): Revised housing figures proposed (as set out in the representation) which include the 2008 GROS figures (Core_Doc_134) and exclude windfall and small sites from the calculation

10% Reallocation from Kinross to Perth Housing Market Area

Lomond Land (09415/1/001); David Wilson Homes (10227/1/004); Shand Partnership (09010/1/002): The text should be altered to remove reference to the 10% housing reduction in the Kinross HMA.

Mr & Mrs A McLaren (09128/2/001); James Thomson (09128/3/001); Messrs A & J Bayne (09128/12/001): Paragraph 7.1.8 should be altered to remove reference to the 10% housing reduction in the Kinross area. Table in paragraph 7.1.9 should be altered to detail the full HMA requirements and the figures in the columns altered to reflect the alteration to the requirement – this being increased from 880 to 980 units.

Lomond Land (09415/4/001): Either reduce the 10% re-allocation or allow flexibility for sites to contribute to that 10% if they demonstrate no negative impact on Loch Leven.

Thomson Homes Ltd/Cocklaw Developments Ltd (00870/1/001 & 00870/3/001); Kinross Estate Company (09313/9/001): Remove the reference to the reallocation of 10% of Kinross HMA housing requirement to Perth HMA. Thomson Homes Ltd & Cocklaw Developments Ltd (00870/3/001): LDP should retain the housing requirement for the Kinross housing market area as informed by the regional Housing Need and Demand Assessment (it is assumed that this refers to the TAYplan Housing Needs and Demand Assessment (Core_Doc_190)), and allocate further land for up to 100 houses to meet this requirement in the Kinross Landward area.

Councillor Michael Barnacle (02633/1/026): The 10% housing land requirement being reallocated from Kinross should be spread throughout Perthshire not just Perth itself.

Windfall Sites Allowance

Homes for Scotland (10214/1/027); David Wilson Homes (10227/1/005); Stewart Milne Homes (10080/19/001); A Ritchie & Son/M & S M Bullough (08651/5/002): The 10% windfall allowance should be removed from the housing land requirement calculations in the LDP.

A Ritchie & Son/M & S M Bullough (08651/7/002): Remove any allowance for windfall that is not effective within the 5 year period from the calculation of additional land required (refer table at 5.1.10). Table at paragraph 5.1.10 should be revised to increase the additional shortfall in column E to approximately 3800. Total in the table at paragraph 5.1.11 (under House numbers to 2024) should increase to 4090. The additional shortfall (500 units) should be met on H70 Perth West in the short term.

Philip Sloan (09128/9/001): Column D of table at paragraph 5.1.10 should be deleted and column E altered accordingly increasing to 4060.

FT Property Investments Ltd (00369/7/003): Table at 6.1.10 (as well as corresponding tables for the other Plan areas) should be revised to delete the windfall allowance. The additional allocations required in the Highland HMA would therefore increase from 550 to 660.

Mr & Mrs A McLaren (09128/2/003 & 09128/7/001); James Thomson (09128/8/001 & 09128/3/003); Messrs A & J Bayne (09128/4/001 & 09128/12/002): The table in paragraph 7.1.9 should be altered to detail the full HMA requirements: column A should be increased from 880 to 980 units and column D (windfall sites) should be deleted. Column E will then become 1070 units thereby requiring the allocation of additional sites in order to meet the land requirements.

Thomson Homes Ltd/Cocklaw Developments Ltd (00870/1/002): The windfall allowance should be removed and an additional 90 units allocated in the Kinross housing market area.

Duncan Scott (09389/4/004): Suggested that the windfall allowance is high but no specific modification is proposed.

Persimmon Homes East Scotland (09004/11/001); Taylor Wimpey UK Ltd (09004/24/001): Paragraph 4.3.10 last sentence should be reworded as follows: *'It is expected that in Perth and Highland HMAs, more than 10% of the land supply will be met by windfall sites. In all other HMA areas, windfall will be examined in terms of the contribution to flexible land supply in circumstances where allocated development plan sites in these HMAs can demonstrate an ability to provide increased supply from identified sites themselves'*.

Meikleour Trust (09023/1/001): Windfall sites should be reserved exclusively for small developments and the LDP should make it explicit that it has not considered any individual development of less than 5 houses.

Windfall and Small Sites in Highland Area

Homes for Scotland (10214/1/028): The assumption that 15% of the overall housing land supply will come from small sites in the Highland area should be removed from the housing land requirement calculation.

Peter McRobbie (08816/4/001): Ensure a sufficient land supply through allocation of specific sites, in particular the allocation of land at Donavoured, Pitlochry with less reliance on windfall and small sites.

Peter Allan (00327/2/001): There should be a development plan mechanism for encouraging small sites to come forward as planning applications. Leaving it to development management would not satisfy the requirement to 'allocate' land but more particularly would offer no clear guidance in terms of section 25 of the Act (it is assumed this refers to the Town & Country Planning (Scotland) Act 1997 (S4_Doc_635)) as to the policy to be applied.

Small Sites Allowance in Other HMAs

Meikleour Trust (09023/1/002): There should be a specific provision in the housing land calculation for small sites in all areas, not just Highland, at a level at least equal to the percent of completions they represented historically.

Summary of responses (including reasons) by planning authority:

A number of the representations make reference to the Proposed Strategic Development Plan. The TAYplan SDP (Core_Doc_099) was approved by Scottish Ministers in June 2012 and where appropriate reference has been made to the TAYplan Examination Report (Core_Doc_170). In addition an update to the Housing Background Paper (Core_Doc_176) produced at Proposed LDP stage has been prepared and was approved by the Council on 23 January 2013. This provides the most recent housing land supply position (Housing Background Paper Update (S4_Doc_786)).

Maintenance of an Effective Housing Land Supply

Lomond Land (09415/6/001); Homes for Scotland (10214/1/031 & 10214/1/035); Emac Planning LLP (09727/4/002 & 09727/4/003); Stewart Milne Homes (10080/15/003); S Howie (07693/5/002); J Halley (07693/7/001); CALA Homes (East) Ltd (09022/5/003); Messrs A & J Bayne (09128/4/002); Mr & Mrs A McLaren (09128/7/002); James Thomson (09128/8/002); FT Property Investments Ltd (00369/7/004); George Maxwell Builders (09071/1/003); Zurich Assurance Ltd (08816/12/002):

TAYplan was approved by Scottish Ministers in June 2012 without change to the housing land requirement. This is discussed further in the next section. TAYplan identifies the Strategic Development Areas which LDPs are to identify and allocate (TAYplan policy 4 (S4_Doc_633)). TAYplan Policy 1 (S4_Doc_067) requires the majority of development to be focussed in the principle settlements. In Perth and Kinross the only tier 1 settlements are those which form the Perth Core Area. It is acknowledged that there are challenges to be overcome in the delivery of the Strategic Development Areas in the Perth Core. However these strategic sites are of such a scale that they are better able to deliver the infrastructure and services necessary than numerous smaller piecemeal developments which are generally less likely to be able to contribute and could therefore put undue pressure on existing services and infrastructure. Furthermore the concentration of development to the north and west of Perth offers the opportunity to link these strategic sites to shared infrastructure improvement thus making them more economically viable and deliverable.

A number of representations also raise concerns over the deliverability of the Cross Tay Link Road and the impact this has on the ability to deliver and maintain an effective housing land supply. These issues are discussed in Schedule 4 number 20d: Effectiveness of Strategic Sites and in the Council's Delivering Infrastructure Background Paper (S4_Doc_440). The requirement for developer contributions to fund large scale infrastructure projects is discussed in Schedule 4 no. 04 - Infrastructure Contributions. Regarding the identification of those sites subject to a constraint / embargo – these are already identified as such in the Infrastructure Considerations for each settlement. The embargo does still allow for some development to come forward once the Cross Tay Link Road is a committed project.

Whilst the effective element of the Strategic Development Area sites identified in TAYplan Policy 4 (S4_Doc_633) make up a considerable proportion of the effective housing land supply to 2024 (approximately 25%) there are also a range of smaller sites to help provide choice of supply in terms of both size and location in each of the housing market areas. The suggestion that small sites adjacent to village boundaries which are outwith the core area should be preferred to the allocation of the strategic sites would be contrary to the TAYplan strategy of directing most growth to the principal settlements (TAYplan policy 1 (S4_Doc_067)). The majority of those villages identified in LDP paragraph 5.1.1 as part of the Core Area do have significant expansions allocated.

It is argued in the representations that there is a need to identify additional sites which are more deliverable in the short term than the Strategic Development Areas but the Council would argue that simply put there are no 'easy' sites left in Perth and Kinross which would accord with the TAYplan strategy (TAYplan policy 1 (S4_Doc_067)). Whilst there are brownfield opportunities available, some of which are being promoted through this LDP, for the most part these too have issues and constraints. In particular it is generally recognised that brownfield sites often come with abnormal development costs, i.e. demolition, cleaning up of contamination etc. These additional burdens may affect the viability of sites, particularly in the current economic climate. Furthermore there is already scope for these to contribute to the housing land requirement as windfall sites (as discussed further below). Nor are there considered to be any sites which could be allocated in the LDP which would be any more effective or could be brought forward any quicker than those already identified in the Plan.

SPP paragraph 72 (S4_Doc_317) and TAYplan Policy 5 (S4_Doc_062) require LDPs to allocate effective housing land to meet the housing land requirement up to year 10 from the predicted year of adoption (which is 2014). As demonstrated in the Housing Background Paper Update (S4_Doc_786) there is a supply of effective housing land to meet the TAYplan housing land requirement over the longer period of 2012 (date of TAYplan adoption) to 2024. The suggestion that the LDP must facilitate the early release of land to ensure an ongoing effective supply is not therefore considered necessary. SPP paragraph 72 (S4_Doc_317) and TAYplan Policy 5 (S4_Doc_062) further require LDPs to ensure a minimum of 5 years effective housing land supply at all times. In this context the relevant period is from 2014 onwards (being the predicted year of LDP adoption). As demonstrated in the Housing Background Paper Update (S4_Doc_786) there will be 5 years effective housing land supply at 2014. It is acknowledged that there are short-term difficulties in the 2012-2013 period in maintaining a 5 year effective supply. This is primarily because of the present economic climate and the impact of this on the housing market. One of the PAN 2/2010 (paragraph 55) (S4_Doc_609) effectiveness criteria is marketability. The effectiveness of most sites in the 2012 Housing Land Audit (Core_Doc_191) is currently affected by a lack of marketability. Many sites presently considered non-effective in the short term would otherwise be considered effective if it were not for this marketability criterion. It is not considered that this is an issue which will be resolved by the identification of any more sites in the LDP as new sites will be no more marketable or deliverable than those already in the housing land supply or new sites identified in the Plan. Ultimately the relevant consideration is that there will be 5 years effective housing land supply from the predicted year of LDP adoption in 2014 in accordance with SPP paragraph 72 (S4_Doc_317) and TAYplan Policy 5 (S4_Doc_062).

In terms of the requirement in SPP paragraph 72 (S4_Doc_317) and TAYplan Policy 5 (S4_Doc_062) for a continuous 5 year supply of effective housing land, this will be monitored on an annual basis through the Housing Land Audit. The annual audits are recognised in PAN 2/2010 paragraph 45 (S4_Doc_594) as the appropriate means of monitoring the effective housing land supply. This is preferable to incorporating this data in the LDP as it is updated every year. There is also the opportunity to update this information bi-annually in the LDP Action Programme. The Council therefore disagrees that the housing land supply tables in the LDP should be broken further to demonstrate the maintenance of a 5 year land supply. In relation to the identification of separate figures for private and affordable housing, the LDP is in accordance with TAYplan Policy 5 (S4_Doc_062) in that it identifies and sets an affordable housing requirement (LDP Policy RD4 (S4_Doc_489)). The need for affordable housing is part of the overall housing land requirement and is considered in detail through the TAYplan Housing Needs and Demand Assessment (Core_Doc_190)) and the Council's own Housing

Needs and Demand Assessment (Core_Doc_055)). Furthermore PAN 2/2010 paragraph 7 (S4_Doc_636) recognises that some forms of affordable housing may be delivered by the private sector. It is not therefore considered appropriate for the LDP to specify the housing land requirement split into affordable and private housing.

It is acknowledged that the obligation from SPP paragraph 75 (S4_Doc_318) and TAYplan policy 5 (S4_Doc_062) is to have a generous supply of housing land to meet the housing land requirement. However the only reason sites are not programmed to deliver higher numbers, especially in the short to medium term is the current economic situation and the impact of this on the housing market. If the market today was the same as in 2006-07 sites would be expected to deliver sooner and with a higher annual build rate – for example the programmed build rate at Oudenarde, Bridge of Earn was 40 units per year in the 2007 Housing Land Audit (page 16) (S4_Doc_672) compared with 15-20 per year in the 2012 Audit (page 17) (S4_Doc_673). As indicated in tables 4 and 5 of the Housing Background Paper Update (S4_Doc_786) sites can come forward to meet the housing land requirement in full across the period to 2024 if the economy improves. Should there not be an economic improvement then the additional supply will not be needed because the development industry will not be able to deliver the higher house numbers due to the lack of finance both to the construction industry and to house purchasers.

To conclude, as demonstrated in the Housing Background Paper Update (S4_Doc_786), it is the Council's view that there will be a 5 year supply of effective housing land from the predicted date of LDP adoption in 2014 as required in SPP paragraph 72 (S4_Doc_317) and the Strategic Development Plan policy 5 (S4_Doc_062). It is not therefore necessary to make the additional allocations for individual housing market areas as suggested in the representations.

However if the Reporter is so minded the Council considers that it would add clarity to revise the table at LDP paragraph 4.3.8 and the corresponding table for each housing market area at paragraphs 5.1.10, 6.1.10, 7.1.9, 8.1.10 and 9.1.9 to reflect the updated figures in the Housing Background Paper Update (S4_Doc_786).

FT Property Investments Ltd (00369/7/004): The table at paragraph 6.1.10 calculates the additional land allocations required in order to meet the housing land requirement identified in TAYplan policy 5 (S4_Doc_062). This does not prevent additional sites coming forward as windfall developments if they are in line with other Plan policies. The wording as suggested in the representation is not considered necessary.

No modification is proposed to the Plan.

David Wilson Homes (10227/1/013): The total effective housing land supply figures are included in the LDP as the sites which are not effective in the first 5 years will contribute to the effective supply in later periods; the purpose of the housing land requirement calculation is to identify the amount of additional land supply required across the whole LDP period so supply needs to consider the sites available to meet this requirement within the same period. The Council therefore considers it appropriate to include in the calculation those sites which are effective in the latter part of the Plan period.

No modification is proposed to the Plan.

Councillor Michael Barnacle (02633/1/025): The housing growth projections are set by TAYplan which has been approved by Scottish Ministers. This is discussed further in

Schedule 4 no. 02 – Strategy. Councillor Michael Barnacle (02633/1/025); Mr Ian Steel (00214/1/004): The LDP aims to increase the effective housing land supply to 7 years by 2015 in accordance with the requirement in TAYplan Policy 5 (S4_Doc_062). Furthermore the Council considers that seeking to provide a 7 year supply will assist in the provision of a generous supply of housing land as required in SPP (paragraph 70 (S4_Doc_301)).

No modification is proposed to the Plan.

Thomson Homes Ltd & Cocklaw Developments Ltd (00870/1/003): The representation does not specify which sites it is believed have been double-counted and the Council has not been able to identify any double-counting between those sites identified to meet the additional allocations required, and those sites already included as part of the effective land supply. In any event the Housing Background Paper has been updated (S4_Doc_786) to reflect the 2012 Housing Land Audit (Core_Doc_191) which includes the proposed LDP sites thus eliminating any risk of double-counting. The additional housing allocations identified in tables 4 and 5 of the Housing Background Paper Update are over and above what is already counted as effective supply in the 2012 Audit.

No modification is proposed to the Plan.

Housing Land Requirement

Peter Allan (00327/1/001); Homes for Scotland (10214/1/029); Persimmon Homes East Scotland (09004/13/001, 09004/17/001 & 09004/18/001); A Ritchie & Son/M & S M Bullough (08651/5/001 & 08651/7/001); Taylor Wimpey UK Ltd (09004/22/001, 09004/25/001 & 09004/26/001): No amendment was made to the housing land requirement through the TAYplan examination. Instead the Reporter concluded that there was no clear evidence which could reasonably lead him to conclude that the regional build rate provided for in the proposed Strategic Development Plan was either inappropriate or insufficient. To the contrary the Reporter found that the parameters set in TAYplan ought to enable LDPs to allocate a generous supply of housing land. The Reporter further recognised that should growth rates exceed projections there is a commitment to review TAYplan by 2017 (TAYplan examination report page 220 paragraph 15 (S4_Doc_597)). The LDP can also be updated through the next review of the Plan which would follow shortly after the TAYplan review. A number of the representations request changes to specific tables in the LDP but in light of the above it is not considered necessary or appropriate to make amendments to the housing land requirement in the tables contained within the LDP. The Council disagrees that TAYplan is unclear as to the housing land requirement for each HMA – this is clearly shown in TAYplan policy 5 (S4_Doc_062).

No modification is proposed to the Plan.

A Ritchie & Son & M & S M Bullough (08651/5/001): Circular 1/09 paragraph 33 (S4_Doc_674) advises that *'In SDP areas that there should be a degree of twin-tracking of SDP and LDP preparation in order to ensure that SDP strategies are implemented quickly'*. The LDP timetable is therefore considered to have been appropriate.

No modification is proposed to the Plan.

Persimmon Homes East Scotland (09004/18/001); Taylor Wimpey UK Ltd (09004/25/001): SPP paragraph 72 (S4_Doc_317) requires the LDP to identify the housing land requirement and allocate sites to meet these requirements up to year 10

beyond the predicted year of plan adoption which in the case of this LDP is 2014 to 2024. It is not therefore considered appropriate to amend the period for the housing land requirement to coincide with the TAYplan period of 2012-2032. The 2012 Housing Land Audit figures have been used in the Housing Background Paper Update (S4_Doc_786).

No modification to the Plan is proposed.

Steve Sayers (09520/1/004): This appears to be a misunderstanding of the calculation: 2010/11 completions are not used in the proposed LDP as an indicator of future demand but simply to update the land supply position from 2010 to 2011 (to accord with the use of the 2011 Housing Land Audit (Core_Doc_047)).

No modification to the Plan is proposed.

Duncan Scott (09389/4/003): This appears to be a misunderstanding of the calculation: the housing land requirement is calculated taking into account a range of data sources but is largely based on the then General Register Office for Scotland population and households projections (now the National Records of Scotland). The housing land requirement for the TAYplan region, including the method for calculating it, has been approved by Scottish Ministers.

No modification is proposed to the Plan.

Homes for Scotland (10214/1/026 & 10214/1/029): The Housing Land Requirement is detailed within each chapter for each housing market area together with a table of the sites identified to meet this in each area. The table at paragraph 4.3.8 does show the additional number of houses required in each area so it is not considered necessary to include a further table in the LDP as suggested in the representation. In relation to the modifications proposed to the tables the Council would make the following comments: in the LDP Area table in the representation the additional allocations required appear to have been miscalculated and should read 5380 as opposed to 5550; the additional General Register Office for Scotland 2008 figures (Core_Doc_134) are not applicable as Scottish Ministers have approved the housing land requirement figures in TAYplan (Core_Doc_099); the windfall and small sites allowances are considered justified as discussed below; and all of the figures have been revised and updated for each housing market area in the Housing Background Paper Update (S4_Doc_786).

No modification is proposed to the Plan.

10% Reallocation from Kinross to Perth Housing Market Area

Lomond Land (09415/1/001 & 09415/4/001); Mr & Mrs A McLaren (09128/2/001); James Thomson (09128/3/001); David Wilson Homes (10227/1/004); Thomson Homes Ltd/Cocklaw Developments Ltd (00870/1/001 & 00870/3/001); Kinross Estate Company (09313/9/001); Messrs A & J Bayne (09128/12/001); Councillor Michael Barnacle (02633/1/026); Shand Partnership (09010/1/002): SPP paragraph 74 (S4_Doc_318) and TAYplan Policy 5 (S4_Doc_062) allow for the reallocation of a proportion of the housing land requirement to another housing market area or areas where there are environmental or infrastructure capacity constraints. The 10% reallocation is proposed due to the potential adverse impact on the Loch Leven Special Protection Area and National Nature Reserve of seeking to meet the housing land requirement arising in the Kinross HMA in full. The Loch has been degraded over the last 150 years by the addition of phosphates through man made activities. The emphasis in the Loch Leven Catchment Management Plan pages 56-58 (S4_Doc_675) is therefore that of a precautionary approach towards

the release of housing land within the catchment. Indeed the Management Plan makes specific reference on page 57 of the need to divert housing pressures outwith the catchment. Significant improvements have been made since the Management Plan was prepared in 1999. However as the letter from SNH dated 16 June 2011 (S4_Doc_677) states (reporting on the results of monitoring during 2007 and 2008) there is a need for ‘a *continued reduction in total external inputs of phosphorous*’. The principal aim of the Management Plan to reduce the levels of phosphates entering the Loch remains appropriate today. There is also recognition in the Habitats Regulations Appraisal of the need to ensure there are no adverse impacts on water quality in Loch Leven from the implementation of LDP policies. Specific mitigation measures are identified in the draft Appropriate Assessment e.g. to Policy EP7: Drainage within the Loch Leven Catchment Area (Record of Habitats Regulations Appraisal page 100 (S4_Doc_143)). In light of the above it is considered appropriate to recognise the continuing vulnerability of the Loch arising from additional development within the Catchment Area and to seek to reduce this by reallocating a proportion of the housing land requirement to the adjacent Perth HMA.

It is acknowledged that the SEA Addendum no.2 (page 64) (S4_Doc_671) identifies areas of the Kinross HMA as either unconstrained or having development potential. However it is misleading to imply that this means there is scope for significantly more development as housing land allocations still have to accord with the TAYplan and LDP strategies of directing the most growth to the largest settlements. Kinross / Milnathort are the only TAYplan tiered settlements (Policy 1 (S4_Doc_067)) in the housing market area. These are both within the Loch Leven Catchment area. In relation to Kinross and Milnathort the SEA (page 48) (S4_Doc_678) concludes that there is relatively little potential for further expansion in Kinross where less than 14% of the area is free from constraints. At Milnathort there is some development potential identified to the north but much of this has already been identified for development in the LDP.

It is acknowledged that there are villages within the Kinross Landward area which are outwith the Loch Leven catchment. It is also recognised that policy tests are in place through LDP Policy EP7 (S4_Doc_491) to mitigate against the adverse impacts on the Loch of new development and that the terms of this policy are such that development may in fact deliver an overall improvement in phosphorous levels. However this policy is predominantly linked to smaller scale developments in the landward area. Larger scale development is likely to require a publicly maintained drainage system. There are already sites in the settlements outwith the catchment area and there is potential for additional housing in these areas. However directing the 10% to these villages outwith the catchment would be contrary to the SDP Policy 1 (S4_Doc_067) and LDP strategy paragraph 4.2.1 (S4_Doc_519) of directing growth to principal settlements where there are a concentration of local services, employment and transport facilities.

It is acknowledged that there are also environmental issues in the Perth HMA. However the 10% reallocation is redirected there as it is an adjacent housing market area which is likely to have more scope to accommodate the small amount of additional development than other adjacent housing market areas which have smaller overall housing land requirements. The reallocation amounts to less than 1.5% of the Perth HMA housing land requirement. The environmental and infrastructural issues affecting the Perth housing market area are not considered such that it would warrant removing the 10% reallocation.

A number of representations raise concerns as to the potential adverse impact of moving development away from the area it is required. However it should be noted that the 10% reallocation in fact only amounts to a small number of houses per year; approximately 7-8

(85 in total over the period 2012-2024). It is not therefore envisaged that a reduction of this scale will have any of the significant adverse effects suggested in the representations. Despite the reduction there is still a requirement for 755 houses in the Kinross HMA to 2024 which will support a significant population increase which will in turn support the local economy. Furthermore when this is balanced against the potential positive effects in reducing the impact of additional development on the Loch Leven Special Protection Area and National Nature Reserve, the reallocation is considered justified.

Taking all of the above into account the reallocation of 10% of the Kinross housing land requirement to the Perth housing market area is considered justified.

No modification is therefore proposed to the Plan.

Windfall Sites Allowance

Homes for Scotland (10214/1/027); Persimmon Homes East Scotland (09004/11/001); Mr & Mrs A McLaren (09128/2/003 & 09128/7/001); James Thomson (09128/3/003 & 09128/8/001); Messrs A & J Bayne (09128/4/001 & 09128/12/002); David Wilson Homes (10227/1/005); Stewart Milne Homes (10080/19/001); A Ritchie & Son/M & S M Bullough (08651/5/002); Taylor Wimpey UK Ltd (09004/24/001); Thomson Homes Ltd/Cocklaw Developments Ltd (00870/1/002); FT Property Investments Ltd (00369/7/003); A Ritchie & Son/M & S M Bullough (08651/7/002); Duncan Scott (09389/4/004); Philip Sloan (09128/9/001): Previous planning guidance (PAN 38: Housing Land paragraphs 34 and 40 (S4_Doc_683)) did allow windfall sites to contribute to the margin of flexibility built into development plan allocations. It is acknowledged that the guidance in PAN 2/2010 paragraph 62 (S4_Doc_634) is not to count windfall towards meeting the housing land requirement however it should be noted that PANs are guidance rather than policy. There are a number of reasons as to why it is considered appropriate to continue to include a windfall allowance in the housing land requirement calculation and these are discussed below.

The approach of the LDP is generally not to identify sites in main settlements below 20 units but to leave these as 'white land'. These sites are a potential source of windfall. Such 'white land' sites are in effect covered by LDP Policy RD1 (S4_Doc_405) which has a presumption in favour of sites coming forward for residential and compatible uses. This is different from the approach in the adopted Local Plans where all sites of 5 units or more are specifically allocated and counted towards the housing land supply.

No assumptions are made in the LDP about opportunity sites. These are a further potential source of housing land supply. For example in Perth itself there are a number of Opportunity sites identified including a former school (Op1), a hotel (Op6), a car park (Op2) and the bus station (Op9) (LDP page 81 (S4_Doc_400)). Sites Op2 and Op9 are discussed in Schedule 4 no. 23a – Perth City Proposals. Any or all of these sites could be developed, in full or in part, for housing. Whilst it is not appropriate to try and quantify the number of houses which could be developed on these sites at this stage, and thus include them in the housing land supply calculation, given their location in or close to the City centre it would be reasonable to expect fairly high densities should they be developed for housing.

There are sites which either the Council are aware of or which have been put forward through the representations which could be allocated as LDP sites but contributions from these would at this early stage be 'best guess' therefore allowing them to contribute to the supply through the windfall allowance gives more flexibility. Such sites were not

allocated in the proposed LDP because at the time of preparation there was no evidence they would come forward during the life of the Plan.

In light of the above the Council considers that the retention of the 10% windfall allowance is appropriate for Perth and Kinross. No modification is therefore proposed to the tables in the Plan as requested in the representations. However if the Reporter is minded to remove the windfall allowance then the Council would request that the following presently unallocated sources of supply be taken into account in the identification of any further housing land allocations: firstly the opportunity sites; and secondly those sites within settlements where there is acknowledged development potential but which have not been identified as proposals in the Plan due to a lack of clarity as to their effectiveness.

Duncan Scott (09389/4/004): The 10% windfall allowance was a conservative estimate based on an analysis of past completions on sites which had come forward as windfall rather than being part of the planned supply.

No modification is proposed to the Plan.

Persimmon Homes East Scotland (09004/11/001); David Wilson Homes (10227/1/005); Taylor Wimpey UK Ltd (09004/24/001): Over the LDP period the contribution from windfall sites in each HMA is likely to vary so it is considered most appropriate this remains a Perth and Kinross wide allowance.

No modification is proposed to the Plan.

Meikleour Trust (09023/1/001): The suggestion that windfall sites are reserved exclusively for small developments is not considered appropriate; many windfall sites come from existing buildings or sites falling out of use and these can be of any size or scale.

No modification is proposed to the Plan.

Windfall and Small Sites in Highland Area

Homes for Scotland (10214/1/028); Peter McRobbie (08816/4/001): PAN 2/2010 paragraph 61 (S4_Doc_679) states that '*It is for planning authorities to consider how to take account of the expected contribution of small sites*'. The PAN goes on to recognise the significant contribution small sites make to the land supply in some local authority areas. Making a small sites allowance in the housing land requirement calculation is therefore considered to be in line with the PAN. The LDP generally does not allocate sites of less than 10 houses in smaller settlements (20 in larger settlements) but the dispersed nature and small settlement size that characterises much of the Highland housing market area is such that many developments are naturally of a small scale; the contribution from small sites in Highland averaged approximately 30% over the period 2002-2012 (Housing Background Paper Update (S4_Doc_786)). This is higher than the combined figure of 10% of the housing land supply coming from windfall sites (the justification for which is given in the previous section) plus 15% from small sites in the Highland HMA. TAYplan directs most growth towards the main settlements of Pitlochry, Aberfeldy and Dunkeld / Birnam and the SEA pages 55-63 (S4_Doc_680) identify those areas within these settlements which have development potential. However even in these larger settlements there are not believed to be any further sizeable effective sites which could be allocated. The Council therefore disagrees that opportunities exist to allocate suitable land. The suggestion that there is an existing undersupply in the

Highland area will already have been taken into account through the consideration of backlog need in the TAYplan-wide Housing Needs and Demand Assessment (Appendix 4 page 16) (S4_Doc_681).

As highlighted in the Housing Background Paper Update (S4_Doc_786) the small sites allowance is conservative based on past small scale completions so there is not considered to be an over-reliance on these, indeed as the past completion figures in the Housing Land Audit 2012 pages 34 and 35 (S4_Doc_682) demonstrate this has proven to be a regular and reliable source of housing land supply in the Highland area even in light of the current economic climate. The Council does not consider that the small sites allowance will encourage unsustainable settlement patterns as any development coming forward as part of the small sites allowance which is outwith a settlement with an identified settlement boundary will be controlled by Policy RD3: Housing in the Countryside (S4_Doc_418). Overall it is considered important that the small sites allowance for the Highland area is retained.

No modification is proposed to the Plan.

Peter Allan (00327/2/001): The contribution from unallocated small and windfall sites has been incorporated into the housing land requirement calculation so these have not been ignored. The Council disagrees that there will be extra pressure for such sites in settlements without boundaries as small sites are just as likely to come forward in settlements with boundaries as in those without a boundary; the fact that a settlement has an identified boundary does not mean development can only take place on allocated sites. There are already mechanisms in the LDP for such sites to come forward: Policy RD1 Residential Areas (S4_Doc_405) and Policy RD3 Housing in the Countryside (S4_Doc_418) already give encouragement.

No modification is proposed to the Plan.

Small Sites Allowance in Other HMAs

Meikleour Trust (09023/1/002): The LDP identifies an allowance in the Highland housing market area because the contribution from small sites is so significant there. In other areas such sites can still come forward offering a degree of additional flexibility in the housing land supply.

No modification is proposed to the Plan.

Reporter's conclusions:

Housing Land Requirement

1. There appears to have been some misunderstanding by some respondents about the relationship between TAYplan and the Proposed Plan and the basis on which the housing land requirement for Perth and Kinross has been calculated in the Proposed Plan. For clarification, in accordance with the terms of paragraph 72 of Scottish Planning Policy (SPP) TAYplan has identified the housing requirement for the whole of its area including Perth and Kinross. The housing need and assessment strategy has been considered robust and credible by the Scottish Government and hence forms no part of this report. TAYplan was approved by Scottish Ministers in June 2012 without change to its calculations.

2. TAYplan Policy 5: Housing sets out where land should be allocated in Perth and Kinross to meet requirements up to 2024 as well as an indication of the possible scale and location of housing land required up to 2032. The policy requires the Proposed Plan to allocate sufficient land within each of its housing market areas to ensure a generous supply of effective housing sites and to provide for flexibility and choice sufficient to meet the forecast increase in population.
3. Proposal 2 of Policy 5 of TAYplan sets out within its associated diagram the average annual build out rates for each of the housing market areas which are necessary to provide the number of units required to house the expected increment. (These housing market areas correspond to the five Local Development Plan Areas identified for the purposes of the spatial strategy on page 14 of the Proposed Plan and the build out rates are repeated at page 63 of the Proposed Plan.) In meeting the terms of Policy 5: Housing the council is bound to conform to Policy 1: Location Priorities which applies to all strategies, plans, programmes and development proposals.
4. The number of additional houses required within each of the housing market areas (and hence Perth and Kinross as a whole with the exception of that small portion which lies within the Dundee Housing Market Area) in the period 2010 to 2024 (i.e. 10 years beyond the predicted year of adoption) is set out at paragraph 4.3.8 on page 64 of the Proposed Plan as “*the effective housing land supply shortfall*”. It has been calculated by subtracting from the housing requirement in each housing market area the units to be built on existing sites judged to be effective as calculated in the latest (2011) housing land audit. The calculations made by the council are to be preferred to those presented by Scottish Homes for the reasons set out below and in the conclusions reached on particular issues throughout the report.
5. The need to set affordable housing requirements for all or part of each housing market area is dealt with elsewhere under Issue 9 of this report.
6. Paragraph 72 of SPP states that in city regions: “Local development plans should allocate land on a range of sites which is effective or capable of becoming effective to meet the housing land requirement up to year 10 from the predicted year of adoption, ensuring a minimum of 5 years effective land supply at all times.” Accordingly, there is no obligation to modify the housing land requirement in this local development plan to provide calculations up to the year 2032.

10% Reallocation from Kinross to Perth Housing Market Area

7. Policy 5: Housing of TAYplan makes it clear that in serious cases of appropriately evidenced environmental or infrastructure capacity constraints it is open to the local development plan to make provision for up to 10% of the housing provision from the Kinross housing market area to be shared with one or more of the neighbouring housing market areas within Perth and Kinross. Notwithstanding the terms of Policy EP7: Drainage within the Loch Leven Catchment Area, the council and Scottish Natural Heritage have provided sufficient appropriately documented evidence concerning phosphates and other difficulties that a precautionary approach is fully justified in considering the potential for residential developments within the Loch Leven catchment area.
8. A reallocation within the Kinross Housing Market Area would run contrary to the terms of TAYplan policy 1. Kinross/Milnathort is located within the Loch Leven catchment area; a reallocation to settlements outside the catchment but within the Kinross housing market

area would have no marked detrimental impact on the local economy. Of the two neighbouring housing market areas Perth is to be preferred to Strathearn for the whole of the 10% of the reallocation on the grounds not only that an increment there would amount to less than 2% of the total requirement but also that it can more readily be accommodated in accordance with TAYplan Policy 1 within the Tier 1 Perth Core Area than elsewhere.

Windfall Allowance

9. The Council has explained that it has replaced the approach to windfall sites to be found in its adopted local plans. The advice on good practice to be found in PAN 38: Housing Land has been replaced by PAN 2/2010 which deals with affordable housing and housing land audits. Paragraph 62 points out that: *“Windfall sites arise unexpectedly and are by definition not part of the planned housing supply. These are opportunities for new housing involving the reuse or redevelopment of previously developed sites, i.e. brownfield sites which were not included within the development plan and are not counted towards meeting the housing land requirement. They might be included as part of the established supply in the audit as a result of an urban capacity study where the site is considered to have potential for housing development. These sites should count towards meeting the housing land requirement only once planning permission has been granted for residential development and it is considered to be effective or is being developed. To allow planning authorities to monitor the contribution of windfall sites to the housing land supply in their area, these sites should be differentiated in the audit.”*

10. The council has taken the view that the content of PAN 2/2010 is advisory rather than mandatory and has chosen to adopt an approach which assumes that 10% of the housing land requirement in each local development area will be met from windfall sites. The Council has defined these as: *“..those sites which become available unexpectedly and are therefore not included as allocated land in the development plan. Two main sources of these windfalls are identified: white land and opportunity sites.”* Within the principal settlements the Council has decided to leave sites which may be capable of accommodating up to 20 units of housing as “white land”.

11. In response to a request for further information the council provided the following definition: *“White land is unallocated land within the settlement boundary where proposals for development will be assessed against Policy RD1...”* In response to a further request for information the council provided the following: *“An opportunity site is a site which has development potential, perhaps for alternative uses, where the landowner/developer has indicated a willingness to release the site but where there may as yet be no definite commitment to a particular proposal.”*

12. There is clearly a difficulty for a Proposed Plan prepared within a plan led system which relies on an allowance for windfall site - i.e. sites which come available unexpectedly- in the delivery of 5 year effective land supply. Accordingly, the council was invited to produce in consolidated form compelling evidence for each housing market area sufficient to demonstrate that such sites have consistently become available in the previous 5 years and were likely, on the balance of probabilities, to come available in the next 5 years. In the case of the Highland Area that evidence was to be supplemented by evidence on the delivery of small sites (i.e. those delivering up to 10 residential units).

13. In response, the council provided evidence as follows for the period 2008-20012 for the proportion of sites built out in each of the Housing Market Areas drawn from Housing Land Audits: Perth - 37%; Kinross - 26%; Strathearn - 20%; Strathmore - 30%; and

Highland - 30%. In Highland the small sites amounted to 37% of total completions. On the basis of that evidence, it is possible to agree with the council that the 10% windfall allowance is a conservative estimate based on an analysis of past completions on sites that have come forward as windfalls rather than being part of the planned supply. Consequently there is no need to remove that allowance from the calculation of the additional land required to meet the projected building rate.

Maintenance of an Effective Housing Land Supply

14. There is a considerable group of respondents who have serious reservations about the ability of the council to meet the minimum TAYplan requirements and so maintain an effective five year housing land supply. The various concerns can be boiled down to three components: over reliance on a small number of large-scale strategic allocations notably those within the Perth Core Area; the reliance on funding not yet committed, including developer contributions, for the completion of the Cross Tay Link Road; and consequent failure to deliver allocations within the Proposed Plan including those at Scone, Luncarty, Berthapark, Balbeggie, and Perth Airport.

15. The common factor running through all of the solutions put forward to meet these perceived problems is the allocation of other smaller sites within, or adjacent to, a range of settlements throughout Perth and Kinross which, it is suggested, can use existing infrastructure, can better provide range and choice of housing, and thereby ensure the delivery of an effective housing land supply in the short term.

16. The proposed allocation of housing sites in each of the housing market areas is considered under the relevant Issues elsewhere in the report and the consequent recommendations are set out. When these recommendations are factored in to the calculations there is no doubt that there is a generous supply of housing land allocated in each of the five local development areas in Perth and Kinross each of which corresponds to a housing market area.

17. The council has acknowledged that there may be some difficulties with marketability in the short term. What amounts to a generous supply in that time period must be considered in the light of current and likely future market conditions. However, problems with marketability stem from weakness on the demand side and these cannot be solved by an increase in supply by way of further releases of land.

18. The council is committed to monitoring the supply of effective housing land on an annual basis through the Housing Land Audits. There is no need for the sort of detail contained in these audits to be provided within the Proposed Plan.

Reporter's recommendations:

No modifications with respect to these specific representations other than those set out elsewhere in the report.