

Scottish Planning Policy – Housing - Consultation

Underlying principles:

The primary responsibility for the operation of the planning system lies with strategic development planning authorities, and local and national park authorities. However, all those involved with the system have a responsibility to engage and work together constructively and proportionately to achieve quality places for Scotland. This includes the Scottish Government and its agencies, public bodies, statutory consultees, elected members, communities, the general public, developers, applicants, agents, interest groups and representative organisations. Throughout the planning system, opportunities are available for everyone to engage in the development decisions which affect them. Such engagement between stakeholders should be early, meaningful and proportionate. Planning authorities and developers should ensure that appropriate and proportionate steps are taken to engage with communities during the preparation of development plans, when development proposals are being formed and when applications for planning permission are made.

Detailed changes to housing:

The Scottish Ministers want the planning system to support the delivery of good quality homes in the right locations. This is of even greater importance now, as it has become even clearer that the quality of our homes can contribute a great deal to our health and wellbeing, and that housing delivery will play a key role in our future economic recovery. However, to achieve housing development in a sustainable way that works with, rather than against, the needs of communities, we need to overcome current conflicts in the system, and actively address the lengthy technical debates we are seeing about the numbers of homes that we will need in the future. This will allow us to focus more on how we can strengthen delivery and enable good quality development on the ground.

Taking this into account, and to ensure that our policy is clear and can be more easily and consistently applied in practice, the Scottish Ministers wish to update and clarify specific parts of the SPP to achieve the following policy objectives:

- Supporting a plan-led approach to decision-making and maintaining the legal status of the development plan as a basis for decisions in all cases.
- Removing the presumption in favour of development that contributes to sustainable development from the SPP ('the presumption') given that it is considered to have potential for conflict with a plan-led approach, and has generated a significant number of issues for decision-makers in its application.
- Providing a clearer basis for decisions on applications for housing on sites that have not been allocated in the local development plan where there is a shortfall in the effective housing land supply.
- Clarifying what is meant by a 5 year effective housing land supply and in particular preventing sites that are capable of becoming effective being excluded solely on the basis of programming assumptions.

Question 1: What is your view on our proposal to remove ‘the presumption’ from the SPP, through the changes set out?

The “presumption” currently allows varied interpretation. It should be removed from the SPP.

Question 2: What is your view on the proposed changes set out and our aim of clarifying the definition of the 5-year effective housing land supply to reflect the currently exceptional market circumstances?

A fuller definition of effective land supply should be included – see below.

Question 3: What is your view on the proposed changes to paragraph 125, including (a) the proposed calculation to establish the scale of the 5 year effective land supply in relation to alternatives and (b) the proposed approach to assessing proposals where a shortfall emerges?

Paragraph 125 states that where a shortfall in the 5-year effective housing land supply emerges, development plan policies for the supply of housing land will not be considered up-to-date and remedial action should be taken.

We agree with a simple method of determining the 5 year effective land supply. An alternative residual method is to assume that a dwelling is complete when Council Tax is being paid. We do not agree that a failure in the 5 year land supply at a point in time should be considered as a material consideration as this is likely to generate conflict in the same manner as the current “presumption”.

Question 4: Do you agree that the proposed amendments will not directly impact on other (non-housing) types of development? If not, please provide evidence to support your view.

We agree that the proposed amendments will not directly impact other development.

Question 5: Do you agree that fuller impact assessments are not required? If not, please provide evidence to support your view.

We agree that fuller impact assessments are not required. Indeed, we would advocate a more local focus on impact assessments.

Definitions

Established housing land supply: The total housing land supply, consisting of sites in the adopted development plan, sites with planning permission for housing development and other sites with potential for housing development.

Effective land supply: The part of the established housing land supply comprising sites that are, or it can be demonstrated that they are capable of being, free of technical constraints including: ownership (i.e. a willing seller), physical constraints, contamination, deficit funding, infrastructure or land use within the period under consideration in normal economic circumstances. These terms have the following meanings:

- 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 an asset sale programme of land disposal or is to be developed for social housing.
- 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;
- 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 housing;
- deficit funding: any public funding required to make residential development economically viable is committed by the public bodies concerned;
- marketability: the site, or a relevant part of it, can be developed in the period under consideration;
- 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; and
- 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.